

LITIGATING THE LASH: QUAKER EMANCIPATOR ROBERT PLEASANTS, THE LAW
OF SLAVERY, AND THE MEANING OF MANUMISSION IN REVOLUTIONARY
AND EARLY NATIONAL VIRGINIA

By

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Dissertation

Submitted to the Faculty of the
Graduate School of Vanderbilt University
in partial fulfillment of the requirements

for the degree of

DOCTOR OF PHILOSOPHY

in

History

May, 2013

Nashville, Tennessee

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To Jessica, for loving a grumpy man,
and
to Ainsley, for making him less grumpy.

ACKNOWLEDGMENTS

I would like to thank the Virginia Historical Society and the John D. Rockefeller Jr. Library at Colonial Williamsburg for their support in the research of this dissertation—both collections proved invaluable and the staff helped a fledging graduate student navigate unfamiliar terrain. I would also like to thank the Folger Institute’s Center for the History of British Political Thought in Washington D.C. and my fellow participants in the “Changing Conceptions of Property” seminar for the opportunity to spend a summer discussing the relationship between English property law and colonial governance. I would also like to thank the Vanderbilt history department for its generous support. It has been a pleasure to learn the craft from such a distinguished group of historians. Professors Michael Bess, Bill Caferro, Katie Crawford, Dennis Dickerson, and Elizabeth Lunbeck, each—in vastly different ways—helped me discover new ways of considering the past and the people who lived there and I thank them for it. I would also like to thank the Vanderbilt Americanist Works-in-Progress Seminar for graciously allowing me to present my work and the invaluable comments and critiques provided. A special thank you to the friendly and gracious history department staff: Jane Anderson, Brenda Hummel and Heidi Welch for always helping out and making life a little bit more manageable.

I would also like to thank the members of the dissertation committee who have been so generous with their time, experience and knowledge. Prof. Dan Usner repeatedly pushed me to consider how people pushed from the halls of power, nonetheless exert

power in a myriad of ways—a central tenet of this dissertation. Prof. David Carlton taught me a history of the American South free of sentimentality or nostalgia, but sensitive to the role sentimentality and nostalgia played in shaping it. More importantly, he helped me see it as a place of social aspiration and economic activity by chopping down the “Moonlight and Magnolia” myth and using the wood to fuel “factories in the field.” Special thanks to my dissertation adviser, Prof. Richard Blackett, for his patience, advice, humor and willingness to endure sixty page drafts. When told that the many of the Virginia court records that I desired had been destroyed during the Civil War, he replied, “Good. That means this dissertation can’t get any longer.” And finally, I would like thank Prof. Dan Sharfstein. More than anyone else, this dissertation bears his influence. Prof. Sharfstein taught me how to weave together law and history in a way that opens up new areas of investigation. He pushed me to look behind the façade of legal institutions to see how ordinary people use the law in unexpected ways. And, he showed me how judges and lawyers select from a range of possible legal doctrines to decide cases. I owe him a debt of gratitude, both personally and professionally that can only be acknowledged but never paid in full.

Finally, I would like to thank my parents Maria and Steven Hardin, and my brother, Francisco Hardin, for their continued love and support. I would also like to thank Jessica Tosh for all of her love and understanding and most importantly for bringing our beautiful daughter Ainsley Elizabeth into this world. I would also like to thank Gayland and Rebecca “Gammy” Tosh for their support. Without them, it would have been a herculean task to raise a child and write a dissertation simultaneously.

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INTRODUCTION

The case of *Pleasants v. Pleasants* was the largest manumission case in American history. It was decided by the Virginia Supreme Court of Appeals in 1799. Robert Pleasants, the plaintiff, petitioned Chancellor George Wythe to order Pleasants's son-in-law, siblings, nieces, and nephews to manumit over four hundred and forty slaves. Wythe prepared the order and the defendants appealed. At the Court of Appeals, family members were represented by Edmund Randolph and John Wickham—two of Richmond's most prominent lawyers. Pleasants retained John Marshall, future U.S. Supreme Court Chief Justice, to represent his side. The case turned on an interpretation of the Rule Against Perpetuities and whether it applied when human freedom was at stake. Imbued with revolutionary notions of liberty, Spencer Roane wrote for the majority of the Court to free the slaves. It was his opinion that the Court should rule in favor of liberty when it was legally permissible and reasonable to do so. The ruling defined in many ways the meaning of manumission and its legal character in light of the American Revolution. The case pitted America's finest legal minds against each other in a highly technical case and scholars have explored the case decision in some detail. But what is often lacking in these legal histories is a sense of the parties involved. By focusing strictly on the case decision historians have obscured obscures the permeability between the law and society.

“Litigating the Lash” demonstrates how religious, ideological and cultural conflicts among litigants—prior to the filing of a case—come to shape judicial decision-making. The *Pleasants* case provided a forum in which Virginia's legal elite tried to square the promises of the Revolution with slavery. Slavery, in this period, was adapted to new market opportunities despite the widely shared belief that it inhibited long-term

economic development as well as the notion that stunted the cultural development of a society. The number of slaveholders in Virginia increased despite these long standing concerns. Short-term private interest overrode public concern. Economic concerns were not the only objections to slavery. The Quakers, who were unconcerned with converting others to their faith, worked to cleanse their Society of slaveholders. But, after having substantially accomplished this task, most Virginia Friends did not extend their antislavery mission to non-Quakers. The leadership of the Methodists and Baptists, following the Quaker lead, promulgated antislavery requirements for congregants. But local preachers shelved antislavery rhetoric in order to appeal to the masses. Most white Virginians focused less on the consequences of slaveholding and more on the perception that free blacks undermined social order and were potential catalysts of rebellion. For many whites, the problem was not slavery; the problem was manumission. Laws were passed to silence Virginia's abolitionist societies and inhibit their efforts to free slaves. But manumission, slavery and its relation to the American Revolution could not be avoided in legal debates. In the *Pleasants* case, John Marshall, Patrick Henry, George Wythe, Spencer Roane and Edmund Randolph all were forced to confront the issue in a very specific context revealing how these luminaries of the law helped to develop the legal architecture for slavery in the new republic. The ruling itself, its logic, its meaning, its conflicting interpretations, are fore grounded in previous accounts providing insight into how Virginia's legal elite tried to accommodate libertarian common law principles to chattel slavery. Absent in these accounts, however, is a different, equally significant, perspective on these questions drawn from the arguments of family members leading up to the filing of the lawsuit—*Pleasants v. Pleasants* was the end of a very long road.

While legal scholars and historians have touched on this case, no one has placed the technical legal issues in dialogue with the broader understandings of race, liberty, and manumission embedded in its history. In bridging the two, “Litigating the Lash” demonstrates how legal history interacts with other forms of history. It reveals how a short clause in a Quaker’s will became the basis for a major lawsuit challenging conceptions of liberty and slaveholding. The history of the case forced Virginia’s elite to declare their positions on slavery and its relationship to the Revolution—a subject they often avoided in public. In contrast, family members gave voice to their own understandings of the law, the meaning of the Revolution and the future of slavery in Virginia thereby providing a new perspective on the debates over emancipation. Manumission became intertwined with the generational, economic, religious, gender and political dynamics of the Pleasants family. Their conflicting understandings of manumission drove the terms of the debate in the case.

What emerges is a clear illustration of the difficulty, to say nothing of the complexity, of deciding to free one’s slaves as opposed to being forced to do it. Such decisions inevitably entailed consideration of practical concerns like the loss of so much potential revenue and its effect on future generations. These parlor room debates are not recorded in the statute books, case files or newspapers, but it is in settings like these among families not so dissimilar from the Pleasants where the vast majority of discussions over emancipation took place. At great personal cost, Robert Pleasants undertook a mission of emancipation and he expected his family to follow. They did not and for the next twenty five years they debated manumission and religion revealing competing visions of American liberty, law and property rights.

Chapter I, “Antislavery and the Will of John Pleasants” places the origin of John Pleasants’s emancipationist will in the Quaker reformation of the 1760s. Antislavery was part of a larger reform movement and the will distilled those impulses in law. The freedom provisions were a creative “work-around” the colonial law against manumission. The will of John Pleasants helps to explicate the relationship of slavery to the common law in late colonial Virginia. The variations in the treatment and disposition of slaves under the will argues for the contention that slavery, at least in Virginia, was not analytically linked to the English common law, especially in the realm of torts, contracts and estates (i.e. private law) resulting in significant variations of “unfreedom” under the general rubric of slavery. The chapter ends with a failed attempt to change the law to reflect Quaker sensibilities of the 1770s.

Chapter II, “Robert Pleasants and the Manumission Act of 1782,” demonstrates how Pleasants lobbied legislators to legalize private manumissions. A manumission act would protect slaves already informally freed and enable the Society of Friends to clear itself of slaveholding. What began as a reformation of the morals and discipline of the Society became a political and legal campaign against slavery. Religious reformation gave rise to political action. In Virginia, Robert Pleasants and other Quakers sought to “translate” their own minority antislavery convictions into public political action. In order to the explain passage of the Manumission Act, historians must not only recognize aspects of Quaker distinctiveness but also similarities between Quakers and their peers. It was the ability of Quakers to understand and relate to these gentry lawmakers that facilitated the introduction of antislavery ideas into the legislature. Pleasants was much more than a conduit for Quaker antislavery moralism, he shaped its content in an effort to

persuade his fellow Virginians of slavery's pernicious effects. The overlap between Pleasants identity as a Virginia planter and merchant and his identity as a Quaker abolitionist was strained by patriot demands for loyalty oaths, military service, onerous taxation, and requisitions. After the war, Quakers incorporated Revolutionary ideology as a blueprint for political action and legislation resulting in the passage of the Manumission Act of 1782.

Chapter III, "1785: The Failure of Evangelical Antislavery" centers on a pivotal year in the history of Virginia's antislavery movement when Virginia slaveholders claimed the legacy of the American Revolution in support of their property interest and evangelicals disclaimed antislavery for the sake of popularity. In the decade following passage of the Manumission Act of 1782, Virginia's slaveholders responded to the challenge of antislavery by decrying the consequences of manumission in terms of property loss and social and racial disorder. The year 1785 marks a turning point after which antislavery proponents faced an increasingly organized defense of slavery and slaveholding interests. The Methodist and Baptist would retreat from earlier antislavery positions. The Pleasants narrative provides an insider perspective on the failure of evangelical antislavery in the 1780s. The setbacks of 1785 taught Robert Pleasants and other antislavery activists that the crusade against slavery would not find purchase in Virginia as a popular movement.

Chapter IV, "The Virginia Abolition Society" tells the story of the Virginia Abolition Society [VAS], a small cadre of reformists led by its president, Robert Pleasants, marking the final chapter of Virginia's post-Revolutionary antislavery movement. As slaves, abolitionists and free persons resisted slavery in the 1790s, a

handful of formal associations would represent antislavery in the legislature, the press and the courts. Silencing these abolitionist voices was part of a concerted effort by slave masters and their political supporters to tamp down antislavery dissension. Virginia's legislators assigned heavy penalties in 1795 for assisting the enslaved with freedom suits. The law would make prosecution of freedom suits nearly impossible. Antislavery voices, like the VAS, attempted to counter these efforts by aligning themselves with the Revolution and its legacy. They hoped that by using revolutionary rhetoric and broad religious appeals, they could form a coalition of antislavery supporters. The VAS was a small cadre of reformists led by Pleasants. But, they were beset by internal weaknesses which were largely responsible for undermining the campaign for emancipation. They were also unable to stop slavery's supporters from framing emancipation as the first step toward social unrest and rebellion. Arguments for social stability, along with renewed protection of slave holders' property rights carried the day. The VAS and Robert Pleasants proved diligent, however, in forcing members of Virginia's elite to enunciate defenses for slavery and to justify their own personal inaction.

Chapter V, "The Pleasants Family and Manumission," documents Robert Pleasants attempts to persuade his kin to emancipate revealing the complex relations between the Quaker humanitarian urge, family tensions, the slaves and the law. In each instance, family members had to decide for themselves whether or not to emancipate slaves as dictated by the wills of John and Jonathan Pleasants. The wills clearly embodied the intention of the testators to free their slaves and yet it would take decades to begin and finally complete the process of emancipation. The hostility of the heirs to emancipation played a large part in adversely affecting the process, but the gradual

manumission provision of the wills, the law, and the economy alongside community resistance also presented practical considerations that delayed emancipation. But the slaves at issue were not passive objects in the contestation. They actively sought to influence the course of events. Many understood they had a legal right to freedom and sought to claim that right through extra-judicial means. Unable or unwilling to wait for manumission they either ran away or actively rebelled. Robert Pleasants's efforts to convince his family to emancipate were ultimately unsuccessful. But he was successful in forcing them to emancipate. He filed suit against them and as a result the slaves won their freedom in 1800. Before the case even reached a judge's desk, the issues involved had been litigated between family members. In doing so, they gave voice to their own understandings of the law, the meaning of the Revolution and the continuation of slavery in an age of liberty. Whereas Pleasants represented the idealism of the Revolutionary age, his children and young family members represented a much more skeptical and much more cautious generation of Virginians who paid lip service to the ideals of liberty, but would not divest themselves of the benefits of slavery.

Chapter VI, "The Decision," begins with Robert Pleasants's decision to sue his family and his decision to hire John Marshall as his attorney. Pleasants's case and his legal theories of manumission were likewise considered by Edmund Randolph, George Wythe, and Spencer Roane. The judges understood that Pleasants was no ordinary case. The freedom of literally hundreds of slaves was at stake. The meaning of manumission, the manumission act itself and their relationships to the common law were all at stake. It also challenged the legal foundations of slavery by uniting antislavery principles, the common law, religious appeals, the benevolent intentions of his forbearers and the case's

history. Through the case, Virginia's legal elite were forced to reconcile slavery and liberty in the common law. The decision itself reflects these competing impulses in its intentionally complex ruling meant to constrain manumission while affirming the right of a slave holder to do so. Manumission, for the members of the Court, reaffirmed the legal barrier between slavery and freedom and the prerogatives of property owners. Instead of removing legal disabilities ascribed by positive law to a free person, manumission for the Court was an act of benevolence undertaken by a master that created legal personality in the slave from the discretionary powers of the master. The open language of the manumission act, the history that Pleasants and others had inscribed into it by action and letters, and the ruling in the case all seemed to cement the interpretation of the manumission act as a direct outgrowth of the Revolution and its idealism. But that idealistic connection was attenuated as time put distance between Virginia and the Revolution.

The *Pleasants* case began with the translation of Quaker antislavery morality into legal form—the wills of John and Jonathan Pleasants. What the testators could not do in life, they asked their heirs to do in the future. Manumission was a moral duty for Robert Pleasants and one he expected family members to assume as well. Most did not. Of all the families in Virginia, the Pleasants appeared to be the most likely to endorse and practice manumission. They were prominent and wealthy members of the Society of Friends for at least a century and were led by the state's foremost abolitionist, Robert Pleasants. But the issue of manumission could not be sequestered from other areas of contention with the family. Manumission became entwined with a generational rebellion set in motion by the events of 1776. Slaveholding for many of the family members

signaled independence from the Society of Friends and its strict behavioral expectations. They acknowledged the benevolence of the Quaker spirit, but decided that self-interest, and the safety of society, necessitated against freeing their slaves. Different family members responded in different ways to Pleasants's moral challenge. In their responses, we can understand how the issue of manumission was discussed and decided in post-Revolutionary Virginia. There was no clear separation between private and public when it came to manumission in the Pleasants family. When the family dispute became public in the 1790s, their actions forced members of the legal and legislative elite to reckon with the meaning of manumission and its character before the law. George Wythe saw in the humanity of the slaves and the case history, an opportunity to define slavery as purely a creature of positive law. When those conditions were not met, he insisted, illegal enslavement was a violation of property rights held by enslaved persons and therefore actionable. Manumission in this way signified a possibility of restitution for enslavement because in Wythe's view, a slave was never property but always a person. Spencer Roane and the rest of Court assimilated Wythe's subversive ruling. On one hand, they acceded to a narrow application of *in favorem libertatis* benefitting the enslaved at issue; but at the same time, they rejected Wythe's conception of manumission. Manumission was not the removal of legal disability, but the creation of legal personality. A person who was wrongfully enslaved had no course of action if he were manumitted because he did not exist as a person until the moment of manumission. Freeing slaves was a privilege afforded to masters by the law; it was an extension of their prerogatives and property rights. At the family level and in the arena of law, manumission was debated and proponents challenged those who opposed it using moral and libertarian appeals.

Slavery's defenders assimilated that moral challenge, acceding to its benevolence, but declined to act citing fears of slave rebellions and social disorder occasioned by free blacks. The debates over emancipation that characterize the antebellum period had their dress rehearsal right after the Revolution. The character of manumission in law and the public mind has its starting point in the *Pleasants* case.

CHAPTER I

THE WILL OF JOHN PLEASANTS

On a warm August afternoon in 1771, John Pleasants III died at his Virginia plantation. He was seventy-five years old. Returning home one evening, he collapsed and was soon “seized [by] a fever” and a horrid “Bloody flux.” He cried out as he lay in his bed: “O this great extremity of Bodily pain is hard to bear!” He whispered to his wife: “I hope the Lord will enable us to part in the Love we came together in and that it may be his blessed will to be with those who go [as well as] those who stay.”¹ In the final year of his life, John Pleasants had taken an increasingly active role in the Society of Friends. Driven by the fear that the rising generation of Quakers had “fixed their minds too much on the World,” he longed for a return to the “plain Simplicity” of the past.² Pleasants, however, had not lived a life of austerity; he was a wealthy Virginia planter, merchant and slavemaster.

Under the gaze of family and slaves, Pleasants spent his final hours looking over a gentle bend of the James River languid in the summer heat while dragonflies danced over the dark water. The plantation, Curles’ Neck, sat on a marshy peninsula fifteen miles downriver below the little village of Richmond.³ Pleasants’s home, it was said, abounded in “riches, negroes and grandeur.” Facing death, John Pleasants requested that his son, Robert, help prepare his will. Robert composed the parts of it pertaining to his father’s

¹ “A Testimony from the Monthly Meeting in Henrico County the 6th day of 2nd mo. 1773: Concerning our dear & well esteemed Friend & Elder John Pleasants deceased” in *Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland* Vol. 3 Miscellaneous Materials (1906) at the Valentine Richmond History Center, Richmond, VA.

² “A Testimony from the Monthly Meeting,” *Records of Quaker Meetings in Virginia*.

³ Ferris, Benjamin, “Of the Life and Travels of Benjamin Ferris, son of David Ferris, of Wilmington, Delaware,” *Friends Miscellany* 12, (1839): 254.

extensive slaveholdings. The family had owned slaves since at least the 1680s; but by 1771, father and son agreed that slavery was no longer compatible with their faith. Manumission, however, was illegal colonial law.

The will of John Pleasants III helps explicate the relationship of slavery in late colonial Virginia to the English common law. The variations in the treatment and disposition of slaves under the will demonstrates that slavery, at least in Virginia, was not analytically linked to the common law, especially in the realm of torts, contracts and estates (i.e. private law) resulting in significant variations of “unfreedom” under the general rubric of slavery.⁴ Robert Pleasants recognized the paradox: “The laws of [England] admit of no Slaves, tho at the same time allow for her own advantage the Slave Trade to the Colonies.”⁵ The two Quaker merchants understood the legal instability between law practiced in the colonies and the principles which guided it from Britain. They exploited that gap to provide some degree of quasi-freedom to the family’s slaves.

The motives behind the will are mixed. John Pleasants III wanted to “do justice” to his former slaves, but that benevolence was countervailed by economic concern for his family and heirs. Manumission, by its nature, entailed a tremendous economic loss for the former slave master since it extinguished the economic value of that former slave. Quaker antislavery proceeded haltingly in Virginia compared to northern colonies because many Virginia Friends had substantial portions of their wealth invested in slaves. Manumitting slaves after death enabled slave-masters to die with a clean conscience but denied heirs a

⁴ Jonathan A. Bush, “The British Constitution and the Creation of American Slavery,” in *Slavery and the Law*, ed. Paul Finkleman (Madison: Madison House, 1997), 379-418.

⁵ “The following piece was published in the Virginia Gazette about the 6th month 1770” in *The Letterbook of Robert Pleasants of Curles*, Vol. 4 of *Records of Quaker Meetings in Virginia, 1672 – 1845* typed transcripts of the original manuscripts held by the Orthodox Friends of Baltimore (1905-6). Valentine Richmond History Center, Richmond, Virginia.

valuable inheritance. For most Virginians, possession of slaves was regarded as essential to wealth creation and the maintenance of that wealth over time, yet the momentum of Quaker thought and practice was moving decidedly in an antislavery direction. The pressure was on the Virginia Meeting to conform to the “sense” of the northern meetings and by 1771 Virginia Quakers were taking incremental steps against slaveholding. The Pleasants’s will embodies the Quaker antislavery movement in Virginia while highlighting the challenge that would define the movement in the 1770s and early 1780s—the need for a manumission act enabling themselves, and others, to free their slaves.

