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The Family Politic: Free African American Gender and Belonging, 1793-1865

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The Family Politic: Free African American Gender and Belonging in Virginia,
1793-1865

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Dissertation presented to the Graduate Faculty
of The College of William & Mary in Candidacy for the Degree of
Doctor of Philosophy

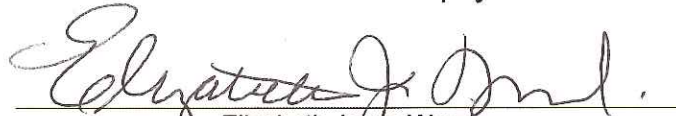
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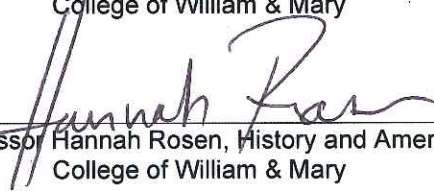
Doctor of Philosophy


Elizabeth Joyce Wood

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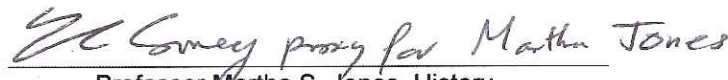
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ABSTRACT

Free people of color living in Petersburg, Virginia between the American Revolution and Civil War exercised more control over their lives than their enslaved counterparts but were also subject to restrictive laws and social customs meant to reinforce and propagate ideas of racial inferiority. As African Americans leveraged the rights they had and navigated through and around coercive measures, two important goals drove their actions: the desire for bodily autonomy and family integrity. To the extent possible, African Americans made choices that resisted white control and the hardening definitions of race that came to justify slavery, even as they claimed belonging in the southern social order. We cannot understand free black actions, use of the courts, participation in the economy, or methods of obtaining freedom without examining what was at stake, and the evidence shows that intimate and family relationships drove those decisions.

Local government records, church minutes, and family papers reveal both shared and contested values among African Americans and between African Americans and whites. Some people of color conformed to prevailing gender and sexual ideals while others blatantly rejected them, and many recognized a range of gender behaviors and sexual relationships as legitimate. Occasionally, private conflicts became public concerns, and the resulting interactions revealed the fault lines of gender expectations. Protecting children, in contrast, was an almost universal value among African Americans. Children of color were not isolated from whites or the white-run world, but parents, extended kin, and the greater black community attempted to insulate them from the worst effects of racism and white control, prioritizing liberty for their children and protecting enduring family legacies of freedom. Not all households and families looked alike among Virginia's free people of color, but studying how free blacks built and protected them, including negotiating race, gender, and sexual identities, helps us understand why, even when it was imperfect or incomplete, freedom mattered.

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For my younger self, who didn't believe this would ever happen
and
For Mrs. Mayhue, who planted the belief that it could

Bobbie J. Mayhue
1945-1996

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¹ HBCU Library Alliance, "Rose McCray Hill," Virginia State University Digital Collection, <https://hbcudigitallibrary.auctr.edu/digital/collection/VSUD/id/690/rec/15> (accessed June 2018).

The Family Politic: Free African American Gender and Belonging in Virginia,
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Introduction

On September 24, 1860, John McCray of Petersburg, Virginia wrote a letter to his daughter to see how she was “geten along.” Absent for many years from her Virginia home, Rosett McCray Hill must have been delighted to receive the letter relaying news that her father was well and had enclosed his hopes for “joy and good helth” along with love from all her family.² How many days or weeks the letter took to travel to Hamilton, Canada, is unknown, as is whether Rosett wrote the return letter her father sought. It is clear, however, that he expected a reply and that they corresponded frequently, maintaining the bonds of family throughout her chosen exile with her husband, an escaped slave. As a free woman of color, Rosett could have remained in Virginia and raised her children there as free people, among the family she loved. But doing so was incongruent with her vision of freedom.

Born around 1832, Rosett McCray received her liberty as a young girl due to her father’s efforts to purchase and free her along with her mother and siblings. She became one of over two thousand free Afro-Virginians living in Petersburg at the time, a number that comprised roughly 25% percent of the city’s population that also included whites and enslaved blacks. The free black population in Petersburg owed its number to many factors, including a liberal manumission law passed in Virginia immediately following the American Revolution. Nevertheless, uneasiness with an increasing population of free blacks grew among some of Virginia’s slaveholders in the wake of the thwarted Gabriel’s

² Colson-Hill Family Papers, 1965-13 Box 3, Folder 1, Correspondence, Family 1845, 1865, Virginia State University, Petersburg, Virginia.

Rebellion in 1800. An 1806 law required all African-Americans freed after that year to leave the state, followed by even more restrictions in the aftermath of Nat Turner's 1831 rebellion.³ Nevertheless, the economic realities of Petersburg and the value some whites saw in using the promise of meaningful freedom to strengthen slavery, meant that Virginians could never see their way to expelling free blacks from the state entirely.⁴

Growing up, Rosett would have become acquainted with white, free black, and enslaved people, including enslaved men and women who were able to act as "quasi-free."⁵ Rose married just such a quasi-free man, John Henry Hill, sometime between 1850, when she was listed in the census as eighteen years old and living in her father's household, and 1853 when her husband's master reneged on their self-hire agreement and decided to sell him.⁶ The story of John Henry Hill's flight to freedom is a sensational one that he and his benefactors have described in detail.⁷ From his auction block escape,

³ "An Act to Amend the Several Acts Concerning Slaves," Slavery Statutes, Virginia—1805 December Session, 34-35, HeinOnline (Accessed June 2018). Restrictions in the 1832 law included bans on black preaching, restrictions on religious worship and assembly, limiting the purchase of slaves to one's wife, husband, or children, restrictions on printing and speech, and requiring courts to try and punish free blacks as slaves in felony cases. "An Act to amend an act entitled, an act reducing into one the several concerning slaves, free negroes and mulattoes, and for other purposes," Virginia—1831 December Session, 20-22, HeinOnline (Accessed June 2018).

⁴ L. Diane Barnes, *Artisan Workers in the Upper South: Petersburg Virginia 1820-1865* (Baton Rouge, Louisiana State University Press, 2008); Eva Sheppard Wolf, *Race and Liberty in a New Nation: Emancipation in Virginia from the Revolution to Nat Turner's Rebellion* (Baton Rouge: Louisiana State University, 2006). See also, Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s Through The Civil War* (New York: Vintage Books, 2004); Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South*, (New York: The New Press, 1974).

⁵ Quasi-free people were legally enslaved but allowed to behave as though free to varying degrees. They hired their own time and often made their own living arrangements. This practice was illegal in Virginia after 1801, but the law was largely ignored in Petersburg. Barnes, *Artisans*, 170-175. For more on the practice across the antebellum South, see Loren Schweninger *Free Negro Property Owning in the South 1790-1915* (Champaign, Illinois: University of Illinois Press, 1997), 44-47.

⁶ 1850 U.S. Census, Petersburg, Virginia, population schedule, www.ancestry.com (Accessed July 2016); William Still, *The Underground Railroad*, ed. William Loren Katz (New York: Arno Press, 1968), 189-192.

⁷ Still, *Underground Railroad*, 191-2.

hiding in Richmond for nine months, and making his way to Petersburg and then Norfolk to begin the journey north to Philadelphia and then Canada, his is a tale of courage and tenacity. But what of his wife? Because he was enslaved, Rosett's marriage to John Henry was not legally binding. Accounts of the escape indicate she had two young children at the time; but plenty of free black women raised children alone, and Rose had the support of her fairly well-to-do free family. The marriage that had no legal sanction clearly meant more to her than financial security or personal safety, and she joined her husband in Canada within the year, where she buried her two Virginia-born sons and gave birth to seven girls. Yet, home continued to call to her and to John Henry, and even though many enslaved family members had escaped to join them in Canada, the end of the Civil War provided the opportunity to rejoin the lives they had forsaken, finally able to enact their full vision of freedom and family.

Rosett Hill's experiences are more sensational than those of most other free black women in antebellum Virginia, but they help us recognize just how complex the mosaic of southern race and gender experiences were. Each man, woman, or child of color navigated a myriad of social conventions and legal proscriptions when building relationships and households. Law and custom limited the range of choices for free Afro-Virginians, but they controlled elements of their lives that enslaved people often could not. Bodily autonomy and family integrity were the very cornerstones of freedom for many African Americans, and these were central goals and tangible rewards of free status in a racist, patriarchal society. Families like the McCrays and Hills made choices regarding gender expression and organization in their homes and communities that reflected personal priorities and strategies developed in the face of enormous constraint.

Those choices could also affect legal and social status in the free black, enslaved, and white communities, sometimes in unexpected ways, as free blacks maneuvered among legal restrictions, community moralities, physical safety, and material considerations. Focusing on individual and family stories expands current understandings of the antebellum South. We cannot understand free black actions, use of the courts, participation in the economic sector, or methods of obtaining freedom without examining what was at stake, and the evidence shows that both personal identity and relationships within households and communities drove those decisions.

This study focuses on Petersburg because the town was home to the largest antebellum free black population in Virginia. Petersburg began as a small outpost for Indian trade and defense and grew slowly into the eighteenth century. Its early population included enslaved and, possibly, some free blacks.⁸ By 1752, three towns had formed in the area, Blandford, Petersburg, and Pocahontas. Because it was inaccessible from the town except by ferry, developers hoped to encourage growth in the hamlet of Pocahontas by building a bridge in 1757. Nevertheless, as one town historian lamented, while the other two sections grew, Pocahontas did not.⁹ Perhaps separation from Petersburg proper and the “low lying flood prone terrain” made the area less attractive to settlers---at least to white settlers. Though the first property owners in Pocahontas were white men and blacks and whites continued to live side by side throughout the antebellum period, the

⁸ United States Department of the Interior, “Pocahontas Island Historic District,” *National Register of Historic Places Registration Form*, September 2006, <http://www.dhr.virginia.gov/register/Cities/Petersburg/123-0114_PocahontasHD_2006_NRfinal.pdf> (Accessed September 2016). John Bolling operated a tobacco inspection warehouse on the island by 1732, and the workers would have included slaves and possibly free people of color.

⁹ James G. Scott and Edward A. Wyatt, *Petersburg's Story* (Petersburg, Virginia: Titmus Optical Company, 1960), 19.

area quickly became known as a black enclave.¹⁰ Blandford, Petersburg, and Pocahontas, along with the lands between them, were incorporated to form the Town of Petersburg in 1784. After 1782, manumission augmented the numbers of those who had been born free and, along with migration, produced a community of 310 free people of color, a little more than 10% of the town's total population, by 1790.¹¹ The number of free African Americans continued to grow in all areas of the town, and they established community institutions, such as churches and fraternal organizations, which readily absorbed free blacks arriving in the flood of in-migration sparked by the economic boom of the 1820s.¹² By 1830, the number of free African Americans in Petersburg had skyrocketed, comprising nearly 25% of the town's population in a state where only about 4% of the total population was both free and black at the time.¹³

Because of the large free black population and the fact that Petersburg records are intact from the eighteenth century forward (not a given for locales in Virginia), it is possible to recreate a richly textured portrait of free African American life there. In addition to the census, court, and property records other scholars have accessed, I have engaged in a careful and detailed study of the over five thousand free black registrations collected by the Petersburg Hustings Court between 1794, when state law mandated that free blacks register with their local courts, and the Civil War. Though other scholars

¹⁰ "Pocahontas Island Historic District," 2006. Free people of color did not outnumber whites on the island until very late in the antebellum period.

¹¹ Luther P. Jackson, "Manumission in Certain Virginia Cities," *The Journal of Negro History*, Vol. 15, No. 3 (Jul., 1930), 278-314. Jackson counted 120 emancipations in Petersburg for the period 1784-1806.

¹² Both Luther Jackson and L. Diane Barnes note the important role free blacks played in Petersburg's economy. L. Diane Barnes, *Artisan Workers in the Upper South*, Chapter 4.

¹³ "Historical Census Browser," University of Virginia Libraries, www.mapserver.lib.virginia.edu (Accessed 2016). In fact, whites were the minority in Petersburg in 1830; the total population of 8322 included 2032 free blacks, 2800 enslaved blacks, and 3,490 whites.

have discussed registration, the laws requiring it, the frequency with which free people of color did or did not comply, and what compliance and enforcement revealed about the overall nature of black-white relations, nobody has examined what these documents reveal about how free men and women of color used these documents to preserve free status and expand the possibilities of freedom for themselves and their families. As they entered the court clerk's office, a terrain of white control, Petersburg's free people of color complied with a law meant to enforce racial boundaries while, at the same time, they asserted their claims to personhood and protection. They offered personal details and withstood physical scrutiny to gain official recognition as free men, women, children, and families.

I first encountered the McCray family in these records, along with most of the other families whose stories appear in these pages. Some stories are contained entirely within this record group, the individuals and families making no other appearance institutional, public, or private sources. Others, however, left extensive personal papers and/or appear repeatedly throughout public and institutional records. It is clear that not every free person of color registered—just as we can be certain that the decennial census missed people—but as these ledgers include people early censuses did not name because they were not heads of households or people who never had other run-ins with the legal system nor purchased or sold property, it is the most complete composite of Petersburg's nonwhite population. The registrations sparked most of the questions informing my subsequent research into other sources, including family papers and marriage, court, property, and financial records, as well as church and fraternal organization records. Though grounded in these sources and some of the methods of social history, this is not a

quantitative study. It is, as historian Walter Johnson masterfully accomplished for the history of slavery, an attempt to explore what was possible in the context of what was typical, to demonstrate how the day-to-day lives and interactions of free people of color both challenged and shaped the antebellum South.¹⁴

Petersburg's free people of color appear in historical analysis of Virginia and the antebellum South, but they have rarely been the focus such studies. Notable exceptions include the groundbreaking work of Luther P. Jackson, who examined the economic and religious accomplishments of free blacks in Virginia and published articles on Petersburg specifically. Jackson, other than noting a "regular family life" among leading men of color, did not specifically highlight gender, sexuality, or family relationships.¹⁵ In Jackson's antebellum Petersburg, hard work and clean living, including the implied adherence to "proper" gender relationships, were the tickets to carving out a relatively prosperous and productive space in a society that otherwise equated blackness with enslaved status.

Suzanne Lebsock's important study, *The Free Women of Petersburg*, arriving almost forty years after Jackson's work, did explore Petersburg through a gendered lens and dedicated a chapter to free black women. Her work presents a vastly different antebellum city and free black experience from Jackson's and argues that over half of the free black women in urban Virginia rejected marriage and chose instead to establish female-headed households. She asserts that these arrangements reflected an oppressive

¹⁴ Walter Johnson, *Soul By Soul: Life Inside the Antebellum Slave Market* (Cambridge, Mass: Harvard University Press), Introduction.

¹⁵ Luther Jackson, "Free Negroes of Petersburg, Virginia," *The Journal of Negro History*, vol. 1, no. 3; Luther Porter Jackson, *Free Negro Labor and Property Holding in Virginia 1830-1860* (New York, 1942).

culture in which marrying free African American men provided few economic benefits.¹⁶ Though free blacks, and particularly free black women, were collectively among the poorest residents, remaining legally *femmes soles* allowed these women to acquire and control roughly half the property amassed by free blacks in Petersburg. Highlighting independence and autonomy, and suggesting that at least some free women knew the legal and economic advantages of achieving these goals, Lebsock, nonetheless, offers a harsh critique of Petersburg's black men. "Men were not present, or they were not free, or they did not make enough money; men let them down, and the women were left to do the best they could on their own." Furthermore, the "best they could" remained meager as she found that these "women were the poorest group in Petersburg."¹⁷

So how does Rosett Hill's experience compare with these two contrasting pictures? Which Petersburg actually existed—the one where hard-working free blacks maintained "regular" family life, or one dominated by struggling female-headed households? Rosett Hill's story, considered alongside many others, suggests that *both* scholars got it right to an extent. But a close examination of the records indicates many different kinds of partnerships and household forms between these two endpoints. Free black men and women like Rosett organized their relationships in a number of strategic ways as they tried to realize their visions of freedom within the constraints of a slave society.

Scholars studying antebellum free African Americans, women, and family have provided excellent road maps pointing to the need for attention to gender and sexuality in

¹⁶ Suzanne Lebsock, *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860* (New York: W.W. Norton & Company, 1984).

¹⁷ Lebsock, *The Free Women of Petersburg*, 111.

analyzing shifting and persistent meanings of race. Following the work of Luther Jackson and John Hope Franklin, who wrote histories of free blacks on the state level, Ira Berlin tackled a sweeping study of the conditions for free blacks across the South from the American Revolution to the Civil War.¹⁸ Calling them “slaves without masters” in 1972, Berlin described free blacks as a despised caste whose legal status continued to deteriorate across the early nineteenth century, a view echoed by Lebsack a decade later.

Scholars writing about free African American communities since the early 2000s, however, have demonstrated how fruitful applying new questions to an expanded range of sources can be. The works they have produced on small-town and rural communities highlight gaps between declining legal status for free blacks and local practice, illustrating nuances in racial interactions not previously explored. Melvin Patrick Ely broke ground with this approach in his influential book *Israel on the Appomattox*, showing that free blacks in antebellum Prince Edward County were able to carry on lives similar in some important respects to whites of the same economic status. Subsequently, Kirt Von Daacke and Eva Sheppard Wolf emphasized the importance of free black interactions with whites in their studies on Albemarle and Fauquier counties, respectively. Through exhaustive research into the public and private records of those communities, these scholars demonstrate that free blacks were far from vilified as dangerous outsiders and could carve out a “comfortable space” on the local and individual level.¹⁹ These newer studies point to the need for deeper study beyond racial

¹⁸ Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974); John Hope Franklin, *The Free Negro in North Carolina, 1790-1860* (Chapel Hill: University of North Carolina Press, 1943); Jackson, *Free Negro Labor and Property Holding in Virginia*.

¹⁹ Kirt Von Daacke, *Freedom Has a Face: Race, Identity, and Community in Jefferson's Virginia* (Charlottesville: University Press of Virginia, 2012); Eva Shepherd Wolf, *Almost Free: A Story About*

rhetoric and law in order to better understand the lives of free blacks in Virginia.

Focusing on free African American relationships and families also highlights the myriad contingencies people of color faced in their daily lives. Some families achieved more than might be expected under the discriminatory laws and practices of the day, and their success required effort, persistence and often more than a little luck.

Rose and John Henry Hill nonetheless exemplify a kind of relationship that many historians of free blacks have overlooked until recently: one not sanctioned by law. For Jackson and Lebsack, people were either legally married or not.²⁰ Neither fully grappled with how other kinds of partnerships fit into the lives of free blacks. More recent historians have nuanced understandings of interracial unions, which, along with marriages of enslaved people, were also not legally recognized in Virginia, and, unlike marriages among enslaved people, actually violated the law. Joshua Rothman's work on interracial sex and family in Virginia provides one example of how and why extra-legal relationships should be studied, citing the "ingenious ability to turn laws of race, gender, marriage and property designed primarily for legally married white couples to their distinct pecuniary advantage."²¹ Amrita Chakrabarti Myers discusses both interracial sex and marriage in antebellum Charleston, where, unlike Virginia, such unions were not

Family and Race in Antebellum Virginia (Athens: University of Georgia Press, 2012). Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom From the 1790s Through the Civil War* (New York: A. Knopf, 2004).

²⁰ Lebsack, *The Free Women of Petersburg*, 104-106. Lebsack acknowledges that some women did "take up with" whites or partner with slaves. She uses these as evidence that women did not prefer legal marriage since "here were the materials for complete sex-role reversal, for the woman assumed all legal rights and responsibilities for the pair." Because some free people owned but did not free their partners, she asserts, "it was by no means certain that all of them would have married if they had been given the chance."

²¹ Joshua D. Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1867* (Chapel Hill: The University of North Carolina Press, 2003), 58.

illegal until after the Civil War.²² Expanding this research to consider intraracial partnerships outside of legal marriage, from casual sexual encounters to those who understood themselves as married even when not formally bound, incorporates cultural and social meanings of sex and marriage as well as legal ones.

Just because a person was unmarried at a specific moment did not mean he or she remained alone or that those individuals remained in one legal state or relationship for their entire lives. Ely suggests, “We will never know how many free African Americans who appear from the record to have been single people were nothing of the kind.”²³ But we can look for evidence of the many kinds of partnerships free blacks created. While we may never arrive at exact numbers for all relationship combinations or permutations, the vast archive for Petersburg reveals both common trends as well as a wide range of possibilities, providing far more knowledge about black family lives than previously available.

Central to my study is exploring the extent to which free African Americans embraced, renegotiated, or rejected the gender and sexual ideals of the dominant culture, which included most whites and many well-off free blacks. White residents of the South were hardly economically, culturally, or socially homogenous, but gender and family ideals united them.²⁴ Brenda Stevenson identifies gender ideals as part of elite southern class-consciousness, with sexually passive, obedient, women dependent on the protection

²² Amrita Chakrabarti Myers, *Forging Freedom: Black Women and the Pursuit of Freedom in Antebellum Charleston* (Chapel Hill: University of North Carolina Press, 2011).

²³ Ely, *Israel on the Appomattox*, 67.

²⁴ Brenda E. Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press, 1996), 8.

and provision of men.²⁵ According to historian Stephanie McCurry, these same gender hierarchies influenced low country yeomen who tied their identities and interests to the elite.²⁶ White male prerogatives inside the household justified and augmented power outside of it, and “females provided the only constant point of reference for naturalizing subordination.”²⁷ This “natural” subordination applied to blacks as well, whose inferior status was further justified by white constructs of black gender and sexuality. These constructs attributed sexual promiscuity to black men and women, both within and outside the confines of slavery.²⁸ What many whites saw as lack of sexual self-governance and the inability to produce proper gender hierarchies actually represented complex cultural negotiations within and among African American households and communities. Bound by the constraints of slavery and racism, blacks constructed identities and norms that neither completely mirrored nor completely rejected white ideals or stereotypes regarding sexuality, marriage, and family.

Scholarship on family life and sexuality among the enslaved has explored some of these issues and suggests the importance of studying the meanings and experiences of gender and family among free blacks. Scholars have hotly debated family form and function under slavery, with some claiming the patriarchal, two-parent household as the norm and others demonstrating a wide range of family and sexual arrangements. All of these historians found that enslaved communities had a relatively open policy of pre-

²⁵ Stevenson, *Life In Black and White*, chapters 2 and 3.

²⁶ Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum Carolina Low Country* (New York: Oxford University Press, 1995), chapters 5 and 6.

²⁷ McCurry, *Masters of Small Worlds*, 217.

²⁸ Jennifer Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2005); Deborah Gray White, *Ar'n't I a Woman?: Female Slaves in the Plantation South* (New York: W.W. Norton & Co., 1985).

marital sexual experimentation, allowing young men and women to “try each other out” before committing to marriage, but many note that parents tried to delay their children’s knowledge of and participation in sexual activity as long as possible and that communities expected marriage once children became part of the equation. Herbert Gutman, publishing in 1977, found that the two-parent household was the bedrock of the slave community, while those following him saw somewhat different trends. According to Deborah Gray White and Brenda Stevenson, the practice of abroad marriages, marrying someone on a different plantation, meant that enslaved women remained largely independent from enslaved men in their daily lives. While their relationships might remain monogamous, enslaved women raised their children largely with the help of their immediate community, especially relying on other women.²⁹ Historian Tera Hunter’s new monograph, *Bound in Wedlock*, demonstrates that enslaved people engaged in sexual partnerships along a continuum of commitment, usually based on how secure the partners felt about their ability to sustain the relationship long-term. She notes that most African Americans experienced a series of marriages and partnerships over the course of their lives.³⁰ All of these scholars acknowledged that white men subjected women to sexual violence and denied enslaved men entitlement to full masculine prerogatives as heads of households. These studies suggest that when free from enslavement African Americans

²⁹ Evelyn Brooks Higginbotham, “African American Women’s History and the Metalanguage of Race,” In ed. Joan Wallach Scott, *Feminism and History* (Oxford University Press, 1999); Brenda Stevenson, “Gender Convention, Ideals, and Identity Among Antebellum Virginia Slave Women,” In eds. David Barry Gaspar and Dalene Clark Hine, *More Than Chattel: Black Women and Slavery in the Americas* (Indiana University Press, 1996); White, *Ar’n’t I a Woman?*; Herbert Gutman, *The Black Family in Slavery and Freedom, 1750-1925* (New York: Vintage Books, 1977).

³⁰ Tera W. Hunter, *Bound in Wedlock: Slave and Free Black Marriage in the Nineteenth Century* (Cambridge: Belknap Press of Harvard University Press, 2017), chapter 1.

might choose among a number of sexual and domestic arrangements, many deemed acceptable by other blacks and all outside the reach of white interference.

For some Petersburg couples, if both partners were free, lasting, monogamous marriage was both possible and desirable. Though free blacks could obtain legal marriage bonds, couples who performed marriage by adhering to dominant gender norms often gained legal recognition of their unions without such documents through community acceptance. Both black and white community members often recognized couples as married when they adhered to dominant gender norms and moral strictures.³¹ Though law and custom denied free African Americans many prerogatives, day-to-day interactions proved more complex and provided more opportunities for negotiation than abject racist rhetoric would indicate. Marriage enhanced a person's respectability, and performing respectability enhanced African American claims to the legal benefits of marriage. Historian Martha Jones has shown that, for antebellum free black northern women, aspiring to dominant cultural ideals of respectability, including in their roles as wives and mothers, resisted negative racial stereotypes.³² In Petersburg, too, embracing

³¹ Respectability is a moving target and not an absolute. While many Petersburgers regardless of color seemed to share some common ground about the meaning of the word, the requirements to achieve respectability sometimes differed in ways I will explore throughout.

³² Martha S. Jones, *All Bound Up Together: The Woman Question in African American Public Culture, 1830-1900* (Chapel Hill: University of North Carolina Press, 2007), chapter 1. Erica Armstrong Dunbar also discusses the role respectability played in northern free black women's lives. Erica Armstrong Dunbar, *A Fragile Freedom: African American Women and Emancipation in the Antebellum City* (New Haven: Yale University Press, 2008), especially Chapter 6. Other scholars have highlighted the way black churchwomen in the later nineteenth century used respectability to argue for rights. Stephanie J. Shaw, *What a Woman Ought to Be and to Do: Black Professional Women Workers in the Jim Crow Era* (Chicago: University of Chicago Press, 1996); Evelyn Brooks Higginbotham, *Righteous Discontent: The Women's Movement in the Black Baptist Church, 1880-1920* (Cambridge, Massachusetts: Harvard University Press, 1993); Additionally, Adele Logan Alexander asserts that free blacks who practiced respectability, especially those with advantages gained from blood ties to whites, became prominent leaders among the "talented tenth" in the late nineteenth century. Determining the extent to which this is true will likely go beyond the parameters of my dissertation, but it is, nonetheless, an important question. Adele Logan

respectability could be a way to maneuver in the white dominated legal and economic worlds while also maintaining distance from white access, particularly for women who, though free, may have found themselves more endangered by white men when single.

Many free African American women, however, redefined or rejected ideals of respectability, whether by choice or necessity. Rose and John Henry Hill, for example, aspired to a version of marriage and family life that mirrored prevalent ideals but that his enslavement threatened. Gender and racial constraints often influenced how women, particularly, structured their relationships. Tera Hunter's chapter on antebellum free black marriage begins to bridge the gap between what we know about the many relationship forms African Americans built during slavery and the post-emancipation period. Acknowledging the important role marriage played, she nonetheless tells us to look at the entire arcs of free African Americans' lives and the many kinds of partnerships they created across them, whether formal or informal, lifelong or temporary. My work furthers her analysis that free black families "tended to be more complicated than census representations could capture, relying as they did on cooperation with extended kin and adopted kin across multiple households, not just among those who shared a single dwelling."³³

Religious organizations attempted to set the parameters of sexual behavior, and church records are an important source of information on free black practices regarding

Alexander, *Ambiguous Lives: Free Women of Color in Rural Georgia, 1789-1879* (Fayetteville: University of Arkansas Press, 1991).

³³ Tera Hunter, *Bound in Wedlock*, 106. For more on post-emancipation partnerships, see Nancy Bercaw, *Gendered Freedoms: Race Rights, and the Politics of Household in the Delta, 1861-1875* (Gainesville: University of Florida Press, 2003); Noralee Frankel, *Freedom's Women: Black Women and Families in Civil War Era Mississippi* (Bloomington: University of Indiana Press, 1999); Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Urbana: University of Illinois Press, 1997).

gender and family, particularly church disciplinary records. Free blacks in Petersburg established Gillfield Baptist Church as a black-run institution early in the century. Its members regulated improper behavior among its congregants but decided only as late as 1860 to reject mutual consent without a formal ceremony as sufficient for a marriage to be sanctioned.³⁴ Nancy Hillman, who studies black and white Baptists in Virginia, demonstrates the availability of information about black sexuality and family life to be found in these records, even though she does not focus on them.³⁵ As scholar Stephanie McCurry notes, evangelical religion in the South often reinforced social hierarchies, and Hillman points out that these inequalities remained at the core of Baptist organization, even as African Americans maneuvered within and around them. Gender remained even more rigid than race in southern Baptist churches, with only men serving in the leadership roles allotted to African Americans. Nevertheless, Petersburg built a large, influential black church in a community where most women and children lived in female-headed households, suggesting that the church could and did recognize circumstances under which the usual rules of patriarchal marriage might be bent or even broken. Further, even though the members of Gillfield Baptist Church expected men to head their families and for women to be submissive, women had both a voice and a vote in church matters.³⁶

³⁴ Lebssock, *The Free Women of Petersburg*, 109.

³⁵ Nancy A. Hillman, "Drawn Together, Drawn Apart: Black and White Baptists in Tidewater Virginia, 1800-1875" (PhD diss., The College of William and Mary, 2013).

³⁶ Martha Jones has demonstrated that black churches became an important institution through which northern African Americans built their political consciousness and influence, both before and after the Civil War. In the pre-Civil War South, overt political action was limited for both black men and women, but in submitting to church discipline, women belonged to an organization that held men to a higher standard, particularly with regard to sex and violence. The women of Gillfield asserted their rights to sexual integrity and bodily protection as they brought charges against the men in their congregations. Martha S. Jones, *All Bound Up together*.

My study analyzes gender and sexuality and the ways they influenced experiences of freedom and family for both men and women. Nonetheless, I intend this work to contribute in particular to the small body of monographs about antebellum free black women, a number that becomes even smaller when considering only the South. Recent works by Amrita Chakrabarti Myers, studying free women of color in Charleston, and Jessica Millward focusing on gendered slavery and freedom in Maryland have particularly helped me to conceptualize my subjects. Myers has made the important assertion that women did not make choices within a vacuum, and that the women of Charleston tried to maximize their own opportunities while also “accepting the limited confines of a freedom shaped for them by white southerners.”³⁷ In other words, they exploited the loopholes in the system without trying to overthrow it. Millward recognizes the necessity of understanding the limitations women of color faced, but she also sees both agency and resistance in everyday actions that pushed against these boundaries of freedom.³⁸ Like Millward, I acknowledge the limitations while also seeing the results as more significant: the free men and women of color in Petersburg kept every weapon in their arsenals at the ready and used them creatively and consistently. These tools included using the courts and legal system, earning and employing white support, building community networks, and constructing and maintaining families. These strategies were both limited and contingent, with accessibility and successful deployment varying by gender, class, social networks, and sometimes the whims of white people;

³⁷ Amrita Chakrabarti Myers, *Forging Freedom*, 2.

³⁸ Jessica Millward, *Finding Charity's Folk: Enslaved and Free Black Women in Maryland* (Athens: University of Georgia Press, 2015).

nevertheless, actions meant to gain a stronger foothold in the existing power structures *also* at times challenged those very structures.

These two scholars also differ slightly on the nature of women's freedom as either an individual or communal endeavor, with Myers emphasizing the former and Millward the latter. The people of Petersburg reflect both understandings: that a person's own freedom and social standing and that of his or her immediate family often mattered more than concerns for the race as a whole *and* that many free men and women created networks and opportunities for other people of color, both enslaved and free. Free blacks exhibited tensions and divisions and did their best to jockey for their own social positions, while also demonstrating a level of social responsibility and racial consciousness, perhaps most clearly in their churches and fraternal organizations. Finally, both scholars see legal freedom as a beginning and not an end, and the men and women of Petersburg demonstrated that freedom was an active project and not a static legal status. Free men and women of color in Petersburg worked continually to create and protect spaces in which they could make choices about their lives.

I have organized my chapters topically rather than chronologically. Changing laws and attitudes across the antebellum period could and did have important consequences on the range of choices available to free blacks, and those are addressed where they are significant. Equally important, however, are the cultural and social expectations free blacks shared with each other, enslaved people, and whites—as well as the ones they resisted or rejected. These could change over time, but it is important to recognize continuities as well—and to recognize that while my study is bounded by the Revolution and Civil War, ideas and practices likely transcended both of those endpoints.

My first chapter highlights the registration process as a series of exchanges revealing the daily manifestations of race and gender in antebellum Petersburg. Virginia's first registration law, passed in 1793, compelled free blacks to register with city or county officials who documented their free status and physical descriptions. In Petersburg, these descriptions could be quite detailed, even noting characteristics normally covered by clothing. As demanding and degrading as these encounters could appear at times, considering the documents individually and collectively reveals that free people of color understood both the benefits and perils of the registration law and also sometimes provides insight into how they dressed, cared for their bodies, worked, when and how often they married or had children, and how families prepared for and experienced the death of a member. The law and the questions of the court officials often dictated the encounter, but it is clear that free blacks offered some of the information as an assertion of their claims to personhood and protection. A product of coercion *and* choice, the registration process was a site where African Americans exchanged personal details and bodily knowledge for recognition as free men, women, children, and families.

One of the greatest differences between enslaved and free status was the ability to create long lasting, monogamous, and, often, patriarchal conjugal relationships recognized by couples and their communities as marriage. Chapter two examines this form of marriage among free people of color in antebellum Petersburg. Here, I take into account both the legal ramifications and dominant social expectations of marriage. Marriage bonds and formal ceremonies mattered less than behavior in most cases, and because all of these couples enacted marriages that both blacks and whites recognized *de facto*, they regularly gained both social approbation and legal protection of their unions.

Evidence of marriage abounds in the registration records, supported by the existence of marriage licenses and other records, such as wills. These records, along with the rich family papers housed at Virginia State University provide the backbone for this chapter and demonstrate how prosperous free blacks used marriage to consolidate their property and influence. I am also able to glimpse inside the private spaces these more prosperous couples built. But, while we see marriage most clearly through property records and inheritance, people of all classes entered into marriage. Reconstructing families across several generations from fragments in the archives illuminates the similarities and differences within the daily experiences of these marriages and allows us to see how people of color envisioned marriage as both a tangible benefit of freedom and a way to achieve, protect, and expand that freedom to include security and belonging.

Chapter three examines sexual partnerships that did not fit neatly into patriarchal norms. Many free blacks entered into a range of relationships throughout their lives, and each kind of partnership, or lack of one, reflected shifting legal, material, and social priorities or requirements. Among women who legally married, some seemed to eschew elements of legal and social patriarchy as they formed their households, accumulated property, reared children, and, frequently, moved on to other relationships, with or without the formality of divorce. Some married women lived apart from their husbands, some conducted business or controlled property in their own names, some claimed control over and responsibility for their children, and, when they were unhappy, some women and men just up and left. Death often claimed partners, and some women who were single in one moment had not always been so. Women who appeared single in some records were married to enslaved men, and they also sometimes freed and married their

formerly enslaved husbands, making a once-hidden relationship more visible and challenging the notion that all or many women made marital choices based solely on financial feasibility.

Marriage was important, but it existed alongside other forms of sexual and social partnership. Many free blacks seemed to favor forms of serial monogamy, most commonly living with a partner “as his wife” or “as her husband” until the relationship ended—or did not end and became a *de facto* or *bona fide* marriage. Free blacks recognized the difference between these various forms of co-residential monogamy and being married, and they also distinguished it from other more fluid or transactional forms of courtship and sex. Other women of color partnered with white men and bore children by them; these relationships could exist anywhere on the continuum from *de facto* marriage to being kept as a mistress. More than a few African American women also earned their livings as prostitutes, and some did quite well in the bustling port and railroad city where authorities only rarely enforced laws against their trade. Some women organized their lives in these ways by choice, while others acted from a defensive position—responding to challenges to their relationships and sexuality as best they could and showing us, in the face of those challenges, what mattered most to them.

Chapter four investigates the parenting and childhood experiences free African Americans experienced in Petersburg. When it came to raising children of color, the differences between slavery and freedom could be more acutely felt than in almost any other area of life. Freedom protected parents and children from the physical and psychological burdens that slavery imposed on family relationships. Parenting required different things of African American men and women, perhaps most importantly because

freedom, as historian Jessica Millward has described, was tied to the womb.³⁹ For that reason, public records more often linked mothers and children, but that did not mean that fathers were culturally or socially irrelevant. Here, I pay careful attention to the ways in which fathers as well as mothers asserted themselves to rear and protect their offspring. They rarely accomplished this task alone. Family, particularly sibling bonds, proved important to providing support and protection for free black children. In many cases, when one or both parents died, not only grandparents, but also aunts, uncles, or older siblings stepped in to raise children, and surviving parents relied on these family members as well. Social and economic networks in the free African American community provided another layer of resources on which parents and children could rely. Children of color were not isolated from whites or the white-run world, but parents, extended kin, and the greater black community attempted to insulate them from the effects of racism and white control, prioritizing liberty for their children and protecting enduring family legacies of freedom.

Finally, chapter 5 examines community policing of sex and violence. Through court records, criminal and civil, and church disciplinary minutes, we see how black and white Petersburgers expected men and women of color to behave and when, where, and how they believed misbehavior should be addressed. The criminal record reveals little about policing of sexual behavior, but both black and white divorce cases reveal both how assumptions about sexuality affected black women and how association with black women could tarnish a white woman's sexual reputation. We also see, though depositions, that black people accepted some relationships that whites dismissed as

³⁹ Millward, *Finding Charity's Folk*, chapter 1.

illegitimate or illicit. Lackadaisical white policing of sex allowed women to engage in prostitution, but it also left them vulnerable to exploitation and assault. Criminal cases show us that while black women sometimes perpetrated violence, they were far more often the victims of abuse and rarely received protection against their abusers. Gillfield Baptist Church disciplinary records reveal that the church more aggressively regulated sexual behavior and conflict resolution among its members. Church membership added another layer of surveillance and prosecution of sex and violence, but some women benefited from these disciplinary structures. In church, they were always able to tell their sides of their stories, they were able to lodge complaints against other members, including men, and they asserted themselves as both capable of sexual purity and deserving of bodily integrity. On the whole, however, black women were the least protected group in Petersburg.

Rose and John Henry Hill were one part of Virginia's story of slavery and freedom. Their actions reflect a combination of their aspirations and lived reality, the desire to approximate a patriarchal family by working within a system that ultimately denied that prerogative. Their flight to Canada in response to the threat of separation was atypical among people of color, but they shared an overwhelmingly common vision of freedom. For most free African Americans, freedom did not mean unfettered independence but rather a search for belonging on their terms to the extent possible. Belonging in the families and communities they created was paramount and often meant conciliation and occasionally conflict with the wider white-dominated society. Not all households and families looked alike among Virginia's free people of color, but studying

how free blacks built and protected them, including negotiating race, gender, and sexual identities, helps us understand why, even when it was imperfect or incomplete, freedom mattered.

NB: As I complete this dissertation, I am a forty-four-year-old middle-class white woman. Throughout my years of research, many unarmed people of color have died at the hands of police—people like Michael Brown, Tamir Rice, and Sandra Bland. These deaths have sparked outrage among many and denial among others—denial that the color of one’s skin still matters in this land of professed liberty and justice for all, denial that it alone can prompt someone to follow you in a store, to walk in the opposite direction, and to end a life first and ask questions later. I think it is prudent to acknowledge that these incidents, the images, discussions on television and on my Facebook page, and my activism in Black Lives Matter, shape my thinking as I write this dissertation. While I am lucky to have found some sources in which nineteenth-century free blacks wrote about their lives and their feelings, the vast majority of the people whose experiences I’m uncovering and relating were not able to do so. I have court records, property records, deeds, wills, laws, censuses, and newspapers, and from those I can glean much. But most nineteenth-century free people of color can no longer tell me what it felt like to walk around in black skin every day. People today can. I am open to their words and their self-expression as I weigh them against media cacophony, responses (or lack thereof) from people in positions of authority, and the reactions of white people in my life. By paying attention to these things and questioning the relationships among laws, stated values,

actions, and lived experiences, I try to be more attuned to the possibilities and realities of the world in which the people I am studying lived.

It was in many ways a very different world. The laws of the land placed legal, political, and economic power in the hands of white men. Those who made the laws, spoke from the majority of pulpits, and wrote widely circulated ideas most often characterized their places at the top of the gender and racial order as natural, their power perceived as emanating from superior, God-given intellectual and moral abilities. However anxious patriarchs may have felt when others explicitly or implicitly challenged their authority, for the first half of the nineteenth century in Virginia, law and custom protected them from a full frontal assault. The wall of patriarchal whiteness, therefore, could allow a few to breach it without endangering its overall structural integrity. Some of the scholars above have argued as much, demonstrating that in a time and place where the gender and racial order was secure, disempowered individuals could achieve much more than should have been possible within the context of that order.⁴⁰ Freedom had real meaning for people of color, despite the restrictions and rhetoric. They found jobs, they formed households and families, they worked and played alongside whites, they worshipped, and they laughed and found joy. I am advancing this thesis in my own work, demonstrating that expressions of gender and family provided meaningful and tangible evidence of the possibilities of freedom.

The limitations of freedom, nevertheless, were just as real. Free blacks carried the meaning of their skin color with them everywhere, and it must have influenced a myriad of thoughts and actions throughout their days, especially since most of them encountered

⁴⁰ Melvin Ely was the first to advance this thesis. Ely, *Israel on the Appomattox*, x and sic passim.

whites during some or most parts of those days. Here is where the voices of present-day people of color creep into my imagining of the past: white people are exhausting. As I and others argue, an important way free people of color navigated white-controlled society was through earning the approbation and assistance of individual whites, which meant that around them, you had to be who they expected you to be. Free black people needed to be intelligent and industrious, moral and trustworthy, clean and upright, but most importantly non-threatening. Certainly some free blacks internalized these values, claimed them as their own, but could they ever fulfill the last requirement? Was not successful expression of even commendable qualities threatening on some level? As they stepped out of bed in the morning, free blacks must have asked themselves who they might encounter and how that shaped who they had to be that day. Would they, as one woman recently said in my company, remember to use their “white voice?” Every step, interaction involved considerations whites simply did not have to calculate, and it was a psychological burden added to the other restrictions and worries they faced.

Scholars have noted that people of color flocked to Petersburg because of growing economic opportunities, but it is hard to discount the emotional draw of a large community of color. Crossing the bridge to Pocahontas or walking inside the doors of Gillfield Baptist Church or hanging out in James Colson’s shop must have felt like setting down a heavy load and breathing deeply. Saying so is not meant to discount the very real differences among free blacks, or the possibility that a member of that community might have tried to hold another down to rise a little higher. It was, however, a place where people looked like you, had experiences of moving through the world that were similar to yours, and where they more likely assumed that you were acceptable until proven

otherwise, rather than the opposite. Antebellum Virginia society was not segregated, and it sometimes benefited free blacks that whites accepted them in certain roles in their homes, shops, and public spaces. Relationships among whites and blacks could be genuinely respectful, friendly, or even loving, but there had to linger in the back of most black minds the question of how real they could be without testing the limits of those bonds. Others have examined white-black interactions, and I am attuned to them, but my goal is to look into black spaces, to see what choices people made about and inside them, free from the overt observation and judgment of whites. Recognizing that they never fully divested themselves of the rules and realities of the integrated world, it becomes possible to see how free African Americans thought of and expressed themselves as men and women, members of families, and as survivors of slavery.

Twenty-first century America is both vastly different and depressingly similar to nineteenth-century Virginia. The disconnect between law and practice seems to run in the exact opposite direction: the laws mandate racial equality, and yet many people of color continue to feel unvalued and unsafe. Many are able to get up, go to school and work, laugh with their friends, and play with their children, free from harassment or molestation. The same was true in antebellum Petersburg. But they also get up and check what their sons are wearing before sending them out the door. They remind their daughters that if they are pulled over by police, for any reason or no reason at all, to cooperate. They endure racist jokes. They serve on committees where they wonder if they are just fulfilling a diversity quota. They endlessly explain to well-meaning and disbelieving whites alike what racism means in their daily lives. They are scared. They are angry. They are tired of using their white voices.

These stories of antebellum southern men and women of color need telling, and there is value in searching out how the abstract and concrete came together in the messiness of lived experiences. If I do my job well, I will have done more than illuminate a hidden history. I will have conveyed that past experiences of race, gender, and belonging were influenced by but never fully dictated by laws alone, that freedom was and is an experience as well as a legal status. Perhaps understanding how that was true in the past can shed some light on what is at stake for all sides in our current gender and racial struggles.

Chapter One
“No visible mark or scar”: Free Black Registration

*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 register shall specify his or her age, name, color and stature, by whom and in what court the said negro or mulatto 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 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.*¹

Virginia General Assembly, 1793

On June 20, 1810, Molly Giles presented herself before the clerk of the Hustings Court in Petersburg, Virginia, to comply with a state law mandating the registration of all free Negroes and mulattoes. John Grammer, the clerk charged with recording her description, dutifully entered her as number six hundred sixteen in his ledger, noting that she was a “light brown mulatto woman 4 feet 11 ½ inches high (in shoes) about 42 years old.” He also identified “a long scar f[ro]m the middle of her nose extending to the right side of her upper lip, one also on her left cheek” and included that she had been “Emancipated by W[illia]m Douglas in the Hustings Court of the Town of Petersburg.”² From this transaction she carried away a certificate, evidence of her free status in a society that would otherwise presume her enslaved. Her certificate is lost to us, but Grammer recorded a copy in his ledger. His entry complied with the law’s provisions,

¹ “An act for Regulating the Police of the Towns in this commonwealth and to restrain the practice of Negroes going at large,” Slavery Statutes, Virginia-1793 October Session: 27, HeinOnline (accessed February 4, 2018). This law was refined and expanded over the years. In 1803, the law required the clerk to also describe scars on the hands, face, or head. “An act to more effectively restrain the practice of Negroes going at large,” Slavery Statutes, Virginia—1802 December Sesssion, HeinOnline, (accessed Februray 2018).

² Petersburg, Virginia, Register of Free Negroes and Mulattoes, 1794-1819 #1-944, Microfilm, Reel 47, Library of Virginia, Richmond, Virginia, no. 616. Hereafter, Library of Virginia is abbreviated as LVA.

including the 1803 amendment to record scars on the hands, head and face, but offered no other details. Molly returned to the clerk's office at least twice more in her lifetime, in 1812 and in 1822, though Grammer never recorded her re-entry as he should have and had done for many others.³ On her first return visit, she brought her children and two of her grandchildren to register their free status. On the second visit, she brought one of her daughters to be re-entered and her remaining four grandchildren to be registered for the first time. From their entries, we learn that three of Molly Giles's children were born enslaved, three were born free, and that all six shared a dual surname, Giles Curl. The name Curl belonged to the children's father, William or Billy Curl, listed as Molly's husband in the 1812 entry.⁴ As she fulfilled the requirements of a law that sought to restrict her, Molly Giles nonetheless proclaimed her identity as a free woman, wife, mother, and grandmother.⁵ She used the registration process to establish and protect her legacy of freedom.

The 1793 law with which Molly Giles and John Grammer both complied resulted from the ambivalence many white Virginians felt concerning the growing free black population in the decade after slaveholders had gained the right to easily manumit their enslaved property. The law provided the means to surveil free black movement, to mark

³ As I will demonstrate throughout the chapter, John Grammer was a meticulous clerk. Given his attention to detail, it is curious that he failed to update Molly Giles's registration when she returned with her family.

⁴ Petersburg, Virginia, Register of Free Negroes and Mulattoes, 1794-1819 #1-944, Microfilm, Reel 47, Library of Virginia, Richmond, Virginia, nos. 697-702; Petersburg, Virginia, Registry of Free Negroes and Mulattoes, 1815-1850, Microfilm, Reel No. 73, LVA, nos. 1165-68.

⁵ Although I say below that the 1793 law was geared more toward halting the practice of self-hire among the enslaved than restricting free African Americans, Molly Giles registered after the law had changed to also regulate and surveil free people of color. For a discussion the power of documents to protect freedom and legitimacy for people of color in a slave society, see Rebecca J. Scott and Jean M. Hébrard, *Freedom Papers: An Atlantic Odyssey in the Age of Emancipation* (Cambridge: Harvard University Press, 2012).

free blacks as a suspect class of people, and to punish and potentially re-enslave those who failed to comply. So they registered, with around six thousand individual registrations recorded in Petersburg between 1793 and 1865. The resulting entries into the court ledger demonstrate that free people of color understood both the benefits and perils of the law. The record of this process, the exchanges of questions and answers, reveals daily experiences of race and gender in antebellum Petersburg. The registrations offer insight into the complexities of black-white relations, including possibilities and limitations for movement through space. They also reveal personal choices individuals made to adorn and care for their bodies and the importance of protecting and sustaining families. The act of registering with the Hustings Court was a product of coercion *and* choice. As they entered the court clerk's office, a terrain of white control, Petersburg's free people of color complied with a law meant to enforce racial boundaries while, at the same time, they asserted their claims to personhood and protection. They offered personal details and withstood physical scrutiny and in return gained official recognition as free men, women, children, and families.

Whatever the registration process came to mean to free people of color, the 1793 law mandating it indicated at least some white uneasiness with a growing population of free people of color. That anxiety was not new and, in fact, came as a sequel to over two centuries of attempts to legislate the free black population, if not out of existence, at least into an ever-shrinking legal and social corner. Historian Edmund Morgan has shown that the development of seventeenth-century Virginia centered largely upon defining liberty as white and enslavement as black, and scholar Kathleen Brown demonstrated how

prevailing English ideas about gender legitimized such definitions.⁶ In fact, the first Virginia law differentiating between white and non-white colonists taxed free African women's labor, and cultural difference became linked with physical difference that, in turn, by the end of the seventeenth century linked skin color to enslaved status. Those people of African descent who had achieved free status by the end of that century did not disappear, but the law limited the routes through which their population could grow. After 1691, all newly emancipated people of color were to be transported out of the state within six months, and after 1723 blacks could only be emancipated "for some meritorious service to be adjudged by the governor."⁷ Thus, the 1782 law allowing for private manumissions marked a rupture in Virginia's legal and racial trajectory, one that enslaved people, including Molly Giles, vigorously employed to their advantage.

The registration law that followed in 1793 represented a corollary to the manumission law and not necessarily a return to pre-Revolution strictures. Even the 1782 law had stipulated that a copy of the "instrument of emancipation" be delivered to the newly freed person, and travelling without it could result in jail sentence.⁸ Furthermore, while the 1793 law mandated registration and forbade the migration of free people of color into the state, it placed no restrictions on the continuation of private

⁶ Kathleen Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia*, Chapel Hill: University of North Carolina Press, 1996; Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia*, New York: W.W. Norton and Company, 1975.

⁷ William Waller Hening, *Statutes at Large, Being a Collection of All the Laws of Virginia from the First Session of the Legislature & Supp.*, Volume II, HeinOnline (accessed February 8, 2018), 267; Hening, *Statutes at Large*, Volume II, 481; Hening, *Statutes at Large*, Volume III, 68-87; Hening, *Statutes at Large*, Volume IV, 132. The Library of Virginia estimates the number of emancipations in the colony between 1723 and the Revolution to have been "about 24" with the free black population exploding by tens of thousands between the end of the war and 1810.

http://edu.lva.virginia.gov/online_classroom/shaping_the_constitution/doc/drake

⁸ Hening, *Statutes at Large*, Volume XI, 39.

emancipation nor mandated that newly manumitted people leave the commonwealth. Whether, as some historians have asserted, the move to private emancipation represented a “revolutionary moment” in which Virginians contemplated extending universal rights and liberty to enslaved people, or it was simply an expansion of the prerogatives of mastery, the number of free people grew, and they formed families and communities, like the ones that grew rapidly in Petersburg.⁹

The law clearly mandated that all “free Negroes and mulattoes” should register, but the simplicity of the language belies the murky nature of determining race and status in Virginia. Legislators worked persistently across the seventeenth century to equate whiteness with freedom, or the possibility of freedom, but the laws sometimes changed the criteria for identifying someone as a Negro or Mulatto, especially the roles that Native American ancestry should play. The 1662 law declaring that the mother’s status as enslaved or free determined her child’s status became the bedrock of racialized slavery and freedom but also implicitly acknowledged the existence of and legal quandaries raised by children of mixed-status and mixed-race birth. Labeling mixed-race children as the products of English and Negroes in early law, legislators did not begin to use the term mulatto until 1691 nor define it until 1705. After the latter date, mulatto came to include “the child of an Indian, and the child, grandchild, or great grandchild of a negro” who also possessed white heritage. All of these mixed-race people shared the legal restrictions

⁹ For a discussion of how historians have viewed the “revolutionary moment” as well as a rebuttal against that thesis, see Eva Sheppard Wolf, *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner’s Rebellion* (Baton Rouge: Louisiana State University Press, 2006), Introduction and chapter one. She argues that while some groups of Virginians, particularly Quakers, fought for universal emancipation, very few individual emancipators exhibited such ideas or concern for slavery as a whole. Many more, she demonstrates, used the new law to enhance their control over their enslaved people, holding out manumission as a reward for faithful service and hard work; these manumissions did not reflect faith-based or ideological reasons for their actions.

imposed on free Negroes, including the inability to serve in public office or to vote.¹⁰

Thus, both enslaved and free people who shared African, European, and Native American lineage across the eighteenth century began to be labeled as mulattoes.

The American Revolution ushered in new changes to ideas about race and freedom. Those who could claim an Indian female ancestor gained grounds to claim their freedom, and the change exempted all Native Americans, except those who shared Negro blood, from the 1793 registration law. Further, during this post-Revolutionary period, if one was of less than twenty-five percent Negro heritage, they, too, could be exempt from having to register and from other restrictions imposed on free African Americans. In antebellum Virginia, it was possible, though rare, to be a “free white person of mixed blood, not being a white person, nor a free Negro.”¹¹ The changing legal landscape meant that it was often easy to discern a person’s racial designation, but not always.

The expanding population of free people of color after 1782, combined with the (illegal) inclination of masters to allow their slaves to hire their own time and secure their own lodgings, made regulating the latter more difficult. The 1793 registration law sought, in large part, to curtail the practice of enslaved people “going at large.” Though the law put the onus of proving freedom on people of color, if they were known in their communities as free and intended to remain there, they initially had little reason to bother registering. Free African American adherence to the registration law, then, was very

¹⁰ Honor Sachs, “‘Freedom by a Judgment’: The Legal History of an Afro-Indian Family,” *Law and History Review*, 30, no 1 (February 2012): 173-203; Mary Kegley, “From Indian Slavery to Freedom,” *Journal of the Afro-American Historical and Genealogical Society*, No. 1 (2003), 29-36; Peter Wallenstein, “Indian Foremothers: Race, Sex, Slavery, and Freedom in Early Virginia,” in Catherine Clinton and Michelle Gillespie, eds., *In the Devil’s Lane: Sex and Race in the Early South* (NY: Oxford UP, 1997) 57-73; Kathleen Brown, *Good Wives*, 215.

¹¹ Hening, *Statutes at Large*, Volume III, 252; Hening, *Statutes at Large*, Volume XII, 184.

spotty at first and never reached anything close to full compliance, even when the law and enforcement expanded to more rigidly police their activities. That did not mean that the law was irrelevant to free black experience.¹² Both compliance and enforcement could be uneven, but nearly six thousand registrations in, and many times that number in renewals between 1794 and the Civil War, indicate that registration was a widespread experience in Petersburg. We can imagine, then, that the questions of whether and when to register figured prominently in the lives of free black people when calculating how best to protect and assert their free status.

Laws passed at the state level depended on local enforcement, and the registrations in Petersburg across the antebellum period demonstrate that enforcement often waxed and waned with perceived threats to white safety or supremacy. Those perceptions sometimes operated in unpredictable ways. The initial law required registration and renewal every year and threatened punishments or failing to do so, but as Melvin Patrick Ely found for Prince Edward County, about sixty miles west of Petersburg, “the system of monitoring that sounds so formidable when described in statute books bears only a tenuous relationship to local authorities’ actual success in

¹² For more on free African American compliance with and white enforcement of the registration law, see Michael P. Nicholls, “Creating Identity: Free Blacks and the Law,” *Slavery and Abolition: A Journal of Slave and Post-Slave Studies* 35, no. 2 (December 2013): 214-233; Ellen Eslinger, “Free Black Residency in Two Antebellum Virginia Counties,” *The Journal of Southern History* 79, no. 2 (2013): 261-98; Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s Through the Civil War* (New York: Vintage Books: 2004) 183-84, 251-261. According to Nicholls, “Significantly, the purpose of the original registration act was to gain greater control over slaves who tried to pass as free or were illegally permitted by owners to offer their labor for hire; that is, to be self-hired and independent of a master’s control. But within a decade, the registration required of free blacks was transformed through additional measures into a device for establishing more knowledge and regulation of a growing and often mobile free black population,” 216.

keeping up with the free Afro-Virginians who lived in their midst.”¹³ As in Prince Edward County, Petersburg saw more registrations in some years than others, and some free African Americans lived in Petersburg for years without bothering to register at all. Many registrations mentioned parents or spouses for whom registration records cannot be found.¹⁴ Petersburgers were also lax about keeping up with their renewals, and almost nobody did so as often as required. Molly Giles earned her freedom prior to 1801, registered for the first time in 1810, and a decade elapsed between her second and third visits to the clerk’s office.¹⁵ Hannah Brown registered for the first time in 1809, followed up in 1810, but waited twenty-one years before renewing again.¹⁶ Polly Valentine demonstrated a little more diligence, but even she only registered seven times in fifty years.¹⁷

Though the law mandated that free people register, officers of the court and the general public participated as gatekeepers to registration, and the members of both demonstrated simultaneous suspicion and support of free people’s claims. John Grammer, clerk of the Petersburg Hustings Court, the city’s criminal and civil court, from its establishment in 1784 until his death in 1835, exhibited fastidious attention to detail in most entries, even those beyond the scope mandated by law. Over his extraordinarily long career, Grammer created legal paper trails meant to concomitantly verify a free

¹³ Ely, *Israel on the Appomattox*, 56; Google maps indicates that Farmville, the Prince Edward County seat, is 66 miles from Petersburg along 460-W. www.maps.google.com (accessed February 9, 2018).

¹⁴ See, for examples, The Bell Family, Register, Reel 47, nos. 748, 751, 854; Registry, Reel 73, nos. 1060-62, 1129, 1353; Thompson, Registry, Reel 73, nos. 1281-82; Parham, Registry, Reel 73, nos. 1423-24; Crook, Registry, Reel 73, nos. 1445-47.

¹⁵ Molly Giles’ subsequent visits were on behalf of family members, not to update her own registration.

¹⁶ Register, Reel 47, no. 449.

¹⁷ Register, Reel 47, no. 437.

person's status and exclude those making false claims.¹⁸ People registering in Petersburg for the first time presented valid documentation of freedom. Most people presented their deeds of emancipation, such as Ned Butler, who had been emancipated in Dinwiddie County in 1788, or certificates of registration from other counties, like the one John Auter brought from Chesterfield County.¹⁹ White community members could challenge free people of color by demanding presentation of papers, but they also frequently supported claims to freedom when no legal record existed.²⁰ James Day supported Lucy Martin's registration as a free person in 1808 when he "made oath to her being reputed free about 16 years he has known her."²¹ Depending on the registrar, how busy he was, and the context in which the person registered, the records sometimes neglected to specify the form of verification those claiming to have been born free offered.

Varying motivations may have prompted whites to support black claims to freedom: a sense of justice, a family connection, or reluctance to lose an inexpensive or

¹⁸ F. Johnston, Comp, *Memorials of Old Virginia Clerks Arranged Alphabetically By Counties With Complete Index of Names and Dates of Service from 1634 to the Present Time*, Lynchburg, Virginia: JP Bell Company, Book and Job Printer, 1888, 293-304. Grammer was the first of only three clerks who served between the establishment of the court and the Civil War, though each clerk employed deputies to assist him. Under Grammer's charge, the entries were the most detailed, though some deputies employed descriptive entries under David Bernard and John Armistead, the subsequent clerks. Since he recorded descriptions of so many individuals, it seems fitting to include this one of his, as told by Johnston over fifty years after Grammer's death. "He is still well remembered by many of the old citizens of Petersburg as an elderly gentleman, quick in movement, small in stature, and wearing knee breeches and shoe buckles of the olden time. In manners he was brusque and very plain spoken, but no one could know him, even very slightly without having the highest respect for his thorough honesty and goodness of heart." Johnston also described him as a staunch Federalist: "with the views of Thomas Jefferson he had no sympathy," 293-294.

¹⁹ Register, Reel 47, nos.12, 345.

²⁰ "It shall moreover be lawful for any person and the duty of every sheriff, sheriff's deputy, coroner, or sergeant to apprehend, & carry such slave before a magistrate...." "An Act to amend the act, insituted An act, to reduce into one the several act, concerning slaves, free negroes, and mulattoes," Virginia, January 19, 1801, HeinOnline (accessed February 8, 2018). This law meant that any person could demand to see identification from any person of color and take him or her into custody if the person had none. It effectively deputized the white population to regulate the black population and carried over into areas of law besides registration. I write more on this in Chapter 5.

²¹ Register, Reel 47, no. 431. The Petersburg courts often accepted common reputation as verification of status (married or single, free or enslaved, next of kin, etc) and gave more credence to white testimony than to black people's verification.

reliable laborer. But white people consistently provided testimony to support freedom claims throughout the antebellum period. This testimony did not indicate white opposition to slavery or to the racial order, but, rather, support for that order. Whites often failed to enforce the law, sometimes made choices that benefited free black people, even inadvertently, and sometimes helped them skirt the law—and free people of color exploited these gaps to achieve what was important to them, sometimes more than should have been possible under prevailing racial ideology. This white support did not contradict this racial ideology; it ensured that free blacks depended on whites for survival.²² White testimony made certain the court upheld only valid claims to freedom and ensured black dependence on white adjudication of those claims.

Though free people of color often went about their business without being accosted or questioned, the fact remained that any day they could be—and evidence in the legal record reveals that people of color were challenged and faced consequences often enough that they saw the threat of imprisonment and possible re-enslavement as credible. This was especially true if they travelled from where they were known to where they were unknown. Betty, a free woman, landed “in Norfolk jail for want of a copy of this registry.”²³ Norfolk authorities detained her, and they wrote to Petersburg to verify her status, a request John Grammer dutifully fulfilled. Though Betty was released, she likely remained incarcerated long enough while awaiting Grammer’s reply to accrue jail fees, which, if she could not pay them, would be recovered by hiring out her labor.

²² Ely, *Israel on the Appomattox*.

²³ Register, Reel 47, no. 238.

Though not re-enslaved, Betty and others faced considerable periods of unfreedom when caught without documentation.

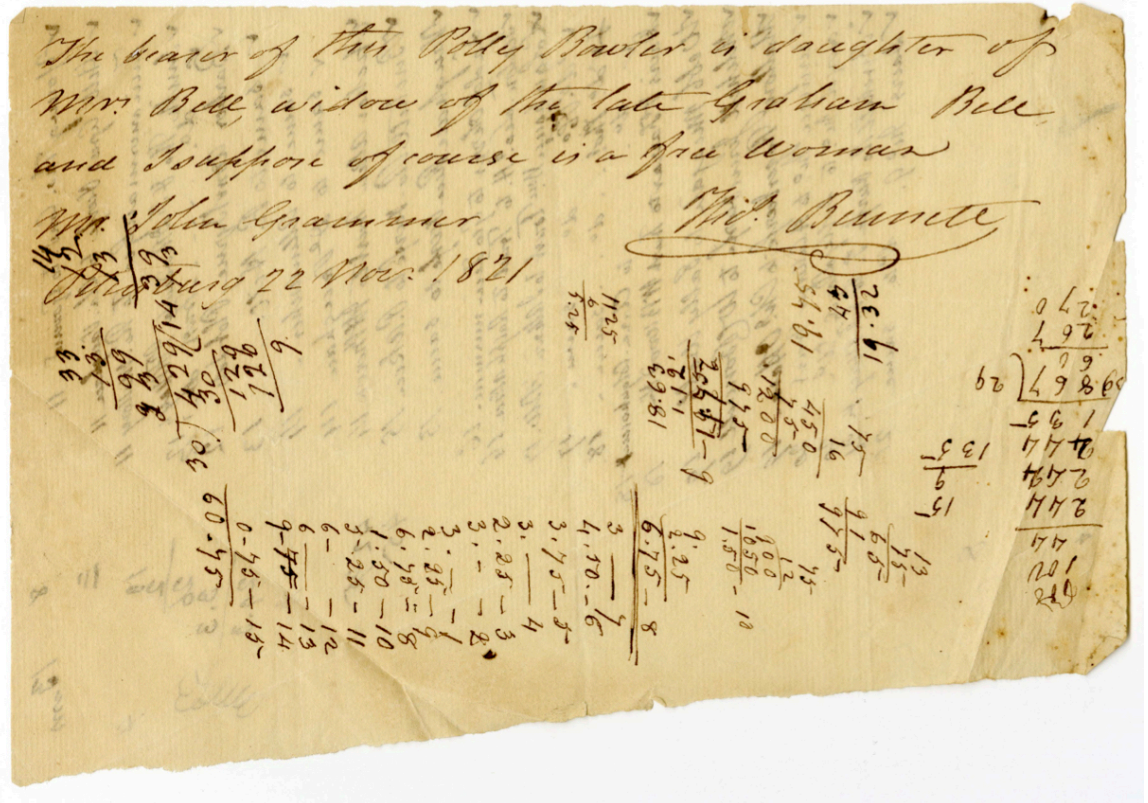


Figure 2. Written on a scrap of paper, this note attests to the free parentage of Polly Bowler, reading, “The bearer of this Polly Bowler is daughter of Mrs. Bell widow of the late Graham Bell and I suppose of course a free woman.” It is addressed to the clerk of court, Mr. John Grammer, Petersburg 22 Nov. 1821 and signed Thos. Burnett. Most such documents were more formal and often attested to the good character of the bearer.²⁴

As in Norfolk, Petersburg authorities also jailed African Americans without papers across the early republican and antebellum period. The Town of Petersburg formed night patrols shortly after the thwarted Gabriel’s Rebellion in 1800. One patrol member recorded, “nothing occurred during the night, except the committing a free person of colour to jail, named Thomas Lewis, from Fredericksburg, without his free

²⁴ Polly Bowler: Free Negro Certificate, 1821, African American Narrative Digital Collection, LVA.

papers.”²⁵ Hustings Court records between 1800-1820 mention a handful of free people of color taken up without papers but recorded many more enslaved people jailed for “going at large,” indicating that townspeople were checking credentials. By the early 1820s, even local and well-known free people of color, such as Edward Elliott, a prominent blacksmith, and Douglas Curl, the son of Molly Giles and William Curl, were taken to jail for want of certificates. They may not have remained there very long, but if the court did not meet that month, they faced a serious inconvenience, indeed. When released, they were ordered to pay their jail fees or to be hired out by the town Sergeant, preventing them from working for their own benefit for an even longer period.

Detailed records reveal the lengths of time and amounts of money involved in these cases. In October 1856, six free people of color were jailed for “want of papers.” When they were released, they had accumulated fees at the rate of \$.30 per day, with another \$.50 added to the total for “care & receiving.” Five of these free African Americans spent eight days in jail, resulting in a fee of \$2.90.²⁶ If hired out for thirty to fifty cents a day, the going rate for unskilled labor, they could pay off their fines in roughly the same amount of time they spent in jail, or less. The law, however, only required that the Sergeant accept a minimum wage of eight cents per day.²⁷ The preceding June, the court ordered that Wyatt Butcher’s labor was to be sold at public

²⁵ “Petersburg Free Negro & Slave Records: Patrol Commissions and Returns 1809-1850,” Petersburg free Negro and Slave Records 1809-1865, Manuscript, Box 1, Folder 13, LVA.

²⁶ “List of persons committed to the Jail of the city of Petersburg for want of Register (by Mayor of said City),” Petersburg, Virginia, Free Negro and Slave Records 1809-1865, Manuscript, Box 1, Folder 8, LVA.

²⁷ “An Act to amend an act, entitled an act reducing into one the several acts concerning slaves, free negroes and Mulattoes,” Virginia 1819- December Session, 26, HeinOnline (accessed February 8, 2018).

auction to satisfy his jail fees, which totaled \$27.65. This amount indicated that Butcher had been detained in jail for about three months. At auction, Edward B. White “became the hirer at 10 cents per day.” Butcher’s term of hire lasted from July 17, 1856 to April 19, 1857, a period of nine months.²⁸ For Wyatt Butcher, the cost of not having a copy of his registry was a year of combined jail time and uncompensated labor. Though many people in Petersburg did not comply with the law, sporadic vigilance and, at times, sustained periods of consistent enforcement had significant consequences.

Nevertheless, court clerks performed due diligence when researching and verifying individual claims to freedom. Betty got out of jail, and numerous other entries indicate that a person claiming free status was seen as deserving at least some investigation into the claim, if not outright benefit of the doubt. When Nicholas Thompson registered in 1787, he “sh[owe]d several papers as evidence of his being a free man,” but Grammer thought them “not certainly conclusive of being so.”²⁹ Even so, Thompson carried away his certificate. In numerous instances, registrants failed to produce their former certificates, as they were required to do when renewing—and revealed that losing papers or having them stolen was a frequent occurrence. People re-registering were required to return the previous certificate to prevent freedom papers from falling into enslaved hands. Registering for the first time in November 1814, Edmund Chavis returned for a copy on March 10, 1815, “the former paper alleged lost.”

²⁸ “Sergeant’s return of the hiring of Wyatt Butcher, a free Negro for his Jail fees,” Petersburg, Virginia Free Negro and Slave Records 1809-1865, Manuscript, Box 1, Folder 8, LVA. Another free woman and her child spent fourteen years in the custody of William Prentiss. A white man who wished to sell them to Prentiss brought them to Petersburg from the Eastern Shore. Prentiss was suspicious and demanded a record of their enslaved status. The man never returned. This was in 1795, just a year the registration law had gone into effect; Prentiss made sure they were registered as free in 1809. Affidavits & Misc Documents Concerning Free Negro Certificates and Registrations, Free Negro and Slave Records, Box 1, Folder 3, LVA.

²⁹ Register, Reel 47, no. 69.

He was back again three months later, this time, “the papers alleged taken from him by Jos Gray Jr.” Chavis managed to return for normal renewal in February 1816 and February 1817, but by September 1818, once again, his paper was “alleged lost.” By March of 1819, exasperation emanated from Grammer’s final notation, “alleged his papers again lost.”³⁰ Registrars pointedly noted these irregularities in their ledgers when they judged the person worthy of a new certificate; no records exist for any who may have been denied.

Though authorities probably did harbor some fear that free blacks would use their certificates to help enslaved people escape, the fragile nature of the document probably meant that people legitimately lost or ruined their papers on a regular basis. The certificate consisted of a piece of paper, from a half to full sheet in size; the bearers who carried them regularly folded them up to place in a pocket, down to about the size of a modern credit card or driver’s license. Whether because of demands that people demonstrate their freedom or for other reasons, regular folding and unfolding formed creases and weak spots. Worn on the person or kept in a pocket, the papers were exposed to dirt, sweat, rain, and accidental drops—in the mud, the water, or even in the privy. The fact that so few remain today attests to their fragility. Many of those that do survive appear to have hardly been carried at all, perhaps kept in a drawer at home and taken out in the rare event the bearer went someplace she was unknown and would have to prove her status. Though all people who registered received certificates, and not everyone did so, their day-to-day reliance on them varied widely. For some, the certificate was valuable enough to warrant an advertisement in the newspaper asking for

³⁰ Register, Reel 47, no. 760.

its return. John Stewart kept his paper in his coat pocket, and when that coat went overboard his vessel and into the James River, he lost it. He advertised the loss and offered a reward for the registration's safe return, but he eventually got a new certificate when the original was not recovered.³¹ Comparing Stewart's efforts in 1851 to Chavis's earlier in the century suggests that the rules for replacing lost certificates had tightened.

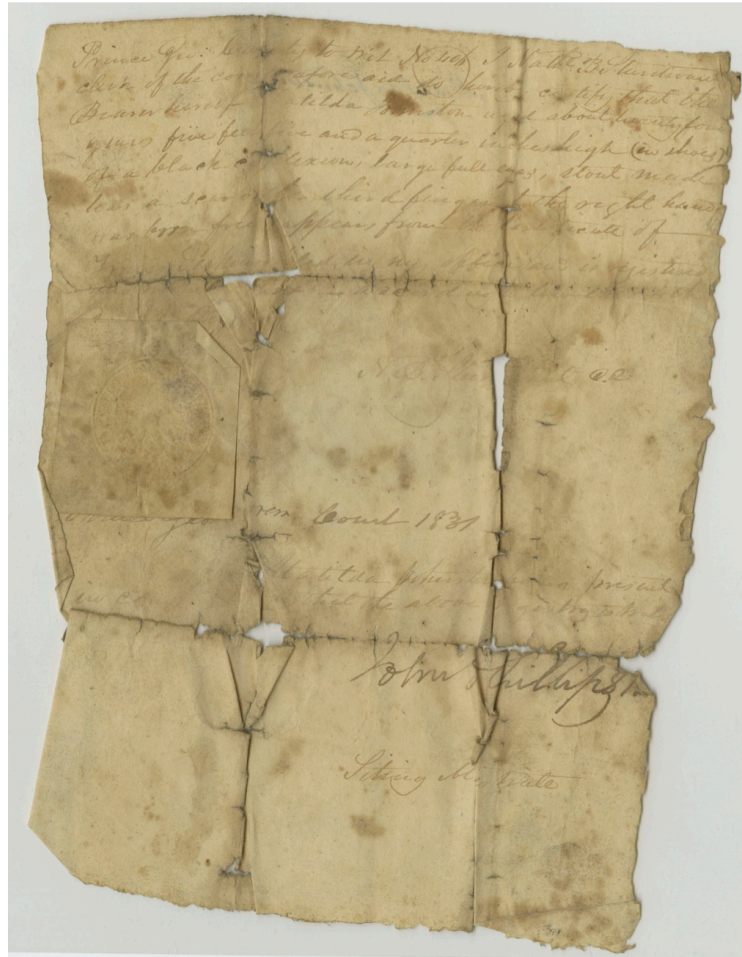


Figure 3. Certificate issued to Matilda Johnston in Prince George County and found in Petersburg, likely turned in when she moved and registered there. It reads, “Prince Geo: Certify to wit: No 406 I Nathl B. Sturdivant clerk of the court aforesaid do hereby certify that the Bearer hereof Matilda Johnston aged about twenty four years five feet five and a quarter inches high (in shoes) of a black complexion, large full eyes, stout made has a scar on the third finger of the right hand and was born free as appears from the certificate of Frank Parker filed in my office and is registered...according to law.” The writing at the bottom

³¹ “Free Negro and Slave Records: Advertisements for Lost Free Papers,” Petersburg, Virginia Free Negro and Slave Records 1809-1869, Manuscript, Box 1, Folder 10, LVA.

is faded and mostly illegible. It seems likely, given the condition of the certificate, that Johnston carried her certificate regularly.³²

Despite the potential consequences for not registering, free black compliance with the law remained uneven up through the Civil War. In 1794, ninety-seven people registered, but in the following five years, the annual number remained under twenty and did not surpass that initial flood until 1810, when one hundred forty eight names and descriptions entered the ledger. In that year, the federal census counted 1023 free people of color living in Petersburg, and before 1810 fewer than half of that population had registered. The surge in 1810, like most upticks in registration, reflected a change in law; in its 1809 session, the General Assembly passed legislation allowing Petersburg to hire a master of police, which signaled closer attention to enforcement. Registrations and renewals tended to increase during times of change, uncertainty, and crisis. Registrations increased in 1805 after new laws regulated enslaved people more stringently, and in 1806, when the General Assembly passed legislation requiring people freed after May of that year to leave the state within twelve months.³³ This law changed the stakes of registration, as people now had to not only prove their freedom but also the right to remain in the state. Some parents understood what this shift meant to their children, who would later need to prove that they were born of parents who were free before 1806. No children under the age of sixteen were registered prior to 1806, but their numbers grew in

³² Matilda Johnston: Free Negro Certificate, 1831, African American Narrative Digital Collection, LVA.

³³ “An Act Concerning Free Negroes and Mulattoes,” Virginia 1805—December Session, 51; Gabriel’s Rebellion as an impetus for this law, see Sidbury *Ploughshares into Swords*.

the law's wake.³⁴ Other flash points in local, state, and national racial debates, such as Nat Turner's Rebellion in 1831, had the most significant effect on registration numbers.³⁵ The spikes, often starting before a new law took effect or in the immediate aftermath of a crisis, demonstrate that free people of color kept abreast of news and details of new legislation that could affect their wellbeing.

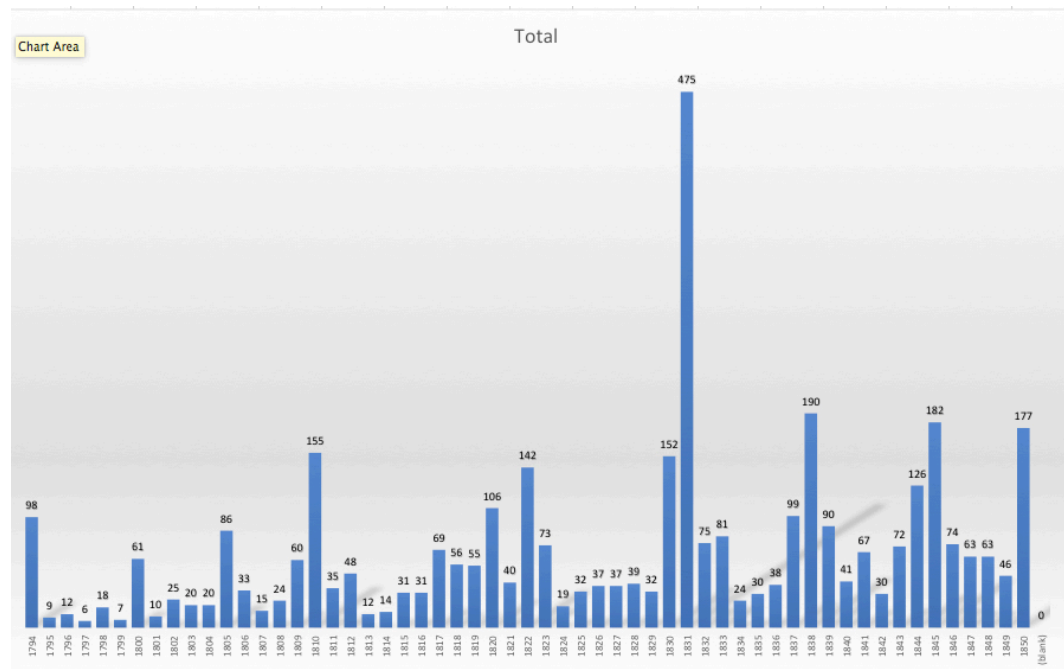


Figure 4. New Registrations by Year.³⁶

³⁴ See Chapter 4. Between 1784-1805 27 minors registered; from 1806-1816, that number more than doubled. By 1832, the law required anyone over the age of 12 to register. The law was initially meant for working people, which is why only those above age 16 registered in those first years; employers could be fined for hiring a person of color without a certificate. Nicholls, "Creating Identity" (2013); Eslinger, "Free black Residency" (2013).