John and Robert Pleasants translated moral and religious concerns into legal existence with unexpected results. Any given legal system mitigates and resolves social and ideological conflict. To do so, it relies on constitutions, laws, statutes, and precedent—the traditional material of legal consideration. But it is also influenced by popular conceptions and ideology, which justify and/or explain the foundational aspects of a society whether it be in religious, moral, historical or political terms. But ideology and morality have to be translated to meet the formal requirements of law. The will as written stemmed from Quaker moral and religious concerns, but as a legal document with legal effect it was also designed to serve the interests of the Virginia planter elite.⁶ The dictates of the common law and the cultural understandings of mastery supported the contention that John Pleasants III as testator and slave-master had the right to order his final affairs as he saw fit—even to alienate his own property. But under the law regulating slavery, such alienation could only be performed by an act of the Assembly.

⁶ Eugene D. Genovese, *Roll, Jordan, Roll: the World the Slaves Made* (New York: Pantheon Books, 1974), 25-49.

The will attempts to bridge this divide, but in order for its provisions to be effectuated, Quakers would have to change the law to expand the prerogatives of mastery under the law.

* * *

John Pleasants III was an extremely rich man by the standards of his time. His estate was valued at approximately £12,000. His 212 slaves, worth about £10,000, formed the majority of the wealth.⁷ In addition, Pleasants had acquired hundreds of acres of property in several counties. Slaves and landholdings were the foundation of his wealth and social standing making him a member of Virginia's elite. When his son, Robert, returned home from a long trip to Philadelphia in 1749, Pleasants gave him both land and slaves. "For love" wrote the elder Pleasants on the deed transferring 350 acres and nineteen slaves to his eldest son.⁸

For nearly a century, the Pleasants family of Henrico County owned slaves, grew tobacco and conducted a thriving trans-Atlantic enterprise. The founder of the family, John Pleasants I, was an emigrant from Norwich, England born to a family of worsted weavers who themselves had emigrated from France, most likely the village of Pleasance. John Pleasants I had among many other endeavors (e.g. amateur lawyer, entrepreneur, and real estate speculator) served as a factor for the London merchants Paggen &

⁷ Historian Robert McColley observed that "almost always, where a Virginian was wealthy, most his wealth was contained in the value of his slaves." Robert McColley, *Slavery and Jeffersonian Virginia* (Urbana: University of Illinois Press, 1972), 79. Robert Pleasants, in a letter to his brother Samuel, noted that his late father's estate was valued at "£ 12, 143.11 of which £9, 722.10 are Negroes." Robert Pleasants to Samuel Pleasants, 28 Aug. 1773 in *The Letterbook of Robert Pleasants*.

⁸ Edward Pleasants Valentine and Clayton Torrence, eds. *The Edward Pleasants Valentine papers, abstracts of records in the local and general archives of Virginia relating to the families of Allen, Bacon, Ballard, Batchelder, Blouet, Brassieur (Brashear) Cary, Crenshaw, Dabney, Exum, Ferris, Fontaine, Gray, Hardy, Isham (Henrico County) Jordan, Langston, Lyddall, Mann, Mosby, Palmer, Pasteur, Pleasants, Povall, Randolph, Satterwhite, Scott, Smith (the family of Francis Smith of Hanover County) Valentine, Waddy, Watts, Winston, Womack, Woodson* (Richmond: Valentine Museum, 1927), 1026.

Company. One aspect of his duties for the London trading house was receiving and selling slaves imported from Africa (or Barbados) to the Colony.⁹ The Pleasants family had been active participants in the erection of American slavery for nearly a century prior to John Pleasants's III demise. Their wealth was a result of good business sense, personal ambition and slavery. Each successive generation seemed to improve upon the previous.

English immigrants, like John Pleasants I, established the foundations upon which the great tobacco and merchant families of eighteenth century. White Virginians built their plantation houses and reared their expansive families on the backs of slaves. Like their neighbors the Randolphs and the Byrds, the Pleasants family prospered. In time, they moved further up the James River into neighboring counties, over the Piedmont and eventually up the seaboard to Philadelphia. The Pleasants were different, however, in one key respect from most of their Virginia neighbors in that they were not Anglicans, but Quakers and had been so since John Pleasants I conversion in the 1670s.

Throughout the colonial period, the Pleasants were prominent members of the Virginia Society of Friends. The name appears regularly in the records of Virginia's Quakers and family members held numerous positions in the Yearly, Quarterly and Monthly Meetings. The family also established a meeting house and a cemetery for Friends at Curles. Their house became a waypoint for visiting Friends and ministers from other colonies, especially Philadelphia. The Pleasants family was closely related by marriage and friendship with the Pembertons, one of the great Quaker families of

⁹ John Pleasants I, "the emigrant" and his partner, Richard Kennon, represented William Paggen & Co. in Virginia. As part of representing their client, Pleasants and Kennon received possession of an undetermined number of "negroes" in 1684. Pleasants held the slaves for eventual sale as an agent for William Paggen. It was stipulated that Pleasants's power of attorney for Paggen was to be transferred to Kennon in the event of Pleasants's demise. Pleasants Valentine, *The Edward Pleasants Valentine Papers*, 1067. For Richard Kennon, see "Kennon Family," *The William and Mary College Quarterly* 14, (1906): 132. See also Lyon Gardnier, ed. "Richard Kennon" in the *Encyclopedia of Virginia Biography* vol. 1 (New York: Lewis Historical Publishing Company, 1915), 271-2.

Philadelphia. Robert Pleasants spent time among the Pembertons as a young man and Robert Pleasants's brother, Samuel, married into the family and settled permanently in Philadelphia. The Pleasants, in addition to being members of Virginia's tobacco planter elite, were also members of the trans-Atlantic Quaker elite. And for many years, the two identities did not conflict. For the better part of the century, it was possible to be a Virginia planter, slaveholder and Quaker without cognitive dissonance.

In comparison to Virginia Friends, Quaker slave-owners in Philadelphia generally held a few slaves as house servants; urban slaves were signifiers of wealth and status but not economically essential to wealth creation. In the Pennsylvania countryside, rich landowners sometimes used slaves as supplemental farm laborers, but slaves were not an essential element of Pennsylvania agriculture.¹⁰ It is little wonder that antislavery found its start in Philadelphia and not in Virginia. Quaker antislavery reform in Pennsylvania was one part of a larger reform effort beginning in the 1750s that targeted worldliness and luxury. John Woolman and John Churchman, early leaders of the reform effort, were concerned that economic successes often lead to spiritual "lukewarmness". They encouraged fellow Quakers to reform their personal conduct but reapplying themselves to the Society's rules and its principles. In this light, slave holding was increasingly regarded as a luxury inconsistent with the simplicity of Friends.

In response to the antislavery pressures emanating in the North, Virginia's Friends initially concentrated on aspects of the Quaker reformation that did not directly involve slavery. Slavery, however, eventually became a moral gauge of a Quaker's commitment to the Golden Rule and the continued reform of the Society. The

¹⁰ Michael J. Crawford, *The Having of Negroes is Become a Burden: The Quaker Struggle to Free Slaves in Revolutionary North Carolina* (Gainesville: University Press of Florida, 2010), 5; Jean R. Soderlund, *Quakers & Slavery: A Divided Spirit* (Princeton: Princeton University Press, 1985), 54-86.

Philadelphia and London Meetings repeatedly pressed Virginia's Quakers to address the issue. Near death, John Pleasants III acceded to this pressure and accepted the sense of his fellow Quakers that slavery, the most substantial portion of his family's wealth and wellspring of social prestige in the Old Dominion, was no longer reconcilable in his conscience. His son, Robert, who had been in contact with the noted Quaker abolitionist Anthony Benezet since at least 1762 and had engaged in some limited antislavery activity, no doubt encouraged his father's turn of mind.¹¹ But Virginia law was not amenable to emerging antislavery principles. Freeing slaves had been illegal since 1723; slaves "running-at-large" were liable to be seized by authorities and sold back into bondage with the proceeds going to the county's fund for the destitute. The consequences of freedom might be enslavement to another owner. But the law was not his only concern; Pleasants felt he had to balance "justice" for his "poor slaves" with the future prospects of his family and heirs. The generational transfer of land and slaves had solidified the economic standing of the Pleasants family and many other families in colonial Virginia. John Pleasants also felt a responsibility to his community. Slave masters were responsible for the conduct of their slaves and he feared that his freed people might become a burden or nuisance to his neighbors. So, father and son crafted a series of testamentary bequeaths balancing competing concerns within the confines of the common law.¹² These competing concerns resulted in a complex legal provision that gave rise to the case of *Pleasants v. Pleasants* (1799)—a case that would split the family apart and force Virginia's esteemed legal minds—George Wythe, John Marshall, John

¹¹ Robert McColley ascribes the origin of Robert Pleasants's antislavery principles to his father, John Pleasants III, "who had tried to free his hundreds of slaves in 1771, but was prevented from doing so by the prevailing laws." See McColley, *Slavery and Jeffersonian Virginia*, 156.

¹² Pleasants Valentine, *The Edward Pleasants Valentine Papers*, 1117.

Wickham and the Virginia Court of Appeals—to try and rectify slavery, racism, liberty and the legacy of the American Revolution in the courtroom. The case would, as precedent, help establish the legal foundations of southern slavery in the early antebellum period.

John Pleasants III, as evidenced by his will, felt a paternalistic affection for slaves he had known since childhood. Several elderly slaves were placed in a unique guardianship arrangement as a reward for loyalty and services rendered. For example, it was stipulated that Joe Cooper, old Suckey, Fanny, old Robin, Carpenter Will, old Nat, old Cesar, and Aggy “shall be at liberty to live with any of my children they shall choose and not be controlled, and to enjoy the benefit of their labour as fully as if (they) were free.” In addition to this quasi-freedom, Pleasants also provided stipends from his estate if Joe Cooper or any of the other slaves lived to an age when they could no longer provide for themselves. But, Pleasants was not completely confident that the slaves in question would use their liberty wisely. If Joe Cooper and the rest did not employ themselves, obey the law, and stay out of trouble, then the will authorized the trustees to revoke their liberty.¹³ Pleasants was guardedly optimistic about the future prospects of Cooper and the others. Having expropriated the best years of their lives, perhaps he felt the stipends were in some small measure recompense for his theft of their labor and freedom.

Pleasants made different arrangements for those slaves who were in their prime. In doing so, he sought to balance liberty with productivity. Charles White, a waterman by training, was given the liberty to work Virginia’s rivers as a batteaxuman starting in

¹³ Ibid.

1776.¹⁴ An enslaved batteauxman had about as much physical freedom as a slave could hope for spending days and nights travelling Virginia's innumerable in-land waterways. White's two sons, Jack and Charles, accompanied their father as his crew. No guardian was to be appointed nor was their liberty to be abridged, according to the will, so long as White "minds his business and proves honest" by remitting over two-thirds of his earnings to the trustees of the estate. So, White and his sons had to provide five years of labor for the Pleasants family and a majority of their future earnings to his estate reflecting Pleasants's desire to grant liberty to his slaves but also to secure some level of economic remuneration to his heirs. Sam, another favored slave was to "have liberty as a free man and hire himself and to receive to his own proper use and disposal any sum or sums of money he may earn" as long as he paid twelve pounds a year excluding any taxes or clothes which were to be paid by the estate. Three slaves were judged to be incapable of liberty. Pleasants's "man" Phil was to be paid 4% per annum over and above his expenses and had the choice of living with Pleasants's wife Margaret, or any of their children. Pleasants also thought that "My man Sharper and his wife Biddy" were "not capable of getting their livelihood therefore think it is best not for them to be at their liberty." The couple was to be paid forty shillings over and above the cost of their working apparel with the stipulation that they "be used well."

Although Pleasants was forced by law to retain his slaves as property, the will endowed them with certain legal rights and obligations: to choose their master, to receive annual sums from the estate and to remit earnings to the estate. If there were a breach of any of these conditions it was not clear how the breach could be addressed by existing

¹⁴ Batteaux were flat bottomed boats usually worked by crews of three that would transport hogsheads of tobacco and other goods. See Melvin Patrick Ely, *Israel on the Appomattox: a southern Experiment in Black Freedom from the 1790s through the Civil War* (New York: Knopf, 2004), 151-155.

legal principles. Could one of the slaves “owe” the estate a debt? What if one of the slaves was not paid, could the slave sue for his share of the estate? The answers were uncertain because the status of a slave was uncertain in the common law. Even a *villien* in medieval England had certain actionable rights in the common law—they still possessed legal personality. But could a slave inherit common law legal rights and exercise them? The religious, moral and social pressures of the Quaker antislavery movement were beginning to affect the legal system and would in time force Virginia judges to answer such hard questions that were often avoided in the colonial era.

Excluding individuals already mentioned, most of Pleasants’s slaves were distributed among his relations. Robert Pleasants was given custody of Cuffy, Gabe, Rachel and her child, Patts and her four children. Pleasants gave Jane, his granddaughter, custody of Jenny, “a negro girl.” Another granddaughter was given custody of Pender and all her children. While yet another granddaughter was given Tabb and her youngest child Syphax. In one rather curious instance, Pleasants decided that one particular slave, Ciss, could go to anyone except his daughter Dorothy.¹⁵ Nonetheless, the majority of the 215 slaves of the estate were distributed by lots.¹⁶ For example, Samuel, one of Pleasants’s sons who lived in Philadelphia was given “one third part of my slaves not

¹⁵ Pleasants explained, cryptically, that he was seeking to avoid “dispute and difference” in his choice not to hand custody of Ciss over to Dorothy. He wrote, “There was a negro named Ciss, which my daughter took a fancy to, and she was called her maid by some of the family but without any foundation or gift from me to her, only she liked her and Ciss was called her maid, and I *for reasons best known to myself* have not thought it fit to confirm my daughter Dorothy’s choice of the said Ciss...” Whatever reasons Pleasants had to deny his daughter the company of her “maid” went with him to his grave. *Edward Pleasants Valentine Papers*, 1126.

¹⁶ For John Pleasants’s death, see William Rind, “Personal Notices from the Virginia Gazette,” *William and Mary College Quarterly Historical Magazine* 8, (1899), 190. Robert Pleasants noted the number of slaves at issue in a letter to James Permberton, Nov. 13, 1790, *Manuscript Collection Belonging to the Pennsylvania Society for Promoting the Abolition of Slavery, for the Relief of Free Negroes Unlawfully Held in Bondage, and the Improving the Condition of the African Race*, 8 vols., (Philadelphia, 1876), 2:221. Quoted in James H. Kettner, “Persons or Property? The Pleasants Slaves in the Virginia Courts, 1792-1799,” in *Launching The “Extended Republic” The Federalist Era*, ed. Ronald and Peter J. Albert Hoffman (Charlottesville: University of Virginia Press, 1996), 138.

otherwise disposed of by this will". Samuel's brothers—Robert and young Jonathan—received the rest. All the slaves were all bequeathed under the following condition:

"my further desire is, respecting my poor slaves, all of them as I shall die possessed with shall be free if they choose it when they arrive to the age of thirty years, and the laws of the land will admit them to be set free without their being transported out of the country. I say all my slaves now born or hereafter to be born, whilst their mothers are in the service of me or my heirs, to be free at the age of thirty years as above mentioned, to be adjudged of by my trustees their age." ¹⁷

Pleasants wanted to reward his slaves with liberty but he feared that doing so would adversely affect the financial standing of his heirs. As a result, John and Robert Pleasants drafted a will that essentially created a new form of servitude. Once a slave reached thirty years old they could claim freedom under the will. But surviving childhood as a slave was often difficult. Slave mothers were forced back to work soon after having children. Healthcare, nutrition and shelter were poor even for the standards of the time. Records are sparse, but one historian of colonial Virginia's demographics has suggested "that a quarter of slave children died before they celebrated their first birthday and almost another quarter died by age fifteen...more than two-fifths higher than white infant and childhood mortality."¹⁸ If a Pleasants slave survived their early teens, there was a good chance they would live to claim their freedom if manumissions (without mandatory expulsion from the state) were ever legal. Freedom depended upon the occurrence of two events—one was a political act, the other an objective measure of time. In one respect, the will created a form of slavery that in some ways resembled indentured servitude but with essential differences—freedom was not guaranteed and bondage was hereditary. The

¹⁷ Pleasants Valentine, *The Edward Pleasants Valentine Papers*, 1117.

¹⁸ Allan Kulikoff, *Tobacco and Slaves: the Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill: Published for the Institute of Early American History and Culture, Williamsburg, Virginia by the University of North Carolina Press, 1986), 73.

men and women under the will would serve for a term of years hoping that the Assembly passed the appropriate legislation.

It was possible that the Virginia legislature might never legalize manumission for many years. The will provided for this contingency by endowing slaves not yet born with a hereditary right to freedom: “I say all my slaves now born or hereafter to be born, whilst their mothers are in the service of me or my heirs...” Just as servitude followed the condition of the mother so also did a contingent claim to freedom under the will. But the common law frowns upon restrictions on the transmission of property that are too remote from occurring. The longer removed from the death of Pleasants, the harder it would be to get a court to enforce its provisions. In order for the freedom provisions to take effect, the House of Burgesses would have to amend the law which had been in place since the seventeenth century. Robert Pleasants and other Virginia Quakers had already begun the process of lobbying the House in 1769 for such a change.

In the 1760s, Robert Pleasants had been a tepid proponent of gradualist antislavery initiatives within the Society of Friends. In the following decade he became a committed activist for the antislavery cause in Virginia. Whereas John Pleasants III continued to think like a slave master until his death, Robert Pleasants would fully discard his previous mental attachments to slavery. The antislavery imperatives of the Society dovetailed and compounded his personal responsibility as his father’s executor. Certainly, the will placed no legal responsibility or duty on Robert to work for the amendment of the law against manumission, but it required him to work to implement its terms. It pushed him to try and communicate the Quaker “truths” of antislavery as he understood them, into a set of idioms, appeals and arguments that would be persuasive to

Virginia's political leaders. The will focused both his abstract rejection of slavery and his sense of personal responsibility in a way that pushed him to work for the repeal of the law against manumission. Virginia Quakers would have to convince their slaveholding neighbors to amend the law. They had to translate their moral and religious concerns, which were designed to convince Quakers of the inequities of slavery based on equalitarianism and the Golden Rule into a language of antislavery that appealed to Virginia's hierarchical sensibilities. The will pushed Robert to translate antislavery sensibilities into a language designed to motivate political and legal action among elite Virginians.

In the mean time, lacking the ability to legally free their own slaves, reformers in the Virginia Meeting concentrated on ameliorating the condition and treatment of slaves. Their northern counterparts faced none of these restrictions. Starting in 1754, the Philadelphia Yearly Meeting had formally condemned slavery. In 1776, it made slaveholding incompatible with membership in the Society. And by 1780, the Quaker effort in Pennsylvania resulted in a gradual emancipation law.¹⁹ Following the lead of his northern brethren, Robert Pleasants and other Quakers pushed members of the House of Burgesses to pass a private manumission bill.

The prohibition against manumission in Virginia had its start in the late seventeenth century. Bacon's Rebellion had taught elite Virginians that freed white servants posed an existential threat to the colony.²⁰ It was feared that the rapidly increasing number of slaves posed similar, even more violent, threats to the established

¹⁹ See Gary Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and its Aftermath* (New York: Oxford University Press, 1991); See also Soderlund, *Quakers and Slavery* (Princeton: Princeton University Press, 1985).

²⁰ See Edmund S. Morgan, *American Slavery, American Freedom* (New York: W.W. Norton & Co., 1975).

order. Virginians suspected as much and in the last decade of the seventeenth century, the government passed a law which required a freed slave to leave the colony after manumission. In 1691, the General Assembly declared that “great inconveniences may happen to this country by setting of negroes and mulattoes free” and as a result anyone who freed a slave was required to pay for that person’s removal within six months of emancipation.²¹ A master had the right to free his slave, but a free black person was not welcome in the Colony. Because white Virginians in the eighteenth century increasingly emphasized race as a determinant of social behavior over and above social status, it is easy to understand how they may have viewed freed blacks as potential allies of incipient slave rebellions.

At the beginning of the eighteenth century, the Colony was beset by fears of rebellions; whites suspected that free blacks, although small in numbers, were engaging in “secret plots and conspiracies”.²² Lawmakers believed that free blacks as well as Virginia’s Native American population would betray the colony during an invasion.²³ In

²¹ “An Act for Suppressing Outlying Slaves” *Laws of Virginia, 1691, Act XVI* reprinted in Paul Finkleman, ed., *The Law of Freedom and Bondage: A Casebook* (New York: Oceana Publications, 1986), 18.