³⁵ Patrick H. Breen, *The Land Shall Be Deluged with Blood: A New History of the Nat Turner Revolt* (New York: Oxford University Press, 2015); Wolf, *Race and Liberty in the New Nation*, 196-212. Ely, *Israel on the Appomattox*, 175-186. The Nat Turner Rebellion was one of the deadliest slave uprisings in the United States. Centered in Southampton County, seven enslaved men and others they recruited killed fifty-five white people in August 1831. Turner remained at large for two months, and white fear in the aftermath of the uprising led to the execution and lynching of possibly hundreds of African Americans and tightening laws for both free and enslaved blacks. The same pattern occurred elsewhere in Virginia, as Ely demonstrates for Prince Edward County. Ely, *Israel on the Appomattox*, 251-254.

³⁶ Elizabeth J. Wood, comp., Petersburg Registration Database, Reels 47 and 73, LVA. The rise in the number of registrations in 1830 and 1831 before Nat Turner's rebellion may have been in response to

Nevertheless, even in these moments, enforcement and the fear of it were never absolute. Before 1831, children under sixteen still comprised barely fourteen percent of the total number of registrations, and some of those reflected other concerns, life events, and family dynamics, such as a parent's death. The severity of the consequences coupled with haphazard compliance suggests that of the several thousand individuals presenting themselves for registration, some did so out of fear or coercion while others saw registration, at different times, as either unnecessary or an important tool to enhance, assert, and protect their freedom.

The desire to increase and simplify mobility likely motivated many to register. According to the first Petersburg registration ledger, the state assembly passed the 1793 law, at least in part, "to restrain the practice of Negroes going at large."³⁷ Initially, this concern applied primarily to enslaved African Americans.³⁸ For free blacks, registration served an opposite purpose—ensuring the ability to go where they were unknown and to remain unmolested as free people. In the first registration book, only about thirty-five percent of registrants claimed Petersburg as their place of origin, whether they had been born free or emancipated there.³⁹ The rest hailed from thirty-one other Virginia jurisdictions or from another state, and a handful stated their origins as Africa, the Caribbean, or Europe. Many records indicated more than one previous stop. Israel de

an amended Constitution and a stricter policing of "unlawful assembly" among free and enslaved African Americans. "An Amended Constitution, or Form of Government For Virginia," *Slavery Statutes, Virginia—1829 December Session*, HeinOnline (accessed February 2, 2018): 5-14; "An Act to amend the act concerning slaves, free negroes, and mulattoes," *Slavery Statutes, Virginia, April 7, 1831*, HeinOnline (accessed February 2, 2018): 107-08.

³⁷ Register, Reel 47, no. 1.

³⁸ Nicholls, "Creating Identity" (2013): 216.

³⁹ Register, Reel 47.

Condre was born in “Port O Prince” but came into Virginia from Bristol, England in 1793.⁴⁰ Judy gained her freedom in the West Indies but came to Petersburg by way of Surry, Virginia.⁴¹ The number of free blacks arriving in Petersburg from outside Virginia fell to nearly zero later in the period; it was illegal after 1793 for a free African American to move into Virginia from another state, so free African Americans seeking legal recognition crafted life stories to match the requirements for registration. But migration to Petersburg from within the state continued to expand in terms of the number of people arriving and the distances they traveled.⁴²

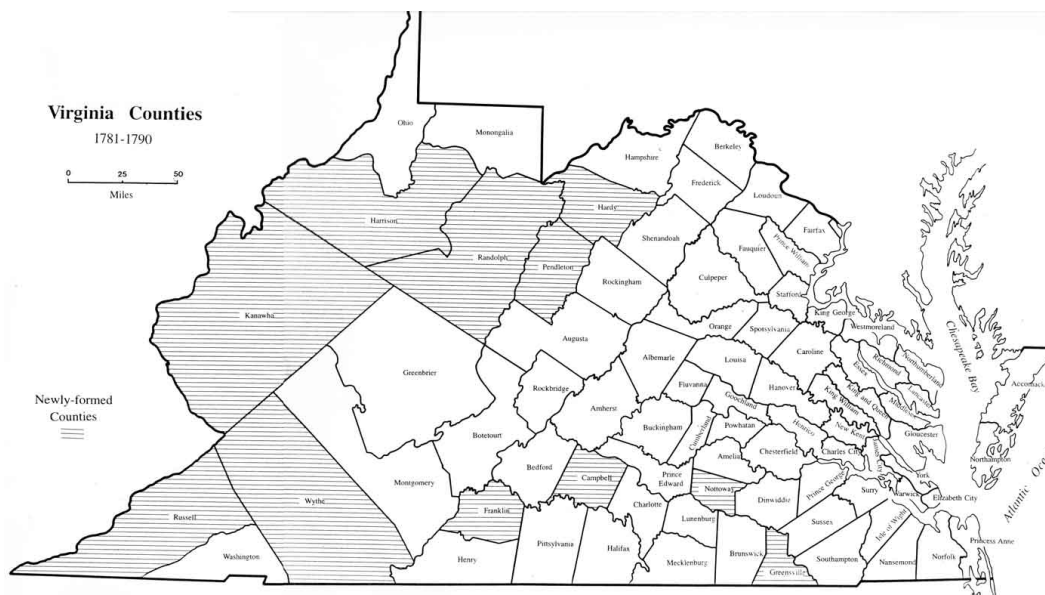


Figure 5. Map of Virginia Counties, 1781-1790⁴³

⁴⁰ Register, Reel, 47, no. 5.

⁴¹ Register, Reel 47, no. 282.

⁴² Gaps in renewals could indicate that a person traveled to another district and registered there before returning to Petersburg months or years later. “Affidavit sworn re Nat Deberry Evans and Martha J. Evans,” Petersburg, City of Circuit Court, Free Negro and Slave Records, 1809-1865, Box 1, Folder 3; also see Nicholls, “Creating Identity”(2013): 228-29.

⁴³ Michael F. Doran, *Atlas of County Boundary Changes in Virginia, 1634-1895*, (Athens, Georgia: Iberian Publishing, 1987), online, www.genealogyresources.org (accessed June 13, 2018).

What made Petersburg such a popular destination? Historians have credited economic opportunities for drawing free people of color to the town, but they have paid scant attention to the people already there and the attractions exerted by the community and institutions they had created over the years. Most historians highlight the area's role in early Indian trade and defense as the impetus for white settlement, but the population of the area grew slowly into the eighteenth century and included enslaved and, possibly, some free blacks.⁴⁴ By 1752, three towns had formed in the area, Blandford, Petersburg, and Pocahontas. Because the hamlet of Pocahontas was inaccessible from the town except by ferry, developers hoped to encourage its growth by building a bridge in 1757. Nevertheless, as one town historian lamented, while the other two sections grew, Pocahontas did not.⁴⁵ Perhaps separation from Petersburg proper and the "low lying flood prone terrain" made the area less attractive to settlers---at least to white settlers. Though the first property owners in Pocahontas were white men, the area quickly became known as a black enclave, for which relative geographic isolation may have been seen as an asset in community formation.⁴⁶ Blandford, Petersburg, and Pocahontas, along with the lands between them, were incorporated to form the Town of Petersburg in 1784. After 1782, manumission augmented the numbers of those who had been born free and,

⁴⁴ United States Department of the Interior, "Pocahontas Island Historic District," *National Register of Historic Places Registration Form*, September 2006, <http://www.dhr.virginia.gov/registers/Cities/Petersburg/123-0114_PocahontasHD_2006_NRfinal.pdf> (accessed September 30, 2016). John Bolling operated a tobacco inspection warehouse on the island by 1732, and the workers would have included slaves and possibly free people of color.

⁴⁵ James G. Scott and Edward A. Wyatt, *Petersburg's Story* (Petersburg, Virginia: Titmus Optical Company, 1960), 19.

⁴⁶ U.S Department of the Interior, *Pocahontas Island*, 2006. Free people of color did not outnumber whites on the island until very late in the antebellum period.

along with migration, produced a community of 310 free people of color, a little more than ten percent of the town's total population, by 1790.⁴⁷ By 1797, free blacks established Sandy Beach Baptist Church in Pocahontas, and while church leaders and members later moved the church and renamed it Gillfield, its early home on the island indicates free black settlement there prior to the explosion of economic growth around 1820. This suggests that the early community of free blacks contributed to that later economic boom, and the existence of that community encouraged the flood of in-migration.⁴⁸

Most of Petersburg's migrants came from the nearest surrounding counties, with the vast majority arriving from within a one hundred fifty mile radius. Though it makes sense that those nearby would come to Petersburg searching for work, Richmond fell within a similar distance for many of the migrants and thus might have been expected to rival Petersburg as a magnet for free people of color. The capital city developed industry as well as a booming service economy, in part to fulfill the needs of the seat of state government, and in part because of the city's prime location at the head of navigation on the James River, which provided easy access to the Chesapeake Bay and thence to the Atlantic. Nevertheless, many free African Americans preferred Petersburg, some even moving there from Richmond. The free black population in Petersburg far surpassed Richmond as a percentage of the population. The free African American population of Richmond hovered around 12 percent during the antebellum period, while it reached as

⁴⁷ Luther P. Jackson, "Manumission in Certain Virginia Cities," *The Journal of Negro History*, Vol. 15, No. 3 (Jul., 1930): 278-314. Jackson counted 120 emancipations in Petersburg for the period 1784-1806.

⁴⁸ Both Luther Jackson and L. Diane Barnes note the important role free blacks played in Petersburg's economy. L. Diane Barnes, *Artisan Workers in the Upper South: Petersburg, Virginia 1820-1865* (Baton Rouge: Louisiana State University Press, 2008), Chapter 4.

high as 25 percent in Petersburg and averaged about twenty percent up to the Civil War. While the pull of Petersburg did not draw many free people of color from far northern or western Virginia counties, the rapid growth of the city's free black population suggests that reasons beyond economic opportunity, including family ties and community institutions, brought them there.

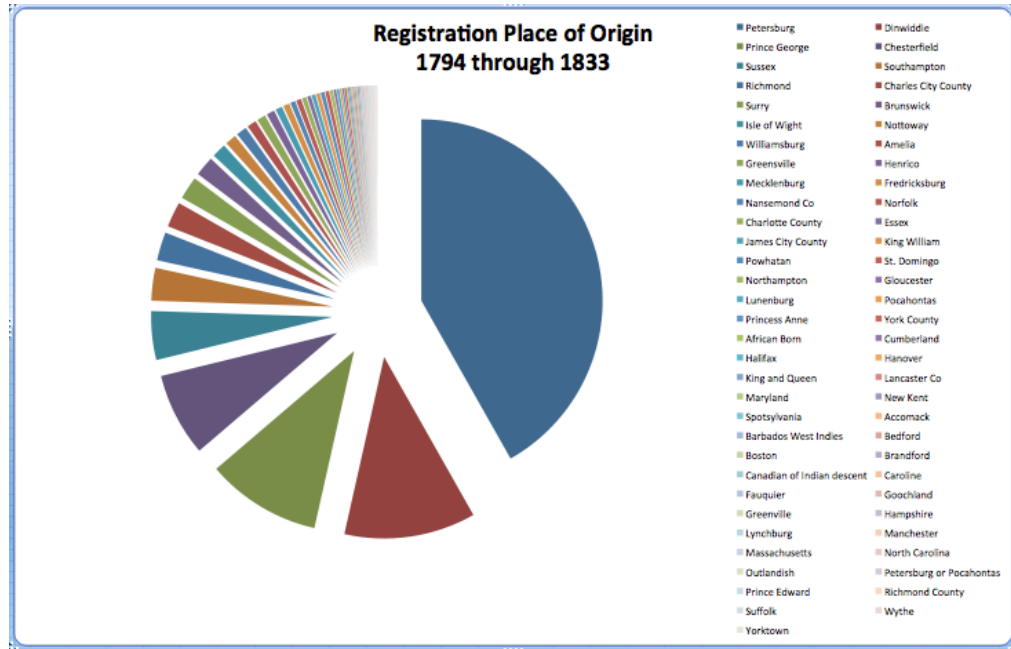


Figure 6. Place of Origin for Those Registering as Free in Petersburg.

Those coming from out of state probably came to Petersburg for many of the same reasons those arriving from throughout Virginia did. Jon E. Barnet came to Petersburg from Boston. Though Massachusetts began ending slavery in 1783, and Boston home to what was emerging as a supportive free community of color, Barnet may have had trouble finding work there. As a barber, he likely knew that people of his color had a corner on the market in the South and that a free black man could compete

favorably with enslaved labor in this profession.⁴⁹ Barnet's registration was one of only a handful of registrations to note that the bearer came from out of state, but that could be a result of the fact that he was one of the few to have done so legally, before the ban on interstate migration in 1793. At least one other free black skilled worker, Major Elebeck, came from Pennsylvania and worked and lived peacefully in Petersburg until he was found out. He filed a petition with the state legislature asking for permission to remain in the Commonwealth, which it granted based on white testimony to his character and industry, but he never registered for free papers.⁵⁰ It is possible that some other people who came from out of state registered with the court but did not offer their state of origin, or, like Elebeck, simply went about their business until questioned. The reality was that Petersburg became a crossroads because it connected inland Virginia to maritime trade. Many of Petersburg's men became watermen, on both on river and ocean-going vessels, and many watermen, black and white, came to Virginia from elsewhere. Some white Virginians worried that black watermen and seamen coming and going might commit mischief or even plot subversion, but laws passed in response to these fears could curb neither free African American participation in these occupations nor the circulation of people and ideas.

Major Elebeck's wife, Madeleine, exemplified the maritime connections Virginians, including Virginians of color, had formed. Originally hailing from the island

⁴⁹ Register, Reel 47, no. 473. For the development of a community of color in Boston, see Stephen Kantrowitz, *More than Freedom: Fighting for Black Citizenship in a White Republic, 1829-1889* (New York: Penguin Books, 2013); James Oliver Horton, *Free People of Color: Inside the African American Community* (Washington, D.C.: Smithsonian, 1993); For barbering as a free black profession, see Douglas W. Bristol, Jr. *Knights of the Razor: Black Barbers in Slavery and Freedom* (Baltimore: Johns Hopkins University Press, 2016); Quincy T. Mills, *Cutting Along the Color Line: Black Barbers and Barber Shops in America* (Philadelphia: University of Pennsylvania Press, 2013); L. Diane Barnes, *Artisan Workers in the Upper South*, chapter 4.

⁵⁰ Inhabitants: Petition, Petersburg, 1810-12-15," Legislative Petitions Digital Collections, LVA.

of Guadeloupe, she was one of several free person of color to arrive in Petersburg from the Caribbean.⁵¹ Seven registrants listed Caribbean origins, with one person arriving from Barbados and the other six from Saint Domingue, and the list included both those who had been born enslaved and those born free. Some of these people may have arrived as a result of the upheavals in the French Empire surrounding the French Revolution as well as the Haitian Revolution in the former Saint Domingue. Virginians, at least in the early 1790s, had fond memories of French help during the American Revolution and sympathized with embattled slave owners who arrived in Norfolk from the colony.⁵²

It is unclear how or why both white and black refugees made their way to Petersburg, specifically, but the majority of the black refugees were registered as light-complexioned mulattoes who had been born free, meaning they were likely among the *gens de couleur libres*, mixed-race free people who had connections to the planter elite and to European culture and may have sympathized more with the white interests than with the Haitian revolutionaries. Only one, Benjamin, was an enslaved man who received his freedom upon the death of his master, Adrian Le Petre, in Virginia.⁵³ Though suspected by some white Virginians as dangerously contributing to slave unrest, these free people of color may have indeed worked behind the scenes to disrupt the social order, but they visibly worked for personal success in the racial system as it was.

Laboring under different legal disabilities than he had in St. Domingue, Israel

⁵¹ Inhabitants: Petition, 1810-12-15; She was identified as Magdalen in this petition but appeared as Madeleine in other documents. For consistency, as I write about her more extensively in the next chapter, I chose to use the more prevalent spelling.

⁵² James Sidbury, "Saint Domingue in Virginia: Ideology, Local Meanings, and Resistance to Slavery," *The Journal of Southern History*, Vol. 63, No. 3 (August 1997): 531-552.

⁵³ Register, Reel 47, no. 247.

DeCoudray, purchased property, bought and freed his enslaved wife, and became a deacon at Gillfield Baptist Church.⁵⁴ Though it is difficult to know how many people of Caribbean extraction, like Madaleine, did not register, it is clear that a certain number made Petersburg their permanent home and contributed to its growing free black population in meaningful ways.

Wanderlust and the ability to fulfill it without being subject to arrest may have been enough incentive for some to register, but the records show that gender played an important role in why and when people registered. Though most registrations did not offer information about occupation, more men's registrations named their employment. It is possible that these men's occupations were specified because they were known to be successful in those trades; that success may in turn have been associated with the ability to move about in order to meet white demand for these men's services. Both men and women migrated to Petersburg to seek employment, but men's occupations may have kept them more transient or brought them into more frequent contact with unknown whites and therefore in need of papers to pursue their livelihoods.

Most men's registrations listed occupations that entailed physical mobility. Watermen, comprising twenty-five percent of all listed occupations, frequently traveled to districts where they were unknown and faced more of a risk that their free status would be challenged.⁵⁵ For both skilled and unskilled laborers, extending their services into the hinterlands ensured financial security by expanding their customer base. For those who worked for others in city shops or factories, registrations could be important, because

⁵⁴ Register, Reel 47, nos. 5, 596, Records of Gillfield Church (Baptist) Prince George Co. 1815-1842, Manuscript, LVA.

⁵⁵ Ely, *Israel on the Appomattox*, 144-174; Luther Porter Jackson, "The Free Negroes of Petersburg, Virginia," *The Journal of Negro History* 12, no 3 (July 1927): 365-388.

hiring a person of color without papers was against the law. In addition, when men listed their occupations on their certificates, they may have been proclaiming experience in those trades and thereby attesting to their qualifications. For those who were self-employed, buying property and obtaining credit were almost certainly made easier with valid paperwork.

Some women also performed work that would have had them going at large, such as peddling from carts and practicing midwifery, but the vast majority engaged in domestic work, such as washing, spinning, and weaving, typically in their own homes. In fact, most women did not state an occupation on their registrations, with only thirteen doing so across the period. We know that a large majority of free black women worked for wages, yet that did not seem to be information the clerks required or that most women registering thought to offer.⁵⁶ In these few cases where women's registrations mentioned occupation, successful businesses may have constituted an important part of their identities, and they may have seen registration as integral to continuing their livelihoods. For most women, however, it seemed that occupational success and mobility took a back seat to their other reasons for documenting free status.

⁵⁶ "List of People of Color in Petersburg, 1803," African American Digital Collection, LVA; 1850 U.S. Census, Petersburg (independent city) Virginia, Population Schedules, www.ancestry.com (accessed June 2017); 1860 U.S. Census, Petersburg (independent city) Virginia, Center, East, South, and West Wards, Population Schedules, www.ancestry.com (accessed June 1860). See also, Amrita Chakrabarti Myers, *Forging Freedom: Black Women and the Pursuit of Liberty in Antebellum Charleston* (Chapel Hill: University of North Carolina Press, 2011), Chapter 3; Wilma King, *The Essence of Liberty: Free Black Women in the Slave Era* (Columbia, Missouri: University of Missouri Press, 2006), 59-88; Tommy Bogger, *Free Blacks in Norfolk, Virginia, 1790-1860: The Darker Side of Freedom* (Charlottesville: University of Virginia Press, 1997), 73; Loren Schweninger, "Property Owning Free African American Women in the South, 1800-1870," *Journal of Women's History* 1 (Winter 1990): 16; Lebsack, *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860* (New York: W. W. Norton & Company, 1984), Chapter 4.

For women, registering with the court provided not only a legal record of freedom for their own safety and convenience but also established a legacy of liberty for their children and succeeding generations. Fathers or other relatives could register minors, but the great majority were registered by their mothers, in no small part because the mother's status as slave or free had determined that of the child for over a century—a fact that enslaved and free people knew well. Mothers, in fact, registered over 75 percent of individuals age twenty-one or younger who registered under a guardian.⁵⁷ For adults claiming free birth, mother's names far exceeded father's names in the records as proof of that status, with those claims to free mothers verified by previous registrations, court documents, or white witnesses. Prior to 1806, many mothers waited until their children were in their late teens or early twenties to register them, when those individuals' occupations or marriages could be hindered by lack of paperwork. Immediately before and after the law went into effect in May 1806, the threat of expulsion made establishing a legal record of freedom and of Virginia residency prior to that date more important, and women acted to protect their children at an earlier stage of life than before that law.

Fathers, in contrast, participated in only about ten percent of minors' registrations. John Allen entered his daughters Jane and Eliza, and Thomas Berry's father likewise endorsed his son's registration.⁵⁸ Fathers who registered children were more often prosperous and well known, such that invoking their names conferred status—examples include Graham Bell, who was so well known that he never had to register for himself, and Israel DeCoudray, a property owner who was also a deacon in his church. Sons

⁵⁷ Wood, Registration Database.

⁵⁸ Register, Reel 47, nos. 97, 103, 403.

whose fathers registered them also tended to register their own children, such as the Birds and the Hills. These and other fathers acting alone on behalf of their children were the exceptions to the rule. About half of registrations involving fathers also included the children's mothers, and most of those entries stated that both parents had charge of the children. Even when married, mothers retained important status in their households and the legal realm. Other fathers and guardians brought previously unregistered children in for documentation following a mother's death, before memory of her freedom had faded and the children's legal status could be questioned. For women, establishing a legal record of their own freedom provided added protection against their offspring's expulsion or, without any documentation, enslavement.⁵⁹

Women may also have been compelled to register or re-register more often than men as their marital status changed. A marked difference between men's and women's records is the lack of spousal information recorded for men. For women, marriage changed their legal status and, often, though by no means always, their names. These changes seemed to prompt women to re-register immediately after their marriages, or at least to make court officials aware of the changes the next time they renewed. The registrar seemed suspicious of the veracity of her claim, but when Nancy Rouse re-registered in 1817, he noted, "name Johnson, alleged to have been married."⁶⁰ Other name changes were more straightforward, such as when Nancy Evans returned five years after her original entry to report her name change to Nancy Dunnary, wife of Louis

⁵⁹ Affidavits & Misc Documents Concerning Free Negro Certificates and Registrations, Esther and Celia, Free Negro and Slave Records, Manuscript, Box 1, Folder 3, LVA; See also, Petersburg Hustings Court Minute Books: 1797-1812, Microfilm, Reel 25, LVA, 7 November 1797; Petersburg Hustings Court Minute Books: 1812-1823, Microfilm, Reel 26, LVA, 25 October 1822.

⁶⁰ Register, Reel 47, no.135.

Dunnary.⁶¹ Interestingly, many married women retained their original surnames, though they were married at registration or became so. Sucky Ellis's original registration stated that she was "wife to Israel DeCoudray," and Coaty Pettiford was likewise "wife to Jno Burwell." John Brooks was registered by his mother, Rebecca Moody, who was recognized as "married to William Brooks."⁶² Molly Giles kept her name and ensured that her six children carried it along with their father's who was her recognized husband.⁶³ Both of these phenomena, that women's registrations more often included spousal information and that women did not always change their names when married, mean that the registrations to skew the actual picture of marriage among free people of color in Petersburg. Men married more often than their registrations indicated, and more women than those whose names changed also considered themselves married. Nevertheless, marriage precipitated registration or re-registration more often for free woman of color than for men.⁶⁴

Whether a quest for advantages or legal compulsion led a given free person to register, the entries reveal that the process itself could be odious, as people of color came before white court officials for assessment. The law required the documentation of age, color, status, and details of emancipation, and, after 1803, an amended law required

⁶¹ Register, Reel 47, no. 355.

⁶² Register, Reel 47, nos. 596, 704, 734.

⁶³ Register, Reel 47, nos. 697-702; All of Molly Giles and William Curl's children were registered as Giles Curl, though they were often later referred to in other legal documents and transactions as people with the surname Curl only.

⁶⁴ Chapters 2 and 3 delve into marriage and other sexual partnerships, examining what partners believed they gained or lost in each arrangement and the reasons that some partnerships among people of color did not follow some of the same characteristics as those among their white counterparts.

registrations to note marks or scars on the hands, head or face.⁶⁵ Molly Giles' registration, above, is fairly typical, albeit less detailed than many registrations in Petersburg. Court clerk John Grammer often went above and beyond the bare requirements of his job to provide a glimpse into how he referred to white norms to construct racial difference--even as his descriptions underscore the instability of racial categories.

Other scholars have noted the wide array of adjectives court officials used to describe people of color, and the clerks of Petersburg's Hustings Court tried to be just as precise in their evaluation of skin tone.⁶⁶ Descriptions ran the gamut from "very black" to "dark brown near black," "brownish" "yellow brown," "yellowish," "dark brown mulatto," "light brown mulatto," "bright mulatto," and "very near white," along with other variations. Analogous to color, Grammer often added his appraisal of a person's hair. Grammer evaluated registrants' hair as short and bushy, thick and bushy, or long and bushy. Hair could also be short and knotty or, occasionally, "nappy," as well as long and straight, long and curled, short and curled, straight and black or, in one instance, "long strait sandy col[ore]d hair."⁶⁷ Other features also drew comment. Grammer deemed noses broad and flat, long and sharp, or simply "very big," while lips that caused notice were "very thick," "large and thick" or protruded. Poor Uriah Tyner junior had "rather thick long pointed lips, which gives him what some calls a S[q]uirrel mouth."⁶⁸ Grammer took notice if eyes were unusually big or small, noted when the whites were red or blood

⁶⁵ "An act more effectually to restrain Negroes from going at large," Slavery Statutes, Virginia 1802—December Session, HeinOnline (accessed February 9, 2018).

⁶⁶ Joshua Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1797-1861* (Chapel Hill: University of North Carolina Press, 2003), 204.

⁶⁷ Register, Reel 47, no. 622 and throughout.

⁶⁸ Register, Reel 47, no. 753.

shot, identified gray or blue eyes, and, in the case of Bolling Hicks, Grammer decided that his eyes were “very fierce looking.”⁶⁹ By contrast, Frank Pelham had “a good countenance.”⁷⁰ Along with measuring each person and noting whether they wore shoes, the clerk observed how people were put together. Some were “strait made,” “spare and straight,” “very stout,” “stout and well made,” “well made” or simply, “likely” (a term meaning capable or fit, often, but not exclusively, used by slave traders). In each observation, Grammer recorded those features he found distinct, and, in doing so, he also inscribed race and racial meaning.

As disconcerting as Grammer’s assessments of those easily observed characteristics are, even more so are the myriad instances where he records much more intimate details, many of which would have normally been covered by clothing. The first such entry is for Phoebe Harris, whose re-registration in 1811 notes “a large Scar on the Centre of her breasts.”⁷¹ Sally Tucker also had “a remarkable Scar across her breast,” and Charlotte Cook “a small scar on her right breast.”⁷² Some investigations were quite precise, such as for Dick, who had “a small black mole on each side his breast near where his arms join his breast. One near the centre of the breast rather to the left and another on the same side higher up, perhaps 2 ½ inches distance.”⁷³ Isaac had “the Appearance of two nipples (one larger than the other) on the right Breast.”⁷⁴ Charlotte Hunt’s entry recorded her “small brown mole about the middle of her stomach,” and Ben Bonner’s

⁶⁹ Register, Reel 47, no. 783. His surname was spelled Hix here, but I discuss him in more detail in Chapter 5 where the documents spell his surname Hicks.

⁷⁰ Register, Reel 47, no. 503.

⁷¹ Register, Reel 47, no. 75. John Grammer uses the word breasts instead of breast, indicating that the scar was probably lower and concealed by clothing.

⁷² Register, Reel 47, nos. 243, 245.

⁷³ Register, Reel 47, no. 780.

⁷⁴ Register, Reel 47, no. 756.

detailed “a brown mark on his right buttock between the size of 9d & 18d.”⁷⁵ Billy King “ha[d] a Scar on the inner part of his left thigh near the knee and Kitt “a long mark near his left hip.”⁷⁶ Frank Pelham exhibited a “black mole...at the Pit of his stomach a little toward the right side.”⁷⁷ Abraham Leath, a prominent member of the free community, left carrying a certificate announcing a “wattle on the left side the lower part of his Belly.”⁷⁸ Anna Winn’s noted “a scar on her left knee f[ro]m a burn, all over the top of her knee.” To modern sensibilities this does not seem a particularly scandalous or intrusive observation, but it would likely have involved the white clerk lifting the black woman’s skirt, or having her do so, to observe it.⁷⁹ Sarah Collins’s shirt would have to be shifted or pulled down to reveal her scar “on the hinder part of her shoulder” as would Betsy Northington’s to display a “large brown mole on the back of her right shoulder.”⁸⁰ Likewise, several certificates include descriptions of scars or abnormalities on feet. Milly “lost the toes of her left foot,” Alexander Stephens had “a scar on his right leg near the instep,” and Charles Toney “had a cut on the little toe of his left foot & the great toe is almost without a nail.”⁸¹ Grammer noted that all of these people wore shoes and, thus, would have had to remove them to prove the existence of their marks.⁸²

The detail involved makes it unlikely that John Grammer relied on the registrant’s testimony without seeing the scars for himself—especially when he recorded the exact

⁷⁵ Register, Reel 47, nos. 644, 722.

⁷⁶ Register, Reel 47, nos. 756, 745.

⁷⁷ Register, Reel 47, 503.

⁷⁸ Register, Reel 47, no. 527. Jackson, *Manumission in Certain Virginia Cities*, 286.

⁷⁹ Register, Reel 47, no. 627.

⁸⁰ Register, Reel 47, no. 359.

⁸¹ Register, Reel 47, nos. 681, 448, 480.

⁸² Of those entered by John Grammer, about half the registrations note whether or not registrants wore shoes. Those who were marked barefoot were most common in the warmer months, with only one woman, Susanna King (no. 454) arriving in January unshod and Jesse King (no. 494) in October.

size and distance between marks. It is possible that some marks, particularly on the breast, were not concealed by clothing, but comparison among the descriptions of these scars indicates that many were. Consider, for instance, the difference between Polly Frances Cary, who had “a scar on her breast near the throat a little to the left side,” and Sarah Joon who had “a scar on her right breast & another in the Center between her breasts.”⁸³ Yet, the hundreds of unremarkable registrations further complicate understanding of how and why these marks were revealed, among them those that specifically denoted “no visible mark” on the face or hands. Grammer used this phrase far less often than his successors would, preferring instead to find some distinguishing characteristic to register. It may be that on some days Grammer required people to remove or open their clothing, while on others he was too busy to be bothered.

It is also entirely possible that these people chose to reveal their marks and scars to ensure positive identification through their registrations in the court order book in the event that their papers were lost or stolen. The detail could have also become important if someone questioned whether the papers an individual carried were indeed his or her own. The possibility that free African Americans revealed their marks and scars for these purposes becomes more likely when Grammer’s successors, who were generally less likely to provide detail, included more intimate marks or made judgment calls about stature or countenance. David Bernard less frequently and more casually recorded marks and scars on breasts and shoulders, not providing much in the way of detail—such as when he noted simply that Reynan Anderson Freeman had “a scar on his breast” or that

⁸³ Register, Reel 47, nos. 304, 439.

Elizabeth Jackson had a “mole on each of her shoulders.”⁸⁴ He did occasionally include more detail, most often when younger people came in with their parents to be registered. He noted, for example, that Henry Otter, nineteen, had “a white flesh mark on his left side two inches below the breast,” and his brother William Otter, fifteen, carried “two scars on his stomach.” Their mother, Fanny Otter, registered these boys along with another brother and three sisters. The other siblings had small scars or moles on their face or feet, and the youngest, Imogene Otter, just five, had “no perceivable mark on her hands face or arms.”⁸⁵ Bernard’s deputies and successors followed his example, sometimes including marks more likely to be normally hidden, but never with the same level of detail or frequency as John Grammer did. This variation in detail among the records highlights the fact that the process remained an individual exchange that depended on combinations of what the white clerk demanded on a given day and what a person of color was willing to volunteer. But, in all instances, white clerks retained the authority to compel blacks to provide information in order to leave with documents identifying them as free.

The registration process also reveals information in which the white men who drafted the laws had little to no interest but which provide hints as to how African Americans perceived and presented themselves. In addition to discerning why people would register or fail to do so or how they experienced the registration process, we also catch glimpses of how they inhabited their bodies, experienced the wear and tear of daily

⁸⁴ Registry, Reel 73, nos. 2565, 2495. Bernard also seemed less conscientious about recording whether or not registrants wore shoes, abandoning the practice entirely once he became head clerk.

⁸⁵ Registry, Reel 73, nos. 2348-2350.

life, the ways they chose to care for and adorn themselves, and how they forged family and community bonds in the pursuit of a fuller freedom.

Free people's bodies revealed the perils of nineteenth century life and the ways in which individuals tried to protect and care for those bodies. The vast majority of people who registered exhibited marks or scars, most of them offering no comment regarding what had caused them. There is no reason to assume that faint or light scars indicated a menacing world—I have plenty of my own, and while some of them have memorable origins, several do not. Scars on the hands and arms could result from any number of minor mishaps. Other wounds drew more description and comment, such as the burn Shadrick Joiner experienced that left a “scar all over his breast;” he likely sustained this injury in his work as a blacksmith, a job that also likely cost him the ends of the last two fingers of his right hand.⁸⁶ Even those who did not work with fire and red-hot metal for their livelihoods frequently endured burns, and burning was among the most common causes of scarring listed. In an era when fire and boiling water were a part of many household tasks and skilled work, burns were a fact of life, and people of all ages sustained burns on their arms, legs, feet, faces, necks, and like Shadrick Joiner, their breasts. Even little Eliza Anderson, described as an “infant in the arms,” displayed a scar on her left cheek “occasioned by a burn.”⁸⁷ The prevalence of burns probably does not mark people of color as different from white people of a similar class in their daily lives and activities, although the scarring of white bodies in this way was rarely recorded.⁸⁸

⁸⁶ Registry, Reel 73, no. 1122.

⁸⁷ Registry, Reel 73, no. 1435.

⁸⁸ One exception to this rule was Early Republican sailors of all races who wished a measure of protection against kidnapping by the British navy. See, Simon P. Newman, “Reading the Bodies of Early American Seafarers,” *The William and Mary Quarterly* 55:1 (January 1998): 59-82.

Other people sustained injuries in more dramatic fashion. Like Joiner, some people lost body parts. Losses of fingers and toes were the most common, but eyes and teeth also occasionally were destroyed. The number of people losing teeth can probably be attributed to inadequate diet and primitive dental care, but in the case of Ben Carey, who had also lost his left eye, missing upper teeth as well seemed to indicate some form of trauma.⁸⁹ Several individuals also reported that their scars had resulted from an injury with an axe or knife. Some broke limbs that never fully recovered; Peter Peterson's right arm was "a little bent in consequence of it being once broke," demonstrating that a simple broken bone could have lifelong effects. The most noteworthy injuries included William Stewart's scar on the calf of his left leg "occasioned by the bite of a dog" and the marks Polly Bott sustained on her breast and throat when she was shot.⁹⁰ While these were among the most serious causes, they demonstrate the range of pitfalls a person of color navigated daily, and the registration laws ensured that the physical perils of antebellum life would be far better documented for free people of color than for whites.

We will never know the number of injuries inflicted purposefully, but at least two entries present the possibility that some were: Ned Brandon had "a scar on the inside of the little finger of his left hand occasioned by the finger being marked," and Lucretia Nichols likewise had her left thumb marked.⁹¹ A form of corporal punishment, branding or marking the fingers entailed burning a letter into the flesh to indicate the crime the person had committed. Neither of these registrations stated whether these marks had indeed resulted from punishment, but branding was employed for this purpose, along

⁸⁹ Register, Reel 47, no. 242.

⁹⁰ Register, Reel 47, no. 803; Registry, Reel 73, no 3083.

⁹¹ Registry, Reel 73, nos. 2343, 3159.

with whipping, for both free and enslaved African Americans well into the nineteenth century.⁹² As quick as the registrars were to record the origin of many scars, the absence of more information in these cases or a mention of any scars inflicted by the lash are silences that raise suspicion. Those who had been born free or those with masters and mistresses who felt moved to liberate them may not have confronted the whip, but whipping was even more commonly ordered than branding to punish free and enslaved blacks. It is noteworthy that the registration books that detailed so many marks on so many areas of the body included no mention of people's backs or the kinds of scars that would be particular to people of color alone.

Like injury, illness and infection left their marks on other free black bodies. Several registrations made note of serious scars resulting from an illness called "King's Evil," more commonly known as scrofula, a form of bacterial infection, usually related to tuberculosis, that caused lymph nodes in the neck to swell.⁹³ James Johnson was among those who survived the often deadly disease, meaning the scars "on the right side of his neck and ear" likely resulted when the mass that grew in his lymph nodes burst.⁹⁴ Perhaps to avoid such a fate, Reuben Johnson carried four scars on his neck as a result of two drains or "seatons" having been placed in there.⁹⁵ Other infections were less life threatening but could result in lasting damage, such as the abscess or "whitlow" that left

⁹² Steven Robert Wilf, "Anatomy and Punishment in late Eighteenth-Century New York," *Journal of Social History* 22 No. 3 (Spring 1989): 507-530; See also Hustings Court Minutes, Reels 25 and 26; slaves and free blacks were branded as well as whipped.

⁹³ Todd Savitt, *Medicine and Slavery: The Diseases and Health care of Blacks in Antebellum Virginia* (Urbana: University of Illinois Press, 1978) 44-46. Scrofula was "characterized by a massive tubercular swelling of lymph glands in the neck and then in other parts of the body, followed by a slow wasting culminating in death." Whites contracted the disease, too, but it was one that was most commonly related to extreme poverty.

⁹⁴ Registry, Reel 73, no. 1493.

⁹⁵ Registry, Reel 73, no. 2288.

Becky Bonner's left forefinger "much disfigured."⁹⁶ Caroline Brown's "bone fellow," an even more serious kind of abscess, on her right thumb could have caused tissue death, but as of her re-registration, she still possessed her right thumb.⁹⁷ A congenital anomaly rather than a disease, polydactyly, the appearance of extra digits on one or both hands, affected a small number of people. Charlotte Hunt and Cornelias Coleman left these fully formed fingers or "small projection[s] of the flesh" intact, but others, either of their own volition or someone else's, had them amputated, allowing the court clerks to record the scars and explanations for them.⁹⁸ Perhaps these people or their guardians had them removed to avoid embarrassment or social stigma, but some people wore disfiguring marks for their lifetimes. Of all diseases, smallpox left the most frequently remarked on traces of its devastation in the free black community, and those were the ones who survived the disease. The unsightly pock scars marked them as among the lucky ones.

The limitations of nineteenth century medicine aside, the registrations indicate that free people of color in Petersburg took active steps to prevent and treat their illnesses. In addition to Reuben Johnson, who engaged someone to treat his swelling, and the people who had their extra digits amputated, a number of people bore marks of

⁹⁶ Registry, Reel 73, no. 1865.

⁹⁷ Registry, Reel 73, no. 3194.

⁹⁸ Register, Reels 47 and 73, nos. 514, 647, 1031, 2020, 2084, 2338. According to the Center for Disease Control, polydactyly is one of a number of minor birth defects affecting African Americans at a higher rate than other populations. The others include breast anomalies (mostly supernumary nipples), brachial clefts, and anomalies of the abdominal wall (mostly umbilical hernias). All of these were observed in the registrations. The CDC considers them minor defects because they do not increase morbidity or mortality. They may, however, have caused social distress, causing the amputations. Gilberto Chavez, M.D., M.P.H., Jose F. Cordero, M.D., M.P.H., Jose E. Becerra, M.D., M.P.H., "Leading Major Congenital Malformalities Among Minority Groups in the United States, 1981-1986," *Mortality and Morbidity Weekly Report*, 37, SS-3 (July 1, 1988), 17-24, online <<http://www.cdc.gov/mmwr/preview/mmwrhtml/00001758.htm>> (accessed October 13, 2016).

medical treatment.⁹⁹ A handful of them displayed evidence of cupping, a method used according to humoral theory to draw fluid out of places it had supposedly accumulated to restore balance to the body. But, with cures offering unsure results, prevention seemed more prudent, and many free people of color took action to prevent the pox—smallpox and kine pox. Petersburg, in particular, took the spread of smallpox very seriously. In early 1794 Petersburg formed a committee to protect the town from a smallpox outbreak in Richmond and by May thanked committee members in the newspaper for keeping the town safe.¹⁰⁰ Nevertheless, Virginia law by 1800 illustrates a deep mistrust of inoculation, which at the time consisted of introducing the live virus into the body and risking an epidemic.¹⁰¹ When John Grammer recorded “enoculation” scars, however, he likely he meant variolation or vaccination scars—terms that other registrars later used, however creatively spelled. By 1802, Thomas Jefferson had introduced the new, safer, practice, and he had written to many Virginia doctors instructing them in the procedure and encouraging them to perform it. Dr. John Shore of Petersburg did so enthusiastically, and his return correspondence indicates that this cutting-edge technology would have been available to free people of color. He wrote that not only had Petersburg physicians vaccinated their own families and friends but also advertised that they “would attend one

⁹⁹ Free blacks were able to engage both black and white healers to prevent and treat their illnesses to a far greater extent than the registrations demonstrate, though the number of smallpox vaccination scars does suggest what becomes clearer through further research into other documents. See Chapters 2 and 4 for how families incorporated medicine and medical practitioners into their family care. Savitt, *Medicine and Slavery*, Chapters 5 and 6.

¹⁰⁰ *The Virginia Gazette and Petersburg Intelligencer*, Tuesday, May 20, 1794 (Number 475), Virginia Historical Society, Richmond, Virginia.

¹⁰¹ For more on attitudes about smallpox inoculation in Virginia during the Revolution and Early Republic, see: Philip Ranlet, “The British, Slaves, and Smallpox in Revolutionary Virginia,” *The Journal of Negro History* 84, No. 3 (Summer, 1999): 217-226. Jefferson initially tested this new treatment on his slaves. Luckily for them, it did them no harm. Enslaved people had little choice but to comply when masters wanted to use the as test subjects. Shore Family Papers, VHS.

day in every week at the Court house to inoculate gratuitously, such poor people as wished to take advantage of the blessings of this benign antidote.”¹⁰² It is still possible that free blacks and others were coerced into submitting to the vaccine, but the dozens identified as “enoculated” or vaccinated, along with the prevalence of smallpox scars among the free black population, suggests that individuals chose vaccination in order to protect themselves and their families.

Other bodily marks seem to have been solely expressions of personal identity or aesthetic preferences. Both men and women, in the early part of the period especially, demonstrated a proclivity for pierced ears. References to “holes” in the ears dropped off as the nineteenth century wore on, but it is unclear whether the style was dying out, whether some clerks were less thorough than others, or whether pierced ears became so ubiquitous they were no longer a noteworthy characteristic. What *is* noteworthy is that, while the clerks recorded the prevalence of “holes in the ears for rings,” they never once mentioned any jewelry in them. Is it possible the holes themselves were meant to be decorative or that they represented aspirations for later purchases? It seems likely that at least some men and women had earrings, but perhaps they chose not to adorn themselves for a trip to the clerk’s office. Or that clerks may have thought that earrings, which could be changed or removed, were irrelevant to the record.

Celia Barbour exhibited a scar on her left ear “caused by pulling out her ear ring,” showing that she had, in fact, worn them.¹⁰³ Some, however, either lost interest in wearing earrings or could not purchase them. A fair number who had pierced their ears

¹⁰² Dr. Benjamin Waterhouse to Thomas Jefferson on letter from John Shore, November 27, 1802, Manuscripts, Shore Family Papers, VHS.

¹⁰³ Registry, Reel 73, No. 1319.

failed to keep the holes open and clerks noted the scars where the piercings had “grown up.” Other needlework remained more permanent. Several men, perhaps sailors, had their names or initials tattooed on their arms, and included eagles, anchors, stars, or figures of women for extra decoration.¹⁰⁴ The lone woman who displayed a tattoo may have procured it to declare her affection. Nancy Stewart proudly exhibited “the figure of a man made with India ink on the right arm and the following letters immediately under the same, to wit. J.B. & N.S.”¹⁰⁵ Her tattoo may have indicated her relationship to John Brown, who also had a tattoo. If he were her man who frequently left on long sailing voyages, the couple may have wanted a permanent reminder of their loyalty to one another—though it should be noted Brown sported his initials only. Whether as a mark of pride in one’s profession or a proclamation of devotion, tattoos required one to endure pain and possible infection, and they were almost certainly acts of self-fashioning.

Court clerks may have noted various particulars about hair, at least in part, to distinguish racial admixture for the purposes of identification, but their descriptions can be read to indicate how free blacks chose to arrange or adorn their tresses. Men’s hair tended to be either short or “bushy,” suggesting that some availed themselves of a barber’s services more frequently than others. These descriptions did suggest that black men were not braiding or twisting their hair and tying back as they had in the eighteenth

¹⁰⁴ Simon P. Newman, “Reading the Bodies of Early American Seafarers,” (1998): 59-82. According to Newman, tattoos were almost exclusively a mark of long service at sea. He posits that the seamen acquired these tattoos to represent pride in their craft, religious beliefs, political ideology, and ties to people and institutions on land. His source base, “certificates of citizenship” meant to protect sailors from impressment by the British Navy, tells a similar story to the registration records, as free blacks often used the marks on their bodies to protect themselves from re-enslavement. That Nancy Stewart acquired a tattoo is particularly interesting. Newman states that most tattooing happened on board ships out to sea. It is possible that her partner or a friend learned the technique and performed it for her on land. I suppose it also raises the possibility that Nancy Stewart had at one point gone to sea. Many thanks to Cindy Hahamovitch for pointing me toward this article.

¹⁰⁵ Registry, Reel 73, no. 2361.

century.¹⁰⁶ Only a handful of men kept their hair long or “rather long,” and they tended to have lighter complexions, implying that long hair was a prerogative of mixed-race men and boys, though not necessarily a popular style.¹⁰⁷ Conversely, over a third of women’s registrations commenting on hair noted that it was long, whether bushy, curly, or straight. Descriptions of women’s hair as short—including a few with adjectives like “knotty,” that implied it—were about half as numerous as registrations of women with long hair. Short hair on women may have stood out to white men whose mothers, wives, and daughters most likely kept their hair long.¹⁰⁸ For free women of color, keeping hair short may have been a practical choice as much as one relating to fashion as the style saved them time needed to their care for their families and work for wages. Only 10 percent of all registrations, including those for both men and women, made any mention of hair, and, as with other features, John Grammer was the registrar most likely to comment at all.

In order to comment on the color, texture, and length of hair, the registrar had to see it. When registrants wore shoes, which Grammer was the most likely of all the clerks to note, he also described scars and burns on the feet, and it could follow that in the

¹⁰⁶ Stephanie M.H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004), 84; Shane White and Graham White, *Stylin’: African American Expression From Its Beginnings to the Zoot Suit* (Ithaca: Cornell University Press, 1998), 70-71; Helen Bradley Foster, *New Raiments of Self: African American Clothing in the Antebellum South* (New York: Berg, 1997), 245-271; Jose Blanco, Patricia Kay Hurst-Hunt, Heather Vaughan Lee, and Mary Doering eds., *Clothing and Fashion: American Fashion from Head to Toe Volume Two: The Federal Era Through the 19th Century* (Santa Barbara, CA: ABC-CLIO, 1996), 33-38.

¹⁰⁷ Register, nos. 145, 952, 1168, 1173, 1292. Ages were 4, 6, 21, 25, 26.

¹⁰⁸ For some, it may have been a mark of enslaved status. Preliminary research indicates that hairstyles carried special meaning in most African communities, and some assert that shearing hair was a first step enslavers took to eradicate identity. Like head coverings, discussed below, short hair could have taken on additional meaning, from practicality to rejection of popular beauty norms, many of which took time and money to achieve. Much has been written about blacks’ desires to grow and straighten their hair in the later nineteenth century. Earlier in the century, short hair may have been a rejection of head covering AND the predominant beauty norms denoting feminine respectability. Foster, *New Raiments of Self*.

instances where he remarked upon hair that the person had arrived wearing a covering that they then removed—a straw or woolen hat for men or a fabric headscarf for women. In other southern locales, such as New Orleans, lawmakers worked to ensure that free blacks could not adopt styles of dress that implied equality with whites, so they mandated that all women of color cover their hair. Women there responded by devising elaborate head wraps to announce their status and personal style.¹⁰⁹ Thus, a form of oppression tying all black women to enslaved status became a form of personal and community empowerment. In Petersburg, however, no such requirement to cover hair existed, and free people of color could have eschewed head coverings as a mark of slavery. Because the vast majority of registrations mention neither hair nor head coverings, it is difficult to get a sense of exactly what wearing or not wearing one meant to people of color in Petersburg, or even what the majority of people did. However, these sources hint at elements of personal style and expression and reveal what might in the end, be expected: hairstyles for men varied little, while those of women, along with the descriptions of them, reflected a variety of preferences and, perhaps, lifestyles or concerns.

One of the most prominent ways free people of color asserted themselves and announced their ties to family and community was through naming. In fact, studying names throughout the registrations can be perplexing and misleading, but they offer important insights into how free people of color crafted personal identities and family histories.

¹⁰⁹ Amrita Chakrabarti Myers, *Forging Freedom*, 116; Kimberly S. Hanger, *Bounded Lives, Bounded Places: Free Black Society in Colonial New Orleans, 1769-1803* (Durham: Duke University Press, 1997); Blanco et al., *Clothing and Fashion*, 35.

Historians have examined naming patterns among slaves and free blacks, and they have noted a mix of names chosen by people of color as well as names chosen for them. Some assert that naming was a way to distinguish a person's race and status--that some names were reserved for enslaved people alone, such as classical names meant to mock enslaved status, that enslaved people often had nicknames foisted on them instead of more formal versions of those names, and that, once free, people of color carried these names forward. Melvin Patrick Ely has shown that plenty of whites had odd classical names or used diminutive name forms and that southern culture did not rigidly segregate names based on race.¹¹⁰ Petersburg records seem to align with the latter conclusion, but while the names themselves did not announce race or free versus enslaved status, they did carry important meanings for African Americans. Free people of color often chose to employ those names, much as whites did, but they also exhibited less reliance on patriarchal naming patterns and may even have retained some naming practices from their African pasts.¹¹¹

The vast majority of free African Americans registering, upwards of 96 percent, did so using a surname. While many, even most, enslaved people claimed last names, whites rarely recorded or even took note of these. Many free blacks seemed to use the registration process to begin their legal identities as people with surnames. In 1808, John Grammer registered "Randal," who was discontented with only his first name appearing on his certificate. The note in his entry says, "He calls himself Randal King—but his

¹¹⁰ Ely, *Israel on the Appomattox*, 295-301.

¹¹¹ Wilma King, *Stolen Childhood: Slave Youth in early Nineteenth-Century America*, 2nd ed., (Bloomington: Indiana University Press, 2011), 46-51; James Oliver Horton, *Free People of Color, 154-156*.

Indentures by which he was placed as an apprentice is called Randal only.”¹¹² Ever the stickler for detail, Grammer conveyed that King associated himself with that name but might not have had a legal right to it. In other cases, he made his doubt known but yielded to free African Americans’ desires to be recognized by a name of their choosing. Examples abound, such as “Judy, alias Judy Harrison.”¹¹³ Other people first registered with only their first names, but claimed a last name in subsequent entries. Grammer wrote that a man called simply “Anthony” in 1809, 1815, and 1817 was “*called* Anthony Dickson” in 1819.¹¹⁴ The last names chosen reflected a number of possibilities. Some chose surnames that corresponded to that of a former owner, perhaps especially if that former master was prominent or espoused universal emancipation; others chose names that linked them to their families or communities in other ways. The names chosen seem to have been intended less to fashion individual, distinct identities than to demonstrate belonging in the white or the black community, or in both.

Men and women alike seem to have added or changed surnames over the years, complicating the easy assumption that these women merely added a last name when they married. Nancy Rouse had seemed suspect to Grammer when trying to change her name to Johnson upon her marriage, but she did announce her reason for the name change.¹¹⁵ She and others who indicated similar motivations demonstrate that marriage may have prompted some, perhaps many, women to add to or change their names, but clear connections among marriage and surnames are sometimes elusive. As demonstrated earlier, Sucky Ellis, Coaty Pettiford, and Rebecca Moody all kept their last names in the

¹¹² Register, Reel 47, no. 435.

¹¹³ Register, Reel 47, no. 332.

¹¹⁴ Register, Reel 47, no. 479.

¹¹⁵ Register, Reel 47, no. 135.

registration records that also recognized them as married. Some women, such as Nancy Carter Valentine, added their partners' names to their own, and some women continued to use a first husband's name while simultaneously going by a subsequent spouse's, like Lurany Butler King did for a time.¹¹⁶

Many free African Americans followed the custom of endowing their children with their fathers' surnames, whether the parents were married or not. Venus Hogan seemingly bestowed fathers' names upon all of her children, though no evidence exists that she married any of them. When naming children, however, the standard pattern of using the father's surname was not universal. According to Historian James Horton, most surnames bestowed upon children belonged to their fathers, with those family names eschewed only if they belonged to unkind or unworthy men. Horton suggests that these unkind or unworthy men were often white, but the registration records reveal instances where the father was none of those things, and, in fact, was recognized as the children's father and their mother's husband, though none of them shared his name.¹¹⁷ John Matthews and Viney Butcher, recognized as husband and wife, chose to name their three children after her, register their children together in the clerk's office, and have him named as having control of them.¹¹⁸ Other women added a particular family name to all their children's names, like Molly Giles, who ensured all of her children carried her name along with that of their father, her husband. Nancy Kemp Jasper felt compelled to continue the Kemp name through her own two children, who seemingly carried their

¹¹⁶ Registry, Reel 73, no.1327.

¹¹⁷ James Oliver Horton, *Free People of Color*, 154.

¹¹⁸ Registry, Reel 73, nos. 1970-1972.

different fathers' last names; she registered them as William Kemp Coy and Nancy Kemp Taylor.¹¹⁹

Other women chose to continue their family's name without qualification. The Corn family continued this tradition across three generations, with the children all carrying the last name Corn, male or female. Sally Corn junior had three children, Indiaana, Lavina, and Benjamin. On the back of her registration certificate the clerk noted that Sally had died but that the children's father, John Cox, decided that Hannah Corn, the children's aunt, should be responsible for them. These children had a known, black father, and yet the mother's family remained the locus of identity and care.¹²⁰ Women in the Byrd (or Bird) family also tended to claim their natal name. Married to Bob Byrd, Patty Byrd senior was mother to Martha Byrd, grandmother to Sally Byrd, and great-grandmother to Mari-Ann Byrd.¹²¹ The use of these names may have evoked status or important elements of family history. The Coleman Family, for instance, all earned their freedom because of shared lineage from a woman known to be an Indian, which meant they had been illegally enslaved. Maintaining the same name kept alive this family's story and its links to this person.¹²² Other choices may not have been as dramatic but could have been equally meaningful for the bearer. Betty Williams registered her granddaughter, Catharine Cox, because Patty Williams, the girl's mother and Betty's daughter, had died. As an adult, Catherine registered as Catherine Williams, either

¹¹⁹ Register, Reel 47 no. 364, Registry, Reel 73, no. 945.

¹²⁰ Petersburg, City of Circuit Court, Free Negro and Slave Records, 1809-1865 Box 1, Manuscript, Library of Virginia; *Registrations*, nos. 617, 1056-58, 1615-1619; The names were written as Indiaaner, Lavinier, and Hanner, suggesting an over correction on the part of the clerk recording them, meaning he was conscious of the southern habit of dropping the final R sound, which he tried to correct in his records, incorrectly in this case. See, Ely, *Israel on the Appomattox*, 291-294.

¹²¹ Register, Reel 47, nos. 192, 253, 759.

¹²² Register, Reel 47, nos. 11, 32, 33, 37, 58, 133, 138, 139, 170, 217, 290.

indicating either she had coincidentally married a man with that common last name or that she had chosen to recognize her connections to her mother's family.¹²³

Some children went by their mother's names as minors but adopted their fathers' names as adults. Robert Fagan or Traylor, son of Anna Fagan, "was registered while a minor by the above number and name of Fagan but now passes by the name of Robert Traylor."¹²⁴ James and Robert Bonner had reached their majority before registering for the first time, but both changed their surnames shortly after. James Bonner renewed as James Fells and Robert Bonner as Robert Chieves.¹²⁵ Upon reaching twenty-one Ezekial Chavis changed his name to Ezekial Stewart, with his mother noted in his first registration as Milly Chavis and in the renewal as "Milly Chavis formerly Milly Stuart."¹²⁶ One explanation for this change could be that Milly had been married to Ezekial's father whose last name was Stewart or Stuart but that she remarried and changed Ezekial's name to associate him with her and verify his free birth. Once he was old enough, Ezekial claimed his father's name. Since these name changes seem to signify a shift from minor to adult status for men, it becomes harder to simply count name changes among women in this age cohort as the result of marriage. In light of these men's name changes, a registration for Agnes Brander formerly King, nineteen, and Salina Bonner formerly Salina Hill, twenty-five, must be reconsidered.¹²⁷ The registration of Sarah Banks, age four, illuminates the phenomenon of unmarried women shifting names; the clerk noted that she was "sometimes called Sarah Banks Elliott," daughter of

¹²³ Registry, Reel 73, no. 1116.

¹²⁴ Registry, Reel 73, no. 923.

¹²⁵ Registry, Reel 73, nos. 2448, 2449.

¹²⁶ Register, Reel 47, no. 432.

¹²⁷ Registry, Reel 73, nos. 2484, 2495.

Pamelia Banks.¹²⁸ Sarah, it seems, was sometimes known by her father's name and sometimes by her mother's, depending on the context.

One man may have chosen to cast off his enslaved surname by adopting his free wife's name after earning his freedom. Emancipated by Henry Featherston in Chesterfield County, he registered as "Tom Aba or Banister." In the very next entry, a Betsy Banister in the same age cohort—and presumably his wife—registered, followed by Polly Banister and Caroline Banister, daughters of Thomas Banister. On this same day, William Abba, also emancipated by Henry Featherston in Chesterfield, registered.

¹²⁹ It seems possible, and even likely, that William and Thomas were enslaved relatives, perhaps brothers with the surname Abba who gained their freedom, and that Thomas changed his name to that of his wife and daughters to indicate his free status and to reinforce that of his free daughters. Nevertheless, he was the one who registered his daughters and claimed responsibility for them, indicating that his choice to take his wife's name did not compromise his patriarchal prerogatives. According to Horton, the naming practices linked blacks to their African cultural roots, especially when changing one's name to reflect a change in life circumstance—such as becoming free, reaching majority, or marrying, something that both men and women did.¹³⁰ Through naming, free black people asserted themselves as Americans and as African-descended people with ties to a collective past.

African Americans demonstrated the importance of family and community ties—to both blacks and whites—most clearly in the ways they worked for emancipation.

¹²⁸ Registry, Reel 73, no. 2745.

¹²⁹ Registry, Reel 73, nos. 2108, 2109, 2112, 2113, 2117.

¹³⁰ Horton, *Free People of Color*, 155.

Blacks benefited from the passage of the 1782 manumission law and from those whites whose ideological opposition to slavery led them to invoke that law by manumitting their enslaved property in its entirety. But many enslaved individuals had to earn their freedom after intense negotiations with owners, after which these enslaved people then worked, often for years, to free themselves, their families, and other enslaved people. Manumission never became a concerted assault on the institution of slavery in Virginia and, in fact, encouraged enslaved people to work within the system for opportunities to become free. But that did not mean an “every man for himself” mentality among African Americans with regard to freedom. Confirmed by deeds of manumission, the registration records indicate the importance of collective emancipation.¹³¹ Whether by working hard to win the approbation of a master or mistress so that he or she would bestow freedom, laboring on one’s own time to earn extra money to purchase freedom for oneself or another, or securing an attorney who would sue to prove unlawful enslavement, earning and maintaining freedom entailed concerted and sustained effort.

In addition to those who began negotiations with their masters while they were alive, some enslaved people seized the opportunity to bargain for their self-purchase after an owner’s death. Queen Williams and Sarah Jones registered together on May 9, 1803, both listing Watson Stott as their emancipator. Queen’s 1802 deed of manumission suggests that the women may have contracted with Stott to purchase them from the estate of their owner, Neil Buchanan, at public auction. Stott did not state what price he paid, saying only that he freed Queen for “divers good and sufficient causes;” it may be that

¹³¹ Jessica Millward, *Finding Charity’s Folk: Enslaved and Free Black Women in Maryland* (Athens: University of Georgia Press, 2015); Erica Armstrong Dunbar, *A Fragile Freedom: African American Women and Emancipation in the Antebellum City* (New Haven: Yale University Press, 2011), 31-33; Luther Porter Jackson, “Manumission in Certain Virginia Cities,” 284-287.

Williams and Jones identified him as someone who, for ideological or other reasons, would be willing to facilitate their bid for freedom. In 1810, Williams registered a sixteen-year-old daughter, Maria Williams, freed by Robert Pollock and Watson Stott in 1806, and, in 1816, she registered a thirteen-year-old freeborn daughter named Sally Jones. Sarah Jones, seventeen years older than Queen Williams, could have been the younger woman's mother, whom Queen honored by naming this first child born in freedom for her, as Sally was a common diminutive of Sarah. Williams subsequently purchased her elder daughter's freedom just in time to keep her from having to leave the state. The deed reveals the possibility that Queen Williams contracted for her own freedom; the registration records show that her vision of freedom was not solitary and that she worked to free her entire family from bondage.¹³²

Family strategies for obtaining freedom like this one permeate the registration and emancipation records. Both men and women purchased and freed family members, but men were somewhat more likely to do so. Brothers James and Thomas Bolling seem to have contracted with their owner, John Meade, for self-purchase, with James achieving it in 1833 and Thomas in 1838, likely from his earnings as a waiter at Powell's Hotel. Meade may have allowed Thomas Bolling to hire himself out there for wages, a portion of which would have gone to Meade himself. James purchased and freed his wife Harriet in 1842, and Tom managed to free his two children, Fanny and James, in 1844, his wife having died before he could purchase and emancipate her.¹³³ Tom's original registration

¹³² Register, Reel 47, nos. 250, 251, 592, 807; Queen: Deed of Manumission, African American Digital Collection, LVA.

¹³³ Registry, Reel 73, nos. 2629, 2777, 2778, 2921, 3113, 3116, 3117; James Bolling: Deed of Emancipation, 1838, African American Digital Collection, LVA; Thomas Bolling: Deed of Emancipation, 1839, African American Digital Collection, LVA.; Harriet Bolling: Deed of Emancipation, 1842, African

in 1841 shows that he registered at the same time as Sally Cox, who had been freed by one Henry Davis, and she re-registered in 1844 as Sally Bolling, by then Tom's wife and James and Fanny's stepmother.

John Booker also worked to free his enslaved family, an endeavor spanning over thirty years. Registering for the first time in 1825, Booker had actually been living as a free man since 1808, when he purchased his freedom for \$700.¹³⁴ The law forbade him to remain in the state without permission from the state legislature. Though that law was only sporadically enforced, John Booker took no chances and became the nominal slave of Henry Haxall--for departing the state would mean leaving his enslaved wife and two small sons, a cost too dear to exchange for even full freedom. In 1820, the census listed Booker as a head of household, even though he was still technically enslaved. When Henry Haxall died in 1825, state law had changed to allow petitions to remain in the state to be heard in local courts, making it much more likely Booker would be granted permission to do so. Henry's brother and estate administrator, William Haxall, officially emancipated John, and the registrations and subsequent Booker emancipation records reveal how complex John Booker's years of maneuvering on behalf of his family had been.¹³⁵

Upon his death in 1831, John Booker's daughter-in-law, Caroline Wilson Booker, a free woman of black and Native American descent, registered Booker's free

American Digital Collection, LVA; James (and Fanny) Bolling: Deed of Emancipation, 1844 African American Digital Collection, LVA; John Bolling: Deed of Emancipation, 1845 African American Digital Collection, LVA; Dorothy M. Colson, Family History, Colson-Hill Family Papers, Box 1, Folder 10, VSU.

¹³⁴ John Booker: Emancipation, 1825, African American Narrative Digital Collection, LVA.

¹³⁵ "An Act to amend an Act, entitled, An act Concerning the emancipation of slaves," Slavery Statutes, Virginia 1815—December Session, HeinOnline (accessed June 14, 2018). That he waited until after Haxall's death demonstrates that he may have felt more secure without officially free status while nonetheless enjoying the benefits of freedom.

granddaughter Priscilla acting as her guardian. Priscilla was the daughter of John's enslaved son Cornelius and a free woman who had likely died. Caroline had married John's son, Jack, also enslaved at the time, and she registered their child, Elizabeth, on the same day. Within a month, however, Jack and two of his brothers gained their freedom. The person named as their emancipator was William Shippen of Pennsylvania, who emancipated them on behalf of Jane Gray Haxall, Henry's widow and Shippen's mother-in-law. John Booker had entered into his re-enslavement contract with Henry Haxall because Henry already owned John's enslaved family, and they came to the understanding that John would work to buy and eventually free his enslaved family members.¹³⁶ The 1830 census reveals that most if not all of these enslaved family members were living as free, with enslaved Jack Booker heading his own household, meaning that the formality of freeing them was only deemed necessary once John Booker had died. Booker did not see his family emancipated in his lifetime, but they lived as free and built successful lives even before formal emancipation came, demonstrating that legal freedom was sometimes less important than the lived experience of it and that family played a central role in that experience.

In addition to securing freedom for their own family members, some women facilitated emancipation for other, non-related people. Jane Minor, also called Jensey Snow, was the most famous female emancipator in Petersburg, with at least sixteen women and children in the registration records owing their freedom to her.¹³⁷ Minor earned her own manumission through her skill as a nurse and used that skill to prosper

¹³⁶ Booker et al vs. Booker, admr of Booker et al, Chancery Causes, 1845-041, Petersburg (Va) Chancery Records Index (digital), LVA.

¹³⁷ Registry, Reel 73, nos. 2618-2622; 2755-2760; 2808, 2907-2910.

and to allow others to join her in freedom.¹³⁸ How and why Minor dedicated herself to this cause remains unclear, and her reasons probably reflected both altruism and self-interest. The 1830 census lists two households headed by a Jane or Janey Minor, both of them including only one free woman of color, in the age bracket thirty-six to fifty-four, along with certain enslaved people. Minor's first household consisted only of five enslaved women and girls. Her other household included a mix of enslaved boys, girls and women. The registration and manumission records show that Minor did not begin to free any of her slaves until after 1838. This date is conspicuous because in the previous year the legislature expanded the grounds for which newly emancipated people could be allowed to remain in the state, giving the local courts more discretion. General good conduct was easier to prove and justify than "meritorious service." The fact that Minor began emancipating her nominal slaves immediately after the law changed points to altruistic motives for her actions.

Other cases hint that Jane Minor required that the enslaved person's purchase price be repaid to her before she freed them, perhaps with interest. Minor had paid \$700 for Phebe Jackson's purchase on July 14, 1840. As she freed Jackson a mere week later, it seems that Jackson either had saved the money for self-purchase ahead of time, with Minor acting as a mere facilitator, or that Minor emancipated Jackson so her debtor could move more freely and repay Minor more quickly. Jane Minor may have seen Phebe Jackson as a good risk since Jackson was a fellow healer, skilled in cupping and

¹³⁸ Nancy: Deed of Emancipation, 1792, African American Digital Collection, LVA; Petersburg, Virginia, Register of Free Negroes and Mulattoes, 1794-1819 #1-944, Microfilm, Reel 47, LVA, no. 1; Betty: Emancipation, Petersburg (Va.) Hustings Court Deed Book 1: 1784-1790, Microfilm, Reel 1, 270; Terressa: Emancipation, Petersburg (Va.) Hustings Court Deed Book 1: 1784-1790, Microfilm, Reel 1, 303; List of People of Color in Petersburg, 1803, African American Digital Collection, LVA; Register, Reel 47, LVA, nos. 189, 194, 205.

leeching.¹³⁹ But Minor's other emancipations or lack of them indicate that she benefited from some of the enslaved women's labor, as they reimbursed her for the cost of their purchase or simply worked for her.¹⁴⁰ The week following Jackson's purchase, Minor purchased five children, the offspring of Emily Smith whom she also acquired. Jane Minor emancipated those children the very same day. All six of these newly freed people, Jackson and the Smith children, registered with the court on December 21, 1840, but Emily Smith did not register nor was she included in the emancipation. It seems that Emily Smith agreed to remain Minor's slave to work off or pay off the \$1500 Minor spent to purchase her family. Furthermore, the ages of the people in the census represented some, but not all, of the sixteen people who registered as freed by Minor between 1838 and 1842, meaning that Minor may not have emancipated all those whom she bought. Nevertheless, Minor faced occasional fines for allowing the enslaved people under her charge go about as free, so many of them must have enjoyed at least quasi-free status while living with her.¹⁴¹ Whatever her stipulations may have been, Jane Minor became an avenue to liberty for several women whose primary goals included freedom for their children.

¹³⁹ Phebe Jackson: Deed of Emancipation, 1840, African American Narrative Digital Collection, LVA.

¹⁴⁰ 1830 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (accessed November 2016); "An Act amending the laws concerning emancipated slaves, free negroes and mulattoes," Slavery Statutes, Virginia—1836-1837 Session, HeinOnline (accessed April 21, 2018), 47-49. Minor's actions are particularly interesting because of the 1832 law that stated, "No free Negro shall hereafter be capable of acquiring ownership, except by descent, to any slave other than his or her husband, wife or children; and all contracts for any such purchase are hereby declared null and void." "An Act to amend the act entitled, an act reducing into one the several acts concerning slaves, free Negroes and mulattoes, and for other purposes," Slavery Statutes, Virginia—December 1831, HeinOnline (Accessed April 21, 2018): 20-21.

¹⁴¹ Petersburg, Virginia, Execution Docket, 1823-1863, Microfilm, Reel 47, LVA.

Among the earliest free African American registrants were those who had pursued their rightful entitlement to freedom in court and thereby demonstrated the importance of family memory. Appearing as number eleven in the Petersburg registry, Charles Coleman had been “born in possession of John Hardaway but [had earned his] freedom from Judgement of the General Court because of being descended from an Indian Woman.”¹⁴² Arguing for freedom based on a mother’s status was not new in Virginia law; what was new was arguing that Indians might not have been legally enslaved in the eighteenth century, the claim that Charles and eleven other Colemans made based on their lineage from Judith Coleman.¹⁴³ The court found in their favor, and the ruling, a decade prior to the private emancipation law, opened up a path to freedom for dozens of Afro-Virginians of Indian descent, many of them claiming Judith or Judy as that ancestor. Relying on the decision in *Robin et al. v. Hardaway*, other Colemans also pursued their freedom in court, and, by 1833, thirty-five free Petersburgers claimed the name. The Wilson family, related to the Colemans, also asserted their descent from Judith and won their freedom. In these cases, taking the issue to court meant freedom for entire extended families, and they blurred, though did not eradicate, legal definitions of race and freedom in Virginia. After all, these people were judged free as Indians but required to register as Negroes, revealing that complex and contradictory racial definitions still greatly influenced their lives.

The registration records demonstrate a shifting and occasionally treacherous racial reality for free people of color. Those who complied with the registration law and carried

¹⁴² Register, Reel 47, no.11.

¹⁴³ Honor Sachs, “Freedom By a Judgment” (2012): 173-203.

these documents demonstrated what was at stake for them: personhood, protection, family, and community—all of which could be threatened in times of heightened racial tension or even when going about their daily activities. Belonging to a community in which you were known or having the properly executed documents greatly eased some of these pressures. Free people of color in Petersburg made diverse choices and conducted complex negotiations regarding identity and family, all displayed through the common experience of registration, a process that labeled them as both black and free. How they chose to enact that freedom and that blackness varied, and so did the compositions of the households they created.

Molly Giles, the woman whose registration began the chapter, still lived as William Curl's wife by 1830, but her daughters seemingly chose or were into forced into different paths. Registering under their mother's supervision in 1812, Lucinda and Patience Giles Curl were both mothers to infants under two. In 1822, Molly returned to the registrar's office with another daughter, Milly, who was holding her own very light skinned infant son. Molly, at that time, registered Lucinda's other three children, all bearing the last name Curl and orphaned since Lucinda had died.¹⁴⁴ Molly Giles and William Curl raised their grandchildren in their household, continuing to care for the family they had founded in slavery and reared in freedom.¹⁴⁵ What their marriage meant to them and how it influenced the kinds of partnerships their daughters formed remains beyond our grasp. Only Lucinda's youngest children remained in the Giles-Curl household by the 1830 census, and none of the other children or grandchildren appeared.

¹⁴⁴ Registry, Reel 73, nos. 1166-1168.

¹⁴⁵ 1830 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed February 2018).

Had Lucinda married a man who, like her and her eldest son, had died? Was Milly's child fathered by a white man? While we may never know the answers to those specific questions, the following chapters illustrate the many possibilities from which Molly Giles and William Curl's children may have drawn.

Chapter Two “Kiss the Boss”: Patriarchal Marriage

In 1845, Mary Colson wrote to her mother, Sarah Jackson, in some distress over plans for her upcoming nuptials. With her wedding a mere two weeks away, she had no time to “loose” and found herself “without one cent.” Mary requested that her mother approach Mary’s stepfather for help. “You will please say to Mr Jackson that I will feel under many obligations to him if he will loan me \$20 as I cannot get many things which I am compelled to have to be married.”¹ Mary wanted to ensure that she began her married life with propriety and decorum, and she assured her mother that the money would be repaid once she was married, when, presumably, her husband would settle her debts. Drawing on her understanding of gender roles in marriage and of her family’s commitment to respectability, Mary further enjoined, “Mother you must kiss the Boss and get some money for me I know you can get it.”² She sent further instructions that her mother was to “please send me all my small clothes a pair of Linnen sheets and what you choose by James,” her brother. With the money and her trousseau, Mary became wife to John K. Shore, who, like her grandfathers and father, was an accomplished barber. Within the year, the Shores welcomed a daughter, Julia, and letters and receipts outline the contours of a prosperous life in which marriage and family played a central role. Nineteenth-century gender roles figured prominently in these family letters; what is missing is any indication of race.

¹ Mary Colson to Sarah Jackson, March 31, 1845, Colson-Hill Family Papers, Box 3, Folder 1, Virginia State University, Petersburg, Virginia.

² Mary Colson to Sarah Jackson, March 31, 1845. Mary’s statement here implies her recognition that Booker Jackson, as the legal head of his family, controls the money. She believes that Jackson’s affection for his wife, Mary’s mother, will sway him to part with the cash. The statement was meant in a teasing way but acknowledged Booker Jackson’s patriarchal control.

For free people of color, the legal and ideological terrain of the post-Revolutionary War South offered new possibilities for freedom but also imbued physical appearance with new meanings that shifted the significance of marriage. Though Virginia law had linked heritable enslavement to blackness by the early eighteenth century, Virginians felt no need to justify enslavement in a world of hierarchy—the relationships of king and subject, master and servant, and husband and wife operated on a clear understanding of divinely mandated inequalities and relations of domination and subordination. It was only when founding a new nation philosophically based on the inherent freedom of all people that defenders of slavery needed to rationalize the denial of liberty to most blacks, and they elaborated their concept of race in some new ways in order to do it. Thomas Jefferson, in *Notes on the State of Virginia*, asserted many examples of supposed white superiority in the qualities of beauty and reason before concluding, “This unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people.”³ Black skin itself, then, indicated inherent human inferiority that mandated enslaved status and justified unequal legal and social treatment of free African Americans.

This racist defense of slavery hinged in no small part on perceptions of black sexuality and family. Jefferson pointed to hypersexuality as a particularly troubling and telling difference between whites and blacks. According to him, black women mated with orangutans, and black men were “more ardent after their female: but love seem[ed] with them to be more an eager desire, than a tender delicate mixture of sentiment and

³ Thomas Jefferson, *Notes on the State of Virginia*, Electronic ed. (Chapel Hill: Omohundro Institute and University of North Carolina Press, 2006), 143.

sensation.”⁴ Another Virginia lawyer put it this way, “it is not to be expected that this color of our population should have the same restraints and the same sense of honor and propriety, the instances are indeed rare in which the females lead a chaste and honorable life.”⁵

Such pronouncements ignored the effect of slavery on the family life of the enslaved. Virginia law did not recognize or protect slave marriages; doing so would violate the slave master’s prerogatives with regard to his property. As a result, partnerships among slaves were frequently transient and always vulnerable. Negative white depictions of black sexuality, outlined above, legitimized slaveholders’ violations of enslaved marriages, and the cruelties of enslaved life that disrupted marriage further fueled these widespread white views. Freedom, however, allowed people of color access to legal marriages and other partnerships of their choosing. The ability to form long-term, monogamous unions outside of a master’s control was a significant component of freedom; the choice to enact these kinds of partnerships also implicitly resisted slavery and the justifications on which it rested.⁶

Free blacks did not marry, formally or informally, at the same rates that whites did, but the obstacles married couples overcame to found and maintain their families demonstrates the value they placed on their unions. In early nineteenth-century Virginia, legal marriage existed alongside partnerships in which couples fulfilled the

⁴ Jefferson, *Notes on the State of Virginia*, 139.

⁵ *Jones v Jones*, Chancery Causes, 1852-050, Petersburg, Virginia, Chancery Records Index (digital), Library of Virginia, Richmond, Virginia.

⁶ Tera W. Hunter, *Bound in Wedlock: Slave and Free Black Marriage in the Nineteenth Century* (Cambridge: Harvard University Press, 2017); Evelyn Higginbotham, “African-American Women’s History and the Metalanguage of Race,” *Signs* 17, no. 2 (Winter 1992): 251-74; Barbara Jeanne Fields, “Slavery, Race and Ideology in the United States of America,” *The New Left Review* 181 (May/June 1990): 95-118.

responsibilities of marriage but did not enter into a contract overseen by the state. Both blacks and whites formed these kinds of unions in which the legal benefits of marriage, such as inheritance, were often conferred even without a marriage contract.⁷ Even if we count as married those couples joined through unlicensed spousal unions, Mary Shore's choice to wed still placed her in the minority of black women in Petersburg. In 1830, the census identified 56 percent of free black households as headed by women, an astronomical number when compared with the 12 percent of woman-headed white households.⁸

Many factors explain this disparity between white and black women, including gender imbalance, economic deprivation, racist laws and practices, and personal preference.⁹ In Petersburg, free black women outnumbered free black men three to two, limiting the available pool of potential free partners and often demanding flexibility and creativity when establishing relationships. Limited economic opportunity, inequality under the legal and political systems, and in many cases the continued enslavement of family members, including spouses, ensured that free blacks would often, if not continually, exhaust resources and energy to assert and maintain what most whites took

⁷ Nicholas Syrett, *A History of Minors and Marriage in the United States* (Chapel Hill: University of North Carolina Press, 2016); Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000), especially 33-36; Peter W. Bardaglio, *Reconstructing the Household: Families, Sex, & the Law in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 1995).

⁸ 1830 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed June 2017).