²² William Waller Hening, *The Statutes at Large: being a Collection of all the Laws of Virginia* vol. iv (Richmond: George Cochran, 1820): 126, 128-130. Eva Marie Sheppard-Wolf estimates that prior to the Revolution only perhaps one percent of the total population could be classified as freed blacks, whose status was circumscribed by law and popular suspicion. See Eva Marie Sheppard-Wolf, *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner’s Rebellion*, (Baton Rouge: Louisiana State Press, 2006), 3-4. Michael L. Nicholls estimates that only “two dozen Virginia slaves were *legally* [my italics] emancipated during the half century before the American Revolution. Of course this figure ignores illegal emancipations and does not include slaves freed before the restrictive acts of 1691 and the near complete prohibition after 1723.” See also Michael L. Nicholls, “Strangers Setting among Us: The Sources and Challenge of the Urban Free Black Population of Early Virginia” *The Virginia Magazine of History and Biography*, 108 (2000): 155. See also Adele Hast, “The Legal Status of the Negro in Virginia 1705-1765,” *The Journal of Negro History* 54 (1969): 217-239.

²²⁰; Alison Goodyear Freehling, *Drift toward Dissolution: the Virginia Slavery Debate of 1831-1832* (Baton Rouge: Louisiana State University Press, 1982), 88.

²³ Militia commanders were forbidden to enlist “free Negroes, Mulattos, or Indians” in the militia during peacetime. But in the event of “any invasion, insurrection, or rebellion, all free Negroes, Mulattos, or Indians, shall be obliged to attend and march with the militia, and to do the duty of pioneers, or such other servile labour as they shall be directed to perform.” William Waller Hening, *The Statutes at Large: being a Collection of all the Laws of Virginia* vol. iv (Richmond: George Cochran, 1820), 119.

1723, lawmakers prohibited free blacks (along with whites and Indians) from associating with slaves absent a master's explicit supervision. They were also prohibited from carrying "any gun, powder, shot, or any club, or other weapon whatsoever."²⁴ Their civil powers were likewise restrained when they were stripped of the suffrage and their economic power was attenuated by taxing them more severely than whites. The legislature empowered county authorities to seize any illegally freed slaves and auction them off with the proceeds going to fund the county dole. Finally, the legislature decided to revoke a master's private right to alienate his own property. "No negro, mullato, or indian slaves, shall be set free," the Burgesses declared, "upon any pretense whatsoever."²⁵ The law proved successful; legal emancipations became a rarity in Virginia and as a result the free black population remained small in number.²⁶

In the seventeenth century, the Society of Friends in general reconciled slavery to their religious perspective through Christian "amelioration" of the master-slave relationship.²⁷ Amelioration aimed at improving the physical and spiritual condition of slaves without an eye towards freeing slaves.²⁸ Such measures could be considered humane if one adhered to the conviction that each man and woman had a specified

²⁴ It must be noted however that the prohibition against firearms had both a grandfather clause and an exception for "free negro, mullato, or Indian" housekeepers who were allowed to possess one gun, powder and shot. Lawmakers recognized the necessity of firearms on the frontier, even for non-whites. Ibid, 131.

²⁵ The law made an exception for meritorious service but the Council had to grant a special license in order to legally effectuate the manumission of a slave. Ibid., 132.

²⁶ Hast, "The Legal Status of the Negro," 220-1. John Henderson Russell, *The Free Negro in Virginia, 1619-1865* (Baltimore: The Johns Hopkins Press, 1913), 53.

²⁷ George Fox, founder of the Religious Society of Friends, counseled Quaker slaveholders to treat their "Ethiopians" kindly. See "George Fox, and the tendency of the Principles taught by him," *The Friend* 12 (1838): 62-63.

²⁸ The policy of amelioration eased Quaker consciences without threatening the unity of Friends. Amelioration of physical conditions may have even served to help keep slavery more orderly, productive and profitable. Even the act of manumission may be perceived as part of the ameliorative process of making slavery more productive. Manumission had been used as the ultimate carrot to slave informants in Virginia. As long as freedmen were required to leave the state, and did so, manumission could be used to buttress the effective management of the slave population. And yet, under the guise of amelioration reformers made subtle critiques and undermined certain core assumptions of the master-slave relationship.

position within society and it was one's moral duty to fulfill the requirements of that station without complaint. In such a view, the treatment of slaves required improvement but the institution itself remained unquestioned. As long as slaves were exposed to God's saving grace, Quakers could accept, with slight reluctance the rectitude and necessity of slavery. At the mid-point of the eighteenth century, Quakers generally thought about slavery like most other American colonists excepting a few isolated voices of protest.²⁹ Virginia's Quakers, likewise, squared slavery with Christianity by requiring that Friends use their slaves "well" but did not require them to contemplate freeing them. Good treatment meant restraining their bondsmen from vice and instructing them in the principles of Christianity. Friends expressed unease, however, with trading slaves for profit or "importing" them—by which they meant participation in the international slave trade. But they did not condemn purchasing slaves on the local domestic market.³⁰ Since slaveholding itself was accepted, the practice of it had to be guided, or cloaked, in Christian principles. But the maintenance of slavery as a social institution requires the exercise of power, subjugation and violence to ensure social stability which caused some doubt and confusion among early Quakers.

The fear of slave rebellions waxed and waned in colonial Virginia.³¹ A period of relative laxity was often followed by a period of heightened anxiety. In these periods of unease, masters were reminded to punish slave dissent with brutal, and often public,

²⁹ Crawford, *The Having of Negroes*, 5; Soderlund, *Quakers and Slavery*, 4; Thomas E. Drake, *Quakers and Slavery in America* (Gloucester: Yale University Press, 1950), 1-47.

³⁰ The Virginia Yearly Meeting issued the following query in 1722 to the lower meetings: "Are all Friends clear of being concerned in the importation of slaves or purchasing them for sale, do they use those well they are possessed of, and do they endeavor to restrain from Vice, and to instruct them in the principles of the Christian religion?" Stephen B. Weeks, *Southern Quakers and Slavery: A Study in Institutional History* (Baltimore: Johns Hopkins Press, 1896), 201.

³¹ Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge: Harvard University Press, 2001), 24-32.

punishment and tortures. The “spectacle of fearsome acts” instilled subservience.³² Responding to threats and rumors of slave rebellion and misbehavior, the Virginia General Assembly passed a law requiring members of the militia to participate in periodic slave patrols. Efforts were made to improve the effectiveness of notoriously undisciplined slave patrols. Patrollers were instructed to “visit all negro quarters, and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons” and seize anyone suspicious and bring them before the justice of the peace for a whipping.³³ Slave patrollers used violence and intimidation to subjugate slaves and free blacks; violence was prohibited by the Quaker discipline and Friends resisted participation or cooperation with the patrols.³⁴ And yet, Quaker slaveholders benefited from the system while declining to assist in its maintenance—a fact not unnoticed by their neighbors. Friends, in response, emphasized the value of Christian mastery as a means of preventing rebellion: “In order that we may be serviceable in some measure in the case, those who have negroes are advised to use them as fellow creatures and the workmanship of the same all-wise Creator that made and created us, not abusing them...”³⁵ The slaveholder was not necessarily sinful just because he or she owned slaves—they were sinners only if they abused their slaves physically or sold them for profit.

³² The term “spectacle of fearsome acts” is taken from the movie *Gangs of New York*, directed by Martin Scorsese (2002; Burbank, CA: Miramax Home Video, 2002), DVD. In the film, the character Bill the Butcher reflects on the nature of violence and social control: “I’m forty-seven. Forty-seven years old. You know how I stayed alive this long? All these years? Fear. The spectacle of fearsome acts. Somebody steals from me, I cut off his hands. He offends me, I cut out his tongue. He rises against me, I cut off his head, stick it on a pike, raise it high up so all on the streets can see. That’s what preserves the order of things. Fear.”

³³ William Waller Hening, *The Statutes at Large; Being a Collection of all the Laws of Virginia* vol. 5 (Richmond: WW Gray, 1819), 19.

³⁴ Jay Worrall, *The Friendly Virginians* (Athens: Iberian Publishers, 1994), 145-6.

³⁵ *Ibid.*, 146.

While Virginia Quakers continued to finesse their ameliorative stance on slavery, Quakers in Philadelphia and surrounding counties went beyond amelioration.³⁶ In 1753, John Woolman published his antislavery pamphlet, *Some Considerations on the Keeping of Negroes*, followed by the Meeting's own publication, *An Epistle of Caution and Advice, Concerning the Buying and Keeping of Slaves*. The tracts argued that slaveholding of any kind was incompatible with Christianity.³⁷ In 1758 antislavery Friends began eliminating slaveholding completely from the Philadelphia Yearly Meeting of Friends by closing leadership positions to slaveholders.³⁸ Prominent Friends spread the message of reform to other meetings.³⁹

Quaker theology furnishes the moral imperatives necessary for constructing antislavery positions and action: spiritual equalitarianism among men, pacifism and abhorrence of violence, and strictures against ostentation, luxury and indolence.⁴⁰ These

³⁶ Slavery had become economically ill-suited to changing conditions in Pennsylvania. Smaller farms and the arrival of German and Scots-Irish immigrants made slavery a less profitable. Fewer Friends relied on slavery more non-slaveholding Friends began to assume leadership roles within the Philadelphia Meeting. Crawford notes: "In the 1750s a coalition of active reformers and the formerly silenced minority of antislavery delegates attained power and led the yearly meeting to the adoption of strong antislavery resolutions. Crawford, *The Having of Negroes*, 6; see also Soderlund, *Quakers & Slavery*, 15-49.

³⁷ Crawford, *The Having of Negroes*, 7. Woolman's piece is reprinted in Roger Bruns, ed., *Am I Not a Man and a Brother: The Antislavery Crusade of Revolutionary America, 1688-1788* (New York: Chelsea House, 1977), 68-78. The *Epistle* is contained in J. William Frost, ed., *The Quaker Origins of Antislavery* (Norwood: Norwood Editions, 1980), 167-170.

³⁸ Crawford, *The Having of Negroes*, 7-8; Thomas Edward Drake, *Quakers and Slavery in America* (Gloucester: P. Smith, 1965): 48-67. Jean Soderlund's presentation of the Quaker process of eliminating slaveholders has generated a lively debate. See Jack Marietta, "Egoism and Altruism in Quaker Abolition," *Quaker History: the Bulletin of Friends Historical Association* 82 (1993): 1-22; Soderlund responded in the same issue of *Quaker History*: Jean R. Soderlund, "On Quakers and Slavery: A Reply to Jack Marietta," 23-27 and Jean R. Soderlund "Response to 'Historiographical Developments in Early North American Quaker Studies,'" *The Southern Friend: Journal of the North Carolina Friends Historical Society* 13 (1991): 34-39.

³⁹ John Woolman stoked antislavery reform within the Society of Friends in the 1750s. Moreover, he helped spread the message to other colonial Meetings, including personal visits to Virginia. See, Thomas P. Slaughter, *The Beautiful Soul of John Woolman, Apostle of Abolition* (New York: Wang and Hill, 2008). Anthony Benezet, more than any other Quaker, helped spread the antislavery message on both sides of the Atlantic. His antislavery writings and collections created a trans-Atlantic antislavery movement linking secular and religious reformers. See Maurice Jackson, *Let This Voice Be Heard: Anthony Benezet, Father of Atlantic Abolitionism* (Philadelphia: University of Pennsylvania Press, 2009).

⁴⁰ Drake, *Quakers and Slavery in America*, 1-33.

beliefs began a “process by which the sinfulness of slavery was established to the satisfaction of Quakers everywhere.”⁴¹ It was a process of overlapping stages. The slave trade was first analogized to a war against Africans and their continued enslavement was regarded as a vast theft of their property and persons. Having established the sinfulness of the trade, reformist Friends argued against trading in domestic slaves because it separated husbands and wives leading to familial disintegration. In the final stage of Quaker abolitionism, Friends arrived at the conclusion that slaveholding, in all its forms, was a sinful luxury that violated Christian equalitarianism—a conclusion similar in many ways to lines of thought emerging from the European Enlightenment. The Quakers were at the forefront of a great revolution in moral sentiment and led efforts to effectuate political change hostile to slavery.⁴²

Although it is clear that the intellectual materials necessary to build antislavery arguments were present in Quaker thoughts and beliefs, especially in the primacy of spiritual equality, the story of how Quakers actually fashioned their opposition to slavery is a bit complex and contingent.⁴³ Slavery and participation in the slave trade was

⁴¹ Duncan J. MacLeod, *Slavery, Race, and the American Revolution* (Cambridge: Cambridge University Press, 1974), 19.

⁴² David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca: Cornell University Press, 1966), 291-332, 483-493.

⁴³ Scholars have explored the question of how why the Society of Friends became the first organized body to challenge the slavery in context of the Atlantic World—most notably David Brion Davis in *The Problem of Slavery in Western Culture* (Ithaca: Cornell University Press, 1966) and Winthrop Jordan in *White Over Black* (Chapel Hill: University of North Carolina Press, 1968). Davis and Jordan both explored the intellectual and religious origins of antislavery and its intellectual pedigree while Quaker historians have focused on the interrelationship of the Quaker reformation and antislavery and the relationship of Quaker reformers to the world outside the Society. See Sydney V. James, *A People Among Peoples: Quaker Benevolence in the Eighteenth Century America* (Cambridge: Harvard University Press, 1963); Jack D. Marietta, *The Reformation of American Quakerism, 1748-1783* (Philadelphia: University of Pennsylvania Press, 1984); Soderlund, *Quakers and Slavery* (1985), and Soderlund and Nash, *Freedom by Degrees* (1991). Christopher Leslie Brown explained how antislavery ideas were turned from intellectual abstractions into a substantive, trans-Atlantic political and social movement against slavery in *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006).

common among the Quakers of British Colonial America.⁴⁴ The Quaker grandees of Philadelphia held slaves. Land-owning farmers outside Philadelphia also owned slaves. Quaker merchants in Rhode Island, Delaware and New England were deeply involved in the triangular trade of rum, sugar and slaves. Not all Quakers accepted slavery without reservation. Individual Friends, especially in Pennsylvania, objected to slavery on religious grounds, but dissent was countervailed by Quaker leaders who were either slaveowners themselves or concerned with preserving the “unity” of the Meeting by avoiding internecine conflict that could lead to a major schism and were thus sympathetic to the status quo.⁴⁵ But by the 1750s, the economics of slaveholding in Pennsylvania had changed. German and Scotch-Irish immigrants expanded the pool of white laborers while farm sizes decreased opening up opportunities for free laborers. The rising non-Quaker population ultimately gained political control of Philadelphia. Internal political pressures were increased by imperial tensions leading to a Quaker withdrawal from government. The withdrawal reinforced an ongoing reformation of the Society of Friends expressed as a gnawing sense of declension. At the heart of the reformation was the conviction that the relative prosperity of Quakers had sapped the religious zeal and commitment which had characterized their spiritual and historical ancestors—the fear was that Quakers had become too “worldly.” The Quaker reformation set in the context of the Great Awakening reinforced sectarian identity while the French Indian War and resulting political crises of the 1750s similarly helped to delineate the differences between pacifist Quakers and their English neighbors—especially the Scotch-Irish. Without their

⁴⁴ “Until the 1750s, most Friends probably had the same attitudes on slavery as other colonists: they either owned slaves and saw nothing wrong with their behavior as long as they treated their chattels well, or they thought little about slavery at all.” Soderlund, *Quakers and Slavery*, 4.

⁴⁵ Soderlund, *Quakers & Slavery*, 87-111; Drake, *Quakers and Slavery in America*, 34-47.

distinctive identities and commitments, it was obvious that Quakers could quite easily become less sectarian in colonial society. As a result of these fears, Quaker reformers concentrated on reviving commitment to fundamental Quaker beliefs and more rigorous attention to discipline.⁴⁶

The imperative of antislavery emerged from a diffuse coalition of reformers. From one group originated a benevolent attention to the victims of slavery who saw the manumission of their own slaves as setting a moral example worthy of imitation. Another group of reformers, whose membership overlapped to some degree with the former group, saw slavery as an act of evil, a sin that ultimately trapped the slave master in a life of violence, pride and luxury.⁴⁷ These two strands of a general reform effort were able to slowly displace the more conservative Quaker leadership through attrition so that by the 1750s a new cadre of leadership sympathetic to reform and more concerned with revitalizing the spiritual health of the Society emerged. Over the course of the next two decades wheat and iron production assumed a greater share of the Pennsylvania economy. Labor demands in both endeavors tended to be seasonal. Slavery in these circumstances continued to decline. By 1774, a critical mass had been reached in the meetings around Philadelphia. In that year, the Meeting made slave trading a disownable offense. In 1776, the Meeting banned slaveholding completely for Pennsylvania Friends.

⁴⁶ Crawford, *The Having of Negroes*, 5-6; More generally, see Marietta, *The Reformation of American Quakerism, 1748-1753* (1985); and Richard Bauman, *For Reputation of Truth: Politics, Religion, and Conflict among the Pennsylvania Quakers, 1750-1800* (Baltimore, MD: Johns Hopkins Press, 1971), 35-46; Frederick B. Tolles, *Meetinghouse and Counting House* (Chapel Hill: University of North Carolina Press, 1948), 231-243. Ralph L. Ketchum, "Conscience, War, and Politics in Pennsylvania, 1755-1757," *William and Mary Quarterly* 20 (1963): 416-439.

⁴⁷Crawford, *The Having of Negroes*, 6-11.

Antislavery Friends would continue to press slaveholding Friends to release their slaves or push for their expulsion from the Society.⁴⁸

The Quaker's radical step of condemning slavery, a practice deeply embroidered into the social fabric and patterns of thought in British America occurred in the context of "a profound transformation in moral perception" in which non-Quakers also concluded that slavery was a social evil that threatened a community's virtue and safety. The acceptance of antislavery originating in the social philosophy of the Enlightenment, an emerging ethic of benevolence, an evangelical revival and a fashionable strain of primitivism all converged to "undercut traditional rationalizations for slavery" as well as offering "new modes of sensibility for identifying with its victims." Quaker voices against slavery were not heard outside the Society until the "emergence of an enlightened climate of opinion defining liberty" as a natural and fundamental right which served to sanction the goals and justifications of Quaker antislavery efforts.⁴⁹ Political action required the belief that change was indeed possible. Supporting antislavery required a degree of moral approbation from some contemporaries while providing individual reformers with a sense of personal gratification and mission.⁵⁰ Renouncing slaveholding demonstrated the distinctive sectarian moral consciousness of the Society—Quakers could be regarded as moral exemplars by their less punctilious secular neighbors. The Quaker reformation spread to the South through institutional channels, such as: regional meetings, systematized correspondence, exchange of pamphlets and personal visits by

⁴⁸ Ibid., 8. Jackson, *Let this Voice Be Heard*, 16-17, 217-219; Nash and Soderlund, *Freedom by Degrees*, 91; Soderlund, *Quakers & Slavery*, 104.

⁴⁹ Crawford, *The Having of Negroes*, 14-15.

⁵⁰ Christopher Leslie Brown, *Moral Capital*, 25-26.

ministers and other “weighty” Friends and ministers.⁵¹ John Woolman—a particularly important Quaker reformer and abolitionist from New Jersey visited Virginia patiently engaging Quaker slaveholders he met in order to demonstrate sinfulness of slave-holding.⁵²

The reformation travelled through the trans-Atlantic Quaker meeting system—a “communications network unparalleled in the eighteenth century.”⁵³ It was composed in part of the personal and mercantile relationships which overlapped institutional relationships between Quaker ministers and elders.⁵⁴ Developed in response to persecution and overlapping the Quaker’s commercial networks, the meeting system linked the major American meetings: North Carolina, Virginia, Philadelphia/New Jersey, New York and Rhode Island with Dublin, London and other English Meetings. On a spiritual level, the Quaker network “drew strength from the Quaker ethic, which gave its adherents the confident sense of being members of an extended family whose business and personal affairs were united in a seamless sphere.” These connections enabled

⁵¹ Quaker historian Jay Worrall estimated the number of minister visits to Virginia pre-1750 as 58, while in the period of 1750 to 1799 there were 144. Worrall, *Friendly Virginians*, 152.

⁵² Amelia Mott Gummere, ed., *The Journals and Essays of John Woolman* (New York: The McMillan Company, 1922): esp. Chapter II, IV; For John Woolman’s influence on the antislavery movement see Slaughter, *Beautiful Soul of John Woolman* (2008); Wolf, *Race and Liberty in the New Nation*, 7-8; David Brion Davis, “Epilogue: John Woolman’s Prophecy” in *The Problem of Slavery in Western Culture* (Ithaca, NY: Cornell University Press, 1966).