⁹ Hunter, *Bound in Wedlock*; Amrita Chakrabarti Myers, *Forging Freedom: Black Women and the Pursuit of Liberty in Antebellum Charleston* (Chapel Hill: University of North Carolina Press, 2014); Beverly Bond, "'The Extent of the Law': Free Women of Color in Antebellum Memphis, Tennessee," in *Negotiating Boundaries of Southern Womanhood: Dealing with the Powers that Be*, ed. Janet L. Coryell, Thomas H. Appleton, Jr., Anastatia Sims, and Sandra Gioia Treadway (Columbia, University of Missouri Press, 2000) 7-26; Suzanne Leacock, *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1850* (New York: W.W. Norton & Company, 1985).

for granted—freedom for themselves and their family members. These disadvantages not only caused free women to formally marry at lower rates than their white counterparts but also contributed to obscuring many marriages in the historical record. A free woman’s enslaved husband, for example, might have been counted in his master’s household in the federal census, and town enumerations of free people of color did not count enslaved household members. Women, thus, were legally the heads of these households, though they may have considered themselves to be wives. Though mixed-status couples could not legally wed, they nonetheless experienced meaningful spousal unions. Labeling those relationships marriage does not close the gap between white and free black marriage rates entirely, but it does suggest that more women of color were de facto married than the census records could reliably capture--and that, perhaps, black households headed by a single woman were actually in the minority.¹⁰

Because both of those things were true—that free women outnumbered free men in Petersburg and that race-based restrictions depleted financial and emotional resources—personal preference may have played a secondary role to necessity when choosing various kinds of sexual, romantic, or household relationships. Furthermore, choices had consequences. For women, the choice to legally wed entailed the disability of becoming *femmes couvertes*, subsumed under their husbands’ legal identities with little control over their property, income, and children.¹¹ Men choosing to wed thus assumed

¹⁰ Tera Hunter notes this possibility as well, stating that free black families, “tended to be more complicated than census representations could capture, relying as they did on cooperation with extended kin and adopted kin across multiple households, not just among those who shared a single dwelling.” Tera W. Hunter, *Bound in Wedlock*, 106.

¹¹ Lebsack, *The Free Women of Petersburg*, 23-24. “Marriage brought an automatic transfer of the woman’s property rights to her husband. The husband assumed absolute ownership of his wife’s personal property, and for all practical purposes, he owned her real estate as well. The husband also owned

authority and the right to their wives' assets as well as their productive and reproductive labor. It is perhaps not surprising, then, that, while women headed 56 percent of free black households, 85 percent of black households headed by men also contained adult women.¹² We cannot assume that all of these women were wives, but corroborating evidence suggests that many of them were. These percentages also indicate that men found it difficult to sustain independent households without adult women. Examining the lives of leading free African American men, Luther Jackson asserted that many prominent Petersburg residents led "regular family lives" of which "their descendants could be proud."¹³ For free men of color, marriage may have been more accessible than for black women and a desirable marker and facilitator of masculine freedom.¹⁴

That so many men found willing partners suggests that choosing marriage also enhanced free status for many women of color, that they saw it as a rejection of the sexual exploitation at the center of enslaved women's lives. Though many enslaved women formed partnerships that they and their families saw as marriage, their unions came with none of the legal protections that status conveyed to free people, subject always to the will of the person or people who owned them. Since a child's status

his wife's services. If she were gainfully employed, he owned her wages." Benefits for women included the right to support, payment of her debts, and dower, or one-third of a husband's estate upon his death. See also, Anya Jabour, "It Will Never Do for Me to Be Married," *The Life of Laura Wirt Randall, 1803-1833*, *The Journal of the Early Republic* 17 (2) (July 1997): 193-236; Linda Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: University of North Carolina Press, 1980), Chapters 5 and 6.

¹² 1830 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed June 2017). The large number of households headed by women becomes somewhat more interesting when considering that of 281 headed by women, 58 contained adult men, enslaved or free. For households headed by black men, the number of households containing adult women, enslaved or free, was 187 of 217. See also, Luther P. Jackson, "The Free Negroes of Petersburg, Virginia," *The Journal of Negro History*, July 1927, Vol. 12 (3), 365-388.

¹³ Jackson, "The Free Negroes of Petersburg," 367-368.

¹⁴ Nancy Cott, *Public Vows*, 45. The freedom to marry and become head of household fulfilled American definitions of manhood.

followed that of the mother, an enslaved woman's sexuality reproduced slavery, and her domestic work, such as cooking, nursing, and washing, served to maintain slavery's labor force. Further, though an enslaved woman might be allowed to choose her own spousal partner, her consent was irrelevant; masters had the final say. Additionally, white men had virtually unrestricted access to enslaved women's bodies, access that they used in many ways—for their own pleasure, to punish women and their loved ones, and to profit from the sale of either the women's sexuality or the children who were the products of it. By contrast, marriage as a free person allowed black women to actively shape their domestic, reproductive, and sexual lives and to claim the support and protection of their spouses in return. In securing more stable family and sexual lives, free women of color who married also claimed gendered privileges, including rights to economic support and protection, not available to most enslaved women.¹⁵ Free African Americans who married built social and economic units influenced by law, custom, and religion that also became a form of respectable resistance: claiming a stake in the social order and demanding recognition in it while also organizing lives of their own choosing.

Examining couples and their families over time reveals a range of lived marital experiences along a continuum that, nevertheless, reflected similarities based on shared cultural expectations and racial oppression. These partnerships were often cemented

¹⁵ On women's sexual and reproductive value to slaveholders, see: Alexandra Finley, "'Cash to Corinna': Domestic Labor and Sexual Economy in the 'Fancy Trade,'" *Journal of American History* 104, no. 2 (September 2017): 410-430; For a discussion of enslaved women's sexuality as foundational to the southern political economy, see: Adrienne Davis, "'Don't Let Nobody Bother Yo' Principle': The Sexual Economy of American Slavery," in *Sister Circle: Black Women and Work*, ed. Sharon Harley (Rutgers University Press, 2002), 103-127; Deborah Gray White, *Ar'n't I a Woman?: Female Slaves in the Plantation South*, revised edition (New York: W.W. Norton & Co., 1999).

through legal marriage, but not always.¹⁶ Marriage bonds and formal ceremonies mattered less than behavior in most cases, and because all of these couples enacted marriages that both blacks and whites recognized de facto, they regularly gained both social approbation and legal protection of their unions. One social benefit was “respectability,” or community recognition of adherence to both dominant power structures and moral strictures. Earning this designation from whites facilitated economic advancement and encouraged white support and assistance during times of racial tension or heightened law enforcement.¹⁷

Forming and asserting their marriages in these ways does not mean, however, that only a desire for white approval drove African Americans’ decisions. Religious beliefs often played significant roles in developing family cultures that supported marriage. Petersburg was home to several all-black churches that recognized the obstacles created by race-based restrictions while also holding members to some unbendable standards that

¹⁶ Though I can often identify free African Americans in the marriage registers or marriage bonds, I cannot conclusively quantify the number of couples who chose legal over de facto marriage. De facto marriage becomes evident as a common occurrence when questions of inheritance were adjudicated in court. Thus, only those de facto marriages in which the couple acquired property come to light, perhaps obscuring a great number of similar partnerships among the propertyless.

¹⁷ “Respectability Politics” among black women has largely been associated with post-Civil War America. See Evelyn Brooks Higginbotham, *Righteous Discontent: The Women’s Movement in the Black Baptist Church, 1880-1920* (Cambridge: Harvard University Press, 1993); Stephanie J. Shaw, *What a Woman Ought to Be and to Do: Black Professional Women Workers in the Jim Crow Era* (Chicago: University of Chicago Press, 1996); for discussions about ideas of respectable gender behavior among elite whites and both free and enslaved African Americans see Erica Armstrong Dunbar, *A Fragile Freedom: African American Women and Emancipation in the Antebellum City* (New Haven: Yale University Press, 2008), especially Chapter 6; Martha S. Jones, *All Bound Up Together: The Woman Question in African American Public Culture, 1830-1900* (Chapel Hill: University of North Carolina Press, 2007), chapter 1. Brenda E. Stevenson, *Life in Black and White: Family and Community in the Slave South* (Oxford, Oxford University Press, 1996); For respectability among southern yeoman families, see Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1997). On marriage as an institution conferring citizenship, see Nancy Cott, *Public Vows*, Introduction and Chapters 1 and 2. Cott writes, “Aspiring minority groups...have often tried to improve social and civil leverage with conventional marriage behavior, recognizing that the majority has investment in the sanctity of marital roles, whoever holds them,” 5.

influenced marital practices. Gillfield Baptist Church was often nominally under the direction of a white minister but was in reality completely black-run. Church minute books demonstrate the central role marriage played in Christian life, and discipline records illustrate the active role the church played in those marriages. Church membership did not dictate every aspect of an intimate partnership, but it set the parameters within which couples visibly acted in order to maintain standing within that community.

Economic considerations also figured prominently into marital strategy, as they did for whites, and combining resources and earning power benefited both men and women. Petersburg offers plenty of evidence detailing the intersection of marriage and property rights; deeds, wills, inventories, sales, and chancery suits all documented the correct and orderly transfer of property to rightful heirs. Historian Suzanne Lesock wrote that Virginia women, and women of color in particular, gained few advantages in marriage unless a man had property. Thus, since black men did not own property to the extent that white men did, black women opted not to marry them.¹⁸ I argue that marriage becomes most visible through property records and that law and jurisprudence valued protection of property over almost all other rights. In cases where values competed, judges were most likely to protect the property involved. Thus, propertyless people of color married in Petersburg; we just have a harder time seeing them.

Property ownership, however, was one of the few unrestricted rights free African Americans had, and many married couples purchased or inherited real estate. Their purchases hint at motives beyond acquisitiveness. For some free blacks, owning property

¹⁸ Lesock, *The Free Women of Petersburg*, xviii, Chapter 4.

not only served as an economic investment but also gave them a piece of ground to occupy outside of white influence and, as only free people could own property, another piece of paper attesting to their family's free status. Property ownership also afforded these families private spaces within which to build their intimate relationships. As the following families demonstrate, couples made different choices over time as priorities and strategies for achieving them shifted. Reconstructing families across several generations from fragments in the archives illuminates the similarities and differences within the daily experiences of these marriages and allows us to see how people of color envisioned marriage as both a tangible benefit of freedom and a way to achieve, protect, and expand that freedom to include security and belonging.¹⁹

Because few southern free people of color left records detailing daily occurrences, we have very little understanding of how they envisioned, organized, and enacted their lives within their own homes and communities. Recognizing that they never fully divested themselves of the rules and realities of a physically integrated southern society, it becomes possible, within these spaces, to see how free African Americans thought of and expressed themselves as men and women, members of families, and as survivors of

¹⁹ The sources for this study have been drawn from three primary archives, Virginia State University Special Collections, The Virginia Historical Society, and the Library of Virginia. Virginia State's resources were not fragmented, a true treasure of family papers and narratives. Both The Virginia Historical Society and Library of Virginia are making enormous strides to pull together antebellum African American sources and to make them widely available. The Virginia Historical Society's "Unknown No Longer: A Database of Virginia Slave Names" and their annotated Guide to African American Manuscripts are useful finding aids that make research on early African American history a little less like hunting for proverbial needles in haystacks. Likewise, the Library of Virginia's "Virginia Untold" project has organized and digitized many original documents pertaining to African Americans as an "access point" to individual stories. Nevertheless, reconstructing the narratives found in this chapter and others has necessitated close examination of almost all public records available for Early Republican and antebellum Petersburg, including but not limited to census records, registration records, tax records, wills, deeds, court records, marriage registries, and newspapers. Other than at Virginia State, these stories do not exist in neat folders of family papers but must be meticulously pulled together from the fragments left behind. See also, Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia: University of Pennsylvania Press, 2016).

slavery. For the Colsons, Jacksons, Shores, and many other men and women, marriage became an expression of both personal desires and social connection. These families and others defined marriage as long-term, co-residential, monogamous commitments in which the husband served as the legal, economic, and social head of the family. Not all free people of color chose or were able to create and sustain the kinds of partnerships that defined marriage for these families. But for those who did, marriage bolstered claims to liberty, expanded economic opportunity, and enhanced family stability and safety. The Colsons, Jacksons, and Shores were particularly successful southern free people of color, but their achievements demonstrate the fulfillment of goals many others shared as they worked toward and experienced freedom.

Mary and John Shore built their marriage on the foundations laid by previous generations of their free families. Marriages within the Colson family created a familial network of successful free black men, enhanced material wellbeing, and became vehicles for the display of respectability as social currency. They and other prosperous families chose partners carefully and not only closed ranks to protect the property and wealth they accumulated but also extended their family “respectability.” Women gained advantages in these marriages but men gained somewhat more, as they chose wives who brought money, connections, or skills that allowed them to assert masculine prerogatives denied to many of their race. The ties these men and women created reveal how they used their freedom to envision and present themselves as respectable families and, at times, leveraged that social capital to protect and expand freedom and prosperity for themselves and others.

When he married Mary Colson, John Shore joined one of the most prosperous and well-connected free black families in Petersburg. Born in 1811, John was almost double Mary's age. He first appeared in the historical record when his mother registered him with the court at age eighteen. While his mother, Anna King, had been described as a dark-complexioned person, the clerk recorded John as having a "bright yellow" complexion.²⁰ Because no other blacks in Petersburg carried the last name Shore, John's father seems to have been a member of the prominent, white, Shore family of Petersburg. That John was already listed as a barber at eighteen may have indicated that his white father had been a part of his life, at least enough to help his son enter into this highly respected occupation.²¹ Freedom and financial security advanced John's social standing, but his own family network was comparatively smaller than Mary's, including his mother, younger brother, two aunts, and cousin.²² Though Mary seemed a little short of cash on the eve of their wedding, conjugal ties to her assured John Shore entrance into the third generation of a family of free African Americans who had used freedom from

²⁰ Petersburg (Va.), Register of Free Negroes and Mulattoes, 1794-1819, Microfilm, Reel 47, LVA, no. 423; Petersburg (Va.) Hustings Court Registry of Free Negroes and Mulattoes, 1819-1850, Microfilm, Reel 73, LVA, no. 1526.

²¹ Barbering was an exclusively black occupation in the nineteenth century South. Black barbers reinforced racial hierarchies by serving white clients, performing manual labor and social deference. They also often earned a better living than most other black workers of the day, and used their positions to buy property, to employ other people of color, and to assume leadership roles among other African Americans. Douglas W. Bristol, Jr. *Knights of the Razor: Black Barbers in Slavery and Freedom* (Baltimore: Johns Hopkins University Press, 2016); Quincy T. Mills, *Cutting Along the Color Line: Black Barbers and Barber Shops in America* (Philadelphia: University of Pennsylvania Press, 2013).

²² Registry, Reel 73, nos. 422-424; List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA. Anna, Mason, and Polly King registered together and were likely related, probably sisters. Other records, including the 1821 census reveal a brother Albert and cousin Wyatt. Albert appears in the 1821 Petersburg Free Black Census but never again. It is unclear whether his last name may have been Shore as well. Mason King's son, Wyatt King, carried her name. John always signed his name John K. Shore, perhaps indicating that his free mother's name was also important to him.

slavery to build their families, and whose marriages and families expanded the boundaries of racialized freedom.

Mary's maternal grandparents, Major and Madeline Elebeck, built their family within a long-term, patriarchal marriage, and, though they never sought formal, legal recognition of their union, they understood themselves to be married and gained community acceptance as such. By 1803, the first generation of Elebecks had established themselves in Petersburg. In that year, Major "Eilbeck," was also a barber, twenty-seven years old, and headed a household that included twenty-eight year old Madeline "Eilbeck," eighteen-month-old Frederic, and seven month old Betsy. How the elder Elebecks came to be free remains a mystery, but both migrated to the town, Madeline from the Caribbean French island colony of Guadeloupe and Major from Pennsylvania. Though the 1821 town census lists her as "Madeleane Sineture," at least two other legal documents acknowledged her to be Major Elebeck's wife.²³ The first document was produced in 1810, when some white citizens questioned Major and Madeline's right to remain in the state because they had both migrated to Virginia after the law of 1793 prohibited free blacks from doing so.²⁴ Major's standing as a husband and father figured prominently in his defense. A petition submitted to the legislature by the Elebeck's white neighbors to allow the family to remain stated that he had "intermarried with a woman of his own complexion," that his "wife, Magdalen," appeared alongside him in court, and

²³ Major Elebeck could have also been of Francophone extraction as communities of Caribbean émigrés developed in Philadelphia as well as in the coastal South. Even if he was not, in French legal documents, women were always referred to with their maiden, or natal, last name, which would explain Madeline's use of it though married to Elebeck. Erica Armstrong Dunbar, *A Fragile Freedom*, 40-41.

²⁴ "An Act to prevent the migration of Free Negroes and Mulattoes into this Commonwealth," Virginia, December 12, 1793, HeinOnline (Accessed February 17, 2018); List of People of Color in Petersburg, 1803, African American Digital Collection, LVA; List of People of Color for the Town of Petersburg for the year 1821, African American Narrative Digital Collection, LVA.

that removal would “separate and despende [sic] the whole family: it will part the husband from his wife, and the parents from their children...infants of the most tender years.” In addition to Major’s working diligently at his barbering trade and investing in and improving property, his and Madeline’s roles as husband and wife contributed to a white consensus that their “orderly and correct behavior” warranted an exception to the immigration rule.²⁵ The exception was made. On January 25, 1811, the legislature granted the Elebecks permission to remain.²⁶

Though doubtless pleased with the outcome, it nonetheless seems likely that Major and Madeline had formed their union for reasons far beyond a desire for white approval. Their disregard for certain laws seems clear—they possessed no legal marriage record, lived in the state without permission for nearly a decade, and never registered themselves or their children with the local court, even once their residency was legal. However, they actively sought recognition of their family as worthy of community protection and deployed their marriage when defending themselves against racially discriminatory laws. That they had to defend their family likely cost them money and emotional anguish while they awaited the outcome, an experience they would not have faced had they been white migrants into Virginia. Still, in their case, and in many others, demonstrating commitment to marriage proved to be a successful way to reinforce their experience of freedom and to assert value and belonging.

When Major Elebeck died intestate, the court acknowledged Madeline, this time referred to as Mary Magdaline Elbeck, as his widow. This designation entitled her to

²⁵ “Inhabitants: Petition,” Petersburg, Virginia, December 15, 1810, African American Digital Collection, LVA.

²⁶ “An Act authorising sundry Persons of Colour therein named to enjoy their freedom in this State,” Slavery Statutes, Virginia, January 25, 1811, HeinOnline (Accessed February 17, 2018).

dower rights in Major's property, which allowed her life possession of one third of her husband's estate. Since there was no marriage license or will, this legal recognition was bestowed because of the ways they had conducted and asserted themselves as married people in their daily lives.²⁷ Major arrived in Petersburg in 1802 and, given that their eldest child Frederic was born within that year, met and established an immediate relationship with Madeline. By 1803, they had two children, toddler Frederic and infant Elizabeth.²⁸ In all, Madeline and Major had at least six children between 1802 and 1817: Frederic, Elizabeth, Sarah, Junius, Nelson, and Henry; five of these lived to adulthood. Major worked hard to provide for the family materially, while Madeline focused on childcare and education. Since all the children demonstrated fluent literacy later in life, they likely began their educations early, either at home or under the tutelage of one of Petersburg's black schoolmasters or teachers—each choice demanding time or money and at least partial loss of the children's labor.²⁹ In addition to raising their children, Major and Madeline worked together in his shop, with her occupation as a barber noted in 1821.³⁰ Her marriage offered her a skill and the opportunity to employ it that few other women of color had, though many contributed to family earnings; this left her in a secure position when she became a widow in 1822 and inherited the use of their house and lot on Back Street.

²⁷ Hustings Court Deed Book, 8, 1826-1832, Petersburg City, Microfilm, Reel 4, LVA, 94; On dower rights, see, Lebsack, *The Free Women of Petersburg*, 24-27; Linda Kerber, *Women of the Republic*, 145-148.

²⁸ List of People of Color in Petersburg, 1803, African American Narrative Digital Collection, LVA.

²⁹ In 1803, Graham Bell junior was listed as a schoolmaster, and in 1821, Asa Bird was a schoolmaster and Joseph Shepherd and John Raymond both teachers. Gillfield Baptist Church Records mention "Joseph Shepherd's schoolhouse." Other free men of color appear as teachers in other records, such as Joseph Galle. Galle v. Galle, Chancery Causes, 1840-068, Petersburg, Virginia, Chancery Records Index (Digital), LVA.

³⁰ List of People of Color for the Town of Petersburg for the year 1821, LVA.

The material comforts the Elebecks acquired provide a glimpse of the private spaces they created. They owned some of the finer things in life, probably using them to entertain family or company.³¹ Their ample furnishings included mahogany tea tables, a mahogany dining table, and six “fancy chairs.” They served tea on gilt china, stirred their cups with silver teaspoons, and consumed meals from china dishes, drinking from wine glasses and glass tumblers. Before retiring for bed, Major may have rested tired feet on the carpet, sitting at his desk lighted by one of his cut glass lamps while Madeline lit more candles in brass candlesticks and stoked the fire, burning on brass andirons. During the day, the Elebeck women and girls took on standard domestic tasks for their family such as food preparation and cleaning. They produced at least some of their own food, pickling and canning produce and processing butter and other dairy products, courtesy of their two cows. Tubs, pails, iron pots, and a tin shovel, tongs, and a poker would have aided in laundry and other cleaning. Madeline Elebeck probably undertook these tasks largely on her own in the beginning of her marriage but had more time to dedicate to learning her husband’s trade and assisting in his shop as her daughters grew. By the time she identified as a barber, her girls were eighteen and fifteen and more than capable of caring for their younger siblings and performing domestic duties.³²

Madeline Elebeck only outlived her husband by a few years, dying around the age of fifty and spending more than twenty of those years as a wife. Her daily life was similar to those of white women of the same economic class, but, as a free woman of color, her

³¹ Elizabeth Elebeck to Mary Heidelback, Petersburg, Virginia Hustings Court Deed Book 8: 1826-1832, Microfilm, Reel 4, LVA.

³² Jeanne Boydston, *Home and Work: Housework, Wages, and the Ideology of Labor in the Early Republic* (New York: Oxford University Press, 1990); Laurel Thatcher Ulrich, “Martha Ballard and Her Girls: Women’s Work in Eighteenth Century Maine,” in Stephen Innes, ed., *Work and Labor in Early America* (Chapel Hill: University of North Carolina Press, 1988).

marriage carried added significance. In addition to the economic benefits, social recognition of her status provided a form of protection and a way to shape the conditions of her productive and domestic labor. Her marriage signaled to other men that she was sexually off limits, and the fact that her husband was well known and respected, by black and white men alike, offered a strong, though admittedly not impenetrable, barrier from unwanted sexual advances or assault.³³ Madeline, laboring primarily in her own home for her family, worked next to her husband when she did come into contact with his white patrons.

The Elebecks' marriage also conferred community respectability. Respectability was a moving target for many antebellum southerners, but the designation tended to apply to those who exhibited certain consistent behaviors: hard work, piety, sexual propriety, and deference to those higher in the social order. Though adhering to the tenets of respectability could be restrictive, even oppressive, doing so countered racist stereotypes of intemperance and promiscuity and calmed white fears regarding free blacks in a slave society.³⁴ Free blacks organizing themselves into patriarchal families

³³ The legal record in Petersburg is, so far, silent on the issues of rape and coerced sex. According to historian Sharon Block, "rape in early America was both pervasive and invisible." She also states, "For white women, patriarchy held out the possibility of providing protection from or remedy for sexual assaults. For nonwhite and other marginalized women, protective patriarchs were, at best, absent figures, or, at worst, able to use their status to sexually oppress with impunity." If Major Elebeck earned his place as a patriarch, recognized as such by both white and black people in Petersburg, which I argue he did, then Madeline, accordingly, was recognized as protected. She was also somewhat physically protected by the private spaces she and Major created. See, Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, 2006), Introduction. Quotations on pages 1 and 4. On respectability as a form of protection, see Martha S. Jones, *All Bound Up Together*, chapter 1.

³⁴ Kirt Von Daacke, *Freedom Has a Face: Race, Identity, and Community in Jefferson's Virginia* (Charlottesville: University of Virginia Press, 2012); Eva Sheppard Wolf, *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner's Rebellion*, (Baton Rouge, Louisiana State University Press, 2009); Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from 1790 to the Civil War* (New York: Vintage Books, 2004); James Sidbury, *Ploughshares Into Swords: Race, Rebellion, and Identity in Gabriel's Virginia, 1730-1810* (Cambridge: Cambridge University Press, 1997); Ely and Von Daacke, particularly, demonstrate that while rhetoric

may have seemed less likely to challenge the racial order.³⁵ Dozens of white men, in fact, attested to the Elebecks' "general good character and uniformly prudent, orderly and correct behavior," by signing a petition that highlighted their marriage as crucial evidence of their merit.³⁶ When the court clerk registered the Elebeck children after their mother's death, he listed them as children of Major Elebeck, signaling his recognition of Major's status as patriarch, even posthumously. Respectability was not the only way to navigate discriminatory laws and practices, but many married couples deemed respectable, like the Elebecks, could rely on that reputation to achieve their immediate and long-term goals.

William Nelson Colson, Mary Colson Shore's father, married the Elebecks' second daughter, Sarah, and his marriage advanced his transformation from poor orphan to respectable man of means. In 1811, five-year-old William Nelson awaited his fate as an orphan ordered to be bound out by the overseers of the poor.³⁷ In many ways, it was his lucky day. James Colson, a prosperous barber with no sons, agreed to take on this tiny apprentice. Colson earned his freedom after the American Revolution and made his way to Petersburg from Williamsburg sometime prior to 1800. He may have been married before emigrating, though evidence is scanty. Whatever the nature of his first partnership, he was the father of two girls, Susannah and Hannah Colson, ages ten and

emphasized the dangers free blacks posed to slave resistance and insurrection, most whites accepted the free blacks in their communities because they were known. Acceptance could be extended into belonging and interconnection through whites deeming individual free blacks as having a "good character." These designations didn't challenge the racial system but made sure that whites retained the authority to judge behavior. Free blacks who played by the rules, or at least were recognized for doing so, could achieve more than others of their race-- but not so much as to challenge the system as a whole.

³⁵ Nancy Cott, *Public Vows*, Introduction. Cott discusses marriage as a form of governance that supports the social order. The patriarchal prerogatives of marriage, which included the man acting as the sole legal representative of the household, was complicated by the fact that, for African Americans, children belonged to their mothers and not their fathers. Just because it was complicated did not mean that traditional patriarchal marriage carried no weight.

³⁶ Inhabitants: Petition, 1810-12-15, Legislative Petitions Digital Collection, LVA.

³⁷ Petersburg (Va.) Hustings Court Minute Book, 4 December 1811, Microfilm, Reel 25, LVA.

twelve by 1803.³⁸ As a thirty-five year old barber, practicing one of the most respected and lucrative professions for free black men, he had little trouble attracting a second partner, a woman who became known as Eliza Colson.³⁹ James senior prospered as a literate barber who acquired property and became involved, with other prosperous free black men, in founding Petersburg's Benevolent Society of Free Men of Color.⁴⁰

Unfortunately, James and Eliza's relationship became rocky between 1819 and 1822, when Eliza involved the church to determine her marital status. Though agreeing things were "in a difficult state," church leaders determined that, from a religious standpoint if not a legal one, the marriage was binding—at least at first. Upon further investigation church leaders determined that James Colson had never asked for Eliza's hand in marriage, which meant that they had not agreed to a marriage-like union. She had

³⁸ "List of People of Color in Petersburg, 1803," African American Narrative Digital Collection, LVA.

³⁹ Records of Gillfield Church (Baptist) Prince George Co. 1815-1842, 13 May, 20 May, 15 July, 4 August 1819, 2 March 1822, Manuscript, LVA; "Paternal Ancestry of Jeanne and Wm. Nelson Colson, Facts Concerning Successive Generations," Colson-Hill Family Papers, Box 1, Virginia State University. "It appears that his three children were born of a free wife although not the same wife. Under the loose marital code of that day among Negroes this phase of his life is difficult to determine." Twentieth-century Colsons were somewhat concerned about the lack of documentation of these marriages. The only place Eliza appears is in the records for Gillfield Baptist Church, when they have marital troubles—and she eventually marries James Alexander. She does not seem to have been mother to any of Colson's children. The 1820 Census records the James Colson household as having a man and woman over 45, two women under 26, a boy 14-26, and a boy under 14, along with an enslaved woman over 45. By the 1821 free black census, James Colson had three apprentices, James Farley, James Martin, and William Nelson, in his household, along with adults Susannah Colson, laborer, and Susan Colson, seamstress. The 1830 census shows an enslaved woman between 55-100 living in William's household. I'm rather inclined to believe that Susannah Colson was James' mother. Susan(nah) Colson, James's daughter, would have been named for her grandmother. None of them, other than William and Susan, ever registered with the Hustings Court.

⁴⁰ L. Diane Barnes, *Artisan Workers in the Upper South*, chapter 4; Barnes and others identify the Elebecks and Colsons as early founders of the Benevolent Society of Free Men of Color of Petersburg, though they only have access to a later, revised version of the society's Constitution, then known as the Beneficial Society of Free Men of Color of Petersburg, which lists Henry Elebeck and John Shore as members. Henry Elebeck was also on the deed when the society purchased the lot that became People's Cemetery. Constitution, Rules and Regulations of the Beneficial Society of Free men of Color of Petersburg, Virginia (Revised 2 August 1852), Colson-Hill Family Papers, VHS. I have been unable to locate this document. Wm H. and Edith Williams to Henry Elebeck et al, Petersburg (Va.), Hustings Court Deed Book 11: 1839-1841, Microfilm, Reel 6, 321.

been free to marry another, and the church recognized her as Eliza Alexander. When James Colson died a few years later, he left no will, and the court did not order an inventory. Instead, Colson's apprentice, William Nelson, stepped forward--not yet of legal age but now styling himself as William N. Colson. He assumed ownership of the Colson barbering business and began looking for a wife.⁴¹

Sarah Elebeck and William Colson had grown up knowing each other; her father and his benefactor practiced the same trade and worked to create the same fraternal organization for black artisans. The pair may have attended the same church, as religion figured prominently in the worldview William later expressed in his letters. Trained and influenced by James Colson, William nevertheless had ambitious aspirations to advance his status beyond his benefactor's. When Sarah Elebeck married William Colson in 1826, she helped him take an important step on the journey to fulfilling a distinctly middle-class, if not elite, vision of freedom.⁴²

William Colson possessed a skill that would, if he practiced it well, propel him to the highest ranks among free blacks. Nevertheless, his adoptive father died in debt, some property had to be redeemed out of mortgage, and William had aspirations to move beyond local barbering. Marriage to Sarah would connect Colson to Major Elebeck and to the white citizens who were his customers and defenders. He also gained skilled and literate brothers-in-law, along with a literate wife, important to building and maintaining

⁴¹ I do not know how William Colson stepped in the way he did. I looked at every will and inventory in Petersburg from 1784-1865. Hustings Court minutes after 1822 may contain more information.

⁴² Erica Armstrong Dunbar calls the upper echelons of Philadelphia black society the "middle class elite," indicating that though they did not achieve the material trappings of elite whites, they nonetheless occupied the apex of economic achievement in their communities and exhibited an elite social sensibility. Although, she did say that the Fortens were worth over \$100,000, and only the very few wealthy African Americans in Petersburg had even a tenth of that amount. Erica Armstrong Dunbar, *A Fragile Freedom*, especially 120-121; on the Fortens, 82-83.

networks in and beyond Petersburg. Sarah had also inherited a portion of her parents' estate, and the couple moved into the Elebeck home on Back Street.⁴³ The couple ensured recognition of their status by securing a license for legal marriage on February 28, 1826. For good measure, William's witness was Henry Shroyer, a white man. By obtaining his license, William Colson proclaimed belonging and legitimacy as a southern patriarch.⁴⁴

Sarah gained advantages in the marriage, too, including assistance in raising her brothers. In 1825, Sarah and her sister Elizabeth, eighteen and twenty-two, respectively, registered with the court after their mother's death. Elizabeth and, likely, Sarah assumed responsibility for Nelson, fifteen, Junius, thirteen, and Henry, seven.⁴⁵ William Colson was nineteen in 1825, and he and Sarah married the following year. Nelson Elebeck's 1828 court registration states that legal guardianship had transferred from Elizabeth to her now brother-in-law, William Colson. Though the boys had begun their education by the time Colson became their brother-in-law and guardian, he shaped their futures. A blacksmith's apprentice at age seventeen, Nelson Elebeck soon became a trusted partner in Colson's impressive business endeavors.

Colson's success in his business ventures arose partly from his marriage and contributed to its economic success and to social and physical mobility for the entire family. Having expanded his barbering trade, Colson formed a partnership with Joseph Jenkins Roberts, who migrated to Liberia.⁴⁶ Remaining in Petersburg, Colson sold

⁴³ Petersburg (Va). Hustings Court Deed Book 8, Microfilm, Reel 4, LVA, 94; Will Book 3, Microfilm, Reel 19, LVA, 104-113.

⁴⁴ Petersburg (Va.), Marriage Bonds and Licenses, 1826, Microfilm, Reel 109, LVA.

⁴⁵ Registry, Reel 73, nos. 1383-1387.

⁴⁶ Joseph Roberts to Sarah Colson, January 1, 1836, Colson-Hill Family Papers, Box 21, Folder 1, VSU; NH Elebeck to Henry H. Elebeck, January 8, 1836, Colson-Hill Family Papers, Box 21, Folder 1, VSU; NH Elebeck to Sarah Colson June 15, 1836, Colson-Hill Family Papers, Box 21, Folder 1, VSU.

provisions to the colony, with Roberts returning profits and goods from Africa. Colson enlisted his Elebeck brothers-in-law in the partnership and relied on them to travel to other trading firms in Philadelphia and New York and to manage the business in Petersburg when Colson traveled, declaring his “confidence to believe [they] will attend...with the strictest fidelity.”⁴⁷

The Colsons and Elebecks moved freely in and out of the state and country, with William even securing a passport from the State Department. A free person of color could conduct this level of travel only with white acquiescence, and probably with white support and patronage. According to the firm’s ledger, this network proved financially successful, with single cargoes yielding several thousand dollars’ profit.⁴⁸ Sarah and her children saw at least some of this money, as William spent nearly \$200 for his daughter Mary’s education and Sarah’s travelling expenses, outward displays of financial success. Colson’s connections to Liberian colonization effort confirm his association with the leading men of Gillfield Baptist Church, who organized and raised money for groups of people from their own congregation to emigrate.⁴⁹ Many white Virginians also approved of the colonization project, and Colson sold the African products to white importers in New York and Philadelphia. William Colson might have achieved his goals on his own,

African Americans in Virginia and throughout the nation had a range of opinions concerning Liberian colonization, with many abhorring the idea. Some Virginia black Baptists, such as those at Gillfield Baptist Church, supported the effort, and many of the early settlers were from there. Marie Tyler-McGraw, *An African Republic: Black and White Virginians in the Making of Liberia* (Chapel Hill: University of North Carolina Press, 2008), 154.

⁴⁷ William N. Colson to NH Elebeck, H Elebeck, and James Ford, November 4, 1835, Colson-Hill Family Papers, Box 1, VSU.

⁴⁸ Account Book, Colson-Hill Family Papers, Box 21, Folder 2, VSU.

⁴⁹ Records of Gillfield Church (Baptist) Prince George County: 1815-1842, Manuscript, LVA; Marie Tyler-McGraw, *An African Republic*, 15-16.

but his marriage into a family like Sarah's, with her father's reputation for respectability and his connections to wealthy white clients, likely enhanced his success.

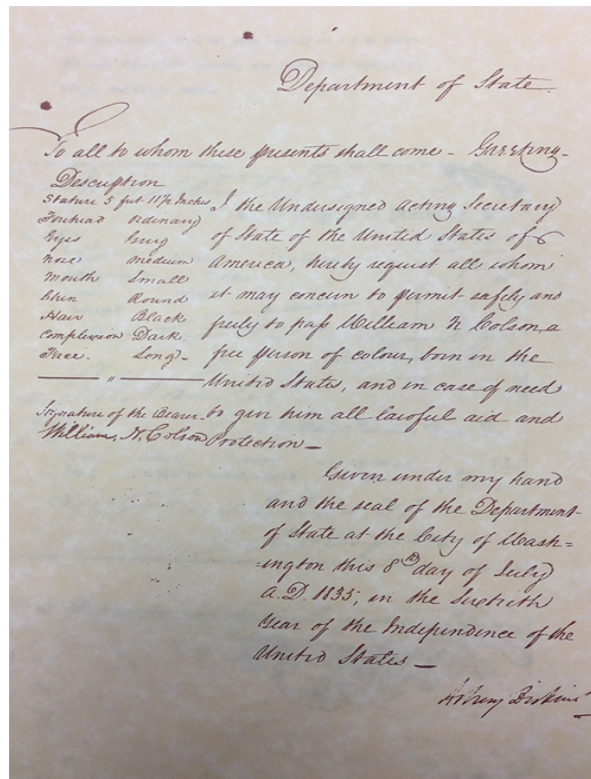


Figure 7. William Colson's Passport. Colson-Hill Family Papers, Virginia State University, Petersburg, Virginia.

William Colson styled himself as a well-to-do American patriarch and Christian. Commenting on the African landscape in a letter written to his brothers-in-law, he positioned himself as a great civilizer, carrying goods and religion to a dark continent. "I have been traveling in this Heathen Land preaching to Africas [sic] Sons and daughters. I have had the blessed consolation to see many fall down with broken hearts crying for mercy I have seen others happily connected to God in this short time."⁵⁰ The goods he and his partners brought to the mission and sold to the colonists demonstrated their vision

⁵⁰ William Colson to Henry Elebeck and others, November 4, 1835, Colson-Hill Family Papers, Box 1, Notebook, VSU.

of middle-class conversion. Religious books and “proper” clothes constituted much of the cargo. William packed twenty-nine books in his trunks, all but three with explicitly religious titles. He included practical items like undergarments and cotton shirts in his personal clothing, but he also added a few items to display himself as a man of means, including a box of 250 “Spanish Segars,” a walking cane, a black silk vest, a black silk velvet vest, a “superior Mantle or cloak,” a pair of new pumps, four double cravats, and two silk handkerchiefs. To establish his role as a patriarch and civilizer, he needed to look the part. Meanwhile, Sarah remained back home, taking care of daily tasks and raising his three children, reinforcing his claims to civilized masculinity in Petersburg.

Though very much the patriarch of his family, William relied on Sarah and gave his as his power of attorney to her instead of her brothers, a power she was called on to exercise when he died in Liberia in 1835. She proved equal to the task. The letter first informing her of her husband’s death came not from her brother, Nelson, who had accompanied William to Africa, but from his trading partner, Roberts, who did so with “feelings of deep regret.”⁵¹ Colson had fallen ill shortly after arriving in Liberia and, while still recovering, resumed his activities too quickly, causing a relapse. Roberts blamed Colson’s “own imprudence” for causing his death, but he expressed his belief that Sarah was “a woman of too much discretion to need any consolation.” He urged her to put her faith in God and to carry on, which, though none of her letters survive, the letters from her brothers and others indicate she did. A second letter from Roberts and the other partner in the firm, Williams, dated eight days later, asked whether she wished to

⁵¹ Joseph Jenkins Roberts to Sarah Colson, January 1, 1836, Colson-Hill Family Papers, Box 21, Folder 1, VSU.

“continue or abandon the business” William Colson had built.⁵² Though Nelson Elebeck had written to his brother, Henry Elebeck, urging him to ask their sister to legally transfer the power of attorney to him, it appears that she did not.⁵³ With Nelson acting as her agent, Sarah continued to correspond directly with Roberts and Williams who agreed to “close your sales and remit you the proceeds” and encouraged her to “writ us by the first opportunity as to this business & c.” That she took seriously her responsibility to close the business can be seen in her notes on the receipts and accounts—asking questions such as, “What was that draft of seventy dollars for?” and “What did the Ivory go for?”⁵⁴ William married her for her connections and inheritance and benefited from her intelligence and reputation as a “woman of discretion,” leaving little doubt that his marriage to Sarah played an important role in his success as a businessman and his local, national, and international esteem.

The Colsons dedicated the majority of their resources to the rooms in their home that would be on display, furthering their presentation of themselves as middle class people of means. The sitting room, located at the front of the home, boasted mahogany furnishings, including a sideboard, dining table with circular ends, a breakfast table, and,

⁵² Roberts and Williams to Sarah Colson, January 9, 1836, Colson-Hill Family Papers, Box 21, Folder 1, VSU.

⁵³ Nelson Elebeck to Henry Elebeck, January 8, 1836, Colson-Hill Family Papers, Box 21, Folder 1, VSU. In this letter, Nelson expressed irritation with William Colson. Colson, it seems, would never allow him to draw a salary, and, as a consequence, Nelson was ready to seek his fortunes elsewhere after the venture. His anger at his brother-in-law aside, he did seem very vexed by his death, writing, “The death of our Brother has had more effect with me than possibly any circumstance that have occurred with me since I have known myself and I often fear I shall never forget the circumstance of his death.” Nevertheless, he made a strong play to assume more leadership in the workings of the business. “I suppose Mrs. Colson will send a regular power of attorney out for me to act as agent of his interest in the concern I have understood from his partners she has one left by Mr Colson but this will not do if she should think proper she must see a lawyer and get a regular and Explicit power of attorney, that I may be sure to have sufficient authority to act providing she may think it proper to confide, As I before stated I had before M Colsons death concluded to leave the firm but now I feel myself first Faith bound to attend to my sisters interest and those dear little children who I want to see so much.”

⁵⁴ Colson & Roberts Accounts, Colson-Hill Family Papers, Box 21, Folder 2, VSU.

the most highly valued item in the inventory, a sofa or settee (estimated value \$36). A dozen rush chairs, silver-plated candlesticks, and green venetian blinds completed the items in this room meant for receiving and entertaining guests. They hosted gatherings often, with an additional fourteen “common chairs,” kept in other rooms. After walking along a “foot carpet” in the passage, a keeping room of sorts separated the master chamber from the rest of the house. The Colsons furnished their chamber comfortably, if not lavishly. Instead of mahogany, maple and pine furnishings adorned the room, and instead of venetian blinds, only “common windsor curtains” hung at the windows. In fact, the appraisers labeled many things in this room “common” or “much worn.” Still, the high post maple bedstead, bureau, and bookcase indicated means. The adjoining chamber served double duty as a bedroom and storage area, with “stained wood” and pine furnishings, including a bed, dressing table, and pine cupboard with dishes.

The kitchen was the least impressive area, with all the utensils listed as “common,” “old,” or “of no use.” Someone in the Colson house made bread, as kitchen items included bread bowl and a “bread hoe.” Like the Elebecks, they owned a cow, likely making their own dairy products. And, finally, the appraisers listed the titles of thirty-five books--volumes of history, literature, and religion. William Colson prized his books, but it is unclear where they resided—on the bookshelves in the bedroom, in the front room on display, or a separate room or outbuilding altogether. The personal property added up to just under \$300, marking the Colsons as people of much greater means than most other free blacks but far below the level of the wealthiest whites.⁵⁵

⁵⁵ William N. Colson, Inventory, Petersburg, Virginia, Hustings Court Will Book 3, 1827-1849, Microfilm, Reel 18, LVA, 107-115. Free blacks’ personal estates were small because most of them did not own slaves, which were the greatest single asset a person could have. The wealthiest whites had estates

They used their possessions to display their middle-class respectability, as tangible, visible markers of freedom that implicitly challenged dominant visual and rhetorical representations of black bodies and families. Few white people probably entered this space, which kept the Colson home from being an overt challenge to legal, political, and social structures, but it stood as a testament to legitimate and successful black freedom.⁵⁶

As Sarah and William's children came of age, they entered into unions that reflected the ideals of marriage and family with which they had been reared. After William Colson's death, Sarah was left to raise their three surviving children, Mary, James, and William, which she likely did with assistance from her family. In 1838 Sarah married Booker Jackson, a prosperous shoemaker from Prince Edward County, and registered her new status in Petersburg before removing to Farmville where she raised her children, including the ones she later had with Jackson. She maintained close connections with her Petersburg kin, however, and Mary and James would return there to establish their families, each bringing and gaining certain benefits in their matches.

Families in the third generation continued the patriarchal structure of the previous two. Upon his marriage to Mary Colson, John Shore joined Henry Elebeck and Booker Jackson in managing the family's business interests. In a letter to her mother a year after her marriage, Mary assured that the papers "Mr Jackson" had sent to "Uncle Henry" and "Mr Shore" had gotten to Williams, one of the partners in the Liberian trading firm

valued at ten thousand dollars or more. Only a few free blacks owned slaves they considered assets, and their estates were the most highly valued among free people of color. Free people of color, like whites, invested in land, but a lot, even one that had been improved, was often worth far less than a single slave. See, Hustings Court Will Books 1-6, Microfilm, LVA.

⁵⁶ Jasmine Nichole Cobb, *Picture Freedom: Remaking Black Visuality in the Early Nineteenth Century* (New York: New York University Press, 2015). Cobb claims that, for free black northerners, adorning parlors became an overt political statement. Even within the abolitionist movement, visual representations of blackness centered on brokenness and fugitivity. She argues that parlors in black homes proclaimed a legitimate, not illicit, freedom and a desire for full citizenship.

conducting business in Virginia before returning to Africa. Additionally, Henry Elebeck had received correspondence from Joseph Jenkins Roberts, the other business partner, and Mary delivered it to John from her uncle. Other than relaying the news that the business had been handled, Mary seemed ignorant of the details, leaving the particulars to her male family members. Though Sarah had seemed intent on dissolving her business interests upon her first husband's death, it appears that the family still had connections to Liberia a decade later, related to William's ventures and also to those of Nelson Elebeck, who had returned and died there in 1838.⁵⁷ John Shore took his place among the male family members balancing the books.

Mary's letter revealed John's participation in the family's economic activities, but she left that news nearly to the end, devoting the bulk of her letter to discussing her primary realms of concern: her health, marriage, and baby. Mary praised her husband. Throughout the fall of 1846, Mary had been very ill, and, "Mr Shore was kind and affectionate during my illness as he possible could be and attentive to me."⁵⁸ In addition to tending to Mary, he had also called in a physician, and her health improved upon taking the medicine he had mixed. Mary and John had both made a "smart" social and economic match, but affection and kindness characterized their daily interactions. Mary also demonstrated care for her daughter, reporting to her mother, "Julia is quite well and has not got a tooth yet but looks as well as when you saw her she can stand a lone and walk around anything." Mary seemed to find motherhood difficult while she was ill, saying, "I had one thing to regret whilst I was sick and that was you could not be with me

⁵⁷ Mary Shore to Sarah Jackson, November 27, 1846, Colson-Hill Family Papers, Box 3, Folder 1 VSU; Luther Porter Jackson Family Papers, Box 60, Folder 1584, VSU.

⁵⁸ Mary Shore to Sarah Jackson, November 27, 1846, Colson-Hill Family Papers, Box 3, Folder 1 VSU.

that was when I feed my baby and you could not be with me.” Though her husband had been attentive, she missed her mother most when caring for her own child, a woman-centered experience in this family.

Whether through his role in the Elebeck, Colson, and Jackson business enterprise or his own work as a barber, John Shore’s economic success became the basis for a visibly middle-class marriage and home life with Mary—in some ways improving on the previous generation’s standard of living. Preparing his home for his bride, Shore purchased a “high post bed” and “maple rocking chair,” signaling his new domestic status.⁵⁹ The Shores ate well, and in addition to plentiful staples, they enjoyed port wine, tea, “Rio coffee,” sugar, and the occasional “Segar.”⁶⁰ They ordered Irish linen, fancy lawn, a type of high thread count linen originating in France, and trimming, such as lace or braid. They also purchased finished clothing. Laborers hung wallpaper and draperies in their home, and they dined on china. Keeping the family warm and fed required constant fuel, and John purchased frequent deliveries of coal, and, once, a new stove and piping. John Shore acquired all of these items on credit from white merchants, demonstrating the esteem he enjoyed in the community--sometimes even identified with the notation “Esq.” on his receipts, an honorific given to men who had achieved the rank of “gentleman.”⁶¹ As with her first long illness, John and Mary Shore called white doctors to their home on many occasions, and, when those visits proved unsuccessful, buried three children in small mahogany coffins. Prosperity and respectability could not

⁵⁹ John Shore Receipts, Colson-Hill Family Papers, Box 19, VSU

⁶⁰ John Shore Receipts, Colson-Hill Family Papers, Box 19, VSU.

⁶¹ A term of respect sometimes given to lawyers but also to men who have achieved the rank of “gentleman.”

overcome the limitations of nineteenth-century medicine, but they could help secure a comfortable experience of freedom in which marriage and family played a central role.

Mary's brother, James, named for their adoptive grandfather, also chose a partner who helped him maintain middle-class respectability. Fanny Meade Bolling enhanced James Major Colson's entrepreneurial success and standing in the community through her domestic skills, social connections, and literacy. Unlike James, Fanny was a first generation freedwoman. Her entire family had been born enslaved and had earned freedom through the hard work of her father and uncles. Because her mother had died quite young, Fannie's childhood in freedom was shaped by her stepmother, Sarah Cox Bolling, who did "fine laundry" and sent Fannie to pick up and deliver the "linens and laces."⁶² One white family, the Robinsons, took an interest in Fanny and taught her "to read, write, and figure."⁶³ In addition to these lessons, Sarah Cox taught her stepchildren "to be industrious as well as polite and clean." Fanny Colson's religious faith originated in childhood and carried her through the most turbulent periods of her adult life. Piety, temperance, and industriousness would enhance her connection to community whites as a respectable free black woman. Her literacy allowed her to easily access news and information and also allowed her to express herself through poetry, an increasingly popular genre among genteel northern women of all races.⁶⁴ Though James Colson earned a good living, Fanny employed her domestic skills, including washing and

⁶² Fanny's mother died when Fanny was five years old and the family was still enslaved. Fanny's father, Tom Bolling, cared for her and her brother and ensured their release from slavery after his own. Dorothy M. Colson, Family History, Colson-Hill Family Papers, Box 1, Folder 10, VSU.

⁶³ Dorothy M. Colson, Family History, Colson-Hill Family Papers, Box 1, Folder 10, VSU.

⁶⁴ Erica Armstrong Dunbar, *A Fragile Freedom*, Chapters 5 and 6.

sewing, not only to raise her family of eleven but also to make gifts for other family members and neighbors, some of whom may also have paid for her products.⁶⁵

Born into privilege as the son of Sarah and William Colson, James Colson nevertheless relied on Fanny's skills and connections to augment his own. Following in his stepfather's trade, James became a shoemaker and set up shop in Petersburg after returning there from Farmville. His natural father had prized books and study, but James "was not schooled. He could read and write, but both procedures were laborious."⁶⁶ In order to keep up with events of the day, James relied on Fanny to read the newspaper to him, and he then took that news with him to his shop, where "many gatherings of the 'citizens of color' were held."⁶⁷ Though black gatherings without a white person present could be considered dangerous, these meetings continued because whites prized the shoes James made and saw him as a pious family man, thanks, at least in part, to his marriage and family.

At times, these connections to whites became crucial to the Colsons' wellbeing. During the Civil War, helpful whites warned them when trouble was afoot, and the Union Street Methodist Church, a biracial church where the Colsons worshipped, became a refuge where free black men wishing to avoid performing conscripted labor for the Confederate Army hid.⁶⁸ Fanny and her female Bolling relatives took care of these men while they were in hiding and at the same time cultivated the goodwill of whites from both armies, providing biscuits, coffee, and medical aid to both sides. In addition to facilitating James's meetings, Fanny may have taught black children to read before the

⁶⁵ Fanny Colson, "Saturday Night," Colson-Hill Family Papers, Box 1, VSU.

⁶⁶ Dorothy M. Colson, Family History.

⁶⁷ Dorothy M. Colson, Family History.

⁶⁸ Dorothy M. Colson, Family History.

war, and she opened a school immediately after, perhaps supplementing her family's income during both periods. Fanny Meade Colson's skills, connections, and work augmented James's ability to sustain a comfortable standard of living and to be perceived as respectable in the eyes of whites as well as a leader among black men.

These couples may have experienced personal satisfaction in their marriages beyond the significant concrete benefits they attained. Both men and women may have felt a spiritual calling to marriage based on their religious beliefs. William Colson and Fanny Meade Colson most clearly articulated the influence Christianity had on their lives and worldviews. John and Mary Shore demonstrated affection for each other and enjoyed the ability to pursue their relationship in religiously, legally, and socially sanctioned monogamous unions. Men who headed these families were able to practice a form of masculinity denied to many other black men. Women expanded the protections available to them. Neither Sarah Colson Jackson nor Mary Colson Shore worked outside of their homes, and Fanny Bolling Colson, sent out to pick up and deliver laundry as a child, taught black children in her home in addition to her other household work. The fact that these later generations of women did not have to work for regular wages marked a significant difference between them and the vast majority of African American women, enslaved and free, and may have been a source of pride for them and their families.⁶⁹ In these families, men and women each sacrificed claims to complete independence by enacting what southern society demanded in exchange for the ability to form and protect

⁶⁹ For preferences regarding work and family, see Stephanie Shaw, *What a Woman Ought to Be and to Do*; Elsa Barkley Brown, "To Catch the Vision of Freedom: Reconstructing Southern Black Women's Political History, 1865-1880," in Ann Gordon, Bettye Collier-Thomas, John H. Bracey, Arlene Avakian, Joyce Berkman, eds., *African American Women and the Vote, 1837-1960* (Amherst: University of Massachusetts Press, 1997), 66-99; Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family From Slavery to the Present* (New York: Vintage Books, 1985).

their families. Men worked in skilled trades and purchased property to provide for their dependents; women had children and raised them in addition to supporting their husbands' business success, fulfilling gender and family roles common throughout Victorian America.

The Cook Brander family also cemented family and marital connections through their acquisition of property but had a more uneven relationship with legal marriage than the Elebecks and Colsons did. This large and tangled family owed much to its founder and patriarch Plato Cook, also sometimes called Plato Cook Brander or Brandon. Plato Cook began fathering children with Mary Brander, a free woman, while he was still an enslaved man in Prince George County. Their eldest child, Plato, was born free in 1766; under Virginia law at that time, the elder Plato's master, Edmund Ruffin, could not have liberated Plato senior even if he had wanted to.⁷⁰ The couple continued to have children; all nine of them took Mary's surname, since she was the free parent, though all of the children also bore the middle name Cook after their father. Plato Cook and his two of his sons, Plato and Gabriel, were among the first to register with the Petersburg Hustings Court in 1794, with the others trickling in over the years and demonstrating a relatively haphazard family observance of the law. Cook, age fifty-seven in 1794, and his two eldest sons, Plato Brander, twenty-eight, and Gabriel Brander, twenty-seven, were later identified as carpenters along with their brother Moses Brander, while the other sons became coopers, a more stationary profession, possibly leading them to feel less need to

⁷⁰ Register, Reel 47, nos. 15, 22.

register.⁷¹ Most of the family did eventually comply with the law requiring them to register their free status; nearly fifty people with the last name Brander or Brandon received certificates between 1794 and 1830.

The Brander men and women were less consistent when it came to securing legal recognition of their marriages. Following in his father's footsteps, Gabriel Brandon lived with a woman named Jincy Ruffin, identified as his wife.⁷² Jincy and Gabriel, though living as married and recognized as such, never made their union legal; the 1803 town enumerator listed their four daughters as having their mother's last name. When Gabriel and Jincy died, Plato Cook still owned the property they had lived on. It is perhaps for this reason that Plato Cook senior, getting on in years by 1812, took Jincy and Gabriel's youngest daughter, Mary, to be registered. Cook probably believed it was important at that time to associate his granddaughter with her father's family. Instead of entering her as Mary Ruffin, he stated that she was Mary Cook Brandon, daughter of Jenny Ruffin, and that he and his wife were her grandparents. Cook also wrote his will that same year, naming Mary as the recipient of her father's share of his estate.⁷³ Establishing Mary's identity as a family member and heir seems to have been his motivation for taking these legal steps, just a year before he died.

The other Brander siblings followed more conventional marital patterns, but, if they legally married at all, it was usually after they had been living as man and wife for

⁷¹ List of People of Color in Petersburg, 1803, African American Narrative Digital Collection, LVA.

⁷² List of People of Color...1803

⁷³ Registry, Reel 47, no. 712; Plato Cook, Will, Petersburg Hustings Court Will Book No. 2: 1806-1827, Microfilm, Reel 18, Library of Virginia, 80. The other possibility is that Mary's elder sisters were born of a previous relationship or relationships and may have been cared for by their mother's or father's families after Jincy and Gabriel died. Mary was Plato Cook's only grandchild to be mentioned by name in his will.

years. Aaron and Sylvia Brander were the exception, legally marrying in 1786 and having their first child in 1788.⁷⁴ Moses Brander, another of Plato Cook and Mary Brander's sons, lived with a woman the 1803 enumeration identified as Bidy (also known as Obedience) Brander and their three-year-old son. It wasn't until 1805, however, that Moses Brander officially married Obedience Morris.⁷⁵ That same year, Shadrack Brandon, another sibling, seemed to live with Franky Brandon, but in 1810 he legally married a woman named Polly Davis. Whether she changed her name is not certain, but their daughter, Lucy Ann, went by the name Brander. Shadrack's third wife, Kiskey Brookings, had been enslaved until he purchased and emancipated her, and she took his name when they married legally in 1830.⁷⁶ Daniel and Betsy Brander lived together in 1803 and had four children by 1821, but they never formally wed. The family founders took the cake for delayed formalities, however. Plato Cook senior and Mary Brandon filed for a marriage bond in 1812, when both were seventy-four years old and had been partners for over forty-five years. Most of these couples experienced long-term, co-residential marriages, but the desire and need for legal recognition of those unions seems to have varied over the years.

Plato Cook provided for his family, cared for them in life, and protected them in death, revealing both gendered family expectations and an understanding of gendered

⁷⁴ List of People of Color in Petersburg, 1803, African American Narrative Digital Collection, LVA; Petersburg (Va.), Marriage Bonds and Licenses, Microfilm, Reels 108 and 109, LVA.

⁷⁵ Petersburg (Va.), Marriage Bonds and Licenses, 1805, Microfilm, Reel 108, LVA.

⁷⁶ Lewis & exec et al v. Brander's exor, Chancery Causes, 1841-026, Petersburg, Virginia, Chancery Records Index (digital), LVA; Registry, Reel 73, no 1553; Marriage Bonds, August 20, 1830, Reel 109, LVA.

legal realities.⁷⁷ In 1812 he began getting his legal affairs in order—formally marrying his wife, registering their granddaughter’s status, and crafting his will, all in the year before he died. Cook had acquired a large piece of property in the center of Petersburg, fronting Old Street, and he had divided it into eight sections. He gave each of his sons then living, Aaron, Shadrack, Daniel, and Moses, a section. To protect the rest of the lots and to benefit his wife, daughters, and granddaughter, he assigned lot number five to Mary, his wife, to use for her lifetime and instructed that the executors rent out the remaining lots, the proceeds to be divided equally among Mary Brander and their daughters, Betsy, Judy, and Polly. He did not bequeath lots to any of his daughters, only supporting them with income from his real estate. Mary Cook Brander, his granddaughter, however, was to receive her deceased father’s share, lot number eight, to use during her lifetime once she married or reached the age of twenty-one. By law, if she owned the land, it would become her husband’s when she married. Thus, the will granted her a life interest only and designated that it pass to her heirs upon her death. Cook intended for this land to remain in his family, an intention his son, Moses, made explicit in his own will five years later. Moses Brander stipulated that his son Arthur was never to sell his lot to anyone outside of his grandfather’s family and stated, “It is my will that no stranger have the land.”⁷⁸ Plato Cook even wanted to keep his family together in death, designating a small section of the property as a graveyard. His legal will illustrates his vision as the patriarch of his clan concerned with ensuring his family’s perpetual prosperity in freedom.

⁷⁷ Plato Cook Will, Reel 18, LVA, 80; Moses Cook Brander Will, Petersburg Hustings Court Will Book No. 2: 1806-1827, Microfilm, Reel 18, LVA, 152-153.

⁷⁸ Moses Cook Brander Will, Reel 18, LVA, 152-53.

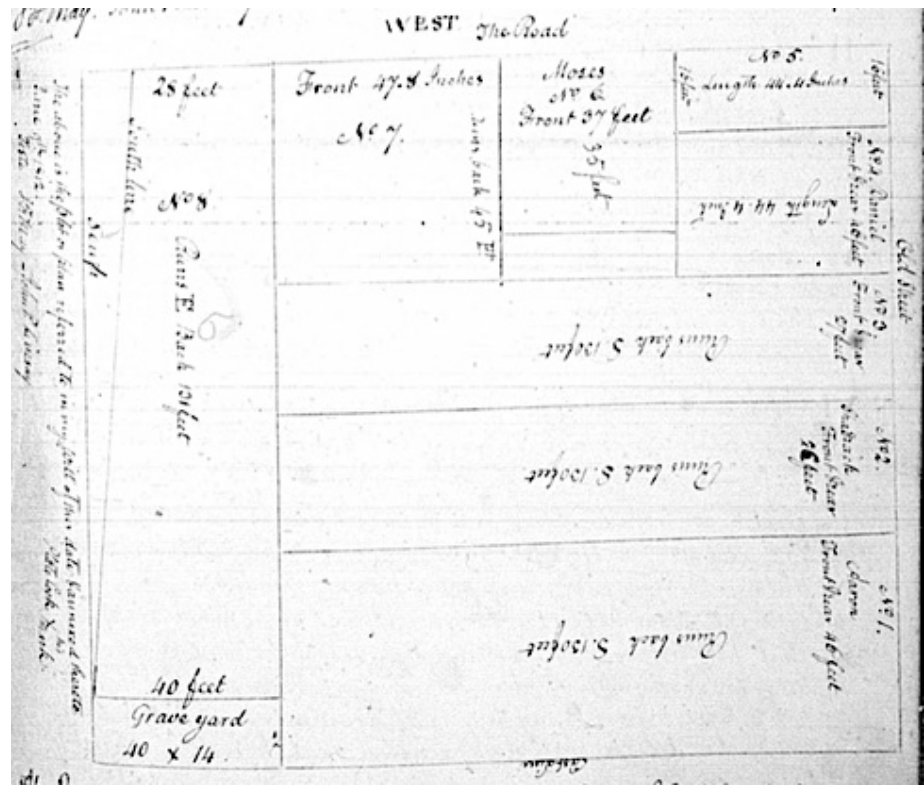


Figure 8. Plat from Plato Cook's Will⁷⁹

The law influenced inheritance, but at least part of the Cook Brander family's gendered worldview derived from their religious beliefs. Their faith provided rules delineating proper behavior, and, though the church disciplinary board sometimes cited the Branders for not adhering to those standards, the rules were the cultural foundation on which their lives were built. Several second-generation family members attended Gillfield Baptist Church along with many other parishioners sharing the last name Brander. Gillfield church minutes mention Bidly, Moses, Sylvia, Shadrack, and James by name, noting their regular attendance. Sometime prior to October 1816, the church expelled Moses Brander, and, though the records do not go back to reveal the

⁷⁹ Plato Cook Will, Petersburg (Va.) Hustings Court Deed Book 2, 1806-1827, Microfilm, Reel 18, LVA, 80.

transgression, he repented and came back into fellowship on this date.⁸⁰ Despite his being an imperfect Christian, Moses left a will instructing that his son, Arthur, was to be brought up in the faith, a marker of its centrality in their lives. It seems odd that Moses felt he had to mandate a religious upbringing, as Bidy Brander also attended Gillfield and frequently reported others for sinful behavior.⁸¹ As Bidy's participation in the discipline of Gillfield indicates, women did have voices within the black church, and they participated in its governance. However, as scholar Nancy Hillman points out, ideas about gender, including male authority and female subordination, limited the scope of their influence as members. The gendered boundaries set by the church likely informed the organization in their homes, even if it did not dictate them.⁸²

The Brander wives remained married to their husbands until they or their spouses died, and the same was true for Bidy Brander, though she demonstrated signs of independence, even in marriage, that some of her sisters-in-law did not. At least, she left records behind. The 1803 enumeration of free blacks, more than any other, diligently

⁸⁰ Members of the Baptist church could accuse or be accused by anyone for committing a sinful act. The deacons would investigate the claim, make their recommendation to the church, and the church members would vote. Members who were expelled could be, and often were, reinstated after they had demonstrated remorse and reform. See, Jessica Madison, *In Subjection: Church Discipline in the Early American South, 1760-1830* (Macon, Georgia: Mercer University Press, 2014); Gregory A. Wills, *Democratic Religion: Freedom, Religion, and Church Discipline in the Baptist South, 1785-1900* (Oxford: Oxford University Press, 1997).

⁸¹ Records of Gillfield Church (Baptist) Prince George County: 1815-1842, 16 October 1816, Manuscript, LVA.

⁸² Nancy Hillman, "Drawn Together, Drawn Apart: Race and Reform in the Baptist Churches of Southeastern Virginia, 1800-1870, PhD diss., The College of William and Mary, 2013. Martha S. Jones finds in non-slaveholding states that churches were sites of gender negotiation through which women stepped into the public sphere, such as when they became preachers. At Gillfield, no women were granted the right to exercise a "public gift," and no woman became deacon. The women of Gillfield were able to bring charges of misconduct before the deacons, investigate claims of misconduct involving other women, and vote on membership. Nonetheless, the expectation that they would submit to the church and to their husbands was made clear. See, Martha S. Jones, *All Bound Up Together: The Woman Question in African American Public Culture, 1830-1900* (Chapel Hill: University of North Carolina Press, 2007), chapter 1; Records of Gillfield Church (Baptist), Prince George Co. 1815-1842. I also discuss women's voices in the church when I discuss church discipline in chapter 5.

recorded the occupations free people of color followed. Mary Brander and Jincy Ruffin, listed after their husbands Plato Cook and Gabriel Brandon, respectively, received the designation “his wife.” Aside from their roles as wives being acknowledged, none of the Brander women claimed an occupation except Bidy Brander, who was a washer. Supplementing her family’s income by taking in laundry, Bidy was able to work in her own home and care for her child. Her husband, Moses, followed his father and some of his brothers into the carpentry trade, so she may have chosen to keep doing laundry as an added measure of security rather than out of dire need. Nevertheless, laundering was one of the most arduous household tasks, and women hired it out when at all possible.⁸³ Because it was such a loathsome task, it was a market in which women of color had a near monopoly in the South and one of the most common ways for them to earn a living.

When Moses drew up his will in 1809, he seemed sufficiently but not excessively concerned about Bidy’s future, spending the bulk of his instructions directing his executors to manage the property for his son, Arthur. When Moses died in 1818, Bidy had the choice of where to live for her lifetime, either on the lot inherited from Plato Cook or one Moses had purchased in New Blandford. She also received the use of all of his personal estate for her lifetime. Eventually, Arthur was to inherit all the real and personal property, and she was to have no say in how it was managed. The will was fairly generous, as the law only directed that 1/3 of a husband’s estate provide for his widow. Moses also added that if Bidy were to fall on hard times while still single, the lot in New Blandford could be sold and the money put toward her relief. Moses Brander, like his

⁸³ Jeanne Boydston, *Home and Work*; Jacqueline Jones, *Labor of Love, Labor of Sorrow*; Tommy Bogger, *Free Blacks in Norfolk Virginia 1790-1860: The Darker Side of Freedom* (Charlottesville, University of Virginia, 1997).

father, understood his responsibility as a provider, whether or not Biddy's work had continued to contribute to the household. He also, intentionally or not, left room for Biddy Brander to remain living in the Cook-Brander family fold, even if she legally remarried.

Obedience Brander did not remain a widow very long, and the conventions of her first marriage had little bearing on her second, demonstrating the range of flexibility some women exercised even within legal marriage. Almost exactly a year after Moses Brander's will was filed, James Boon applied for a license to be married to Obedience "Brandon," widow.⁸⁴ In 1818, Boon, then a twenty-six year old shoemaker hailing from Isle of Wight County registered with the court.⁸⁵ In 1819, Obedience Brander would have been forty-two years old, an unusually large age difference between a younger husband and older wife. The fact that Moses Brander had not made her use of his property contingent on remaining single allowed her to offer something important to her suitor and to gain something in return. By marrying Biddy, James Boon gained a place to live within a well-established family; she gained a husband who was now obligated to provide for her through his income as a shoemaker.

They set up house together, but she continued to head her household under the name Biddy Brander.⁸⁶ Perhaps Biddy kept the name Brander because she wanted to be associated with her free children, Arthur and Moses, born after 1809 when Moses senior wrote his will. The legal standing of the property may have helped shape her choices.

James Boon gained the right to live in the house through Biddy Brander's life interest in

⁸⁴ Petersburg (Va.), Marriage Bonds and Licenses: 1806-1832, Microfilm, Reel 109, LVA.

⁸⁵ Registry, Reel 73, no. 940.

⁸⁶ 1820 U.S. Census, Petersburg, Virginia, Population Schedules, Ancestry.com; List of People of Color for the Town of Petersburg for the year 1821, African American Narrative Digital Collection, LVA.

the property, but, because she did not own the property outright, he could not claim it as his own. Her self-assertion as head of household may have derived from her right to live there as a Brander. Bonds of affection may also have influenced her decision to continue using the name Brander, evidenced by the fact that Judy Brander, her sister-in-law, also lived with her. Living alone in 1840, her 1848 will bequeathed two houses and lots in “Pig Town” to her niece, Betsy Brander, for her lifetime and to her child or children thereafter.⁸⁷ Appearing in several documents to head her own household as a single woman raising a child or children, Bidy Brander was nothing of the kind. After Moses Brander died, maintaining connection with his family suited her material and emotional needs. When she married again, her role in the Brander family nonetheless remained the center of her identity, connecting her to a stable family network of free people long established in Petersburg.

Mary Brander and Plato Cook’s family relied on white customers for their livelihoods but wished to live their private lives in all-black spaces. By purchasing enough land for his large family to share and passing it on through inheritance with the intention of keeping that property intact, Plato Cook ensured that the Cook-Branders would remain a black community, even though they chose not to live in areas of town, like Pocahontas and New Blandford, where free blacks were becoming more concentrated. Their membership in all-black Gillfield Baptist Church rather than one of the mixed-race churches in Petersburg also speaks to their desires to belong to institutions with as little white control as possible. Though their marriages may have signaled

⁸⁷ Obedience Brander Will, Petersburg Hustings Court Will Book 3: 1827-1849, Microfilm, Reel 19, LVA, 483. Pig Town may have been Pig Alley, which the Brander family land bordered. She may have bought out other family members or bought additional property nearby.

respectability to whites, the Cook-Branders relied on their black church and its all-black governance to guide their faith and set the parameters for their behaviors. Gillfield tried to require that couples who could legally do so obtain a state-issued license, but that policy was short-lived; the deacons settled for having partners receive a church-issued certificate.⁸⁸ Most of the couples in these families availed themselves of the right to legal marriage, but not all did, suggesting that legalities sometimes mattered when maneuvering through the white-run world but mattered less when it came to understanding and presenting themselves as husbands and wives within their everyday lives. Their actions reveal that those understandings revolved around a commitment to long-term, co-residential, monogamous marriages made possible by their free status.

Proof of marriage often became important when people with property died intestate and the court was charged with determining the proper heirs. Reubin Bird, a free man of color, died without a will and in possession of a lot and house in Petersburg; he had a legal wife, Charlotte Bird, who lived in the house until she died. She bequeathed the property to a young girl, either her daughter by a previous marriage or her ward. The problem was, Reubin Bird's property was not hers to give. Under the law, Charlotte would be entitled to the use of one third of her husband's real estate during her lifetime, but the property was to then pass to his next closest legal heirs. Reubin's great nieces and nephews thus claimed the property, but they had to prove to the court's satisfaction that they were Bird's legitimate heirs, which meant proving that several family marriages had

⁸⁸ Records of Gillfield Church (Baptist), Prince George Co. 1815-1842, 13 March 1819, 3 August 1822, Manuscript, LVA.

been legal.⁸⁹ The depositions in the case reveal that common knowledge of relationship status, based on how people conducted themselves, could overcome some legal deficiencies. They also reveal how laws governing marriage and property could circumvent a widow's wishes.

Witnesses close to the Bird family shared their knowledge of the family's history. Mary Goodwin, a white woman, testified that she had known the Birds for many years and remembered Reubin and Jesse Bird coming to Petersburg from Essex County as grown men with wives. They presented themselves as brothers, though she did not know if their parents had been legally married; she reported that the difference in the brothers' complexions was pronounced: Reubin was very black and Jesse bright mulatto. Still, she said, they always acknowledged one another as brothers. Though Reubin married twice, he had no living children. Goodwin stated that she did not know if Jesse legally married Betsey, the mother of his children, but that they were "always considered so in the neighborhood." Of Jesse's children, only Sam Bird survived, and he and his wife, Nancy Brander Bird, "passed for married" and were "always known as free people of color." Additionally, Goodwin opined that Nancy was "a very decent coloured woman." Their children, five of them living, sought to divide the property as Reubin Bird's next of kin.⁹⁰ Goodwin, having no certain knowledge of any legal marriages taking place, nonetheless supported this claim based on observations of how people behaved—both the couples involved and the community's acceptance of their legitimacy.

⁸⁹ Samuel Bird v. William Bird, etc, Chancery Causes, 1854-008, Petersburg, Virginia, Chancery Records Index (Digital), LVA.

⁹⁰ Samuel Bird v. William Bird, etc., Chancery Causes, 1854-008.

Sam Bird senior's second wife, Hannah Bird, related how Sam and Reubin always spoke of their family relationships. She remembered Sam's relationship with his children, and presented his Bible as evidence, saying, "I have heard him read them over oftentimes and say that they were the names of his children." Further, she said that Reubin always acknowledged Sam senior as his nephew and, after Sam's death, reported that she heard Reubin say that Sam's children would get his property. Hannah Bird had known Nancy Bird well, had regarded her as married to Sam, and she did not marry Sam until two years after Nancy had died, offering further proof that the couple had behaved and were commonly regarded as married.

Marriages helped some to acquire property and others to lose it. The judge agreed that the nieces and nephews were legitimate heirs, and, in fact, Nancy and Sam Bird had obtained a legal marriage bond in 1824. That did not change the fact that nobody knew for certain whether Reubin and Jesse Bird were brothers, nor did they know if Jesse Bird, Sam's father and the plaintiffs' grandfather, had been legally married. It was enough that everyone had acted as though it were so. Ironically, Charlotte Bird's legal marriage thwarted her efforts to bequeath the property she had also worked hard to obtain. Her executor and the guardian of her former ward attempted to argue that Charlotte had a stake in Reubin's property. According to him, Charlotte and Reubin bought the property together, and she had earned part of the purchase money "through her industry and economy." However, her name was not on the deed, and married women could own property in their own names only if they protected it within a legal trust. Since Reubin did not leave a will directing that she receive more than her legally prescribed inheritance

as his widow, she was simply out of luck, or, rather, her ward was. The girl disappears from the historical record after the case.

In the Bird case, questions about marriage and legitimacy needed answers to compensate for the lack of a legal will; for others, wills could dictate terms that acknowledged a marriage without the legal record of one. Neither London Cary nor Judith Harrison Cary was born free, and they never legalized their marriage; nevertheless, they built a life together with their marriage at the center. It is difficult to determine exactly when they began to consider themselves married. Judith first registered in July 1805 as a free woman who had been emancipated in Surry County in southeastern Virginia. London Cary registered the following year as a waterman who had been emancipated in Charles City County, and he had been counted in the 1803 Petersburg enumeration of free people of color as a twenty-three year old with no family members attached to him.⁹¹ Re-registering in 1807, Judith, called Judah in this transaction, also registered her infant daughter, Sally Cary, who had been born October 16, 1805; the girl's surname suggests that London Cary was her father. Judith's initial registration may have been spurred by the fact that she was pregnant and knew that her free status had to be documented to ensure her child's free status. She returned later to further protect Sally

⁹¹ London Cary could have been a quasi-free person living in Petersburg in 1803, as the man listed as his emancipator in his 1806 registration was Andrew Crew, a Charles City County Quaker who assisted many enslaved and free people. If he were still legally enslaved at the time of his daughter's birth, it would have made Judith's registrations even more important. Perhaps, considering themselves already married, they saw no need to formalize their union once London was freed. It is odd, however, as, unlike the Elebecks, they saw the benefit in formal documentation of their freedom—formal emancipation and registration. London Cary's will also demonstrated his reliance on legal documentation as a form of protection. It makes me wonder if they avoided legal marriage to keep the assets legally separate—not that she appeared to have any of her own. List of Free People of Color in Petersburg 1803, Petersburg (VA) Free Negro and Slave Records 1787-1865, African American Digital Narrative, LVA; Registry, Reels 47 and 73, nos. 332, 390, 415, 969, 970, 971, 972, 973, 1307, 2542, 3010, 3011.

by obtaining a certificate for her daughter stating that Judith had been free before 1806, the year in which newly manumitted black people could, in theory, be expelled from the state. Even by 1807, however, her registration listed her as Judah Harrison, without mention of London Cary as her husband or her daughter's father, as many, but certainly not all, free women did when they updated their registrations.

In fact, however, Judith and London were living together, having established their family on a piece of property he owned in Pocahontas, an increasingly black neighborhood on an island in the Appomattox River. After a gap of over four years between the births of Sally and her next eldest sister, Martha, Judith bore children every eighteen months to two years afterward. London used his boat, "The Shark," to provide for his family as a fisherman. They furnished their home modestly but comfortably, sleeping on a feather bed and providing three additional beds for their six girls. Though they ate at a walnut dining table and boasted a corner cabinet with "one lot China," "2 Decanters" and glasses, most of the rest of their belongings were humble cooking and gardening utensils. London Cary signed with his mark, but the family did own a writing slate, and Cary expressed the desire that his daughters be educated. Appraisers enumerated these belongings in an inventory that accompanied Cary's will, written in 1818, two months before his death at age forty-one.

London Cary's will indicated his love for his family and his trust in his wife, using language that was rare for a standard legal document. He called Judith Cary "my loving wife" and lent her "all my real Estate" for her lifetime—not just a portion—and also gave her the entire remainder of the personal estate, calling for her to use it for the benefit of their children. Recognizing her need to earn a living once he was gone, he

directed that “my said wife, shall keep and run my water craft called the Shark, as long as the said Vessel is Capable of running to enable her the more easily to raise and educate our children.”⁹² Judith may have aided her spouse in his work prior to his death, preparing her to carry on the trade after it. She did not live more than a year beyond her husband, however; London’s brother, David Cary, and his wife Joanna raised the children. Nevertheless, London Cary’s will testifies to the permanence of their common-law marriage and its centrality in their lives. Three black men witnessed the document, and a white court honored its terms. Their daughters benefited from their parents’ careful planning, selling the property they inherited for over \$600 in 1855.⁹³ The Carys were not as economically prosperous as the Elebecks, Colsons, and Cook-Branders, but their lives reflected similar goals and values for their families.

While some men and women saw marriage as one of the greatest benefits of freedom and even used marriage to enhance their free status and belonging in the community, others used marriage to achieve freedom from slavery in the first place. Some people married because they were free; others became free because they were married. As Rose and John Henry Hill’s story illustrates, mixed-status and enslaved marriages were always in peril. As long as at least one spouse remained in bondage, the enslaved partner’s master had the final word on whether a marriage would be allowed, how it would be organized, and whether it would be sustained.⁹⁴ John Henry Hill was

⁹² London Cary, Will, Petersburg (Va.), Hustings Court Will Book Number 2, Reel 18, microfilm, LVA, 39.

⁹³ Petersburg (Va.), Heirs of London Cary vs. Infant of Sally Cary, etc, Chancery Causes, 1870-29, Petersburg, Virginia, Chancery Records Index (Digital), LVA.