⁵³ David Brion Davis, *The Problem of Slavery in the Age of Revolution*, 226. For example, Anthony Benezet wrote to Pleasants in 1765 seeking his aid for John Hunt, a prominent elder from Philadelphia who had legal issues to resolve in Virginia. Benezet wanted Pleasants to help expedite the business for Hunt, so that Hunt could continue to labor among Friends in London especially as a representative to the British government. See “A Bundle of Letters: Anthony Benezet, January, 1765,” *Records of Quaker Meetings in Virginia, 1672 – 1845*

⁵⁴ For example, Anthony Benezet wrote to Pleasants in 1765 seeking his aid for John Hunt, a prominent elder from Philadelphia who had legal issues to resolve in Virginia. Benezet wanted Pleasants to help expedite the business for Hunt, so that Hunt could continue to labor among Friends in London especially as a representative to the British government. See “A Bundle of Letters: Anthony Benezet, January, 1765,” *Records of Quaker Meetings in Virginia, 1672 – 1845*.

traveling ministers to exhort “influential Friends to cast off worldly contamination” within a “framework for coordinated action.”⁵⁵

As a prominent office holder and merchant, Pleasants was deeply enmeshed in the Quaker network. He served as the Clerk of the 1758 Virginia Yearly Meeting where it was reiterated that Quakers should teach their bondspeople the basics of the Christian religion and avoid buying or selling slaves.⁵⁶ The following year, the Meeting discouraged Friends from importing slaves.⁵⁷ Virginia Quakers shied away from any measures that would upset the unity of the Meeting leading them to prevaricate on the issue of slave owning.⁵⁸ Prior to the 1760s, Robert Pleasants regarded slavery as an unobjectionable practice, if undertaken with Christian principles. Pleasants eulogized his brother and remembered him as “a kind neighbor, a loving Husband, a tender father and good Master.”⁵⁹ In a memorial to his dead wife, Pleasants complimented Mary’s supervision of the family’s slaves:

“[She was] a kind mistress; never requiring any unreasonable services, and to the best of my remembrance, never corrected one of the servants her Self, or desired one of them to be corrected with stripes by others during that time and yet was served as well as most Mistresses of families who use severities; which discovered at once, her humane

⁵⁵ Davis, *The Problem of Slavery*, 226-231

⁵⁶ Herbert Aptheker, “The Quakers and Negro Slavery,” *The Journal of Negro History* 25 (1940): 348; Weeks, *Southern Quakers and Slavery*, 202.

⁵⁷ Aptheker, “The Quakers and Negro Slavery,” 348-9.

⁵⁸ Quaker meetings could backtrack on the slavery issue in areas where slavery was deemed essential to the production of staple crops. In February of 1760, Robert Pleasants travelled to West River, Maryland to marry for the second time. His bride was the ill-fated widow Mary Hill (nee Thomas). She would die just several years later. West River was similar to Henrico County in that both areas relied on tobacco production. West River Quakers, like Virginia’s Quakers, were also heavily invested in slavery. After the marriage, the Maryland Yearly Meeting was held at West River. Conservative Quaker planters halted antislavery measures achieved at a previous session. The previous Meeting had made “buoying of Negroes” an offense under the discipline. Proslavery Friends amended the provision to apply only to “the importing of Negroes,” which prohibited participation in the international slave trade without interfering with the domestic slave trade. The sense of the meeting was “Friends at present are not fully ripe in their judgments to carry the minute further than against being concerned in the importing of Negroes.” Drake, 66.

⁵⁹ Memorial of Mary Thomas of West River Maryland in *The Letterbook of Robert Pleasants*.

disposition & good management, towards a people generally remarkable for carelessness & negligence.”⁶⁰

Pleasants and most Virginia Quakers, prior to the 1760s, did not see slaveholding *per se* as sin—his dead wife was a good woman, a good Christian and therefore a good mistress. Pleasants’s acceptance of slavery was facilitated by racism: it was his opinion that blacks were “generally remarkable for carelessness & negligence.” Racism enabled the division of men into higher and lower races. Blacks for Pleasants were a less able form of humanity—their supposed carelessness and negligence justified their continued enslavement. Quaker slaveowners could quell any vibrations of conscience by reminding themselves that blacks needed supervision and Friends treated their slaves better than most. Antislavery impulses could be contained within existing conceptions of Christian paternalism. But there were voices in the Society reaffirming the complete equality of mankind and the sinfulness of slavery.

In 1762, Anthony Benezet, the foremost antislavery proponent of his time, sent Pleasants a short note.⁶¹ He wrote from Philadelphia:

“Loving Friend, I herewith send thee some Pamphlets [re] the Negro Trade lately published here. I heartily wish those amongst you who are concerned with this suffering People may be prevailed upon to read them with seriousness if [illegible] they may see their Danger and apply to the Common Father for instruction how to act therein. I shall be glad to know thy Sentiments upon the Contents of the Pamphlets, and if thou thinks [the] sending thee more would be of any service among you: as we are about reprinting it with some addition having met with some strong corroborating Testimony from some Persons.”⁶²

⁶⁰ Memorial of Mary Thomas of West River Maryland” in *The Robert Pleasants Letterbook*, 28.

⁶¹ See Jackson, *Let This Voice Be Heard* (2009); Irv A. Brendlinger, *To be Silent... Would be Criminal: The Antislavery Influence and Writings of Anthony Benezet* (Lanham, MD: Scarecrow Press, 2007).

⁶² “Some Old Papers,” *The Friend* LVI (1882): 154. In all likelihood, Benezet sent the pamphlet entitled, *A Short Account of that Part of Africa Inhabited by Negroes: With Respect to...the Manner by Which the Slave Trade is Carried On* (1762). See Drake, 62.

Benezet often established contact with potential reformers, like Robert Pleasants, and recruited them into the antislavery network through letters, visits and his always evolving tailor-made pamphlets whose contents changed depending on the recipient.⁶³ Benezet understood that prejudices and customs, calcified over years, cannot be easily changed. Although Pleasants agreed that the slave trade should be abolished, he had reservations about emancipation. Through the efforts of Benezet and other reformers, a small cadre of Friends potentially sympathetic to antislavery was coming together. Benezet encouraged Pleasants to internalize a sense of Christian duty based on religious, spiritual and racial equalitarianism.⁶⁴ Pleasants focused initially, however, on institutional reforms of the Society and the revival of Quaker discipline while avoiding slavery.⁶⁵ Friends, like Pleasants, pressed fellow slavemasters to teach their slaves fundamental

⁶³ Benezet, like a modern blogger, lifted and reposted material he came across in his research. Owing to the ability of printers to run custom jobs, Benezet's pamphlets and quotations were often structured for particular audiences. Drake compared Woolman and Benezet and noted that Woolman was a writer, preacher engaged in personal ministrations. Benezet, on the other hand, was a "complier, re-printer, and distributor of antislavery tracts" and "may properly be called the foremost propagandist against the slave trade and slavery in the later eighteenth century." See Jonathan D. Sassi, "With a Little Help from the Friends: The Quaker and Tactical Contexts of Anthony Benezet's Abolitionist Publishing," *Pennsylvania Magazine of History and Biography* 85 (2011), 34-35 Sassi noted that Benezet's "publishing efforts grew out of a dense web of interpersonal relationships that were grounded in his affiliation with the Society of Friends. Ibid, 35. Outside of Quaker circles, Benezet helped recruit Dr. Benjamin Rush to the antislavery cause: "If there was any one person who inspired Rush's crusade against slavery it was Anthony Benezet." Donald J. D'elia, "Dr. Benjamin Rush and the Negro," *Journal of the History of Ideas*, 30 (1969); 413.

⁶⁴"Copy of a Letter to Robert Pleasants 1765-01-14," *Triptych: Tri-College Digital Library*, accessed August 19, 2011, http://triptych.haverford.edu/u/?HC_QuakSlav,9837. In 1765, Benezet, commiserated with Pleasants in a shared sense of Quaker declension: "Darkness and Weakness seems to Spread it Self in so general a way over our Society." In these circumstances when "the Shadow of Evening" spreads itself before a person, Benezet wondered, "has our Trials and Experience answered the true end of existence?" Personal duty and a commitment to moral action along the lines delineated by the Quaker reformation would ensure salvation as long as one remained "truly sensible of the emptiness and vanity of [sublimary] enjoyments."

⁶⁵ In *The Letterbook of Robert Pleasants*, as compiled by himself, Pleasants does not include any antislavery material prior to the 1770s. One explanation is that the material did not survive when Pleasants compiled his Letterbook in the 1790s. If Pleasants did have the material, it may not be included because much of it may have reflected ambivalent, ambiguous and contradictory statements about slavery. As the foremost antislavery activist in Virginia, Pleasants may have been embarrassed at his early ambivalence with slavery. Certainly, by the early 1770s, Pleasants was a full throated opponent of slavery, which is reflected in his Letterbook.

religious and moral precepts.⁶⁶ They pushed masters to “use” their slaves well and “restrain” slaves from vice?⁶⁷ They asked Friends to not buy or sell slaves. Finally, they implored Friends to internalize a responsibility for developing Christian morality in their slaves.

Reformers in the early 1760s highlighted the repeated failure of Quaker masters to instruct their slaves in Christian principles. If Quaker slaveholders were truly concerned for the spiritual welfare of their bondsmen then the principles of Christian religion should have been widespread among the slaves—if they were not, then slavekeeping was simply the self-interested maintenance of inequality. The yearly meeting acknowledged that slaves were “unhappy people,” which signaled the failure of benevolent slaveholding and the idea that were content with Christian paternalism. Reformers drew attention to the ragged clothing and poor conditions of the slaves. The meeting recommended that slaveowning Friends “make a diligent inspection into their usage, clothing and feeding.”⁶⁸ From 1765 onwards, Virginia’s Quakers engaged in an internal debate within the Society over slavery and its consequences.⁶⁹ The Yearly Meeting asked lower meetings to consider whether Friends should “endeavor to put a stop to the further

⁶⁶ Kenneth L. Carrol, ed. “Robert Pleasants on Quakerism: Some account of the first settlement of Friends in Virginia” *The Virginia Magazine of History and Biography* 86 (1978): 14.

⁶⁷ Weeks, 202.

⁶⁸ Weeks, 202. Aptheker, 349.

⁶⁹ In 1766, the Yearly Meeting reiterated its concern that Quakers were neglecting the religious education of slaves and again declaimed the injustice of the slave trade. Pleasants read the Yearly Meetings’ message to the Friends of Henrico County and other Quakers and its instruction for their “weighty consideration.” Friends of Henrico decided that copies of the Yearly Meeting’s letter should be made and sent to the monthly and preparative meetings under their jurisdiction. Through this decision of Pleasants and his fellow Quakers, antislavery measures and sentiments were distributed to smaller, local meetings with the hope of building a consensus against the slave trade while opening the way for a broader antislavery critique aimed at slavekeeping itself. Virginia Society of Friends, “Record of the Cedar Creek Meeting May 25th 1766” in *The Record Book of Quarterly Meetings 1745-1783*, Vol. 7 of the Brock Collection. Microfilm collection at the John D. Rockefeller Jr. Library at Colonial Williamsburg, Virginia, M-1685.

purchases of negroes?”⁷⁰ The South River Meeting thought it was the general sense of Friends that “buying and selling [slaves] ought to be discouraged.” The Henrico Monthly Meeting, of which Pleasants was a member and sometimes clerk, prevaricated on the issue. The Cedar Creek Monthly Meeting, however, persisted and reiterated that they were “willing and desirous that some steps be taken to relieve those people from perpetual slavery.”⁷¹ Pleasants thought that “Friends [were] much divided in their sentiments.” Disunity prevented action. The Quarterly Meeting decided that “an absolute prohibition” on the purchase or sale of slaves could not be pursued in the face of such divergent opinions. And yet, the reformist strain of antislavery had solidified in the Meeting. Pleasants wrote in the minutes that some Friends believing in “the manifest injustice of Slavery” could not be dissuaded.⁷²

The 1723 law against manumission served to limit the course of antislavery among Virginia Friends. It was unreasonable to Friends to require the performance of an illegal act, (e.g. freeing their slaves) that would subject their former bondspeople to re-enslavement. Purchasing or importing slaves was made a violation of the Meeting’s discipline (if the purpose was profit or self-gain—not reuniting spouses or other “benevolent” acts). Shutting off the supply of slaves was indeed an important first step against slavery, but it required no immediate economic sacrifice. Banning participation in the slave trade also met with the approval of some colonial leaders who saw the trade as one aspect of unwelcome imperial intrusion.

In 1769, 1770 and 1774, Virginia planters formed “associations” (private agreements among the planters) that coordinated economic resistance to British policies

⁷⁰ Weeks, 204.

⁷¹ Weeks, 204.

⁷² Virginia Society of Friends, “Record of the Henrico Quarterly Meeting May 23rd 1767,” M-1685.

through boycotts of British goods—including slaves. The 1775 Association banned the export of tobacco to Britain.⁷³ The inaugural Association called on planters to cease buying slaves which many elite planters were willing to do. The 1770 and 1775 Associations called for the same measures. Although cloaked in moral language and in part motivated by humanitarian sentiment, there is no denying the fact that the issue of the slave trade was defined by colonial grievances against Britain. Shutting off the slave trade would augment the value and price of slaves held domestically by elite planters. It was the planters of the Piedmont who desired access to cheap slaves and did not want to cement the elite planters' monopoly on slaves. These considerations led Virginia's Quakers to believe that reform of the manumission law was possible.

At the end of the 1760s, the Virginia Yearly Meeting had made it clear that slaveholding, although legally sanctioned, was not acceptable to the “sense” of the Meeting. Pleasants and his fellow Quakers prepared to petition the House for a repeal of the act “strictly prohibiting the freedom of Negroes.”⁷⁴ Friends were instructed to “converse with those in authority, and endeavor to find whether from their sentiments it is likely an Act of Assembly could be obtained” that would enable private manumissions. Edward Stabler, a Quaker tobacco merchant from Petersburg and a close friend of Pleasants, travelled to Williamsburg to lobby individual members on the possibility of

⁷³ Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture by the University of North Carolina Press, 1999). See also Bruce A. Ragsdale, Chap. 3 “A Source of Ignorance and Vice: the Slave Trade and Economic Development in Virginia” in *A Planter's Republic* (Madison: Madison House Publishers, Inc. 1996).

⁷⁴ Robert Pleasants to James Pemberton, 30 Sept. 1785, *Letterbook*.

such a law.⁷⁵ Without the ability to free their slaves, Quaker reformers could not push much further than banning the purchase of slaves.

The Virginia Yearly Meeting encouraged Quakers desiring to free their slaves “converse with those in authority and endeavor to find whether from their sentiments, it is likely that an Act of Assembly could be obtained.”⁷⁶ Pleasants along with other Virginia Quakers moved on this advice and began discussing the prospect of a manumission law with members of the Assembly.⁷⁷ Pleasants was aware that while a number of Virginia legislators acceded to the iniquity of the anti-manumission law they “manifested little disposition toward altering it.”⁷⁸

In 1770, Pleasants wrote Col. Richard Bland asking him to submit a manumission bill to the House of Burgesses.⁷⁹ Pleasants suspected Bland might be sympathetic to the measure. Pleasants was familiar with Bland’s political pamphlets that articulated a strong commitment to natural rights. His *An Inquiry into the Rights of the British Colonies* was printed and sold in Williamsburg. Bland had reasoned that natural law gave him the right to repel an invader, but if that invader prevailed over him, “he acquires no Right to my Estate which he has usurped.”⁸⁰ An invader’s conquest, in Bland’s view, does not justify appropriation of property. Following along these lines, slavery could be characterized as an invasion of the fundamental right of property in one’s self. Roger Atkinson,

⁷⁵ Weeks, 205; Richard K. MacMaster, “Arthur Lee’s ‘Address on Slavery’: An Aspect of Virginia’s Struggle to End the Slave Trade, 1765-1774,” *The Virginia Magazine of History and Biography* 80 (1972); Anthony Iaccarino, “Virginia and the National Contest over Slavery in the Early Republic, 1780-1833” (PhD diss., University of California, 1999) 8; Wolf, *Race and Liberty in the New Nation*, 14.

⁷⁶ Miles Mark Fisher, “Friends of Humanity: A Quaker Anti-Slavery Influence” *Church History* 4 (1935): 190.

⁷⁷ “In 1770 Friends report that some of their number had discussed this law [manumission bill] with members of the Assembly, who confessed it was bad, but manifested little disposition toward altering it.” Weeks, 205.

⁷⁸ Weeks, 205.

⁷⁹ Robert Pleasants to Col. Richard Bland, 3 March 1770, *Letterbook*; Iaccarino, 8; Worrall, 225.

⁸⁰ Pleasants to Bland, 3 March 1770, *Letterbook*.

Pleasants's hard drinking Scottish brother-in-law, described Bland as "a very old experienced veteran at ye Senate or ye Bar—staunch & tough as whitleather—has something of ye look of most old Parchen'ts w'ch he handleth & studieth much."⁸¹ He was also a major political player in the House of Burgesses. Bland has been described by one historian as "an aristocratic, liberty-loving, moderate" making his writing "an accurate representation of the dominant political and constitutional theory of eighteenth century Virginia."⁸² Bland was not an original political thinker and his writings reflect a general consensus that property deprivations were the precursors of political enslavement. Bland, like many other elite slaveholding Virginians, endorsed the 1769 Association that pledged the signatories not to import any slaves or purchase imported slaves. Pleasants saw Bland as a potential ally and supporter of the nascent antislavery movement.

In his attempt to recruit the politician, Pleasants was not above flattery and wrote that the importance of the slave trade issue demands "the pen of a Pitt, Camden, or a Bland."⁸³ The arguments Bland used in the recent Stamp Act crisis and the Townshend

⁸¹ "Letters of Roger Atkinson 1769-1776," *Virginia Magazine of History and Biography* 15 (1909): 356.

⁸² Clinton Rossiter, "Richard Bland: The Whig in America" *The William and Mary Quarterly* 10 (1953): 33-36, 59. Indeed, the notions of liberty trafficked by Bland reappear in petitions sent to the King by the House of Burgesses. In a 1768 petition protesting the Townshend and Quartering Acts, the Burgesses wrote that "no Man can enjoy even the shadow of Freedom; if his property, acquired by his own Industry and the sweat of his brow, may be wrested from him at the Will of another without his own Consent." See "Against the Quartering and the Townshend Acts, 1768," in William James Van Schreeven, Robert L. Scribner, and Brent Tarter, ed.s, *Revolutionary Virginia, The Road to Independence* vol. 1 (Charlottesville: University of Virginia Press, 1973-), 56. In 1769, the Burgesses were deeply anxious that they were threatened by potential enslavement—they were "dreading the Evils which threaten the Ruin of ourselves and our Posterity, by reducing us from a free and happy people to a wretched and miserable State of Slavery..." See "Non-importation Association 1769," *Revolutionary Virginia*, 74.

⁸³ The "Act" that Pleasants referenced was most likely, the 1769 Bill "A Supplementary Act to the Act to prevent disabled and Superannuated Slaves being Set Free, or the Manumission of Slaves by any last Will or Testament." *Proceedings and Acts of the General Assembly*, Vol. 62 November 17, 1769 - November 21, 1770. The Bill failed to pass in the Maryland Assembly and since the Bill did not pass, its exact wording was not recorded. It was intended to amend the 1752 Act entitled "An Act to prevent disabled and superannuated Slaves being set free, or the Manumission of Slaves by any last Will or Testament. An excerpt of the 1752 law follows: "And to the End that hereafter there may be an uniform and regular

Act protests, observed Pleasants, applied to antislavery: “Many just observations have been made relative to the late and present contest between Great Britain and her Colonies, and the distinction between power and right fully explained. I wish I could see the same Noble sentiments of liberty prevailing towards every denomination of men...” Pleasants reminded Bland to make a motion in the next Assembly to repeal the law “which prevents a man from rewarding faithfulness with freedom in his servant and deprives the owner of the liberty of disposing in that manner of what the same law hath made his property; a privilege which I believe has been enjoyed by almost every age of the World, before the introduction of slavery into America.” Pleasants did not point out the sinfulness of slavery or the moral culpability of the owner; instead, he focused on the liberty interests and the apparent restriction on a master’s property interest—an argument that was designed to appeal to gentry slaveholders like Bland. But, Pleasants included a rather ominous foreshadow as a coda: “nor do I believe with all the wisdom and policy of men, such a numerous and increasing people can always be kept in bondage, the sooner therefore we could do them and ourselves justice, appears to me the better...”⁸⁴ Bland had written in 1766 that when an aggressor has occupied one’s property and has forced submission by the exercise of irresistible force, no legal interest has been established so that “[w]henever I recover Strength I may renew my Claim, and attempt to regain my Possession; if I am never strong enough, my Son, or his Son, may, when able, recover the

Manner of granting Freedom to Slaves, Be it likewise Enacted, That where any Person or Persons, possessed of any Slave or Slaves within this Province, who are or shall be of healthy Constitutions, and sound in Mind and Body, capable by Labour to procure to him or them sufficient Food and Raiment, with other requisite, Necessaries of Life, and not exceeding fifty Years of Age; and such Person or Persons possessing such Slave or Slaves as aforesaid, and being willing and desirous to set free or manumit such Slave or Slaves, may, by writing under his, her, or their Hand and Seal, evidenced by two good and sufficient Witnesses at least, grant to such Slave or Slaves his, her, or their Freedom...” *Proceedings and Acts of the General Assembly* 50 (1752-1754): 76-77.

⁸⁴ Pleasants to Bland, 15 March 1770, *Letterbook*.

natural Right of his Ancestor which has been unjustly taken from him.”⁸⁵ Both men could find agreement that slavery presented a challenge to elite Virginian’s political and humanitarian ideology.