⁹⁴ Hunter, *Bound in Wedlock*.

living in Petersburg and considered himself married to Rose McCray Hill when he abruptly learned of his owner's intent to sell him and thereby destroy his family. He escaped from his auction block and made his way north; his wife Rose faced the painful decision to lose her husband or to leave her family behind to be with him in Canada. Because Rose was free, she chose to join him. Few were as fortunate as John Henry was to escape with the ability to reconstitute his family on free soil.⁹⁵ When Fanny Colson's father and uncles were diligently buying themselves, their spouses, and children out of slavery, one of the owners determined to sell her aunt's husband to the Deep South, and there was nothing they could do about it. Fanny's aunt never saw her husband again. These devastating outcomes ravaged many enslaved and mixed-status marriages, but some stories in Petersburg had happier endings, too, and people of color used their families to pool resources and make their cases for freedom.

Rose Hill married John Henry knowing the dangers inherent in marrying an enslaved man but also with hope for the future. Because she was a free woman, their children would be free, meaning the family only had to contend with one enslaved member. She, herself, had been the beneficiary of a mixed-status marriage, receiving her freedom through the efforts of her free father. John McCray had married an enslaved woman, Nancy, and they had several children together. John may have purchased Nancy early in their marriage, allowing her to live as free; the census taker recorded her as if free in the 1830 census, long before her official emancipation. The state law mandating removal after manumission may have delayed John's emancipation of his family. But after decades of building a life in Petersburg in which his wife and children gained

⁹⁵ William Still, *The Underground Railroad* (New York: Arno Press, 1968) 189-203; Edna Colson, Notes on the Life of Kate D. Colson, Colson-Hill Family Papers, Box 1, Folder 9, VSU.

recognition as a free family, John emancipated his wife and children, who immediately sought and received permission to remain in the state.⁹⁶ Like Major Elebeck and others, he abided by the southern code of conduct adequately, presenting himself as a hard worker who fulfilled his duties and had proven his worth as a husband and father, which, in turn, gave him the leverage to free and preserve his family. He may have even used the cover of respectability to hide his fugitive son-in-law, John Henry Hill, before getting him on a northbound ship.⁹⁷

Many families did not resort to escape and separation to achieve their loved ones' freedom and, instead, worked to purchase and then liberate kin. In some families, like the Cook-Branders, the wife was free, necessitating only that the husband be emancipated for the family unit to be secure. Others relied on the efforts of a free husband to redeem his wife and children from slavery, a lengthy and costly endeavor. Graham Bell successfully undertook such an effort. In 1789, Graham Bell paid around \$150 to Anne Murray for the purchase of four slaves: Mary, Graham, Peyton, and Kidder Bell.⁹⁸ He earned the money to purchase them by working as a shoemaker, successful enough to also buy a piece of property for another \$150 in 1791. He freed his wife, Mary, and four of their children in 1792; their fourth child, Beverly, had been born in the time between

⁹⁶ Nancy McCrea, Petition to Remain in the Commonwealth, 1842, African American Narrative Digital Collection, LVA.

⁹⁷ The McCray family knew where John Henry was throughout his journey and kept in contact with him through William Still. Still was a prominent African American in Philadelphia who aided hundreds of escaping slaves, eventually getting them to Canada where the Fugitive Slave Act had no force. Petersburg, with its thriving water trade, had accessible exit routes to the northern states, and through them, to freedom. See, Letter from John McCray to Rose Hill, September 24, 1860, Colson-Hill Family Papers, Box 3, Folder 1, VSU; William Still, *The Underground Railroad* 189-203; For Underground Railroad activities in the Petersburg vicinity, see Marie Tyler-McGraw, "Slavery and the Underground Railroad at the Epps Plantations: Petersburg National Battlefield" (National Park Service, 2005) accessed online www.nps.gov (February 2018).

⁹⁸ Anne Murray to Graham Bell, Petersburg (Va.), Hustings Court Deed Book 1, 1784-1790, Microfilm, Reel 1, LVA.

purchase and emancipation.⁹⁹ They never formalized their union, but Mary and Graham continued living together as husband and wife, having five more children in freedom. Through their labors, Mary and Graham purchased and emancipated at least four more people by 1805, though Bell's brother, Horace, had to pay the enormous sum of almost \$600 back to his brother—perhaps indicating that Bell had loaned Horace additional funds to purchase his own family.¹⁰⁰ Theirs was a success story, and marriage to a free man became a route to freedom for Mary and her children and their family a central expression of that freedom.

Graham Bell's efforts to purchase and free his family, however, took a toll on his resources, demonstrating that attaining and maintaining stability could be difficult and highlighting even further the importance people of color placed on their families. Graham senior's work as a shoemaker afforded him the means to purchase and emancipate his loved ones, and he continued supporting and educating them, with Mary's assistance through her work as a washer. By 1803, their eldest child, Graham junior, had become a schoolmaster, possibly teaching in Joseph Shepherd's school for African American children.¹⁰¹ Two of the other boys, Beverly and Kidder, became carpenters, and two of the Bell daughters worked as seamstresses by 1821.¹⁰² The children who signed legal documents throughout their lives all did so with their names instead of marks, and the

⁹⁹ Deed of Emancipation, Petersburg (Va.), Hustings Court Deed Book 2, 1790-1801, Microfilm, Reel 1, 147

¹⁰⁰ Deed of Emancipation, Petersburg (Va.), Hustings Court Deed Book 3, 1801-1811, Microfilm, Reel 2, 236. 1805 is also the year Bell posted \$500 bond for his son and faced losing his home.

¹⁰¹ A handful of African American men in 1803 and 1821 were listed as teachers or schoolmasters. Joseph Shepherd was one of them, and his schoolhouse is mentioned in the Gillfield Baptist Church minutes. Records of Gillfield Church (Baptist), Prince George Co. 1815-1842, November 1821, Manuscript, LVA.

¹⁰²List of People of Color in Petersburg, 1803,LVA; List of People of Color for the Town of Petersburg for the year 1821, LVA; Registry of Free Negroes and Mulattoes, Reels 47 and 73, nos. 743, 744, 748, 751, 854, 1353.

sons served as witnesses to marriage bonds and as executors of wills for other free people of color. But Graham junior, the son who, as a schoolmaster, must have been a source of parental pride, also became a source of family anxiety, public shame, and near financial ruin.

Having spent his life working to free and educate his family, Graham Bell found himself before a court of law in 1805, posting \$500 bail for his eldest son and namesake. Graham junior did appear at his court date in Brunswick County as instructed, but when presented with formal charges for forging a bond, the younger man fled, leaving his parents and siblings to suffer the consequences of the forfeited bond.¹⁰³ Doing his best to apprehend his son by enduring “a fatiguing journey into North Carolina,” Bell senior returned home unsuccessful and in dire straits. He did not have the cash to satisfy the bond, and, without clemency, “the pittance acquired by the sweat and labor of a whole life, [would] be torn from his grasp, and himself in his old age, with a large family around him, abandoned to misery and want.” Applying to the state legislature for relief, the Bell family submitted a sister petition along with their own, signed by dozens of leading white Petersburgers. They received the answer they hoped for, but not without drawing on their most hard-won resource: their reputation as hardworking, family oriented free people of color.¹⁰⁴

¹⁰³ “At the first day of the next court, your petitioners son, agreeably to his recognizance appeared, and without having been taken into custody remained until the second day, when the grand jury having found a true bill against him, he absconded.” Bell, Graham: Petition, Petersburg, December 4, 1805, Legislative Petitions Digital Collection, LVA.

¹⁰⁴ Bell, Graham: Petition, Petersburg, December 4, 1805, Legislative Petitions Digital Collection, LVA; Citizens: Petition, Petersburg, December 4, 1805, Legislative Petitions Digital Collection, LVA.

Though he could have been far more prosperous without having to purchase and free his enslaved family members, by the time Graham Bell died in 1817, the efforts of his lifetime had paid off. He had two lots and two houses to leave to his wife and youngest daughters for their support, and five of his children had made advantageous marriages. Most of the children except Margaret (Peg) and Caroline left Petersburg, moving to Richmond or to northern states to be with their spouses. Graham junior, interestingly, came back to Petersburg to register with the court in 1813, though he quickly left again; his father forgave him for his unsavory behavior at least enough to give him an equal share of the inheritance.¹⁰⁵ It seems that inheritance consisted almost entirely of the property Mary was to use, as most of their liquid assets had gone toward purchasing and freeing family members. By 1819, Mary decided to move in with one of her children, and her sons and sons-in-law filed a lawsuit to enable them to sell the property instead of renting it out, because nobody would be left in Petersburg to oversee it. Mary purchased property in Richmond in 1822, where she died in 1826.

Graham Bell's son, Archibald, marked his father's life with a headstone in Petersburg's Blandford Cemetery, where the Bell family patriarch was one of the few people of color to be interred. He achieved much in a society that believed people of his color should be enslaved, freeing his family and keeping them free and solvent in the face of challenges. But his family moved on. Marrying people whose roots were elsewhere, the Bell children collectively put their stock in those connections rather than in

¹⁰⁵ Graham Bell Will, Petersburg (Va.), Hustings Court Will Book 2, 1806-1827, Microfilm, Reel18, LVA, 144; Petersburg (Va.), Marriage Bonds and Licenses, 1806-1832, Microfilm, Reel 109, LVA; information Michael Nicholls, email June 27, 2017; Michael L. Nicholls and Lenaye Howard, Pre-1820 Manumissions, online, libguides.usu.edu/virginia-manumissions (accessed: June 28, 2017).

community memory of their father's achievements and standing. Because of their parents' marriage and combined efforts, however, they were free to do so.

Women who had relationships with white men tended to gain the most wealth, even if they never gained the legal title of "wife." Calling interracial sexual relationships "marriage" should be done only with extreme caution. The power attending whiteness and male gender meant that most women of color did not operate from a position of complete choice, and law and custom frowned on interracial partners claiming marriage far more than they did on casual interracial sexual liaisons or informal intra-racial unions.¹⁰⁶ Nevertheless, in at least one case, it seems that a white man and a free black woman considered themselves married and claimed the rights of marriage for themselves, if not the title. Easter Tinsley came to her relationship after being freed by her master in Caroline County, registering in Petersburg in 1812.¹⁰⁷ By the time she registered, she was already mother to a three-year-old daughter by Walter Boyd Gilliam, a white man, and had probably come to Petersburg from his country house to reside, at least part time, in his house on Walnut Street. Two years earlier, Walter Boyd Gilliam's household in Prince George County consisted of seven free people of color, twenty-four slaves, and himself.¹⁰⁸ In addition to the Petersburg and Prince George properties, Gilliam owned 247 acres in Goochland County, northwest of Richmond, inherited from his deceased

¹⁰⁶ Martha Hodes, *White Women, Black Men*; Joshua Rothman, *Notorious in the Neighborhood*.

¹⁰⁷ Register, Reel 47, no. 730.

¹⁰⁸ Given the vagueness of the 1810 census with regard to people of color, lumping all genders and ages into one category, it is impossible to tell the ages and possible relationships among those people. It is possible, and most probable, that Walter Boyd Gilliam hired free people of color to work his land alongside his enslaved laborers. This may be how he came to meet Easter. It is also possible that he and Easter had many children, with only the two daughters surviving. Or, perhaps, Easter had an extended family who lived with them.

brother—on whom the property had been bestowed by his godfather, the famous Virginia patriot, Patrick Henry.¹⁰⁹ Walter Boyd Gilliam was wealthy and well connected, and he had no white wife or children. Easter Tinsley, alias Gilliam, and their daughters, Rebecca Nicholas Gilliam and Jane Henry Gilliam, were his family.

Walter Boyd Gilliam's wealth and status likely made public opinion regarding his choice of partner largely inconsequential on the practical level, but he probably did not bargain on how difficult it would be for Easter and his girls to claim their inheritance after his death. In his will, Gilliam gave them everything, appointing his nephew, Robert Gilliam junior, executor.¹¹⁰ The transfer of the inheritance was not supposed to be complicated. Easter received the lot and houses on Walnut Street and eighteen slaves to possess for her lifetime, with a provision that she pass on them to Rebecca and Jane Henry upon her death. His daughters were each to receive five slaves and the proceeds from sale of the Prince George County land, and they would divide the proceeds from the Goochland County property equally among themselves and their mother. Walter Boyd died in 1821, and the women were still working to gain title to their full inheritance in 1835. First, Walter's nephew refused to qualify as the executor, passing the job on to a court sergeant. When Robert Gilliam junior finally decided to qualify, he served as executor for only three years; then those powers were revoked, returning the estate to the hands of the sergeant, or, rather, two different sergeants in succession.

After a decade of waiting for their property and money, the women brought a lawsuit demanding their inheritance. They claimed that the debts of the estate had been

¹⁰⁹ Goochland County (Va.) Deed Book 20, Microfilm, Reel 22, LVA, 162.

¹¹⁰ Walter Boyd Gilliam Will, Petersburg (Va.) Hustings Court Will Book 2, Microfilm, Reel 18, LVA, 178-79.

satisfied, and they were not only due full possession of their property but also some extra cash from the hire of slaves. It took another four years, but they eventually prevailed.¹¹¹ No document ever referred to Easter Tinsley as Walter Boyd Gilliam's wife, but court documents named her Easter Gilliam, and Gilliam was the legal surname of both daughters. Walter Boyd Gilliam provided for Easter exactly as most husbands provided for wives, and he named his youngest daughter after his white, well-respected mother, demonstrating that he was not trying to hide anything. Through his recognition of them, tacitly as his family and explicitly as his heirs—and the fulfillment of his patriarchal duty to provide for them, the Gilliam women became heirs to over \$6500 in enslaved property alone.¹¹² Through her choice of partner, Easter Tinsley Gilliam had successfully ensured that her children would be protected and that they would, themselves, become significant members of the slaveholding class. Her relationship resisted laws that made interracial marriage illegal, but her choice to bear children fathered by a wealthy white man positioned her daughters to uphold the very slave system those laws supported.

Milly Cassarier, alias Amelia Gallé, had a relationship with her white owner and emancipator, Jean Gallé, that she later claimed had been a marriage. Jean Gallé purchased Milly Cassarier from another man of French extraction in 1802, when she was twenty-two years old. He held her as his slave for four years, during which time she bore their son, Joseph. As his slave, Milly had little choice but to acquiesce to her master's sexual

¹¹¹ Robert Leslie v. exr Walter Boyd Gilliam, Chancery Causes, 1831-004, Petersburg, Virginia, Chancery Records Index (Digital), LVA; Smith et al v. Gilliam's Exors et al, Chancery Causes, 1835-022, Chancery Records Index (Digital), LVA.

¹¹² Walter Boyd Gilliam Inventory, Hustings Court Will Book 2, Reel 18, LVA, 214. Free people who may have been listed with slaves on the census rarely had slaves in their inventories. Most people of color in Petersburg seemed to buy slaves, relatives and others, in order to free them. Other slaves listed in households on the census, as stated before, may have been boarders, slaves employed by tobacco factories or other industrial firms who "lived out." Again, see L. Diane Barnes, *Artisan Workers in the Upper South: Petersburg, Virginia, 1820-1865* (Baton Rouge: Louisiana State University, 2008).

demands, but she earned freedom for herself and her child shortly after Joseph's birth.¹¹³ Jean and Milly may have shared genuine affection, or, at the very least, he felt responsible for her and for their child. The pair continued to live together until his death in 1819. Though Jean called Milly his "housekeeper" in his will, he acknowledged Joseph as his "natural son" and left them both money and property.

In these respects, Milly's life looks similar to those of enslaved women whose free husbands worked to emancipate them and their children and who provided for them materially. But while Jean left Milly and Joseph the property he had purchased in New Blandford and mandated that a house be built there out of the proceeds from his estate, he left his mansion house in Petersburg and his engraved silver spoons to his niece.¹¹⁴ Further, while Milly lived with Jean, she ran a bathhouse and purchased an enslaved woman in her own name. She inherited her business after his death. These provisions of the will make her seem more like a favored concubine rather than a wife. As historian Suzanne Lebsack has noted, Milly advertised her business in the local papers and continued to earn her own living, despite her adequate inheritance. However, deciding to shed the name Milly Cassarier, she began styling herself as "Amelia Gallé, widow."¹¹⁵

¹¹³ Jean Gallé, Deed of Emancipation, Petersburg (Va.) Hustings Court Deed Book 3, 156.

¹¹⁴ Jean Gallé Will, Petersburg (Va.) Hustings Court Will Book 2, 181-182. Jean Gallé left Milly the use of his mansion house for one year after his death if a house had not been build on the lot in New Blandford, and his niece Alicia M. Lovell was not to have use of the mansion house until a \$500 house had been completed. Additionally, he asked that Milly bring up his slave Catharine Gregory, who was to be freed at age twenty-one if possible. Uriah Sykes was not so lucky and was willed to Milly as property along with all the kitchen furniture, chairs, bed and table linens, and silver spoons (except the engraved ones). Gallé made it clear that she already owned all the beds and the enslaved woman, Faith. To Joseph, his son, he willed his watch, clothing, single barrel gun, and all his books.

¹¹⁵ Suzanne Lebsack, "Free Black Women and the Question of Matriarchy: Petersburg, Virginia, 1784-1820," *Feminist Studies* 8, no. 2, Women and Work (Summer 1984), 270-292; 1820 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed June 2017); 1830 U.S. Census, www.ancestry.com. In the 1820 Federal Census, she was listed as "Milly Gallie," and in 1830 as "Amelia Galle." The List of People of Color...1821 (LVA), however, lists her as "Millie Casserer, washer."

Perhaps to quell the notion that anything untoward went on at her bathhouse or to appeal to a genteel clientele, Milly asserted a prior status as a wife that may or may not have existed, either in her understanding or her partner's. She would not be the first to tweak her personal history to advance respectability, even if that respectability was grounded in her claim to having been married to a white man.

Or maybe we can take her at her word—that she had been his wife. After all, Jean Gallé and Milly Casarier Gallé shared a house for nearly twenty years, had a child together, and he made her and their son significant beneficiaries of his will. Further, Jean trusted Milly to bring up and educate an enslaved girl, Catharine Gregory to “lead a moral and religious life” before freeing her at age twenty-one, suggesting that both Jean and Milly at least nodded to religion. Either way, Milly understood the cultural capital her status as a widow afforded her, and she claimed that status to her benefit, bolstering her respectability to counter the stigma of hypersexuality whites often attributed to African American women—and the idea that her bathhouse was actually a brothel—which could, potentially, enhance her earning potential and legal and physical protection.

Death brought the stories of these marriages into focus even as it disrupted them, leaving partners eligible to marry again. Though Plato Cook and Graham Bell each lived into their old age, London Cary, Moses Brander, and Walter Boyd Gilliam all died in their early forties, and William Colson died at the early age of twenty-nine. Among the widows of those four younger men, three married again. Entering into a second or subsequent marriage could endanger assets from the previous union, and free blacks, like whites, sometimes acted to protect their property prior to their second trips down the aisle. Both men and women sought to protect their children and grandchildren when

marrying again. Betsey Matthews, a free woman of color, had purchased two lots in Pocahontas, one in 1823 and the adjoining one in 1825, for a total of \$1250.¹¹⁶ When she became betrothed to her neighbor, John Booker, each vested his or her property in their children from previous marriages. Betsey deeded her property to her children directly and, for the ones who were still minors, through a trustee. John devised all of his property to trustees because his situation was more complicated. All of Betsey's children were free, but John's sons were enslaved men married to free women. After signing the properties over to his two trustees, John was to retain actual possession of the many lots and houses he owned, including the rents he received on them, until his death. After he died, the trustees were to divide the proceeds of sale equally among his two granddaughters, Elizabeth and Priscilla Booker, any of his three children who were able to secure emancipation, and any children he and Betsey produced by the time he died.

Sadly, John died within two years of their marriage. Nevertheless, his three enslaved sons became free that same year, and Betsey Booker had borne a child, Charles Booker, who, along with his elder nieces, was entitled to a portion of the estate.¹¹⁷ Betsey had acted first, knowing that as a woman her future husband would assume control of her property, but both partners prepared for marriage by legally protecting their children's interests. The irony is that John and Betsey never legally married. Perhaps their

¹¹⁶ Petersburg (Va.) Hustings Court Deed Book 7, 1821-1826, Microfilm, Reel 4, LVA, 188-89.

¹¹⁷ Petersburg (Va.) Hustings Court Deed Book 8, 1826-1832, Microfilm, Reel 4, LVA, 188. John's children became free the same day his inventory of personal property was proved in court. Since the will stipulated that they had to be free before his death, it is unclear if they were eligible to receive a share of the property, and I have not found deed or sale of the lots owned by John Booker or the trustees. The men may not have received permission to remain in the state; Jack continued to register until 1844, but the others did not. Only Betsey Booker, two children, a woman, and a slave were enumerated in the 1840 census. Her children named Matthews did not appear either, and they numbered six in 1831. Elizabeth Matthews, her youngest daughter, Charles Booker, and Mary Matthews would have fit the ages of the free people of color living with Betsey Booker in 1840. There is no legal record of either of her marriages, and it has proven difficult to precisely identify Betsey Booker Matthews in the registration records.

experiences of the cultural power of marriage, even in the absence of a license, prepared them to expect recognition of their union and induced them to prepare for the consequences it could potentially have for their children's futures.

The stories of these marriages and families connect the institution of marriage to property ownership, suggesting that people of color, like their white counterparts, often married based on the economic advantage to be gained by a particular match. People like William Colson may have chosen their partners believing that their choice would advance their ambitions. Still, these kinds of marriages were the most documented, in deeds, wills, and court cases, skewing marriage statistics, and the ability to recreate full stories about married people of color, in favor of the propertied. Other couples left only snippets or suggestions about their married lives. Sylvie Parham wrote a note conveying her permission for her fiancé James Epps to obtain a marriage bond; other than their registrations with the Hustings Court, no documents have surfaced to answer further questions about their union. The existence of these types of documents as well as the number of people who turn up in the records living as married without being legally wed, point to the vast undercounting of marriages among free people of color in Petersburg. On the surface, federal census records suggest a significant disparity between the numbers of households headed by white and black women, but those records inadequately document many marriage forms unique to people of color. Sometimes, legally married women appeared in the census to be heads of households, as Bidy Brander did. Based on the registration records, upwards of 25 percent of free men of color worked as watermen, gone so often that they were even exempt from some taxes;

some watermen were not named in the town enumerations of free blacks, making households appear to be headed by women who may have also considered themselves married.¹¹⁸ Finally, many free people were married to enslaved spouses, who were thus invisible in many forms of recordkeeping.

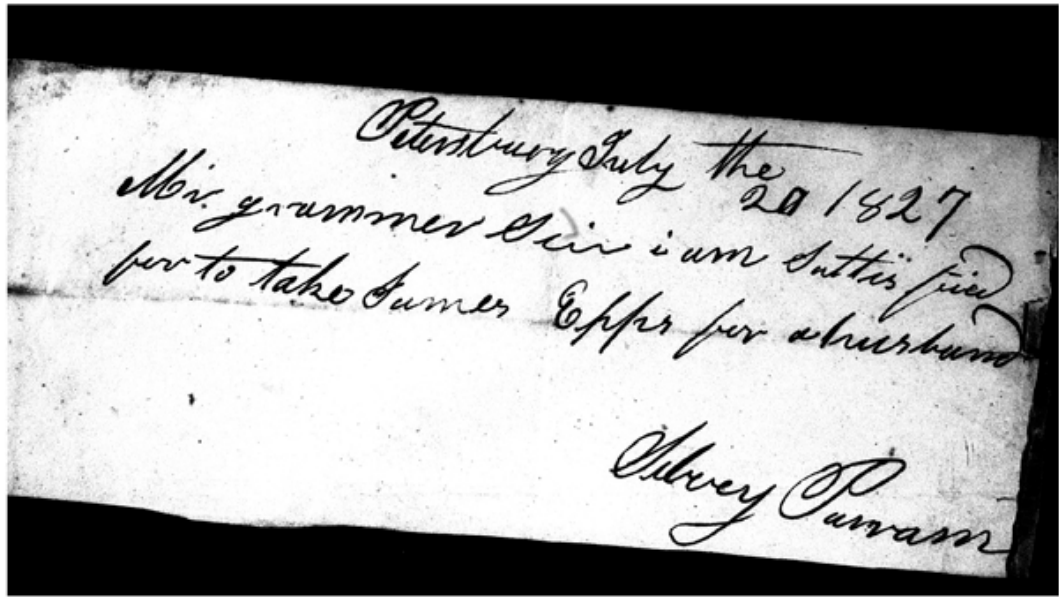


Figure 9. This note to the clerk of the court reads, “Petersburg, July the 20th 1827, Mr. Grammer Sir I am satisfied for to take James Epps for a husband, Silvey Parram.”¹¹⁹

By focusing on the reasons people married beyond property acquisition, we begin to understand what was at stake for many black couples, and even why they pursued property ownership. Property afforded privacy to pursue the domestic life of one’s choosing, closed off, at least sometimes, from the prying eyes and judgments of outsiders, especially whites. Real estate provided economic security for a family who could sell or rent it out in times of need. Property was also another testament to a

¹¹⁸ Uriah Tyner, James Roberts, and Alexander Stevens were all exempted from paying a poll tax because, as mariners, they paid a hospital tax. See, Petersburg (Va). Hustings Court Minute Book, 1819-1823, Reel 26, 21 September and 18 October, 1821.

¹¹⁹ Sylvie Parham to James Epps, Permission to obtain a marriage license, Petersburg (Va.), Marriage Bonds and Licenses, Microfilm, Reel 109, LVA.

family's free status. Enough people married under circumstances that were more economically trying than beneficial, however, to suggest that the cultural and emotional importance of marriage exercised some power beyond economic strategy. The money and energy men like Graham Bell and John McCray expended to purchase and free their families actually hindered their economic advancement. Religious belief and church membership likely shaped some men's and women's pursuit of marriage, as it did for the Colsons and Cook-Branders. And, every now and then, we catch glimpses of love and affection. Not every will referred to wives as beloved, but London Cary's did. Mary Colson Shore's letters to her mother spoke of the care and devotion her husband showed her. In short, people of color married for the same reasons white people did, but the freedom to do so was not easily gained and therefore, when attained, all the more precious.

Many of these marriages, especially of mixed-status partners, remained violable, but free African Americans often succeeded in making their unions viable. Hundreds of African Americans in Petersburg secured marriage licenses, but legal bonds were only one way they expressed their intimate relationships and the expectation that those relationships would be socially recognized. Hundreds more simply claimed marriage and enacted it in ways both blacks and whites understood as legitimate, as a tangible expression of free status and as leverage to move toward and ensure that freedom. Virginia law and jurisprudence remained ambivalent about the protections afforded married free people of color, and free blacks often had to rely on cooperative whites and creative (and expensive) legal and social maneuvering to sustain and protect the

relationships that mattered to them--and many of them did.¹²⁰ Whites may have seen the idea of protecting black marriage as incompatible with the ideals of slavery, but on a practical level they had a vested interest in incorporating free African Americans into this aspect of citizenship by recognizing their families as legitimate. By choosing to marry, free blacks demonstrated their investment in some of the core values and practices of southern society, and, whether or not that was their primary purpose, that investment earned community support and access to a wider range of protections and expressions of freedom.

Men and women entered into long-term, co-residential, patriarchal marriages for numerous reasons. For free men, marriage represented a prerogative of southern masculinity denied to enslaved men. They gained control over their wives' property and labor as well as their children's labor. Having dependents and fulfilling their duty to provide for them demonstrated their worthiness among black and white community members and thus laid claim, to varying degrees, respect and social status. Women benefited from this duty of husbands and fathers to provide for their families. While most free black men could not support a family through their labors alone, husbands' financial contributions to their families allowed their wives, to the degree possible, to choose labor that would allow them to privilege work in their homes for their families. A woman understood as married also gained legal access to a portion of her husband's estate, whether or not he willed it to her, and acquiring property provided another layer of protection to maintaining free status.¹²¹ Free women of color may also have gained some

¹²⁰ Tera Hunter, *Bound in Wedlock*, 86-106.

¹²¹ The poorest blacks could go to the poorhouse, but most able-bodied were hired out at public auction if they had failed to meet their tax or other financial obligations. Land could be a place to live, an

protections against sexual assault, especially if their husbands were well known. If they had the ability to work inside their homes, men outside of their families also had less access to them in public or unprotected places. Marrying and behaving as proper wives afforded women a degree of respectability among blacks and whites that could enhance their claims of legal and social standing. Religion also served as a guide for gender and sexual behaviors, defining the kinds of marriages devout African Americans sought. Finally, both men and women benefited from the ability to form stable sexual and emotional unions of their own choosing and to protect and raise their children. This stability and safety existed along a continuum, of course, but marriage was one important vehicle through which African Americans experienced and passed on the benefits of freedom.

But all may not have been wedded bliss; many marriages disappointed hopes and expectations for happiness and prosperity. For women, especially, the consequences of a legal marriage gone wrong could be dire. Examining enduring marriages, such as the ones in this chapter, reveals what some free African Americans gained when they decided to wed, including the right to determine gender expression and to employ their productive and reproductive labors for their own benefit and within their value systems. But some women avoided having to “kiss the Boss” –that is they avoided submitting to legal, economic, and sexual subordination in marriage. Detecting the limitations of marriage and respectability as strategies for survival in a racist, patriarchal society led many free

attestation of free status, and a source of income through rent or boarders. List of Free Negroes (Insolvent), 1851, Petersburg (Va.), African American Narrative Digital Collection, LVA. This collection has all such lists 1851-1860, with the exception of 1853.

African American women--as the following chapters demonstrate—to reject rigid forms of matrimony and to pursue alternative visions of freedom and family.

Chapter Three
“In bed together upon occasion”: A Continuum of Marriage and Partnership

Rebecca Nichols Gilliam Matthews died a legally married woman. For most wives in 1840's Petersburg, Virginia, no will would have been required since all property passed to their husbands; but there were exceptions, and Rebecca Matthews was indeed exceptional. Born in 1809 to Walter Boyd Gilliam, a prominent white man, and Easter Tinsley, a free woman of color, Rebecca straddled many of the legal and social lines meant to define and regulate antebellum Virginians. Though a free woman of color, she moved easily among and conducted business with prominent white men; legally married, she retained control over the property she brought to her marriage, the bulk of it inherited from her rich white father. When she married James Matthews, a free man of color, in 1838, she had two daughters from a previous relationship that she may or may not have considered a marriage. She knew the difference between formal and informal marriage, however, because she appointed Robert Ritchie as her trustee, to hold her property separate from her husband's, just prior to their nuptials.¹ Writing her will in 1844, Rebecca left the bulk of her estate, including land, slaves, and personal property worth more than \$10,000, to her four children, including the two she had with Matthews. She devised some property to James for his lifetime that was to be passed on to their son after his death. The will is striking in the almost total gender role reversal in which Rebecca

¹ Separate estates, though not predominant, became more common across the Early Republican and Antebellum period. Most were set up through inheritance, with the will-writer devising the woman's property to be held in trust for the benefit of her and her children, who would inherit the property outright. Some women, as Rebecca did here, set up their own trusts prior to marriage, and I have only seen a few instances of this kind of arrangement among free black women. See Suzanne Lebsock, *The Free Women of Petersburg: Status and Culture in a Southern Town 1784-1860* (New York: W. W. Norton & Co., 1984), Chapter 3; Carole Shammas, "Re-Assessing Married Women's Property Rights," *Journal of Women's History* 6, no. 1 (Spring 1994): 9-30.

distributed property like a husband and James received his portion under the same conditions as if he had been a wife. He thought he was entitled to more.²

Even though Rebecca Gilliam Matthews was unusual among free people of color simply by dint of her wealth, she and James negotiated their partnership—and he was still negotiating after her death—along a continuum of relationship forms that did not necessarily adhere to clear-cut rules or ideals regarding sex, money, and gendered responsibility. Hundreds of free people of color signed marriage bonds in early Republican and antebellum Petersburg, but just as some couples gained recognition as being married without that formality, some legally married free black couples seemed to eschew elements of legal and social patriarchy as they formed their households, accumulated property, reared children, and, frequently, moved on to other relationships, with or without the formality of divorce. Some married women lived apart from their husbands, some conducted business or controlled property in their own names, some claimed control over and responsibility for their children, and, when they were unhappy, some women and men just up and left. It seems almost as if in a society where free people of color were denied equal political, social, or economic rights, they had more flexibility to act as they chose, sometimes manipulating white racist expectations to enhance their own experiences of freedom. While couples in the previous chapter used respectability to resist negative racist stereotypes and command recognition, other free people of color rejected dominant society's definitions of marriage, sexual propriety, and

² Petersburg, Virginia, Registry of Free Negroes and Mulattoes, 1815-1850, Microfilm, Reel No. 73, LVA, nos. 1104, 1105, 1539, 3251, 3253, 3284; Rebecca N. Matthews Will, Petersburg Hustings Court Will Book 3: 1827-1847, Microfilm, Reel 19, LVA, 507-508, 512; Rebecca Matthews & c. v. JL Matthews, Chancery Causes, 1849-006, Petersburg, Virginia, Chancery Records Index (Digital), LVA; Mathews vs. Mathews, exor et al, Chancery Causes, 1854-038.

gender responsibility. Partly because she was so prominent and well connected, Rebecca Matthews overcame much of the resistance to her attempts at upending patriarchy, but she was not alone among married free women of color, many of whom tried to maintain some legal and social independence. While some foundered, others enjoyed reasonable success.

But many free black women never married at all--formally or informally. That choice did not mean that they lived life alone or without men or that they saw themselves or were seen by their communities as immoral or deviant. The value free people of color accorded to various relationships was the product of a complex social calculus that recognized the validity of partnerships that some whites would have dismissed as illegitimate. Many free blacks seemed to favor forms of serial monogamy, most commonly living with a partner "as his wife" or "as her husband" until the relationship ended—or did not end and became a de facto or bona fide marriage. Free blacks recognized the difference between the various forms of co-residential monogamy and being married, and they also distinguished the former from other more fluid or transactional forms of courtship and sex. In these monogamous but not necessarily permanent relationships, partners took on the roles of husbands and wives, sharing chores and responsibilities as well as a bed. Couples who formed these kinds of partnerships often went on to marry later in their lives, sometimes to the partners with whom they had cohabited, but sometimes to a different partner, even if they already had children—as Rebecca Gilliam did when she married James Matthews. Having these kinds of relationships, or even more casual ones, did not necessarily render either men or women ineligible for future marriage among other free blacks. Sex, it seemed, played a role in

marriage and long-term monogamy but not the defining role. These relationships were defined by faithfulness for the duration of the unions, but previous history mattered far less than it did among whites and some free blacks.³

Free African Americans, usually but not always women, also had complicated relationships with white partners. Forbidden by law to formally marry, some mixed-race couples, like Rebecca's parents, formed unions that they tacitly acknowledged as marriage. In the Gilliam-Tinsley case, Walter never fathered a white family; he lived with Easter and their children, and he left everything he owned to his black wife and to the mixed-race children who bore his name. Other mixed-race unions were more clearly cases of concubinage, non-marital sexual relationships that were less openly acknowledged, though they could last a brief while or for a lifetime. Both blacks and

³ Many historians have noted the prevalence of such relationships, especially among the enslaved, of gradations of intimacy. The form discussed here resembles what many of them have called "taking-up" which could look very much like marriage, though without ceremony and sometimes not long term. The more casual or live-out situations were termed "sweethearting" (though not to be confused with abroad marriage) and may or may not have been monogamous, and, finally, courtship was the process of finding and securing partners. I choose to use "serial monogamy" because it best describes the relationships for which I have evidence. Tera Hunter, *Bound in Wedlock: Slave and Free Black Marriage in the Nineteenth Century* (Cambridge: Harvard University Press, 2017), especially Chapters 1 and 3; Heather Andrea Williams, *Help me to Find My People: The African American Search for Family Lost in Slavery* (Chapel Hill: University of North Carolina Press, 2012); Frances Smith Foster, *Til Death or Distance Do Us Part: Marriage and the Making of African America* (Oxford: Oxford University Press, 2010); Rebecca J. Fraser, *Courtship and Love among the Enslaved in North Carolina* (Jackson: University Press of Mississippi, 2007); Dylan C. Penningroth, *The Claims of Kinfolk: Property and Community in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 2003); Brenda Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press, 1996), Part II; Jacqueline Jones, *Labor of Love, Labor of Sorrow, Black Women, Work, and the Family, From Slavery to the Present* (New York: Vintage Books, 1985) 27-43; Jo Ann Mafrá and Robert Dykstra "Serial Marriage and the Origins of the Black Stepfamily: the Rowanty Evidence," *Journal of American History* 72, no. 1 (June 1985): 18-44; Deborah Gray White, *Ar'n't I a Woman?: Female Slaves in the Plantation South* (New York: W.W. Norton & Co., 1985); John Blassigame, *The Slave Community: Plantation Life in the Antebellum South* (Oxford: Oxford University Press, 1979); Herbert Gutman, *The Black Family in Slavery and Freedom, 1750-1925* (New York: Pantheon Books, 1976), Chapter 2; Genovese, *Roll Jordan, Roll: The World the Slaves Made* (New York: Vintage Books, 1976) 450-501; On gradations, specifically: Anthony E. Kaye, *Joining Places: Slaves Neighborhoods in the Old South* (Chapel Hill: University of North Carolina Press, 2007), Chapter 2; Noralee Frankel, *Freedom's Women: Black Women and Families in Civil War Era Mississippi* (Bloomington: University of Indiana Press, 1999); Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Urbana: University of Illinois Press, 1997).

whites termed women in these relationships, usually a black woman and a white man, as “kept mistresses.” If the man had no white family, the couple sometimes lived together, but most of these relationships were live-out situations. Black men occasionally joined in partnerships with white women located at various points along this spectrum of tacit marriage to live-out sex, but they kept women of color as their mistresses far more often. Of course, other black and white men, if they could afford it, opted to hire prostitutes. Petersburg played host to a thriving sex trade with both black and white women offering their wares, often in cooperation with one another. While none of these activities was acceptable to acknowledge in “polite” company, Petersburg residents, black and white, knew about and tolerated them to a certain extent. Criminal records are fairly silent about the details of interracial relationships and the sex trade, but depositions taken in divorce cases reveal that many people possessed intimate knowledge of their neighbors’ affairs.⁴

Each of these relationship types constituted a form of resistance to the various legal and social constraints—based on race, gender, and social class, in various combinations--imposed by those who held power in southern society. Rebecca Matthews enjoyed enormous privilege for a free person of color in Petersburg, but she resisted gendered laws and norms that would place her property in her husband’s hands when she married. Her wealth ensured that her actions were very much the result of choice. Other black women acted from a defensive position, responding to challenges to their relationships and sexuality as best they could while working to keep their own value

⁴ Regarding tolerance for interracial relationships see, Melvin Ely, *Israel on the Appomattox*; Joshua Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861* (Chapel Hill: University of North Carolina Press, 2003); Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven: Yale University Press, 1997). On prostitution and other behavior termed deviant in southern society, Victoria Bynum, *Unruly Women*.

systems intact. Free women married to enslaved men may not willingly have chosen to reverse patriarchal norms by serving as legal heads of their families in which their enslaved partners were effectively dependents, but the slave society in which they lived impelled them to do so when they partnered with enslaved men. Other women made partnership choices to protect their physical safety, to ameliorate dire poverty, or to seize opportunities for themselves or their children. As they worked to create meaningful experiences of freedom, these women often bent, and sometimes broke, social norms meant to reinforce race-based slavery and the dependency and chastity of women.

Rebecca Matthews represented what was possible for a black woman of means who understood social and legal nuance with regard to relationships. She manipulated both her separate estate and her status as *femme couverte* to exercise rights and freedoms normally accorded only to white patriarchs. Rebecca's legal education began early. She lost her white father when she was only twelve years old, in 1821, but even though she received a sizable inheritance, taking possession of her property was hardly easy. As late as 1830, the Gilliam women, Easter and her two daughters, were still fighting for their inheritance, stating that the claims against the estate had been paid and demanding that the executor transfer the property. In the meantime, however, it seems that Rebecca and her sister, Jane Henry, wished to maintain the lifestyle in which they had been raised, and they borrowed heavily from their father's estate, each accruing a debt of \$2000. To repay the estate, Rebecca mortgaged various portions of her property and spent the rest of the 1830s trying to refinance and pay off that debt. Because of her name and her

connections, Rebecca had little trouble securing loans or extending their terms. But by the middle of the decade, she was scrambling.⁵

Rebecca may initially have pinned her hopes for financial solvency on a relationship with a white man. Her two daughters, Sarah Elizabeth and Jane Henry, born in 1832 and 1833, carried the name Gilliam in some cases but were registered with the Hustings Court and referred to in other documents as having the last name Spooner. There was only one man, black or white, with the last name Spooner in the Petersburg vicinity, Alden B. Spooner. In 1820, he may have been living as a widower, his household consisting of himself, three younger white men, a white boy under ten, a white girl between ten and fifteen, and four slaves.⁶ In 1830, his name was listed on a household in Prince George County containing no whites and three slaves, but by 1840 he had turned up back in Petersburg, married to a white woman. It seems as though Rebecca and Alden Spooner may have begun a liaison in the early 1830s that produced these two children. However, if she hoped her situation would mimic her mother's and that Spooner would treat her as a wife, she probably was sorely disappointed.⁷ Still, she

⁵ Smith et al v. Gilliam's Exors et al, Chancery Causes, 1835-022, Petersburg, Virginia, Chancery Records Index (Digital), LVA; Petersburg (Va.) Hustings Court Deed Book 9: 1832-1836, Microfilm, Reel 5, LVA, 170, 190.

⁶ 1820 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2018); Registry, Reel 73, nos. 3251, 3152; Mathews vs. Mathews, exor et al, Chancery Causes, 1854-038, Petersburg, Virginia, Chancery Records Index (Digital), LVA. Who the other young men in Spooner's household in 1830 were remains a mystery. He only had one son who would have been twelve around 1830. In 1832, Spooner sent him north for his education. Letter from A.B. Spooner to Alden Partridge, 27 January 1832, Alden Partridge Records, Norwich University Special Archives and Collections, online, <http://www.archives.norwich.edu> (accessed August 7, 2017). Spooner was also one of the lawyers in the Gilliam inheritance suit, for the plaintiffs. He wrote the petition. See Smith & ex. et al v Gilliam et al, Chancery Causes, 1835-022.

⁷ Only one reference is made to Rebecca Matthews' children prior to her marriage to James being from "her first marriage," and that is very late in the chancery suit concerning her estate. Given her financial status, it is possible that this "first marriage" was a rewriting of the story to bestow respectability. Mathews v Mathews, exor et al, Chancery Causes, 1854-038; Rebecca J. Scott and Jean Hébrard discuss the both the power of legal documents to convey status, but common understanding could also carry

marshaled the resources at her disposal to move her debt around, and she eventually found James Matthews, a free man of color she seems to have believed she could lean on while still retaining the upper hand in the relationship.

Rebecca and James's detailed marriage deed reveals her aspirations to maintain absolute control of her property and its income as well as his acquiescence to the same. For a married woman to hold property outside her husband's control, that property had to be deeded to and held in trust by a man or single woman, and Rebecca had such a document prepared ahead of her nuptials.⁸ James signed the deed, written and notarized the same day as their wedding, December 29, 1838, and the document was prepared with his "full and expressed consent."⁹ Rebecca's property at the time of her marriage consisted of her house and lot on Walnut Street, property in Prince George County, fifteen slaves, and half of the slaves her mother would leave upon her death. The provisions stipulated that Rebecca would "receive and take to her own use the profits and hires of the slaves hereby conveyed or intended so to be." Not only could her new husband not sell or dispose of her enslaved property but he also had no say over their distribution as hirelings or the use of their earnings. In making this provision, she also retained control over her children and their welfare, as all income from the hiring out of her slaves was to be used for her own support and theirs. This arrangement gave her

weight, such as when "the union of the widow from Saint-Domingue and the carpenter from Belgium was retrospectively transformed into a marriage by some of those around them." As Rebecca's daughters did not need to prove their parents' marriage to inherit from their mother, the reference to a "marriage" seems to have reflected how the family talked about the relationship rather than a legal claim. Rebecca J. Scott and Jean M. Hébrard, *Freedom Papers: An Atlantic Odyssey in the Age of Emancipation* (Cambridge: Harvard University Press, 2010), 100-101.

⁸ Shammas, "Re-Assessing the Married Women's Property Acts," (1994): 9-30; Lebsack, Chapter 3.

⁹ Mathews vs. Mathews, exor et al, Chancery Causes, 1854-038.

greater authority over how her children would be raised and simultaneously denied James one of the key markers of masculinity: the role of provider.

Rebecca also established a legal relationship with Robert Ritchie, a white lawyer who served as her trustee. Ritchie was to manage her accounts and pay earnings to her on a regular basis. Rebecca technically needed her trustee's consent to liquidate any of her property, but only she, not her trustee nor her husband, could initiate such an action. The deed then directed that in the absence of a will, Rebecca's property would be divided evenly among her children upon her death; if James were to die first, she was released from the trust "as if the deed had never been made," no longer subject to Ritchie's oversight if she were to regain status as *femme sole*. Finally, the marriage contract insulated her and her property from any of James's debt liability, which was the primary purpose of most separate estates. Availing herself of protection under the law meant to keep women from being made destitute by their husbands' financial failings, Rebecca managed to retain a significant amount of independence and control over her extensive holdings.

Once married, Rebecca Matthews seems to have expanded that independence as she simultaneously claimed the rights of a wife and the prerogatives of a husband. Though Rebecca, now married to James, became pregnant and gave birth to their son, John Walter Boyd Gilliam Matthews, within a year of their marriage, husband and wife lived most of the decade of their union apart. Either before or just after the wedding, James took a job with the Petersburg Railroad, running a steamboat on the Roanoke River, which kept him in southern Virginia or North Carolina. The wages were good, at \$30 a month, but the work took him far from home. He returned only infrequently,

leaving Rebecca to manage things in Petersburg. Rebecca spent considerable sums of money on her children and home. Receipts from later in the marriage show her spending over \$100 to repair or expand her house, and almost \$225 in a nine-month period for fabrics and accessories, including calico, kid gloves, silk, and ribbon. Those expenditures equaled—to give one example—the entire personal estate of prosperous free black barber and merchant William Colson. In fact, Rebecca’s expenditures exceeded her income throughout her marriage. Merchants continued to extend her credit, and Rebecca continued a kind of financial shell game that was common at the time, covering various debts by borrowing elsewhere.

Though James was not often at home, he sent money and provisions back to Petersburg. Ostensibly providing for his family as a dutiful husband and father, James in fact worked for wages that went directly into Rebecca’s hands, much as a husband could legally control his wife’s income. In addition to his regular earnings running the steamboat, James also “made large sums in various kinds of traffick on the river” as well as fishing for his own sustenance and extra cash, remaining “industrious, temperate, and economical, and always making money.” He claimed that during this time he sent Rebecca nearly all of his earnings along with hogs, chickens, and eggs, using his connections on the railroad to ensure their delivery. Caught between his wife’s promise to provide for herself and her children and his duty as a husband and father, James carried on, giving Rebecca, her daughters, and his son what they required.

When James began to demand recognition of Rebecca’s promise to consider his contributions a loan to her separate estate, she deftly maneuvered to pacify him without actually giving away anything. In June 1845, Rebecca once again needed money to cover

debt payments. James agreed to give her \$600 if she deeded the house to him. Rebecca, literate and clever, drew up such a deed and even signed it. But as a married woman, even with a separate estate, she was not free to convey her property without the consent of her trustee; the law also required that a private examination of the wife to take place to determine whether she was being coerced, or that she appear before two justices to be educated on her decision. James believed he had bought himself a house, but Rebecca knew that the sale would never stand up in court. And, just to be sure, she never filed the deed. That she knew it was illegal for her to independently dispose of her property became clear in 1847 when she brought a chancery suit for authorization to sell some slaves to cover yet more of her debt. She made her husband and trustee defendants in the suit, saying that they had prevented her from using her property to settle her accounts, the income from the hire of her slaves being insufficient to do so.¹⁰ Since she knew she could not sell her enslaved property without her trustee's consent, she likely had known two years earlier that the same rules applied to her real estate, making her sale void, which, in this case, was to her advantage.

Rebecca Matthews also turned her dependence to her advantage in the 1847 case. Though Ritchie denounced as thoroughly spurious the accusation that he stood in the way of her debt payments, the court found in Rebecca's favor. Not only did the judge give Ritchie detailed instructions on how to select and sell a slave or slaves for Rebecca, he had to pay the \$33 court costs. Additionally, the \$428 Rebecca did have in her account was only to be paid to her creditors from what remained after improving her house and lot. Though up to her eyeballs in debt, some \$3500 by the time she died, the court

¹⁰ Rebecca N. Matthews vs. J.L. Matthews, &c., Chancery Causes, 1849-006; Matthews vs. Matthews, exor et al, Chancery Causes, 1854-038.

allowed her to use the little capital she had to renovate and expand her home before paying her creditors.¹¹ She came to court as a supplicant and femme couverte but managed to walk away with expanded credit and spending power, more like a white man of the time than a woman of color.

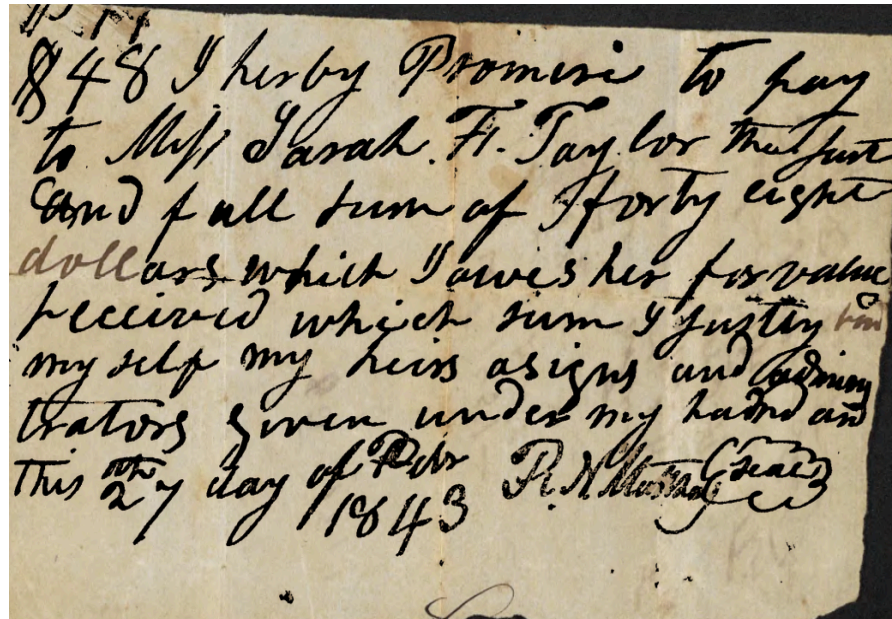


Figure 10. A note written by Rebecca Matthews February 27, 1843 acknowledging her debt to Sarah F. Taylor in the sum of \$48. *Mathews v. Mathews*, Chancery Causes, 1854-038.

Rebecca died just before her tenth wedding anniversary in December 1848. Her will, first drafted in 1844, reads almost like one written by a patriarch distributing land and slaves. Rebecca started with her slaves and a few personal items. She gave her eldest daughter, Sarah Elizabeth, seven slaves and her next daughter, Jane, six slaves--with each girl to receive a bed and bedstead at age fifteen. To the son she shared with James, John Walter Boyd, she willed three slaves. To James she left the use of and profits from hiring

¹¹ Rebecca N. Matthews vs. J.L. Matthews, &c., Chancery Causes, 1849-006.

two enslaved men as well as the right to live in the house she had occupied until his death, when both the slaves and house would pass to their son. Her other property, lots Rebecca inherited from her father in Petersburg and Prince George County, was to be divided between her eldest daughters (the youngest not having been born in 1844), and all three children were to divide the rest of her personal property equally. As her husband, James got only a life interest in a small piece of Rebecca's property, on the same terms as a widow but an even smaller share of the rest than the normal third that a widow received. As her final assertion of control, Rebecca appointed her executors, not her husband, as guardians of her children. Rebecca eventually changed some of the will's terms, taking into account her intervening emancipation of three slaves and the birth of her youngest daughter, Mary Ann Rebecca Matthews. Her last codicil also bequeathed her house to James. Perhaps she felt guilty about the earlier, fake sale of the home to him; but, at the same time, she also denied him the income from the two slaves she had previously allowed him.¹² Rebecca giveth, and Rebecca taketh away. As she did so, she once again demonstrated meticulous financial planning and understanding of the law.

Recognizing that her enslaved property would be her family's most lucrative legacy, she directed that her debts be paid from the hire of her slaves, first, and from the sale of her real estate, second, to avoid selling slaves. The distribution of slaves among her heirs along with those she chose to emancipate in her will displayed her style of mastery. In her earlier suit, she had demonstrated a willingness to sell slaves to pay debt, and she chose one man, William, who had been disobedient, to be auctioned off. She may have also chosen him because he could "most conveniently be separated," allowing her

¹² Rebecca Matthews Will, Petersburg (Va.) Hustings Court Will Book 3: 1827-1847, Microfilm, Reel 19, LVA, 507-508, 512.

“to avoid as far as practicable the separating of husband and wife, parent and child.”¹³

Furthermore, her will emancipated six of her twenty-nine slaves, though they would be required to work to pay off her debt before they received their freedom.¹⁴

As she distributed enslaved property to her children in her will, Rebecca kept together mothers and children, such as “Lucy and her child Lucy,” “Mary Ann and her child Billy,” and “Priscilla and her three children John, Mingo, and William.” It may have been her intention to allow one mother, Mary Bartlett, whom she freed, to purchase her children who were assigned to Sarah, following the precedent she had set when freeing her enslaved woman Ussey and her two sons, Sydney and Jack, by 1846. However, though her slaves may have been able to negotiate for their freedom during her lifetime or at her death, Rebecca Matthews never lost sight of the fact that her human property afforded financial security for herself and her children, and her own family’s needs took precedence. Keeping enslaved families together when possible was one thing, but selling a recalcitrant slave as a form of discipline and freeing slaves, such as Ussey and her sons, “on account of money and services...received” rather than from pure magnanimity, illustrates Rebecca’s entrenchment in the ruling class, though she was of mixed-race and a woman.¹⁵ In the end, her careful ordering of her slaves in her will would matter little because her estate finally had to reckon with the enormous debt she left, and it was the enslaved who were made to pay.

¹³ Rebecca Matthews v. J.L. Mathews, Chancery Causes, 1849-006.

¹⁴ Documents in all court cases refer to the income from the hire of her slaves; in the 1840 census; only two enslaved people were part of her household. 1840 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2018).

¹⁵ Rebecca Matthews Will, Reel 19, 507-508, 512.

By early February 1849, questions of how Rebecca's debts would be paid and the nature of James's relationship to his wife's property and obligations converged once again in chancery court, with James Matthews asserting his right to his wife's house as well as his status as her creditor. Realizing that hiring slaves out for the year would pay only a fraction of her debts, Thomas Wallace, her executor, fulfilled the first request Rebecca made: to sell the real estate rather than selling her enslaved property. Though James hastily pledged to buy the house, he then brought suit against the estate, claiming not only that the house was his, by virtue of his supposedly having previously paid \$600 for it, but also that, since the house had not been conveyed to him, the estate owed him interest as well. Additionally, he claimed that since Rebecca had promised to pay for her support and that of her children, the money of his she had used both for that purpose and to put toward her debts constituted loans, further indebting the estate to him.¹⁶

The judge's ruling demonstrated just how clever Rebecca had been. The 1845 deed was ruled invalid, as Rebecca had surely known it would be. Furthermore, the court ruled that just because Rebecca had reserved her separate estate for her support and that of her children, she had not absolved James of his obligations to them. Therefore, he could not be a creditor to the estate for expenditures on the maintenance of the children—even if those items included silk and kid gloves. The judge ruled, with all of Rebecca's heirs in agreement, that the slaves were to be sold instead of the real estate. James got the mansion house after all, as devised by the will, and he did not have to pay what he pledged at auction. He also became guardian of his two children and managed their inheritance. Four years and a 131-page chancery file later, James had negotiated his way

¹⁶ Mathews vs. Mathews, exor et al, Chancery Causes, 1854-038.

into his fatherhood and property rights, things Rebecca had tenaciously withheld from him during her lifetime. In spite of what Rebecca Matthews had lost through her debt accumulation, her children split an inheritance, after the debt was paid, of over \$6500, quite a feat for a married woman of color.¹⁷ Her success was no accident; she deftly navigated the legal and financial arenas as a married woman, asserting her independence and falling back on dependence at different times to enhance her comfort and maintain her financial legacy.

Mary Ann Stewart Vizzoneau, another married woman of color, also used her class status and connections to assert her legal and financial independence, not only in relation to her husband and trustees, but also with regard to the Commonwealth of Virginia. In the process, she demonstrated how the performance of class and gender could effectively blur supposedly rigid racial and legal categories. In 1806, Mary Ann Stewart married André Thomas Vizzoneau (known as Thomas) against her father's wishes.¹⁸ Vizzoneau was the son of André Vizzoneau, a Frenchman who possessed property in Nantes, St. Domingue, and Petersburg. Thomas had been born in the Caribbean but had traveled to France with his father before they migrated together to Petersburg. The child of his father's union with a woman of color, Thomas seemingly skirted repercussions for having violated Virginia's law barring free black immigration into the state, and he also ignored the registration law while under André's protection.¹⁹ André prospered in Petersburg while his son grew to manhood. At age twenty-two,

¹⁷ Mathews vs. Mathews, exor et al, Chancery Causes, 1854-038.

¹⁸ Bott, Susan C.: Petition, 1839-12-23, Petersburg, Virginia, Legislative Petitions Digital Collection, LVA.

¹⁹ Petersburg (Va.), Register of Free Negroes and Mulattoes, 1794-1819, Microfilm, Reel 47, LVA, no. 675; André Vizzoneau Will, Petersburg (Va.) Hustings Court Will Book 2: 1806-1827, Microfilm, Reel 18, 43-44.

Thomas caught the eye of Mary Ann Stewart. She, too, was the child of an interracial union, acknowledged by her wealthy Scottish immigrant father as his “natural” daughter. Like Thomas, she seemed to avoid many of the requirements and restrictions placed on free people of color, and, unlike him, she did so for her entire life. While he eventually did register with the Hustings Court as a free person of color, Mary Ann never did. It is not clear why John Stewart, Mary’s father, opposed the match, but within the course of a few years Thomas Vizzoneau proved that her father had indeed known best.

Mary Ann spent many of her remaining years untangling the complex situation her marriage created. The elder André Vizzoneau died in 1809, and his will settled money and property upon his son. It could have been during this time that Thomas began a downward behavioral spiral, though Mary Ann lived with him at the time of the 1810 census, and the Commonwealth granted him permission to remain in the state in 1811, something not likely to happen for a known reprobate.²⁰ Nevertheless, by 1814 he had seemingly been “guilty of acts the recital of which would shock the feelings of the most obstinate heart.”²¹ Mary Ann had returned to her father’s house, and, even though he took her in, he refrained from writing a will designating her as his heir. His sudden illness and impending death resulted in a hasty oral will granting his daughter all the money he had in the bank and his real estate in trust “for her benefit so her husband (André Thomas

²⁰ André Vizzoneau Will, Reel 18, 43-44; 1810 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017); “An Act Authorizing sundry persons of colour therein named to enjoy their freedom in this State,” Slavery Statutes, Virginia—January 25, 1811, HeinOnline, (accessed April 6, 2018).

²¹ Vizzanneau, Mary Ann: Petition, 1824-01-06, Petersburg, Virginia, Legislative Petitions Digital Collection, LVA.

Vizzoneau) might have no manner of control or right to the same.”²² Witnessed and thereby proved in court, the oral, or nuncupative, will was found valid, but that did not mean Mary Ann had complete access to her inheritance, which consisted of a bank account in the amount of \$19,000 and a house and lot worth somewhere between \$2500 and \$5000. Because of her legal disabilities as a married woman and the laws governing nuncupative wills and trusts, she had to fight for control of her father’s property on many fronts and eventually achieved the right to act as femme sole.

By 1816, Mary Ann Vizzoneau had begun her campaign against the restrictions imposed by her marriage, her trustees, and the state. She started with the state. Though John Stewart’s will unquestionably conveyed his liquid assets and personal property to Mary Ann, a conveyance of real estate through a verbal, or nuncupative, will was illegal. Moreover, Mary Ann was Stewart’s “natural,” or illegitimate, daughter, not someone to whom the property could pass by default. In cases like Stewart’s, with no written will, deed, or other legal next of kin, the property was subject to state seizure. Nevertheless, she persisted. Hiring lawyers who argued that it was her father’s intent to give her the property without restriction, she asked the state to relinquish its interest.²³ The state obliged, more or less, with the General Assembly passing an act allowing her to possess the property during her lifetime and, after her death, to pass it to any children she might have had by that time; the act did not allow her to sell or convey the property to anyone else. This solution was not perfect, but it allowed her to continue to occupy or profit

²² Vissoneau, Mary Ann: Petition, 1816-11-19, Petersburg, Virginia, Legislative Petitions Digital Collection, LVA.

²³ Vissoneau, Mary Ann: Petition, 1816-11-19.

from the land and house. She would contend with her supposed inability to dispose of the property later.

Living in her father's house apart from her husband and benefiting from her separate estate, Mary Ann took further steps to increase the distance between her husband and herself. In 1818, the Petersburg Hustings Court granted André Thomas Vizzoneau and Mary Ann Vizzoneau articles of separation. Not a full divorce that would allow the parties to remarry, it separated them from "bed and board." Thomas also agreed "that none of her property would be liable to pay his debts or in any way subject to his control." Though the property was safe from such liability through the conditions of her father's trust, the agreement gave her even greater protection. Perhaps looking for a fresh start after a bad marriage and the loss of her father, Mary Ann relocated to New York, leaving her real estate and cash in the hands of her trustee, Dr. John Bott, who soon proved that he could not be trusted at all.²⁴

Dr. Bott played fast and loose with Mary Ann's money, causing her to return to Petersburg and once more to claim expanded agency over her inheritance. In 1819-1820, financial disaster struck the United States, including Petersburg, and caused devastating losses in every economic sector. John Bott had illegally invested or loaned over \$15,000 of Mary Ann's money, all of which had disappeared. The terms of the trust protected Mary Ann, because he was not supposed to invest her money without her knowledge or consent. John Bott, however, a very wealthy white man, became financially destitute when required to repay Vizzoneau's trust, having to sell his plantation and slaves far below market value and mortgage his property in town. Though she recovered her losses,

²⁴ Her original trustee had been Edward Pegram junior, assigned by her father. He died shortly after and was replaced by John Bott. Vizzanneau, Mary Ann: Petition, 1824-01-06.

Mary Ann was, understandably, quite through with having a trustee. She petitioned the General Assembly once again in 1824, this time asking that body to allow her absolute possession of her assets. Still legally married, she should not have been able to own separate property without a trustee, but, in addition to the protection of her separation agreement, Thomas had been declared insane and was a “confined maniac,” unable to legally act for himself and therefore posing even less of a threat to her holdings. Thus bolstering her claims to act as an independent woman, she shied away from exposing Bott’s perfidy and simply stated that it was inconvenient for her, living so far away, to have access to the profits of her property. John Bott hastily agreed, and the legislature deemed her request “reasonable.”²⁵

Before she returned to New York, Mary Ann Vizzoneau prepared a deed of gift transferring her real estate to her friends, Susan Bott, the wife of her former trustee who remained her friend, and Eliza Niblo, another friend, reflecting her insistence that she could act independently of her husband, a trustee, or the state. After she died, by 1839, the state reminded these friends that Mary Ann’s first victory in her march toward autonomy had been only a partial one. The women engaged lawyers familiar with Vizzoneau’s history and argued for their claim to the property based on Mary Ann’s right to own and to dispose of it as a femme sole. First, they established her wish to give away her property as entirely reasonable. John Bott had died nearly penniless, and “after his death, when Mrs. V saw that her estate was safe and his ruined she regretted the hardship of her course and when she was about to leave Virginia for New York again she made a deed conveying her lot to Mrs. Bott and Miss Niblo, with the latter of whom she had

²⁵ Vizzanneau, Mary Ann: Petition, 1824-01-06.

boarded during her stay in Petersburg.”²⁶ James May, a Hustings Court magistrate in Petersburg, stated that even though John Stewart’s conveyance of land was not valid, the Commonwealth had a long history of releasing its title to lands “even to remote kindred on the ground that he who acquired them would probably have so given them.” Recognizing that the nuncupative will could not devise real estate, May reiterated that Stewart had recognized Mary Ann as his child, making the state’s claim, which prevented her from deeding her property, seem far fetched, indeed. Based on the law of descents, she was the next of kin to whom the property should pass. The state passed an act of Assembly on March 10, 1840 releasing its interest in the property to Susan C. Bott, effectively agreeing that Mary Ann Vizzoneau had every right to act as she did.²⁷

Both Rebecca Matthews and Mary Ann Vizzoneau blurred class, gender, and race distinctions, though in slightly different ways. Both were illegitimate daughters, one tacitly recognized in her father’s properly executed will and the other openly acknowledged in a nuncupative will. Both legally married free men of color. Both women accessed avenues of formal power, namely economic and legal protections. While Matthews established a separate estate, she deftly maneuvered between claiming independence and dependence to her best financial advantage, accessing credit and keeping her creditors at bay. Vizzoneau worked steadily to extricate herself from the legal disabilities of her sex as well as her dual status as an illegitimate daughter and married woman. Neither woman was ever referred to as a woman of color in her legal

²⁶ Bott, Susan C.: Petition, 1839-12-23, Petersburg, Virginia, Legislative Petitions Digital Collection, LVA.

²⁷ Acts Passed at a General Assembly of the Commonwealth of Virginia, Passed at the Session Commencing 2 December 1839 and ending 19 March 1840, Samuel Shepherd, Printer to the Commonwealth, 1840, online, babel.hathitrust.org (accessed July 2017), 147-48.

pursuits. Moving among whites of both sexes, they pushed the boundaries of gender norms even while working within existing and accepted systems of power. Both were wealthy, and Rebecca Matthews purchased clothing indicative of her class status and gender. Legal documents referred to Mary Ann as “Mrs. Vizonneau,” an honorific usually reserved only for white women and denoting her respectability as a married woman, even after she had legally separated from her husband. Both demonstrated a commitment to preserving property and/or investing capital, and both practiced mastery over enslaved people. In other words, they enacted and achieved near-whiteness.

Rebecca Matthews’s eldest daughters, only a quarter black and maybe less, moved north to Philadelphia after their mother’s death. Mary Ann Vizonneau returned to New York and, after Thomas died, married a German man named Shreve.²⁸ The blurring of boundaries may have spared them from the worst of southern racial and gender oppression, but perhaps, too, it barred them from a sense of full belonging and connection in that society, prompting them to break from the past and seek new identities elsewhere.

Eliza Boswell Gallee was another legally married woman of color who managed to live her life among Petersburg’s overlapping constituencies and to carve out her own space within them despite significant obstacles. Born around the turn of the nineteenth century, Eliza came to Petersburg sometime before 1815 from Caroline County, north of

²⁸ Mary Ann Stewart Vizonneau never registered with the Hustings Court as a free person of color. That she was one is indicated by her legal marriage to André Thomas Vizonneau, who was formally recognized as a free man of color, and she was probably the second free person of color listed as living with “Andre T. Vizzoneau” in the 1810 U.S. Census. The fact of her illegitimacy was also taken for granted (never questioned nor proven), which could indicate that a legal marriage between her parents was impossible. See, 1810 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017); Andre Thomas Vizzoneau to Mary Stewart, Petersburg (Va.) Marriage Bonds and Licenses, 1806-1832, Microfilm, Reel 109, January 6, 1806; Mathews v Mathews, Chancery Causes, 1854-038; Bott, Susan C.: Petition, 1839-12-23; White v Vizonneau et al, Chancery Causes, 1837-009, Chancery Records Index (Digital), LVA.

Richmond. Whatever her story had been prior to arriving in Petersburg, her response to events afterward reveals that she had acquired a sharp survival instinct for one so young. Only fifteen with no family or guardian, she lived with Eliza Kennon, a seamstress, and somehow possessed around \$1500--quite a sizeable sum for most people at the time, and especially so for an underage girl of color. Rumors expanded that number tenfold until her landlady believed she was worth upwards of \$15,000. Joseph H. Galle, a free lad of color around sixteen years old, had heard this rumor, and it was clearly the money and not only Eliza Boswell's "very bright complexion," long curling hair, and hazel eyes that induced him to concoct a scheme to marry her.²⁹

Gallee partnered with Eliza Kennon to accomplish the deed. Kennon approached young Eliza first, suggesting that she marry Joseph, and when Eliza balked and said she had "no affection" for him, the older woman persevered. Kennon told Eliza that if she would marry him, Kennon would "give her, if said Gallee did not treat her well, the house and lot where Kennon then lived, which was of considerable value...it being a handsome two-storied house."³⁰ Eliza continued to refuse. So, one morning Eliza Kennon hired a hack and persuaded her tenant to take a ride. Joseph Gallee was waiting, and the three set off for North Carolina, where, under great duress, Eliza Boswell became Eliza Gallee. On the return trip home to Virginia, Joseph Gallee threatened to whip her if she did not turn her money over to him.³¹ So much for a honeymoon.

²⁹ Registry, Reel 73, no.1372; Gallee v Gallee, Chancery Causes, 1840-068, Petersburg, Virginia Chancery Records Index (Digital), LVA; List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA; Eliza Kennon continued to have young girls reside with her after Eliza Gallee, likely teaching or employing them in her trade.

³⁰ Gallee v Gallee, Chancery Causes, 1840-068.

³¹ Gallee v Galle, Chancery Causes, 1840-068.

Upon returning home, the couple took up residence in a small house of Eliza Kennon's on the same lot. A neighbor living within 150 yards of that dwelling reported the pitiful circumstances he witnessed in those days: "I know she was sick immediately after they went into their own house and she hired a woman to wait on her and Joseph Gallee drove that woman away and Eliza had to lie there and suffer for want of necessaries, after recovering a little so as to be able to crawl about she came several times to my house for something to eat, which my wife gave her." The "sickness" Eliza suffered from was, in all probability, the result of being beaten and raped on her wedding night. Cowed, Eliza handed over money, first \$50 and then \$100. "He [Joseph] went over to Blandford where he staid until he had spent the whole of it, except about seventy-five cents, with which he returned home drunk." When Eliza asked what he had done with the money, said the neighbor, "he flew into a violent passion and commenced beating her." Accounts differ as to whether Eliza fled or Joseph left; either way, they never lived together again.

Eliza Boswell Gallee may have wanted to forget all about the marriage, but it was not going to be a simple matter. She registered as a free person of color with the Hustings Court in 1825 as Eliza Boswell, perhaps hoping that the passage of a decade had erased all knowledge of her wedding, but the story and her husband were too notorious. He had likely been well known before his escapades involving her began. The son of well-to-do merchant of French Caribbean extraction, Jean Gallé, and his former slave, Milly Casarier (alias Amelia Gallie), he had been brought up comfortably, acquired an education, and, though he may not have known it when he absconded with Eliza, he stood

to inherit property from his father.³² But the drinking binge he went on with Eliza's money was probably not his first and definitely not his last. Several people reported that Joseph was "often intoxicated," and he had a general reputation of being of an "idle, dissipated, and trifling [sic] character." Unwilling or unable to find work, he walked about town wearing "nothing but a bunch of rags" and was arrested as a vagrant, "sold for 90 days to the work house of the town." By the 1830s he was living with another woman of color in Blandford whom he treated "as his wife." While this last development may have been a tentative sign of personal recovery and redemption for Joseph Gallee, it constituted living in "open adultery" and did not stop him from periodically harassing and threatening Eliza, his legal wife.³³

The further Joseph's fortunes descended, the higher Eliza's began to rise. Whether she maintained control of her money all along or somehow managed to acquire more is unclear, but in 1832 she bought her first piece of property, and a substantial one at that. Standing as her trustee so that Joseph Gallee might never have claim to it, Gilbert Rambaut, on behalf of Eliza Gallee alias Boswell, purchased the lot on Union Street, which had belonged to a barber, for \$375.³⁴ She bought another lot through a trustee the

³² Jean Gallé Will, Petersburg (Va.), Hustings Court Will Book 2:1806-1827, Microfilm, Reel 18, LVA, 161-162. It perplexing that Joseph ends up destitute. He stood to inherit from his white father. His mother was still living in 1821, and the town census lists him as a member of her household under "children." He would have been around 20-21. It is possible that there were two Joseph H. Gallees in Petersburg, but I think it unlikely.

³³ Gallee v Galle, Chancery Causes, 1840-068.

³⁴ Petersburg Hustings Court Deed Book 9: 1832-1836, Microfilm, Reel 5,17-18. Gilbert Rambaut was the son of Richard Rambaut, an associate of Jean Gallé and Amelia Gallie. The elder Rambaut, at times, was deeply indebted to Amelia, who also sold his "restoratives" in her bathhouse, in addition to owing money to another woman of color named Elizabeth Allergue. These women's relationships to French men from St. Domingue may have only included business dealings, or, in the case of Ameila's relationship to Jean Gallé, also sexual relations. How Eliza tapped into this network is unclear, but it seems that she may have retained a relationship with her legal mother-in-law, Amelia Gallee. In 1830, a mere 5 entries separated Eliza and Amelia in the Federal Census. That, along with Eliza's

same year, and she immediately commissioned a house to be built on it and sold to Catharine Cook, a white woman. In 1839, she purchased a lot and brick house on Washington Street, where she resided.³⁵ Perhaps gaining confidence through her successful financial and legal transactions, and tired of having to maneuver through a trustee, Eliza decided it was time that she was shut of Joseph Gallee for good; she petitioned the court for divorce. He threatened to stop her if she did not pay him \$500. The judge ruled in her favor and granted a divorce *a mensa et thoro*, or separation of bed and board, in 1840. Like Mary Ann Vizzoneau, she would now be able to act as a *femme sole* with regard to her property, but she was debarred from legally marrying again.³⁶ Married for twenty-five years to a man who kidnapped, raped, and beat her, and who continued to menace her when they lived separately, she probably did not consider being denied another husband much of a hardship.

Eliza Gallee continued to prosper and to shape the contours of her life on her own terms. By the conclusion of her divorce in 1840 she headed a household that included a free man of color around her age, a free girl of color between ten and twenty-three, and four slaves. She probably lived in her house on Washington St.; she was definitely

continued association with the Rambaut family suggests some interaction. See: Lewis Hoisnard Will, Petersburg (Va.) Hustings Court Will Book 2, 1806-1827, Microfilm, Reel 18, 90-91; Jean Gallé Will, Will Book 2, 101-102; Elizabeth Allergue Inventory, Petersburg (Va.) Hustings Court Will Book 3, 1827-1849, Microfilm, Reel 19, 9; Richard Rambaut Will, Will Book 3, 27; 1830 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (July 2017).

³⁵ My sincere gratitude for a job well done goes to the National Park Service and the Virginia Department of Historic Resources for the meticulous research presented in their 2006 application for Pocahontas Island to be included on the National Register of Historic Places. Their identification of Eliza Gallee's deeds as well as Henry Badgers' has proven invaluable to telling this story. I have added to what they found and believe we are closer to telling Eliza's story in its entirety. United States Department of the Interior, "Pocahontas Island Historic District," *National Register of Historic Places Registration Form*, September 2006, <http://www.dhr.virginia.gov/registers/Cities/Petersburg/123-0114_PocahontasHD_2006_NRfinal.pdf> (accessed June 2017).

³⁶ Galle v Galle, Chancery Causes, 1840-068.

residing there in 1844 when she insured it for \$450, describing it as “one story high, walls brick, roof wood, 15 by 30 feet.”³⁷ It would be easy to speculate that Eliza lived with the man as her husband and, as Eliza was around forty years of age, that the younger woman recorded in the census was her daughter.

But such assumptions become tenuous when looking at the arc of Eliza’s life. Making money remained the sole constant from this point forward, with relationships seeming to flow from that priority. She became acquainted with a white man almost twenty years younger than herself, Henry Badger, sometime prior to 1847 when she offered two of her slaves as security for his good behavior and court appearance to answer charges of illegal gaming. She sold her house in 1848, but she continued to own property and houses adjacent to it that she rented out, often to known prostitutes. She lived in the same vicinity as of the early 1850s, in a household with three other women, two black and one white, all the while continuing to purchase and sell property, now focusing her efforts in Pocahontas, one of Petersburg’s increasingly black neighborhoods. Henry Badger had also been buying up land on the island, and he lived with Eliza there on one of his properties in 1860, though she owned real estate in her own right, worth around \$1500 along with personal property of equal value. She did not have to live with Badger out of economic necessity. Eliza Gallee died in early 1861, leaving a brief will in which she bequeathed “to my friend Henry Badger all my property real and personal.” He had her buried in the cemetery established for free people of color, and he erected a marker in her honor.

³⁷ Mutual Assurance Society Declarations, Microfilm, Reel 18, Vol 122, Policy 13, 764, LVA (cited in above VDHR Report); 1840 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (accessed July 2017); Magee v. Magee, Chancery Causes, 1854-0014, Petersburg, Virginia, Chancery Records Index (Digital), LVA.

Like Rebecca Matthews and Mary Ann Vizzoneau, Eliza Gallee was a mixed-race woman who left a financial legacy; but unlike those women, she arrived in Petersburg without parents or other kin, making her vulnerable to the predations of fortune hunters—or worse. It is unknown what happened to her in the ten years between her marriage to Joseph Gallee and her registration as Eliza Boswell, but even though she eventually began buying property, she seemed unconcerned with other markers of respectability. Prostitution played a significant role in her life and may have begun in the desperate days after leaving or being left by Joseph Gallee—especially if she lost control of her money. She was a young woman with a “very bright” complexion, long sandy hair, and hazel eyes—the kind of woman some white men—such as those who bought enslaved “fancy girls” in the lower South were attracted to.³⁸ Or, maybe she herself never traded sex for money, but she knew the money to be made. She seems to have provided several avenues for women to sell sex. Some women rented properties of hers that earned reputations as houses of “ill fame.” Her own house carried that designation, one where women, black or white, could bring their customers for an hour or an evening, suggesting that the some women engaged in sex work temporarily or as supplemental income. The women who lived in her house in 1850 may have staffed a full-time brothel operation.³⁹

Eliza could have simply decided that facilitating the trade was a good investment—working girls paid their rent. But it is also possible that she identified these women as

³⁸ Alexandra Finley, “‘Cash to Corinna’: Domestic Labor and Sexual Economy in the ‘Fancy Trade,’” *Journal of American History* 104, no. 2 (September 2017): 410-430; For a discussion of enslaved women’s sexuality as foundational to the southern political economy, see: Adrienne Davis, “‘Don’t Let Nobody Bother Yo’ Principle’: The Sexual Economy of American Slavery,” in *Sister Circle: Black Women and Work*, ed. Sharon Harley (Rutgers University Press, 2002), 103-127; Deborah Gray White, *Ar’n’t I a Woman?: Female Slaves in the Plantation South*, revised edition (New York: W.W. Norton & Co., 1999).

³⁹ Magee v Magee, Chancery Causes, 1854-018, Petersburg, Virginia, Chancery Records Index (Digital), LVA; 1850 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017).

her community, one she fostered through renting out clustered houses near her own, at least for a time, and by providing temporary space in her home for women and their clients to have sex. In such a community, these vulnerable women could protect one another from abusive customers and maintain some control over their working conditions. No absolute protection was available to them, as they were, at best, only tolerated and sometimes subject to social and legal crackdowns from the purportedly more respectable ranks. Judging from the numerous testimonies in divorce cases, the sex trade was a ubiquitous part of Petersburg life, and many people knew who engaged in it. Eliza herself would face reprisals, but it seems that, lacking influential parents or kinship connections, she either found or created her networks within the circles of gamblers and prostitutes. Because she had money, however, she was laid to rest among the most respectable black citizens of her day.



Figure 11. Eliza Gallee's Headstone. It reads: In Memory of Eliza Gallee born July 5, 1802, Died April 10, 1861. This testament of respect was caused to be erected by her friend Henry Badger. Located in People's Memorial Cemetery, Petersburg, Virginia. Photo by the author.

These women, Rebecca Matthews, Mary Ann Vizzoneau, and Eliza Gallee, turned to the courts and the state legislature to protect them from legal disabilities they faced as married women; other married women simply acted of their own accord without asking anyone's permission. Lurany Butler was one such woman who entered into the bonds of legal matrimony at least twice. Born around 1790, Lurany Denny probably considered herself married to James Butler for a number of years before wedding him in 1813. Like some couples in the previous chapter, theirs began as a mixed-status marriage, with Lurany free and James enslaved. But James had been working toward freedom for a long time. Laboring for his first master as a miller, James's good conduct earned him a promise of emancipation after ten more years of fulfilling his duty. During that time, his master fell into debt, and he conveyed James to another master in payment. This second master, however, agreed to sell Butler to John Osborne who, in turn, agreed to emancipate Butler once the \$600 sale price had been repaid. But the law of 1806 requiring newly emancipated slaves to leave the state within one year had been passed in the meantime. Rallying white citizens to his cause, Butler petitioned the state legislature in 1810 for permission to remain in the state if emancipated, and Osborne likewise petitioned on behalf of Butler and his wife and children in 1811. The legislature failed to act. By December 1813, a third petition to the General Assembly indicated that Osborne had freed Butler even without permission to remain in Virginia; Osborne had also endorsed James Butler's application for a license to marry Lurany or "Rainey" Tennery in August of that year. They were married on September 18, 1813. She was around

twenty-five, and he was forty. The December petition was, at last, successful, and they continued their lives as free and legally married Virginians.⁴⁰

Whether it was a holdover from their previously mixed-status marriage or a new arrangement of their own choosing, James and Lurany Butler did not practice economic coverture. In 1814, James paid the taxes on two lots, numbers ninety-three and ninety-five, along with the levy on two horses and the head tax charged to all free male residents.⁴¹ Given his continued good standing with his employers and former owners, it is likely he continued earning money through his work as a miller. But by 1815, the tax collector issued two receipts, one to James Butler on lot ninety-three and one to Lurany Butler for lot ninety-five. Perhaps she had purchased the lot with her own funds while her husband was still enslaved, and, even though she was now married, she asserted her right to maintain control over it by fulfilling the responsibility to pay taxes on it. She also engaged in other business while married, hiring an enslaved man for the year 1816 as well as paying taxes on her cart, which she likely used to earn an income transporting or selling goods.⁴² It was not unusual for married women of color to work for wages, at least in cities; it is noteworthy, however, that she continued to transact business in her own name. If she and James Butler had children--and the petitions indicate that he, at least, did—then the couple could have seen her separate economic legacy as an additional

⁴⁰ Butler, James: Petition, 1810-12-06, Petersburg, Virginia, Legislative Petitions Digital Collection, LVA; Osborne, John: Petition, 1811-12-11, Petersburg, Virginia, Legislative Petitions Digital Collection, LVA; Butler, James: Petition, 1813-12-14, Petersburg, Virginia, Legislative Petitions; James Butler to Rainy Dennery, Petersburg (Va.) Marriage Bonds and Licenses, 1806-1832, Microfilm, Reel 109, LVA, August 29, 1813.

⁴¹ All free men in Petersburg paid a head tax, but Petersburg was also supposed to collect an additional tax on free blacks to support Liberian colonization efforts. Butler's tax in 1814 was labeled simply "poll," and he was charged \$.70. In 1815 he was charged with 1 Tax Free Man of Color in the amount of \$2.50. The Butler Papers, Luther Porter Jackson Papers, Box 51, Virginia State University, Petersburg Virginia.

⁴² The Butler Papers, Luther Porter Jackson Papers, Box 51, VSU.

proof-of-freedom paper trail, since only free people could own property and free or enslaved status conveyed through mothers. But they did not establish a legally binding separate estate. Their legal marriage proved important to Lurany's inheritance or management of James's lot but, interestingly, does not seem to have inhibited her own property rights. He died in 1819, and she continued to pay taxes on his estate for the next fifty years, passing it on to Mary Butler, junior, possibly their granddaughter or his by another spouse.

In her widowhood and second marriage, Lurany Butler King demonstrated her desire to both protect and control her legacy, possibly contributing to the demise of that second relationship. Lurany Butler married Billy King, a cooper, in 1819. She continued to pay taxes on both her lot and the lot belonging to James's estate, which should not have been legally possible once she married. If she had been named guardian or trustee for any children, her second marriage should have disqualified her for that role, and no evidence exists for a separate estate. She also maintained her lot under her first married name, possibly indicating an active unwillingness to relinquish her identity as Lurany Butler. She registered with the Hustings Court for the first time in 1824 as "Lurany Butler alias Lurany King."⁴³ While some documents do refer to her as Lurany King, it is difficult to place the pair together. The 1821 List of Free Persons of Color places "William King, Labourer" and "Lurany King, Labourer" several pages apart. This list is

⁴³ Registry Reel 73, , no. 1350; Billy King to Lurany Butler, Petersburg (Va.) Marriage Bonds and Licenses, 1806-1832, Microfilm, Reel 109, LVA, August 21, 1819.

an imperfect tool for judging household composition, but it is noteworthy that Lurany King was listed right before a Peggy Ann Butler.⁴⁴

She continued to use the name Lurany King, at least socially, through the 1820s, but the 1830 census offers further confusion as Billy King *and* Rainey Butler headed households.⁴⁵ Three feasible explanations exist: first, that Lurany and Billy had engaged in an abroad marriage, a married couple living apart, from the beginning; second, that Lurany lived with him in 1830 but was also listed as head of household on the property she owned; or, third, that they had, indeed, dissolved their relationship and gone their separate ways though still legally married.⁴⁶ Neither James nor Lurany is documented in the 1840 census; the 1850 census again indicates that they lived separately, while the 1860 census leaves little doubt that this was the case—seventy-five-year-old cooper William King lived with another woman, while seventy-year-old “Lourana” Butler headed her own household and possessed real estate worth \$1600 as well as personal property valued at \$50. Whatever path their partnership took to reach this point, it did not closely follow nineteenth-century Virginia marriage conventions and may not even have conformed to the law. Rebecca Matthews, Mary Ann Vizzoneau, and Eliza Gallee had taken specific legal action to protect their separate property within their marriages; Lurany Butler simply acted, and it seems her second husband and various tax collectors went along with her assertion of the right to do so.

⁴⁴ “List of Free People of Color in the Town of Petersburg for the year 1821,” Petersburg (VA.) Free Negro and Slave Records, 1787-1865, LVA.

⁴⁵ Records of Gillfield Church (Baptist) Prince George Co, 1815-1842, manuscript, LVA ; 1830 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com, (accessed July 2017).

⁴⁶ Jane Minor is listed as the head of two households in 1830, each containing slaves that she would go on to free in the subsequent decade.

An examination of some other marriages gone awry provides support for the idea that Lurany Butler and William King had dissolved their union without much fanfare or legal fuss, and that this was a recognized practice among African American couples. Joseph Gallee is described above as living with another woman “as his wife” after he and Eliza had parted ways. Although that information was used in this case as evidence that he was an unfit husband, the phrase nonetheless appears to have had other possible layers of meaning. Though the practice of living together as man and wife often became visible through accusations of adultery, these arrangements occurred at least as frequently, if not predominantly, among people who were not technically married to others. In other words, people did not choose these arrangements solely because they were unable to legally marry. Not everyone agreed what living “as” a wife or husband meant, but most people seem to have used the term to designate partners who lived together and shared responsibilities in addition to having sex. When one or both partners violated the relationship’s terms, it was time to move on.

One married couple, the Joneses, eventually filed for divorce, but their preceding actions indicated their understanding of elements vital to a partnership and the signs that such a relationship had ended. In the divorce petition filed in 1850, Watkins and Arena Jones agreed on a few important matters. They had been legally married in 1839, and they had lived happily for a time. Then they had a child who died, which precipitated a growing distance between the two. Both partners agreed they had not lived together for many years, and both agreed that a divorce was the best solution. The only point they could not reconcile was who should bear the blame. According to Watkins Jones, Arena voluntarily deserted him in 1845 “without any just cause or complaint.” She “commenced

an adulterous connection with Gilbert Bailey” and had been “for sometime in the habit of adulterous intercourse.” Watkins cited this evidence to prove that the split was her fault and that he should not be required to pay anything toward her support. Arena Jones had her own accusations to lodge. She claimed it had been Watkins who left her and “abandoned himself to licentiousness and to lust and had forsaken [her] to live with ‘strange women.’” Though he filed the suit and she also wanted the divorce, she felt entitled to spousal support.⁴⁷ As with the Gallees, the Jones case shows us that couples finally resorted to a legal separation or divorce when one partner had something to lose from the claims of the other partner. Watkins had moved to Richmond and was doing well financially. He may have even wanted to marry again, but, at the very least, he did not want to be found liable for Arena’s support.

No matter who was to blame for the initial rupture, both spouses lived with other people in long-term monogamous unions that resembled marriage. Arena lived with Gilbert Bailey, a fact she admitted and defended. Arena had not left Watkins to go roam the streets in search of trysts. She claimed that she was vulnerable, “Watkins Jones having neglected her, failing to take care of her and absolutely forsaken and abandoned her,” and that she had gone to live with Gilbert Bailey “for her own protection and safety.” There she lived, sharing his bed and doing his cooking and washing, until he died. Sometime after Bailey’s death, she moved in with another free man of color, Tom Parham, and lived with him “as his wife,” a status Parham likewise claimed for her. Technically committing adultery, Arena Jones saw herself as a respectable woman who,

⁴⁷ Watkins Jones Petition and Arena Jones Response, Jones v. Jones, Chancery Causes, 1852-050, Petersburg, Virginia, Chancery Records Index (Digital), LVA.

in response to ill treatment and desertion, performed the duties of a wife for one man at a time, so long as she was well treated.

Presumably to Watkins Jones's chagrin, Maria Freeman, the free woman of color he had lived with "as his wife," came forward. She reported that they had lived together as husband and wife for nearly three years before he terminated their relationship, six years earlier. This was damning testimony indeed—not because Watkins had lived with her, but rather because the timeline he cited for his marriage to and separation from Arena did not add up. If Maria was telling the truth, she and Watkins had parted in the year 1846 after having lived together since 1843, two years preceding the date he claimed Arena had deserted him for no reason. And Maria had a witness to her arrangement with Watkins Jones, her niece Octavia Garnett. In 1844, Garnett had lived with her aunt for several months and had witnessed her sharing a bed with Watkins Jones. She stated, "She [Maria Freeman] owned him as husband and he as his wife," where "owned" meant "acknowledged."⁴⁸ Maria Freeman had known that Watkins Jones was legally married to Arena Jones, but it mattered little to her. Watkins had told her he no longer lived with Arena, and it was enough for Maria that they had ceased to behave as husband and wife. Watkins left Maria when he joined the Methodist Church and submitted to its authority over his sexual ethics. If Maria was bitter about his departure, she had long since gotten over it. Though never legally married, at the time of her testimony she was again living with a man "as his wife." Watkins's lawyer, of course, argued that these testimonies were suspect because they came from clearly immoral women. However, Arena Jones, Maria

⁴⁸ Maria Freeman and Octavia Garnett, Depositions, Jones v Jones, Chancery Causes, 1852-050.

Freeman, and the men they lived with all understood these arrangements to fall within the normal, not the deviant, range of behavior.

Other couples refrained from using terminology that invoked marriage but seem to have lived in long-term partnerships that resulted in feelings of loyalty or obligation. Peter Feggins may have lived with up to three women “as his wife,” though he never used the term. In his 1826 will he left the use of his house and lot, his slave Nancy, all his household and kitchen furniture, and any residue from his estate to his “beloved friend Bridget Streater,” whom he also named his executrix and charged with having him decently buried. Once Bridget died, the house and lot were to be sold and all the money divided among his four children: Peter Richardson, Sarah Richardson, Moses Richardson, and Nancy Feggins.⁴⁹ All of these children were enslaved, and the slave, Nancy, whom Peter Feggins left to Bridget Streater was none other than Peter’s daughter Nancy Feggins.⁵⁰ By 1832, Nancy Feggins had two children, Peter and Melinda, and Bridget had emancipated all three of them. They all continued to live in the house Peter had willed to Bridget, and the 1830 census had counted her as Bridget Fagan living with a free woman and children, suggesting that she had treated them as free all along.

⁴⁹ Peter Feggins Will, Petersburg (Va.), Hustings Court Will Book 3, 1827-1849, Microfilm, Reel 19, 232-33. Neither Bridget Streater nor Peter Feggins registered under those names. It is possible that Bridget Streater is the fifty-year-old woman emancipated by Watson Stott in 1811 who was simply called Bridget. The Fagan family from Southampton and Sussex Counties may be involved as well. If Peter were Peter Fagan, junior, son of the dancing master of the same name, his story is even more interesting. It is possible that he is that person, especially given that Peter Fagan, junior paid taxes on a slave named Sarah. However, that person also married a woman named Anna, first enslaved and then freed, who showed up in Petersburg around 1810 with one child and proceeded to have four more, all with the last name Fagan. The Peter Feggins whose will was probated in 1826 was illiterate, signing only with a mark, which seems to negate the idea that he and Peter Fagan, junior, were one in the same. Paul Heinegg, comp., “Free African Americans of Virginia, North Carolina, South Carolina, Maryland and Delaware,” Fagan Family, freeafricanamericans.com (accessed July 2017).

⁵⁰ Feggins v Richardson et al, Chancery Causes, 1852-032, Chancery Records Index (Digital), LVA.

The 1830 census was not the first time Bridget had used or been assigned the name Fagan; the 1821 Petersburg Free Negro List enumerated Peter Fagan and Bridget Fagan consecutively, though assigning the children, Sarah and Nancy, to him. Peter Feggins never named for the record the enslaved mother of his first three children, and though he managed to purchase his daughters out of slavery, his sons, Peter and Moses, remained in bondage, sold to an owner in North Carolina. Perhaps he left them the money in the hope that Bridget could somehow free them or at least hold it in trust for them, but it was not to be. Sarah had predeceased her father. But Nancy continued to live in her father's house with Bridget and after her death. Peter Feggins never called Bridget his wife or said that he lived with her "as his wife," but their close ties, indicated by the will and the alternation of her name between Streater and Fagan/Feggins, suggests their relationship fell into this category, and that it may in some ways have constituted more of a marriage than some of the partnerships that bore the title.⁵¹

Other women combined marriage, de jure or de facto, with other forms of cohabitation and partnership across their lifetimes, complicating the notion that women who appear as single in some documents always had been or remained so. Aggy Carter registered with the court in 1808 at age eighteen with no surname, returned in 1814 to renew, and came back once again in 1822, then stating that she was married to Wyatt Carter. In 1820, however, Aggy Carter appeared in the census as a single woman who headed a household of four young boys. The 1821 town enumeration shows her,

⁵¹ Other wills indicate similar relationships. Solomon Starke left all the money resulting from the sale of his household furniture and personal property to Katy Mabry in his 1850 will; the census of that year lists a 78 year old Solomon Starke living with a 75 year old Katy Starke. He did not call her his wife in his will or indicate that he lived with her "as his wife." Solomon Starke Will, Petersburg (Va.) Hustings Court Will Book 4: 1849-1860, Reel 19, 273; 1850 U.S. Census, Petersburg, Virginia, Population Schedule, Ancestry.com (July 2017).

mistakenly called “Peggey Carter,” to be responsible for children named Cornilius, John, and “Randal,” with her fourth son James, then ten years old, somehow missing. By 1830, she headed a household with three young men, which registration records from 1828 and 1830 reveal were John, Randolph, and James Carter.⁵² Never registered, Cornilius may have died, but he was almost certainly older than John, born in 1807, when his mother was just seventeen.

How and when Wyatt Carter figured into this family picture is hard to document. He registered in Petersburg in 1806 as just “Wyatt,” a twenty-six year old man freed by John Carter, re-registering in 1810 and never again after that. In fact, he appears in no other Petersburg record.⁵³ Aggy’s children born in 1807, 1809, and 1811, however bore the surname Carter, suggesting that Wyatt Carter was their father. Even though no man was documented as present in Aggy Carter’s house in 1820 and 1821, she was considered married in those years; otherwise she could not have been expelled from Gillfield Baptist Church in 1820 for the sin of adultery. She was reconciled with the church in 1821. It seems odd for her to claim the surname Carter and her marriage to Wyatt Carter no earlier than 1822. Something clearly happened between 1814 and 1820 that changed either the nature of the relationship or her (or her community’s) perception of it. Wyatt Carter may have been transient, working as a waterman or sailor, and never at home to be counted. Aggy and Wyatt could have conceived of their relationship as transient as well,

⁵² Petersburg (Va.) Register of Free Negroes and Mulattoes, 1784-1819, Microfilm, Reel 47, LVA, no. 482; Petersburg (Va.), Hustings Court Registry of Free Negroes and Mulattoes, 1819-1850, Microfilm, Reel 73, LVA, nos. 1488, 1564, 1565; List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA; 1830 U.S. Census, Petersburg, Virginia, Population Schedule, Ancestry.com (July 2017).

⁵³ Petersburg (Va.) Register of Free Negroes and Mulattoes, 1784-1819, Microfilm, Reel 47, LVA, no. 387.

living “as a husband” or “as a wife” when he was there and relaxing the rules when he was not. Or maybe, even without having formalized it, they considered themselves married, and Wyatt was less forgiving than the church when she strayed.⁵⁴ The only records connecting Wyatt and Aggy Carter were her 1822 registration renewal and the accusation of adultery in 1820 that named neither her husband nor the person with whom she allegedly transgressed, but both documents recognized the marriage as significant, at least as long as it lasted. Marriage had played a role in Aggy Carter’s life, but it was only one status among several.

Creasy Burnett and Tom Pegram married late in lives that may have included other spouses or long-term partners. Both had begun life enslaved. Creasy, her mother Kate, and her two eldest children, Harriot and John, earned their freedom from their mistress in Chesterfield County in 1801.⁵⁵ The deed of manumission mentioned no family name, but Creasy and her children went by the surname Burnett, and Creasy had four more children carrying that name by 1809. Though Creasy was described as having a “dark brown complexion,” her first son and daughter were of “rather light yellow brown” coloring, and the latter four described as simply “brown.” The subjective nature of these descriptions by the Petersburg registrars and, indeed, the sometimes unpredictable effect of heredity on skin tone, make it impossible to tell whether these six children shared the same father, but the distinction suggests that the children born while

⁵⁴ Censuses: 1810 U.S. Census, 1820 U.S. Census, 1830 U.S. Census, 1840 U.S. Census, 1850 U.S. Census, 1860 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017); Register Reel 47, nos. 387, 482; Registry Reel 73, nos. 1488, 1564, 1565; Records of Gillfield Church (Baptist) Prince George Co, 1815-1842, manuscript, LVA; List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA.

⁵⁵ Chesterfield County Deed Book 15, 1800-1802, Microfilm, Reel 6, LVA, 190, transcribed by Paul Heinegg, comp., “Free African Americans of Virginia, North Carolina, South Carolina, Maryland and Delaware,” Virginia Slaves Freed After 1782, www.freeafricanamericans.com (accessed July 2017).

she was enslaved had one father, possibly white, while the four born in freedom shared a different father. Creasy Burnett gave birth to three more children between 1812 and 1820, all of them listed with the surname Steward.⁵⁶

In the 1821 town enumeration, Creasy Burnett had charge of her six youngest children and was listed just before Littlebury Steward, a carpenter. That proximity and her son's name "Berry" seem to indicate that Steward was the father of her youngest children and lived with her, even though they never formalized their union. Littlebury Steward may have died in 1822, prompting Creasy to register herself and all nine children on July 31st of that year. She used the name Burnett and did not claim the status of wife or widow. In 1827, she legally married Tom Pegram, who, when he died, left her one third of his estate.⁵⁷

How many times had Creasy Burnett Pegram been married? For that matter, how many times had Tom Pegram been married? Else Field, a free woman of color, had left a will bequeathing him her dray, riding chair, horses, the proceeds from selling the remaining lease on her house, and all other "residue" of her property. When she wrote the will in 1812, Tom was still the property of George Pegram's Estate, and Else may have considered him anything from a trusted business partner to a friend, lover, or husband.⁵⁸ The fact that we cannot definitively say is entirely the point. Creasy Burnett was legally married for only eight years and Else Field not at all, but both women may have

⁵⁶ Registry, Reel 73, LVA, nos. 1253-1262.

⁵⁷ List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA; Tom Pegram to Creasy Burnett, Petersburg (Va.) Marriage Bonds and Licenses, 1806-1832, Microfilm, Reel 109, LVA, October 3, 1827; Tom Pegram, Will, Petersburg (Va.) Hustings Court Will Book 3, 1827-1849, Reel 19, 114. Pegram directed that his lot (with improvements) be sold and that 1/3 go to his wife "Lucretia" and the other 2/3 to Mason King, aunt to John Shore.

⁵⁸ Else Field Will, Petersburg (Va.), Hustings Court Will Book 2, 1806-1827, Microfilm, Reel 18, LVA, 154.

experienced meaningful partnerships for the greater part of their adult lives, only visible when connecting all the disparate pieces of their stories.

Slavery continued to obscure and challenge the relationships free people of color built. Some couples were able to leverage their mixed-status relationships to secure the freedom of all family members, but that achievement was impossible for others, leaving free people to protect their partners as best they could. For women in spousal relationships with enslaved men, this meant taking the public role of the husband, whether they wanted to or not. Given the prevalence of self-hire and “living out” in Petersburg, it was actually possible for mixed-status couples to live almost as if both were free—until they had to maneuver through the legal realm. In the 1820 census Peter Matthews, an enslaved man, was mistakenly counted as free and head of his household.⁵⁹ Just two years later, his free wife, Jane Cooke, urgently dictated a deathbed will to protect her husband and minor daughter. Jane wanted to ensure that the small boats she had purchased on behalf of her “beloved husband Peter Matthews,” with his money, remained in his possession. The fact that he was able to earn the money to purchase the *Democrat* and the *Experiment* indicated that he had a reasonable amount of latitude with his master and may indeed have lived as quasi-free, though unable to purchase his freedom. Nevertheless, Jane Cooke, having herself acted as her husband’s agent in purchasing the boats, appointed her friend, a free African American named Charles Lewis, to oversee and protect her husband’s property. She also asked Lewis to care for and act as guardian

⁵⁹1820 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017).

to her daughter, Nancy Cooke, and to educate her.⁶⁰ It is uncertain whether Peter Matthews was Nancy's father, but he may have been; many children of enslaved fathers and free black mothers took the latter's surnames, especially until they reached adulthood, probably in part to ensure association with the mothers' free status. On the other hand, if Peter Matthews were Nancy Cooke's father, he presumably could have remained her day-to-day caregiver though not her legal guardian. Though the law regarded him as enslaved and did not recognize their marriage as legally binding, Jane Cooke and Peter Matthews carved out a space for their small family to function according to their values.

Lucinda King may have enjoyed having control over her property, but she considered herself married to Moses Jones, an enslaved man, for over twenty-five years. King registered with the Hustings Court in 1817 as a nineteen-year-old free black woman who had been born free in neighboring Prince George County. Though she registered again in 1823, she did not appear in the 1820 federal census nor the 1821 town enumeration of free blacks; but the federal census of 1830 recorded her as living alone in her own household. Sometime during the early 1830s, Lucinda King and Moses Jones, the property of Edward Wyatt, and began having children. By 1850 they were the parents of five, ranging in age from three to fifteen—an unusual circumstance given that Lucinda would have been around fifty at the time of the last birth. The 1850 census gave the children the last name “King,” but the three elder boys had registered the previous year under the name Jones. Moses Jones was not listed as living with his family in the 1850

⁶⁰ Jane Cooke Will, Petersburg (Va.) Hustings Court Will Book 2: 1806-1827, Microfilm, Reel 18, LVA, 192

or 1860 censuses, but he may have been the man listed as free and living with Lucinda in 1840, counted erroneously as a free man, though not as the head of household.⁶¹

Moses Jones, nevertheless, may have lived with his family full time as a quasi-free man. Edward A. Wyatt owned fifty-four slaves on his farm in Dinwiddie County in 1850 and upwards of eighty slaves by 1860; he could easily spare a man to self-hire in town. By 1860, however, Lucinda knew that her advancing age required her to take steps to provide for her enslaved husband in the event of her death. She first ordered “that all of my property both real and personal shall be kept together during the life of Moses Jones...whom I recognize as my husband and the father of my children.” One of her properties, fronting the canal, was to continue being rented out and the proceeds given to Jones “for his especial use and benefit.” Her house on Commerce Street was to be kept by her executor for the common use of Moses Jones and their three sons. Their two daughters are missing from the 1860 federal census and were not listed as beneficiaries in Lucinda’s will, suggesting that they may have predeceased their mother or, though they were just thirteen and sixteen years of age, may have been married and provided for.⁶² After Jones’s death, her three sons by Moses Jones, Peter, James Henry, and John William, were to divide the proceeds of the property equally. She clearly expected Moses to live on the property and to be a part of his sons’ lives, as he apparently had been during part if not all of the preceding twenty-five years. Depending on his arrangement

⁶¹ Register, Reel 47, no. 875; Registry, Reel 73, LVA, nos. 5036-5038; 1830, 1850, 1860 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017); List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA; Lucinda King Will, Petersburg (Va.) Hustings Court Will Book 5: 1860-1871, Reel 20, 240.

⁶² Among free African Americans, marriage at age thirteen was rare but not unheard of; sixteen was a fairly common age for women to become mothers, though it was less common to have done so as legally married. See Chapter 4.

with his master, he may have contributed to the income that had purchased his wife's property. Because he was enslaved, however, Lucinda had to transact all the family's business.

Counted as head of her household across four censuses, Lucinda had been married for nearly thirty years by the time of her death in 1863. Her husband's enslaved status dictated her role as legal head of household and the owner of all property the couple held, and she may have worked to retain those powers even if Moses Jones had been free. Or, given the opportunity, she could have done as another free black Petersburger Liddy Bailey had done in 1836, when she purchased and freed Godfrey Goodwyn, immediately marrying him and changing her name. A free woman married to an enslaved man reversed the legal roles of the partners, but that reversal did not always reflect or dictate gender roles inside the relationship.⁶³

Unlike unions between enslaved men and free women, the power differential between free black women and white men who engaged in sex and partnership was decidedly skewed in favor of those men. White men could not legally marry women of color, so they had no official legal or financial obligations to the women or any children they had. Additionally, while possible, it was highly unlikely that a white man would be charged with or convicted of raping or assaulting a black woman, leaving her little recourse if the relationship soured.⁶⁴ Even though they had a full array of choices and the

⁶³ Lucinda King Will, Petersburg (Va.) Hustings Court Will Book 5:1860-1871, Microfilm, Reel 20, LVA, 240; 1850 and 1860 U.S. Census, Dinwiddie County, Virginia, Slave Schedule, www.ancestry.com (accessed July 2017); Registry, Reel 73, nos. 2316, 2321; Godfrey Goodwyn to Liddy Bailey, Petersburg (Va.) Marriage Bonds and Licenses, Nov. 1832-1838 (includes Ministers' Returns for 1823-1858), Microfilm, Reel 110, LVA, July 21, 1836.

⁶⁴ I have not yet found any instance of such a charge or conviction. The availability of enslaved women for sexual exploitation probably shielded some free women from this kind of abuse but certainly

ability to manipulate and coerce, through promises, demands, or force, the range of partnerships white men engaged in with women of color suggest that free women sometimes exercised a distinct, though admittedly limited, influence on those men and on the concessions or benefits they derived from such relationships. Many free women of color suffered in their encounters or connections with white men, but at least some demonstrated how they benefitted from various kinds of partnerships, even when at a severe social and legal disadvantage.

Race mixing was anathema in southern race and gender ideology but occurred frequently and openly in practice. Many southerners accepted interracial sex as long as the legal and social benefits of marriage were denied to such couples. The laws and customs of slavery had long assumed white male control of black women's bodies and tacitly permitted unfettered sexual access. In some instances, enslaved women could translate these sexual connections into freedom and a certain level of social recognition or economic well being; but the legal restrictions that applied to them as people of color and women ensured they would not seize significant political or social power. Few gains they or their children made would be won without a fight, as the protracted legal battles of both Rebecca Matthews and Mary Ann Vizzoneau demonstrate. In Petersburg, however, the presence of several French creole refugees from the Haitian Revolution resulted in local practices usually associated with the Caribbean or Lower South, namely white men openly keeping enslaved or free black mistresses and recognizing their

not all. Free women worked in homes and on farms that would put many of them in close proximity to white men who controlled their livelihoods, exposing them to the danger of sexual harassment and sexual assault. Family and community networks may have provided the best protection, but it was not absolute. Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, 2006).

children by them.⁶⁵ White men did not lose status in these arrangements, and while some women of color made gains, they were not so great or so widespread as to challenge white supremacy or patriarchy as a whole.⁶⁶

The relative calm surrounding interracial sex and partnerships, however, did not mean that all relationships between white men and black women were the similar, and the various arrangements that emerged demonstrate both possibility and precariousness for black women. We have already seen that although Walter Boyd Gilliam lived with his black family, providing for them during his lifetime and after his death as a husband and father would, Rebecca Matthews's relationship with a white man did not result in such an arrangement. She later brought two very light-skinned daughters to her marriage to James Matthews, from a relationship that was retroactively elevated to a "first marriage." How long she had lived with the white father of her daughters is unclear, or whether their relationship consisted of anything more than periodic sex. As other stories show, liaisons could last years, weeks, or minutes.

One relationship that endured for years was that of Sylvia Jeffers and Willis Cousins, a well-to-do white man. The daughter of prominent Revolutionary War captain,

⁶⁵ Amrita Chakrabarti Myers, *Forging Freedom: Black Women and the Pursuit of Freedom in Charleston* (Chapel Hill: University of North Carolina Press, 2011), 131-136, chapter 5. Loren Schwening, "Property Owning Free African-American Women in the South, 1800-1870," *Journal of Women's History* 1 (Winter 1990): 16; Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: The New Press, 1974), 108-114.

⁶⁶ Joshua Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1781-1861* (Chapel Hill: University of North Carolina Press, 2003); Hannah Rosen notes that the fear of interracial marriage developed after the Civil War in conjunction with black male citizenship. When black men had voting power, legal marriage between blacks and whites carried additional and fearsome consequences in the minds of white southerners. According to her, the purpose of anti-miscegenation laws was "not to prevent black-white unions but to permanently identify them as illegitimate." In Petersburg, then, there was no concerted backlash because slavery and black laws prevented any real upending of racial and social hierarchies. Hannah Rosen, "Rhetoric of Miscegenation and the Reconstruction of Race: Debating Marriage, Sex, and Citizenship in Post Emancipation Arkansas," in Pamela Scully and Diana Paton, eds. *Gender and Slave Emancipation in the Atlantic World* (Durham: Duke University Press, 2005) 289-

John Jeffers, and his enslaved woman, Hannah, Sylvia received her freedom in 1814, nearly two decades after her father's death. There was no doubt as to why his will provided eventual for the eventual liberation of her and her mother. Almost sixty years after John Jeffers's demise, two white Petersburgers would testify that Sylvia was "always regarded as the daughter of John Jeffers, esqr. formerly Mayor of the Town of Petersburg and was so regarded and recognized by the family of said John Jeffers." Jeffers had died in a duel on November 14, 1795, the same day he wrote or dictated the will. The language of the will leaves little room to romanticize the relationship between Sylvia's parents. Unlike Jean Gallé's will that recognized his "housekeeper" and "natural son," Jeffers simply gave his sister, Mary Siddons, the option to free "the Negro wench Hannah & her child" at her discretion. The enslaved women were only guaranteed their freedom upon Mary Siddons' death.⁶⁷ Additionally, Jeffers left all his real and personal property to Mary and to his brother Edward. Using her "discretion," Mary refrained from emancipating Sylvia until she was twenty-one years old.⁶⁸

By that time, Sylvia may already have begun a relationship with a white partner, Willis Cousins, who seems neither to have advertised nor hidden his relationship with a woman of color. His presence in her life is not easily apparent. When Sylvia registered

⁶⁷ Petersburg, Virginia Free Negro and Slave Records 1809-1865, Box 1, folder 12, Manuscript, Library of Virginia, Richmond Virginia; Robert Kirk Headley, Jr., *Genealogical Abstracts from 18th Century Virginia Newspapers* (Baltimore: Genealogical Publishing Co., Inc, 1987) 180; John Jeffers Will, Petersburg (Va.) Will Book 1: 1784-1805, Microfilm, Reel 18, LVA, 238.

⁶⁸ One consideration is that Siddons refrained from freeing Sylvia out of deference to the law forbidding emancipation of minors or elderly people without posting bond against their becoming public charges. This may have been a consideration, but women reached their majority by age 18, not 21 as men did. Sylvia may have lived as though free; a handful of women with the last name Jeffers or Jeffries were enumerated in the 1803 town list, two of them named Sylvia and one of them named Hannah. All of these women were far older than Sylvia or her mother would have been at the time, but the repetition of names suggests a possible family connection. See: List of People of Color in Petersburg 1803, African American Digital Collection, LVA. Sylvia's birthdate is inscribed on her monument in Petersburg's Blandford Cemetery as January 15, 1793.

with the court a year after her emancipation, she was already heavily pregnant with a son, whom she named John Jeffers after her father. Four years later, in 1819, she gave birth to Mary Jeffers, and by 1821 she earned her living as a laundress.⁶⁹ Sylvia had three more children in that decade: Willis in 1822, Martha in 1825, and Rebecca in 1829, all bearing the last name Jeffers. But tragedy had also struck, with John dying in 1829 and Martha in 1830. By 1830, Sylvia headed a household containing her living children and two enslaved women who probably helped her with her laundry business. Whether she owned or hired those slaves, the fact that she could afford to do either on top of feeding and housing her children marked her as financially successful. To achieve and maintain financial stability, Sylvia also took in occasional boarders, but it seems that someone else may have further supplemented her washing income.⁷⁰ Willis Cousins was likely that person; his 1840 will made Sylvia and “her” children beneficiaries of two lots in Petersburg. Cousins does not appear to have resided with them during his life, at least not in the census records. But those records did not show him living anywhere else either, and while his will revealed both his extensive financial investments and his wealthy relatives in Amelia County, it listed no white wife or family. It is thus unclear if the pair ever lived together or whether Sylvia considered herself “as his wife,” or as a “kept mistress.”

The difference may not have been merely semantic. Both terms did imply that the parties understood a certain degree of mutual obligation, but the level of that obligation

⁶⁹ Register, Reel 47, no. 768, Petersburg (Va.), Hustings Court Registry of Free Negroes and Mulattoes, 1819-1850, Microfilm, Reel 73, LVA, nos. 911, 2381; List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA.

⁷⁰ 1830 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017); Mathews vs. Mathews, exor et al, Chancery Causes, 1854-038, Petersburg, Virginia Chancery Records Index (digital), LVA. The estate paid for one of the daughters' board at Sylvia Jeffers' house.

varied somewhat significantly within individual relationships. Wealthy Walter Boyd Gilliam never stated that he lived with Easther Tinsley “as his wife,” but he willed to her and to their daughters all of his real and personal property. Jean Gallé made his niece his primary beneficiary, but he provided well for his “housekeeper” and recognized “natural son” and made his niece’s inheritance contingent upon carrying through with those provisions. Conversely, Sylvia’s father had merely offered his sister the option of freeing her and her mother, only guaranteeing it at Mary’s death. He gave them none of his property or money.

Willis Cousins seems to have followed Jeffers’s example to a certain extent, but he also helped provide for Sylvia and his children and may have been doing so even well before his death. The lots Cousins gave to them were not the lots on which the family lived and were, instead, rented out. This inheritance was intended to be a source of income. As an unmarried woman, Jeffers could hold property in her own name and probably did, even before her inheritance from Cousins. The 1850 and 1860 censuses indicated that Sylvia Jeffers possessed over \$2000 in real and personal property above the portion of the estate to which she was entitled—and she no longer identified herself as having any occupation. Though she may have used her own earnings to buy her property, Cousins also probably facilitated those purchases through contributions made toward the support of her and their children. In his will, Cousins listed Sylvia’s living children only by their first names, but in 1853, as the estate was being divided, court records indicated that they went by both Cousins and Jeffers. Sylvia’s deceased children shared the middle initial “C,” engraved on their tombstones in Blandford Cemetery, where few free African Americans were interred. These small clues suggest that the Jeffers children’s paternity

was somewhat well known. It is difficult to determine if emotional as well as sexual and financial ties bound Cousins and Jeffers together, or how great a role he played in the family's domestic life. Cousins provided a legacy for them, but compared with the size of his financial holdings and bequests to his siblings and their children, it was a very small one. His financial support, at least as far as the will indicated, suggests that their relationship fell short of a tacit marriage.

Sylvia Jeffers's choice of partner may have secured more than just financial stability for her children. Both her white paternity and her children's were known. That made these children at least three-quarters white, and Sylvia knew she could give them more. Her mother, Hannah, had been enslaved--but she had not been black, though by the 1850s few white people were still alive who remembered that fact. In 1853, Sylvia had depositions taken from two of them. Both attested that Sylvia was of white and Indian heritage.⁷¹ As a result, Sylvia and her children were no longer legally free persons of color. This ruling exempted them from the tax on free people, having to register and renew with the court, and being subject to the same criminal punishments as slaves--but it did not make them white. The 1860 census listed Sylvia and Rebecca as mulatto and the two children living with them as black—perhaps these were children of Rebecca and a man of color. Still, Sylvia's actions, partnering with a white man and pursuing legal action to change her status, benefited her children. Born enslaved, she had not only bequeathed freedom to her children but had also freed herself and her children from the legal disabilities of blackness. Perhaps because of Willis Cousins' influence, her two children who died young were buried at Blandford Cemetery; her own monument there is

⁷¹ Petersburg, Virginia, Free Negro and Slave Records 1809-1865, Box 1, folder 12, Manuscript, LVA.

representative of the status she achieved, whether she had lived as a white man's wife or his mistress.

The Ampey/Dabney family also benefited from their mother's relationship with a white man, or, possibly, with two—James H. Boisseau and Benjamin Dabney. Rebecca Ampey was born in 1799, the eldest daughter of Hannah Ampey, a free laundress who came to Petersburg from Charles City County by 1803. In 1820 Rebecca headed a household containing an older free woman of color and four free boys under ten, who were probably Rebecca's mother and brothers.⁷² By 1825 Rebecca Ampey had joined the Gillfield Baptist Church but disappeared from Petersburg by the 1830 census. It may have been around this time, between 1825 and 1830, that she became the “kept mistress” of James H. Boisseau, a white man in Dinwiddie County.⁷³

James Holt Boisseau came from a prominent Virginia family. Of French Huguenot ancestry, the Boisseaus had been in Virginia since Louis XIV revoked the edict of Nantes in the seventeenth century, and they were well connected and prosperous. Born in 1791, James, or Holt as he was sometimes called to distinguish him from other James Boisseaus, married, though his wife died after giving birth to a son, sometime in the early 1820s. By 1830, he lived on his Dinwiddie County property with twenty-three enslaved people and some free women and girls of color. None of them matched Rebecca

⁷² 1820 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017); List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA.

⁷³ Records of Gillfield Church (Baptist) Prince George County: 1815-1842, LVA, April 30, 1825; 1830 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017); 1830 U.S. Census, Dinwiddie County, Virginia, Population Schedule, www.ancestry.com (accessed July 2017). It is very hard to determine when Rebecca began having children. Some records, such as the registration records and 1850 census, identify her eldest daughter's birth around 1820; the 1860 census, however places it around 1827, which, in some ways, makes much more sense. Either way, Rebecca probably lived in Petersburg through 1825 to have become a member of the church. No disciplinary actions were taken against her.

Ampey's age at the time, but she had begun having children during the 1820s. By 1842 she had borne ten in all: Nancy, Sarah, Emeline, Robert, John, Mary, Benjamin, twins George and Rebecca, and Henry. They all lived on a parcel of Boisseau's property. According to one white man, testifying after the Civil War when Rebecca's family identified themselves with the name Dabney, "Boisseau was a white man and a bitter secessionist. All these Dabneys are his own children by a coloured woman. She was a free coloured woman that he kept, she lived on the north end corner of his place for years and years. For a long time he gave them rations regularly, better rations than he did his slaves." According to Rebecca's children, they also farmed to provide for themselves on about "96 acres nicely fenced," divided into four fields in which they planted corn and tobacco, putting up about two thousand pounds of each during the year. They also raised hogs, killing about 1500 pounds of pork and producing 500 pounds of bacon annually.⁷⁴ Rebecca did all of this with the help of her ten children, neighbors, and at least one other person, Benjamin Dabney.

Dabney was another white man who eventually lived with the Ampeys in their house on Boisseau's property, and the Ampey family began using his surname. The 1850 census listed Benjamin Dabney, age sixty-four, as head of this household that contained "Becca Ampy" and all but three of her children, who were listed with the last name Dabney. Rebecca's three eldest girls, Nancy (Ann), Sarah, and Emily, had moved

⁷⁴ My thanks to Emmanuel Dabney for sharing his family's story and related documents. Benjamin Dabney, Southern Claims Commission Barred or Disallowed Claims, NARA M1407, Roll 10, Claim Number 42978, 1873-02-27; Benjamin Dabney, Southern Claims Commission Approved Claims, NARA M2094, Roll Number 10, Claim Number x, 1876-12-04; Robert Dabney, Southern Claims Commission Disallowed Claims, NARA M1407, Roll 10, Claim Number 20408, 1873-02-27; Robert Dabney, Southern Claims Commission Approved Claims, NARA M 2094, Roll 10, Claim number 42977, 1876-12-04.

to Petersburg and were likewise recorded by the census taker as Dabneys. Their 1851 registrations with the Hustings Court and a deed to property they purchased that same year also recorded their names as “Ampey alias Dabney.” In 1846, Benjamin Dabney had a will drawn up that made Rebecca Ampey his sole heir and executor. James H. Boisseau, his son James P. Boisseau, and one William Dabney witnessed Benjamin’s will, the last of these being a white man, and presumably a kinsman of Benjamin’s, who owned property and slaves in Dinwiddie County. No details of the exact property conveyed to Rebecca were recorded in the will, but it seems as though it was land that was part of or adjacent to Boisseau’s property. Benjamin Dabney died in June 1856, and Rebecca remained on that property through and beyond the Civil War.⁷⁵

Questions thus remain as to the exact roles James Holt Boisseau and Benjamin Dabney played in the lives of Rebecca and her children. There is no record of the Ampey/Dabney children referring to their father or father(s) by name, only claiming to be the children of a free mother and a white man. Whoever their father was, the children benefited from a secure home with adequate provisions, and as adults they acquired property of their own. Robert Ampey Dabney worked thirty-five acres in Dinwiddie County that he claimed to be his own, free from the interest of his siblings, and that was

⁷⁵ 1850 U.S. Census, Dinwiddie County, Virginia, Population Schedule, www.ancestry.com (accessed July 2017); 1850 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017); Registry, Reel 73, nos. 5592-5594; Petersburg (Va.), Hustings Court Deed Book 19: 1851-1853, Microfilm, Reel 19, LVA, 10-11; Benjamin Dabney Will, Dinwiddie County Will Book 6: 1855-1859, Microfilm, Reel 12, LVA, 234-235. So far, only the testimony of the elderly white man after the war tells us that Rebecca lived on Boisseau’s land and probably continued living there with Benjamin Dabney. There are some missing pieces to this story, and it certainly seems confusing that one white man would essentially “hand off” his mistress to another and that the whole family would start using the second man’s name. Hopefully, further research will yield more clues.

where he and his wife began raising their children prior to the Civil War.⁷⁶ By 1850, seen above, Rebecca's three daughters, who had moved to Petersburg, purchased a lot for \$190. The sisters deeded part of this lot to their mother in 1857 but by 1860 lived in on property valued at \$2500, perhaps because they had added buildings or other improvements. Ann, the eldest, worked as a seamstress and headed the household, and she also possessed personal property valued at \$1000.⁷⁷ The legal source of Rebecca's claim to her ninety-six acres in Dinwiddie is unclear. The same white man who testified that Holt Boisseau was the father of "all these Dabneys" stated, "It was said that Boisseau was going to leave them something but I heard afterwards that he will not leave them anything."⁷⁸ Nevertheless, it was common understanding that Rebecca Ampey had been James Holt Boisseau's "kept mistress," and she lived on his land. Though Benjamin Dabney at some point lived with Rebecca as her husband, the land he bequeathed to her seems to have been Boisseau's. James Boisseau survived for a decade after Benjamin Dabney, dying in the last days of the Civil War and leaving no direct record of his involvement with Rebecca, her children, or Benjamin Dabney. However the trio understood their relationships, Rebecca and her children benefited from them. She raised her children on the 96 acres and passed it down to them when she died. Her descendants still live there today.

⁷⁶Robert Dabney, Southern Claims Commission Disallowed Claims, NARA M1407, Roll 10, Claim Number 20408, 1873-02-27; Benjamin Dabney, Southern Claims Commission Approved Claims, NARA M 2094, Roll 10, Claim number 42977, 1876-12-04.

⁷⁷ 1850 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017); 1860 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017); Petersburg (Va.), Hustings Court Deed Book 19: 1851-1853, Microfilm, Reel 19, LVA, 10-11.

⁷⁸ Benjamin Dabney, Southern Claims Commission Barred or Disallowed Claims, NARA M1407, Roll 10, Claim Number 42978, 1873-02-27; Benjamin Dabney, Southern Claims Commission Approved Claims, NARA M2094, Roll Number 10, Claim Number 42977, 1876-12-04.

These relationships become visible in the historical record because of the property transactions that resulted from them. Property and the hope for financial security doubtless played roles black women's decisions to partner with white men, but because we have few other records of these relationships, the emotional ties they built with their partners or any abuses they may have suffered remain hidden. While in these few cases women found security in their partnerships with white men, there may have been hundreds more women in cross-racial relationships who did not, women who were left to support themselves and the children that resulted from both desired and forced sexual contact. The duration of some relationships and the resources the men in them provided suggest, however, that women like Sylvia Jeffers and Rebecca Ampey did exercise some degree of choice within their relationships and may have cared for their partners.

Though Sylvia Jeffers and Rebecca Ampey benefited financially from their partnerships, Betsey Elebeck may have had very different relationships with at least two white men. Betsey, often known by her formal name, Elizabeth, was somewhat protected from trying economic circumstances. Betsey was the daughter of barber Major Elebeck and his wife Madeline, people of color whom whites held in enough regard to petition the legislature on their behalf. One of five children, she inherited a share in a comfortable home with her sister and brothers after her parents' deaths. In fact, as the eldest, she was named guardian to the boys after her mother died in 1825 and may have, at age twenty-two, enjoyed her role as head of household. Her sister Sarah's marriage to William Colson the next year changed her position within the family, however. William became guardian to the brothers, and he moved into the Elebeck house on Back Street. Betsey lived apart from the Colsons and her brothers for several years, and by 1827 she had given

birth to a daughter, Mary C. Heidleback, to whom she deeded all her real estate and personal belongings. Who Mary's father was and what his relationship to Betsey may have been is a mystery. No Heidlebacks appear in Petersburg records. It is possible that Betsey engaged in a brief liaison with someone passing through town—perhaps a traveling merchant. The man could have been a person of color, perhaps, or even a slave who took that name, but these possibilities seem relatively unlikely. Either way, it does not seem that Mary's father stayed in Betsey's life very long. The property Elizabeth deeded to Mary was almost exclusively that which she had inherited from her parents. By 1830, Betsey was listed as the head of a household containing an unnamed girl who presumably was her daughter and two other women of color.⁷⁹ If Mary's father had supported them in any way, it is not readily apparent.

Betsey Elebeck's next known relationship was longer lasting and definitely involved a white man but was likewise a partnership from which she drew little material support. The household Betsey headed in 1830 may have been part of an arrangement that she and William Colson worked out. In the early 1830s, Betsey moved back into her childhood home with her sister Sarah, William, and their growing family.⁸⁰ She may have begun seeing Henry Williams prior to the move, but it became harder to keep her personal life secret in the crowded house on Back Street, if, indeed, she had even wanted

⁷⁹ Elizabeth Elebeck to Mary Heidleback, Petersburg, Virginia Hustings Court Deed Book 8: 1826-1832, Microfilm, Reel 4, LVA, 94; Petersburg (Va.), Hustings Court Registry of Free Negroes and Mulattoes, 1819-1850, Microfilm, Reel 73, LVA, nos. 1383-1387; Petersburg (Va.) Hustings Court Will Book 3, Microfilm, Reel 19, LVA, 104-113. The deed is dated 1827; I do not know when Betsey Elebeck's daughter was born or why she chose to deed the property when she did. Mary Heidleback does not appear in any other record.

⁸⁰ I suspect that in 1830 Betsey Elebeck lived in the house William Colson inherited from his adopted father, James Colson, and that when William sold that property in 1832, Elebeck moved in with her sister and brother-in-law, as she was entitled to either live in or receive proceeds from the Elebeck house.

to. Elebeck discussed her situation with a repairman her brother-in-law hired to fix the fence. "I enquired how come they had to leave a Gate which was in the fence," reported the repairman, "upon which I remarked it appeared strange to have a small gate there. She then replied that she left it for the convenience of a certain gentleman to come in, who was in the habit of coming down that way." When asked the identity of her visitor, Betsey would not say who it was, but "said he had been working at the soap and candle makers." Williams, at that time, did work at John Walsh's, making soap and candles. As he continued to work on the Colson-Elebeck lot, the repairman witnessed Henry Williams come several times and "go into said house." He also overheard Elebeck and Williams discussing Williams's wife in an unflattering light. Yes, Betsey was not only entertaining a white man but one who she knew was married.⁸¹

According to Araminta Williams, her husband was a confirmed scoundrel. Married in 1820, she already ran a successful millinery business; so, she said, six months into the union, Henry stopped working and spent his time in "idleness, frivolous amusements, and the worst species of dissipation." In addition, he began "indulging in adulterous intercourse with the lowest class of females & of all colors." In fact, Araminta said he gave her venereal disease on several occasions. Absent for long periods of time, he spent money she had earned and gambled it at the Richmond races. One day, he said he was going to those races only to head to Washington, D.C., where he remained for four years, spending part of that time in jail for his gambling debt. Penitent, he wrote to

⁸¹ William Colson to Eliza Gallee, Petersburg (Va.) Hustings Court Deed Book 9: 1832-1836, Microfilm, Reel 5, LVA, 17-18; Williams v Williams, Chancery Causes, 1835-017, Chancery Records Index (Digital), LVA.

his wife, who dutifully bailed him out. He returned home and lived with her for a short time before resuming his former ways and starting his affair with Betsey Elebeck.⁸²

Betsey had no apparent motive to take up with Henry Williams. She may have wanted to shock or anger her respectable family, or she may simply have fancied him. If her goal was the former, she probably succeeded, as Betsey and Henry's connection attained great "public notoriety." In May of 1832, Betsey cut her hand badly and called for white physician Peter Cairns to come dress it. Upon going upstairs, he "found Mr. Williams there." Each time he returned, Henry was in the house, and "from their conversation and conduct...[Cairns] was induced to believe that they lived together in open adultery." Because Cairns also knew Henry's wife, Betsey "made frequent enquiries...to ascertain what Mrs. Williams had to say about her." From that point until 1835, when Henry Williams was in town, the pair "lived together as man and wife." Whether they actually entered into a relationship of mutual obligation, as the term "man and wife" suggests, is questionable; at the very least, people knew they were having sex.

Rather than actually living as "man and wife," it seems that Henry Williams and Betsey Elebeck carried on an extended affair. He clearly frequented Betsey's house, spending "the greater part of his time there," but during his tenure as a soap and candle maker in 1832, he lived in the home of his employer, Mr. Walsh. Additionally, it seems that Henry continued to demand at least some wifely services from Araminta, as he "had his washing done at home and came one or two times per week to dress but did not stay there." If Betsey was not providing laundry for her lover, it seems unlikely that Henry

⁸² Araminta's disease occurred during the earlier period of her husband's so-called dissipation, when her health was "almost wholly ruined by his communicating to her a disease of the most destructive and loathsome character which he had contracted by his adulterous intercourse with the lowest of prostitutes." *Williams v Williams*, Chancery Causes, 1835-017, Chancery Records Index (Digital), LVA.

was contributing to her support in any manner that a husband would. He quit John Walsh's employ between spring and summer of 1832 and left for North Carolina "where he was reputed as a gambler," the only profession he pursued from that point on. Between 1832 and 1835, then, Henry absented himself from Petersburg frequently, perhaps lodging with Betsey when in town but not maintaining a permanent residence.⁸³ Betsey certainly did not depend on him for her maintenance, instead relying on her claim to her family's inheritance. The Colsons seem to have somehow tolerated her actions—at the very least Williams kept returning to the house on Back Street. It is hard not to imagine how much Betsey's actions must have rankled her brother-in-law, William Colson, a respectable merchant and devout Christian.

Henry Williams received a decree of divorce "a mensa et thoro," meaning that he was not free to marry—not that, as a mixed-race couple, Henry and Betsey could have legally married anyway. Neither of them appears to have resided in Petersburg in 1840. In the intervening five years William Colson had died, Betsey's sister, Sarah, had remarried and moved to Farmville, her brother, Nelson, had died in Africa, and her youngest brother Junius had gone to Richmond, leaving the Elebeck property on Back Street with only brother Henry to claim it. Perhaps Betsey went with Williams on his travels for a time. By 1845, however, Betsey was once again living in the house, unable to lend wedding money to her niece, Mary Colson, after having paid for repairs and her year's bills. Her daughter, Mary, appears to have died young, possibly as a child, never

⁸³ Williams v Williams, Chancery Causes, 1835-017.

mentioned in another record or family letter. In 1850 Betsey Elebeck lived with three unrelated people, possibly boarders, and in 1860 she lived alone.⁸⁴

Betsey Elebeck's relationships with Henry Williams, her family, and her community complicate understandings of how sexual respectability worked within Petersburg's free black families. Betsey's was among the most prominent free African American families in town, made more secure by the long-term, intra-racial, patriarchal marriages that sustained and advanced them. Still, though her family may not entirely have approved of her choices, they did not turn her out of her house and continued interacting with her as sister and aunt. In fact, Betsey became the sole family occupant of the Back Street house for years, even though her siblings could have demanded its sale and the equal division of the proceeds. Betsey did not turn to Henry Williams out of financial or material need the way Arena Jones had when she began to live with Gilbert Bailey "as his wife." In fact, Henry would have been almost entirely useless in that role. Though testimony in the divorce proceeding painted Williams as a dissipated character, as much for committing open adultery with a woman of color as for the myriad other charges of failed manhood laid at his feet, Betsey did not seem to face similar wrath or judgment among free blacks, if her family's reaction provides any indication. Of course, as no people of color were allowed to testify in this case between two whites (Williams and his wife), there is no way to tell how other free blacks in Petersburg perceived Betsey. We only know that her family continued to support her, and their financial stability and social respectability may have shielded her from at least some reprisals.

⁸⁴ Williams v Williams, Chancery Causes, 1835-017; Family Correspondence, Colson-Hill Family Papers, Box 3, Folder 1, VSU; 1850 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017); 1860 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed July 2017).

In addition to serial monogamy, concubinage, and extended affairs, Petersburg's free blacks doubtless engaged in short-term romantic relationships and casual sex. James Davis, a free man of color from Petersburg, moved to Boston but wrote to his uncle inquiring whether or not one such relationship had lasting consequences.

I wish you would try in all your power to find out whether that individual who is at the Falls is Realy in family way or not and let me know as soon as you can I thinks they are only playing off on me if it is my belief they thinks if they can come that game on me that they can have me or I will have them but I dont want that played out thing but I want to find out Realy whether they are in the condition which they say are or not for if it is Realy So I will help them but could never marry such a person.⁸⁵

Calling his unnamed partner a “played out thing” suggests that she had engaged in many sexual relationships prior to the one she had with Davis. She was probably not a prostitute, since Davis acknowledged that if the woman were pregnant, he was the man responsible. He understood himself to be the only possible father, but he also thought the claim a ploy to trap him into marriage, indicating that among free blacks sex before marriage sometimes led to marriage if pregnancy occurred. But not always. James Davis considered his partner undesirable as a potential wife because of her sexual past. The woman may have wanted to marry—or perhaps she simply wanted him to acknowledge the child as his and to pay support.

Both free men and women of color sometimes had other sexual relationships before marriage, but James Davis's religious or class background probably influenced his articulation of a sexual double standard. He apparently felt no shame over possibly getting this unnamed woman pregnant, and he probably thought himself a gentleman for offering to “help them.” He did suggest that this woman should feel shame as “such a

⁸⁵ James Davis to Uncle, Box 3, folder 1, Colson-Hill Family Papers, VSU.

person;” whether she did or whether she moved on to a new relationship, relied on her kin networks, or had a child that she raised alone, she would do so under a revised set of rules, at least legally. James Davis had written his letter in May 1865, at the moment of Constitutional emancipation, and on the eve citizenship and voting rights for black men. While ideas and practices surrounding partnership and sexuality would not change overnight, they became freighted with new meaning, with black women’s sexuality scrutinized in new ways by black and white alike, or at least marshaled in new arguments for or against black equality.

Free women of color in antebellum Petersburg faced legal disabilities and social strictures because of their race and sex, and their partnership strategies reflected their visions of freedom within the parameters of reality. Some were legally married but worked to loosen the control their husbands exercised over their economic lives. Other women preferred marriage-like relationships over legal marriage, which bypassed the need for other lengthy and costly court procedures to safeguard their independence or to dissolve their unions. Women married to enslaved men formulated creative strategies to protect their spouses and demonstrated the importance of these relationships, though they were not legally valid. Free women had the legal upper hand when they married enslaved men, but their free status did not necessarily dictate gender roles within the partnership. The opposite was true for women of color who partnered with white men. Those men held all the cards, but women were sometimes able to negotiate some form of support for themselves and their children. Other women engaged in casual relationships, sometimes running the risk of being deemed “played out.”

Importantly, though, many of these women formed different kinds of relationships throughout their lives. Serial monogamy could give way to legal marriage; marriage could end in adultery, divorce, or simply moving on. While the relatively large number of female-headed, free black households recorded across antebellum Petersburg censuses tell part of the story, they do not come near telling us all we need to know about partnership and family life. Though the number of women-headed households in those censuses is high, it may be deceptively so, with a sizable percentage of those women widowed or in partnerships with men—whether free, enslaved, or white—who were either not counted or not listed as head of household. Even if we take those possibilities into account, however, the number of black female-headed households far exceeded the number of white ones. A gender imbalance among free blacks, lack of economic opportunity for black men, and personal preference all played a role, but so did the fact that legal records almost always associated black children with their mothers instead of their fathers. Whether married or not, most free women of color had children whose free status was tied to theirs; safeguarding that status may have been their most important priority, and one not inherently tied to marriage. How mothers, their partners, their extended kin, and their communities contributed to raising and protecting children is the subject of the next chapter.

Chapter Four “Under whose controul they are”: Raising Freedom’s Future

The Elliott Family of Petersburg were a litigious bunch. For the better part of the 1840s and into the 1850s, they kept the courts busy with suits and countersuits pertaining to property owned by two brothers, Thomas and Henry Elliott. Molly Elliott, sister to those men and the only one left alive in her generation by 1840, claimed to be the sole heir of the property. Both Thomas and Henry had died unmarried, childless, and intestate. As the last living sibling, she indeed had a claim to make. But Molly had had another brother, Edward, also deceased, whose share should rightfully have passed to his children to be divided among them--even though he, too, died without a will. Molly, however, claimed that her brother had never been legally married, making the children illegitimate and their claims to Edward’s inheritance invalid. Edward’s children fought this claim, summoning a number of witnesses who testified to the validity of their parents’ union. Though the witnesses had never been party to a ceremony or presented with a legal document attesting to the Elliotts’ marriage, they described the way the couple had lived and behaved as proof of their standing. Most accounts supported Biddy Brander, who stated, “Edward Elliot and his wife Jincy lived together as man and wife and brought up their children to work and in decency as long as they both lived.”¹ Those five children quibbled with their Aunt Molly and with each other in court, but while their actions seem to belie the importance of family ties, depositions taken in the case give us glimpses into family interactions and expectations among parents, siblings, extended kin, and the wider community. How Edward and Jincy Elliott raised their children became

¹ Elliot vs. Elliott et. al., Elliott et al vs. Elliott, Elliott’s admr et al vs. Elliott, Chancery Causes, 1849-003, Petersburg, Virginia, Chancery Records Index (Digital), LVA.

the key to the outcomes of these legal cases, cases that also reveal the centrality of childrearing to the experience, preservation, and extension of African American freedom in Petersburg.

Though slavery and freedom existed along a continuum in early republican and antebellum Virginia, when it came to raising children of color, the differences between the two statuses could be more acutely felt than in almost any other area of life. Freedom protected parents and children from the physical and psychological burdens that slavery imposed on family relationships. As historian Daina Ramey Berry argues, slave owners saw black bodies in terms of monetary values that reflected slaves' potential for productive output and as sources of market capital. While the enslaved were aware of and sometimes even manipulated these values, they evaluated themselves primarily in terms of "soul value," or "an intangible marker that often defied monetization yet spoke to the spirit and soul of who they were as human beings."² Economic conditions and considerations certainly influenced the quality of freedom parents and children experienced, but free black people, unlike their enslaved counterparts, rarely faced permanent separation because of a white person's financial circumstances or fiscal calculations. Instead, free parents were more able to privilege the "soul value" of their offspring as they nurtured and educated them, preparing them to survive, and ideally to thrive, as free people of color in a slave society. Though families contended with different challenges and made a wide range of choices when raising their youth, the

² Daina Ramey Berry, *The Price for their Pound of Flesh: The Value of the Enslaved, From Womb to Grave, in the Building of a Nation* (Boston: Beacon Press, 2017), 6-7; for more on the conditions of enslaved childhood, see also Wilma King, *Stolen Childhood: Slave Youth in Nineteenth Century America*, 2nd Edition (Bloomington: University of Indiana Press, 2011); Marie Jenkins Schwartz, *Born in Bondage: Growing Up Enslaved in the Antebellum South* (Cambridge: Harvard University Press, 2000).

Elliott family's story exemplifies the value many African Americans placed on raising and protecting free children.

Many different people in families and communities figured into black children's lives. The roles parents occupied in their children's upbringings varied widely. In freedom, African American mothers played a more significant legal role in their children's lives than white mothers, because children's status as enslaved or free followed their mother's status. For this reason, free children are most often linked with their mothers in the public record, rather than with their fathers as white children were. Free African American fathers, however, exercised influence over their children, asserted themselves as guardians, and fulfilled important responsibilities toward them. Even though, according to a southern jurist, "the father of a slave is unknown to our law," the fathers of free children could be legally recognized, and they often contributed to their children's lives socially, economically, and culturally.³ Parents did not always raise their children while living together under the same roof, but even when their relationships ended, some continued to share parenting duties. Grandparents, siblings, and extended kin provided crucial support to parents and shaped free black childhood experiences. These ties could sometimes be as contentious as they were supportive, or, as with the Elliotts (and most families I know), a combination of each. Family members outside the nuclear core served as crucial emotional, economic, and educational anchors, especially when one or both parents died. Finally, social and economic networks in the free African American community provided another layer of resources on which parents and children

³ Quoted in Adrienne Davis, "'Don't Let Nobody Bother Yo' Principle': The Sexual Economy of American Slavery," in *Sister Circle: Black Women and Work*, ed. Sharon Harley (New Brunswick: Rutgers University Press, 2002), 107-108.

could rely. Children of color were not isolated from whites or the white-run world, but parents, extended kin, and the greater black community attempted to insulate them from the effects of racism and white control, prioritizing liberty for their children and protecting enduring family legacies of freedom.

The greatest advantage that the Elliott family had by the late eighteenth century was that the children were all born free, something that was not true for many parents and children of color. Most parents of enslaved children had little hope of seeing themselves or their children become free, but we know that it was one of their greatest desires and one they worked diligently to attain. The deep pain that accompanied parenthood for those in bondage is revealed most vividly in the words of those who experienced it. Harriet Jacobs battled her master's lechery and was ultimately able to choose her partner, but having children made her heart "heavier than it had ever been before." She even felt, at times, that death was preferable to raising children in slavery. Fathers likewise carried the burden of parenting enslaved children. One enslaved man, Thomas Jones, related his "unspeakable anguish" when he "looked upon his precious babes," and Henry Bibb said that of all the acts of his life, he regretted most "being a father and husband to slaves." It was not that these parents did not love their children—quite the opposite. They knew that no matter what steps they took to nurture and protect their children's "soul value," they ultimately had little power over white abuse or sale. Charles Crawley spoke of the trauma he witnessed at the auction block: "I done seen dem young 'uns fought an' kick like crazy folks; child it wuz pitiful to see 'em. Den dey would handcuff an' beat 'em unmerciful." This particular scene took place in Petersburg, at the corner of Sycamore and Bank Streets, and while we don't know whether Jincy and Edward Elliott ever

walked by during such a sale and counted their blessings, it is easy to imagine that they did.⁴

Probably two to three hundred children between 1793-1850--and very possibly even more--were born enslaved in the Petersburg area and obtained their freedom or quasi-free status through their parents' or grandparents' efforts.⁵ Escape from slavery was rarely an option for families with young children, and those parents who fled from bondage, though heartbroken, knew they would likely never see their offspring again. John Henry Hill, who escaped from the auction block to Canada, was more fortunate than most fugitives, though he left his wife and two small sons behind in Petersburg. According to William Still, a prominent member of the Philadelphia Vigilance Committee who helped Hill and hundreds of other enslaved people to safety, "Hill's lot was of a favorable character, compared with that of most slaves leaving their wives and children." Hill's wife and sons were already free, so not only could he send for them, but, because of the good reputation and protection of his wife's free father, he knew that she and the children would not "suffer."⁶ Most parents hoping to liberate their children from bondage, however, did not see escape as a viable option and tried to widen the avenues to freedom from within the slave system, often spending years negotiating the

⁴ Wilma King, *Stolen Childhood*, 52; *Federal writers Project: Slave Narrative Project, Vol. 17, Virginia, Berry-Wilson*, 1936, Manuscript/Mixed Material, Retrieved from the Library of Congress, <http://www.loc.gov/item/mesn170> (accessed November 2017).

⁵ The figures in my registration database show 152 people born enslaved who registered with the Hustings Court at age 21 or younger. From that baseline, I would be unsurprised if the number of enslaved children freed through their parents' efforts was at least double that number. Many people did not register as children or at all, and the registration records do not reflect enslaved children owned by their parents (usually a father) but who were not freed because of the danger of having to leave the state. These children, though enslaved, lived as free. Nancy Feggins, daughter of Peter Feggins (Fagan), is a prime example of a child who was purchased by her father but not officially freed until adulthood. See chapter 3.

⁶ William Still, *The Underground Railroad*, ed. William Loren Katz (New York: Arno Press, 1968), 1, 192.

right to purchase themselves or their children or earning the approbation of a master who would free them by deed or will.

Because a number of parents were able to gain their children's freedom in Petersburg, it would be easy to underestimate the effort it took and the pitfalls they faced. John Henry Hill's quest for his own liberty is indicative: he was a quasi-free man working toward his freedom when his master decided to sell him instead. Several of Rebecca Matthews's slaves were freed by her will, but they had to remain enslaved until the proceeds from their hires had paid her outstanding debt, proving that the promise of freedom could easily be denied or delayed. Even when the ink on emancipation deeds had long since dried, formerly enslaved people could find their freedom imperiled. In May 1804, Abby, Sally, and Sally's children, John, Louisa, and Airy, found themselves in such a situation when, "to their infinite astonishment and terror they were seized and taken by the Sergeant of the [Town] of Petersburg where they reside to satisfy an execution against the said David Bradley," their former owner. Bradley had freed Abby and Sally in 1792, after his mother died intestate but had expressed desires to free her slaves.⁷

While the lawyers and court system worked out the finer legal points of David's debt and whether the enslaved people were liable for a portion or all of it, the guiltless victims were "locked up in the gaol of the town of Petersburg among felons." Abby was a thirty-year-old woman and her younger sister Sally twenty-five; they had built lives in

⁷ William Still, *The Underground Railroad*, 192; Rebecca N. Matthews, Petersburg (Va.) Hustings Court Will Book 3: 1827-1847, Microfilm, Reel 19, LVA, 507-508, 512; Rebecca Matthews & c. v. JL Matthews, Chancery Causes, Petersburg, Virginia, Chancery Records Index (Digital), LVA; Mathews vs. Mathews, exor et al, Chancery Causes, 1854-038, Petersburg, Virginia, Chancery Records Index (Digital), LVA; Abby et al vs. Woodley & ex. et al, Chancery Causes, 1805-003, Petersburg, Virginia, Chancery Records Index (Digital), LVA. An execution is a court order to pay a debt.

freedom for twelve years. Abby had married John Devereaux, and she made her living as a clothes washer while he worked as a waiter. Sally was raising three children, who were seven, five, and three years of age. Throughout the Hustings Court records for this time period, the sergeant continually protested the inadequate condition of the jail, and when Abby and Sally's lawyer stated that they were "among felons," he likely meant in the same cell or room. Some of their fellow prisoners may have been mild-mannered fellow people of color taken up for not having papers or held because they could not pay a fine. But the jail often housed rough criminals, and, because the jailer did not necessarily remove all weapons, prisoners were sometimes injured or even killed by fellow inmates.⁸ The two women cared for three children in these unsavory and unsanitary conditions, suffering vermin and the smell of a communal chamber pot, and eating whatever rations the jailer provided. It must have been a long year while they waited for a verdict to validate their freedom, which came in May 1805. David Bradley's creditors immediately appealed, however; the order to release the former slaves was reversed and a new trial ordered. Six months later, in November 1805, the grand jury found in favor of the women and children's freedom, eighteen months after they had been arrested. Ten years later, Abby registered her nieces and nephew with the Hustings Court; these were listed as the children of Sally, a free woman.⁹ That status had not come swiftly or easily.

⁸ Petersburg (Va.) Hustings Court Minute Books, 1797-1812, Microfilm, Reel 25, LVA; Petersburg (Va.) Hustings Court Minute Books, 1812-1823, Microfilm, Reel 26, LVA. See especially March 1815 Court and 18 April 1817.

⁹ Abby et al vs. Woodley & ex. et al, Chancery Causes, 1805-003, Petersburg, Virginia, Chancery Records Index (digital), LVA; Petersburg (Va.), Hustings Court Registry of Free Negroes and Mulattoes, 1815-1850, reel 73, Microfilm, Library of Virginia, nos. 787, 789-91; List of People of Color in Petersburg, 1803, African American Digital Collection, LVA.

Family strategies for achieving children's freedom from within the system depended on the circumstances that shaped calculations of expedience and cost management. William Curl and Molly Giles were enslaved to two different masters when they began having children. William knew that the longer Molly remained a slave and continued to bear children, the more expensive and difficult it would be to extricate them all from bondage. He therefore negotiated for Molly's freedom first. William Curl's owner, William Douglas, purchased Molly and their four children in a complicated set of transactions beginning in 1796. Douglas could not take possession of Curl's family until the former owner's widow had died, which occurred in late 1800. Douglas immediately freed Molly and the children using all the language of an ideological emancipator, but he did not free any of his other enslaved property, nor did he free William. William Curl must have struck a bargain with his master, remaining in slavery until the debt for the purchase of his wife and children was repaid. Whether or not William met that condition by the time his master died, Douglas had the foresight to write a will in which he freed his slave "Billy Curle."¹⁰ By June of 1803, the entire Giles Curl family was free.

Other families secured a father's emancipation first, knowing that his earning power would increase as a free man. John Booker purchased himself from his owner, James Scott, for \$750 in 1808, looking to free his pregnant wife and two children, owned by Henry Haxall, through his earnings as a blacksmith. To protect himself from the removal law of 1806, Booker he entered into nominal re-enslavement under Haxall in

¹⁰ William Douglas Will, Petersburg (Va) Hustings Court Will Book 1: 1784-1805, Microfilm, Reel 18, LVA, 356-358. William Douglas to Molly Giles and children, Deed of Emancipation, Petersburg (Va.) Hustings Court Deed Book 2: 1790-1801, Microfilm, Reel 1, LVA, 712.

order to work toward his wife and children's freedom. His wife died before becoming free, but through an agreement with Haxall, he and his sons lived as free people until they could acquire formal emancipation. Tom Bolling and his brother James worked for freedom under similar conditions. The brothers seem to have contracted with their owner, John Meade, for self-purchase, James achieving freedom in 1833 and Thomas in 1838, the latter likely from his earnings as a waiter at Powell's Hotel. James purchased and freed his wife Harriet in 1842, and Tom Bolling managed to free his two children, Fanny and James, in 1844, his wife, like Booker's, having died before he could emancipate her.¹¹ In both of these instances, fathers may have had more potential purchasing power or more flexible owners than the mothers did.

Women also emancipated their children and grandchildren through their own efforts. The very first free black person to register with the Hustings Court in 1794, Lucy Arbuckle, had emancipated her daughter, Nancy Epes, two years before. Betty Call negotiated for her freedom from Robert Bolling in December 1786, when she was about sixty years old. Betty then used her earnings as a washer to persuade Bolling to part with Terressa, who he may or may not have realized was married to Call's son and pregnant. For the next fourteen years London Call, Betty's son, remained enslaved to an Amelia County owner before his mother purchased him—possibly with the help of Terressa, who

¹¹ John Booker: Emancipation, 1825, African American Narrative Digital Collection, LVA; "An Act Concerning Free Negroes and Mulattoes," Slavery Statutes Virginia—December Session 1805, HeinOnline (Accessed February 8, 2018), 51; 1830 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (accessed December 2017); Registry Reel 73, nos. 2629, 2777, 2778, 2921, 3113, 3116, 3117; James Bolling: Deed of Emancipation, 1838, African American Digital Collection, LVA; Thomas Bolling: Deed of Emancipation, 1839, African American Narrative Digital Collection, LVA; Harriet Bolling: Deed of Emancipation, 1842, African American Narrative Digital Collection, LVA; James (and Fanny) Bolling: Deed of Emancipation, 1844, African American Narrative Digital Collection, LVA; John Bolling: Deed of Emancipation, 1845, African American Narrative Digital Collection, LVA; Dorothy M. Colson, Family History, Colson-Hill Family Papers, Box 1, Folder 10, VSU.

was also a clothes washer and mother to London's children. Betty freed London in 1800, and they all registered with the Hustings Court around the same time. By working toward Terressa's freedom before that of her own son, Betty ensured that the status of her grandchildren, Jency, Drury, Lucy, Betsy, and Isabel, would be secure. Described as an "outlandish woman" who "speaks a little broken," Betty may well have been born free in Africa and suffered through the transatlantic slave trade, yet she worked tirelessly for her own emancipation and lived to see her grandchildren grow in liberty.¹² Children's emancipation was central to these adult visions of freedom.

Jane Minor facilitated freedom for several children who were unrelated to her. Minor was a free woman of color and a nurse who had enslaved and free women and children counted as living with her in 1830, and she began freeing some of the enslaved in 1838, when state law expanded the grounds on which county courts could allow newly emancipated people to remain. Some of the people Minor purchased, however, did not gain immediate liberty. In 1840, Jane Minor purchased Emily Smith and her five children. Minor emancipated the children on the same day and had them registered with the Hustings Court as free people. Emily Smith was not included in the emancipation deed. It seems that Smith agreed to remain Minor's slave until she repaid the \$1500 spent purchasing her and her children. Jane Minor emancipated a total of sixteen women

¹² Nancy: Deed of Emancipation, 1792, African American Digital Collection, LVA; Petersburg, Virginia, Register of Free Negroes and Mulattoes, 1794-1819 #1-944, Microfilm, Reel 47, LVA, no. 1; Betty: Emancipation, Petersburg (Va.) Hustings Court Deed Book 1: 1784-1790, Microfilm, Reel 1, 270; Terressa: Emancipation, Petersburg (Va.) Hustings Court Deed Book 1: 1784-1790, Microfilm, Reel 1, 303; List of People of Color in Petersburg, 1803, African American Digital Collection, LVA; Register, Reel 47, nos. 189, 194, 205.

and children, and, whatever her reasons for doing so, she provided opportunities for enslaved mothers to free their children.¹³

Since they embarked upon parenthood as people who were already free, Edward and Jincy Elliott enjoyed distinct emotional and financial advantages over those who had to labor toward that end, but their story outlines the questions and challenges other parents of color faced and suggests a range of possible experiences. Jincy, or Jane as she was sometimes known, became a mother quite young. Her childhood friend, Bidy Brander, remembered,

I knew Jincy Wynn from the time I came to Petersburg with my mother, I was about eight years old. Jincy was some years older than I was—being girls we very frequently played together in the Old Field—sometime after this Jincy went off for some time when she came back she said she had a husband and been married to Edward Elliott who was a blacksmith by trade. They very soon had a baby which was named Sarah the second was named Rebecca the third was named Henry, who is now dead, the fourth was named Richard & the fifth Mary who is also dead. The above all lived until they were grown. Jincy Elliott had another which was still born.

Within a short span of time, Jincy Wynn went from being a girl of perhaps thirteen, still disposed to play with other children, to becoming a wife and mother in quick succession, around the age of thirteen. Jincy's new husband, Edward, was a twenty-three-year-old blacksmith who had set up shop with his brother Thomas. It is hard to imagine that Jincy, being so young, fully understood how her life would change. After Sarah's birth around 1790, four more children arrived in two-to-three-year intervals, the youngest born

¹³ 1830 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (accessed July 2017); Registry Reel 73, nos. 2618-2622; 2755-2760; 2808, 2907-2910; "An Act amending the laws concerning emancipated slaves, free negroes and mulattoes," Slavery Statutes, Virginia—1836-1837 Session, HeinOnline (accessed April 21, 2018), 47-49. Minor's actions are particularly interesting because of an 1832 law that stated, "No free Negro shall hereafter be capable of acquiring ownership, except by descent, to any slave other than his or her husband, wife or children; and all contracts for any such purchase are hereby declared null and void." "An Act to amend the act entitled, an act reducing into one the several acts concerning slaves, free Negroes and mulattoes, and for other purposes," Slavery Statutes, Virginia—December 1831, HeinOnline (Accessed April 21, 2018), 20-21.

when Jincy was still in her early twenties.¹⁴ When her second daughter, Rebecca, had her own first child at age fifteen, Jincy Elliott became a thirty-year-old grandmother.