Bland presented a manumission bill to the House of Burgesses. Thomas Jefferson claimed that he initiated the introduction of the proposal to the House. Because he was a freshman legislator, Jefferson explained, Bland presented the bill to the House in order to spare the young Burgess any possible opprobrium from its opponents. Jefferson’s claim seems tenuous in light of Pleasants’s letter. Jefferson may have also overstated the adverse reaction to the bill. Pleasants articulated the need for a manumission bill in terms of the property interest and liberty of the slaveholder. On the abstract level, he argued that inherent to any property right is the right to alienate it. Pleasants suggested that manumission may be used to reward faithfulness in slaves thereby augmenting the slave owner’s ability to discipline and manage his slaves. Jefferson claimed that Bland’s introduction of the bill received an unpleasant reception.⁸⁶ Even if Bland made a rash

⁸⁵ *Revolutionary Virginia*, 41.

⁸⁶ In 1814, Jefferson related to Edward Coles his experience as a freshman legislator interested in manumission:

“After I became a member, I drew to this subject [manumission bill] the attention of Col. Bland, one of the oldest, ablest, & most respected members, and he undertook to move for certain moderate extensions of the protection of the laws to these people [slaves]. I seconded his motion, and, as a younger member, was more spared in the debate; but he was denounced as an enemy of his country, & was treated with the grossest indecorum.”

In a note written in 1821, Jefferson stated that he “made one effort in that body for the permission of the emancipation of slaves, which was rejected.” See Paul Finkelman, *Slavery and Founders: Race and Liberty in the Age of Jefferson* (Armonk: M.E. Sharpe, 1996), 113. As historians have discovered, there are no records existent for the 1769 session to support Jefferson’s claim. Nor do the records from 1770 reveal any more information. But Pleasants’s 1770 letter helps us understand this episode more clearly. Jefferson was not the originator of the 1769 proposal for a manumission bill—it was in fact Pleasants and his Quaker allies. Jefferson may have seconded the motion, but his claim that “I drew to this subject the attention of Col. Bland” seems dubious in the context of the letter to Bland from Pleasants. If we accept Thomas Jefferson’s account of the episode, then it would seem high unlikely that Bland would be pleased to suffer the “grossest indecorum” and be branded a traitor to his country a second time by introducing a manumission bill. Jefferson most likely also exaggerated the critical response to Bland’s proposal. If we take Jefferson at his word that Bland was indeed “one of the oldest, ablest, & most respected members” of the Assembly, it would be a rash move indeed to propose a bill of this nature backed only by a relatively

move in presenting the proposed act to the legislature, the bill to provide manumissions was “fully in accord with Revolutionary-era notions of slaveowners’ property rights.”⁸⁷ Pleasants buttressed his property argument with a policy argument not unfamiliar to planters:⁸⁸ “I am fare from thinking Slavery was ever a real or durable advantage to any Country but from observation the contrary appears manifest” while adding a subtle, yet foreboding prognostication, “nor do I believe with the wisdom and policy of men, such a numerous & increasing people, can always be kept in Bondage, the sooner therefore we could do them & ourselves justice appears to me the better.” Pleasants in true Quaker fashion concludes his letter with a restatement of the Golden Rule: “doing as we would be done by” and common justice cannot be reconciled with slavery.

If the reaction to Bland’s bill was as hostile as Jefferson recounted, it lends credence to Jefferson’s conviction that Virginians would never relinquish their slaves. This event taught him the lesson that it was best to “avoid discussions of slavery that might lead to unpleasant confrontations with colleagues.”⁸⁹ Moreover, it provided a practical excuse to avoid public debate on slavery: Jefferson’s memory provided justification for the belief that discussions of slavery rent irreconcilable divisions between lawmakers preventing cooperation in other areas of common public interest. It was in the public good, and a public duty, not to discuss slavery. Jefferson’s recollection of events is

obscure freshmen planter from Albemarle County. Bland was not a rash politician and he would have known his fellow legislator’s attitudes on the subject prior to sticking his neck out.

⁸⁷ Finkelman, *Slavery and Founders*, 113.

⁸⁸ Colonial Williamsburg Foundation, *Enslaving Virginia: Becoming Americans: Our Struggle to be both Free and Equal* (Williamsburg, VA: Colonial Williamsburg Foundation, 1999): 144-145. See also “Arthur Lee’s Address on Slavery,” in *Enslaving Virginia*, 146: “Long and Serious Reflection upon the nature and consequences of Slavery has convinced me, that it is a Violation both of Justice and Religion; and that it is dangerous to the safety of the community in which it prevails; that it is destructive to the growth of arts & Science; and lastly, that it produces a numerous & very fatal train of Vices, both in the slave, and in his Master.”

⁸⁹ Finkelman, *Slavery and the Founders*, 138.

perhaps undermined by the fact that throughout the 1760s we have evidence of elite Virginians, the very sort sitting in the House of Burgesses, expressing unease with slavery and its effects. By the 1760s there was a portion of the Virginia gentry who viewed slavery “with the deepest moral repugnance.”⁹⁰

The Quakers did have some reason to be optimistic in the early 1770s as antislavery sentiments were trafficked between Virginia elites. The expression of such ideas and sentiments helped provide ideological linkages and idioms by which Pleasants and other activists could present their antislavery initiatives in terms persuasive to elite Virginians. Pleasants’s letter to Bland is a clear example of Quakers combining secular justifications and appeals with their own moral impulses. Pleasants, Petersburg area tobacco merchant Edward Stabler and Warner Mifflin, born to an Eastern Shore slaveholding family, who, like the Pleasants would free their slaves, shared in this moral repugnance.⁹¹ The secular antislavery sympathizers were prominent gentry leaders willing to make their growing displeasure with slavery known—within limits.⁹²

⁹⁰ Davis, *Slavery in the Age of Revolutions*, 167.

⁹¹ Warner Mifflin was an important Quaker abolitionist in the Philadelphia area and president of the Delaware Abolitionist Society. See Hilda Justice, *Life and Ancestry of Warner Mifflin* (Philadelphia: Ferris & Leach, 1905). Edward Stabler was born in England, voyaged to Philadelphia in 1753 and moved south to Petersburg, Virginia. He attended local Quaker meetings where he met the Pleasants family. Soon after arrival, he lobbied for the release of Quakers conscripted into the militia during the French Indian War by Col. George Washington. See Peter Brock, ed. *Liberty and Conscience: A Documentary history of the experiences of conscientious objectors in America through the Civil War* (New York: Oxford University Press, 2002), 24-28. His two sons married members of the Pleasants family. See William Stabler, *A Memoir of the Life of Edward Stabler* (Philadelphia: John Richards, 1846), 13-15. Stabler, like Pleasants, was troubled by slavery and wrote: “When I have beheld the poor negroes toiling under an overseer, some of them almost naked, and others quite so, and perhaps not bread enough to satisfy their appetites, I have said in my heart, they are the children of the same Universal Father that I am...” “Edward Stabler’s Letter of Advice to his Daughters,” *Friend’s Intelligencer* 14 (1858): 311. See also “John Randolph on Slavery,” *Ibid.*, 295-6. Stabler, like Pleasants, also served as an executor to a will that freed slaves prior to the Manumission Act of 1782. Unlike John Pleasants III, the testator in Stabler’s case gave the slaves to a local Quaker meeting which freed the slaves. The freedom grant was challenged by the testator’s heirs. See *Charles & al. v. Hunnicutt*, 3 Call 311 (1804).

⁹² “In Virginia, the hegemony of the planter class set definite boundaries to the most sincere idealism.” Davis, *Slavery in the Age of Revolution*, 85.

Arthur Lee, while studying in England in 1764 published *An Essay in Vindication of the Continental Colonies of America*. In the pamphlet, Lee criticized the institution of slavery while espousing common and widely held racial prejudices. Slavery could be criticized as a matter of public policy debate in Virginia as long as the basis of the critique was one that rested upon economic grounds, and not a claim of racial equality. For historian Roger Burns, this pamphlet revealed the essence of Lee's antislavery views: "He saw the institution as abominable, retarding the growth of commerce and learning, violating justice, and exposing the community to a looming horror of black insurrection."⁹³ Although Lee's essays saw little circulation in the colonies, his inability to reconcile racial prejudice, fear of social unrest and the deleterious economic effects of slavery would foreshadow the tensions common to secular antislavery in the Revolutionary period in Virginia. In the meantime, other men voiced displeasure with slavery in Virginia.

In 1765, George Mason wrote to George William Fairfax and George Washington complaining of slavery's negative effect on economic development and the deleterious "ill effect" it had "upon the Morals and Manners of our People."⁹⁴ Slavery, Mason told his fellow planters, was one of the causes of the Roman Empire's destruction.⁹⁵ Richard Henry Lee concurred and proposed that slavery also stymied the development of the arts and improvements in agriculture.⁹⁶ For historian Eva Sheppard Wolf, "many Virginians feared that slave-based plantation agriculture impeded progress towards a more densely

⁹³ Bruns, ed. *Am I not a Man and a Brother*, 107.

⁹⁴ *Enslaving Virginia*, 144-145.

⁹⁵ Wolf, 13.

⁹⁶ *Ibid*, 22.

settled and sophisticated society.”⁹⁷ Virginians were anxious of economic decline and arguments against the slave trade were in part a reaction to what they perceived to be ailing their society.⁹⁸ Virginia leaders, like Mason, attempted to regulate the slave trade because they saw the unrestrained importation of slaves as a threat to economic development and social stability. Nathan Littleton Savage, of Northampton County,⁹⁹ complained to an English merchant that Virginians were “brought up from their Cradles, in Idleness, Luxury, & Extravagancy, depending on their Myriads of Slaves, that Bane, (if not Curse) of this Country.”¹⁰⁰ Like Mason, Savage recognized the political and economic consequences while also acknowledging that slavery had an inimical psychological and cultural effect. Much less so than Quakers, these gentry critics had also identified a declension in the morality and virtue resulting from slaveholding.

In 1767, Arthur Lee published his “Address on Slavery” in *The Virginia Gazette* and it caused a major stir.¹⁰¹ A second essay by Lee addressing “the Retrieval of Specie in the Colony” was not published on account of the numerous and vociferous complaints directed at the editor on account of the “Address.”¹⁰² Lee’s argument was three pronged. At an abstract level, he argued that slavery violated principles of Justice and Christianity. On a practical level, he declared that slavery threatened the safety of a community and retarded economic and social development. And on a psychological level, he observed that slavery produced a “fatal train of Vices, both in the Slave, and in his Master.”¹⁰³

⁹⁷ Ibid, 23.

⁹⁸ Ibid, 22.

⁹⁹ Savage was a member of the Northampton Committee of Safety 1774-1776, a delegate to the Virginia Convention of 1776 and elected to the first House of Delegates. See Lyon Gardnier Tyler, ed. *Encyclopedia of Virginia Biography* vol. 1 (New York: Lewis Historical Publishing Co., 1915), 319.

¹⁰⁰ *Enslaving Virginia*, 146.

¹⁰¹ Bruns, 107 and 111.

¹⁰² Ibid., 107.

¹⁰³ Ibid., 108.

Readers of the *Virginia Gazette* might not have reacted strongly to Lee's erudite, but pedestrian, refutations of the principles of civil slavery nor his paean to Christian spiritual equality, but it was Lee's last section that linked rebellion and the consequences of slaveholding that aroused attention: "We learn then from history, that slavery, wherever encouraged, has sooner or later been productive of very dangerous commotions."¹⁰⁴ Lee's rhetorical crescendo—"On us, or on our posterity, the inevitable blow, must, one day, fall; and probably with the most irresistible vengeance the longer it is protracted"—stunned readers. Lee told his readers that time only "adds strength and experience to the slaves" while sinking white Virginians into an "indolence" of debilitated minds and enervated bodies. Virginians would be "an easy conquest to the feeblest foe."¹⁰⁵ His words unnerved many and their reaction bespeaks of the anxiety pervading the Colony. The destabilized tobacco market, falling real estate prices and the attendant social disruptions help explain why many Virginians were uneasy, but it was the fear of an inevitable black rebellion in the Tidewater, a day of racial judgment, that drove the most emotional reactions.

Lee's arguments, according to Wolf, may appear similar to a Quaker critique on the surface, but differs in they "rested on the baneful effects that slavery had on white society" and his greatest worry was the possibility, even the inevitability, of racial

¹⁰⁴ Ibid., 110.

¹⁰⁵ Bruns, 110. Lee's words have a strange irony to them. It is clear that many Virginians of public character thought that slavery was detrimental to economic development as practiced in the North. When Virginians declined to "dismantle slavery" they did so knowing the long-term economic consequences of their decision. Historian Susan Dunn charts the consequences and the rationalizations constructed to justify the decision to retain slavery (and the failure to undertake practical measures to improve the infrastructure of the commonwealth—a long running theme in Virginia governance). See Susan Dunn, *Dominion of Memories: Jefferson, Madison & the Decline of Virginia* (New York: Basic Books, 2007), 14. And yet, the Civil War proved that Virginia, despite its economic and social backwardness, was not an easy conquest.

retribution in the form of slave rebellions.¹⁰⁶ Duncan McLeod sees the origin of Lee's famous attack on slavery in "a definition of justice drawn from Justinian: render unto every man his due." But in Virginia's racialized slave society what was due to whites and what was due to blacks were two separate categories which had to be harmonized with the overall interest of society as determined by the white majority. When the interests of whites and blacks clashed those of whites prevailed, a feature that became characteristic of southern antislavery. While Quakers increasingly focused on the violence done to the slave, antislavery Virginia elites focused on the consequences of slavery to the colony's development and on the personality of the slave master and his or her family.

Lee's *Address* was not the first or last criticism of the slave system. Virginians had taxed the slave trade for many years. A 1752 act added a five percent surcharge on the sale of imported slaves. The law was reenacted and proceeds were applied to public war debts. In 1766, the act was extended to cover imports not only from Africa but also from other southern slave states and the West Indies. On March 28, 1767, two weeks after Lee's *Address* appeared in *The Virginia Gazette*, Henry Lee's original proposed bill, supplemented by Col. Richard Bland, was brought up for consideration. It passed the Assembly in April of 1767. For one historian, "the coincidence can hardly be accidental" and Lee's *Address* "was evidently connected with the legislative effort to curtail the African slave trade."¹⁰⁷ Lee's low opinion of the African slave trade, and Africans, can also be found in his pamphlet, *Essay in Vindication of the Continental Colonies of America*, published in London in 1764. In the *Essay*, Lee noted that Africans were "absolute brutes" but slavery "violated justice and humanity." It, according to Lee,

¹⁰⁶ Wolf, 12.

¹⁰⁷ MacMaster, "Arthur Lee's 'Address on Slavery,'" 145.

retarded the development of science and the diffusion of learning. A society reliant on slavery saw the growth of commerce and manufacturing stunted. Slave rebellions constantly threatened stability and public safety violating one of the essential “aims of civil government” to reduce existential threats to the community. The 1767 Act was disallowed by the King and in 1768, the Assembly considered similar legislation but it failed to pass a bill.¹⁰⁸ Beyond the realm of opinion and policy proposals, Virginians in the legislature attempted to decrease the number of slaves imported into the colony. In 1767, the legislature passed a bill increasing the duty on slaves but the measure was negated by royal intervention.¹⁰⁹ In 1769, the legislature tried again and was rebuffed. Finally, in 1772, the legislature tried once more and appealed to King George III but without success. Woody Holton sees the acts of 1767 and 1769 as an attempt to limit the amount of incoming slaves—not an attempt to increase revenue. The motives behind this act were “economic” in that cutting the number of slaves would reduce the labor force thereby restricting the growth and output of tobacco cultivation with the ultimate goal of raising the price of tobacco. An increase in price, along with the added benefit of the increased import duty, would ensure more specie remained in circulation in Virginia. The impost would also augment the value of Virginia-born slaves sold by Virginia planters.

¹⁰⁸ *Ibid.*, 148

¹⁰⁹ “An Act for Laying an Additional Duty upon Slaves Imported into this Colony.” The preamble notes that the general assembly took into serious consideration the “exigencies of your government here” and the belief that “no other duty can be laid upon our import or export without oppressing your subjects” other than an additional duty on slaves and so passed the act. The act applied to all slaves imported by sea or land. From this language, it appears that an impost on slaves was indeed a revenue enhancer. The ten percent duty would not fall upon the importer, but the buyer and would be paid to “our sovereign lord the king, his heir and successors.” The proceeds were to be used and applied “for the lessening the levy by the poll and to and for such other use and uses as the general assembly from time to time shall direct and appoint.” Hening, Vol. VIII, 237. See also Burns, 107-8.

One hoped for result was that a prohibitive slave duty would “remove tobacco growers’ temptation to finance the purchase of foreign slaves by going deeper into debt.”¹¹⁰

Holton argued:

“Leading Virginians believed that cutting back on slave imports would not only serve all of these short-term economic goals but also help them transform Virginia, a staple colony that imported most of the manufactured goods it consumed, into a healthy mixed economy where farmers grew a variety of crops and purchased many of their manufacturers from local artisans.”¹¹¹

A second reason driving the import duties was fear of possible rebellion. Slave plots had helped convince the House of Burgesses to adopt import duties on slaves in 1710 and 1723. The prodigious natural increase of slaves and the rush of imports over the first three quarters of the eighteenth century increased the percentage of slaves to free Virginians increase from 10 percent at the opening of the century to nearly 40 percent in 1775. Virginians anxiety and fear of an internal revolt increased accordingly.¹¹²

A third reason for supporting raising import duties on slaves was that it was a means of stifling economic competition. It is clear that “by 1767, most gentlemen *had* stopped buying foreign slaves. Most ‘saltwater’ slaves were sold to smallholders in the piedmont Southside, and farmers would continue buying them unless they were compelled to desist...It was up-and-coming growers, mostly in the piedmont, that wanted to increase the availability of slaves and bring down the price.”¹¹³ A rise in the price of slaves would benefit established masters who had a self-replenishing and expanding slave population. Up and coming planters were the ones who needed large numbers of imports—not the established gentry.

¹¹⁰ Holton, *Forced Founders*, 67.

¹¹¹ *Ibid.*, 68.

¹¹² Burns, *Am I not a Man and a Brother?*, 107-108.

¹¹³ Holton, 70.

The split between the established gentry and the up and comers was brought into play during the Association of 1769 when planters tried to organize an economic boycott of English goods. It failed. “Although the boycott of the slave trade was part of the effort to pressure British merchants to secure repeal of anti-America legislation, it was also a response to the recently announced royal repeal of the 1767 Virginia law doubling the duty on slaves imported into Virginia.” The effect of the act would have fallen disproportionately on “smallholders” rather than on gentlemen since it was the Piedmont planters that “bought the majority of the slaves that arrived on Virginia’s shores.” Smallholders, unsurprisingly, chose to ignore the ban up to 1772 because tobacco’s price remained high and offered “[smallholders] the prospect of paying for newly acquired slaves in just a few years.”¹¹⁴

Although Virginia’s Quakers did not pass a manumission act in the early 1770s the language of antislavery was starting to find expression as a means of communicating political grievance—the fusion of the two strains of antislavery was facilitated by the increasing pressures of imperial politics. Friends in North Carolina were pleased to hear the news that the House of Burgesses had presented the King with a petition against the slave trade and they themselves were deliberating on “the most prudent steps for Friends to take to show their approbation and good liking” for “presenting a very pertinent address to the throne of Great Britain to put a stop to that most iniquitous practice of importing Negroes from Africa and making them slaves in the colonies.”¹¹⁵ Quakers had reason to hope that the future might bring progress against slavery.

¹¹⁴ Holton, 90.

¹¹⁵ Weeks, 206.

Writing one year prior to the death of his father, Pleasants argued the case for abolition and antislavery in the *Virginia Gazette* without revealing his Quaker identity to his readers. Driven by moral and religious impulses, Pleasants fashioned an argument against aspects of slavery that did not rest upon a shared religious understanding with his audience. Unlike his attempts at persuasion within the Society, Pleasants relied on his understanding of elite Virginians to shape an argument designed to persuade them—in fact, he uses the pseudonym “A VIRGINIAN” to establish his gentry credentials and loyalty. Pleasants began by noting every citizen has a “duty and interest” to publically contribute “such thoughts as they may apprehend have a tendency to promote the present & future happiness of their own Country or Mankind in general; and to discourage whatever may appear to be of a Nature destructive to either.” Pleasants did not present himself as driven by purely religious motives; instead, he articulated a sense of civic responsibility combined with a fashionable humanitarian liberality of spirit as the prime mover behind his address.

From Pleasants’s perspective, the political disputes between the colonies and Britain in the late 1760s had “produced many just observations” that lead to the conclusion that “the eyes of most people are opened to look with abhorrence on a State of Slavery and to behold that Valuable blessing liberty in its full luster.” Pleasants could not help but tip his hand at this point and reveal a hint of his own Quaker sensibilities when he asked that religious liberty be extended to “every sect & denomination of men.” He then quickly focused on his real concern, “the injustice of the slave trade.” Pleasants then assembled a series of arguments against the slave trade informed by gentry antislavery idioms and language.

On the side of abstract justice, Pleasants noted that the slave trade deprives mankind of its natural freedom and liberty. In terms of actual behavior, the existence of the slave trade “encourageth manstealing & frequently murder.” In terms of economics, Pleasants uses a comparative example noting that “the People of Pennsylvania and the other Northern Colonies, either from Principle or Good Policy, have not engaged much in it [the slave trade] and some who were possessed of Negroes have from the same motives set them free.” The result for Pleasants was that the northern colonies although younger were “better improved and the people in a general way live more happy & comfortable” which demonstrated that Virginians were “acting contrary to our true interest.” For Pleasants, slavery is inefficient economically even if “some who have rich lands may with hard driving make pretty large Crops.” With so many slaves producing tobacco, the crops were overproduced. If the tobacco labor force were cut in half with enough production to meet the minimum requirements of the market, there would be a surge in prices. The slave trade itself benefited Great Britain and financially interested English merchants but is “so contrary to the present interest of America and in all probability destructive to our posterity.”

Continued importations along with “the natural increase of that unhappy people,” he argued, will lead to “the greatest difficulties on possessors.” The fear of social disorder lurked in the future. Writing as “A VIRGINIAN” he peered into the future: “And if we look forward and consider, so great a number of an increasing people under oppression & bondage, it is reasonable from the nature of things or every instance of History since the Creation, to induce any to suppose they will always remain in the same Station?” He then

made a case for a manumission law in terms of liberty and property when he noted and explained an inconsistency in the law of slavery with common law property rights:

“For while [the law] makes them a part of our Estates, it prohibits from disposing of them in any manner we please; I mean from setting them free: for why should a man that thinks it unjust to keep them and their Children in perpetual slavery, or is desirous of rewarding faithfulness in them, be deprived of the privilege of doing what he pleases?—a privilege...allowed by all nations both Ancient and Modern (some American governments excepted.)”

Pleasants buttressed his argument for manumission by anticipating racist and environmental counter arguments against black liberty. He attempted to diffuse white fears of an expanding free black population by employing environmentalism while suggesting some level of racial equality in terms of learning ability: “I believe the present abject state of that people is chiefly owing to their education and usage: their capacities as far as I have observed, being as capable of improvement as the Whites, and several of them have discovered good geniuses for trades.” The solution seemed obvious—“If therefore a stop could be put to further importations, and some encouragement permitted to those already in the Country, who might discover principles and geniuses fit for cultivation and freedom, I make no doubt it would greatly tend to the present and future welfare of the Colonies.” One year after writing the piece for *The Virginia Gazette*, Robert Pleasants used the death of his father as an opportunity to effectuate some of its ideas. Behind the will’s variations existed the hope that freed blacks could have a place in Virginia alongside whites while providing “encouragement” to the freed slaves to make good on their liberty. But Pleasants understood that there was resistance to his plan—he even had doubts himself, which enabled him to sympathize with the anxieties of his neighbors. Pleasants noted that he was not “insensible [to] how difficult it is to speak with approbation against popular prejudices, or customs established with a view of

present ease and advantage, it is nevertheless our duty to examine all our actions which are of like Nature with their root; for every degree of injustice tho tolerated by law, or supported with power is in its Nature still unjust” even if proponents “justify it to the World upon the principles of reason, equity, and humanity.”¹¹⁶ Pleasants, when he assisted his father in preparing the will, injected it with the moral impulses of the Quaker antislavery movement. Robert and John Pleasants constructed the will with great legal dexterity and acumen. They understood present legal conditions and anticipated future legal change and structured the will accordingly. John Pleasants’s wish to manumit his slaves was not the rash decision of an isolated eccentric; rather, he combined Quaker antislavery principles with a sophisticated understanding of Virginia’s legal, social and political culture. Indeed, Virginia’s Quakers had reason to be optimistic as it appeared that men and women on both sides of the Atlantic had begun to elucidate and more importantly organize antislavery efforts employing an ever-widening variety of arguments and idioms. At the same time, the will reflects the difficulty of relinquishing slaves, the most valuable property and one of the keys to wealth accumulation and social standing in a slave society. For Robert Pleasants, the will of his father would help determine the shape and substance of the Quaker push for a Manumission Act in the 1770s and early 1780s.

¹¹⁶ “The following piece was published in *The Virginia Gazette* about the 6th mo 17__?,” *Letterbook*. The previous letters for the most part are organized by date and the previous letter was dated June of 1781. The next letter is from 1770 but Pleasants writes a note: “having been omitted in its proper place” and then follows with a letter in 1783 resuming order by date. In the *Gazette* piece, Pleasants refers to “the late contest” between Great Britain and her Colonies, which is assumed to be the troubles of 1769.

CHAPTER II

ROBERT PLEASANTS AND THE MANUMISSION ACT OF 1782

On the Fourth of July, 1782, Robert Pleasants wrote to his brother-in-law in Maryland: “Our Assembly I expect rises today [in esteem], they have in consequence of a Memorial from Friends passed an Act allowing General liberty under certain restrictions to emancipate slaves, which I expect will be a great relief to divers [Friends] this way.”¹ Friends lobbied over twelve years for the law. In the aftermath of the American Revolution, they succeeded. Surprisingly, the law met little resistance in the assembly or in the press.² Debate records have not survived leaving open the questions of how and why the Manumission Act of 1782 passed. Did the legal ability to free one’s slaves originate in property rights or natural law? Was it a reaction to contemporary political pressures? Was it recognition of the Revolutionary emphasis on liberty? Most historians credit the Quakers for lobbying legislators to pass the Act contributing in large measure to its passage.³ The question of how Quakers, infused with their unique moral and

¹ Robert Pleasants, “Letter to John Thomas, July 4th, 1782” in the typed transcript of *The Letterbook of Robert Pleasants*, Vol. 4 of “Records of Quaker Meetings in Virginia 1672-1845,” (Richmond History Center: Richmond, VA).

² Roger Bruns, ed. *Am I not a Man and a Brother: the Antislavery crusade of Revolutionary America, 1688-1788* (New York: Chelsea House, 1977), 470.

³ Generally speaking, historians fall into two camps in their explanations of how the Manumission Act of 1782 was passed. The first group, much smaller than the second, overlooks the role of Quakers. The second group acknowledges Quaker contributions but assigns them varying degrees of historical causality. Alison Goodyear Freehling suggests that “the natural rights ideology of the American Revolution” joined with the Great Awakening’s commitment to spiritual equality thereby increasing hostility to slavery in Virginia. Inspired by such heady sentiments, Virginia lawmakers passed the Manumission Act of 1782 to “encourage private manumissions.” Freehling does not, however, explain why the Assembly sought to encourage private manumissions or how endowing a master with the legal right of alienating his property advanced spiritual equality. See Alison Goodyear Freehling, *Drift toward Dissolution: the Virginia Slave Debate of 1831-1832* (Baton Rouge: Louisiana State Press, 1982), 8. An idiosyncratic explanation is presented in Theodore Stoddard Babcock’s “Manumission in Virginia 1782-1806” (M.A. thesis, University of Virginia, 1974), 14. Babcock claims that so many Virginians made illegal wills freeing their slaves that “chaos” ensued in the probate courts—“The law seems to have received its political justification from the bottleneck in the probate courts.” (Supporting evidence was not located and the only cases Babcock

religious commitments, persuaded Virginia's gentlemen slaveholders to pass the law

remains unanswered. Quakers were committed to equalitarianism and benevolence. In

presents were litigated after passage of the Act.) A second group of historians recognizes the contributions of Quaker lobbyists but differ in their estimation of the part Quakers played in the passage of the act. John Henderson Russell ascribed passage of the Act to a new leadership group in the Virginia Assembly influenced by "the liberal ideas of the English and French thought of the time" namely Thomas Jefferson while recognizing that Quakers and Baptists were at the forefront of the movement to change the law. See John H. Russell, *The Free Negro in Virginia 1619-1865* (Baltimore: Johns Hopkins Press, 1915), 57-59. David Brion Davis assigned credit to "Quaker lobbyists" for passage of the act. David Brion Davis, *The Problem of Slavery in the Age of Revolution* (Ithaca, NY: Cornell University Press, 1975), 197. Anthony Iacarina's develops Davis' notion and shows that the genesis of the act was in the "years of lobbying by antislavery Quakers from all over the mid-Atlantic." The origin of the Act was not found in "widespread antislavery sentiment in Virginia" but resulted from the efforts of a small cadre of Virginia Quakers "bound by sensibility, kinship, organizational structure, and shared history of persecution." Virginia Quakers were assisted and encouraged by Friends from England and the other colonies. Antislavery could not have developed in the Old Dominion without the assistance of Friends foreign to Virginia. Quakers drew upon a "uniquely transatlantic sectarian consciousness" which provided them with an alternative source of self expression that was not wed to tobacco or slavery. For Iacarina, it was Quaker distinctiveness that was ultimately at the heart of the novel campaign for manumission. See Anthony Iacarina, *Virginia and the National Contest over Slavery in the Early Republic, 1780-1833* (Ph.D. diss., University of California Los Angeles, 1999), 4-5. Quaker historian Jay Worrell focused his explanation on the actions of Virginia Quakers Robert Pleasants, Edward Stabler, Warner Mifflin and their English Friend, John Parrish in Jay Worrell, *The Friendly Virginians: America's First Quakers* (Athens, GA: Iberian Pub., 1994), 226. Roger Bruns also noted the importance of individual Quakers to the passage of the act in Bruns, *Am I not a Man and a Brother*, 470. Quaker historian Thomas E. Drake saw an ideological change in the legislature, but thought that change resulted from "the libertarian ideals of the Revolution." As for the passage of the manumission act, the Assembly was "stimulated by petitions from Friends" which resulted in the Virginia Meeting decreeing "a categorical prohibition on slaveowning." See Thomas E. Drake, *Quakers and Slavery in America* (Gloucester, Mass: Peter Smith, 1965), 83. Legal scholar Robert Cover saw the passage of the act as the result of "a campaign of correspondence to major liberal Virginians to change the law" led by Robert Pleasants and the Quakers. See Robert M. Cover, *Justice Accused: Antislavery and the Judicial Process* (Yale University Press, 1984), 67. Chesapeake historian Allan Kulikoff wrote that "deistic gentlemen, along with Quakers and some evangelicals" persuaded the Virginia legislature to pass the act. The gentlemen of the legislature ignored popular fears of a rising black population and instead valorized "republican ideology" in their approach to slavery after the American Revolution. See Allan Kulikoff, *Tobacco and Slaves: the Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill: Published for the Institute of Early American History and Culture, Williamsburg, Virginia by the University of North Carolina Press, 1986), 419. Douglas Egerton stressed economic factors in explaining the passage of the act. Convinced that the changing Virginia economy would need less slaves, Virginia lawmakers gave in to "Quaker and new light demands that the law be amended to make manumission easier... economic change allowed the gentry to solve a problem posed by the logic of their own egalitarian rhetoric." See Douglas R. Egerton, *Gabriel's Rebellion: the Virginia Slave Conspiracies of 1800 and 1802* (1993), 11. Eva Sheppard Wolf agreed with Iacarina in that "the persistent presence of Quakers at the capital probably helped push the 1782 bill to passage" but adds that the Quaker activists found a "set of liberal-minded members to deal with." 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), 33. Robert McColley posited that "the loyalty, peacefulness, and hard work of the great majority of the slaves during the [Revolutionary] war undoubtedly contributed to the generous atmosphere which permitted, in 1782, the passage of the act making it legal for owners to free their slaves." McColley is correct in surmising that if Virginia had experienced massive or even substantial slave rebellions during the war, Virginia's lawmakers would not have even considered a manumission act. In this way, once again, we see how slaves and black Virginians could help shape public policy in this era. See Robert McColley, *Slavery and Jeffersonian Virginia*, 89.

comparison, the planters of Virginia were committed to the economic advantage, social hierarchy and personal authority afforded to slaveowners. And yet, after the Revolution the two groups working in tandem passed the act. Lawmakers acceded to Quaker demands but resisted any open talk of full-scale emancipation. Limited manumission allowed property owners the right to alienate their property. Virginia's lawmakers must have imagined that only a handful of slaveholders would free their slaves. Many of the Quakers had already freed their slaves before 1782. By ratifying these manumissions, it solved the problem of what to do with the men and women already freed from a law enforcement standpoint. Sheriffs and churchwardens were supposed to identify and fine owners for "letting their slaves run at large." Quakers would fight the fines and refuse to pay them causing the sheriffs to seize property. In the aftermath of war and the Revolution's calls for liberty, few in authority wanted to inaugurate peace with a confrontation with the Quakers over liberty, religious freedom and property rights. Lawmakers took the path of least resistance and passed a manumission act. The text of the law reveals its ambiguous character—a mixture of political motives and libertarian understandings that underlie its genesis. The act read:

“Whereas application hath been made to this present general assembly, that those person who are disposed to emancipate their slaves may be empowered so to do, and the same hath been judged expedient under certain restrictions: Be it therefore enacted, That it shall be lawful for any person, by his or her last will and testament, or by any other instrument in writing... [legally recognized by the county court] to emancipate and set free, his or her slaves, or any of them, who shall thereupon be entirely and fully discharged from performance of any contract entered into during servitude, and enjoy as full freedom as if they had been particularly named and freed by this act.”⁴

⁴ William Waller Hening, *The Statutes at Large; being a collection of all the laws of Virginia, from the first session of the Legislature in the year 1619* vol. 11 (Richmond: George Cochran, 1823), 39-40.

The statute itself fails to illuminate the legislator's intentions or the meaning they ascribed to the law. In the opening sentence, the drafters made clear that the idea of manumission did not originate in the Assembly. It was in response to persons "who are disposed to emancipate their slaves." It gives no clue as to why the legislators saw fit to empower people to free slaves. Was it an acknowledgment of the rights of property owners? Was it a privilege afforded to a religious minority? Was it recognition of higher principles of natural law, the Enlightenment, and the Revolution? It was, in fact, all of them simultaneously. The law, at its passage, was an amalgamation of divergent, and at times, conflicting interests and understandings. The meaning behind the Manumission Act of 1782, therefore, remained obscure well after its passage. Slaves, slave masters and abolitionists all competed to develop and define its meaning, especially in relation to the republican idioms and ideals of the Revolution. Driven by commitments arising from his religious faith, personal history and social context, Robert Pleasants succeeded in passing a manumission act, but faced a much tougher task in convincing others that it was an endorsement of antislavery principles by the legislature.⁵

What began as a reformation of the morals and discipline of the Society of Friends had become a political and legal campaign against slavery. Religious reformation gave rise to political action. Religious antislavery appeals were not, in general, compelling arguments for the tobacco planters of Virginia. Honor and prestige, in this

⁵ A major topic in the historical study of Friends has been the issue of how separate and distinctive Quakers were from their peers. The present study does not claim that Robert Pleasants was in any way typical of all Quakers. But it does show how one particularly prominent Quaker achieved legal and political success through knowledge and acceptance of gentry social norms. Certainly, there is a range within the Society of Friends between those like Benjamin Lay who lived in a cave to avoid "the World" and Robert Pleasants who was an active participant in his time but no less an "orderly" Quaker.

world, defined their psychology.⁶ Nor could Quakers rely on numbers to achieve legal change. They were a very small part of a much larger population.⁷ In addition, Quakers refused to swear oaths of office and therefore could not sit in the House of Burgesses.⁸ Unable to generate large constituencies or hold office, Quakers had to persuade lawmakers behind the scenes.

Scholars have noted that Quaker distinctiveness was at the heart of Quaker antislavery efforts.⁹ But identifying the origin of reform does not necessarily explain how it operated or its eventual success or failure. Frederick Tolles brought attention to the power of the trans-Atlantic network in coordinating communication, religious fellowship and political action.¹⁰ The meeting system, he noted, connected minority populations of Quakers into an organization that transcended national boundaries. The Quaker network amplified and coordinated the effect that Quakers could bring to bear on any issue, endeavor, or problem. For example, historians have demonstrated how individual personalities, via the network, shaped the development of antislavery efforts in London and Philadelphia.¹¹ In Virginia, Robert Pleasants and other Quakers sought to “translate” the messages they received from this network into political action. In order to explain

⁶ Breen, T. H., *Tobacco Culture: the Mentality of the great Tidewater Planters on the eve of Revolution* (Princeton: Princeton University Press, 1985).

⁷ Rough estimates number Quakers at approximately 4,000 or so in Virginia in 1776. In 1790, the white population was roughly 450,000. The enslaved numbered nearly 300,000 and there were about 13,000 free blacks. See Paul Finkelman and Joseph Calder Miller, *Macmillan Encyclopedia of World Slavery* (New York: Macmillan Reference USA, Simon & Schuster Macmillan, 1998), 935-937. Worrall, *Friendly Virginians*, 203.

⁸ Robert Pleasants’s great-grandfather, John Pleasants I had been elected to the House of Burgesses in 1692 but was denied his seat for refusing to swear an oath. See J. Hall Pleasants, “The English Descent of John Pleasants (1645-1668) of Henrico County, Virginia” *The Virginia Magazine of History and Biography* 16 (1908): 218-220.

⁹ Iaacarino, *Virginia and the National Contest over Slavery*, 4-5.

¹⁰ Frederick Barnes Tolles, *Quakers and the Atlantic Culture* (New York: Macmillan, 1960).

¹¹ The two finest examples are: Jean R. Soderlund, *Quakers & Slavery: a Divided Spirit* (Princeton, N.J.: Princeton University Press, 1985); and Christopher Leslie Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 2006).

passage of the Manumission Act, historians must not only recognize aspects of Quaker distinctiveness but also similarities between Quakers and their peers. Robert Pleasants and Petersburg tobacco merchant Edward Stabler spent the better part of a decade building up relationships with gentry political leaders with the goal of identifying and developing secular partners in legislative reform. The goal was to link a network of lawmakers and reformers hostile to slavery together that might then push, with its combined force, for the eventual abolition of slavery. It was their ability to understand and relate to lawmakers that facilitated the introduction of antislavery ideas in Virginia. Pleasants was more than a conduit for Quaker antislavery; he shaped its content for the Virginia context. He learned these adaptive skills from Philadelphia educator and abolitionist, Anthony Benezet. Pleasants was Benezet's informant and operative in Virginia. And in turn, Pleasants molded Benezet's understanding of Virginia politics. Pleasants knew the personalities and had access to Virginia's leadership class and disseminated Benezet's ideas to the powerful. Pleasants, with Benezet's support and encouragement, helped generate political momentum for the 1772 Petition to Ban the Slave Trade. They distributed Arthur Lee's political and legal polemic against slavery to build support against the slave trade. Pleasants also made contact with Patrick Henry and the two men formed a lasting friendship united by religion but eventually sundered by slavery. Henry provided Pleasants, and by extension Benezet, with intelligence and access to the legislative process. More importantly, Henry served as a source of legal advice and assistance when possible. Pleasants was also highly respected by members of the elite and when the first Congress gathered to meet in Philadelphia, George Washington and others turned to Pleasants for letters of introduction.¹²

¹² "Letters of Robert Pleasants, Merchant at Curles, 1772," *William and Mary Quarterly* 2 (1922); 107-113.

From an ideological and rhetorical viewpoint, the Revolution provided linkages between American political freedom and civil liberty for slaves. The revolutionary language of liberty could not be sequestered from consideration of slavery and its valorization of liberty endowed Quaker antislavery a sheen of moral respectability. And yet, the actual experience of Revolution, the series of events in the daily lives of Pleasants and other Quakers, was one of depredation and suspicion. The overlap between Pleasants identity as a Virginian and his identity as a Quaker abolitionist was strained by patriot demands for loyalty oaths, military service, onerous taxation, and repeated requisitions of property. Quakers, pushed to the wall by authorities, responded by freeing their slaves despite the law. In numerous instances, Quakers tried to force legal recognition of the *de facto* freedom of their putative slaves. In doing so, they used the language of the Revolution to justify their actions.

After the war, Quakers incorporated Revolutionary ideology into a blueprint for political action. Lawmakers had little guidance in constructing an American legal regime except the principles of liberty and natural law embedded in Revolutionary rhetoric. At no point in the history of Virginia did slavery have such a low estimation among the elite. The Revolution had opened up the possibility and the Quakers had set the foundation for the successful passage of the act. Pleasants was obviously pleased. He had personally pushed for a manumission bill in 1769, informally freed scores of slaves, had been indicted by county authorities for “letting his negroes run at large” and was now, thankfully, in position to clear himself completely from slaveowning.

The Manumission Act of 1782 had a lasting impact on American slavery. Virginia set the lead for the rest of the slave states in politics and law and defining how a slave

was freed helped define the legal character of slavery. Understanding how the manumission act was passed, and the reasons behind it, give us insight into how Virginians, and southerners more broadly, attempted to integrate slavery and the common law. In the short term, the act facilitated the rapid growth of Virginia's free black population. The sudden appearance of free blacks aggravated longstanding concerns regarding social order and dampened Revolutionary libertarian sentiments. Freeing a slave was regarded as a noble act in the abstract, but the nobility of that act was denuded in the public mind by fears of social disorder and slave rebellions. If we are to understand why Virginians rejected antislavery after the manumission act, it would be helpful to have a reasonable explanation of how and why the act was passed and its historical context. It is also important to note how antislavery measures were often the result of mixed motives.