Jincy Elliott was somewhat younger than most first-time mothers of color, but not by much, and her childbearing intervals reflect many women's experiences, especially that of other women with stable spousal relationships.¹⁵ Most women seem to have begun their sexual and childbearing lives sometime in their mid to late teens. Lavina Ash and Charlotte Johnson both became mothers at age sixteen, as did Sally Wynn, Joanna Freeman (Eppes), and Caroline Porter. Eliza Bird and Edy Gilliam were seventeen, Judy Wilson eighteen, and Nancy Harris nineteen when they began having children, and they were not at all unusual among their peers. It is difficult to determine an "average age" of first-time mothers because of the contingencies complicating registration and census taking. When Billy and Jona Hill registered their children, for instance, the eldest child entered was eighteen, making Jona a somewhat older first-time mother at age twenty-five. But it is unclear whether or not that daughter was, in fact, their first child or merely the eldest child registered by her parents.¹⁶ Most free African American women who became mothers bore their children somewhere between the ages of sixteen and thirty-five, with some falling outside of those endpoints and other women apparently having no children at all.

¹⁴ Bidy Brander Deposition, Elliott vs. Elliott et. al., Elliott et al vs. Elliott, Elliott's admr et al vs. Elliott, Chancery Causes, 1849-003, Petersburg (Va.) Chancery Records Index (Digital), LVA; List of People of Color in Petersburg, 1803, African American Narrative Digital Collection, LVA; List of Free People of Color in the Town of Petersburg for the year 1821, African American Narrative Digital Collection, LVA; Register Reel 47, nos. 83, 541, 542, 550, 606, 863.

¹⁵ I hesitate to define what was "average" or "normal" and instead relate simply what I have been able to elucidate from the families whose evidence reveals the most information. Given the haphazard nature of registrations and census taking, trying to calculate hard statistics risks the danger of creating false interpretations.

¹⁶ Registry Reel 73, nos. 1271, 1286, 1913-1918; List of Free People of Color in the Town of Petersburg for the year 1821, African American Narrative Digital Collection, LVA.

Children arrived at regular intervals for women who were sexually active, usually between eighteen and thirty months apart, with longer spaces reflecting disruptions. Jona and Billy Hill's six registered children all arrived within a twelve-year span. Salina, Betsy, and Catharine were each two years apart, followed by a four-year gap before Amanda, Jane, and Nancy began arriving every two years. Miscarriages, illnesses, or spousal separation may have also accounted for the anomalous spacing. Richard Jarratt was a successful waterman, work that took him away from home, and his children's spacing could have been affected by his absences. Richard married Betsy Rollins in 1803, but they do not appear to have had any children until three years later, when she was twenty-four and he was twenty-seven. After the eldest, Jane, was born, Beverly arrived in 1810 and Betsy in 1812, followed by a six-year interval between Betsy and Charlotte. After Charlotte, Lucinda and Thomas followed like clockwork, each two years apart.¹⁷ The children within each "cohort" born to the Jarratts followed similar spacing, suggesting that parental separation or children's deaths had intervened between them.

Other women's childbearing reflected comparable patterns, with some children clustered more closely in age and others more distantly. Creasy Burnett had at least nine children over a twenty-two-year span. She provided her children's exact birthdates when registering them, allowing a detailed examination of her childbearing timeline.¹⁸

¹⁷ Registry, Reels 47 and 73, nos. 500, 569, 1505, 1714-1717; List of Free People of Color in the Town of Petersburg for the year 1821, African American Narrative Digital Collection, LVA.

¹⁸ Registry, Reel 73, nos. 1253-1262.

Creasy Burnett's Children

Name	Date of Birth	Months Since Previous Birth
Harriot Burnett	7 October 1797	
John Burnett	7 September 1799	23 months
Joshua Burnett	7 September 1802	36 months
Robert Burnett	2 March 1805	30 months
Fleming Burnett	7 March 1807	24 months
Caston Burnett	? June 1809	27 months
Berry Steward	26 August 1812	38 months
Virginia Ann Steward	20 February 1818	66 months
Pleasant Steward	24 September 1820	31 months

Creasy Burnett had been enslaved, and her first two children were liberated with her.

Creasy may have been married to a man who was still enslaved, or six eldest children, named Burnett, may have had different fathers and taken her name. The different surnames borne by her sons Caston Burnett and Berry Steward indicate that Creasy's relationship status had changed, and in 1821 she was listed just above carpenter Littlebury Steward, whom she probably considered her husband.¹⁹ His death likely spurred her to register herself and her children in 1822, and would also explain why Pleasant was her last child—along with the fact that she was forty-five years old. Creasy Burnett did marry Tom Pegram in 1827, but they had no children together. Like many free men of color, he decided to marry a woman who already had children.

Jincy Elliott was married before her first baby arrived, but marriage and childbearing could have a tenuous causal relationship among African Americans. In some instances, pregnancy may have led to legal or religiously recognized marriage rather than the other way around—even for Jincy and Edward, who apparently “very soon had a baby” after their nuptials. Mary Colson may also have been in the family way

¹⁹ List of Free People of Color in the Town of Petersburg for the year 1821, African American Narrative Digital Collection, LVA.

at the time of her wedding, which would have accounted for her distress over being unable to procure wedding items, writing to her mother that she had “no time to loose.” Wed in April of 1845, Mary and John Shore had a standing and cruising toddler who had “not got a tooth yet” by November of 1846, meaning she was probably between ten and twelve months old--and thus possibly conceived before her parents married. Julia Shore’s birth fell at sufficient distance from marriage to keep tongues from wagging--if anyone really wagged tongues about such things at all given the sporadic participation in legal matrimony. The fact that Mary and John had not set up housekeeping and that she fretted about both propriety and haste indicated that the couple believed, and perhaps that their families did as well, that babies should ideally come only after weddings, but that was far from a universal ethic.²⁰

As chapters two and three demonstrated, many couples formed sexual bonds and had children outside of legal marriage, but even those who did formally marry were as likely to do so during and after a pregnancy, or several, as before one. The Cook-Branders demonstrate how both patterns could exist within a single family. Arthur and Sylvia Brander were the only partners in this clan to be legally wed before beginning their family. Moses and Biddy Brander secured a marriage bond when their first son was five years old, and Shadrack and Polly Brander did so when their daughter was three. Jincy Ruffin and Gabriel Brander never formally married, and neither did Daniel and Betsy Brander, though both couples bore children. The parents of these Brander men, Plato Cook and Mary Brander, themselves, married only after forty-five years of

²⁰ Elliot vs. Elliott et. al., Elliott et al vs. Elliott, Elliott’s admr et al vs. Elliott, Chancery Causes, 1849-003; Mary Colson to Sarah Jackson, Colson-Hill Family Papers, Box 3, Folder 1, VSU; Remember, too, that Mary’s aunt was Betsy Elebeck, who had borne a child out of wedlock and had engaged in an extended, public affair with a married white man; see Jones v. Jones.

partnership.²¹ Of course, had they been pressed, the Branders might have been able to produce witnesses to document to their spousal unions, and perhaps even a religious or public wedding ceremony.

Jincy and Edward Elliott had no documentation of their legal marriage, but their heirs were able demonstrate the community's understanding of their union as a binding marriage. Sally Elliott Major asserted that her parents that Reverend Robinson, an Episcopal priest, had married her parents, and an elderly Pocahontas resident confirmed this assertion. Lucy Perry, a resident of Pocahontas, knew the Elliotts, who she said "lived together and raise[d] their children and [brought] them up well." Though she had not witnessed the wedding ceremony, Perry claimed, "it was a thing in circulation at that time—I frequently heard the neighbors say that they were married by an Episcopal priest named Robinson who I believe lived near Wood Church in Chesterfield. I frequently saw the said clergyman pass through Pocahontas."²² So neighbors *did* talk about the various kinds of spousal relationships in their communities, after all. Given that many of the Branders were active in Gillfield Baptist Church, they may well have gained similar religious blessings for their marriages. More importantly, like the Elliotts, the Branders seem to have parented their children together and "in decency," factors determining community acceptance of legitimacy. The difference between the Elliotts and Cook-

²¹Registry, Reel 47, no. 712; Plato Cook, Will, Petersburg Hustings Court Will Book No. 2: 1806-1827, Microfilm, Reel 18, Library of Virginia, 80; List of People of Color in Petersburg, 1803, African American Digital Collection, LVA; Petersburg (Va.), Marriage Bonds and Licenses, Microfilm, Rolls 108 and 109, LVA; Lewis & exec et al v. Brander's exor, Chancery Causes, 1841-026, Petersburg, Virginia, Chancery Records Index (digital), LVA.

²² Elliot vs. Elliott et. al., Elliott et al vs. Elliott, Elliott's admr et al vs. Elliott, Chancery Causes, 1849-003.

Branders was that Edward Elliott relied on that reputation and failed to leave a will, while Plato Cook took every legal step possible to ensure his children's legacy before he died.

Marriage followed pregnancy instead of preceding it in other families as well, whether in a first or later partnership. Matthew Lewis legally married Amy Harris on October 18, 1822, six weeks after their first daughter, Susanna, was born. Amy was twenty and Matthew twenty-five, so they may have had previous partners, but neither ever registered other children. In any event, neither seems to have been self-conscious about the fact that their daughter was born before their legal marriage. Nine years later, they walked into the Hustings Court to register their three children and declared Susanna's birthday as September 1, 1822.²³ Levina Ash and Griffin Scott likewise married after the birth of their son, Griffin Jr. Levina already had two daughters from a previous relationship or relationships. The elder of the pair, Betsy Ash, was born when Levina was sixteen; the second daughter, Rozena Ash, arrived over a decade later, when Levina was twenty-seven. Now, at thirty-seven, she had her third child and first son with Griffin Scott, a thirty-six year old tanner who bestowed his name upon the child, presumably around the time he married the boy's mother.²⁴ Children seem to have been the catalyst for seeking legal recognition of a marriage, but these couples may also have responded to other pressures for legitimacy. Mat Lewis's father was a literate shoemaker and member of Gillfield Baptist Church who signed as Mat's witness on his marriage

²³ Matthew Lewis to Amy Harris, Petersburg (Va.) Marriage Bonds and Licenses: 1806-1832, Microfilm, Reel 109, LVA, October 18, 1822; Registry Reel 73, nos. 1958-60.

²⁴ Griffin Scott secured bond to marry Levina Ash on June 21, 1817. When Griffin Scott Junior registered with the Hustings Court on September 12, 1831, he was fourteen years old, born sometime prior to September of 1817. The couple had a second son, Isaac, in 1819. Griffin Scott to Levina Ash, Petersburg (Va.) Marriage Bonds and Licenses: 1806-1832, Microfilm, Reel 109, LVA, June 21, 1817; Registry, Reel 73, nos. 1886-87.

bond. Likewise, the Scott brothers, David, Isaac, and Daniel, were all artisans and church members, with Daniel later gaining permission to exhort at Gillfield. Daniel, especially, was active in bringing charges against wayward fellow congregants. As Griffin and his brothers shared a lot of land and his brothers all had legally certified marriages, he could have faced a fair bit of pressure to conform. Of course, as landholding members of the artisan class, Matthew Lewis and Griffin Scott would have been financially able to enter into marriage bonds. They and their wives remained married, living together and continuing to have children beyond the ones that preceded, and probably precipitated, their legal unions.²⁵

Molly Elliott, the litigious sister and aunt who opened this chapter, raised her children without a documented male partner, as many other free women of color did. Her brothers and their families provided critical support to her efforts. When Molly arrived in Petersburg around 1805, she had come from Charles City County and transferred her registration to the Petersburg Hustings Court. Molly may have been a resident of both Petersburg and the county from which she had come, going back and forth as needs or desires dictated. In August 1808, Molly Elliott gave birth to twin boys in Charles City County, naming them Bland and Henry Elliott. She was back in Petersburg in 1810, renewing her registration. Molly and her boys lived in Petersburg in 1821, but she registered Bland and Henry as free in Charles City County in 1826 and 1828, respectively. Molly may have moved between the two places because she considered

²⁵ List of Free People of Color in the Town of Petersburg for the year 1821, African American Narrative Digital Collection, LVA; Isaac Scott v Griffin Scott, etc, Chancery Causes, 1840-006, Petersburg (Va.), Chancery Records Index (Digital), LVA; Records of Gillfield Church (Baptist) Prince George County: 1815-1842, Manuscript, Library of Virginia, Richmond, Virginia. Griffin Scott's name does not appear in these Gillfield Baptist Church minutes.

herself married to an enslaved man in Charles City and relied on the work opportunities in Petersburg to support her sons. Charles City County was rural; there was a substantial free community of color there, but most women lived in male-headed, agrarian households. Molly claimed no special skill, listed as a laborer when living in Petersburg, meaning there were likely many enslaved people doing the kinds of work she performed there. She and her children relied on her brothers in Petersburg, especially Thomas. All three Elliott men were blacksmiths, and Molly's son Henry started working for her brother Thomas by the time he was thirteen; he also lived with his uncle and an enslaved woman, who likely was Thomas's wife. Molly lived separately with Bland at this time, but, when in Petersburg, she and her sons probably lived with her family in the houses they all seemed to share. No matter what she may have claimed later in a fit of pique, she recognized her brother Edward's children as her sons' cousins, claiming they looked as much like their father as if he "spitted them out." She likely relied on the older children as babysitters and the younger ones as playmates for her own sons. Whatever the circumstances of her children's father, Molly Elliott fashioned a life within the embrace of her family and community of support.²⁶

There must have been as many different feelings about becoming parents as there were people who had children, but we can glean from the concerted actions parents of color took to free and protect their children evidence of their love and devotion. Jincy Elliott, Sarah Colson, and Madeleine Elebeck, all free women married to men of means,

²⁶ Register, Reel 43, no. 302; Charles City County Free Negro and Mulatto Database, Registrations 1823-1864, online, www.charlescity.org/fnr/ (accessed December 5, 2017); List of Free People of Color in the Town of Petersburg for the year 1821, African American Narrative Digital Collection, LVA; Elliot vs. Elliott et. al., Elliott et al vs. Elliott, Elliott's admr et al vs. Elliott, Chancery Causes, 1849-003.

probably welcomed the signs of pregnancy, or at least feared less for their children's futures than enslaved or poor mothers. Other women, like Molly Elliott, single or married to enslaved men, knew they would have to balance the tasks of motherhood with gainful employment to provide for their children. Some women may have faced their pregnancies with dread, especially if they had been raped or if their lovers proved to be less than steadfast. And some women ran out of options, or felt they had, and sent their children to others to care for or educate them. Some likely surrendered their children with relief, but for many it presumably would have been heart-wrenching. Fathers, too, probably experienced a range of emotions upon learning of a pregnancy, from love and pride to doubt and despair. Men who became fathers had more ability than mothers to disentangle themselves from raising or providing for their children, and, indeed, the court had to order some men to step up financially. For the most part, however, free men of color played important roles in black children's lives, whether biologically their own or not.

The glimpses we have into free blacks' inner thoughts and emotions about parenthood illustrate both immense joy in and intense worry for their children. Fanny Colson was married to a successful shoemaker and bore thirteen children between 1853 and 1880. She wrote a poem about her eleventh child, Mary, whom she termed the "household pet." "A charming little sprite is she/so merry happy gay and free/She's sunshine to the house all day/And with big brother loves to play."²⁷ She had expressed

²⁷ Fanny Meade Colson, "Little Mary's Birthday April 16th (1876), Colson-Hill Family Papers, VSU. Though Fanny Colson wrote many of these poems after the Civil War, they are autobiographical and products of her experience as an enslaved girl, free girl and woman of color, mother, and wife under slavery, war, and Reconstruction in Petersburg. Because we have so few glimpses into the interior worlds of women of color in any of these time periods, these poems are vitally important to understanding the

the same wonder and delight about her sixth child, Fanny: “You came to me one night/With face so fair and eyes so blue/I wondered at the Sight/So different to the little ones/That came to me before/That I could only gaze and look/And wonder more and more.” The elder Fanny had a “very bright mulatto complexion,” and she remembered her childhood self with “dimpled face” and a “head with clustering curls of gold.” She must have seen herself most in this baby who looked so different from her siblings, perhaps explaining why this sixth child bore Fanny’s name.²⁸

Fanny’s eighth child, Harriett Josephine Colson, received an acrostic on her eighth birthday that expressed her mother’s love and pride.

Hattie come here and sit by me
And listen while I tell
Right now the story of a child
In love came once to dwell
Endeared was this Sweet child to me
This plainly could be seen
Then she was lively gay and free
Just as a summer dream
Oh could you see her smiling face
So full of thought at time [sic]
Enough to make you think her sad
Perhaps she would incline
Her little heart to sadness oft
Instead of play and fun
No this dear child is eight years old
Else she is seven and one
Could she but find a little book
Oh that would be her delight
Long will she sit and read it oer
So fast and then quite rights
O’ will these letters not explain

depth of emotion parents felt. Colson’s name is spelled “Fannie” and “Fanny” in various documents. I chose “Fanny” because that is how she spelled her name in her bible.

²⁸ Fanny Meade Colson, “Fanny’s Birthday,” “Childhood Thoughts,” Colson-Hill Family Papers, VSU; Registry Reel 73, no 3113.

No my dear child you bear the name²⁹

Writing to and about her girls, Fanny expressed her love and her understanding of each of them as individuals. Though she highlighted their similar joy and beauty, they were each distinct in her heart: Mary, the imp, Fanny, the “frail rose bud,” and Hattie, the pensive bookworm.

Fanny Colson wrote about only one of her sons, James, her second child. She admired him just as much as she did her girls, looking on her “first born son” “with all a mother’s care.” She wrote, “No words can tell with what delight/And with what honest joy/I gazed upon the precious sight/Of thee my darling boy/And with what pleasure and what pride/I heard thy babbling talk/And with a careful hand did guide/When you began to walk.” Though she had highlighted Hattie’s love for books, Fanny spoke more directly and seriously about her role in guiding James. Perhaps her anxiety about James was particularly high, since his elder sister, Sarah, had died three months before he was born, just shy of her second birthday. But by the time she wrote this poem, James had survived childhood. Delivering it on his twenty-first birthday, Fanny strongly emphasized James’s duty to walk the strait and narrow path. “Through childhood days and youthfull years/My constant prayer has been/That God would keep you by his grace/Safe from the ways of sin.” She particularly warned him away from unvirtuous women. “Avoid my son this sparkling cup/In which men take delight/For tis an adders deadly sting/A serpent’s poisonous bite/Let not the Goddess of the world/Entice you in her den/For she will crush you, as she has/A host of other men.” If her words seemed a bit ominous for a birthday poem, it must have been because she was sending James off to Dartmouth to attend

²⁹ Fanny Meade Colson, “Written for Harriett Josephine Colson on her Eighth Birthday: An Acrostic,” Colson-Hill Family Papers, VSU.

college, an amazing opportunity to be sure but in faraway and unknown New Hampshire. Even a modern mother might take a moment to impart her values and “pray that God would keep you that/I’d allways [sic] have you be.”³⁰ She surely, too, simply hoped that he would come back.

Though Fanny worried often about the state of her own soul, her worries for her children usually centered on more earthly matters. The first and foremost concern for all nineteenth-century parents was health. Even a minor injury could result in a life-threatening infection, and children, along with adults, faced outbreaks of smallpox, tuberculosis, scrofula, and cholera. Four of Fanny’s children died before they reached the age of two. When her children were sick, she probably did as her in-laws, Mary and John Shore, did, calling both black healers and white doctors to tend to them.³¹ But the medical arts were limited before the invention of antibiotics and antiseptics. Just as Fanny and James Colson lost four of their children, the Shores lost three of theirs. Their daughter, Julia, was their only child to grow to adulthood. Though many whites would have been unsurprised at the high mortality among free blacks, with whom they associated with poverty, degradation, and “filthy habits,” the children in these two artisan-class families succumbed to germs even though they had adequate food, clothing, and shelter—at least most of the time. Financial panics, lean years, and civil war strained their resources. Fanny remembered one such period when food was scarce. “No seed cakes no cookies rare/No chickens roasted by the pair/In which I used to find a share/Can

³⁰ Fanny Meade Colson, “Written on the 21st Birthday of My Son James,” Colson-Hill Family Papers, VSU.

³¹ John and Mary Shore usually employed white doctors but also paid for the leeching services of Mary Cox, a free woman of color whose registration identified her as a cupper and leecher. John Shore Receipts, Colson-Shore Family Papers, Box 19, Folder 6, VSU; Registry Reel 73, no. 4097.

now be found in here/The little children wish and wait/For dear Mama to bring a plate.”³²

The children of Petersburg’s poorer free blacks probably fared even worse and had fewer resources once illness caught them.

Parents constantly worried for their children’s health and safety, and they lamented their losses bitterly. Letters almost always opened with some inquiry after or announcement of health status. Mrs. R.H. Brodie wrote to her son, “I have suffered a good deal with my right foot since Friday night last, and am not able to put on a Stocking or Shoe,” and Henry Elebeck opened his 1863 letter to his brother-in-law with the news that, though most of his family was “in tolerable helth at present,” his “little boy has been sick and is now.” His “little boy” was likely William Elebeck, who recovered and lived “away at school” in 1870.³³

³² Fanny M. Colson, “The Safe After the Panic,” Colson-Hill Family Papers, VSU; for nineteenth century disease and medical practice, especially with regard to African Americans, see Todd L. Savitt, *Medicine and Slavery: The Diseases and Health Care of Blacks in Antebellum Virginia* (Urbana: University of Illinois Press, 1978).

³³ Henry Elebeck to Booker Jackson, Colson-Hill Family Papers, Box 3, VSU. 1870 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (accessed December 2017), 6.

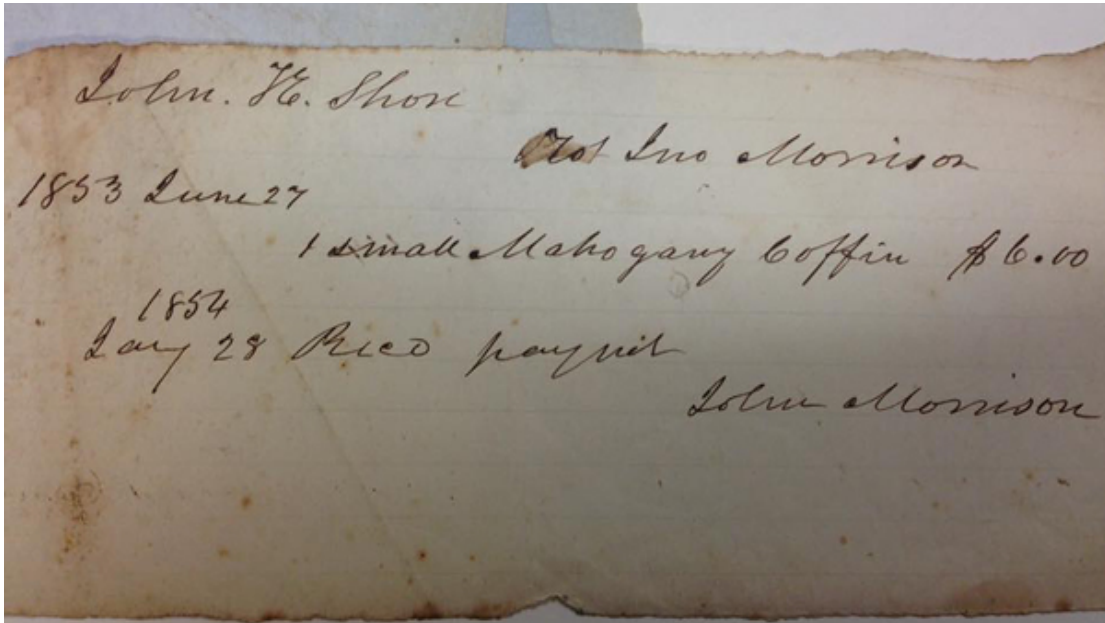


Figure 12. Receipt to John K. Shore for a small mahogany coffin, purchased in 1853. Shore purchased three such coffins between 1852-1855, losing his two sons named John and James and one unnamed infant, probably to cholera outbreaks.³⁴

Fanny Colson wrote about the terrifying illness that gripped her namesake. A mysterious affliction caused the elder Fanny's "little clinging frail rose bud" to lose her sight.

And very soon your eyes grew weak
And blind we thought you'd be
For many weary days and months
In darkness you did grope
With bandaged brow and shaded eyes
E're fear gave way to hope
At last God blessed the efforts made
And to our hearts delight
Answered the many prayers and tears
And gave you back your sight
And now my child you're blest with health
And have good eyes to see
Give God the praise for he deserves
It all from you and me.³⁵

³⁴ John Shore Receipts, Colson-Hill Family Papers, Box 19, Folder 7, VSU; on cholera outbreaks in Petersburg, see Savitt, *Medicine and Slavery*, 227-236.

³⁵ Fanny Meade Colson, "Fanny's Birthday (1877)," Colson-Hill Family Papers, VSU.

Young Fanny could have been manifesting eye complications from any of a number of different diseases. Though sickle-cell disease was a possibility, and one commonly associated with African ancestry, the eye damage resulting from that affliction would have, in most cases, become permanent. More likely, young Fanny suffered from a form of uveitis, an inflammation in the middle layer of the eye caused by a number of different infections or autoimmune responses.³⁶ But no parent or doctor would have known that in the 1860s, and uncertainty about whether she would improve or worsen and what quality of life she could expect worried her mother. To the elder Fanny, who had already buried three young children, the recovery was, indeed, miraculous.

Fanny Colson and many other parents knew all too well that children did not always recover, but the intensity with which they cared for their ill children and mourned the ones they lost attests that accepting death never came easy just because it was common. Those with means, like the Colsons and Elliots, could expend money and effort to give their children a better chance of survival, but other parents struggled to provide basic care, let alone to save resources for a crisis. In 1830, a desperate Sally Adams brought her very sick little boy, Alexander, to one Hannah Epes. He had suffered a bite from a “mad dog” and needed attention from an experienced healer. If the dog had been truly “mad,” Epes could have done little to help Alexander; rabies would have killed him. But he had been attacked and was definitely in need of her aid, with wounds on his neck, jaw, and face. If the wounds were fresh, Epes would have had to stop the bleeding, stitching the lacerations closed and hoping to prevent “fever.” If the wounds were older,

³⁶ Laura K. Green, M.D., The Krieger Eye Institute (Baltimore, Maryland) December 8, 2017.

the healer would have faced an even bigger challenge: infection. Hannah Epes agreed to help, providing medical care and board for Alexander and Sally until he recovered. When their stay was over, however, Sally Adams could not pay the \$20 she owed Epes. The amount she owed points to the seriousness of Alexander's injuries; doctors usually billed a dollar per visit. Though Epes was not formally trained, in-home care and boarding the child and his mother would have raised her normal fee, so they likely stayed less than twenty days but maybe as long as two weeks. Perhaps in the heat of the crisis the women had failed to discuss payment, but sometime during Sally's stay, as she watched her son get stronger, she must have realized that saving his life was going to have a terrible cost. Sally Adams left her son with Hannah Epes. She may have intended to return for Alexander when she earned the money to pay her bill, but she never found her way back. Two years later, Alexander was still with Hannah Epes, and the court allowed her to bind him out to Thomas Lee for twenty dollars, the amount of the debt, until he reached age twenty-one. In 1832, Alexander Adams was eight years old and faced thirteen years under a white master. It is hard to imagine that a woman who had sought care and stayed by her child's side until he was well left him because she did not love him. Sally Adams must have felt she had no other choice. She may never have known that Alexander registered with the court at age twenty-four, alive and a free man.³⁷

When children died, families mourned. Edward and Jincy Elliott lost three children--a stillborn infant, their son Henry, and their daughter Mary as a young adult. They did not leave any evidence of their feelings behind, but other parents did and

³⁷ No Hannah Epes appears in any of my records, so she may have been a white or black woman. 1830 Sally Adams to Hannah Epes, Luther Porter Jackson Family Papers, Box 57, VSU; Registry, Reel 73, no. 4038. For typical medical charges, see John K. Shore's receipts, Colson-Hill Family Papers, Box 19, VSU.

demonstrated the depth of their grief. When Fanny Colson thought about the four children she lost, she “heaved the bitter sigh/And shed the scalding tears...O’er little forms in anguish tossed /That now are gone to Heaven.”³⁸ Rose McCray Hill reunited with her husband, fugitive slave John Henry Hill, but within a year, he reported sad news. “There have been sickness and Death in my family since your letter was Recd. our dear little Child have been taken from us one whom we loved so very Dear. but the almighty God knows what are best for all. Louis Henry Hill, was born in Petersburg Va May 7th 1852. and Died Toronto August 19th 1854.” Calling young Louis his “little angle [sic],” he also worried for his wife’s grief, saying, “My wife laments her child’s death too much.”³⁹ Christian faith brought acceptance but did not heal all wounds. John Henry hoped that news from relatives in Petersburg would comfort his wife in her sorrow.

Grief took many forms, however, and while Rose and John Henry Hill turned to their faith, each other, and their extended family for comfort, Arena and Watkins Jones found that they could no longer live together after their child died. Arena Jones reported that she and her husband Watkins “lived happily together and had a child,” but that after the infant’s death “to her pain, mortification and deep humiliation she became satisfied from unmistakable testimony that he who had promised to ‘love, protect and cherish’ his wife had abandoned himself to licentiousness and to Lust and had forsaken [her] to live in adultery with ‘strange women.’” The couple had begun to quarrel incessantly, and Watkins sought comfort elsewhere, finally leaving her altogether.⁴⁰ Watkins accused Arena of abandoning him first, and it is impossible to say for certain who did leave first

³⁸ Fanny M. Colson, “My Married Life,” Colson-Hill Family Papers, VSU.

³⁹ William Still, *The Underground Railroad*, 197.

⁴⁰ Jones v. Jones, Chancery Causes, 1852-050, Petersburg, Virginia, Chancery Records Index (Digital), LVA.

in this he-said, she-said case, but both agreed that the death of their child precipitated the rupture, perhaps originating in an argument over who should bear the blame for her passing. Free parents were less likely to be permanently separated from their children than enslaved parents, but most could expect to lose at least one child. It was never easy.

In addition to their emotional investment in their children, free mothers and fathers of color dedicated their lives and labors to raising them. Jincy Elliott's days may have resembled Fanny Colson's, filled with productive and reproductive domestic labor.⁴¹ At the end of a long week, Colson lamented, "It is Saturday night and my work is not done/Although every day I've been up with the sun/I am sure I've not idled or trifled away/ A moment of time on any week day." In 1860, Fanny had three living children under five years old, a boarder, her husband, who was a shoemaker, and his apprentice to care for.⁴² She started the week with the most arduous tasks, the washing and ironing, interspersed with the brewing, baking, scrubbing, and dusting. On top of those tasks, she "made a large cake for the charity fair." Fanny was also handy with a needle. Her sewing for the week included spending "a whole morning on mending a spread/That was needed so much for the little boys bed/There Marys old dress has been made over new/And my last winter cloak that I altered for Sue/A dress for my neighbor and pants for a boy/An apron for Nellie a vest for Leroy." Even with all that work done, "A host of small things came in with the rest/Enough to rob any mortal of rest." So, late

⁴¹ Productive labor refers to household manufacturing, work such as dairying, gardening, or clothes production, whether or not the products were sold or consumed by the family. Reproductive labor refers "not merely to bearing children, but to the larger project of surviving from one generation to the next." Cooking, cleaning, and washing are all examples of reproductive labor. Jeanne Boydston, *Home and Work: Housework, Wages, and the Ideology of Labor in the Early Republic* (New York: Oxford University Press, 1990), xv.

⁴² 1860 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (accessed December 2017).

on Saturday, a long list remained. “I must mend all these stockings for dear little feet/Must be kept nice and warm, as well as look neat/And here is a shirt needs buttons two three/And here is a place where a string ought to be.” Well past midnight, Fannie finally admitted defeat. “I have not finished it all but have tried to do right/For there is not one in the house I would slight.”⁴³ In tallying up her week’s labors, she did not even mention the myriad tasks she performed for her small children each day: feeding them, diapering the littlest ones, and cleaning up the dishes and messes.

Fanny Colson may have hired someone to help her, but the Colsons did not own or employ an enslaved person. One of her poems detailed a mishap on washing day. “One day when there was snow and sleet/And one could scarcely keep their feet/From slipping in the lane and street/I fell and broke my arm.” She slipped as she was coming through the garden gate; her bucket flew “several feet away,” and she lay “broadside” and moaning on the ground. Not only was she in pain, but “the clothes in great confusion lay/For don’t you know t’was washing day/When I forgot to pick my way.”⁴⁴ Her poetry indicates that Fanny did the bulk of the household work herself, supplementing her husband’s income by taking on a boarder and, possibly, sewing for others, for which she was paid in cash or in kind. Fanny Colson did not work outside her home for wages, but she worked for her family and seemed to take satisfaction in the ability to care for them, keeping them warm and neat.

Many free women of color, whether married or single, did have to work for wages, which may have presented childcare difficulties. Some families who relied on

⁴³ Fanny M. Colson, “Saturday Night,” Colson-Hill Family Papers, VSU.

⁴⁴ Fanny M. Colson, “On breaking my arm,” Colson-Hill Family Papers, VSU.

women's income structured their labor so that it was still done within their own homes. Many became washers, taking in laundry and doing it in their homes or communities. In 1803, laundress Bidley Brander was also a wife and mother to a three-year-old son. She lived with her husband, Moses, in a house on the property her husband's father had purchased for his entire extended clan.⁴⁵ With her sisters-in-law and her nieces and nephews nearby, she likely relied on them for help with her son, Arthur, or worked alongside them. When Arthur was old enough, he would have started helping her, gathering wood for the fires to heat the kettle, perhaps helping pick up and deliver the laundry, hauling water, or lining irons up in front of the fire.⁴⁶ In this way, women who became seamstresses, bakers, and spinners, could combine gainful employment with supervision of their children. Most women of color in Petersburg, however, only claimed the occupation of "laborer," which probably meant that they did whatever jobs they could for people who were willing to hire them. For women, these jobs included domestic labor in others' homes. In some of these situations it may have been possible to bring their small children with them, working much as Fanny Colson would have as she did her housework and tended her children, but probably experiencing more concern and stress. Other women worked as tobacco stemmers or the carrying trade, transporting goods to and from boats or trains, leaving us to speculate what they did with their children while

⁴⁵ List of Free People of Color in the Town of Petersburg for the year 1821, African American Narrative Digital Collection, LVA; Plato Cook, Will, Petersburg Hustings Court Will Book No. 2: 1806-1827, Microfilm, Reel 18, Library of Virginia, 80.

⁴⁶ Tera W. Hunter, *To 'Joy My Freedom*. Brenda Stevenson finds that in Loudon County, Virginia during the antebellum period, a good wage for a laundress was \$.20 per day. It is unclear if this wage represented women hired to do one family's laundry or one who took in as much laundry as she was able. Petersburg laundresses would have largely taken the laundry in, and, given the growing industrial and transportation sectors of the town, demand for their trade was probably fairly high, perhaps allowing them to make a better living than clothes washers in Loudon County did. Brenda E. Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press, 1996), 293-295.

they were at work.⁴⁷ Millie Adams somehow managed to work as a tobacco stemmer when she was mother to a seven-month-old infant.⁴⁸ Perhaps another hidden source of income or community service was that women like Fannie Colson, who were able to remain in their homes and care for their children, also took care of other women's children.

Mothers, whether alone or with a partner, used their money both to provide daily necessities for their children and to purchase property that they hoped would ensure an economic legacy. Even before she and her mother-in-law negotiated for her husband's freedom, Terressa Call purchased property in New Blandford. Less expensive than purchasing an enslaved person, such a town lot was a durable financial investment. Also, and perhaps more importantly, real estate provided additional proof of freedom and represented a stake in the community. By 1810, a decade after her husband had been emancipated, Terressa or "Trissy" Call, retained ownership of her property and was listed as head of her household. Around half the property owned by free people of color in Petersburg belonged to women, many of whom were mothers and some of whom considered themselves married.⁴⁹

Many fathers played significant roles in their children's lives that could vary depending on family structures and values. Men, like women, faced parenthood with a

⁴⁷ The town free Negro census of 1803 and 1821 and the 1850 and 1860 federal censuses name several women as tobacco stemmers. Lurany Butler paid taxes on her cart (s) and hired an enslaved man to work at least one of them. Other women may have done the same. Some women hired their labor for the entire year. The wages paid to slave owners for the yearly hire of their property suggests what free blacks might earn. Young, able-bodied men were hired for \$60-\$80 per year; employers only paid \$20-\$40 for women's labor. The Butler Papers, Luther Porter Jackson Papers, Box 51, VSU; Executor's Accounts, Mathews vs. Mathews, exor et al, Petersburg (Va.) Chancery Causes, 1854-038, Chancery Records Index (Digital), LVA.

⁴⁸ List of People of Color in Petersburg, 1803, African American Digital Collection, LVA.

⁴⁹ Petersburg, Va, Deed Book 2, 279; 1810 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (accessed December 2017); Lebsock, *Free Women of Petersburg*, chapter 4.

range of emotions. Many loved their children dearly, already demonstrated by how hard fathers worked to obtain their children's freedom and by how they worried over sick children and mourned the ones who died. Fathers also found time for joy. Fannie Colson related that her husband James especially loved to play with their daughter Mary. "Her father's foot is oft her horse/And if she is a little cross/He rides her first and jumps her last/Until her angry fit is past."⁵⁰ Some fathers conveyed their love in letters, and uncles sometimes demonstrated what masculine affection looked like. Rose Hill's brother, Samuel McCray, sent her the following instructions: "you must houg & kiss all the Children except Jimmey & that you must squeas him for me." Another male relative teasingly promised, "I am saving up all my lyes for them to tell them when I come."⁵¹ Tenderness and closeness radiated from their words.

Even so, fathers saw it as their primary job within their families to provide economic support, and it seems as though, even when women also provided income, fathers left many of the domestic and childrearing tasks to women. More skilled occupations and higher paying unskilled positions were open to men than to women, meaning that fathers were usually the primary breadwinners, even when mothers also worked for wages.⁵² Edward Elliott earned his living as a blacksmith, working along with his brother Thomas to provide for his family. Other skilled men supported their families through work as carpenters, bricklayers, coopers, and tanners, among other trades. There was plenty of work for men outside of the artisan class, however, in

⁵⁰ Fanny M. Colson, "Little Mary's Birthday April 16th (1876)," Colson-Hil Family Papers, VSU.

⁵¹ Samuel McCray to Rosett McCray, Colson-Hill Family Papers, VSU.

⁵² Tera Hunter found this economic division of labor to be true in Reconstruction Georgia as well. She presents evidence that black men acknowledged and appreciated both their wives' domestic labor and economic contributions; see Tera W. Hunter, *To 'Joy My Freedom*, Chapter 2.

Petersburg's factories and transportation industries. By the end of the antebellum period, Petersburg was home to five railroads, and the labor pool required to build them consisted largely of hired slaves and free blacks. Because Petersburg was a seaport and railroad hub, men, and some women, participated in the carrying trade, off loading cargo from trains onto boats and vice versa. Additionally, Petersburg's tobacco factories, foundries, and grain mills employed free blacks as well as hired slaves. Free black men made up 70% of Petersburg's unskilled labor force by 1850, and, while the pay was not extravagant, it was usually higher than what women with similar levels of skill could command.⁵³

If fathers lived with the mothers of their children, they expected those women to perform the domestic work, especially cooking and laundering, in return for the material support they contributed. Arena Jones, citing her inability to adequately support and protect herself, reported that she moved in with another man, Gilbert Bailey, after her husband, a mill hand who had provided the bulk of their income, left her. As proof that she had behaved as Bailey's wife, witnesses testified that they had seen her doing his cooking and washing.⁵⁴ After her mother died, Fanny Colson remembered going to her brother's side. "No Mother now what shall we do/ Father can't stay all day at home/ Who will take care of me and you/ Thus we two wept there all alone."⁵⁵ The children worried

⁵³ L. Diane Barnes, *Artisan Workers in the Upper South: Petersburg, Virginia, 1820-1865* (Baton Rouge: Louisiana State University, 2008), chapters 1 and 4. For unskilled labor force composition, see page 128. See also fn 47 for a comparison of possible yearly wages for men and women.

⁵⁴ Jones v. Jones, Chancery Causes, 1852-050.

⁵⁵ Fanny M. Colson, "How Ever Can I Once Forget," Colson-Hill Family Papers, VSU. It is unclear how Fanny's mother managed to stay at home with them or how they all lived together as Tom Bolling's wife and children were still enslaved. Fanny's mother died when she was about five years old, and she and her brother were not free until ages ten and thirteen. James Henry Bolling was Fanny's older brother. They may have all lived as quasi-free people.

about who would take care of their daily needs with their mother gone, clearly not expecting their father to take them on. Perhaps Fanny's father, Tom Bolling, relied on women family members to help with his children for a time, but he eventually remarried.

Like the Bollings, many families experienced the death of a parent, and stepparents could play important roles in children's lives, even though their legal rights and obligations to those children were murky at best. A stepfather who married a woman with minor children had basic obligations to support all those under his roof as head of the household, and some did more than that.⁵⁶ In 1834, William Morris married Judy Harris, also taking on her three young children. He registered as a tobacconist in 1823 and was a laborer in 1850, so he may have supported his family in various occupations. The Morrises had an additional three children together who survived infancy, and there seem to have been bonds of affection as well as kinship uniting the Harris children to their half siblings and stepfather. Judy Morris died between her 1848 registration and the 1850 census, but Harris and Morrises continued living together. William Morris's house included his three children by Judy, along with his stepson James Harris and a lad by the name of William Banister. Banister had been Judy's maiden name, which indicated that her husband continued his connections with her family after her death. A woman and young girl with the surname Cooper also lived with the family, the elder perhaps hired to take care of the younger children and the housekeeping while the men worked. Ten years later, James Harris and his family lived with William Morris and next door to his siblings, John and Mary Morris. Though Judy Banister Harris Morris had borne all of her children in legal wedlock, her husband had no obligation to her children

⁵⁶ Lisa Wilson, *A History of Stepfamilies in Early America* (Chapel Hill: University of North Carolina Press, 2014).

from her first marriage once she died, especially since all but William Harris would have been of age, but they continued to live as a family until William Morris died.⁵⁷ At least some stepparents felt both affection and a sense of responsibility for their stepchildren.

Sally Cox Bolling became a second mother to Fanny Bolling Colson, exercising considerable influence on her stepdaughter. After Lucinda, Fanny's mother, died, Thomas Bolling married Sarah, a widow. Sarah, also known as Sally, became "a real mother to the two children, teaching them to be industrious as well as polite and clean and seeing that they had every opportunity possible."⁵⁸ Sally contributed to the family's income through her laundry business, and she was known for her skill with "fine linens and laces." Though Sally benefited from Fanny's labor, having her go about the city to pick up and deliver her clients' items, it was through this work that Fanny learned to read. One white client family took a shine to Fanny, and Sally Bolling made efforts to foster the interest they took in her. When the family's daughters would ask for material to make Fanny a dress, Sally would supply it, and the white girls would make the garment out of patterns they used for their own dresses. As this friendship grew, Mrs. Robinson, the girls' mother, decided to teach Fanny "to read, write, and figure," under the guise of teaching her to sew. For this purpose, Sally Bolling provided Fanny a "slate, pencil, book, and sewing outfit." She spent long afternoons at the Robinson house, sewing if visitors came, and practicing her lessons when the family was alone. "Soon she was

⁵⁷ James Harris to Judy Banister, Petersburg (Va.), Marriage Bonds and Licenses: 1806-1832, Reel 109, LVA, June 1, 1826; Judy Harris to William Morris, Petersburg (Va.), Marriage Bonds and Licenses: 1832-1838, Reel 110, LVA, February 24, 1834; Registry, nos. 1302, 1731-34, 2911, 3009, 3106-08, 4075; 1850 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed December 2017); 1860 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed December 2017).

⁵⁸ Dorothy Jackson, Family Memoir, Colson-Hill Family Papers, Box 1, Folder 10, VSU. Dorothy was Fanny Colson's granddaughter.

reading to her father and his friends who came every night to hear ‘Fannie read the paper.’ She also wrote letters for her neighbors and friends.”⁵⁹ Her whole family encouraged her literary pursuits, but it was Fanny’s stepmother who made them possible.

Not all stepparent and stepchild relationships were so affectionate, however, and some degenerated into hostility. In June of 1802, the Hustings Court determined that Joseph Sheppard should stand trial on charges of manslaughter committed against his mother’s husband. Sometime after being widowed by or parting ways with Sheppard’s father, Hannah Ritter married an enslaved man by the name of Ned. Ned may have been living with Ritter for years, and in that case with young Joseph Sheppard as well, or their marriage could have been a more recent development at the time of the incident. On this day in June, Sheppard would have been somewhere between eighteen and twenty years of age, old enough to have moved into employment but young enough to still be called a “lad.” Walking down the street one day, an enslaved man “fell in with Joe Sheppard and ask [sic] him to lend him a handkerchief to put some sugar in, That Joe told him his mother would lend him one and he went into the yard with him where Joe’s mother lived.” As Sheppard asked for the handkerchief, his mother told him that her husband, Ned, had been beating her. Ned happened to come in through the gate at just that moment. “Joe met him and ask him what he meant by beating his mother upon which Ned pitched at him & laid hold of him with his two hands by the shoulders.” Another witness testified that prior to this, Ned had thrown a rock at Sheppard’s head. By the time Ned had hold of Sheppard, the lad was ready for him. In two deft knife strokes Sheppard wounded Ned, who said to another witness, “’se Uncle David, se how I am

⁵⁹ Dorothy Jackson, Family Memoir.

served,' which was the last word he spok.'⁶⁰ Joe Sheppard's visit to his mother's house may have been planned or happenstance; the attack may have resulted from years of abuse to which Joseph had been witness or from rumors that his mother's new husband was not treating her well. But Joseph Sheppard made sure Ned would never abuse anyone again.

Joseph Sheppard stood trial in the District Court of Dinwiddie County on September 15, but no records detail his conviction or punishment, if any.⁶¹ In any event, it appears that his reputation among free people of color remained solid. He registered in Petersburg as a free man in 1808, engaged in the business of a tanner and currier of leather. In 1812, Elizabeth Valentine Sheppard registered with the Hustings Court as Joseph Sheppard's wife and the mother of his nine-year-old daughter.⁶² In 1817, the court appointed Sheppard as guardian to a pair of free black siblings; he had the means or connections to post \$1200 bond as security.⁶³ By 1821, he was a schoolteacher and not only a member of Gillfield Baptist Church but part of the committee charged with finding land for the new church building. The public, blacks and at least some whites with

⁶⁰ Petersburg (Va.), Hustings Court Minute Book 3: 1797-1800, June 15, 1802, Microfilm, Reel 25, LVA.

⁶¹ I have not yet figured out where district court criminal records exist, if anywhere. Dinwiddie seems an odd place for district court, but that is where they state it is held in the Hustings Court records. For a voluntary manslaughter conviction, Joseph Sheppard would have faced between two and ten years in prison, with a lesser sentence accompanied by the requirement to post security for good behavior. Involuntary manslaughter happening "in consequence of an unlawful act," which the court may have decided Ned had committed, could be prosecuted as a misdemeanor. Of course, if the court judged Ned to have been the aggressor, perhaps Sheppard was acquitted of a crime. No further evidence in the Hustings Court records suggests that he ever had to give security for good behavior. "A Collection of All Such Acts of the General Assembly of Virginia of a Public and Permanent Nature as Are Now in Force," Volume 1, 2nd ed. (Richmond, Virginia, 1814), 501.

⁶² Register, Reel 47, nos. 725, 739.

⁶³ Petersburg (Va.), Hustings Court Minute Book: 1816-1819, April 18, 1817, Microfilm, Reel 26, LVA.

standing, seem either to have forgotten that Joseph Sheppard had killed his stepfather or to have considered his actions justified.

Not all fathers lived with their children, but some of those who did not participated in their children's lives in some way. Some fathers supported their children financially, even if they could not or chose not to continue a relationship with the mothers of those children. Writing from out of town, James Davis beseeched his uncle in Petersburg, "I wish you would try in all your power to find out whether that individual who is at the Falls is Realy in family way or not and let me know as soon as you can. . . for if it is Realy So I will help them but could never marry such a person."⁶⁴ Uriah Tyner did not marry Milly Roberts, but he acknowledged his son by her, who shared his name. He deeded property to the boy, even though he had since married another woman.⁶⁵ When Sucky Lewis died in 1820, her estranged partner, Guy Giles, took responsibility for their son; her other three children, who bore her last name, went to live with other friends and family members. Guy Giles was the only one of her children's fathers to recognize his son with his last name and agree to raise him. Perhaps at eight years old, young John Giles could accompany his father on his excursions as a waterman, or Guy had the connections or means to arrange other care when he was gone.

Some fathers, for various reasons, opted to play a minimal role in their children's lives. An inability to properly supervise or provide care for his children may explain John Cox's actions. Cox had fathered five children by Sally Corn between 1844 and 1856.

⁶⁴ James Davis Letter, Colson-Hill Family Papers, Box 3, VSU.

⁶⁵ Register, Reel 47, nos. 678, 753; Registry, Reel 73, no. 1188, List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA; Uriah Tyner to Phebe Kennon, Petersburg (Va.) Marriage Bonds and Licenses, 1806-1832, Microfilm, Reel 109, 1 May 1816, LVA; Roberts, widow of Roberts v Roberts et al, Chancery Causes, 1828-005, Petersburg (Va.) Chancery Records Index (digital), LVA.

When Sally died giving birth to their last daughter, John relinquished custody to “Hanner Corn the ant of the children to take them on Raise them in her care as she has agreed to do so.”⁶⁶ John Cox may have honored a wish on Sally’s part to have her children raised in her own family, signaled by giving the children her last name instead of his. It is not clear whether Cox supported them financially, but as the recognized father of the children, he could have been held accountable. In 1821, the court mandated that Boswell Walden, father of Polly Otter’s bastard child, was to pay her \$25 a year for eight years and be bound to the state for \$400. Though a smaller sum than what some white fathers had to pay, the amount would have paid for 2/3 yearly rent on a small house.⁶⁷ Somehow, Polly successfully proved that he was the responsible party; not all women were as successful in gaining court-ordered support for their children and had to find other ways to manage. In spite of the fathers’ recalcitrance in these cases, the children were cared for. Sally’s sister stepped up to the mark to raise her nieces and nephew. Polly Otter made sure her child’s father supplemented her means of support, and she seems to have made that money count, owning \$2500 in real estate and \$50 in personal property by 1860.⁶⁸

Unlike John Cox and Boswell Walden, most mothers and fathers claimed rights and responsibilities with regard to their children. People of color, of course, were

⁶⁶ Sally Corn and Children, Registration, Petersburg, Virginia, Free Negro and Slave Records, Box 1, Folder 2, Manuscript, LVA. Melvin Ely discusses why the name would have been spelled “Hanner” instead of Hannah. It is likely that the person recording the name was over correcting for a perceived accent or dialect. Because “fishin” is more properly written as “fishing,” words that share a similar ending were hypercorrected, for instance, kitchen became “kitching,” even if nobody ever said it that way. Ely, *Israel on the Appomattox*, 291-294.

⁶⁷ Monthly rent varied based on the size and condition of the dwelling. When she boarded with Sylvia Jeffers, Jane Henry Matthews paid \$6 per month, but both were women of better than average means. Molly and Bland Elliott would be charged \$3 a month to live in Thomas’s small, somewhat run-down home. The house was valued at \$150 in the 1840s. In one case, a white woman received \$50 a month, and the father was bound for \$500.

⁶⁸ 1860 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com. (accessed December 2017).

excluded from full civil adulthood no matter how old they were, but chronological age often mattered when working through the court system, something children of color did more frequently than white children in large part because of the registration law. Legally, girls under eighteen and boys under twenty-one were considered minors or, in the language of the day, infants. Children under these ages, white or black, could not act for themselves in any legal capacity and required a parent's or guardian's representation or endorsement. Further, until a child reached his or her majority, parents were entitled to their children's labor or its value. Though Americans in the post-Revolutionary period moved away from seeing children as property, working families still depended on child labor or wages and could legally command them until adulthood. The designation of ages at which individuals were able to assume full citizenship rights and duties was relatively new. The effect that chronological age had on application of the laws remained malleable well into the antebellum period, and local and individual perceptions of race and capability further blurred what should have been hard-and-fast rules about age.⁶⁹ In some areas of law, such as chancery suits, the courts demonstrated little flexibility, demanding adult representation of minors; when it came to registering free status or guardianship, however, court officials were sometimes more pliable, allowing minors to act for themselves. When registrars noted parental consent or control over children, they were doing more than keeping track of black bodies; they were acknowledging the rights and authority parents of color possessed and asserted.

⁶⁹ Corrine Field, *The Struggle for Equal Adulthood: Gender, Race, Age, and the Fight for Citizenship in Antebellum America* (Chapel Hill: University of North Carolina Press, 2014), Introduction, chapter 1; Holly N.S. White, "Negotiating American Youth: Legal and Social Perceptions of Age and Life Stage in the Early Republic," (PhD Diss., The College of William and Mary, 2017).

The law of 1793 mandated that all “free Negroes and Mulattoes” register, but parents did not register their young children as a matter of course, revealing that parents initially saw registration as necessary only once children became at least partially independent.⁷⁰ Between 1794 and 1805, 372 free people of color registered with the Hustings Court; only twenty-five of them were minors and none under the age of sixteen.⁷¹ Parents seem to have been aware that the law was intended primarily to regulate enslaved laborers and that children would need proof of free status when the time came for them to seek work. Of the twenty-five minors who registered, nineteen did so with parental support, meaning that the clerk noted that the parent had applied for or consented to the registration and, in most cases, that the minor was still under the parent’s control. The clerk then issued the certificate to the parent, or the clerk noted that the parent had given permission for the child to take possession of the certificate. Even though a child might be old enough to contribute to the family income, the court recognized continued parental rights and responsibilities. After May 1806, the expulsion law made establishing a legal record of freedom and legal Virginia residency even more important, and parents, especially mothers, began registering their children at earlier ages. Between 1806 and 1816, thirty-three males under twenty-one and thirty females under eighteen registered, and all the minors except four boys were registered on the

⁷⁰ The law mandated that every free person of color register but stated in the preamble that the purpose of the law was to curtail the, “practice of hiring Negroes & mulattoes, who pretend to be freedom [sic] but are in fact slaves.” The law was initially passed to control enslaved laborers, and parents rightly perceived that children who were not working did not need proof of their employment eligibility. “An act for Regulating the Police of the Towns in this commonwealth and to restrain the practice of Negroes going at large,” *Slavery Statutes, Virginia—1793 October Session*, 27, HeinOnline (Accessed February 4, 2018).

⁷¹ Registrations Database. I have picked the endpoints of the various periods to coincide with flashpoints in Petersburg’s (and Virginia’s) racial climate. The first period ends just prior to the expulsion law, 1784-1805. The second period I chose just to compare a roughly similar length of time, 1806-1816. The third period is a larger one, ending just prior to the Nat Turner Rebellion (1817-1830), and the last one takes us from Nat Turner to the Compromise of 1850, 1831-1850.

authority of an adult who had legal responsibility for them. Fourteen of the boys and twenty-one of the girls were under sixteen, with the youngest registered at just eighteen months old, suggesting that at least some parents saw registration as vitally important to protecting their children’s freedom at younger ages. In the process, they also gained documented acknowledgment of their status as parents.

Parental association or even parental control did not always end at majority. Just as some sixteen-year-old girls and boys could be registered as independent men and women, some who were technically adults registered in care of their parents. Many parents brought their children to register at the age of majority, but a handful of twenty-two-year-olds gained their papers on the “application,” “permission,” “desire,” or “request” of their parents. Drury Call, age twenty-eight in 1816, had his papers delivered to his mother. Many of these trends continued throughout the antebellum period as parents more consistently documented their minor children’s free status.

Registration of Minors 1794-1850

<u>Period</u>	<u>Number of total reg.</u>	<u>Total no. minors</u>	<u>boys</u>	<u>girls</u>
1794-1805	372	27	11	13
1806-1816	458	63	33	30
1817-1830	889	290	159	131
1831-1850	2043	658	331	327

Fathers or other relatives could register minors, but mothers registered the vast majority, in no small part because the mother’s status as slave or free had determined the child’s for over a century—a fact that enslaved and free people of color knew well. Mothers, in fact, registered over seventy-five percent of individuals age twenty-one or

younger who registered under a parent or guardian.⁷² Between 1806 and 1816, mothers registered fifty-four of the sixty-three youth entered, even when fathers were involved with their children or part of the household. Jane Elliott, Molly Giles, Judah Barber, and Elizabeth Sheppard were just a few of the married women who brought their children before the clerk. For adults, mother's names far exceeded father's names in the records as proof of free status, verified by previous registrations, court documents, or white witnesses.⁷³

Fathers, in contrast, participated in only about ten percent of minors' registrations. John Allen entered his daughters Jane and Eliza, and Thomas Berry's father likewise endorsed his son's registration.⁷⁴ The fathers who registered their children were sometimes men whose own fathers had registered them. Samuel Bird's father, Jesse Bird, had registered him along with his two siblings, and he likewise requested his six children be entered as free. More often the men who registered their children were well known and respected, like Graham Bell, a modestly prosperous shoemaker, and Israel DeCoudray, a property owner and deacon in his church. Both were free men who purchased and emancipated their wives and were thus accustomed to acting in the legal realm on behalf of their families. About half of registrations involving fathers also included the children's mothers, and most of those entries stated that both parents had charge of the children. Other fathers and guardians brought previously unregistered

⁷² Elizabeth Wood, Registration Database. Around 1836-37, when DM Bernard took over for John Grammer, clerks and deputies were less diligent about consistently recording children's guardianship. Nevertheless, taking only the ones that were noted into account, we see that mothers played an important public and legal role in their children's lives.

⁷³ A father's status as free, of course, did not determine a child's status, but free fathers' names were sometimes given as evidence to support free status.

⁷⁴ Register, Reel 47, nos. 97, 103, 403.

children in for documentation following a mother's death, before memory of her freedom had faded and the children's legal status could be questioned. For women, establishing a legal record of their own freedom provided added protection against their offspring's enslavement in their absence. Parents had very good reasons for allowing children to be associated primarily with their mothers, but, as a result, these records tend to obscure the number of fathers who played active roles in their children's lives.

Free parents of color worked to educate their children to the fullest extent their means would allow. Their children's options for upward mobility remained circumscribed by law and custom, but literacy was an important goal for many. It is impossible to know rates of literacy among free African Americans in Petersburg, but it is also impossible to tell a person's race with certainty by whether they signed their name or with their mark. More than a few white southerners remained illiterate, and Petersburg offered at least modest opportunities for people of color, whatever their age, to gain basic literacy. William Colson designated funds for his daughter Mary's education, and she had probably already learned the basics at home. Her parents were fluently literate as were her aunt and uncles, and she spent her early years in a house full of books, demonstrated by the inventory of her father's belongings when he died.⁷⁵ Joseph Sheppard ran a school and even had a recognized schoolhouse, which may have been where Mary and her tuition money went.⁷⁶ In addition to Joseph Sheppard, other teachers and schoolmasters identified in local enumerations of free blacks before 1830 included John Raymond, Asa

⁷⁵ William N. Colson, Inventory, Petersburg, Virginia, Hustings Court Will Book 3, 1827-1849, Microfilm, Reel 18, LVA, 107-115; The House of Roberts and Colson 1833-1836, Account Book, Colson-Hill Family Papers, Box 21, Folder 2, VSU.

⁷⁶ Records of Gillfield Church (Baptist) Prince George County: 1815-1842, 4 October 1821; Manuscript, LVA; List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA.

Bird, and Graham Bell Junior.⁷⁷ Some free black children, like Fanny Colson, learned to read and write from sympathetic whites. Fanny then used her skills to teach others, especially her own children. Members of Gillfield Baptist Church may have also taught others to read, though teaching slaves in groups or for remuneration became illegal.⁷⁸ The church recorded detailed minutes of its business meetings and disciplinary hearings; though nominally overseen by a white minister after 1832, the church was fully black-run and black-attended. This space could have provided opportunities for the literate congregants to teach others to read the Bible.

While some, like the Colsons, Elebecks, Hills, Matthews, and others became fluently literate, other free blacks may have gained only limited reading, writing, and mathematic skills. John Booker's accountant related how he received information from the successful free blacksmith. "The entries for work done in the shop were made upon a slate by one of his Boys and brought over to my house[;] the boy explained them when necessary."⁷⁹ Booker signed all of his legal documents with his mark, but his "boys" were at least modestly literate. Booker had three sons, but by 1830, when this accountant kept the books, they were grown men in their thirties and still legally enslaved. While they may have been the "boys" referred to, John Booker also took on free apprentices. Perhaps seeing the advantage of having them tutored so they could serve as scribes, he perhaps saw to it that instruction in literacy was part of their training. Whether Booker's sons or his apprentices kept these records, the accountant indicated that some of the

⁷⁷ List of People of Color in Petersburg, 1803, African American Digital Collection, LVA; List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA.

⁷⁸ "An Act to amend the act concerning slaves, free negroes and mulattoes," Slavery Statutes—Virginia, December 1830, HeinOnline, (accessed July 6, 2018).

⁷⁹ Booker et al v. Booker, admr of Booker et al, Chancery Causes, 1845-041, Petersburg, Virginia, Chancery Records Index (Digital), LVA.

entries were not legible and required explanation, meaning either the handwriting was poor or meanings unclear.⁸⁰ Whatever the level of literacy Booker secured for those in his charge, his training emphasis was probably on the blacksmith work.

Another free man, Ezekiel Steward, had only partial command of his written name. As he prepared to wed Polly Steward in 1811, Ezekiel and his security, John Chavis, applied for a marriage bond. Chavis signed with his mark, but Ezekiel Steward, with an unsteady hand, signed his name. He may have become more sure of himself with a pen as his life went on. But that day, Ezekiel wanted to marry Polly, and he wanted to sign his name, a name he had claimed the year before, changing it from Chavis in his registration. Perhaps that is the reason his last name looks less steady than his first. Whether he had learned his limited writing skill from his mother, Milly Stuart Chavis, or picked it up along the way, using it became a way to assert his identity. Free blacks valued literacy and made it accessible to their children to the extent possible.

⁸⁰ Registrations, emancipations, Town Census 1821 shows two “children” living with Booker, James Eppes and B. Smith. They were of age by 1830 when the bookkeeper was employed, but the 1830 census shows several free and enslaved youth living with the Booker clan. John Booker either owned or hired enslaved people as well as free apprentices. List of Free People of Color in the Town of Petersburg for the year 1821, African American Narrative Digital Collection, LVA; 1830 U.S. Census, Petersburg, Virginia, Population Schedule, www.ancestry.com (accessed January 2018).

and dated this 31st ————

The Condition of the above obligation is such That if there be
 no lawful Cause to obstruct a Marriage intended to be had by
 Solemnized between the above bound Ezekiel Steward & Patsy
 Steward, free people of color — Then the above obligation to be void
 or else to remain in full force and Virtue —

Signed Sealed & Delivered
 In presence of 3 *Ezekiel Steward* — *Steward*
John — *his* *mark.*
Grammar

Seal
Seal

Figure 13. Ezekiel Steward and Polly Steward’s marriage bond, July 31, 1811.⁸¹

Reading, writing, and arithmetic were important tools in daily life and may have been symbols of freedom and hope for a better future, but parents knew that learned professions were closed to most people of color; therefore they assisted their children in learning skills that would help them make a living in the world they knew. This often meant finding someone to teach their children a trade or skill. The court and overseers of the poor took charge of orphans’ apprenticeships, but children’s mothers, either wishing a more secure future for their children, struggling financially, or both, took active roles in securing positions for their sons and daughters. Jane White’s twin boys registered at age twenty-one, one as a carpenter and the other as a shoemaker, skills requiring specialized training that she probably had arranged. Interestingly, Jane’s daughter, Biddy White, registered along with her elder brothers and claimed to be a carpenter.⁸² Most girls did not enter into skilled trades; parents who needed income usually hired daughters out to learn or practice domestic arts. Eliza Roach registered her daughter, Sarah Roach, and

⁸¹ Petersburg (Va.), Marriage Bonds and Licenses, Microfilm, Reel 109, July 31, 1811, LVA .

⁸² Registry, Reel 73, nos. 1144-1146.

claimed control of her, though Sarah lived with a Mrs. Eliza M. Kim in Richmond, probably training to be a ladies' maid.⁸³ In 1801, Lucy Flood participated in binding her daughter Polly to Abby Cook to "learn to sew and wash."⁸⁴

Boys were almost always bound out to men whereas girls could be bound to women or men. The same day that Polly Flood was bound to Abby Cook, Lucy Cook, daughter of Phebe Cook, became bound to James Duggar, likewise "to learn the business of a seamstress and washer."⁸⁵ Though these mothers were usually poor, they continued to exercise some influence over the conditions of their children's training. David Coleman charged his master with unfair treatment, Polly Flood changed masters twice, and Wilson Adams' contract assured he would be taught reading and writing in addition to his trade; parents may have played a role in securing these changes or concessions.⁸⁶

Petersburg parents also had the benefit of being able to choose or have the court assign their children as apprentices to free people of color. John Booker, James Colson, Joseph Sheppard, Edward Elliott, and other skilled men of color took on free black apprentices. Skilled black women like Jane Allen and Eliza Kennon, seamstresses, also taught their trades to children who were bound to them or whom they employed.⁸⁷ Of the orphaned apprentices whose court-appointed masters' names we know, the court was equally likely to choose a white or a black master. But when mothers were involved, they

⁸³ Registry, Reel 73, no. 1355.

⁸⁴ Hustings Court Minutes, Reel 25, June 1801.

⁸⁵ Hustings Court Minutes, Reel 25, June 1801; James Duggar was a 60 year old 'rigger,' and in 1803 Willis Wilson seemed to live with him along with Lucy Cook. No women seemed to be in the household based on that census.

⁸⁶ Hustings Court Minutes, Reel 25, 5 October 1798, June 1801, 4 April 1807. These findings corroborate those of Melvin Ely in IoTA (look up section).

⁸⁷ Hustings Court Minutes, Reels 25 and 26; List of Free People of Color in the Town of Petersburg for the year 1821, African American Narrative Digital Collection, LVA.

chose masters of color twice as often as they did white ones. Some mothers may have negotiated contracts that allowed their children to continue living at home, as Sally White's boys seem to have done when training as a soap boiler and tobacco stemmer, respectively.⁸⁸

Court apprenticeship records also reveal how economic realities of black men compared with those faced by black women affected children. No fathers appeared in court to bind out their children, suggesting that black men tended either to pass down their own trades or to negotiate with other skilled craftsmen without seeking official endorsement. Some free men of color applied for relief from the overseers of the poor, but the bulk of applicants were women, black and white. Though free women of color held roughly half the property owned by free African Americans, many women who appeared before the court to bind out their children likely did so in part as a means of supplementing their own, often modest, incomes. Not only could those children's masters provide for them and teach them a skill, but the mothers also often received compensation, as most masters paid annually for the services of their apprentices, with parents controlling all but the last year's salary.⁸⁹ Fathers may have benefited similarly from their children's labor, but they relied less on court orders to do so. Many children bound out by the court, both black or white, had no living or available father, demonstrating that single mothers experienced the most economic difficulty.⁹⁰ They, along with their children, however, benefited somewhat from these court-ordered

⁸⁸ List of People of Color in Petersburg, 1803, African American Narrative Digital Collection, LVA.

⁸⁹ Still struggling through apprenticeship law. L. Diane Barnes discusses somewhat.

⁹⁰ White children were considered "orphans" if their fathers had died, even if they had a living mother; Black children were orphans if their mothers died, with a few, but not many, exceptions. In court ordered apprenticeships, fathers are erased.

apprenticeships. The court had the authority to place these children with whomever it chose, but mothers exercised the limited influence they had to secure the most beneficial arrangement possible.

For children who were bound out as young as age five, their childhoods may have been brief or nonexistent. Nevertheless, like American society in general, black parents came to see childhood as a distinct period of life with fewer responsibilities. Though black children who remained with their parents may have contributed in small ways to their family's economic wellbeing from an early age, they also enjoyed nurturing and leisure. Jincy Wynn Elliott enjoyed time to play with her friend Bidy Brander in the Old Field. Though legally enslaved until age ten, Fanny Colson remembered that she was "a happy child on Fathers knee/and we enjoyed our evening chat." She recalled "those hours When I in innocence and glee/Went out in search of sweet wild flowers."⁹¹ Sadly, her innocence and glee would be marred by her mother's death, but one of her mother's last acts had been to finish making a toy for her daughter. "Down on the floor at her dear feet/Forgetting all Things else beside/I watched her as she did complete/My great rag doll with childish pride."⁹² Fanny had loving adults in her life, and they made her childhood distinctive and special.

As she grew into a young woman, Fanny likely took on more responsibility in her stepmother's laundering business, but she also found plenty of time for socializing. She reminisced,

A troop of merry girls and boys
Are coming in I see

⁹¹ Fanny M. Colson, "Childhood Thoughts," Colson-Hill Family Papers, VSU.

⁹² Fanny M. Colson, "How can I ever once forget," Colson-Hill Family Papers, Box 1, VSU.

I hear their chatter and their noise
They are calling now for me

Come Fanny says the tallest one
Go get your hat in haste
We are going to have a lot of fun
And there's no time to waste

Along the street with happy hearts
We gayly move along
Some saying little witty things
Some sings [sic] a sweet love song

Your form I see; your voice I hear
We clasp each others hand
And speak a word of love and cheer
As side by side we stand

I see the old familiar one
The friend of early youth
I hear their voice in sweetest tones
Of innocence and youth⁹³

In addition to revealing her close relationships, Fanny's poem recalls a free black youth culture enacted in public view. These were not young free people of color walking with their eyes downcast, talking in the hushed voices of subjection. Several of them walked down the street, at least two abreast--clasping hands, telling jokes, and singing songs. Colson did not detail where they were going to have the fun they had planned, but she donned a proper hat for the occasion. Though she was the daughter of a waiter and a clothes washer who also participated in the family economy, Fanny's youth still afforded her leisure time; in an era and place where her race and gender should have circumscribed her movements and behaviors, she was nonetheless able to move along

⁹³ Fannie M. Colson, "Lines Dedicated To my very old friend Susan Franklin," Colson-Hill Family Papers, Box 1, VSU.

“gayly.” Fanny Colson’s childhood and youth were influenced by race, but her family and community allowed her to claim her “soul value.”

Parents and children alike developed expectations of one another. Children believed that their parents should provide for them and put their children’s happiness first. Mary Colson Shore reminded her mother of this when she wrote asking for money. “I hope you will take my situation to heart my dear mother and consider for me and also know that it is a duty from a parent to their offspring and that it is for my good and in so doing it promotes your own happiness.”⁹⁴ Children’s duties to their parents included obedience and devotion. Mary Shore certainly believed herself to be a “devoted daughter.” Parents also expected their children’s behavior to reflect creditably on them. Mrs. R.H. Brodie, writing from Charleston to relatives in Petersburg, commented, “Augustus called this morning on me and I was glad to see him he is a good and polite Boy and I love and respect him for his good conduct.”⁹⁵ Most weeks, Fanny Colson worked to sheer exhaustion by Saturday night, and she expected her son, James, to reward her childrearing efforts by working hard and behaving morally. From her daughters, too, she wished, “May truth and virtue you inspire/And make you all I could desire.../To make you happy in the end.”⁹⁶ Parents and children, it seems, augmented their own happiness when they fulfilled their duties to each other.

Though children expected care and provision in their youth, parents expected children to provide the same as they aged. The last stage of Molly Elliott’s life illustrates how dire circumstances could become for an elderly woman whose expectations had been

⁹⁴ Mary Colson Shore to Sarah Colson Jackson, Letter, March 31, 1845, Colson-Hill Family Papers, VSU.

⁹⁵ Mrs. R.H. Brodie, Letter May 3, 1854, Colson-Hill Family Papers, Box 3, Folder 1, VSU.

⁹⁶ Fanny M. Colson, “To Fanny,” Colson-Hill Family Papers, Box 1, VSU.

dashed. As we have seen, Molly Elliott did her best to provide for her twin boys, Bland and Henry, moving between Charles City County and Petersburg and drawing on her somewhat prosperous family's assistance. Molly's brothers, Edward and Thomas, were blacksmiths, and her other brother, Henry, was a waterman, skills that, if her sons followed them, would allow them to earn a decent living. Her brother Thomas took Bland on in his blacksmith shop, and Henry took to the water, like the uncle for whom he was named.⁹⁷ Having her sons work for her brothers, Molly apparently believed, was the best possible scenario, protecting them from exploitation or abuse and keeping them in close contact, especially important as she aged and lost her sight. Though appreciating her brothers' assistance, she also seems to have believed she was providing labor for them through her boys and, so she thought, gaining a measure of insurance for her old age.

Molly's rift with her nieces and nephews began when she perceived that her son did not receive what was due to him as Thomas's apprentice. When Molly's nephew Richard, executor of Thomas's estate, charged her and her son \$3 monthly rent to live in Thomas's house after his death, both she and her son believed he was owed back wages. Richard disagreed, so Bland Elliott took the estate to court. When Bland lost, it caused Molly to fly into "a violent passion," in which she denounced Edward's children as bastards and decided to claim complete control over her brothers' inheritance. She was understandably outraged on her son's behalf, but she also believed in his duty to care for her now that she was old and blind; she may have worried for her future if he did not get what she believe he was owed. After legal battles that lasted many years, Molly did end

⁹⁷ Uncle Henry, Molly's brother, mortgaged his house and purchased two boats; they may have been for young Henry.

up sharing the inheritance with her nieces and nephews and their descendants; she also got Thomas's house and did not have to pay back rent. She was assured a place to live. Bland, however, had departed by then; she would never see either of her sons again.

By the early 1850s, Molly Elliott had her house, an elderly slave, who was probably Thomas Elliott's wife, and very little else. Though she had worked hard and outbattled her extended family to protect her children's interest, Molly's sons had left her, leaving her little choice but to bargain their inheritance in return for subsistence. The family that had sustained Molly in her earlier years had dissolved. Not only had she outlived her brothers and her nieces and nephews, but her great nieces and nephews appear to have resided outside of Petersburg and had no contact with her. She wrote to Henry and received no response. Her only hope was in a white man, Robert Traylor. In 1851, blind and sick, she made her mark and conveyed her house to Traylor. Witnesses described her pitiful condition as she sat in bed with torn clothes and few blankets; "she was actually suffering and appeared to be almost in a state of nudity." In return for the deed, Traylor "sent Molly flannels and cottons, dresses and stockings and furnished her regularly with provisions and medicines." He also made significant repairs to her house. "She said that she was glad that Mr. Traylor was going to take care of her for she knew that she would be well attended to for no one else would do anything for her, not even her children." Though Molly died about six months after signing the deed, she had lived her final days in comfort, no thanks to her sons.⁹⁸ Bland and Henry Elliott had violated community norms that expected intergenerational obligation.

⁹⁸ Henry Elliott v Robert C. Traylor etc, Chancery Causes, 1856-056, Petersburg, Virginia, Chancery Records Index (Digital), LVA.

Though he had not fulfilled his part of the parent-child bargain, Henry Elliott came back to Petersburg after his mother's death believing he was entitled to his inheritance. Henry, or his lawyer, was at least smart enough not to claim that he had behaved as a responsible son and instead asserted, "Previous to death in 1851 she was incapable of comprehending the effect of such an instrument [the deed] and her state of mind rendered her liable to be easily duped and deceived." One witness responded, "If she had a weak mind it was owing to want that she was so," meaning that her son's lack of care had created the situation and thus invalidated his claim. Traylor demonstrated his dedication to Molly, going so far as revising his will to provide for her should he predecease her. But the court decided in Henry's favor.⁹⁹ Henry Elliott had not been a good son, but the court ruled that a child's right to his parent's property should only be revoked if the parent was found to be of sound mind and body when doing so. In this case, the child's right outweighed the dereliction of his duty. In most families, however, if adult children were lucky enough to have elderly parents, they honored their responsibilities.

In spite of the difficulties among the Elliott family, its members still demonstrate that sibling relationships were among the most important in a child's life and continued into adulthood. Freedom made these bonds even stronger and more meaningful. Historians have shown that slavery, instead of weakening sibling bonds, increased dependence among brothers and sisters whose ties to each other often became "even

⁹⁹ Henry Elliott v. Robert Traylor etc, Chancery Causes, 1856-056.

more important than marital unions.”¹⁰⁰ Like other family relationships, siblings were vulnerable to sale and separation under slavery, and enslaved children died at twice the rate their white counterparts did. This vulnerability made the relationships among adult enslaved siblings who were able to beat the odds and maintain their ties even more prized.¹⁰¹

Free children were separated from their siblings far less often than enslaved children were, but the specter of separation loomed large, especially among those who had once been enslaved. While the vagaries of slavery and even West African family structures may have pushed African American siblings towards egalitarianism and mutual support, their relationships also reflected family patterns prevalent among whites.

Among white families, elder siblings guided younger ones, and adult siblings mentored their nieces and nephews, also caring for these children in the event their parents died.¹⁰² This was, perhaps, an even more significant aspect of the sibling relationship among free African Americans, among whom mothers often relied on their elder children, even those still very young, to watch younger siblings while their mothers worked. Sibling relationships among free African Americans served critical functions in black childhood; children’s own siblings provided companionship and comfort, and their parents’ siblings became a key source of protection and support.

Parents demonstrated the importance of horizontal family ties in addition to vertical ones, naming children after brothers and sisters as well as aunts and uncles at least as often as they did after grandparents or themselves. Generations of the Elliott

¹⁰⁰ Hemphill, *Siblings*, 20, Chapter 9.

¹⁰¹ Hemphill, *Siblings*, 187.

¹⁰² Hemphill, *Siblings*, 44.

family took part in this practice. Edward and Mary Elliott both named sons after their brother, Henry, and Edward likewise named a daughter Mary after his sister. Edward's wife, Jane, named their first daughter after her sister, Sarah or Sally. Of Edward's children, Rebecca named her first son William Henry, and the younger Mary named one of her sons for her brother Richard.¹⁰³ Fanny and James Colson did not have to decide whom their son James was named for, as his father, two of his uncles, his great uncle, and second great grandfather, both paternal and maternal relatives, all bore the moniker. These Colsons also named one of their daughters Mary Alexena in honor of James's sister.¹⁰⁴ The task of untangling the Betsy and Nancy Berrys becomes almost impossible as these sisters named their children after each other, including surnames, and the succeeding generations kept up the practice.¹⁰⁵ Adult children also honored both their parents and their parents' siblings when choosing their children's names. Fanny and James Colson's first daughter, Sarah honored James's mother, while their second son bore her father's name, Thomas Bolling. Two other sons were named for James's uncles, Henry and Junius. Since they had thirteen children, the Colsons were able to keep names from the many branches of their families alive.

Some families demonstrated that these names were more than honorific—that they signaled ties of responsibility between the child and the person for whom they were named. Sucky Lewis's naming practices seemed to reflect this intent. When she died in

¹⁰³ Elliot vs. Elliott et. al., Elliott et al vs. Elliott, Elliott's admr et al vs. Elliott, Chancery Causes, 1849-003; Henry Elliott v. Robert Traylor etc, Chancery Causes, 1856-056; Register, Reels 47 and 73, nos. 302, 442, 541, 542, 550, 606, 863, 1072, 1133-35, 1757, 1758, 2289.

¹⁰⁴ Copies of Fanny Colson's Bible, Births, Marriages, Deaths, Colson-Hill Family papers, Box 1, Notebook, VSU.

¹⁰⁵ Betsy Berry had also been named for her mother, Betsy Berry, see Register, Reels 47 and 73, nos. 552, 553, 653, 1606, 3164, 5114.

1820, her four children went to four different adults to be cared for. Her eldest son, William Lewis, became the charge of Sucky's brother, Ambrose Lewis. Her second child, John Giles, went with his father, Guy Giles. Her only daughter, Nancy Lewis, was placed under the care of Sucky's sister, also named Nancy Lewis. Her infant son, Augustus Lewis, became the charge of Eliza Curl. Though the guardianship assignment through naming is most obvious between the Nancy Lewises, her children's other names demonstrate the possibility of forethought and planning for their security. There is no obvious connection between William and Ambrose in terms of given names, but Sucky may have chosen to give her son her surname to connect him to her family, whom she trusted to care for him. Guy Giles, though not a constant presence in Sucky's life, demonstrated enough responsibility for their son John that she gave John his father's surname, expecting Guy to care for their son if she could not. Eliza Curl, who cared for Augustus Lewis, was the wife of Augustus Curl, suggesting some kin tie or kin-like friendship between the two families. Sucky Lewis did not leave a will to designate her children's guardians, but she seems to have made her intentions known, with her siblings playing important roles in her children's futures.¹⁰⁶

Even when they did not name their children after their siblings, parents often counted on their brothers and sisters to care for their children in the event of their deaths. Robert and Kent Fells went to live with their aunt, Lydia Fells, when their mother died, and Ann Eliza and Maria Griffin depended on their aunt, Eliza Pelham, to care for them. Sometimes parents died leaving a number of children to support. London and Judah Cary left behind five daughters, and Nancy Bailey and Betsy and William Steward orphaned

¹⁰⁶ Register, Reels 47 and 73, nos. 378, 556, 755, 810, 816, 1006-1009, 1195. I believe that Caesar Curl and Augustus Curl are the same person.

six children each. In these three cases, married uncles enabled the children to remain together. David Cary, London's brother, took the five girls in; Betsy Steward's brother, Alexander Stevens, and Nancy Bailey's brother, Acril Bailey, each supported their sisters' six children. If these relatives had not stepped in, the children might have been turned over to the overseers of the poor, as many orphans were; caring family members, when they could, worked to prevent that outcome.¹⁰⁷

When parents died, elder siblings provided emotional support, and, if they were of age, they took on the care of their younger siblings. Fanny Colson remembered how she called for her brother when their mother died, "up to his side I slowly went," and "we two wept there."¹⁰⁸ Fanny, however, had not been orphaned and still remained under the protection of her father. Other siblings, often as young—even very young--adults, sometimes continued the patterns of care and protection they had likely established with their younger brothers and sisters as children. At age twenty-two, Rosy Graves not only became the executor of her parents' estate, she also became guardian to her thirteen-year-old sister Harriot. Elizabeth Elebeck was twenty-two when she assumed charge of her three younger brothers, ages fifteen, thirteen, and seven. Some elder sisters, like Phillis Lewis, were established in marriages and households when they took on the care of their siblings.¹⁰⁹ Even so, at twenty-eight, Caroline Wilson Booker was juggling quite a lot when she registered her toddler daughter, seven-year-old niece, and eleven-year-old

¹⁰⁷ Registry, Reel 73, nos. 969-973, 1250, 1251, 1499-1504, 1548-1553, 1676, 2357. Interestingly, David Cary and Alexander Stephens had married sisters, Joanna and Mary Ann Curtis, respectively.

¹⁰⁸ Fanny M. Colson, "How can I ever once forget," Colson-Hill Family Papers, VSU.

¹⁰⁹ Registry, Reel 73, nos. 942, 1004.

younger brother.¹¹⁰ When it came to taking responsibility for younger siblings after a parent's death, sisters far outnumbered brothers. In one extraordinary case, however, the court allowed seventeen-year-old Stephen Goode to have "charge" of his three younger sisters, though he was four years away from his legal majority.¹¹¹ Perhaps the fact that his sisters were fifteen, fourteen, and thirteen, influenced that decision, as they were not small children in need of intensive care.

Because of the frequency of premature death among free black parents, step- and half-siblings as well as brothers and sisters-in-law often fulfilled the roles of full-blood relations.¹¹² When William Colson married Sarah Elebeck, he took over the guardianship of her younger brothers, Nelson, Henry, and Junius. An 1834 letter from Junius Elebeck to Colson demonstrates how thoroughly the younger men relied on Colson. Twenty-three years old and starting out in the world, Junius had fallen short of cash due to some illnesses and bad business investments. Forced to postpone his wedding, he asked for "twenty Dollars untile next months when I shall be able to return it."¹¹³ Without William's assistance, Junius would have seen his difficulties compounded, perhaps jeopardizing the chance to marry his intended. In a way, Colson had become both a brother and father figure.

Nelson Elebeck, the eldest of the Elebeck brothers, had been apprenticed as a blacksmith, but he soon came to work for Colson, eventually stepping into an important

¹¹⁰ Registry, Reel 73, nos. 1742, 1746, 2159. The girls were registered in 1831 and her brother in 1832.

¹¹¹ Registry, Reel 73, nos. 1782-1785.

¹¹² Hemphill notes that prior to the middle of the nineteenth century, the concept of "in-law" hardly existed. When a sister married, her husband became your brother; see chapter two.

¹¹³ Junius Elebeck to William Colson, December 7, 1834, Colson-Hill Family Papers, Box 21, Folder 1, VSU.

role in the Colson and Roberts Liberian trading firm. Nelson Elebeck even arrived in Africa before Colson did, and he was present when his “brother” died, which affected the younger man profoundly. “The death of our Brother has had more effect with me than possibly any circumstance that have occurred [sic] with me since I have known myself and I often fear I shall never forget the circumstance of his death. When I think of his family and business in America which is every hour, I scarcely know how to contain myself.” Nelson Elebeck had felt a familial bond to Colson, but their hierarchical relationship was not without its friction, and Colson’s death brought some of these frustrations to light. Even though Elebeck had performed intensive labor, including scouting 120 miles of African coastline, Colson never allowed him a salary. By the time Colson reached Liberia, Elebeck was fed up and intending to leave the firm’s employment to strike out on his own.¹¹⁴ Though Elebeck had deferred to Colson as to an older brother, he also seemed to expect that, like brothers, they would share a more egalitarian relationship as Elebeck aged and shouldered more responsibility. At age twenty-six, Elebeck thought he had waited long enough to be treated like a man by this virtual brother he had looked up to.

Nelson Elebeck took the death of his sister’s husband as an opportunity to prove himself a capable adult who cared for and protected his sister and her children. He wrote to his brother Henry, sharing his intention to act on their sister’s behalf. “As I before stated I had before M Colsons death concluded to leave the firm but now I feel myself first Faith bound to attend to my sisters interest and those dear little children who I want to see so much.” He asked Henry to see that Sarah transferred Colson’s power of

¹¹⁴ Nelson Elebeck to Henry Elebeck, January 8, 1836, Colson-Hill Family Papers, Box 21, Folder 1, VSU.

attorney to him as he had made “a study” of her affairs. He closed his letter by saying, “In full assurance that you act as father and Brother to your sister and interests I subscribe myself to you, Loving Brother until death, N.H. Elebeck.”¹¹⁵ Though Sarah was the elder sister and had cared for, and probably bossed, Nelson and Henry in their youth, Nelson’s vision of their adult relationship reversed the roles based on gender, placing Henry and himself in charge of her wellbeing. Though Sarah seems not to have granted Nelson his wish for full power of attorney, she did rely on her brother’s assistance to navigate the dissolution of her interest in her husband’s company.

Even when someone’s death did not necessitate cooperation among survivors, siblings relied on each other for resources and support. It makes sense that siblings would be registered together when brought to the clerk by their parents, but many older sibling pairs came to that office together as well. Pairs of sisters and brothers are relatively easy to identify, such as Sally and Becky Elliott, ages twenty and eighteen, who registered on the same day. Subsequent documents confirm that they were indeed sisters. Identifying brother-sister pairs becomes a little more challenging, but in many instances it seems reasonable to do so, especially in cases like that of Frederick Thomas, twenty-five, registering with sister Nancy Thomas, eighteen, who stated that her mother’s name was Hannah Thomas.¹¹⁶ Some sibling pairs seem to have migrated to Petersburg together, as Betsy and Nancy Berry likely did. Their registrations had them hailing from Dinwiddie County and stated that their mother was a free woman still residing there.¹¹⁷ These

¹¹⁵ Nelson Elebeck to Henry Elebeck, January 8, 1836, Colson-Hill Family Papers, Box 21, Folder 1, VSU.

¹¹⁶ Register, Reel 47, nos. 451-452.

¹¹⁷ Register, Reel 47, nos. 552-553.

siblings, especially those who were newcomers, seemed to find strength in sibling solidarity.

Henry, Thomas, and Edward Elliott, who all originally hailed from Charles City County, had all worked together to build and expand their blacksmith business, with Henry eventually becoming a waterman. Though Henry and Thomas purchased property in their own names, the property was treated almost as communal, with family members living in different groupings over time. When Edward Elliott died, his widow lived in Henry Elliott's house, for instance, and Molly Elliott definitely felt she had claims to her brothers' property. Other sibling groups put everyone's name on property deeds, such as three of the Scott brothers, David, Griffin, and Isaac did. They worked out among themselves who owned what portion of the lot, but Griffin and Isaac had to legally subdivide it after David's death so that it could more properly benefit David's widow and children. In cases like those of the Elliotts and the Scotts, adult children took the initiative to live in proximity and work together. Perhaps this cooperation was fostered by a family feeling instilled, and practical measures taken, by parents like Plato Cook and Mary Brander, who purchased a piece of property large enough house their children as adults.¹¹⁸ Close relationships with siblings could be an emotional reward of freedom as well as a strategy for economic survival and advancement.

When free children of color lost both parents, they often fell under the jurisdiction of the courts. The court officers seem to have taken their job to provide for and protect

¹¹⁸ Plato Cook, Will, Petersburg Hustings Court Will Book No. 2: 1806-1827, Microfilm, Reel 18, Library of Virginia, 80.

orphans of color at least as seriously as they did for white orphans.¹¹⁹ Before the construction of a poorhouse, the court designated individual citizens to care for poor, orphaned children and paid them for each child's subsistence. The court provided a generous \$50-\$60 dollars a year for the care of Alice, an orphan under the charge of Graham Bell, a modestly prosperous man of color with a large family.¹²⁰ Some white artisans accepted both black and white apprentices, such as when John Fisher, a hatter, took on Pleasant Warren, who was black, and Thomas Dixon, a white orphan.¹²¹ Some white masters may have taken on sibling or family groups. In two different actions, the court assigned Nancy Adams and Wilson Adams to David Moore, a carpenter and millwright.¹²² When orphaned in 1801, Isaac Scott became apprentice to a white tanner, but in 1803 he appears to have lived with his brother David, also listed as a tanner. Of course, sibling groups could not be accommodated all the time. David White's orphaned children were separated; Kit and John went to John Baird, and Polly, just five years old was "bound to Mrs. Brewer to learn the duties of a house servant."¹²³ No white children and no children of color with living and capable parents were bound out so young.

¹¹⁹ Melvin Ely finds a similar trend in Prince Edward County. See, Ely, *Israel on the Appomattox*, 119-122, 381-2, 597n108.

¹²⁰ Hustings Court Minute Book, 1797-1800, 2 October 1797, 5 October 1798, Microfilm, Reel 25, LVA; she first went to Margaret Byrd (who I believe was a woman of color) and then to Graham Bell. The sum granted Graham Bell for the year was eighteen pounds. Historian Elizabeth Cook has found for the same period in Richmond that one pound was equal to about \$3. He also received \$5 for her clothes. I call this "generous" because the court usually appropriated only \$2-3 per month for support. Cite Libby's Dissertation Here.

¹²¹ Hustings Court Minutes, 5 October 1801; In 1810, John Fisher's household consisted of 2 free people of color, 4 enslaved people, and twenty-three white members, 1810 Census, ancestry.com.

¹²² Hustings Court Minutes, 2 September 1805, 7 April 1807.

¹²³ Hustings Court Minutes, July 1809; This is a strange case. Polly Spruce, David White's "reputed wife," and, I believe, the children's mother, initially had charge of the estate along with Graham Bell. Due to some unnamed impropriety, the Town Sergeant was ordered to take over the administration of his estate and the court ordered the children to be bound out. These are the only children of color whose

Members of the free black community also took in orphaned children. Access to the children's labor was doubtless a reason some free people of color opened their doors to orphans. Race, in the form of racial discrimination as well as a sense of racial solidarity, may also have played a significant role in determining where orphans of color were placed. Though some white artisans were willing to take on an apprentice of any race, working-class white men sometimes expressed hostility to competition from free blacks.¹²⁴ There may simply have been more orphans of color than there were white masters willing to take them. The fact that when mothers were able to participate in the process they chose to place their children with African Americans twice as often as with whites suggests that they valued and trusted the care and education their children would receive in those workshops and households. As children of color were seemingly the only source of apprentices and household labor for free blacks, they may have been eagerly received. In 1835, Jane Adkins, with the approbation of her mother, was bound to Charlotte Warren. Warren had just been widowed and had three children under age five to care for. The needs of two black mothers and a fourteen-year-old black girl converged and met with the approval of the court.¹²⁵ In 1816, Sylvia Jeffers, a laundress with a small child, may have agreed to add an orphaned girl, Eliza Farley, to her household to fulfill similar childcare and labor needs.¹²⁶ In addition to this mutual need, bonds of kinship or friendship may have existed, as they did in other indenture assignments. Cressy Steward left behind an orphaned daughter, Susan, indentured to Betsy Bibby by

father was named in the apprenticeship order. John registered at age 21 and claimed he was a blacksmith and cooper.

¹²⁴ L. Diane Barnes, *Artisan Workers in the Upper South*.

¹²⁵ Registry, Reel 73, nos. 2292, 2293, 2294, 2296; Marriage Bonds, Reel 109.

¹²⁶ Hustings Court Minutes, 4 March 1816; Register, Reel 47, 768, 912; Chapter 3.

the court. Betsy Bibby was also known as Betsy Steward.¹²⁷ Whether related to the children or not, adult women may have stepped in to protect black girls who were quite young and vulnerable; Eliza Farley was just seven and Susan Steward nine when they lost their mothers.

The court always assigned boys to learn historically masculine trades, never to train as household laborers; thus all black male apprentices trained with male masters. Many of those masters were black. Since free men of color dominated the barbering trade, and since free blacks saw that occupation as an honorable and lucrative one, men in this business took on a significant number of court-appointed apprentices. Eliza Farley's brother, James, was bound to James Colson, who also took on James Martin and William Nelson.¹²⁸ The court assigned Martin Eanes Brown to barber Major Elebeck and an orphan known only as Richard to William Weaver.¹²⁹ Peter Spain taught William Cary to be a stonemason and bricklayer, and Thornton Pettiford educated Henry Hunt to be a painter.¹³⁰ Assignment to a black master instead of a white one was no guarantee of an easy life. Edward Elliott's apprentice, David Coleman, accused him of ill treatment. On the other hand, James Colson's apprentice, William Nelson, taken in as an orphan at age five, became his son and heir.¹³¹ This clear example of adoption is a rare one, but it suggests that at least some black artisans not only advanced their and their charges' economic viability but also recognized and cultivated all black children's soul values.

¹²⁷ Hustings Court Minutes, January 1809; Register, Reel 47, nos. 212.

¹²⁸ Hustings Court Minutes, 4 December 1811, June 1812, 19 December 1817.

¹²⁹ Hustings Court Minutes, November 1811, 20 August 1818.

¹³⁰ Hustings Court Minutes, 5 March 1811, 5 March 1816.

¹³¹ Hustings Court Minutes 4 December 1811; Dorothy M. Colson, Family History, Colson-Hill Family Papers, Box 1, Folder 10, VSU.

For African Americans, the ability to raise and protect their children was a central component to meaningful experiences of freedom. When a mother or both parents were enslaved, they devised strategies for attaining emancipation that maximized their children's chances of becoming free—sometimes even delaying their own manumissions to prioritize their children's. Even when parents were able to extricate themselves and their children from the bonds of slavery—a process that could take decades—legal restrictions and economic hardship challenged many free families' security. Nevertheless, freedom mattered, giving parents, even ones who faced enormous hurdles, more say over their children's care and education—and the efforts they expended toward those tasks demonstrates the extent of parental love and devotion. Women who remained single or whose husbands were enslaved or often away from home particularly relied on family and community networks to augment their parenting efforts. Living in Petersburg mattered for free children of color because of the size and economic diversity of the free black population. When poor parents could not care for their children, their offspring were not automatically apprenticed to white masters. When mothers had a say, children were twice as likely to work for black artisans or families, and some, perhaps many, of these masters would have also prized these children's "soul values." Some free African Americans overcame significant race-based challenges to earn and maintain their children's freedom. These families had to face the bitter realities of their world, but they achieved something difficult and precarious—and therefore all the sweeter.

Chapter Five

“It was notorious all over town”: Community Policing of Sex and Gender

Eliza Gallee shivered involuntarily as her torso was exposed to the late March chill, but her eyes remained up, scanning the small crowd that had gathered to witness her pain and humiliation. Her eyes first locked on Henry's. Loyal Henry, they had helped each other out of a few scrapes, and she knew he regretted bitterly that he been unable stop what was about to happen. Old Alex Stevens was there, of course. Her gaze grew hard looking at the neighbor who had caused her to be standing here at the public whipping post. Theft was a serious crime in Petersburg, and stealing something so small as a couple of cabbages could result in cowhide lashes—at least, it could if the accused was black. Stevens knew this, because he, like Gallee, was a free person of color, and they had both seen enslaved and free black people whipped for even smaller crimes.

They both also knew that this whipping had little to do with cabbages and everything to do with some of the women in the crowd who had turned up to support her—Petersburg women who sold sex for money. Some of them worked in her brothel, and some of them ran their own establishments out of homes she rented to them. Petersburg authorities rarely prosecuted prostitution unless it became disorderly; the illicit trade was good for legitimate business. But her financial success rankled with some of the so-called respectable classes, black and white. Stevens, a devout church-goer, had been displeased when Gallee and Henry Badger, her white lover, had taken up residence next door, displaying their wealth while disregarding conventional respectability. Though she had no

material reason to pilfer anyone's cabbages, Eliza Gallee and her lawyers had lost this battle. The first of her twenty lashes landed on her bare back, and she steeled herself for the ones to come. She had survived a lot in her fifty-four years, and she would survive this.¹

Eliza Gallee had been forced to hone her survival skills at a very early age, but part of her success resulted from her savvy and efficacious dealings in Petersburg's economic and legal realms. Born Eliza Boswell, she had arrived in Petersburg alone at age fifteen in possession of a sizeable sum of money and quickly fell prey to fortune hunters. She escaped her forced and abusive marriage to Joseph Gallee, but the details of her life for the next fifteen years remain hazy. She emerges again in the 1830s, buying property and slaves under a trustee, so that her legal husband, Joseph Gallee, would not

¹ This introduction is an imaginative rendering of the facts of the case; I do not know how Eliza Gallee, Henry Badger, or Alexander Stevens felt at this particular moment. I decided, here, to dispense with the maybes and perhapses to put the reader in Eliza's shoes. Suzanne Lebsock opens both her article and later chapter on free women of color in Petersburg with this snapshot of Gallee's story to ground her argument that no matter how high a free woman of color rose, she was still vulnerable because of her race—an argument I am supporting but complicating here. She identified Gallee as an independent woman of means, based on her ability to hire lawyers. But she either did not find or did not write about the arc of Gallee's life, only mentioning that she was divorced. She also identified Gallee's accuser as a white man. I am in no way disparaging Suzanne Lebsock's work. Her important work introduces the realities women of color contended with, from patriarchal power structures, to a discriminatory economic system, to gender ideals that excluded them. Lebsock simply did not have twenty-first century technology available to her. I am able to create and cross reference many spreadsheets and access primary documents online. These advancements make it possible to tell stories in much greater depth, and each time I go through a source base I find something new that changes the overall picture of race and gender experiences in Petersburg. Suzanne Lebsock, "Free Black Women and the Question of Matriarchy: Petersburg, Virginia, 1784-1820," *Feminist Studies* 8, no. 2, Women and Work (Summer 1982): 270-292; See also, Suzanne Lebsock, *The Free Women of Petersburg: Status and Culture in a Southern Town 1784-1860* (New York: W.W. Norton & Co., 1985), Chapter 4; Eliza and Henry Badger's relationship is outlined here: United States Department of the Interior, "Pocahontas Island Historic District," *National Register of Historic Places Registration Form*, September 2006, < http://www.dhr.virginia.gov/register/Cities/Petersburg/123-0114_PocahontasHD_2006_NRfinal.pdf> (accessed June 2017); Eliza Gallee, tombstone, People's Memorial Cemetery, Petersburg, Virginia; Magee v. Magee, Chancery Causes, 1854-0014, Petersburg (Va.), Chancery Records Index (Digital), LVA; for Alexander Stevens, see Registry, 448, 1669-1671; Stevens v. Stevens, Chancery Causes, 1859-045, Petersburg, Virginia, Chancery Records Index (Digital), LVA.

have access to her assets. How Eliza earned the money to make her purchases can only be surmised. Perhaps she became the kept mistress of a white man, possibly the man who stood as her trustee, or maybe she entered the sex trade. She may have even gone another direction entirely and become a seamstress, her original occupation, for a time. What we know is that, as an adult, she had connections to powerful whites who referred to her as Mrs. Eliza Gallee. As she became more financially successful through buying and selling property, she styled herself as a respectable woman and sued her estranged husband for a legal divorce. She won.²

Eliza Gallee continued to expand her real estate holdings and seems to have teamed up with Henry Badger in the late 1840s. Around the same time, documents show her selling and renting property to known prostitutes. By the early 1850s, Eliza's activities as a brothel owner were common knowledge, and in September 1853, just a month before she was arrested for stealing cabbages, a scandal broke. Gallee had allowed a married white woman to use rooms at her establishment for the purposes of adultery and prostitution. Though the husband would not sue his wife for divorce until around the time Eliza stood trial in 1854, the woman had continued running to Gallee's house to be carried back home by relatives—a public spectacle for all to witness. For whites who saw her as a threat to the purity of married white women and for the Stevens family who had advanced themselves through respectability, the time had come to give Eliza Gallee her comeuppance.³

² Galle v Galle, Chancery Causes, 1840-068, Petersburg (Va.) Chancery Records Index (Digital), LVA; Petersburg, City of, Circuit Court, Health and Medical Records, Coroners' Inquisitions, 1807-1872, Manuscript, Box 1, Folder 2, LVA.

³ Magee v. Magee, Chancery Causes, 1854-0014, Petersburg (Va.) Chancery Records Index (Digital), LVA; "Pocahontas Island Historic District," *National Register of Historic Places Registration*

Eliza Gallee's story illuminates the complexity of Petersburg's racial dynamics and systems of control. First, it upsets the notion that only racial boundaries directed the forces of oppression and solidarity. While many white people surveilled and policed free and enslaved blacks, people of color also kept tabs on each other and sometimes brought fellow African Americans before white-run institutions to settle their grievances. Had Eliza Gallee been a member of Alexander Stevens' church, he might have made his accusations to the deacon board to have her disciplined, as many free people of color did. But Eliza never played by the rules of a church. She adhered to custom and law when it suited her, and she often escaped reprisals when crossing either. The public nature of her most recent transgressions, along with Gallee's relative economic success and outward gentility, may have been too much for the "good" people of Petersburg to countenance. Gallee challenged gender norms, sexual propriety, and some tenets of racial ideology, and she did so living anywhere but on the margins.

Second, Eliza Gallee's story demonstrates how law and custom worked in tandem to ensure that African Americans experienced racism when moving through the legal system. Though blacks could be accused by anyone, they could not accuse anyone they wished. Free and enslaved people of color could testify against each other, but they could not testify against white defendants. Black men and women were charged with and convicted of crimes against blacks and whites alike, but whites were seldom charged with and even more rarely stood trial for crimes against blacks, especially free blacks. Whites sometimes asserted their authority in black homes and felt justified pursuing anyone

Form, September 2006, < http://www.dhr.virginia.gov/registers/Cities/Petersburg/123-0114_PocahontasHD_2006_NRfinal.pdf> (accessed June 2017); 1860 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (accessed June 2017).

suspected of a crime, peeping under doors, opening letters, or searching people for stolen goods.⁴ In none of the court cases studied here did a person of color behave similarly toward whites.⁵ Blacks could accuse people of color and whites could come to their defense, but the system assured that people of color could do neither with regard to whites. The most they could do was tell a white person their suspicions or share knowledge and let that person decide what to do with it. The white-run courts often dealt fairly with free people of color, and some African Americans cheated, stole from, and abused one another, but white supremacy assured fewer consequences for whites along with harsher penalties and fewer protections for blacks---like the twenty lashes “well laid on” that Eliza Gallee received. Though racial politics could sometimes play out in complicated or unexpected ways, white supremacy is not hard to detect, especially in the silences and the kinds of crimes that never made it into the record.⁶

Through court records, criminal and civil, and church disciplinary minutes, we see how black and white Petersburgers expected men and women of color to behave and when, where, and how they believed misbehavior should be addressed. Court records lay out the range of offenses that whites and some free blacks could not abide, and depositions in those cases reveal where values intersected and diverged. Criminal cases primarily involved vice, such as gambling, drinking, or other “disorderly” behavior,

⁴ *Fieldenheimer v Fieldenheimer*, Chancery Causes, 1856-038, Petersburg (Va.), Chancery Records Index (digital), LVA; *Magée v. Magée*, Chancery Causes, 1854-014; Petersburg (Va.) Hustings Court Minutes, Reel 25, 3 June 1805.

⁵ I have studied Chancery cases, especially divorce cases, for the entire period, but I have only closely examined criminal records, the Hustings Court Minutes, to 1822. Should the remainder challenge my assertions here, it would signal a significant shift in prosecution of the law.

⁶ Free African Americans could file civil suits against whites. Melvin Ely finds in Prince Edward County that people of color won these suits fairly often. In Petersburg, success was more limited. Melvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from 1790 to the Civil War* (New York: Vintage Books, 2004), 266-271.

violence, including assault and murder, and theft. In these cases we see similarities and differences among men and women of color in terms of both the crimes committed and the ones prosecuted. Women tended to steal, or be accused of stealing, smaller items, such as food or wearing apparel, while men additionally stole large sums of money, horses, and foodstuffs or commodities for resale, even slaves. Both men and women committed violent acts, but black women committed this violence almost exclusively against other blacks, men and women, and usually, though not always, in response to abuse or mistreatment. While some women prevailed when they physically resisted their abusers, most whose stories became part of the public record faced retaliatory violence that left them dead.

Both men and women of color faced accusations of gambling, drinking, or “disorderly” behavior, but it was primarily women who became implicated in accusations of sexual transgression—an exception being black men involved with white women. No rape or prostitution cases made their way to criminal court, but divorce cases in the Court of Chancery, with their detailed testimonies regarding people’s “character” and behavior, reveal how ideals of sexual propriety were raced and gendered. Meanwhile, the members of Gillfield Baptist Church were concerned with all of these sins, in addition to some the secular courts did not address. Through the church disciplinary records, a picture of black Christian gender and sexual values emerges, values that could be both more and less egalitarian than courts of law based, as inequities based on sex and/or status as free or enslaved remained. The church prosecuted some behaviors far more aggressively than secular courts did, but the members and deacons tended to accuse and convict men and

women relatively in equal numbers, and the church at least offered the possibility for forgiveness and redemption.

Of all the categories of crime and sin, two areas drew considerable attention: sex and violence. Surveillance of and punishment for a perceived wrong varied based on race, gender, and level of respectability. Examining white divorce cases illuminates the ways black women's perceived sexuality could affect the reputations of white women who associated with them. Divorce suits among African Americans reveal the ways free blacks and their lawyers catered to the moral sensibilities of white judges in order to press their petitions. Depositions given by blacks in these cases often point to a somewhat different sexual standard, one with more nuance, for judging the character of women of color. It was more difficult for a white husband to procure a divorce on grounds of adultery than it was for a black husband, however, as white authorities expected black women to be promiscuous and less capable of virtue than white women. Black women seeking divorces had to prove more than just abuse or desertion; they had to prove they had done nothing improper to deserve such treatment.

Criminal cases show us that, while black women sometimes perpetrated violence, they were far more often the victims of abuse and rarely received protection against their abusers. Even when women of color were killed, few cases went to trial; if a grand jury, populated by white men, did not arraign the initial suspect, the case was dismissed with no further investigation. Very few whites were charged with or prosecuted for violent crimes against African Americans, especially free African Americans, in Petersburg.⁷

⁷ If enslaved people were maimed or killed by someone other than their owner, the owner had an interest in recovering the value of his or her destroyed property. It was still somewhat difficult to gain a conviction against a white person in these cases. For example, in June 1843, John Minetree "severely

Church membership added another layer of surveillance and prosecution of sex and violence, but some women benefited from church disciplinary structures. In church, they were always able to tell their sides of their stories, they were able to lodge complaints against other members, and they asserted themselves as both capable of sexual purity and deserving of bodily integrity. On the whole, however, black women were the least protected group in Petersburg.

Divorce was one avenue that people could use to gain redress for alleged impropriety or excesses that resulted in marital disruption. Before 1803, chancery courts could grant separate maintenance orders to allow spouses to live apart but remain legally married, with the husband still responsible for the maintenance of his wife. In 1803, the Virginia legislature granted itself the authority to award absolute divorces on the limited grounds of adultery, cruelty, and abandonment. These legislative divorces, however, were only available to white Virginians. By 1827, the General Assembly found itself overwhelmed with the task of investigating and adjudicating these cases and passed a law legitimizing and expanding the longstanding chancery court practice of granting separate maintenance orders. These courts of chancery were able to grant divorces *a mensa et thoro* for “adultery, cruelty, or just bodily fear.” These “bed and board” divorces not only allowed former spouses to live separately but also divided their finances and made them responsible for their own support. Free African Americans had long been able to gain

whipped” Reuben, a forty-year-old enslaved man he had hired. Though Reuben died the same day, the coroners’ jury determined that he had not died from his wounds but from an excess “of cold water in his stomach on a hot day.” The jury did “censure the severity of the whipping,” but that was the only reprisal Minetree faced. Petersburg, City of, Circuit Court, Health and Medical Records, Coroners’ Inquisitions, 1807-1872, Manuscript, Box 1, Folder 4, LVA.

separate maintenance orders, as Mary Ann Vizzoneau did from her husband in 1818.⁸ When that power expanded, women like Eliza Gallee had greater chance to protect their property, since chancery bed and board divorces could then grant the same property rights as absolute divorces, even though neither party could remarry.⁹ By 1850, the General Assembly retired from the divorce arena altogether, vesting courts of chancery with the right to determine the kind of divorce granted, the division of property, and child custody settlements, as well as to declare which of the parties, if either, could remarry. These expanding powers of the chancery courts generated records through which the legal rights and duties of marriage partners come into focus, as well as how evaluations of sexual behaviors varied by race and gender.¹⁰

Through the Magee divorce case, we see both widespread knowledge of Eliza Gallee's activities in the sex trade and how she and other women operated their businesses in ways that minimized their risk of abuse and exploitation. We also begin to see how association with certain black women tarnished the reputations of white women. In 1854, Joseph Magee charged his wife, Margaret, with adultery. Margaret, he alleged, had been unfaithful on a number of occasions, and he was prepared to prove she had visited "houses of ill fame, known brothels, and has been on terms of intimacy with common strumpets."¹¹ Eliza Gallee figured prominently in these allegations, though she could not testify for or against a white woman. Sarah Gresham, the Magees' young white

⁸ Petersburg (Va) Hustings Court Minutes 1812-1823, Microfilm, Reel 26, 17 April 1818, LVA.

⁹ Gallee v Gallee, Chancery Causes, 1840-068, Petersburg, Virginia Chancery Records Index (Digital), LVA

¹⁰ Glenda Riley, "Legislative Divorces in Virginia, 1803-1850," *The Journal of the Early Republic*, Vol. 11, no. 1 (Spring 1991): 51-67; see also Sager, *Marital Cruelty in Antebellum America*; Suzanne Lebock, *The Free Women of Petersburg*, Chapters 2 and 3.

¹¹ Magee v. Magee, Chancery Causes, 1854-014

nanny, took it upon herself to spy on her mistress, however, and through her testimony Gallee's world comes into view.¹² After she had already been witness to her mistress's adultery on a trip to North Carolina, Gresham heard rumors around Petersburg that Margaret Magee had continued her improper activities. "I had heard of her doings ever where [sic] I went so I thought I would go that day and see for myself."¹³ She went to Eliza Gallee's, where Gallee told Gresham that she expected Mrs. Magee and a man to arrive shortly. Gallee either invited or allowed Gresham to stay. "I was setting in Eliza Gallee's setting room. Eliza told me he Mr. Ragland was coming there, and when he came I spoke to him, he did not know me, Eliza told him I lived with Mr. Magee, he was very much frightened and started and went upstairs."¹⁴

It is easy to imagine Eliza Gallee taking this all in stride--a woman in her early fifties, experienced in her trade, welcoming one of Petersburg's wealthiest citizens, and perhaps seeing in Gresham a potential employee.¹⁵ Sarah Gresham, coming from months of scrubbing, diaper changing, and tending crying children, may have been a new or seasoned guest in Gallee's home and place of business. Either way, she was invited to the sitting room, conversed with Gallee for over two hours, probably had refreshments, and received a polite introduction to a prominent man. If she and Eliza Gallee were not already well acquainted, they became so, and this visit to the house of "ill fame" would not be her last.

¹² All witnesses in a case against a white person were white, as required by law. A white person could report what a person of color said and did, as Gresham did here.

¹³ Magee v. Magee, Chancery Causes, 1854-014.

¹⁴ Sarah Gresham Deposition, Magee v. Magee, Chancery Causes, 1854-014.

¹⁵ John Ragland was a "Huso Dealer," meaning he sold whale oil and probably kept Petersburg's machines running. He owned \$37,000 in real estate in 1850. 1850 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (accessed January 2018).

Gresham also testified to money changing hands. When Margaret Magee arrived, she saw Gresham and said that she “felt very bad.” After going upstairs to meet Ragland, Magee asked Gresham if she was returning the Magee home that night. When Gresham replied in the negative, Magee handed her \$2.50 of the \$10 she had on her. Though she only saw \$10, Gresham said that she had heard Ragland had paid \$100 for the privilege of intercourse with Margaret Magee. Another witness made this figure seem plausible when he testified that he, too, had been willing to pay \$100 to have sex with Maggie Magee. Gresham related that she returned to her employer’s home the following night only to be dismissed by Joseph Magee the next morning. She went straight back to Eliza Gallee’s, where Margaret Magee also turned up again that evening. Even though Magee’s mother and younger brother “carried her back,” witnesses testified that the white woman continued going into Gallee’s house regularly and accepted as fact that she went there to sell sex. Magee even had one witness write a note to Gallee that made her intentions clear. Magee instructed her scribe to write that “she would be there at ten o’ clock in the forenoon and to have a room prepared for her—and to let no one know she was there but the one.” Witness after witness testified that they knew, and it was commonly known, that Eliza Gallee ran a house of prostitution.

Gallee’s house was hardly the only “known brothel,” “house of ill fame,” or “common house” in Petersburg, and in fact she herself had a hand in many such houses in town. In this same case, witnesses shared what they knew about the houses next door to the Magees. Both, it seems, had been or were currently owned by Eliza Gallee, though

her current residence was some distance away, probably in Pocahontas.¹⁶ One of the houses next to Joseph and Margaret Magee's contained a hodgepodge of women of all races and ages, some remaining there for years and others only for a brief period. Within the four-year period between the 1850 census and the court case, some residents moved in, others moved out, and some moved between the houses. According to Mary Starke, one of the women who lived there, by 1854 the house was divided into two units, each with an upstairs and downstairs that could be rented. Martha Williams owned her portion of the house and rented out part, while Starke rented her whole house from Gallee and sublet to tenants. Many of those who lived in those dwellings were known "women of ill fame." When lawyers asked Mary Starke if Martha Williams kept a house of ill fame, she replied, "I suppose I must call it so." Others testified that Starke herself kept a house of ill fame, and that her lodger, Becky Crafts, was likewise a "common woman."¹⁷ While the term "common" referred to Crafts' sexual transactions and perceived lack of morality, all of these women also shared a "common" link to Gallee.

The Magee case reveals the many ways that race, class, sex, and gender cut across each other. The judge declared that he had never seen such an open-and-shut case of adultery, but though Margaret Magee had only had sex with white men, Eliza Gallee was the name mentioned time and again as crucial to the case. Lawyers quizzed witnesses on Magee's connection to Gallee, more so than her contact with white neighbors of ill fame,

¹⁶ It is difficult to determine which of Eliza Gallee's properties the case refers to. I am almost certain that the Magees lived on Washington Street, based on the testimony here and what I know about the sale of her Washington Street house to Martha Williams. This location puts these activities right in the heart of Petersburg. I have a harder time determining where Eliza Gallee operated her business at this time. The 1850 census has her over 100 pages away from the Washington Street properties. I suspect she had moved to one of her Pocahontas properties.

¹⁷ Margaret Williams and Mary Starke, Depositions, *Magee v. Magee*, Chancery Causes, 1854-014; 1850 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (accessed June 2017).

taking the mulatto woman's status and occupation so for granted that they only asked the witnesses to state her reputation at the end of the interviews. The value judgments the white witnesses passed on each other were intriguing, too. In what was clearly a last-ditch tactic, Margaret Magee's defense attorney tried to establish that Joseph Magee had known the house next-door was a den of iniquity before he moved in and opened his store, insinuating that he had somehow failed in his masculine duty. Mary Starke, herself a woman of "ill fame," was Mrs. Magee's unwilling confidante at the gate separating their yards, saying, "I did not even want to listen to it." She further criticized Magee, stating, "She used very bad language that I did not think became a married lady."¹⁸ Starke seemed to know how her "betters" were supposed to behave.

Finally, Sarah Gresham found an ally in Eliza Gallee. Gallee provided safe places for sex workers to ply their trade while also profiting from their activities. She connected black and white women to influential men who could pay for their services, and her notoriety stood as an advertisement of sorts. She treated Gresham with dignity, which appealed to the younger white woman. Gallee seems not to have forced anyone mentioned in the Magee case to become a prostitute, and she allowed women to participate in the trade along a continuum of autonomy, from living in the brothel, to renting a room for a half-hour, to purchasing property from her. She, however, also owned enslaved women whom she may have forced into the work. The testimony in this case clearly reveals that Petersburg knew about and tolerated sex work to a certain extent. None of the women labeled "strumpets" were prosecuted for prostitution or fornication. But people who considered themselves respectable, like Alexander Stevens, did not want

¹⁸ Ruling, *Magee v Magee*, Chancery Causes, 1854-014; Mary Starke, Deposition, *Magee v. Magee*, Chancery Causes, 1854-014.

brothels opening up next-door, and many did not want those brothels to entice married white women away from their homes and families and into the work. When prostitution became too visible or crossed too many social boundaries, indirect policing, such as Gallee's whipping for theft, could be invoked to restore order.

Historian Joshua Rothman indicates that racial mixing in the sex trade and tacit toleration of it were common in Virginia. When studying nearby Richmond, he notes, "There were no sweeps of brothels and no ferreting out of tippling shops, and there appears to have been little real effort to keep blacks and whites apart at all." He further observes that people were rarely, if ever, arrested explicitly for sex crimes but, instead, "appeared before the mayor for crimes incidental to their occupation—vagrancy, public drunkenness, fighting, verbal abuse, and the vague but inclusive charges of 'disorderly behavior' or keeping a 'disorderly house.'"¹⁹ As in Richmond, prostitution in Petersburg supported the legitimate economy. Mary Starke spent her earnings at Joseph Magee's grocery store, after all. Additionally, available sex partners may have encouraged more watermen and railroad employees to stop over in Petersburg, where they also ate, drank, and bought provisions. Rothman characterizes the Richmond sex trade as "a peculiar mixture of visibility and camouflage," reflecting that "men had to know where to look, women had to make it clear how they could be found, and neither particularly wanted to get caught."²⁰

From the depositions in this case and others, it is unclear whether people were concerned about being caught. For the most part, the prostitutes, full and part-time, seem

¹⁹ Joshua Rothman, *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861* (Chapel Hill: University of North Carolina Press, 2003), 104-114; quotation on page 111.

²⁰ Rothman, *Notorious in the Neighborhood*, 104.

to have been well-known practitioners of their trade. Though Margaret Magee voiced token concern over being found out, she was also pretty open about her activities, even telling her husband that she could get someone who could do better for her.²¹ Yet, even as they maintained a livelihood and managed to protect themselves from abuse, these women still remained vulnerable members of society with little recourse should a customer become violent or refuse to pay. As Rothman asserts for Richmond, blacks and whites in Petersburg could carry on “so long as they stayed in the right parts of town, only pursued vice at the right times, and tried to keep quiet when they did....”²² Eliza Gallee may have been a little too open and a little too successful, someone who needed to be reminded of what could happen to those who forgot their place.

Other divorce cases also demonstrated widespread knowledge of women and houses of “ill fame” beyond Eliza Gallee’s network, and white men employed that knowledge for the purpose of convicting their wives. When another white man, John Brooks, accused his wife of adultery, many men came forward to testify seeing her in houses of ill repute run by black and white women, as well as three different hotels in town. Edward White’s deposition in the same case demonstrated some cooperation between white prostitutes and black women who may have also engaged in sex work. Eliza Jane Brooks had been frequenting the house of ill fame run by Maria Banks, and White saw some women from that place following Brooks. “They [the white prostitutes] met some negro women,” he said, “and stopped and asked them some questions and then

²¹ Magee v Magee, Chancery Causes, 1854-014.

²² Rothman, *Notorious in the Neighborhood*, 113.

went on their way.”²³ White first sent an employee and then went himself to ask the white prostitutes what was going on. They said, “the woman that was ahead of them was after one of their men and that they intended to whip her.”²⁴ The women of color they stopped could have been random passersby, but it seems at least plausible that they also worked in the trade and assisted the aggrieved women in policing the boundaries of the business. Eliza Jane Brooks also frequented “a house of ill fame kept by a negro woman called Betsy,” and two witnesses had seen her there. The judge granted the divorce, and John Brooks was free to marry again. Eliza Jane Brooks, in light of her transgressions, was not.

Though Margaret Magee and Eliza Jane Brooks habitually associated with black women of ill fame, but even the most tenuous connection to a black woman of suspect morals could bolster white men’s allegations to their wives’ debauchery. Esther Fieldenheimer was only fourteen when she was married to her much older husband. After briefly living in Baltimore, the couple returned to Petersburg, where David Fieldenheimer worked in his brother’s shop and rented rooms above it. Based on rumors and reports from neighbors, David soon filed for divorce. A key component of the testimony hinged on Esther’s having been seen at the home of Eliza Thornton, a woman of color and also of ill fame, as well as in other, unspecified, houses “kept as known brothels.”²⁵ Neighbor Mary Cotterell asked Esther whether she had been to Eliza Thornton’s, to which the

²³ Edward White Deposition, *Brooks v Brooks*, Chancery Causes, 1859-009, Petersburg (Va.), Chancery Records Index (digital) LVA; Maria Banks’ race was not mentioned, indicating that she was white. In 1850, a 28-year-old white woman named Maria Banks lived with a white family in Petersburg. 1850 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (accessed May 2018).

²⁴ *Brooks v Brooks*, Chancery Causes, 1859-009.

²⁵ *Fieldenheimer v Fieldenheimer*, Chancery Causes, 1856-038, Petersburg (Va.), Chancery Records Index (digital), LVA.

young woman replied that she had gone there to drop off some “plain sewing work.” Cotterell warned her not to go there again, saying, “it is a bad place,” and that she “would not be seen there for any amount.” Cotterell later admitted to knowing that two other respectable white women had gotten sewing done through Eliza Thornton, and she described Esther Fieldenheimer as a “light, guileless, playful creature...playing like the other children.” Instead of seeing this as a cause to believe her innocent, Cottrell did not feel that her neighbor’s demeanor befitted a married woman. She ascribed the behavior “to the manner she was brought up,” insinuating that the upbringing was somehow inadequate.²⁶ Neither Cotterell nor any other witness, however, reported seeing Esther return to Thornton’s after the warning.

From an observant upstairs neighbor’s testimony, it seems likely that Esther carried on a flirtation with a man who worked across the street, but no one saw her enter or leave a man’s house or saw her with a man in a private place. She did confess to adultery after, she claimed, her husband had choked her and threatened her. At the time of the accusation she was pregnant and near confinement. Her stepfather told her that if she had not been in such a condition, “I should have laid you a corpse at my feet...but I did not want to kill two.” David Fieldenheimer turned his wife out of the house, and the judge granted him a divorce. Esther lost custody of her children and had to pay her ex-

²⁶ Mary Cotterell Deposition, *Fieldenheimer v Fieldenheimer*, Chancery Causes, 1856-038. Esther’s mother testified that certain silver pieces belonged to her daughter as they were given to Esther after the birth of her first child, according to “the custom with the Jews.” Petersburg had an established Jewish community. It is unclear what Cotterell meant by the statement, as it seems that Esther was brought up strictly based on her stepfather’s later behavior—threatening to kill her for her misdeeds. Perhaps she meant that because Esther had married young, she had not had enough time to learn her role as a wife beforehand.

husband's court fees.²⁷ The only clue that the judge was somewhat skeptical of her misdeeds is that Esther was not barred from marrying again, though he certainly placed her at fault. A husband rarely received a divorce decree based on one act of adultery; he had to prove that his wife's character was irredeemable. Esther Fieldenheimer's association with Eliza Thornton, a woman of color, though constituting circumstantial evidence at best, must have been enough for this purpose, as David's lawyers never produced testimony that she had been to any other "known brothels."

Georgianna Powell's husband had to file two divorce petitions and was successful with the second one only by proving racial as well as sexual transgressions. In Samuel Powell's first petition, he and his lawyers established that Georgianna was frequently intoxicated and often verbally abusive to her husband. Additionally, one witness testified to knowing that Mrs. Powell's drunkenness had gotten her thrown out of a "whore's ball" hosted by Maria Lockett, a white woman of ill fame. Mrs. Powell's lawyer at the time was correct when he said, "intemperance is not a cause for divorce," and the case was never concluded.²⁸ A year later, however, Samuel Powell had more damning evidence of his wife's lewdness and infidelity. Several witnesses, including the captain of the night police, saw Georgianna Powell walking the streets, drunk or drinking, and "standing in alleys at all hours of the night talking with men."²⁹ Though she had previously earned

²⁷ Esther's case reminds us that young women of all races were vulnerable to rumor, violence, and predation. When she lived in Baltimore, at age 14, a neighbor seduced her while her husband was away. This may have been the incident she confessed to; a lawyer in Baltimore deposed the man who had seduced her, who admitted to it. After moving back to Petersburg, the testimony reveals that she may have been developmentally delayed or at least very naive ("playing like the other children"). It seems that Esther was at best taken advantage of and at worst sexually abused by the man in Baltimore. Esther returned to her mother and stepfather's home.

²⁸ Powell vs. Powell, Chancery Causes, 1858-019, Petersburg (Va.) Chancery Records Index (digital), LVA; Sager, *Marital Cruelty*, 81-83.

²⁹ Powell vs. Powell, Chancery Causes, 1859-016.

income as a cupper and a leecher, she seems to have lost her clientele in that line of work and had no way of supporting herself.³⁰ She did not live in a brothel or rent a permanent place for her activities but often roamed the streets to find a man to pay for the room they would occupy “for the balance of the night.” She did frequently stay at one particular house, where a white man testified in his deposition that he saw her talking to a man of color and heard her say that the man could not stay that night because he could not “support her” (pay for her services). When this man saw the man of color return, he went into the house and looked under Georgianna’s door to see them “sitting by the fire close together with his right arm around her neck in close conversation.”³¹ This peeping Tom hightailed it out to get the captain of the night police, who arrived, found them in “very affectionate conversation,” and took them to jail.³²

Additional depositions in the second case reveal that Georgianna Powell did not remain in prison long, and she was soon back to work, often at an establishment run by a woman of color. A fellow white woman of ill fame testified to seeing Mrs. Powell frequently at houses of ill fame “in company of men,” most often at one kept by Mary Ruffin, a woman of color.³³ This time the judge believed the plaintiff had proven his charge that his wife committed adultery with “citizens and negroes,” that she traded sex for money, and that she associated with black and white women of ill fame. Other than a brief stint in jail because of an aggressively nosy neighbor, Georgianna Powell did not

³⁰ Powell vs. Powell, Chancery Causes, 1858-019.

³¹ Powell vs. Powell, Chancery Causes, 1859-016. Conversation could mean something akin to “interaction,” which could be but was not confined to talking.

³² Mayor’s Court or Hustings Court records may reveal who this man was and what penalty the pair faced. If she had to pay a fine, I do not see how she did it. He probably faced lashes and paying his court or jail fees.

³³ Powell vs. Powell, Chancery Causes, 1859-016.

face criminal charges for her exploits. She did, however, permanently lose her status as a wife. She was to pay court costs and was never allowed to remarry. If Eliza Gallee was an example of someone who could thrive off of the sex trade, Georgianna Powell exemplified why most Petersburgers did not care to regulate prostitution more aggressively. Very few people who turned to this work rose to Gallee's level of success and security. Powell, herself, was about as rock bottom as one can get, an alcoholic and a derelict. She served as a cautionary tale for white women unhappy in their marriages. While some white husbands were able to prove that their wives were habitual adulterers even when their wives did not associate with black women or have sex with black men, highlighting racial transgressions strengthened these particular husbands' cases.

Men of color seeking a legal divorce also looked to prove that their wives had fallen beyond redemption, but it was an easier task for them than it was for white husbands. John Taylor married Nancy Berry in 1855, and he said they lived happily until he returned late at night and found her in their bed with another man. A religious man of high moral principles, he felt himself "forced" to abandon her, and she had since lived in "open adultery."³⁴ Because both spouses were people of color, most of the witnesses in the case were as well. At the time of the depositions, Nancy Berry Taylor had been boarding with Mary Ann White, a woman of color, for about two months. White seemed sympathetic and a little protective of Nancy. She acknowledged that Taylor was not a virtuous woman but insisted that her friend had not done anything improper in the last two months. White had known Nancy for over a decade, and while White said she did

³⁴ Petition, Taylor vs. Taylor, Chancery Causes, 1859-023, Petersburg (Va.), Chancery Records Index (digital), LVA.

not know what event precipitated Nancy's separation from her husband, she did know the underlying cause:

She never loved John Taylor, but she said she did love Bob Scott and wanted to marry Bob Scott but was compelled by her parents to marry John Taylor. Since the separation I have seen Bob Scott living with Nancy Taylor, and I thought they lived together as husband and wife, but they are not living together now.³⁵

"Bob," or Robert, Scott was probably the man found in bed with Nancy Taylor. He testified that he had "been courting her about three years, when John Taylor began to court her, and after a while she was married to John Taylor." Scott reported that the Taylors lived together, separated for a four month period, reconciled, and parted ways for good around Christmas 1857. "I took Nancy Taylor and rented a house to live in and supported her," said Scott, "and I lived with her I mean slept with her say about three nights in a week, for about one year." Then, he reported, Nancy Taylor left him. When asked to testify what he knew about her sexual conduct since leaving him, Robert Scott replied, "I only know that she told me that after she left me, she was in the habit of having sexual intercourse with nice men who paid her money for it." He stated that "people" talked about her keeping a "public house," and at the end of his testimony he admitted that his former lover was a "common woman."³⁶

The rest of the witnesses John Taylor called offered no new evidence of Nancy Taylor's misdeeds, primarily focusing on John's good character. B.B. Vaughn, a white man, never witnessed Nancy Taylor's indiscretions, but he felt free to say, "I have understood from common rumor that she was a strumpet." John Shore, at least, had seen

³⁵ Robert Scott, Deposition, Taylor vs. Taylor, Chancery Causes, 1859-023.

³⁶ Robert Scott, Deposition, Taylor vs. Taylor, Chancery Causes, 1859-023.

Nancy “in company of persons of bad character,” but he did not name the people she was with or say what she had been doing. Conversely, both men had high praise for John Taylor, even if it was almost as unspecific as the aspersions cast on his wife. B. B. Vaughan “esteemed him as an honest and correct man. I consider him an amiable and good tempered man.” John Shore had known Taylor since they were boys together and considered “him a worthy and upright man, he embraced religion at an early age, and to the best of my knowledge he has been a consistent Christian.” Both black and white men held John Shore in high regard, and hearing Shore dub Taylor a “consistent Christian” may have been all the evidence the judge needed. Unlike in white husbands’ divorce suits, nobody claimed that Taylor supported his wife, had been kind to her, or had done anything to try to reconcile with her. Samuel Powell’s first divorce suit fell through for lacking specifics to substantiate his wife’s supposed reputation. In this case, other than Scott’s testimony, no names or specific instances of sexual misconduct were needed, only a “general reputation” of being a “bad woman.” The judge granted the divorce and blamed Nancy; she had to pay all court costs and was forbidden to legally remarry.³⁷ Not only was it seemingly easier for the judge to believe that Nancy Taylor was a “bad woman” than it had been for the judge in the Georgianna Powell case but the ruling may have also reflected widespread ideas about white women’s and black women’s rights to protection and support. Southern society, and some southern laws, deemed white women as entitled to protection and financial support unless they failed to be obedient or chaste. Conversely, some free women of color may have been able to earn these rights through their behavior as wives or daughters, but they were seen by wider white culture as

³⁷ B.B. Vaughan and John Shore Depositions, Taylor vs. Taylor, Chancery Causes, 1859-023.

naturally sexually promiscuous and as workers capable of hard labor. Such women neither deserved nor required default male protection and support.³⁸

The Jones divorce case further illustrates that though judges, in inheritance and other kinds of cases, often honored black marriages, both those contracted legally and those affirmed by common reputation, their assumptions about the differences in white and black women's moral and physical capabilities led them to dissolve black marriages more quickly and based on less evidence than white marriages, at least when husbands brought the case. The Jones case also highlights differences between white and black understandings of sexual propriety and misconduct and helps us understand why the most damning evidence against a white woman in a court ruled by white men could be association with women of color. Watkins Jones, a free man of color, sued his wife Arena, a free woman of color, for divorce after many years of living apart. According to Watkins Jones, Arena voluntarily deserted him in 1845 "without any just cause or complaint." She "commenced an adulterous connection with Gilbert Bailey" and had been "for sometime in the habit of adulterous intercourse." Watkins brought forward this evidence to prove that the split was his wife's fault and that he should not be required to pay anything toward her support. Arena Jones had her own accusations to lodge. She claimed it had been Watkins who left her and "abandoned himself to licentiousness and to lust and had forsaken [her] to live with 'strange women.'" Though he filed the suit and

³⁸ Peter W. Bardaglio, *Reconstructing the Household: Families, Sex, and the Law in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 1995), 66-69; Deborah Gray White, *Ar'n't I a Woman?: Female Slaves in the Plantation South*, Revised Edition (New York: W.W. Norton & Company, 1999), 38-39. For the construction of African American women as "natural" workers, see Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996), 112-120.

she too wanted the divorce, she felt entitled to spousal support.³⁹ While some witnesses testified on Watkins' behalf, not all of them were willing to condemn Arena as a woman of loose morals.

Both partners clearly had committed adultery, as they were legally married in 1839 and had sex with other partners before their divorce decree in 1852. But nobody, except Watkins Jones's lawyer, called Arena Jones a "loose" woman, a woman of "ill fame" or a "strumpet." Jack Valentine resided in the same house as Gilbert Bailey, the man with whom Arena began having a relationship around 1846. He testified that she came at night to "go to bed with him Bailey as man and wife."⁴⁰ A year later, Shadrick Joiner, another man of color, would see them in bed together early in the morning when he went to Bailey's for fire. He also saw "her cooking and washing for said Bailey just the same as my wife did for me," when he would stop by on other occasions. Robert Jenkins, yet another man of color, testified that Arena had moved on and resided with Tom Parham who "lived with her as his wife." This, he added, "was since the death of Bailey." William Giles corroborated this and said, "he [Parham] owned [i.e.acknowledged] Arena as his wife." All of these men were witnesses called on Watkins Jones's behalf. While those who knew him and attended church with him testified to his upright and moral character, not one of them used deprecatory language to cast aspersions on Arena Jones's character. They related what they had seen in a manner that suggested that they did not think that Arena Jones had done much of anything wrong. While some might say they saw someone in bed "as husband and wife" to say that they

³⁹ Jones v. Jones. Chancery Causes, 1852-050, Petersburg (Va.) Chancery Records Index (digital), LVA.

⁴⁰ Depositions, Jones vs Jones, Chancery Causes, 1852-050.

believed a sexual encounter had taken place, phrases like “owning her as his wife,” and “cooking and washing for said Bailey just the same as my wife did for me” demonstrated that these were no mere sexual transactions.

The lawyers, both for the plaintiff and the defense, saw things somewhat differently from the witnesses of color. The witnesses called on Arena’s behalf happened to be the woman whom Watkins Jones had lived with as his wife, Maria Freeman, and Freeman’s niece, Octavia Garnett. Since Mr. Jones’s lawyer could not seem to get his own witnesses to do more than imply that Arena Jones was a good woman in a bad situation, he went after her witnesses—asking them whether they had ever been whipped at the common whipping post and about their sexual lives. Neither had been whipped. Maria Freeman came principally to testify that she had lived with Watkins Jones as her husband and that her niece had witnessed it, so there was no surprise there. But Watkins’s lawyer did press her about her marital status and living situation. Freeman had never married, but she was once again living with a man “as his wife.” Freeman’s niece had to answer similar questions about her “carnal communication.” She admitted, “I have been the kept mistress of a white man, about twelve years ago I lived with him about twelve months.” These interviews provided the fodder for the summation by Watkins’s lawyer summation. Trying to skirt the inconvenient fact that Watkins and Maria’s relationship predated his split with Arena, he first tried to say that it also predated what the statute of limitations would bear. Realizing that this argument would likely fail, he also attacked the witnesses’ character. He called Maria Freeman a “base and abandoned woman who shamelessly proclaims her own infamy to the world by assenting that she was the paramour of the plaintiff.” Her niece, Octavia Garnett, he claimed, was “another harlot

who has evidently been tutored by Maria Freeman to confirm her infamous story.” These base black women, according to him, were not to be believed.

Arena Jones’s lawyer was having none of it—though he revealed the racist assumptions behind his own reasoning, or at least pandered to the prejudices he assumed the court would espouse:

It is not to be expected that this class of our population should have the same restraints upon them and the same sense of honor and propriety. The instance is indeed rare in which the females lead a chaste and honorable life, both of the witnesses for the deft. [Arena Jones] swore to the truth of every word of it.⁴¹

In other words, the women might have been deemed sexually immoral if one held them to the standard of white sensibilities, but that did not make them liars. By assuming the inherent sexual incontinence of black women and speaking to it, the attorney made an argument for holding them to less rigid standards and accepting a different moral code. Arena’s lawyer argued not only that her witnesses were truthful but also that Arena, herself, had been forced into her “immoral straights” and simply did the best she could when abandoned by her husband. Women of color, by the reasoning this white man proffered, exceeded expectations when they remained chaste. His logic makes it easy to understand why Esther Fieldenheimer’s mere presence at Eliza Thornton’s, a woman of color with a whisper of ill fame about her, damned her. As for the Jones’s case, the judge seemed to agree that both parties were at fault. He dissolved the marriage, giving both parties the right to marry again and charging both of them with their own court costs. He did not grant Arena the spousal support she sought. The ruling confirmed the reality the

⁴¹ Summation, Jones vs. Jones, Chancery Causes, 1852-050.

Joneses had been living for years and also revealed the disconnect between white and black understandings of sexual morality. No white lawyer asked if any of the women were chaste, as they did in cases involving white women, because black women were not expected to be. The people of color who testified, however, understood that some choices were born of necessity, and they implicitly validated relationships that took on the character of marriage—whether they became permanent or not. They recognized the difference between streetwalkers like Georgianna Powell and serial monogamists such as Arena Jones.

Though free people of color sometimes used the legal system to protect themselves or enhance their freedom, once in court, white lawyers wrote the petitions and made arguments, if the case resulted in a jury trial. The parties faced a white jury, and if a judge or panel of judges handed down a decision, they were going to be white men. But many free people of color submitted to another authority to regulate behavior, that of their churches. Petersburg boasted a number of mixed-race churches—headed by whites, but also attracting free and enslaved black congregants—yet the city was also home to a few all-black churches. Gillfield Baptist Church had the distinction of being one of the oldest. Founded in 1788 in Prince George County as a biracial church, by the time it moved to the city membership and leadership had shifted to African Americans.⁴² In 1794, the church became a member of the Virginia Portsmouth Baptist Association and won the right to appoint men of color to represent them at the annual meeting.⁴³ That right was stripped from them thirty years later, and, after Nat Turner’s Rebellion, state

⁴² Nancy A. Hillman, “Drawn Together, Drawn Apart: Black and White Baptists in Tidewater Virginia, 1800-1875, PhD Diss., The College of William and Mary, 2013, 134-35; Records of Gillfield Church (Baptist) Prince George Co, 1815-1842, manuscript, LVA), preface.

⁴³ Hillman, “Drawn Together, Drawn Apart,” 134-35.

law mandated white oversight of African American religious activity. Still, as historian Nancy Hillman asserts, “Through a long series of negotiations with white Baptist leadership and local whites, Gillfield’s black leaders managed to wield significant authority in the congregation well before emancipation.”⁴⁴ In fact, Gillfield frequently hired white pastors before the crackdown, perhaps as a preemptive deflection of white criticism of the church’s autonomy. The pastor was not often present, either before or after the mandate, however, and African American deacons ran the church, taking responsibility for admitting new members, raising church funds, managing expenses, and handling church discipline. Black leaders’ strategic compromises with denominational leaders and state law enabled them to maintain control of the major functions of the church. Gillfield Church, by and large, was a black space where people of color, enslaved and free, voluntarily submitted to moral surveillance and judgment by fellow African Americans.⁴⁵

The fact that Gillfield was a black space does not mean that members easily escaped charges of misconduct. Baptist theology as applied in Virginia prized individual relationships with God as well as the equality of all believers. Baptists also believed that “the meaning of the sacred text, the shape of Christian spirituality, and the regulation of virtue” belonged to the “redeemed community” collectively; the Baptists had no hierarchy.⁴⁶ Clergy and congregants believed in spiritual equality, but they also saw the

⁴⁴ Hillman, “Drawn Together, Drawn Apart,” 179.

⁴⁵ Hillman, “Drawn Together, Drawn Apart,” 140-43; for the role of deacons and the role of discipline in southern Baptist churches more generally, see Jessica Madison, *In Subjection: Church Discipline in the Early American South, 1760-1830* (Macon, Georgia: Mercer University Press, 2014); Gregory A. Wills, *Democratic Religion: Freedom, Religion, and Church Discipline in the Baptist South, 1785-1900* (Oxford: Oxford University Press, 1997).

⁴⁶ Wills, *Democratic Religion*, viii.

church as a bastion of purity. They resolved to keep it ever thus.⁴⁷ Gillfield, like most Baptist churches of the time, held weekly “conferences,” where deacons and congregants conducted business, particularly disciplining church members. Any member could charge another as long as they had taken “gospel steps” beforehand, trying first to resolve the sinful behavior or dispute privately. Once members appointed to do so had investigated the charge, the deacons made a recommendation to the congregation regarding the type of discipline that should be exercised. The options were: acquittal, forgiveness, reprimand, suspension (exclusion), or expulsion from the church.⁴⁸ Baptists “believed that God rewarded faithful pruning [excommunication] by raining down revival.”⁴⁹

To hold itself separate from the world, the church had to hold its members to a higher standard, and members and leaders alike policed behavior vigorously. This may have been especially true for a church like Gillfield whose members had to contend with the possibility that white citizens could declare their religious activities dangerous. For this and other reasons, any individual action that reflected poorly on the church, whether a big or small infraction, brought swift and decisive results. Charges against members could range from adultery to drunkenness and fighting, or even to “repeated wispering [sic]” in conference, or “having resorted to a place of too much mirth.”⁵⁰ Those committing minor infractions, such as whispering and leaving conference early, received only a public rebuke, but anything more serious could result in expulsion. Racist tropes

⁴⁷ Wills, *Democratic Religion*, 18.

⁴⁸ Madison, *In Subjection*, Introduction and Chapter 5; Wills, *Democratic Religion*, 20-22.

⁴⁹ Wills, *Democratic Religion*, 8.

⁵⁰ Records of Gillfield Church (Baptist), 17 November 1819; 1 November 1821.

about black excess and immorality were another reason to keep the church and its members above reproach—so that the church did not provide justifications for more white control.

Setting and enforcing marriage rules and policing adultery and sexual misconduct occupied Gillfield Baptist Church's disciplinary board more than any other category of sin. Between 1815 and 1827, the church heard eighty-eight charges of adultery or sexual misconduct out of 272 disciplinary matters.⁵¹ Men served as deacons and preachers, but women could bring accusations against men or women and were appointed to collect evidence or cite a fellow sister with wrongdoing. The church ferreted out and punished adultery far more aggressively than the legal system did, but, within the church, a woman could expect to be heard and believed. Furthermore, women members were allowed to vote on disciplinary issues.⁵² The church took marriage very seriously and expected even its enslaved members to remain life-long partners while also accounting for the realities those members faced. Enslaved John Tazwell asked for permission to take a second wife because his first had been sold away more than a year before. The church acquiesced, demonstrating that Gillfield maintained some willingness to bend theology to accommodate the cruel vagaries of slavery. But perhaps because so many members were enslaved and could not legally marry and because those who were free did not always

⁵¹ Records of Gillfield Church (Baptist). By my tally there were 88 charges of adultery or sexual misconduct, 25 for other marriage related matters, 54 charges of fighting, committing violence, or threatening to do so, 28 alcohol related charges, 27 instances of bad language, 26 for disagreement with a member, and 24 for the catch-all charge of disorderly conduct. There were 272 matters during the 126 months studied. The vast majority of those accused were disciplined, resulting in an average of a little under two convictions per month.

⁵²Madison, *In Subjection*, 51.

choose to wed, determining which relationships should be recognized as marriage could be tricky.

Sometimes congregants asked the church to adjudicate their personal situations, such as when “Sister Eliza Colson came forward complaining that she was left alone by her husband desired to be advised by the church what to do in that case, it was desired that brethren Jacob Howel, Sterling Mann, and Luke Tayborn wait upon Sister Eliza and her husband (a man of the world) enquire into the nature of the matter, and report next Thursday.”⁵³ The next week, however, the church could not come to a resolution after “lengthy debate” and postponed a decision.⁵⁴ The week after that, “upon mature examination,” the church “found the matter that relates to Sister E. Colson to lie in a very difficult state.” They asked another panel of deacons to deliberate further on the matter. One more week passed before the church agreed, “It was thought recommendable to leave her as we found her that is to say a woman with a husband.”⁵⁵ Eliza Colson did not like the decision, and she took matters into her own hands, perhaps, like Arena Jones, out of necessity. In July, members called her to answer charges about an “affair” with James Alexander, another member. In August they were both expelled, the one “for leaving her husband and the other for taking a man’s wife.”⁵⁶

In the Baptist Church, however, a case was rarely if ever fully closed if the ex-member wanted to be restored to membership. Three years later, Eliza Colson and James Alexander applied for reconciliation with the church. Since they were still living together

⁵³ Records of Gillfield Church (Baptist) 13 May 1819. “Man of the world” refers to the fact that James Colson was not Baptist or perhaps not religious at all.

⁵⁴ Records of Gillfield Church (Baptist) 20 May 1819.

⁵⁵ Records of Gillfield Church (Baptist) 2 June 1819.

⁵⁶ Records of Gillfield Church (Baptist) 15 July 1819; 4 August 1819.

as though married, they could hardly claim repentance for the sins that let their original expulsion. The lengthy discussion that had taken place about Eliza Colson's status in her previous hearings prompted church leaders to take another look at her case. They appointed several members to "visit Mr. Voinard [sic] family of white people and inquire of them whether Jas. [James] Colson ever asked for their maid servant Eliza desiring to make a wife of her."⁵⁷ The committee returned with their findings, and "consequently the church conceived her to never have been Jas. Colson's wife."⁵⁸ The church overwhelmingly voted to restore the couple to membership, but four members dissented. Since restoration to membership required a unanimous vote, the church leaders allotted another week's time to convince the objectors. The next week, three of the four were reconciled, and the last one, Brother Beverly Gillies, was expelled for contradicting two witnesses' testimony.⁵⁹ The church was eventually able to restore Eliza Colson and James Alexander, and the case demonstrates that Gillfield leaders could evolve in their thinking about matters as weighty as marriage. Since Eliza was likely enslaved, there could have been no legal union, and James Colson never asked for her hand in marriage to make it a de facto one. Therefore, her union with James Alexander was never adulterous. Eliza and James Alexander also displayed their willingness to be ruled by the church by asking for these investigations to take place. Not everyone was so keen to be examined.

⁵⁷ Records of Gillfield Church (Baptist) 2 March 1822.

⁵⁸ Records of Gillfield Church (Baptist) 16 March 1822; Eliza Colson may have been enslaved and was not the mother of any of James's free children.

⁵⁹ Records of Gillfield Church (Baptist), 24 March 1822. Refusing to hear the church was the most unpardonable sin because a key tenet of Baptist faith was that members should submit themselves fully to discipline.

Sometimes, either in response to a rash of problems or after a debate on doctrine, the church would announce changes in or stricter enforcement of marriage rules. In March 1815 the deacons “agreed, that if any member, or members, be disposed to marry, [they] shall give notice to the Church of their intentions; if the parties be neither encumbered, they are at liberty to marry at home or elsewhere.”⁶⁰ By 1819, Gillfield leaders tried to tackle the problem of people who could legally marry but did not. The deacons decided to give such couples a grace period to remedy the situation, “after which time if they do not marry according to law, [they] should be expelled from fellowship.”⁶¹ A few members indeed faced punishment for not complying, including “Myney Acher and Juley Casey [who were] expelled for living with men whom they call husbands and yet not married they all being free people.”⁶² Even as the church enforced that rule, however, it briefly backpedaled on the policy of being consulted prior to a marriage, stating, “The rule forbidding members taking Husbands or wives without previous notice given the church is done away believing it not according to scripture.”⁶³ In 1822, the church reasserted its authority over who could marry, declaring “that every Brother and Sister, before coming together as man and wife shall obtain a certificate from the Cl[er]k of the Church to make the marriage lawful with the church and that the brethren appointed to preach in s[ai]d church shall marry them and return the certificate to the

⁶⁰ Records of Gillfield Church (Baptist) 2 March 1815; On February 18, the church sent a committee to talk to Letty Brown to determine if the person she wanted to marry was suitable. When they reported back, they were “discharged” with no further action resulting. Brown’s partner must have been deemed acceptable.

⁶¹ Records of Gillfield Church (Baptist) 2 March 1819.

⁶² Records of Gillfield Church (Baptist) 6 July 1822.

⁶³ Records of Gillfield Church (Baptist) 7 November 1821.

church.”⁶⁴ This last rule allowed the church to keep track of who was legally married according to church law without involving civil law, meaning that church leaders no longer had to wade through the various combinations of enslaved and free partners to determine who had status as married couples. The church had tried to relax and let people choose their partners, but the importance of containing believers’ sexual activity within the bounds of moral, Christian marriage was too great to allow members too much room for discretion.

Though the church demonstrated understanding of the realities of slavery and evaluated each case carefully on its merits, the investigations were rigorous and the results public, exposing people’s private lives before the congregation and potentially to members of the community who turned up for these open meetings.⁶⁵ Church members accused other members of a range of sexual offenses, and men and women were prosecuted and punished relatively equally. Sometimes, the church record was brief and straightforward, stating simply that a brother or sister had been expelled for the sin of adultery. Other cases demonstrate that lesser charges of sexual indiscretion could also lead to expulsion. The church expelled Phillip Wright and Robin Tucker for “frequenting” women’s houses after already having been admonished for doing so.⁶⁶ Brother John was dismissed for “being overfond [sic] of a man’s wife.”⁶⁷ All of these sins were definitely more redeemable than Daniel Osborne’s. Osborne promised he would marry a sister and then lived with her and impregnated her. The church expelled him for

⁶⁴ Records of Gillfield Church (Baptist) 3 August 1822.

⁶⁵ For a period of four years, 1820-1824, the church only conducted business “behind closed doors” with only church members present. In May 1824 leaders agreed to abolish this practice. Records of Gillfield Church (Baptist), 30 September 1820, 4 May 1824.

⁶⁶ Records of Gillfield Church (Baptist), 8 April 1818; 4 April 1821.

⁶⁷ Records of Gillfield Church (Baptist), 2 July 1825.

“denying it in the first instance and at the same time had a wife unbeknown to her.”⁶⁸ The church, in this case, demonstrated that even though rules were rigid, leaders could be humane. The “sister” was not named, nor was she expelled.

The church could be more lenient when a sinner gave reasonable grounds for having committed the sin and demonstrated repentance, but the leaders and congregation were not by any means easier on women than men. Women, too, were sometimes dismissed for behaviors that resulted in public rumors about sexual misconduct. Whether or not it had been by her own volition, Rachel Reed was expelled for “being shut up in a room with a white man.”⁶⁹ Other women faced dismissal for leaving their husbands, especially if they “took up” with another man—but the same was true for Brother Simon who left his wife and took up with another woman. Peggy Lacy charged “a sister for poisoning her” but was herself expelled when she was found to be pregnant, presumably out of wedlock.⁷⁰ Many women who were excommunicated worked to be reconciled with the church and welcomed back into its fold, as did many men.

Other women begged to be allowed to leave. In July 1823, the minutes noted “Charlotte White put under suspension for requesting church to expel her upon illegal terms.”⁷¹ She was relieved of her suspension a few weeks later, but her name never appeared in the records again. Lydia Parham went so far as to nominate a committee to expel her, stating that she wished Daniel Scott, John White, and Baugh’s David to do it.⁷² Why these women requested expulsion is unclear. Most people who wanted to leave

⁶⁸ Records of Gillfield Church (Baptist), 2 June 1825.

⁶⁹ Records of Gillfield Church (Baptist) 27 June 1823.

⁷⁰ Records of Gillfield Church (Baptist) 2 July 1825.

⁷¹ Records of Gillfield Church (Baptist) 20 July 1823.

⁷² Records of Gillfield Church (Baptist) 10 July 1824.

simply did so, relying on the church to expel them for lack of attendance. Some women may have appreciated a disciplinary structure that policed men's sexuality by the same standards as women's. Other women appear to have chafed under the additional yoke of scrutiny.

Both whites and blacks surveilled others' sexual behavior and evaluated the boundaries of what was acceptable, but the interpretation and condemnation of those behaviors differed based on race. Whites expected black women to be unchaste, and court officials required less evidence of their infidelity than they did when white husbands levied the charge against their wives. When white husbands did charge their wives with adultery, association with women of color "commonly known" to be of ill fame bolstered even the weakest cases.⁷³ People of color tended to be more understanding in their evaluation of black women's sexual propriety. None of the men of color who testified against Arena Jones in her husband's divorce suit used disparaging language against her for living with men; they accepted that her response to her circumstances fell within the realm of tolerably moral behavior. Within the all-black Gillfield Baptist Church, women found more assertively prosecutorial morality police but also a structure that allowed their voices to be heard and their votes to count. In fact, being held to a strict moral code in a society that deemed them incapable of practicing morality may have been rewarding for some. In exchange for their willingness to submit to discipline, churchwomen gained a leadership that also prosecuted men for sexual misconduct, a community that

⁷³ The same was true for white women seeking divorce from their husbands. Araminta Williams (chapter 3) grounded much of her divorce petition on her husband's notorious affair with a black woman, Betsy Elebeck.

considered carefully the realities of black life when making judgments, and, maybe most important of all, the possibility of redemption.

The combination of white assumptions about African American women's sexuality and white men's political, social, and racial power should make it no surprise that black women's bodies were the least physically protected in Petersburg. Southern society rested on the threat of violence to maintain order and prescribed who could wield violence toward whom and under what circumstances. Ideally, white men could use moderate, dispassionate violence to control all in their households; the prerogative of using violence attached, in descending order to white women, free black men, enslaved men, and at the very bottom free and enslaved women. Women of color thus could and did face violence from every quarter in Petersburg. Free women did have some means of escape from relationships or situations that put them in harm's way. Free women of color and enslaved women were also prepared to push back against abuse and to perpetrate their own violence. Sometimes they successfully defended themselves; more often they found themselves in jail or in a grave. The legal system gave enslaved and free women of color the least amount of room to argue for their own protection against violence. The state even participated in perpetrating violence against these women in the form of branding and whipping. Free women of color faced violence from white authorities, ordinary white men, white women, black men, and other black women, and in a city where people observed their neighbors' activities and often entered each others' homes with or without invitation, precious few people stepped in to defend or assist them.

The most detailed evidence for the vulnerability faced by free women of color in Petersburg comes from cases of domestic violence in which a black woman was severely beaten, wounded, or killed by her partner or other family member. The vulnerability derived in part from a social and legal system that largely ignored black women's pain, and it became visible because that society was willing to punish black men more than white men or women.⁷⁴ White men and women perpetrated their fair share of domestic violence; however white victims more often had resources, family, or community members they could turn to or who voluntarily stepped in when abuse became severe.⁷⁵ Even when the perpetrator and victim were both white, perceptions that family matters were private affairs discouraged people from intervening as domestic disputes escalated, but, in Petersburg, black women faced the most severe repercussions from such an attitude. Realizing that the number of women of color who were severely wounded or killed is underrepresented in the criminal records, largely because white men were almost never tried for such a crime, studying these cases provides a window into how little public value attended black women's lives and well-being in Petersburg.

As the autumn sun rose on November 14, 1806, Sarah Vaughan woke up and immediately discerned that "something ruinous had took place."⁷⁶ Her son, James Vaughan, was bloody, "walking on the steps before his door with a razor in his hand and

⁷⁴ Kimberlé Williams Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," in eds., Kimberly Crenshaw, Neil Gotunda, Gary Peller, and Kenadall Thomas, *Critical Race Theory: The Key Writings That Formed the Movement* (New York: The New Press, 1995), 357-383. Crenshaw stresses the vulnerabilities women of color face as a result of living at the intersection of multiple forms of oppression.

⁷⁵ Robin C. Sager, *Marital Cruelty in Antebellum America* (Baton Rouge: Louisiana State University Press, 2016), chapter 5. See also, Tera W. Hunter, *Bound in Wedlock*, 106-114, 235; Nancy Cott, *Public Vows* 161-162, ; Bardaglio, *Reconstructing the Household*, 33-34.

⁷⁶ Hustings Court Minutes, Reel 25, 21 November 1806.

appeared to be in a state of agitation.” Robert Brownly, a white man, walked past Vaughan’s house very early that morning, and, upon observing the older black man, asked him why he was so distressed. James Vaughan could only reply, “Lord Lord I have done wickedly,” without saying exactly what that wicked act had been. He asked Brownly to “take the Razor and cut his throat.” Brownly replied that he would not, but that Vaughan “might do it himself if he chose.” Without investigating further, Brownly went on his way to the market, where he mentioned that “some mischief had been done,” suspecting murder but seeming not to consider it his place to intervene in any way, not even to ask whether some help might be rendered to the person whose blood covered Vaughan.

James Vaughan, by any standard, had achieved much in his fifty-one years. He never legally married, but he lived with Milly Johnson as his wife. Vaughan had lived with at least two other women as wives before Milly, fathering Sarah Vaughan by Polly Hill and John Vaughan by Ann Stephens.⁷⁷ He acknowledged and supported those children and also took care of his eighty-three-year-old mother, Sarah. He was able to do so because he had prospered financially. Vaughan owned a town lot in New Blandford, four slaves, and three horses; he had \$1280 in cash and about the same amount in bonds due to him.⁷⁸ He associated with prosperous and well-respected white men who seemed to hold him in some esteem. But sometime during the night of November 13, 1806, something compelled him to find his razor and to slit Milly Johnson’s throat.