* * *

The Virginia legislature passed three measures that are associated with the antislavery movement in this period: the 1772 House of Burgesses petition to King George in support of banning slave imports; the 1778 statute prohibiting slave importations and the Manumission Act of 1782 enabling slaveowners to free their slaves. They were limited, but necessary victories in the gradual, incremental campaign against slavery. The laws also demonstrated the humanity and benevolence of Virginia's legislators, at least according to historians of an older tradition who cited them as evidence of the founding generation's libertarian sincerity. Indeed, ending Virginia's participation in the international slave trade was a good thing. And giving masters the right to free their slaves did lead to thousands of manumissions. But more recent

historians have challenged that older tradition and placed the slave trade legislation in the context of an economic and political tug of war between Virginia's gentry leaders and British imperial authority.¹³ To impair the African slave trade was to impair British economic interests. Banning the slave trade was an exercise of sovereign power and a statement of political authority. Longstanding fears of social disorder combined with increasing racial anxiety occasioned by Virginia's increasing slave population fueled hostility to the slave trade and slavery. In this sense, racism aligned with antislavery producing outcomes which satisfied both constituencies. The manumission act, likewise, benefited slaveowners as it increased their flexibility as masters. Freeing a slave could be used as a reward for "faithful service" or as an inducement to submit to the master's authority. It could be used as a powerful tool in adapting slavery to a changing and diversifying economy. Manumission as a reward maximized a slave's profitability while decreasing the need for supervision and maintenance. This is not to say, however, that Virginia was completely bereft of committed antislavery proponents. Unfortunately, however, the small groups and often isolated individuals that composed the movement never coalesced into a broad-based political movement. Friends, in the short term, were unsuccessful, but the significance of their effort should not be overlooked. The challenge to slavery in Virginia revealed the wide ambit of internal dissent possible in a southern slave society. It helps us to understand how a large slaveholding republic became embedded within a capitalist nation that would become increasingly hostile to the institution of slavery. David Brion Davis has written that the "potentiality for internal dissent effectively became the South's major source of strength. For among plantation

¹³ See Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 1999).

societies, the South alone was forced to test the limits of dissent and to resolve a moral challenge by assimilating it and transmuting it.”¹⁴

The first salvos of the Quaker moral challenge to slavery were early calls for a manumission act, but the Assembly twice rejected proposals in both 1769 and 1770. Pleasants continued to lobby for the measure ordering two dozen copies of antislavery pamphlets from Anthony Benezet in order to put antislavery arguments “in the hands of those in power for their perusal.”¹⁵ As tensions with Britain increased, the issue of the slave trade became the focus of antislavery debate in Virginia. In 1772, Virginia’s legislators unanimously agreed to staunch the flow of slave imports.¹⁶ They passed a prohibitive tax on slave imports and petitioned the King to not disallow the ban. The African slave trade “retards Settlement of the Colonies with more useful inhabitants” they explained while exercising a “most destructive influence” on the future security of the Colony. They asked George III to turn aside the influence of British merchants who “reap emoluments from this sort of traffic” and put the long term safety and development of Virginia above short term profits.¹⁷ They were not asking the King to intervene; rather, they wanted an affirmation of the plenary right to regulate the trade in their own interest.

The dispute revealed colonial tensions in the imposition of imperial interests over and above specific colonial concerns. Although embellished with humanitarian idioms, the slave ban was not impelled by moral concerns. But this fact did not stop Quakers from supporting it or soliciting assistance from other meetings to aid in their lobbying

¹⁴ Davis, *Problem of Slavery*, 211.

¹⁵ “Letters of Robert Pleasants, Merchant at Curles, 1772,” *William and Mary Quarterly* 2 (1922); 269-70.

¹⁶ Steven Deyle, “An “Abominable” New Trade: The Closing of the African Slave Trade and the Changing Patterns of U.S. Political Power, 1808-60,” *The William and Mary Quarterly* 66 (2009); 836-7.

¹⁷ For text of the “Address of the House of Burgesses to the King in Opposition to the Slave Trade, 1 April 1772” see William J. Van Schreeven, Robert L. Scribner, Brent Tartar ed.s, *Revolutionary Virginia: The Road to Independence* vol. I (Charlottesville, VA: Published for Virginia Independence Bicentennial Commission by the University of Virginia Press, 1973), 86-88.

efforts.¹⁸ Despite their support, the King's Privy Council disallowed the Act and African slaves continued to arrive.¹⁹ The Privy Council rejected the Burgesses' policy and their right to establish such policy. Many Virginians saw this action was a clear breach of the King's duty to maintain their traditional rights and prerogatives.²⁰

Pleasants informed Benezet that the petition failed.²¹ While antislavery marched forward in the north, it sputtered in Virginia. Pleasants wrote: "I fear there is not virtue & resolution sufficient to forgo or withstand a present (tho false and imaginary) in the continuation of a wicked and destructive Trade."²² Pleasants sensed that, absent legal sanctions, Virginians would still buy slaves. He understood that many saw the acquisition of slaves as the key to their own economic and social advancement. For Virginians who already owned slaves, they were a source of labor and a source of social and personal prestige. Both perspectives focused on personal gain at the expense of community safety and diversified economic development. Virtue demanded the sacrifice of immediate personal gain for the good of the *polis* and the failure of recent embargos against British goods and slaves revealed that virtue was in short supply. Although some writers called for public spirited restraint, many did not heed the call. Virginians continued to buy slaves and British goods.

Pleasants, like members of the Assembly, blamed English merchants and corrupt royal officials for conspiring in support of the slave trade. He suggested, instead, that a

¹⁸ Worrall, *The Friendly Virginians*, 183.

¹⁹ Privy Council Registers 1649 to 1800, "March 23 1773" PC/117, IMG_0055; digital archive assembled by Robert C. Palmer and Elspeth K. Palmer, *The Anglo-American Legal Tradition* available at aalt.law.uh.edu/aalt.html accessed September 6, 2011.

²⁰ Bruce A. Ragsdale *A Planter's Republic: the Search for Economic Independence in Revolutionary Virginia* (Madison: Madison House, 1996), 134.

²¹ Anthony Benezet, "Letter to Robert Pleasants" 1773-04-08. Haverford College Special Collections, manuscript collection 852. Available on-line at http://triptych.brynmawr.edu/u/?HC_QuakSlav,9756 accessed August 28th, 2011.

²² "Letters of Robert Pleasants, Merchant at Curles, 1772," 108-9.

law freeing imported slaves after a term of years would “be more likely to be approved by the King and Council than a prohibition by Duties for I have been told our Governor (& its not unlikely others also) has instructions to pass no such laws.” From the slave trader’s perspective, whatever happened to a slave after that person was sold was not a concern. Pleasants suspected that a combination of Crown and Parliament, influenced by mercantile interests, was exercising unconstitutional control over the colony. Appeals to London would be useless as long the ministers could influence policy.

Virginian Arthur Lee, trained as both a doctor and a lawyer in London, attempted to undercut imperial support for slavery and the slave trade in his *Address on Slavery* published in *The Virginia Gazette*. Friends distributed the *Address on Slavery* to lawmakers with some success. Benezet believed that the *Address* stoked an anti-importation sentiment in “the most thinking part of the People in that Province” which led to the attempted importation ban.²³ He understood the political wellspring from which the Burgesses were drawing—economic self-interest and fears of black social unrest pitted against what was regarded as an inflexible, corrupt and overreaching imperial policy.²⁴ Arthur Lee exploited the same fears and anxieties when he crafted the *Address*.

Lee argued that as slave imports increased, the potential for rebellion, disorder and invasion likewise increased. He predicted slavery was Virginia’s doom. Virginians who lacked humanitarian sympathies “must be convinced of the destructive tendency to

²³ Benezet, “Letter to Robert Pleasants” 1773-04-08; Richard K. MacMaster, “Arthur Lee’s “Address on Slavery”: An Aspect of Virginia’s Struggle to End the Slave Trade, 1765-1774” *The Virginia Magazine of History and Biography* 80 (1972): 150. Benezet is not the only one who sees linkages between Lee’s *Address* and the 1772 Petition. Historian Bruce Ragsdale noted that “Lee’s arguments and its various formulations over the next fifteen years became the most frequent case for ending the slave trade in the colony. The House of Burgesses repeated Lee’s claim in the 1772 address to the King requesting authority to impose restrictions on the colony’s slave traffic.” See Ragsdale *A Planter’s Republic*, 120-121.

²⁴ Davis, *Problem of Slavery in the Age of Revolutions*, 121-122; Bruns, 192; Ragsdale, *Planter’s Republic*, 133-134; Holton, *Forced Founders*, 66-73.

the manners & morals of their offspring, as well as the danger, which will necessarily attend on an increase in Slaves.” The danger was clear in the southern colonies based on events in other slave societies. Benezet quoted international reports of slave and Indian rebellions in Brazil, St. Vincent, and Surinam and their effects—“Many plantations have been burned & the planters with their families have been murdered.” But fear was a polemical weapon that the Quaker would decline to utilize. Benezet edited out Lee’s most striking passages when he included *The Address* in his own pamphlets and antislavery collections. The edits prompted Pleasants to question the wisdom of removing the language when it had proved so effective in provoking public hostility to the slave trade? The passages might give rise to “prejudice” in a general readership, Benezet explained, and prevent its wider acceptance. Benezet conceded that it was “the general opinion” among antislavery activists of the time that “nothing ought to be published whereby the Negroes may be acquainted with their own strength & the apprehension of danger the whites are in from them.” This tendency could be carried too far so that “it is certainly yet more dangerous to withhold from the generality of people the knowledge of the danger.”²⁵ Reconciling the two approaches to antislavery was difficult for Benezet. Lee’s *Address* was not based on humanitarian concerns while Benezet hoped to build an antislavery campaign based on moral considerations.

²⁵ Benezet. “Letter to Robert Pleasants” 1773-04-08. Benezet included the excised passages in the letter: “On us, on our posterity, the inevitable blow must one day fall; & probably with the more irresistible vengeance the longer it is protracted since time as it [adds] strength & experience to Slaves will sink us into perfect security & indolence which [debasings] our minds & enervating our bodies will render us easy conquest to the feeblest foe. Unarmed already, & undisciplined with our militia Law [condemned], neglected or [prevented] we are like the wretch at the [feast] with a drawn sword depending over his head by a single hair.” One scholar of Arthur Lee was not impressed by Benezet’s explanation: “the Quaker abolitionist emasculated the slave when he excised the scenes of violence and bloodshed from the picture of slavery sketched by Arthur Lee.” See MacMaster, “Arthur Lee’s ‘Address on Slavery,’” 235.

In the fall of 1772, economic crisis hit Virginia. Several British tobacco houses failed causing a contraction of credit and anxious demands for repayment. As things deteriorated, popular ire fell upon the British merchants who were dunning Virginia debtors as tobacco prices, and profits, fell.²⁶ Many planters were simply over-extended.²⁷ Pleasants was largely unaffected. In one regard, he was quite different from his planter neighbors; he was a prudent and risk adverse investor. He engaged in entrepreneurial pursuits and commercial ventures and was an able administrator of his business. But, like his gentry neighbors, he also could not resist some of the finer things in life and often ordered luxury items from Philadelphia and admitted a pride in his stately house.²⁸ He confessed that his home was “not altogether as I could wish in Respect to true plainness & simplicity, which I love, I am not the less Sensible of the beauty of it.”²⁹ But for many Virginians, the economic slide continued.³⁰ Tobacco had famously saved the colony from collapse but for some planters, tobacco production was at the root of the problem.³¹ The crop ate up land, prevented development of settlements and as a contemporary observed in *The Virginia Gazette*, it was a weed “completely adapted for restraining the Progress of Population, and of national Wealth.”³² Tobacco was increasingly seen as a vice and a luxury crop “inappropriate for men who increasingly called themselves republicans.”³³

Patrick Henry demanded a reconsideration of gentry values including religious

²⁶ Kulikoff, *Tobacco and Slaves*, 130-131.

²⁷ Holton, *Forced Founders*, 95-99.

²⁸ Pleasants, “Letters of Robert Pleasants, Merchant at Curles, 1772,” 258, 261-2, 269-271; Robert Pleasants to Samuel Pleasants, 1 Oct. 1772, in *The Letterbook of Robert Pleasants*.

²⁹ Robert Pleasants to John Thomas, 4 July 1728, *Letterbook*.

³⁰ Holton, *Forced Founders*, 100-107.

³¹ Breen, *Tobacco Culture*, 199.

³² “ACADEMICUS,” *Virginia Gazette, Purdie and Dixon*, 5 Aug. 1773.

³³ Breen, *Tobacco Culture*, 199.

freedom.³⁴ Pleasants and Henry had become friends advocating for religious toleration of dissenters. And Pleasants wrote a letter to Henry, pushing Virginia's most strident advocate of liberty to consider all men when he thought about natural rights.³⁵

Henry responded to Pleasants in a famous letter that was passed among Friends and antislavery allies.³⁶ In the letter, Virginia's most vocal proponent of liberty rationalizes slaveholding. He deflects moral condemnations of slavery and slaveholders by acknowledging the moral iniquity of slavery while expressing sympathy for slaves. Bewildered by his own culpability, Henry exclaimed: "Would any one believe that I am Master of Slaves of my own purchase! I am drawn along by ye general inconvenience of living without them, I will not, I cannot justify it." Certainly, Pleasants could sympathize with Henry's predicament. Pleasants himself owned over a hundred slaves. Both men were troubled by slavery and both were familiar with the precepts of antislavery and humanitarianism—the crucial difference being that Henry, unlike Pleasants, never developed the commitment to act on those beliefs.³⁷

Henry's words encouraged Pleasants's intentions, efforts and his expectations while providing Virginia slaveholders a means of appearing benevolent while retaining the benefits of slavery: "I believe a time will come, when an opportunity will be offered to abolish this lamentable evil; every thing we can do is to improve it if it happens in our

³⁴ Ibid, 188.

³⁵ George S. Brookes, *Friend Anthony Benezet* (Philadelphia: University of Pennsylvania Press, 1937), 443-444.

³⁶ For the text of the letter, see Bruns, ed. *Am I not a Man and a Brother*, 221-222; see also Brookes, Ibid, 443-444. For an extended analysis of the letter, see Henry Mayer, *A Son of Thunder: Patrick Henry and the American Republic*, (Charlottesville: University Press of Virginia, 1991), 168-170; and Davis, *Slavery in the Age of Revolutions*, 196-197. The letter itself generally is cited as either a valorization of Henry's sympathy for slaves or an example of his hypocrisy. A cursory scan of Google Books revealed that at least nine historical monographs published in 2010 to 2011 that cited the letter.

³⁷ Patrick Henry, thanks to Thomas Jefferson, has often been portrayed as an unlearned man, narrow in reading. But a recent examination of Patrick Henry's library records has produced an alternate vision of Henry as having a sustained intellectual engagement with current ideas. See Kevin J. Hayes, *The Mind of a Patriot: Patrick Henry and the World of Ideas* (Charlottesville: University of Virginia Press, 2008).

day, if not, let us transmit to our descendants together with our slave a pity for their unhappy lot and an abhorrence for slavery.” Henry would retain his slaves but sought solace in the thought that “however culpable my conduct, I will so pay my devoir to virtue as to own the excellence and rectitude of her precepts, and to lament my want of conformity to them.” Henry concluded that the elimination of slavery was a not a task possible in his generation. Henry’s passive defense of slavery would become commonplace among elite Virginians. But Pleasants and Henry were not deists. They were both religious men and Henry had to square slavery with his own evangelical beliefs. And so he argued that the best course of action for Virginia’s Christian slave owners was to exercise a paternalistic, seemingly virtuous, mastery of their enslaved people.

Quaker slaveholders had used similar arguments to defend slavery in the 1750s and 1760s. Patrick Henry used the fiction of benevolent mastery to smooth over his unwillingness and inability to consider emancipation all the while praising the Quaker effort: “If we cannot reduce this wished for reformation to practice let us treat the unhappy victims with lenity; it is the farthest advance we can make towards justice; it is a debt we owe to the purity of our religion to show that it is at variance with that law which warrants slavery.” Henry echoed Lord Mansfield ruling in the famous case of *Somerset* that slavery was a creature of positive law.³⁸ Although Henry avoided any commitment

³⁸ William R. Cotter, “The Somerset Case and the Abolition of Slavery in England,” *History* 79 (1994): 30-65; William M. Wiecek, “Somerset: Lord Mansfield and the Legitimacy of Slavery in the Anglo-American World,” *University of Chicago Law Review* 41 (1973): 86-147; Davis, *Slavery in the Age of Revolutions*, 479-89. Word of the Somerset decision also reached the ears of the enslaved in Virginia. Bacchus, “a cunning, artful and sensible fellow” absconded from his owner well-stocked with his master’s clothes accessorized with, “neat Shoes, Silver buckles, a fine Hat cut and cocked in the Macaroni Figure” intending for England. Gabriel Jones, thy owner, stated: “He will probably endeavor to pass for a Freeman by the Name of *John Christian*, and attempt to get on Board some Vessel bound for *Great Britain*, from the

on the issue, Pleasants saw in Henry a sympathetic soul who might with time and patience be converted to the cause of antislavery. Pleasants forwarded Henry's letter to Benezet who was quite pleased with the letter and agreed that Henry could be a possible ally and potential convert to the antislavery cause.

Henry was potentially valuable to the antislavery cause in two regards: he was "a respectable member of [the] Assembly" and as such had political influence and power to push through antislavery measures and secondly, he not only wielded political influence but was also a major religious force in the Colony. Benezet hoped that Henry would become a "Vessel" for antislavery ideas and a means of disseminating "truth" outside the Society of Friends in Virginia. Benezet then took "the freedom to salute thy friend Patrick Henry" and sent him books on religious subjects.³⁹

Pleasants often visited Henry's residence at Scotchtown in Hanover County, when he was attending meetings at the nearby Cedar Creek Meeting house.⁴⁰ When Henry was elected Governor, Pleasants would call upon him in Williamsburg while in town for business. Conversations between the two men turned on issues of shared concerns, namely religious freedom and the treatment of dissenters.⁴¹

Knowledge he has of the late Determination of *Somerset's Case*." Purdie and Dixon, eds. *Virginia Gazette*, 30 June 1774.

³⁹ Benezet, "Letter to Robert Pleasants, 1773-04-08."

⁴⁰ Worrell, *Friendly Virginians*, 174.

⁴¹ In July 1773, Pleasants travelled to Chesterfield County jail to visit Baptist men who had been jailed for preaching without a license. Henry may have advised Pleasants on the legalities of the case because Pleasants sounds more like lawyer and less like a Quaker merchant when he sought to aid the men. Pleasants helped file habeas corpus petitions to release the men and also submitted a plea for relief to the "superior Court." And he wrote to Archibald Carey, Chief Magistrate of Chesterfield County demanding the release of the men as their religious preaching "in no way contained any seditious phrases" nor did their speech "tend to disturb the peace of the Community." Both were traditional common law justifications for punishing speakers. Since neither category applied then the cause of their detention must have been on account of the men's religious beliefs. Pleasants launched into a legal sermon: "I have long thought dissenters were tolerated in all the King's Dominion's, but suppose the Act of Toleration should not be deemed to extend to the Colonies as the recital of it in our Act of Assembly seems to imply, for if that act is not in force here, surely such that by the spirit and intention were made to suppress the persecuting spirit

Months later, Benezet was anxious for news whether Henry had received the packets and his reaction to the materials. He used the opportunity to remind Pleasants and other Quakers that the colonies in the north were “opening into the iniquity of the practice.” He pointed to New Jersey where a law was under consideration banning the slave trade and internationally, he wrote: “Spain, Portugal & of late France have entered seriously into the matter of Slavery.” He mentioned that antislavery publications were published in Paris against the slave trade. Freedom for blacks, according to Benezet’s paraphrasing of the French text, required an import ban, freedom under “prudent regulations,” “care that they be treated with humanity & justice,” and orderly cohabitation (e.g. “marry in a regular manner”) would “perform the necessary labor of the countries and Islands where they reside.” Freedom in this case was the freedom to labor for French imperial interests. He thought that perhaps the French model could apply to the “case of our southern provinces, perhaps yours, certainly it would so in South Carolina.” He recognized that each slave society was different and so the course of antislavery had to be modified to meet local demands. In this case, Benezet seemed to be willing to entertain the suggestion

[of] Popery, ought not to operate against Protestants.” The Act of Toleration should apply in the colonies and if it did not then any restrictions against religious practices were obviously not intended to be used against Protestants—like many Englishmen, Pleasants was willing to exclude Catholics from the law’s protection. Pleasants then cited a famous 1771 speech of Lord Mansfield in the House of Lords echoing his ruling in Somerset’s case: “Persecution for a sincere tho [erroneous] conscience, is not to be deduced from reason, or fitness of things; it can only stand upon positive law.” He also listed policy arguments against religious persecution of dissenters saying that it “always tends to the disadvantage of every government, especially in young countries by discouraging useful inhabitants.” For good measure, Pleasants cited the Gospel, Voltaire, and recent parliamentary enactments published in *The Virginia Gazette*. And to top it all off, Pleasants “as promised,” sent the judge “an appendix to Blackstone’s commentaries on the laws of England” and recommended “to thy serious consideration the remarks of Priestly and Turneaux.” Regardless of whether Henry assisted or not, he and Pleasants shared overlapping concerns, Pleasants letter certainly reflects Henry’s influence. See Robert Pleasants to Archibald Carey, Esq., 22 July 1773, *Letterbook*; and Lord Mansfield, “Lord Mansfield’s Speech in the Cause of the Dissenters,” *The London Magazine or Gentleman’s Monthly Intelligencer* XL (1771); 134.

that freed slaves be put to use as a laboring class safely circumscribed by white control.⁴² For Virginians, emancipation was only half the issue—the inability to imagine a bi-racial Virginia without strong social control of black Virginians remained a hurdle for antislavery forces.