⁷⁷ James Vaughan, Will, Petersburg (Va.) Hustings Court Will Book 2, 1806 – 1827, Microfilm, Reel 18, LVA, 182.

⁷⁸ James Vaughan Will.

As Robert Brownly walked on by, Alexander Taylor, a white man, was on his way to the Vaughan house, summoned by Sarah, probably through one of her slaves. When he got there, Taylor described a truly horrific scene. In the back room, dimly lit by the rising sun, he saw Milly Johnson's body laid across the bed and dangling off of it, covered in blood from the gaping wound at her throat.⁷⁹ Taylor, without touching or otherwise examining her, left the house to find someone to arrest James Vaughan. He met a Mr. Stott who told him to "go back & know if the woman was dead." Taylor went back to the house, saw Milly Johnson lying in the same position, and took that as all the evidence he needed. It was only after Vaughan was arrested and the coroner summoned that anyone touched Milly Johnson; she was still warm.

Brownly and Taylor were the only two people to testify in the grand jury investigation, making it difficult to get a picture of James and Milly's domestic life and what might have precipitated her murder at his hands. It seems clear, however, that there were opportunities for others to intervene before she died, and nobody did. First, the Vaughan household had five other people living in it besides the couple: James Vaughn's mother, Sarah, his enslaved woman, Fanny, and her three children. Most instances of domestic abuse escalated over a long time.⁸⁰ If that was the case in the Vaughan house, Sarah Vaughan, Fanny, and Milly herself might have told someone of his temper, but they did not.⁸¹ If Sarah felt herself too dependent on James and Fanny just wanted to

⁷⁹ Hastings Court Minutes, 21 November 1806.

⁸⁰ Sager demonstrates how many courts saw verbal cruelty as a precursor to physical cruelty and later discusses how women showed marks on their bodies to neighbors to document the escalation of abuse. Sager, *Marital Cruelty*, chapter 1 and chapter 5.

⁸¹ Sager discusses how (white) women would take friends and neighbors into their confidence and reveal the marks of their abuse to them, sometimes stripping entirely naked to do so. This was a testament to how desperate even white women were that someone acknowledge their bodily harm. For women of

protect her children, surely the next-door neighbor, Robert Russell, had heard something amiss and could have intervened. Russell was a white man, and many whites had no compunction about intervening in black homes or apprehending black people if they thought something was amiss.⁸² Even if no prior quarreling or violence had occurred, someone in the house must have heard something the night of Milly's murder. Unless Milly was asleep when James cut her throat, they likely argued, or she cried out as he came at her with the razor. Even if none of that was the case, once the assault had happened, not one person touched or cared for Milly. Sarah sent for the white man, the white man sent for the police, and the police summoned the coroner's jury. Only then did they realize that Milly might have been still alive that morning. With such a wound as the witness described, there may have been little anyone could have done to help her beyond making her more comfortable, but that would have shown more regard for her than leaving her as she was. James Vaughan had been very upset over the matter, crying and anticipating his fate, and he indeed stood trial and was hanged for the crime. White authorities were more concerned with apprehending and prosecuting a mulatto man for excessive violence than they were for the woman whose life he ended.

Milly Johnson was just one of a number of women whose lives were taken or endangered by domestic violence. Patsy Hicks resisted her attacker, who was her brother rather than an intimate partner. Neighbors reported hearing "a racket" or "considerable

color, marks of abuse were far more common; many whites believed them to be able to withstand more pain and that black men were incapable of regulating their passions—sexual or violent—making it even more difficult to enlist anyone's aid. Sager, *Marital Cruelty*, Chapter 5. See also, Jennifer Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004) 40-49.

⁸² Hustings Court Minutes, Reels 25 and 26.

noise” at Patsy Hicks’ home just after supper.⁸³ Ann Dugard, one of the neighbors, went to her own door and saw that Patsy’s brother, Bolling Hicks, was in his sister’s house and that they were quarreling. She saw Charles Elliott, a white man, there and reported that, “after making some threats he [Bolling Hicks] went to the door and drew a knife.” Dugard shouted to Patsy to warn her that Bolling was armed. Patsy was fed up with her brother, however, and “went to the door & pushed him out & he stabbed her in various places.”

Dugard and Elliott both intervened in the situation, but neither of them stopped the attack. Elliott may have even escalated it. Ann Dugard, a woman of color with two young daughters, seemed to weigh her own well-being and family responsibilities as she faced the possibility of getting hurt.⁸⁴ She shouted from her doorway to warn Patsy but refrained from confronting Bolling herself. Charles Elliott was, in fact, not present at the time of the stabbing. He testified that after supper he heard trouble at a house “a little ways off” and went to investigate. According to Elliott “the prisoner [Bolling Hicks] was swearing and making a great racket,” so Elliott told him to stop and returned home, perhaps thinking that admonition from a white man would settle Bolling down. Or, perhaps, Bolling turned his “very fierce looking eyes” on Elliott, making the white man decide to leave.⁸⁵ A short time later Elliott heard more noise and went back to the Hicks home. “Ann Dugard was there and told him if he did not make the prisoner go away he would kill the woman.” Elliott, seemingly, failed to do as she asked. Finally, another

⁸³ Hastings Court Minutes, Reel 26, 6 November 1816.

⁸⁴ List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA.

⁸⁵ John Grammar, clerk of the Hastings Court, recorded Bolling Hicks’s registration, describing him as a thirty-year-old dark brown man, almost five feet seven inches, with a long scar on his cheek, a missing front tooth, and “very fierce looking eyes.” Register, Reel 47, no.783.

white man, John Petross, arrived and asked Bolling Hicks what he was making such a fuss about. Bolling, not backing down, “replied that he was at his sisters house & was damned if he would not do as he pleased” before walking off. When Petross saw the stab wounds, he followed Bolling, “caught him and took him into custody.”⁸⁶

Dugard seemed truly concerned for Patsy Hicks, but she was unwilling or unable to confront Bolling Hicks directly. Charles Elliott wanted the noise to stop, leaving Patsy alone with her angry brother once he made his demand. Bolling Hicks, probably made even more irritated by the white man’s interference, tried to assert his masculine authority in his sister’s home. When she, too, challenged him, he stabbed her. Petross, wielding the power that seemed inherent to every white man, took it upon himself to escort Hicks to the authorities. Once again, white surveillance and intervention demonstrated willingness to police black men but less concern for black women. In this case, a white man’s interference in the home may have resulted in more anger, which Hicks had the presence of mind not to vent on a white man. His sister bore the brunt of his anger instead, and though he stood trial and spent at least five months in jail, where, ironically, a fellow white inmate stabbed him, he was a free man by 1821.⁸⁷ Luckily, Patsy Hicks survived her wounds and lived with her daughter in 1821.⁸⁸

Polly Steward escaped being wounded by her intimate partner, largely because her friend was the one who confronted him. Steward wanted to move out of the house she had been sharing with Solomon Brander, and she asked two friends to help her, David

⁸⁶ Hustings Court Minutes, Reel 26, 6 November 1816.

⁸⁷ Hustings Court Minutes, Reel 26, 18 April 1817; List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA. The man who stabbed Bolling Hicks in jail was white and was only charged with breach of the peace.

⁸⁸ List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA.

Lewis and Willy Steward.⁸⁹ On the appointed day, Lewis arrived first, which was the first Brander had heard of Polly's plan to leave. Brander and Polly began "disputing," and were in the thick of it when Willy Steward arrived. Steward tried to "ask what was the matter . . . when some abusive words passed between them when she [Steward] struck him with a tester of the Bed." Brander, who had his shoemaker's tools nearby, grabbed his hammer and a knife. He took a swipe at Willy but missed her and hit Lewis instead. Whether from missing his target or because he was more threatening than murderous, Brander only wounded Lewis "slightly." Still, the incident revealed the potential for escalating violence in the home, and Polly Steward's three-year-old son, John, likely watched this alarming scene unfold. Willy Steward struck first, but if Brander had not been so dazed from her blow, he might have been capable of deadly aim and force.

Polly Steward left this volatile situation to go live with a relative, but she did not escape violence. In early 1822, three men were playing cards in her home--a free man of color named Patrick Williams and two other men identified only as Simpson and Boston, possibly slaves. Simpson reported "that after they stopped Polly Steward[d] ordered the prisoner [Patrick Williams] out of the house & on his refusing to go attempted to put him out & got him to the next room, when on letting him go, he returned & another scuffle ensued..."⁹⁰ Eliza Griffin also witnessed the altercation. She testified that she "was at Polly Stewards in the morning the prisoner came in and after a while was ordered out but

⁸⁹ Hustings Court Minutes, Reel 26, 21 April 1820.

⁹⁰ Hustings Court Minutes, 17 January 1822; people with the last name Stewart show up as Steward, Stuard, and Stuart, sometimes with different spellings used in the same document. The difference between Steward and Stewart in the two cases does not indicate she was a different person. Cross-referencing registration and census records builds a strong case for her being the same person as in the earlier domestic violence incident. List of People of Color for the Town of Petersburg for the year 1821, African American Digital Collection, LVA; Registry, Reels 47 and 73, nos. 668, 1023.

refused to go & Polly Steward said she would put him out and a scuffle ensued. The prisoner got her in a corner and gouged her but she did not see him strike her.” Polly Steward got Williams out of the house eventually, where neighbors saw him throwing rocks at her as she was “endeavoring to shut the door.” That evening, Polly complained of “great pain” in her breast and could not see. She died a few days later.

Polly Steward may have attacked first, but, as in many cases where women of color asserted themselves, Patrick Williams had the last word. No fewer than six witnesses viewed the altercation. Of the three women, only Eliza Griffin, another woman of color, was in the house and did not seem to have offered aid. The other two women, Elizabeth Nixon and Susanna Chambliss, probably white, witnessed Williams throwing rocks once he was out of the house. One of the men inside the house, Simpson, tried to part them and took an ax away from Polly. Though we could say he tried to end the confrontation, he seemed to believe he was protecting Williams from her rather than the other way around. He testified that Polly Steward had “a couple of scratches” on her face “but saw no blows pass.”⁹¹ James Leonard, a white man, was “passing the house of Polly Steward[d]” and saw Williams lobbing rocks; Leonard stayed there “some little time” but did not interfere. Finally, Robert Burge, another white man, “heard a fuss” and knocked Williams down. He went into the house to find Polly, who said she had been beaten, but by the time he intervened, the damage had been done.

The white men who examined Steward’s body, however, were not convinced that the injuries she sustained caused her death. Daniel Butts, the coroner, saw a bruise on her

⁹¹ Hustings Court Minutes, Reel 26, 17 January 1822. I have determined Patrick Williams to be a free man of color based on the fact that Simpson and Eliza Griffin, both black, testified against him. Nobody was identified as his owner, so he was likely not enslaved.

breast, “but the general appearance of her body prevented positive conclusion of the consequences of the bruise.” A doctor, Luke White, visited Steward before she died and reported that though “both her eyes were very much bruised,” he saw “no marks of such violence as would occasion an immediate death.” Coroners’ juries had previously determined that “blows and bruises” had killed two elderly black men and one white man but doubted that a nineteen-year-old black woman could have succumbed to her injuries, even though she named Williams’ abuse as the cause of her death before she passed.

Other women, instead of physically pushing back, withstood abuse for years before leaving their marriages or filing for divorce. When these women were abused by sexual partners, acquaintances, or family members, they did, at times, have means of escape. Women of color who left their lawful husbands faced legal and financial liabilities that could only be remedied by a court of chancery. In 1850, and again in 1853, the legislature expanded the legitimate grounds for divorce and gave chancery courts even more discretion to determine other possible grounds not defined by the statutes.⁹² The grounds of cruelty had been cause for separation and divorce since the colonial period, and by 1853 had been expanded to include sexual excesses and verbal cruelty as part of its definition.⁹³ Nevertheless, women of color rarely presented divorce petitions on the basis of cruelty alone. They, or their lawyers, felt compelled to prove that more than one kind of cruelty had occurred or that cruelty was part of a pattern of excess that

⁹² Riley, “Legislative Divorces in Virginia;” Sager, *Marital Cruelty in Antebellum America*, 9.

⁹³ Peter Bardaglio says, and Sager agrees to an extent, that cruelty as the sole grounds for divorce was relatively rare in the southeast, becoming more prevalent in places such as Texas. Still, Sager sees increasing use of cruelty as grounds for divorce in Virginia across the antebellum period. Peter W. Bardaglio, *Reconstructing the Household: Families, Sex, and the Law in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 1995), 33-36; Sager, *Marital Cruelty in Antebellum America*, 7.

led to the breakdown of marriage duties, which essentially entitled men to sole sexual access to their wives and rights to their labor and entitled wives to their husbands' financial support. These women could not claim protection of their bodies alone; they had to prove that their husbands were beyond redemption and that the women, themselves, had brought none of the abuse, adultery, or desertion upon themselves. They not only had to prove that their husbands had abused them; they had to prove to a judge that they did not deserve it.

Eliza Parham spent twenty years as a battered wife before seeking a divorce on the grounds of desertion. The marriage had begun auspiciously enough. She and George Parham met when they were working for the same family in Baltimore. A friend and fellow employee recalled their wedding. "George and Eliza went over in a hack to Baltimore and on their return said they had been married. While they were gone I had been preparing a wedding supper for them."⁹⁴ Sometime after this happy beginning, the Parhams returned to Petersburg, where they were both originally from. "For the first four or five years of their marriage," according to the Parham family physician, C.F. Couch, "he [George Parham] was an industrious, sober, hardworking negro." After that, his behavior deteriorated, and the abuse began. Robert Parham, the couple's eldest child, recalled that Eliza "received much unkind treatment from him. He was frequently in the habit of beating her—and continually quarreling with and cuffing her about." Dr. Couch confirmed that George had abused his family, stating, "I have been called in to attend to his wife for injuries inflicted by the defendant by beating and maltreating her and have

⁹⁴ Deposition, *Eliza Parham v. George Parham*, Chancery Causes, 1857-009, Petersburg (Va.), Chancery Records Index (digital), LVA.

known of his cruelly beating his son so as to render medical treatment necessary.”⁹⁵ This white man confirmed that George’s actions were not the sort of discipline that was the prerogative of a husband and father but severe and uncontrolled abuse.

One might expect that this kind of testimony would be enough to obtain a divorce on the grounds of cruelty, but the case really depended on George Parham’s violation of marital responsibilities and Eliza’s adherence to them. Even while living with his family, George decided he no longer needed to provide for them. According to Dr. Couch, George “became dissipated, lazy, and provided no manner for the sustenance of his wife & family.” George then started becoming a part-time resident of his home, not counted with his family in 1850 and having abandoned them altogether three to four years before the depositions were taken.⁹⁶ George Parham’s peregrinations took him first to Cape May, New Jersey, then to New York, and he was last known to have been in Philadelphia. George’s family claimed never to have heard from him since he left. George had failed in his primary masculine duty, to support his family financially.

In contrast, Eliza Parham had been a dutiful wife and mother. Robert Parham even testified that his mother had been “affectionate” to his father. A neighbor said simply, “she acted as a wife should do.” Dr. Couch elaborated, saying that she had “to support the family by nursing and taking in washing,” jobs any married woman of color might have done, but not as the sole wage earner. He further adjudged that “she has so far as I know been industrious and conducted herself with propriety.” Had Eliza Parham not been above reproach, she might not have gotten her divorce on the terms she wanted. The

⁹⁵ C.F. Couch, Deposition, Eliza Parham vs. George Parham, Chancery Causes, 1857-009.

⁹⁶ 1850 U.S. Census, Petersburg, Virginia, Population Schedules, www.ancestry.com (accessed June 14, 2018); C.F. Couch Deposition, Eliza Parham v. George Parham, Chancery Causes, 1857-009.

judge declared her and her husband divorced from bed and board, denied George access to her property, and awarded her full custody of her children. Still, while George had to pay all court costs, Eliza Parham had no future claims on her ex-husband's income. Since she had survived "by her own labors," it seems that the judge expected her to keep doing so without her ex-husband supporting her or their children. Though George had no money or property anyway, that part of the decree, along with her inability to remarry, rendered her permanently ineligible for spousal support, even though she had not contributed to the demise of the marriage in any way.

Elizabeth Armistead began her divorce petition claiming physical abuse, but her lawyer, Thomas Drury, emphasized Joseph Armistead's many other failings as well as her impeccable morality and conduct in the face of it. Elizabeth filed for divorce after sixteen years of marriage to a violent man. According to the petition, Joseph had "been insufferably abusive to her and drove her away from his house, until to protect herself from his violence and mal treatment she was compelled to fly his residence and seek refuge in the home of her mother, Nancy Walden."⁹⁷ Most of the rest of the case, however, highlighted Joseph's adultery and failure to support Elizabeth financially. Many witnesses supported her allegations as to his infidelity. According to one, "Joseph Armistead did live in open adultery with Lucy Pretlow before he left for Baltimore. It was notorious all over town." Even before Elizabeth had been forced to retreat to her mother's house with her son in 1854, Joseph had begun supporting Pretlow; prominent white merchant and landlord James Ruffin testified that Lucy Pretlow had occupied one of his houses since 1853, and Joseph had paid her rent for nearly three years. Others

⁹⁷ Petition, Depositions, Elizabeth Armistead v. Joseph Armistead, Chancery Causes, 1860-011, Petersburg (Va.) Chancery Records Index (digital), LVA.

confirmed that Jacob Armistead and Lucy Pretlow had lived together “as man and wife.” In addition to being cruel and adulterous, he failed to support his wife or their child, even though he had the means to do so through steady work as a plasterer. Elizabeth took in washing and sold milk to provide for her household. Finally, Joseph left town in 1855 with no indication that he would return. After her son died in 1858, thirty-five-year-old Elizabeth Armistead sought to end all legal ties with his father.

Proof of Joseph Armistead’s abuse, adultery, and desertion was only half of the case she had to make to accomplish her goal. The other half depended on her character and fulfillment of her duties as a wife. First, her lawyer emphasized that, though Elizabeth was then childless, she had borne three children during the first decade of her marriage. This fact confirmed that she had fulfilled her sexual responsibilities to her husband. One witness, Elizabeth’s doctor, confirmed that the children’s deaths had not been the result of her neglect or abuse, saying, “she was as much attached as I have ever seen a mother....” Elizabeth Armistead had satisfied her parenting duties within the union. She had also proven herself a woman of good character within her community. Her doctor testified that she always paid her bills promptly.⁹⁸ Elizabeth’s white employer stated, “I have formed a very favorable opinion of her as a reliable woman in all the money transactions my family have had with her, and her genteel deportment in the service of my family.” Not only did he call her deportment “genteel,” but he even referred to her as Mrs. Armistead, using an honorific white men did not normally bestow upon women of color. A fellow woman of color claimed, “She was a good and

⁹⁸ Thomas A. Proctor, Deposition, Elizabeth Armistead v. Joseph Armistead, Chancery Causes, 1860-011.

affectionate wife and has always acted the lady.”⁹⁹ Mrs. Armistead’s lawyer also carefully highlighted her Christianity, producing a witness who confirmed, “She got converted in 1856 and has been a strict member ever since and in high standing in the church and is a moral, virtuous, good woman, so far as I can judge.”¹⁰⁰ Elizabeth Armistead, by these accounts, was a dutiful, faithful, hardworking, and moral woman who did not deserve her husband’s abuse, neglect, adultery, and desertion.

But Mrs. Armistead’s lawyer had one more base to cover: white concerns about slavery, abolition, and free blacks knowing their racial place. In his final note of argument, Thomas Drury stated his views about how this case fit into greater debates within the South.

Elizabeth Armistead bears a high reputation for one of her class, she is a good citizen and a Christian and I think it ought to be the duty of our courts as a round policy to inculcate in this class of our citizens a respect for our laws and to know that whilst we protect and allow them the benefits we will punish any infractions. The greater reverence they are made to feel for our courts and the marriage relations causes them to be better citizens and useful members of society. The oppression of the free Negro population of Virginia seems to me to be really an abolition element in this state and as soon as that class can get rid of the free blacks they will come and attack ourselves.¹⁰¹

Elizabeth Armistead’s divorce, then, would not disrupt the southern gender and racial order; it would reward the kind of black behavior that made the system sustainable. Drury had been careful to demonstrate that Mrs. Armistead knew her place and understood the

⁹⁹ James Davidson, Susan Coles, Depositions, Elizabeth Armistead v. Joseph Armistead, Chancery Causes, 1860-011.

¹⁰⁰ Charles E. Cooley, Deposition, Elizabeth Armistead v. Joseph Armistead, Chancery Causes, 1860-011.

¹⁰¹ Summation, Elizabeth Armistead v. Joseph Armistead, Chancery Causes, 1860-011.

weight her request carried: “Your oratrix is fully aware how improper it is to the good order of society to grant divorces for light and frivolous causes....” He also included her petition to Gillfield Baptist Church regarding the divorce, showing that she was willing to submit to both legal and ecclesiastical authority. Further, what was really at stake was the protection of property, a duty white authorities took more seriously than almost any other. Elizabeth Armistead stood to inherit half of her elderly mother’s real estate when she died, a lot and tenement valued at over \$3000. The central question of the case, then, was not whether she deserved bodily protection, fidelity, or financial support but whether this property should be in the hands of a responsible woman who conducted herself properly or a man of excessive passions. The judge agreed that she deserved a full divorce.

Sarah Briggs Jackson defended herself from her husband’s divorce suit by claiming flight from violence, but the role of that contention in the outcome of the case remains unclear. What is clear is that Cornelius Jackson had a lot to answer for. After nine years of separation, he filed for “absolute annulment” from his wife Sarah, claiming that “she has been committing open and flagrant adultery with others” and that “she has since had children by other persons and is still regarded in the light of an abandoned woman.”¹⁰² Sarah felt the need to protest by providing her own witnesses, even though she did not file a countersuit. Martha Bird, a neighbor of the Jacksons, testified, “sometimes Cornelius Jackson would beat his wife and cause her to leave the house. I used to hear her complaining that Cornelius Jackson did not give her enough to eat.” Sarah’s sister, Betty Briggs, stated, “She ran away Five times to keep him from beating

¹⁰² Petition, Cornelius Jackson vs. Sarah Rebecca Briggs Jackson, Chancery Causes, 1863-026, Petersburg (Va.) Chancery Records Index (digital), LVA.

her.” But these women and others had additional damaging information. They claimed that “before he and his wife separated he staid with Roberta Mabry as his wife.” A total of four women testified to this fact, including Roberta Mabry herself. Furthermore, though Sarah Jackson had other children after she left her husband, her sister maintained that they were by “another man,” not multiple other men.¹⁰³ The distinction was important for these women, who seemed to feel that it was legitimate behavior to leave a man who beat, starved, and cheated on his wife and to choose another. The judge took this testimony into consideration but did not specifically state in which portion—the abuse or adultery—lay his reasons for dismissing the case. He neither punished nor rewarded either spouse; they simply remained legally married, and Sarah Jackson’s children by Cornelius remained his legitimate heirs. In Sarah Jackson’s case, as with those above, the violence on her body had to be augmented with other bad behavior on her husband’s part to gain her recognition as the aggrieved party.

Very few white people faced formal charges for violence, either domestic or public, against free people of color. Black and white people lived in proximity to one another in Petersburg, and while many relationships could remain neighborly, others soured. Elizabeth Vaughan, a white woman, was so angry with her neighbor, Jenny Walker, a free woman of color, that she sent her son out to purchase mustard seed shot, which she proceeded to fire at Walker and her child. Three white people witnessed the attack, perpetrated in broad daylight, and a fourth testified to having given the shot to Vaughan’s son. Elizabeth Vaughan tried to explain away the evidence that her gun had been fired, saying she had used it to scare away some birds. Walker, because she was

¹⁰³ Betty Briggs, Deposition, Cornelius Jackson vs. Sarah Rebecca Briggs Jackson, Chancery Causes, 1863-026.

black and her attacker white, could not testify, but enough white witnesses had come forward to convince the grand jury that Vaughan should stand trial.¹⁰⁴

A jury also indicted several white for David Scott's murder. Again, the attack was public, witnessed by other white men, and it also involved violations of property as well as persons. In November 1815, David Scott came to his door to address a group of young white paper makers making a ruckus "before the door near the house of the black man."¹⁰⁵ The homeowner told the men "he desired them to go from before the door." The young men bristled at being told off by a black man. "They ordered him to be gone & he said there was nowhere for him to go to he was at home." Things had started dying down when Stephen Barazzino arrived and spoke to the lads. "They told him that a black man had insulted them & they were angry." Barazzino went to get a gun so they could "get satisfaction of him." When he returned, he "put the gun in at the window & told [Scott] if he did not give himself up he would shoot him." At this point, the white bystanders, "not wishing to intermeddle observed no further" until they heard the gunshot. One of them hurried back to the scene where he saw Barazzino with "the gun in his hand & found the black man shot who soon afterwards expired." Though Barazzino and some of the other men stood trial, that did not help David Scott, who was murdered in his own home for asking disruptive people to leave his property. The perpetrators' low social class as well as the respectability of the property owner likely encouraged the prosecution. Scott's race was the reason they shot him. It stands out as

¹⁰⁴ Hustings Court Minutes, Reel 26, 22 September 1821.

¹⁰⁵ Hustings Court Minutes, Reel 26, 6 November 1815.

one of the very few cases where whites were held accountable for violence against free people of color.¹⁰⁶

As with adultery, Gillfield Baptist Church punished violence somewhat more aggressively than the legal system did, but, though the church was even less tolerant of violence than the civil authorities were, it provided relatively more justice for people of color, especially women. Women retained the right to make accusations and to tell their sides of their stories. Furthermore, the church disciplinary structure allowed room for an airing of grievances and for reconciliation. Religious authority remained limited in that it only applied to those who accepted it, and the ultimate punishment of expulsion only mattered to those for whom a relationship with the church was important. Still, by strictly policing disputes, even sometimes before they resulted in physical confrontation, the church mitigated and in many cases reformed violent behavior among its members of both sexes.

Church records demonstrate even more frequently than the criminal records do that women could display violent behavior. Except for a few cases, however, this “fighting” was aimed at other women and children. Sometimes it was difficult to identify an aggressor, such as when Sally Vaughn and Franky Tucker were expelled for “quarrelling and spitting in each other’s face.”¹⁰⁷ Caty and Polly Diggs were charged with

¹⁰⁶ Whites were more often charged with violence towards other people’s slaves. Hustings Court Minutes, reels 25-26; Melvin Ely finds that free people of color in Prince Edward County sometimes filed suits against whites for assault, with mixed results. I have found no suits of that nature in Petersburg so far. There is one other case in which a white man, Mercer Baugh, stabbed a black man, Bolling Hicks, in prison. The Commonwealth charged him with breach of the peace. I have found no peace bonds taken out against whites on complaint of blacks. For comparison, see Ely, *Israel on the Appomattox*, 266-271.

¹⁰⁷ Records of Gillfield Church (Baptist) 9 April 1818.

“rude language and abuse of each other publicly,” and they were expelled for “outbreaking language.”¹⁰⁸ Sally White was expelled for striking sister Dolly Calloway, though the disciplinary board recognized that White had been provoked, stating that Calloway was to be expelled “for urging her [Sally White] by stepping over her in the meeting house.”¹⁰⁹ Other fights were more clearly one-sided. Sister Polly Lee faced charges for “unreasonable treatment to a woman she hired.” Lee admitted to part of the charge and owned that she had whipped the woman and would again.¹¹⁰ Since she demonstrated no repentance, Polly Lee was expelled. The church did not name Abbey Webster’s intended victim. She was ordered to attend conference upon report that she had been “dressing herself in mens cloaths and walking the streets by night.” Upon questioning, Webster revealed that she had disguised herself to seek “vengeance on a woman.”¹¹¹ The church expelled her. Women also perpetrated cruelty against children. Polly Phillips, Betsy Matthews, and Sally Elliott Tucker all faced charges for beating or whipping another person’s child “unmercifully.”¹¹² Though women of color were often abuse victims, they also vented their frustrations upon others and fought back when provoked.

Church authorities sometimes charged women in cases of marital discord, including fighting, but they rebuked or excluded far more men for this offense than women. Bidy Boon was expelled “for rioting with her husband.”¹¹³ The deacons held

¹⁰⁸ Records of Gillfield Church (Baptist) 24 August 1823.

¹⁰⁹ Records of Gillfield Church (Baptist) 3 March 1827.

¹¹⁰ Records of Gillfield Church (Baptist) 30 May 1824.

¹¹¹ Records of Gillfield Church (Baptist) 1 January 1825.

¹¹² Records of Gillfield Church (Baptist) 30 September 1820, 10 July 1821, 5 April 1823.

¹¹³ Records of Gillfield Church (Baptist) 2 October 1824.

both Brother Phill Anderson and his wife accountable for their fighting and expelled them.¹¹⁴ John White and his wife, however, were suspended for different causes; the church brought him to task for fighting and her for “going to the law with him.”¹¹⁵ Church members were supposed to solve their grievances under gospel, not civil, authority. If Mrs. White had come straight to conference with her charge against her husband, she might have avoided her suspension. Still, her husband faced discipline and public reprisal for his actions. Some women were charged with contributing to marital fighting but, upon telling their side of the story, earned acquittal. The church called in Mat Lewis for fighting and his wife for disobeying her husband. Upon review, the church suspended him and acquitted her.¹¹⁶ When Beverley Gillis and his wife quarreled, she came forward immediately, faced admonition, and was forgiven; he waited longer and was placed under suspension until he could give a satisfactory accounting of himself.¹¹⁷ The church accused and adjudged some men to be wholly accountable for abusing their wives. Jack Magee, Samuel Brown, and Drewry Smith faced discipline for treating their wives “ill.”¹¹⁸ Though the church counted fighting against anyone a sin, they took a particularly dim view of husbands who hit their wives. To make this clear, Brother Howel asked, for the record, “is it right that a member should beat his wife?” The

¹¹⁴ Records of Gillfield Church (Baptist) 16 March 1823.

¹¹⁵ Records of Gillfield Church (Baptist) 4 January 1823. Mrs. White probably charged John White with breach of the peace, and asked for a peace bond to be taken out on him. A peace bond required the accused and/or two witnesses to be bound to the court for an amount of money, usually ranging between \$20-\$200 for a certain period as a guarantee of good behavior. I have not found this one, but several wives' accusations against husbands were dismissed. See Hustings Court Minutes, Reels 25-26.

¹¹⁶ Records of Gillfield Church (Baptist) 4 January 1823.

¹¹⁷ Records of Gillfield Church (Baptist) 24 August 1823, 4 October 1823..

¹¹⁸ Records of Gillfield Church (Baptist) 25 November 1825; 6 January 1827.

church answered with a firm and resounding, “No.”¹¹⁹ This policy gave married churchwomen more protection within the church than they could expect from any authorities outside of it.

Even, and maybe especially, church leaders faced rebuke and loss of privilege for violent behavior. Peter Valentine was an exhorter and prayer leader, but he was often in hot water with the deacons for his temper. On his first offense, he turned himself in and “stated to the church that he had in passion struck a woman, which conduct he did not approbate in himself.”¹²⁰ Because he confessed and repented, he was only suspended from his leadership role for three months. It was not long before he got himself into trouble again, however. When Brother Daniel Scott asked Valentine to move to the back seats for the Methodist conference and for “the strangers,” Valentine responded, “saying it was god’s mercy that he did not strike him.” Valentine further warned Scott not to repeat his request. The two men worked out their dispute, and Valentine “gave satisfaction” for his “unseemingly conduct” toward Brother Scott.¹²¹ When Brother Valentine was accused of “striking his wife” the following year, the church placed him on immediate suspension from his duties until the monthly conference. He apparently made his case as the church lifted his suspension the very next month.¹²² Peter Valentine challenged the church in many ways, and he was not the only one among the leadership to do so. The congregation seemingly saw a true vocation in him and labored with him,

¹¹⁹ Records of Gillfield Church (Baptist) 2 September 1820.

¹²⁰ Records of Gillfield Church (Baptist) 9 November 1823.

¹²¹ Records of Gillfield Church (Baptist) 4 April 1824, 11 April 1824.

¹²² Records of Gillfield Church (Baptist) 6 August 1825, 3 September 1825. It seems as though Gillfield shared their space with a Methodist congregation, though the minutes do not mention a specific one. There are other entries that suggest cooperation between Gillfield and these unnamed Methodists, such as joining together in fasts or fundraising.

through discipline, to correct his misbehavior. The accusation of striking his wife seems to have been his last infraction.

The church also provided mechanisms for healing rifts before they turned violent. Countless people likely took “gospel steps” with other members and never came before a conference to resolve their disputes.¹²³ When the church caught wind of trouble brewing members worked to solve underlying problems in order to prevent escalation. John White turned himself in to the church, reporting that he had “been tempted to strike his wife which conduct he does not approbate in himself.” The church did suspend him briefly from “exercising his gift” (preaching), but the conference also called his wife forward to account for “not being silent when bid by her husband.”¹²⁴ Gillfield’s leadership was hardly upending conventional marriage roles with their policies; their interventions sought to right those relations before further problems ensued. In this case, John White came to terms with his own sin and had the church ask his wife to do the same, without giving in to his urge to hit her.

In a vein similar to White’s, “Bro James Gillis have requested the church to send a committee to his house to see why he don’t live as a Christian with his family.”¹²⁵ When the committee arrived, however, the couple “had not consulted together to each others’ minds, ” meaning, it seems, that they had not taken the first gospel step of laying

¹²³ Wills, *Democratic Religion*, 25. According to Wills, “Churches could refuse to recognize charges if members had neglected gospel steps, the triple warning formula of Matthew 18.” Matthew 18:15-17 essentially prescribed the following: 1) Go tell the offender his or her fault, just between the two of you; 2) If that does not elicit repentance, take a few people with you to witness. 3) If that still does not resolve the problem, take it to the church. On a few occasions Gillfield remanded cases back to steps one and two.

¹²⁴ Records of Gillfield Church (Baptist) 17 July 1825.

¹²⁵ Records of Gillfield Church (Baptist) 19 June 1825.

their cases before each other.¹²⁶ The committee returned a couple of weeks later, and when they came back to Gillfield, “they reported they had waited upon them pointed to their wrongs and left them reconciled together.”¹²⁷ Sadly, peace only reigned for a little while, and within six weeks, “Bro Bob Holloway reported that Bro Jas Gillis & Wife had been quarrelling and fighting publicly.”¹²⁸ Gillfield sent a committee of brethren to cite James and a committee of sisters to cite his wife, hoping, no doubt, to get to the bottom of the dispute and to help this couple to live peacefully.

Helping sinners toward reconciliation with God and the church was a paramount goal for believers, and leaders and members proved willing to examine matters deeply, to admit when charges were unjust, and to forgive completely when wrongs had been repented of. Venus Hogan was brought in to answer charges “for ill language and threaten[ing] [sic] to whip a sister publicly.” When Brother Tayborn cited her, however, she informed him “that it was owing to Sister Polly Phillips whipping Sister Venus’s child unmercifully which caused the above threats.” Sister Hogan was exonerated and Sister Phillips disciplined instead.¹²⁹ When Polly Phillips arrived at conference, she repented for her sin, and “her concessions with promise of more caution was rec[eive]d as satisfactory to the church and she stands in fellowship as formerly.”¹³⁰ Sisters obtained

¹²⁶ Records of Gillfield Church (Baptist) 2 July 1825.

¹²⁷ Records of Gillfield Church (Baptist) 17 July 1825.

¹²⁸ Records of Gillfield Church (Baptist) 3 September 1825.

¹²⁹ Records of Gillfield Church (Baptist) 29 September 1820, 30 September 1820.

¹³⁰ Records of Gillfield Church (Baptist) October 1820. I find it disturbing that all the women accused of beating children “unmercifully” were immediately forgiven. The church may have pursued this course for a number of reasons. First, they probably believed, as did the wider society, that corporal punishment was a part of childrearing. Second, as we saw in Chapter Four, raising children was often seen as a community endeavor, perhaps even more so within the church community—disciplining other people’s children would fall within that scope. Finally, we do not know the definition of “unmercifully.” Though I have not quantified this impression, the length and nature of church discipline seemed to follow from the

immediate forgiveness when they confessed and repented for sins such as ill language, fighting, or excessive punishment of children. Brethren earned forgiveness for confessing and repenting for infractions such as exceeding the authority granted to them by the church, harsh language, and even fighting with other men. No man earned instant forgiveness for abusing a woman, and no member of either sex could immediately overcome an adultery conviction. But even the most egregious sinner, if he or she repented of bad behavior and demonstrated good intentions through right action, could be restored to fellowship. Baptist discipline could be exacting, but since its ultimate goals aimed to reform the sinner and to reconcile members to each other and to the Almighty, each person willing to submit to church authority was seen as a perfectible project and a valuable endeavor.

Gillfield had no authority over non-members, and, for this all-black church, that meant no authority regarding the behavior of whites. In the legal record, crimes

kind of sin committed as well as how reluctant the person was to confess and repent. Adulterers were expelled and restored only after a length of time spent demonstrating reformation of character. Fighting or using bad or “outbreaking” language seemed to carry less punishment—rebuke, suspension, or exclusion—and was based on the repentance demonstrated. One person could be forgiven for striking another if s/he showed remorse. As a mother, I know how tempting it can be to smack your child; I live in a society that has programmed me to believe that this is not an effective way to improve behavior or shape development. 19th c. parents, especially parents of color, lived in a violent world. For some people of color, even today, whipping under a parent’s hand to correct behavior is seen as a way to protect them from harsher treatment in wider society—they see it as a way to prevent the most tragic outcomes of a racist legal system. I do not know what these women did to these children—how they corrected them or for what infractions. It is my hope that the church valued children and would have levied stronger punishments if the beatings had truly been severe. But maybe not. In some ways, Church emphasis on consent and voluntary submission mirrored those of the ideals of “companionate marriage,” and rules against wife beating also seemed to parallel these ideals. It is possible, then, that the Church was slowly pushing older ideas about childrearing and discipline in the same direction. See Peter W. Bardaglio, *Reconstructing the Law: Families, Sex, and the Law in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 1995) chapter 3, 157-161. For modern discussion of corporal punishment in black households, see “Peterson’s Mom Comes To His Defense,” ESPN.com News Services, September 18, 2014, http://www.espn.com/nfl/story/_/id/11544624/adrian-peterson-mother-not-abuse-love (accessed January 31, 2018); Michael Eric Dyson, “Punishment or Child Abuse?” *The New York Times*, Opinion, September 17, 2014, <https://www.nytimes.com/2014/09/18/opinion/punishment-or-child-abuse.html> (accessed January 31, 2014).

perpetrated by whites against blacks are tellingly scarce. Given the number of whites charged with abusing, maiming, or killing other whites and other people's slaves, it strains credulity that whites would have committed so few assaults against free people of color in a town where the latter were so numerous. Whites and blacks met in the legal arena on a number of fronts. They bought and sold property to and from each other, they sued each other for money owed, and enslaved people occasionally successfully sued for their freedom. But the legal record leaves one to assume that whites steered clear of attacking free blacks--no rapes, no theft, and very few cases of murder or assault. Whites were perfectly happy to police other whites who strayed into disorderly behavior in concert with people of color. They also frequently deputized themselves when they suspected black people of committing crimes. They very rarely stepped in to protect free black bodies. The legal system as practiced in Petersburg assured that whites controlled the adjudication of conflict and distribution of justice, and they rarely awarded any to people of color to the detriment of a white person. Law and social custom with regard to violence did not leave many gaps for people of color to maneuver through and around; they reinforced each other to solidify racial hierarchy.

White policing of sexuality also derived from and drove racist assumptions that further devalued and demeaned people of color. Black women, white lawyers said, were inherently unchaste; any woman of color who remained faithful was an anomaly. Though some lawyers used this reasoning to argue on behalf of women of color, such an argument perpetuated the myth that women of color were always ready for sexual activity, implying consent and undermining the idea that they could be raped. African American women seeking divorce from their husbands had to prove that they were above

and beyond reproach, while men of color had to make far less of a case for divorcing their wives for adultery. White men wishing to divorce their wives for adultery often accused them of association with women of color as proof of their deviance. Though many white women engaged in prostitution, whites conceived of the trade as black women's domain, with a few bad white women degrading themselves. Permitting sex workers to operate in Petersburg with minimal interference allowed some free women of color, like Eliza Gallee, to prosper; it allowed others to make ends meet. But it also made women of color despicable in white, and some black, eyes and especially vulnerable to physical and sexual harm. Some women of color used these realities to their advantage, but it is important to remember how high the hurdles to success were when women asserted themselves in their homes or in the legal system.

The results of these various layers of policing and punishment skew the picture of African American sexuality and violence. We see black men accused in higher percentages of violent crime than white men, and women of color facing significant threats from their husbands or intimate partners. Domestic abuse among African Americans has long been ignored in order to combat racist tropes about violent black men, but studying these cases reveals the pressures and vulnerabilities women of color confronted in their homes. Interrogating the toll that racism took on black men and women offers insight into why some of them became violent. Interrogating the rarity of white abuse of free black people in the official record adds to our understanding the burdens free people of color bore. Accepting that almost all African Americans in Petersburg contended with various forms of racism, we can acknowledge that black

women experienced them differently than black men. All were vulnerable; women of color were often even more vulnerable.

Though free African Americans tended to judge women a little less harshly than white people did in regard to some tenets of “proper” sexuality, it becomes easy to see how some would vehemently disapprove of Eliza Gallee. The Stevens family were active members of Gillfield Baptist Church, and Alexander and Mary Ann Stevens’ son, Christopher, served as head contractor and carpenter for the construction of the new church building, dedicated in 1859.¹³¹ As a strict Baptist, Alexander Stevens almost surely saw Eliza Gallee’s activities, now that she had moved them to Pocahontas, as an affront to his morality and to the morality and sensibilities of his neighbors. He may have even argued with her over their shared property line. Though Eliza Gallee owned over \$3000 worth of real and personal property and had no need to steal cabbages from anyone, Stevens likely discerned that the court would take a crime against property seriously. He had his day in court, and Eliza Gallee stood her public whipping.

Eliza Gallee, however, exacted a little bit of her own revenge against Stevens by using the same method she had long employed to negotiate her way through and around the white-run world: the acquisition of property. Alexander Stevens died in May 1854, just two months after Gallee received her punishment and six months after his wife Mary Ann had also passed. Christopher Stevens was the only member of his Alexander’s family remaining in Petersburg; one brother had moved to Philadelphia and the other to Tobago. Christopher wished to divide his parents’ property, which the court gave him leave to do. Gallee purchased the portion of the division that bordered her own property

¹³¹ Records of Gillfield Church (Baptist) 4 August 1821, 17 November 1823; Barnes, *Artisan Workers in the Upper South*, 134.

for \$360.¹³² Perhaps the cabbage patch conveyed as well. Eliza enjoyed her expanded property until her death in April 1861.¹³³ She lies buried in People's Memorial Cemetery, within one hundred feet of Alexander Stevens' family.

¹³² Christopher B. Stevens v. Jonathan Curtis Stevens, Chancery Causes, 1859-045, Petersburg (Va.), Chancery Records Index (digital), LVA.

¹³³ Eliza Gallee, Will, Petersburg, Virginia Hustings Court Will Book 5: 1860-1871, microfilm, Reel 20, LVA, 88.

Epilogue
Sharing “the hazards of a new freedom”¹

In late July, 1866, Rosett Hill opened the letter that arrived from Richmond. She may have sighed and sat down as she took in the news that her husband, John Henry Hill, had not found work in the Virginia state capital. The couple and their children had returned to Petersburg with hopes of reuniting with family and shaping the terms of freedom now shared by all African Americans. On April 4, 1865, just hours after Petersburg fell to Union armies, John Henry’s uncle, John Hill, had written of such hopes as he basked in the possibilities of the “Glorious Change that has taken place,” claiming that in Petersburg “all things are become new, from mere chattels hosts [sic] of burdens, we have risen to Citizens and men.”² The elder John Hill added his wish that his brother, nephews, and other family, exiled in Canada as fugitive slaves, would return home. But the delight of impending reunion was tempered by discoveries of loss; the letter also revealed that Rosett’s mother, Nancy McCray, had died just two months before the end of the war. As they so often had throughout their marriage, Rosett and John Henry Hill faced both the joy and the sorrow by relying on one another, their families, and their communities.

Though John Henry Hill, a carpenter, should have been able to find work easily in the war-torn state, more than just the architecture was in shambles. The kind of freedom that African Americans would experience hung in the balance. President Abraham Lincoln’s had been assassinated. President Andrew Johnson’s lenient terms for

¹ Edna Colson, Notes on the Life of Kate D. Colson, Colson-Hill Family Papers, Box 1, Folder 9, VSU.

² John Hill to Hezekiah Hill, Letter, April 4, 1865, Colson-Hill Family Papers, Box 3, Folder 1, VSU.

readmitting former Confederates to the franchise meant that the same white men who had fought for slavery soon took back the reins of power and passed laws to ensure their continued control of black people. Whether it was these laws or economic conditions in Petersburg that prompted John Henry to cast a wider net in search of work, Rosett kept body and soul together for their family while he did. Expressing relief in his letter, John Henry wrote, “I was afraid you did not have money to buy Bread but you offer to send money to take me home.” He did not take her up on the offer, however, asking her to pay a debt to a Petersburg merchant with the money while he continued his search for employment. He closed with what must have seemed obvious to Rosett after reading his beginning admission, “You must do the best you can till I get work.”³ She did that and more in the years ahead.

Rosett Hill was a full partner in her marriage and steadfastly worked to build a more just world for African Americans. In addition to working for their bread, the Hills attended political meetings, and Rosett kept John Henry informed of happenings in Petersburg when he was away. 1867 brought more hope, as Virginia’s failure to ratify the Fourteenth Amendment brought the state under stringent military rule and made domination by former Confederates more difficult. Virginia would have to rewrite its state constitution. African Americans seized the opportunity to have a say, and the Hills were in the thick of the action. Just after Congressional Reconstruction took effect, Rosett wrote to John Henry, “ Myself and Marthay [her sister] and the 2 oldest girls

³ John Henry Hill to Rosett Hill, Letter, July 29, 1866, Colson-Hill Family Papers, Box 3, Folder 1, VSU.

[went] to hear Mr. Hunnicutt,” a leading voice in Republican politics.⁴ Because of the large crowd and noise, they could not hear all that he said, but Uncle John Hill was on the stage and able to fill them in. Rosett reported in late July that voting registration was to occur during the first part of August and that Uncle John was to “go to the convention at Richmond on August 1,” referring to the Republican Party meeting to set the platform that would determine the new constitutional framework.⁵ Rosett wrote in haste less than two weeks later to inform John Henry that voter registration was “to open in south ward on Thirsday [sic] for 1 day only.” In addition to Uncle John arriving the Monday prior to registration, Rosett believed that her husband would also return home to ensure that he could vote for the men who would decide their status as free people.⁶

Throughout, Rosett never lost sight of what was at stake in these political developments. In her April letter, after discussing Hunnicutt’s speech, she implored John Henry to relay a message to his Uncle Hezekiah, from his wife Mary, to send two dresses to his granddaughters. Rosett reported that the girls “are send out in the street rag[g]ed and dirty,” and that one of them, Marthy, “had no sleeves [sic] in her dress.”⁷ In Rosett’s July letter, worry prevailed, as several friends and acquaintances had suddenly sickened and died. Rosett admitted to being quite glum, and she enjoined her husband, “I hope

⁴ Rosett Hill to John Henry Hill, Letter, April 11, 1867, Colson-Hill Family Papers, Box 3, Folder 1, VSU.

⁵ Rosett Hill to John Henry Hill, Letter, July 26, 1867, Colson-Hill Family Papers, Box 3, Folder 1, VSU. See also, Elsa Barkley Brown, “To Catch the Vision of Freedom: Reconstructing Southern Black Women’s Political History, 1865-1880,” in Vicki L. Ruiz and Ellen Carol DuBois, *Unequal Sisters: An Inclusive Reader in U.S. Women’s History*, 4th ed. (New York: Routledge, Taylor & Francis Group, 2008): 156-177.

⁶ Rosett Hill to John Henry Hill, Letter, August 5, 1867, Colson-Hill Family Papers, Box 3, Folder 1 VSU.

⁷ Rosett Hill to John Henry Hill, Letter, April 11, 1867, Colson-Hill Family Papers, Box 3, Folder 1, VSU.

you will be careful with youre self as times is very unhelthy [sic].”⁸ She signed her letter, “yours forever.” In August, she was cheerful and able to steady John Henry when he, once again, could not find work, writing, “I know you are miserable, you must try to bare with thes things, there may be a better day not fare distant I hope when there will be a change and one for the better I hope.”⁹ Her optimism likely stemmed from the fact that her children were well after the spate of deaths and that her husband would soon return home. Family mattered most of all.

Family and politics were likewise entwined for Fanny Colson, whose post-war experiences also included joy and sorrow. She wrote poetry about daily tasks, triumphs, and challenges, both hers and those she shared with fellow citizens of color. One shared triumph was the recognition of the Petersburg Guard, led by John Henry Hill, in 1873. She wrote with pride, “The drill that day there men did make/ Acknowledged soldiers of the state.”¹⁰ Her poem about these worthy men, however, opened with a description of how the women of her community had supported the regiment. “And now the Ladies good and fair/God bless them for their tender care/Come to us as they always do/With loving words and actions too/Increasing their efforts they/Increased our friends in every way.” The women held a fair to raise money to support the regiment and provided the unit with a flag they had sewn. Fanny Colson reveled in the sight of the troops marching and the citizenship it implied. The Guard was, as historian Elsa Barkley Brown asserts for post-war Richmond, a representation of collective citizenship—one shared by men,

⁸ Rosett Hill to John Henry Hill, Letter, July 26, 1867, Colson-Hill Family Papers, Box 3, Folder 1, VSU.

⁹ Rosett Hill to John Henry Hill, Letter, August 5, 1867, Colson-Hill Family Papers, Box 3, Folder 1 VSU.

¹⁰ Fanny M. Colson, “History of the Petersburg Guards,” Colson-Hill Family Papers, VSU.

women, and children of color. The hopes planted in the ashes of slavery and war had begun to bear fruit.

Not all of the fruit would be sweet, however, and Fanny soon realized that full freedom and belonging in American society would take much longer to achieve. She poured out her bitterness over white racism and hypocrisy in her poetry.

“No Place for the Black Man”

Is there no place on all the earth
Where the black man can take his seat
Not fearing that the glance of scorn
His wary eyes will surely meet

Within the walls among the great
Where all the glory in our land
Together sit and counsel take
There is no place for him to stand

Within the garnished halls of fame
Where fortunes favored ones doth meet
In joy and mirth they all agree
The black man here we cannot greet

Within the stately College doors
Where learning makes a rapid way
Where men in Science soars aloft
He cannot there in pleasure stay

But there is still another place
Where justice takes the highest claim
Where congress in his regal robes
Has sworn that justice to maintain

Where freedom with her boasted spoils
Beneath the Eagles pinions sits
And knowledge chains a listning world
With eloquence made keen by wit

Not even there a place is found
Among the rulers of the land
Where many honest faithful hearts

Will take his brother's hand
 And still a higher holier place
 Where God with men communion holds
 His children feel that 'tis the gate
 Of Heaven to their waiting souls

 'Tis there they bow a knee in prayer
 And shed a penitential tear
 That God may bless the heathen lands
 But let no black man enter here

 Oh God in mercy from above
 Look down and hear our piteous cry
 Who came to save a sinful world
 And for the black man dared to die

 Save us O' Lord from grosser sins
 And grant us all thy bounteous grace
 And by thy wisdom power and might
 Give us on earth in Heaven a place.¹¹

For Fanny Colson, sadly, political disappointment seems to have coincided with marital disappointment. On her twenty-fourth wedding anniversary, in 1876, Fanny wrote about the anticipation she felt on her wedding day and her now dashed expectations. "How very vain and foolish I/Must surely then have been/To think that he was better far/Than most of other men." She did not detail any egregious transgression but seemed to feel a deepening estrangement from her husband, James Colson. "I never thought that I could say/A word to make him change/And look so very cold at me/And act so very strange...But days and weeks have now gone by/And lengthened into years/Through which I've heaved the bitter sigh/And shed the scalding tears."¹² In another poem, she questioned, "Why doth the chosen loved one turn with cold

¹¹ Fanny M. Colson, "No Place for the Black Man," Colson-Hill Family Papers, VSU

¹² Fanny M. Colson, "My Marriage," Colson-Hill Family Papers, VSU.

contempt?” All members of her natal family had died, “And he who should their places fill/So strangely sad/Has paralyzed my thoughts my will/And drives me mad.”¹³ Perhaps these poems represented isolated moments in an otherwise satisfactory marriage, but they seem to reveal a deep discontent. Though Fanny Colson occasionally mentioned James as a loving father in poems about their children, he does not appear in any of her other work.

Fanny Colson did not go mad; she instead turned to her faith for comfort and worked toward building a more meaningful freedom for her children and community. In addition to raising and teaching her children, Fanny opened a school immediately following the war, and she sent her elder children to study in schools founded by white northerners. As Reconstruction ended and conservative whites quickly regained political and economic power, Fanny sent her beloved first born son, whom she called “Jimmy,” to study in New England. He first attended a preparatory high school in Massachusetts and then Dartmouth College, graduating as a member of Phi Beta Kappa. He returned home to Petersburg at age twenty-eight and soon took the helm of the science department at the Virginia Normal and Collegiate Institute (currently Virginia State University).¹⁴

By that time, Rosett Hill’s elder children had also started to come of age, and some pursued careers in education. Her daughter Kate became one of the first black teachers to be hired at Peabody School, the public high school for African Americans, in 1882. The pretty teacher caught James Colson’s eye when he returned to Petersburg after his eight-year absence. The two had probably grown up knowing each other and may have attended the same schools and churches. James Colson began courting Kate Hill in

¹⁴ Family Correspondence, Colson-Hill Family Papers, Box 3, Folders 3,4,6; James Major Colson Obituary, unidentified newspaper clipping, Colson-Hill Family Papers, Box 1, Folder 9, VSU.

earnest, and they were married in 1886. They started a family and continued their work to expand educational opportunities for black Virginians. James remained at his teaching post after they married, and Kate joined him at the Virginia Normal and Collegiate Institute as principal of the Normal Preparatory Department.¹⁵ Their children grew up steeped in the importance of learning, and Kate and James Colson's daughter Edna would become a leading African American voice in Virginia Education in the twentieth century.

As that century began, African American human and civil rights were in grave peril. By 1900, Ida B. Wells was well into her campaign to end the brutally violent rule of lynch law, but these "Southern Horrors" continued.¹⁶ The Supreme Court case of *Plessy vs. Ferguson* had enshrined the practice of segregation, and Virginia would soon draft a new state constitution that not only mandated school segregation but also instituted poll taxes and literacy tests that made voting nearly impossible for black men.¹⁷ The public space that had seemed so wide open in the waning days of civil war and the marching of John Henry Hill's Petersburg Guard had contracted considerably.

In 1900, Rosett Hill lived with Kate, James, and their children, and Fanny Colson resided close by. These two women, born in slavery, had benefited from parents who worked steadfastly for their freedom and built private spaces and community institutions to maximize their experiences of that freedom within a slave society. Others tried to achieve the same for themselves and others, with varying levels of success; most African

¹⁵Virginia Foundation for the Humanities, "Peabody High School," www.aahistoricva.com (accessed June 20, 2018); Kate Hill Colson, Photo and Caption, www.hbcdigitallibrary.actr.edu (accessed June 20, 2018).

¹⁶ Gail Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880-1917* (Chicago: University of Chicago Press, 1995), Chapter 2.

¹⁷ "Voting Requirements of the Constitution of Virginia, 1902" Shaping the Constitution: Resources from The Library of Virginia and The Library of Congress, edu.lva.virginia.gov (accessed June 26, 2018).

Americans in Virginia between the American Revolution and Civil War remained enslaved. Many things had changed in Petersburg since Rosett's and Fanny's youth; the slave jails and public whipping post were gone, as were newspaper advertisements for runaways and lost freedom papers. Though racism had been made over in new and terrible forms, Rosett and Fanny knew that the changes mattered. Kate did not have to escape to another country to protect an enslaved spouse, and James did not have to learn to read in secret. More work remained, and remains, in the fight for a more perfect freedom, but even when things looked most bleak, I hope these two women took a full measure of delight in the reward for continuing that struggle—spending their remaining years surrounded by the love of the family they shared.



Figure 14. The family of James and Kate Colson, 1906.¹⁸

¹⁸ 1906 Colson Family, Photo, www.hbcdigitallibrary.actr.edu (accessed June 20, 2018).

Selected Bibliography

Abbreviations in Notes

LVA	Library of Virginia, Richmond, Virginia
VHS	Virginia Historical Society, Richmond, Virginia
VSU	Virginia State University Archives, Petersburg, Virginia

Primary Sources

Manuscript Sources

Library of Virginia

Petersburg, City of, Circuit Court, Health and Medical Records, Coroner's Inquisitions, 1807-1872.

Petersburg Free Negro and Slave Records 1809-1865

Records of Gillfield Church (Baptist) Prince George co. 1815-1842

Microfilm:

Chesterfield County Deed Book 8

Dinwiddie County Will Book 6

Mutual Assurance Society Declarations

Petersburg

Hustings Court Deed Book 1, 1784-1790

Hustings Court Deed Book 2, 1790-1801

Hustings Court Deed Book 3, 1801-1811

Hustings Court Deed Book 4, 1811-1815

Hustings Court Deed Book 5, 1816-1818

Hustings Court Deed Book 6, 1819-1821

Hustings Court Deed Book 7, 1821-1826

Hustings Court Deed Book 8, 1826-1832

Hustings Court Deed Book 9, 1832-1836

Hustings Court Deed Book 10, 1836-1839

Hustings Court Deed Book 11, 1839-1841

Hustings Court Deed Book 12, 1841-1842

Hustings Court Deed Book 13, 1842-1843

Hustings Court Deed Book 14, 1843-1845

Hustings Court Deed Book 15, 1845-1846

Hustings Court Deed Book 16, 1846-1848

Hustings Court Deed Book 17, 1848-1849

Hustings Court Deed Book 18, 1849-1851
Hustings Court Deed Book 19, 1851-1853
Hustings Court Deed Book 20, 1853-1854

Hustings Court Minute Book, 1797-1800
Hustings Court Minute Book, 1800-1804
Hustings Court Minute Book, 1805-1808
Hustings Court Minute Book, 1808-1812
Hustings Court Minute Book, 1812-1816
Hustings Court Minute Book, 1816-1819
Hustings Court Minute Book, 1819-1823

Hustings Court Register of Free Negroes and Mulattoes, 1794-1819
Hustings Court Registry of Free Negroes and Mulattoes, 1819-1832
Hustings Court Registry of Free Negroes and Mulattoes, 1831-1839
Hustings Court Registry of Free Negroes and Mulattoes, 1839-1850
Hustings Court Registry of Free Negroes and Mulattoes, 1850-1858
Hustings Court Registry of Free Negroes and Mulattoes, 1859-1865

Hustings Court Will Book 1, 1784-1805
Hustings Court Will Book 2, 1806-1827
Hustings Court Will Book 3, 1827-1849
Hustings Court Will Book 4, 1849-1860
Hustings Court Will Book 5, 1860-1871

Marriage Bonds and Licenses, 1784-1794
Marriage Bonds and Licenses, 1794-1808
Marriage Bonds and Licenses, 1806-1832
Marriage Bonds and Licenses, 1832-1838
Marriage Bonds and Licenses, 1839-1845
Marriage Bonds and Licenses, 1845-1851
Marriage Bonds and Licenses, 1852-1860

Digital Access:

African American Narrative Digital Collection (Petersburg)
Legislative Petitions Digital Collection
Chancery Records Index (Digital)

Virginia Historical Society

Benjamin Brand Papers (Lott Cary)
Shore Family Papers

Newspapers:

The Virginia Gazette and Petersburg Intelligencer
Daily Intelligencer

The Daily South-Side Democrat

Virginia State University
Colson-Hill Family Papers
Luther Porter Jackson Papers

Other Online and Published Sources

- Charles City County Free Negro and Mulatto Database. www.charlescity.org/fnr.
Federal Writer's Project: Slave Narrative Project, vol. 17, Virginia, Berry-Wilson.
Library of Congress, 1936. www.loc.gov.
HBCU Library Alliance. Virginia State University Digital Collection. Online.
<https://hbcudigitallibrary.auctr.edu>.
Heinegg, Paul, comp. "Free African Americans of North Carolina, South Carolina,
Maryland, and Delaware." www.freeafricanamericans.com.
Hening, William Walter. *Statutes at Large, Being a Collection of All the Laws of Virginia
from the First Session of the Legislature & Supp.*, Volumes II-XII. HeinOnline.
Jefferson, Thomas. *Notes on the State of Virginia*, Electronic ed. Chapel Hill:
Omohundro Institute and University of North Carolina Press, 2006.
Slavery in America and the World: History, Culture, and Law. Slavery Statutes, Virginia.
HeinOnline.
Southern Claims Commission Barred or Disallowed Claims. Fold3.com.
Still, William. *The Underground Railroad*, edited by William Loren Katz. New York:
Arno Press, 1968.
United States Department of the Interior. Pocahontas Island Historic District. National
Register of Historic Places Registration Form, 2006. www.dhr.virginia.gov.
U.S. Federal Census Collection, Dinwiddie County, Virginia. Ancestry.com.
U.S. Federal Census Collection, Petersburg, Virginia. Ancestry.com.

Secondary Sources

- Alexander, Adele Logan. *Ambiguous Lives: Free Women of Color in Rural Georgia,
1789-1879*. Fayetteville: University of Arkansas Press, 1991.
Bardaglio, Peter W. *Reconstructing the Household: Families, Sex, and the Law in the
Nineteenth-Century South*. Chapel Hill: University of North Carolina Press, 1995.
Barnes, L. Diane, *Artisan Workers in the Upper South: Petersburg Virginia 1820-1865*.
Baton Rouge: Louisiana State University Press, 2008.
Bederman, Gail. *Manliness & Civilization: A Cultural History of Gender and Race in the
United States, 1890-1917*. Chicago: University of Chicago Press, 1995.
Bercaw, Nancy. *Gendered Freedoms: Race, Rights, and the Politics of Household in the
Delta, 1861-1875*. Gainesville, Florida: University Press of Florida, 2003.
Berlin, Ira. *Many Thousands Gone: The First Two Centuries of Slavery in North
America*. Cambridge, Massachusetts: Belknap, 1998.
_____. *Slaves Without Masters: The Free Negro in the Antebellum South*. New
York: Pantheon Books, 1974.
Berry, Daina Ramey. *The Price For Their Pound of Flesh: The Value of the Enslaved,*

- From Womb to Grave, in the Building of a Nation*. Boston: Beacon Press, 2017.
- Blanco, Jose, and Patricia Kay Hurst-Hunt, Heather Vaughan Lee, and Mary Doering, eds., *Clothing and Fashion: American Fashion From Head to Toe, Volume Two: The Federal Era Through the 19th Century*. Santa Barbara, California: ABC-CLIO, 1996.
- Blassingame, John. *The Slave Community: Plantation Life in the Antebellum South*. New York: Oxford University Press, 1979.
- Block, Sharon. *Rape and Sexual Power in Early America*. Chapel Hill: University of North Carolina Press, 2006.
- Bogger, Tommy. *Free Blacks in Norfolk, Virginia, 1790-1860: The Darker Side of Freedom*. Charlottesville: University Press of Virginia, 1997.
- Bond, Beverly. "The Extent of the Law: Free Women of Color in Antebellum Memphis, Tennessee." In *Negotiating Boundaries of Southern Womanhood: Dealing with the Powers that Be*, ed. Janet L. Coryell, Thomas H. Appleton, Jr., Anastasia Sims, and Sandra Gioia Treadway. Columbia: University of Missouri Press, 2000.
- Boydston, Jeanne. *Home and Work: Housework, Wages, and the Ideology of Labor in the Early Republic*. New York: Oxford University Press, 1990.
- Breen, Patrick H. *The Land Shall be Deluged with Blood: A New History of the Nat Turner Rebellion*. New York: Oxford University Press, 2015.
- Bristol, Douglas W., Jr. *Knights of the Razor: Black Barbers in Slavery and Freedom* (Baltimore: Johns Hopkins University Press, 2016).
- Brown, Elsa Barkley. "To Catch the Vision of Freedom: Reconstructing Southern Black Women's Political History, 1865-1880." In *Unequal Sisters: An Inclusive Reader in U.S. Women's History*, 4th ed., edited by Vicki L. Ruiz and Ellen Carol DuBois. New York: Routledge, Taylor & Francis Group, 2008.
- Brown, Kathleen M. *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia*. Chapel Hill: University of North Carolina Press, 1996.
- Bynum, Victoria. *Unruly Women: The Politics of Social and Sexual Control in the Old South*. Chapel Hill: University of North Carolina Press, 1992.
- Camp, Stephanie. *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South*. Chapel Hill: University of North Carolina Press, 2004.
- Chaves, Gilberto, and Jose F. Cordero, and Jose E. Bercerra. "Leading Major Congenital Malformalities Among Minority Groups in the United States, 1981-1986." *Mortality and Morbidity Weekly Report* 37:3 (July 1988): 17-24.
- Clinton, Catherine, and Michelle Gillespie, eds. *The Devil's Lane: Sex and Race in the Early South*. New York: Oxford University Press, 1997.
- Cobb, Jasmine Nichole. *Picture Freedom: Remaking Black Visuality in the Early Nineteenth Century*. New York: New York University Press, 2015.
- Cott, Nancy. *Public Vows: A History of Marriage and the Nation*. Cambridge: Harvard University Press, 2000).
- Crenshaw, Kimberlé Williams. "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color." In *Critical Race Theory: The Key Writings That Formed the Movement*, edited by Kimberlé Crenshaw, Neil Gotunda, Gary Peller, and Kendall Thomas. New York: The New Press, 1995.

- Davis, Adrienne D. "‘Don’t Let Nobody Bother Yo’ Principle’: the Sexual Economy of American Slavery." In *Sister Circle: Black Women and Work*, edited by Sharon Harley. New Brunswick: Rutgers University Press, 2002.
- Dunbar, Erica Armstrong. *A Fragile Freedom: African American Women and Emancipation in the Antebellum City*. New Haven: Yale University Press, 2008.
- Edwards, Laura F. *Gendered Strife and Confusion: The Political Culture of Reconstruction*. Urbana: University of Illinois Press, 1997.
- Ely, Melvin Patrick. *Israel on the Appomattox: A Southern Experiment in Black Freedom From 1790s Through the Civil War*. New York: Knopf, 2004.
- Eslinger, Ellen. "Free Black Residency in Two Antebellum Virginia Counties." *The Journal of Southern History* 79:2 (2013): 261-298.
- Field, Corrine. *The Struggle for Equal Adulthood: Gender, Race, Age, and the Fight for Citizenship in Antebellum America*. Chapel Hill: University of North Carolina Press, 2014.
- Fields, Barbara Jeanne. "Slavery, Race, and Ideology in the United States of America," *The New Left Review* 181 (May/June 1990): 95-118.
- Finley, Alexandra. "‘Cash to Corinna’: Domestic Labor and Sexual Economy in the ‘Fancy Trade.’" *Journal of American History* 104:2 (September 2017): 410-430.
- Foster, Frances Smith. *Till Death or Distance Do Us Part: Marriage and the Making of African America* (New York: Oxford University Press, 2010).
- Foster, Helen Bradley. *New Raiments of Self: African American Clothing in the Antebellum South*. New York: Berg, 1997).
- Frankel, Noralee. *Freedom’s Women: Black Women and Families in Families in Civil War Era Mississippi*. Bloomington: Indiana University Press, 1999.
- Franklin, John Hope. *The Free Negro in North Carolina, 1790-1860*. Chapel Hill: University of North Carolina Press, 1943.
- Fraser, Rebecca J. *Courtship and Love Among the Enslaved in North Carolina*. Jackson: University of Mississippi Press, 2007.
- Fuentes, Marisa J. *Dispossessed Lives: Enslaved Women, violence, and the Archive*. Philadelphia: University of Pennsylvania Press, 2016.
- Genovese, Eugene. *Roll Jordan, Roll: The World the Slaves Made*. New York: W.W. Norton & Company, 1985
- Gutman, Herbert. *The Black Family in Slavery and Freedom, 1750-1925*. New York: Pantheon Books, 1975.
- Hanger, Kimberly S. *Bounded Lives, Bounded Places: Free Black Society in Colonial New Orleans, 1769-1803*. Durham: Duke University Press, 1997.
- Hemphill, C. Dallett. *Siblings: Brothers & Sisters in American History*. New York: Oxford University Press, 2011.
- Higginbotham, Evelyn Brooks. *Righteous Discontent: The Women’s Movement in the Black Baptist Church, 1880-1920*. Cambridge: Harvard University Press, 1993.
- _____. "African American Women’s History and the Metalanguage of Race." *Signs: Journal of Women in Culture and Society* 17 (Winter 1992): 251-74.
- Hillman, Nancy A. "Drawn Together, Drawn Apart: Black and White Baptists in Tidewater Virginia, 1800-1875." PhD diss., The College of William and Mary, 2013.
- Hodes, Martha. *White Women and Black Men: Illicit Sex in the Nineteenth Century*

- South*. New Haven: Yale University Press, 1997.
- Horton, James O. *Free People of Color: Inside the African American Community*. Washington, D.C.: Smithsonian Institution Press, 1993.
- Horton, James O., and Lois E. Horton. *In Hope of Liberty: Culture, Community and Protest Among Northern Free Blacks, 1700-1860*. New York: Oxford University Press, 1997.
- _____. *Black Bostonians: Family Life and Community Struggle in the Antebellum North*. New York: Holmes & Muir, 1979.
- Hunter, Tera W., *Bound in Wedlock: Slave and Free Black Marriage in the Nineteenth Century*. Cambridge: Belknap Press of Harvard University Press, 2017.
- _____. *To 'Joy My Freedom: Southern Black Women's Lives and Labors After the Civil War*. Cambridge: Harvard University Press, 1997.
- Jabour, Anya. "'It Will Never Do for Me to Be Married': The Live of Laura Wirt Randall, 1803-1833." *The Journal of the Early Republic* 17:2 (July 1997): 193-236.
- Jackson, Luther P. *Free Negro Property Holding in Virginia 1830-1860*. New York: Atheneum, 1942.
- _____. *Virginia Negro Soldiers and Seamen in the Revolutionary War*. Norfolk: Guide Quality Press, 1944.
- _____. "Manumission in Certain Virginia Cities." *The Journal of Negro History* 15:3 (July 1930).
- _____. "Religious Development of the Negro in Virginia from 1760-1860." *Journal of Negro History* (April 1931), 168-239.
- _____. "Free Negroes of Petersburg, Virginia." *The Journal of Negro History* 12:3 (July 1927).
- Johnson, Walter. *Soul by Soul: Life Inside the Antebellum Slave Market*. Cambridge, Massachusetts: Harvard University Press, 1999.
- Johnson, Whittington Bernard. "Free African-American Women in Savannah 1800-1860." *Georgia Historical Quarterly* 76 (Summer 1992): 260-83.
- Johnston, F., comp. *Memorials of Old Virginia Clerks Arranged Alphabetically By Counties With Complete Index of Names and Dates of Service from 1634-Present Time*. Lynchburg, Virginia: JP Bell Company, Book and Job Printer, 1888.
- Jones, Jacquelyn. *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present*. New York: Vintage Books, 1985.
- Jones, Martha S. *All Bound Up Together: The Woman Question in African-American Public Culture, 1830-1900*. Chapel Hill: University of North Carolina Press, 2006.
- Jordan, Winthrop. *White Over Black: American Attitudes Toward the Negro, 1550-1812, 2nd ed.*. Chapel Hill: University of North Carolina Press, 2012.
- Kaye, Anthony E. *Joining Places: Slave Neighborhoods in the Old South* (Chapel Hill: University of North Carolina Press, 2007).
- Kantrowitz, Stephen. *More Than Freedom: Fighting for Black Citizenship in a White Republic, 1829-1889*. New York: Penguin Books, 2013.
- Kerber, Linda. *Women of the Republic: Intellect and Ideology in Revolutionary America*. Chapel Hill: University of North Carolina Press, 1980.
- King, Wilma. *Stolen Childhood: Slave Youth in Early Nineteenth-Century America, 2nd*

- ed. Bloomington: Indiana University Press, 2011.
- _____. *The Essence of Liberty: Free Black Women During the Slave Era*. Columbia: University of Missouri Press, 2006.
- Lebsock, Suzanne. *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860*. New York: W.W. Norton & Company, 1984.
- _____. "Free Black Women and the Question of Matriarchy: Petersburg, Virginia, 1784-1820." *Feminist Studies* 8:2 (Summer 1984): 270-292.
- Mafra, Jo Ann, and Robert Dykstra. "Serial Marriage and the Origins of the Black Stepfamily: the Rowanty Evidence." *Journal of American History* 71:2 (June 1985): 18-44.
- McCurry, Stephanie. *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum Carolina Low Country*. New York: Oxford University Press, 1995.
- McGraw, Marie Tyler. *An African Republic: Black and White Virginians in the Making of Liberia*. Chapel Hill: University of North Carolina Press, 2008.
- _____. "Slavery and the Underground Railroad at the Epps Plantations: Petersburg National Battlefield." National Park Service, 2005.
- Madison, Jessica. *In Subjection: Church Discipline in the Early American South, 1760-1830*. Macon, Georgia: Mercer University Press, 2014.
- Mills, Quincy T., *Cutting Along the Color Line: Black Barbers and Barber Shops in America*. Philadelphia: University of Pennsylvania Press, 2013.
- Millward, Jessica. *Finding Charity's Folk: Enslaved and Free Black Women in Maryland*. Athens: University of Georgia Press, 2015.
- Morgan, Edmund. *American Slavery, American Freedom: The Ordeal of Colonial Virginia*. New York: Norton, 1975.
- Morgan, Jennifer. *Laboring Women: Reproduction and Gender in New World Slavery*. Philadelphia: University of Pennsylvania Press, 2004.
- Morgan, Phillip D. *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry*. Chapel Hill: University of North Carolina Press, 1998.
- Myers, Amrita Chakrabarti. *Forging Freedom: Black Women and the Pursuit of Freedom in Antebellum Charleston*. Chapel Hill: University of North Carolina Press, 2011.
- Newman, Simon P. "Reading the Bodies of Early American Seafarers." *The William and Mary Quarterly* 55:1 (January 1998): 59-82.
- Nicholls, Michael P., "Creating Identity: Free Blacks and the Law." *Slavery and Abolition: A Journal of Slave and Post-Slave Studies* 35:2 (December 2013): 214-233.
- Penningroth, Dylan C. *The Claims of Kinfolk: Property and Community in the Nineteenth Century South*. Chapel Hill: University of North Carolina Press, 2003).
- Ranlet, Philip. "The British, Slaves, and Smallpox in Revolutionary Virginia." *The Journal of Negro History* 84:3 (Summer 1999): 217-226.
- Riley, Glenda, "Legislative Divorces in Virginia, 1803-1850." *The Journal of the Early Republic* 11:1 (Spring 1991): 51-67.
- Rosen, Hannah. *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South*. Chapel Hill: University of North Carolina Press, 2009).

- _____. "Rhetoric of Miscegenation and the Reconstruction of Race: Debating Marriage, Sex, and Citizenship in Post Emancipation Arkansas." In *Gender and Slave Emancipation in the Atlantic World*, edited by Pamela Scully and Diane Paton. Durham: Duke University Press, 2005.
- Rothman, Joshua D. *Notorious in the Neighborhood: Sex and Families Across the Color Line in Virginia, 1787-1861*. Chapel Hill: University of North Carolina Press, 2007.
- Sachs, Honor. "'Freedom by a Judgment': The Legal History of an Afro-Indian Family." *Law and History Review* 30:1 (February 2012): 173-203.
- Sager, Robin C. *Marital Cruelty in Antebellum America*. Baton Rouge: Louisiana State University Press, 2016.
- Savitt, Todd. *Medicine and Slavery: The Diseases and Health Care of Blacks in Antebellum Virginia*. Urbana: University of Illinois Press, 1978.
- Schwartz, Marie Jenkins. *Born in Bondage: Growing up Enslaved in the Antebellum South*. Cambridge: Harvard University Press, 2000.
- Schweninger, Loren. "Property Owning Free African-American Women in the South 1800-1870." *Journal of Women's History* 1 (Winter 1990): 13-44.
- Scott, James G., and Edward A. Wyatt. *Petersburg's Story*. Petersburg: Titmus Optical Company, 1960.
- Scott, Rebecca J., and Jean M. Hébrard. *Freedom Papers: An Atlantic Odyssey in the Age of Emancipation*. Cambridge: Harvard University Press, 2012.
- Shammas, Carole. "Re-Assessing Married Women's Property Rights." *Journal of Women's History* 6:1 (Spring 1994): 9-30.
- Shaw, Stephanie J., *What a Woman Ought to Be and to Do: Black Professional Women Workers During the Jim Crow Era*. Chicago: University of Chicago Press, 1996.
- Sidbury, James. *Ploughshares into Swords: Race, Rebellion, and Identity in Gabriel's Virginia, 1730-1810*. Cambridge: Cambridge University Press, 1997.
- _____. "Saint Domingue in Virginia: Ideology, Local Meanings, and Resistance to Slavery," *The Journal of Southern History* 63 (August 1997): 531-552.
- Stevenson, Brenda, *Life in Black and White: Family and Community in the Slave South*. New York: Oxford University Press, 1996.
- _____. "Gender Convention, Ideals, and Identity Among Antebellum Virginia Slave Women." In *More Than Chattel: Black Women and Slavery in the Americas*, edited by David Barry Gaspar and Darline Clark Hine. Bloomington: Indiana University Press, 1996.
- Syrett, Nicholas. *A History of Minors and marriage in the United States*. Chapel Hill: University of North Carolina Press, 2016.
- Ulrich, Laurel Thatcher. "Martha Ballard and Her Girls: Women's Work in Eighteenth Century Maine." In *Work and Labor in Early America*, edited by Stephen Innes. Chapel Hill: University of North Carolina Press, 1988.
- Von Daacke, Kirt. *Freedom Has a Face: Race, Identity, and Community in Jefferson's Virginia*. Charlottesville: University Press of Virginia, 2012.
- White, Deborah Gray. *Ar'n't I a Woman?: Female Slaves and the Plantation South*. New York. W.W. Norton & Company, 1985.
- White, Holly N.S., "Negotiating American Youth: Legal and Social Perceptions of Age

- and Life Stage in the Early Republic. PhD diss., The College of William and Mary, 2017.
- White, Shane, and Graham White. *Stylin': African American Expression From Its Beginnings to the Zoot Suit*. Ithaca: Cornell University Press, 1998.
- Wilf, Steven Robert. "Anatomy and Punishment in Late Eighteenth-Century New York." *Journal of Social History* 22:3 (Spring 1989): 507-530.
- Williams, Heather Andrea. *Help Me to Find My People: The African American Search for Family Lost in Slavery* (Chapel Hill: University of North Carolina Press, 2012).
- Wills, Gregory A. *Democratic Religion: Freedom, Religion, and Church Discipline in the Baptist South, 1785-1900*. New York: Oxford University Press, 1997.
- Wilson, Lisa. *A History of Stepfamilies in Early America*. Chapel Hill: University of North Carolina Press, 2014.
- Wolf, Eva Shepherd. *Almost Free: A Story About Family and Race in Antebellum Virginia*. Athens: University of Georgia Press, 2012.
- _____. *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner's Rebellion*. Baton Rouge: Louisiana State University Press, 2006.