“The time has come,” declared the 1773 Virginia Yearly Meeting, “when every member of our religious Society who continues to support or countenance this crying evil, either by continuing their fellow creatures in bondage, or hiring such who may have been kept in that state should be admonished and advised to discontinue such practices.”⁴³ The Meeting stopped short of making slaveholding a disownable offense, but the message was clear—slaveholding was strongly discouraged. If the Meeting made slaveholding a disownable offense and Virginia did not allow manumissions, Pleasants might find himself simultaneously an abolitionist and one of the colony’s largest slaveholders. His Quaker beliefs would not permit him to sell the slaves nor would the laws of the land admit to be free. The thought must have occurred to Pleasants that a manumission act may not pass in his own lifetime. If so, Pleasants imagined, other methods of providing freedom must be considered, even illegal ones. Pleasants history with freeing slaves begins with one young boy named Jamey.

In freeing Jamey, Pleasant behaved more like an appreciative slavemaster and less like an abolitionist Quaker revealing a degree of overlap between two parts of Pleasants’s identity. But it got him thinking about the practicalities of manumission and his early success primed the way for further manumissions. In 1771, Pleasants had an accident.

⁴² Anthony Benezet, “Letter to Robert Pleasants, 1774-05-07,” Haverford College Special Collections; “A Bundle of Letters: Anthony Benezet, May 1774,” *Records of Quaker Meetings in Virginia, 1672 – 1845*.

⁴³ William Hodgson, Jr., *Select Historical Memoirs of the Religious Society of Friends, Commonly Called Quakers: being a Succinct Account of their Character and Course during the Seventeenth and Eighteenth Centuries* (Philadelphia: J.B. Lippincott & Co., 1881), 357.

Virginia's roads were notoriously treacherous. He flipped his carriage with his daughter riding beside him. As it started to turn over, Pleasants recounted, he had "presence of mind to clear myself & Dear Nancy [his daughter] as quick as possible."⁴⁴ The harness broke and spooked the horses leaving Pleasants and Nancy alone in a "dismal" part of the country. But, Jamey rode the horses down and recovered them in minutes. If Pleasants or Nancy had been hurt, they would have been completely reliant on Jamey for assistance. Jamey also impressed Samuel Pleasants (Robert's brother from Philadelphia) and his wife by fetching letters from Richmond while the couple was visiting Curles.⁴⁵ Jamey was only fourteen years old at the time. Pleasants trusted Jamey with a horse and gave the young man freedom to ride. Jamey enjoyed a special place in the Pleasants household.

In October, Pleasants prepared a deed of manumission for "my Negro slave named James" for "divers good Causes and valuable Considerations." Pleasants claimed that Jamey paid him "five shillings lawful [Virginia] money." Most likely, Jamey did not; rather, the claim of money exchanging hands fulfilled the terms of emerging contract law.⁴⁶ Pleasants then took an extra step in trying to solidify Jamey's claim to freedom by declaring "that it shall not be lawful for either myself or my heirs, executors, administrators or assigns or any other person or persons whatsoever to deprive the said negro Boy of the full free and uninterrupted enjoyment of his Liberty."⁴⁷ Pleasants then

⁴⁴ "Letters of Robert Pleasants, of Curles," *The William and Mary Quarterly* 2nd Series, 1 (1921): 112.

⁴⁵ "Letters of Robert Pleasants, Merchant at Curles," 258.

⁴⁶ Pleasants's conception of manumission stands as an exception to Thomas D. Morris's finding that "manumission in the Colonial South... was not seen in contractual terms. A contractual analysis did not emerge until the nineteenth century with the development of a coherent and significant body of contract law resting on the doctrine of 'consideration.'" The inclusion of 'consideration' signals Pleasants estimation, or that of his legal counsel, that manumission could indeed be recognized by judges as a source of manumission. See Thomas D. Morris, *Southern Slavery and the Law 1619-1860* (Chapel Hill: University of North Carolina Press, 1996), 393.

⁴⁷ Monthly Meeting of Friends of Philadelphia, *Philadelphia Manumissions Book 1772-1786*. Haverford College Special Collections, manuscript collection 1250, S2.15, p.22. on-line at http://triptych.brynmawr.edu/u?/HC_QuakSlav.8928 accessed August 28th, 2011.

offered Jamey to his brother and his wife as an indentured servant. The specifics are unclear, but it seems Pleasants intended to free Jamey at the age of twenty seven on the understanding that he would move to Philadelphia. In the case of “misbehavior,” Samuel could apprentice him until twenty one or send him back to Virginia.⁴⁸ Pleasants wrote to his brother: “If my sister [Samuel’s wife] should conclude to take him and thou wilt agree to give him proper schooling and have him brought up to some Business by which he is likely to get an honest lively hood, I have at present no objection to sending him the first suitable opportunity although he is a very useful servant of his Size.”⁴⁹ Samuel and his wife assented to the offer and Jamey left Virginia for Philadelphia.⁵⁰

Pleasants first foray into manumission revealed some legal difficulties. Pleasants had to prepare a deed of manumission that had no effect in Virginia and yet was meant to apply in Pennsylvania and other colonies. And since there was no statutory format to adhere to, Pleasants created his own mixing the transactional elements of the common law concerning contracts and bills of exchange. Whether the deed of manumission was legally efficacious was an open question. Pleasants may have felt a personal sense of gratitude to Jamey and if so went to extraordinary lengths to deliver his freedom. Of course, a similar arrangement could not be made for the other slaves in his possession—there were simply too many people. Only a few, favored slaves could hope to enjoy such freedom prior to the passage of a manumission act. For the vast majority of Pleasants’s

⁴⁸ “Letters of Robert Pleasants, Merchant at Curles,” 258.

⁴⁹ *Ibid*, 273-5.

⁵⁰ Jamey disappears from the historical record, but the city of Philadelphia at this time was probably the best place he could go in colonial British America. Jamey had a rich sponsor in Samuel Pleasants and more importantly, Philadelphia possessed a vibrant black community where he could find fellowship.

slaves, the prospect of freedom remained remote even as Richard Henry Lee proposed another bill in 1774 to ban the import of slaves into Virginia.⁵¹

Before the bill could be ratified, Lord Dunmore, Royal Governor of Virginia, dissolved the House of Burgesses leading to the formation of an Association composed of elected committees from each county. Ten of sixty one county resolves demanded an end to the slave trade. Many of the resolutions focused on policy arguments but a few resolutions included strong moral condemnations of the “wicked, cruel and unnatural trade.” It was commonly argued that the slave trade obstructed the growth of the free white population, prevented the immigration of skilled Europeans and resulted in a lopsided balance of trade with Britain.⁵² Hanover County, where Patrick Henry was elected a delegate, stated in their instructions that, “The African Trade for Slaves we consider most dangerous to Virtue, and the Welfare of the Country.” Perhaps, the campaign to woo Henry into the fold was beginning to produce some small results. In Pleasants’s Henrico County, the instructions did not mention slavery directly but stated “[w]ith grief and Astonishment, we behold Great Britain adopting a Mode of Government totally incompatible with our Safety and Happiness.” The ministry in London was beholden to merchant interests and not the safety and interests of the colonists argued the planters of Henrico County.⁵³

Pleasants noted that if importations continued, it would ruin Virginia. Pleasants echoed Arthur Lee stating that the slave trade “discourages industry & the immigration of tradesmen, and more useful inhabitants from settling among us.” It was the “guinea

⁵¹ MacMaster, “Arthur Lee’s Address,” 152.

⁵² Ibid. For the complete collection of resolutions, see chapter 13, “The Convention of 1774 Resolutions and Instructions by County and Corporate Freeholders and Others 1 June-28 July” of *Revolutionary Virginia* vol.1, 109-168.

⁵³ Ibid, 140, 141.

Merchants [who] received so much gain and a corrupt ministry” that prevented a cessation of the slave trade. Thomas Jefferson agreed and noted that the King’s ear had been captured by “the immediate interests of a few African corsairs.”⁵⁴ The way forward was clear for Pleasants: “At present there seems to be no other remedy than not to purchase [imported slaves].” But Pleasants was not sanguine about the prospects of a voluntary, informal non-importation agreement, especially in light of previous failures. He had accepted that some people recognized “the injustice to that unhappy people,” “the good of posterity” and “sound policy respecting the security of the state” but feared that present, imaginary interests precluded the development of virtue necessary to achieve any success against the trade. If Virginians failed to see their own long term interests, Pleasants feared “the consequences one day or another must be dreadful.”⁵⁵

In August of 1774, the first Virginia Convention met in Williamsburg. The convention’s first task was to elect delegates to the Continental Congress which was to meet in Philadelphia. Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton were all elected. Pleasants was on familiar terms with both Bland and Henry while Benjamin Harrison was a neighbor whom Pleasants knew and mildly disliked.⁵⁶ Someone among the delegates, most likely Henry who strongly admired Quakers, asked Pleasants to pen letters of introduction for the delegates to some of Philadelphia’s more prominent Friends. In a letter intended for Anthony Benezet, Pleasants recommended the delegates as men who “have deserved well for their attachment to the interests of their country, and most if not all of them for their favorable sentiments & services to Friends, as well in a legislative as

⁵⁴ Ibid, 252.

⁵⁵ Robert Pleasants to Charles Pleasants, 12 July 1774, *Letterbook*.

⁵⁶ In chapter one of this dissertation, an encounter between Richard Bland and Robert Pleasants is detailed.

private Capacity, particularly our Friend Patrick Henry to whose Character and Sentiments thou art not altogether a stranger.” In a second letter, Pleasants recommended them as “men of the first rank in point of Capacity among us, & who have distinguished themselves on many occasions to be worthy the Trust reposed in them, and in divers instances have been particularly respectful and serviceable to Friends.”⁵⁷ In this instance, Pleasants was literally a conduit facilitating contact between antislavery Friends in Philadelphia and gentry leaders potentially sympathetic to antislavery. It speaks to the degree of familiarity and respect he had earned in both worlds both as a Quaker reformed and a Virginia notable. The letters were also effective: Henry met with Benezet while George Washington found an audience with the Pembertons, one of the great Quaker families of Philadelphia and Samuel Pleasants, Robert’s brother who had married into the family.⁵⁸

Besides electing delegates, the first Virginia Convention also formed an “Association” for the purpose of boycotting British goods.⁵⁹ As part of the non-importation agreement, slaves were added to the list of banned imports.⁶⁰ The Association of 1774 succeeded because of the participation of small farmers who had not joined in earlier boycotts.⁶¹ Criticism of the slave trade served Colonial leaders perceived

⁵⁷ Pleasants, “Letters of Robert Pleasants, of Curles,” 107-108.

⁵⁸ Worrall, *Friendly Virginians*, 177-178.

⁵⁹ The Association would also, in year’s time, discontinue all tobacco shipments to England while allowing an unimpeded grain trade with the West Indies to continue. As historian Woody Holton has demonstrated, the Association of 1774 was a brilliant success which had the startling effect of creating a situation where tobacco prices went up while production increased producing windfalls for planters who possessed the resources to store and house tobacco during price lulls and market gluts. See Holton, *Forced Founders*, 123.

⁶⁰ *Revolutionary Virginia*, 232.

⁶¹ Holton, 102-3.

political and economic ends.⁶² When the first Continental Congress met, it voted to suppress the slave trade in the second article of the Continental Association.⁶³

Although there is no record of Pleasants reaction to the news, it is safe to assume he was pleased. Pleasants was strident in his opposition to slavery, and yet his own status as a slaveholder troubled him. It also began to attract the attention of other prominent Quakers. David Ferris, a Quaker minister from Connecticut, visited Pleasants in Virginia and wrote of his experience: “Although they [Virginia’s Quakers] were generally in the practice of keeping slaves, yet they had begun to see the error of it, and were desirous to be relieved of the burden, but saw no way to effect it, to the satisfaction of themselves and their slaves.” Manumission was illegal and as Ferris reported “if a man set his slaves free, they would be liable to be seized and sold to the highest bidder.” Freed persons were in the eyes of the law slaves of negligent masters; masters who were guilty of “letting their slaves run at large.”⁶⁴ Without legal protection, putatively freed people were defenseless against seizures, arrests and possible re-enslavement.

After returning home, Ferris wrote to Pleasants and appealed to him as a Christian brother to mend his ways and free his slaves. Ferris declared that slaveholding was a violent, immoral extortion perpetrated upon fellow human beings of equal consideration endowed as they were with reason and God’s Holy Spirit. To continue on such a course

⁶² Wolf, *Race and Liberty*, 13-14.

⁶³ Winthrop Jordan argued that the act was passed because “antislavery sentiment had grown sufficiently strong to become a factor in political decisionmaking.” See Winthrop Jordan, *White over Black: American Attitudes toward the Negro 1550-1812* (Baltimore: Penguin Books, 1969), 302. Roger Bruns notes that the measure was “practically devoid of moral implications” but did adversely affect the slave trade. See Bruns, *Am I not a Man*, 123. Davis disagreed and says of the measure “high moral principle gave added thrust to economic retaliation” but obscures the colonists view that “the right of localities to control slave importation as a part of their larger right to self-determination.” See Davis, *Slavery in the Age of Revolutions*, 119.

⁶⁴ David Ferris, *Memoirs of the life of David Ferris: an approved minister of the Society of Friends, late of Wilmington, in the state of Delaware* (Merrihew & Thompson's Steam Power Press, 1855).

was to walk the road to perdition contrary to the injunctions of the Golden Rule. Ferris's initial concern was not centered on the welfare of the slaves *per se*. Instead, he was concerned about Pleasants's slaveholding from a "moral" concern: "I fear that to hold them in a state of slavery, deprived of their natural right, may be a means of depriving thee of thy own freedom...I believe that a further advance, on thy part, must be made, in order to make thee a free man, and enable thee to sing on the banks of deliverance...In thy case it is my solid judgment that slave-keeping is a sin." Ferris was convinced that slaveholding (no matter how beneficent in purpose) was a violent violation of natural law. Ferris then put Pleasants's complicity in stark terms: "Slave-keepers are *extortioners*" and the means of extortion operates to "deprive a man of his liberty, and force him to labor all his days, with rigor, for nothing?"⁶⁵ Ferris' language and tone is typical of the sorts of antislavery appeals Quakers used on each other. It was not the sort of appeal that would have worked on Virginia's gentry leaders. Ferris, from Pleasants, view did not appreciate the enormity of considerations facing Pleasants in Virginia. But Ferris would not back down. Moral commitments demand personal sacrifice and decisive action.

Pleasants had complained to Ferris of the enormity of the task, but Ferris remained unsympathetic: "I am aware that there are many difficulties...Thy slaves are very numerous. Some are too old to labor, some in their prime, and some too young to work." Ferris advised his friend how to proceed. Free the older slaves and "obligate thyself and thy estate to maintain them well and use them kindly the remainder of their days." As for those slaves in their prime, Ferris counseled Pleasants to discharge them from service and pay them recompense for their past labor so they may begin to earn an

⁶⁵ *Ibid.*, 95; 92-3.

honest living. Educate them, Ferris demanded, and “put it out of thy power, and the power of thy heirs, to take them back into bondage.” When all of this is accomplished, Ferris promised Pleasants that “thou wilt be a *free man*.”⁶⁶ Ferris pushed Pleasants towards immediate action. Pleasants was a practical man in many regards and he understood the limits of tolerance in his neighborhood in a way Ferris did not. And so, Pleasants sought to balance both considerations and tested the limits of community acceptance by setting up some slaves as free tenant farmers. The personal pressure from fellow Quakers like Ferris help force Pleasants’s hand, but other causes also played a part.

Quaker Meetings in Virginia were evincing an increasing hostility to slavery. As an active participant at many of these meetings, Pleasants felt the growing intolerance of slavery in the Society.⁶⁷ In November of 1776, at a Quarterly meeting in Henrico County which Pleasants attended, Quaker elders “expressed a willingness to freely discharge their negroes from Slavery.” The Meeting was attended by noted Quakers from the North, especially George Dillwyn of “the Jerseys” and Samuel Hopkins of Philadelphia.⁶⁸ The presence of these “weighty” friends helped to facilitate passage of antislavery

⁶⁶ *Ibid.*, 94.

⁶⁷ See Society of Friends, Virginia, *Record Book of Quarterly Meetings 1745-1783* Alonzo Brock Collection 7, Microfilm M-1685 at John D. Rockefeller, Jr. Library of Colonial Williamsburg Foundation, Williamsburg, VA. Meeting, 3 May 1775: “The matter recommended by last Yearly Meeting to the consideration of the preparative, Monthly, and Quarterly Meetings respecting the Sale of Slaves, having been duly considered by each; whereupon it appears to be the general sense of Friends, that it ought to be made a rule of discipline; that no friend should hereafter sell a Slave or Slaves without having the comment and approbation of their respective Monthly Meeting to do so.”; 26 Oct. 1775: “And whereas it was recommended by said Yearly Meeting to the committee appointed to visit the Quarterly and Monthly Meetings to endeavor to promote the Instruction and freedom of Slaves; and this Meeting being desirous to forward the same, do direct the Monthly Meetings to report to our next Quarterly Meeting what steps they have taken wherein.”; 26 Oct. 1775: “And whereas it was recommended by said Yearly Meeting to the committee appointed to visit the Quarterly and Monthly Meetings to endeavor to promote the Instruction and freedom of Slaves; and this Meeting being desirous to forward the same, do direct the Monthly Meetings to report to our next Quarterly Meeting what steps they have taken wherein.”; See also records for 24 Feb. 1776.

⁶⁸ *Ibid.*, 23 Nov. 1776.

measures. The leadership continued to pressure the lower meetings for action and reports.⁶⁹ Manumissions were reported to local meetings.⁷⁰ Friends decided to raise funds for the effort and directed that each monthly meeting provide for a book and a person charged with recording therein all manumissions that had occurred in each monthly meeting.⁷¹

The death of Pleasants's half-brothers, Thomas and Jonathan, in 1775-76 reinforced his own sense of purpose by reminding him that life was short and uncertain. His father's final warning to his sons came to pass: "be prepared for that awful Summons, which sooner or later must overtake [you] all."⁷² Young Tommy Pleasants—"loose and unthinking in matters of great moment"—passed in December of 1775.⁷³ He was only twenty-two years old. In a fever, he exclaimed, "I shall die and what will become of me for I have been a Sinfull Youth?" He warned his family and friends to not "spend your precious time in vanity as I have done." Tommy expressed "much concern about his Negroes." He desired to be "clear" of them and said that *if* "he lived he would do something for their comfort."⁷⁴ But money was scarce. Young Tommy, the prodigal son, died possessing a meager estate. And unlike his father, he did not free the few slaves he had. Jonathan's estate, however, was much more substantial and unlike his "sinful" brother, Jonathan had embraced antislavery under Robert's influence.

⁶⁹ Ibid, 22 Feb. 1777.

⁷⁰ Ibid, 15 May 1777 and 23 Aug. 1777.

⁷¹ Ibid, 23 Aug. 1777.

⁷² "A Testimony from the Monthly Meeting in Henrico County the 6th day of 2nd mo. 1773: Concerning our dear & well esteemed Friend & Elder John Pleasants deceased" in *Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland* Vol. 3 Miscellaneous Materials (1906) at the Valentine Richmond History Center, Richmond, VA.

⁷³ Robert Pleasants to Samuel Pleasants, 3 Jan. 1776, *Letterbook*.

⁷⁴ "Account of Thomas Pleasants, the Younger Son of John Pleasants, 1775" in *Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland* Vol. 3 Miscellaneous Materials (1906) at the Valentine Richmond History Center, Richmond, VA.

Jonathan's will utilized the same freedom provisions as John Pleasants's will of 1771 thereby increasing the number of men and women who would be freed if a manumission act could be passed. Jonathan Pleasants drafted his will in May of 1776. He died six months after Tommy passed. Under Jonathan's will, more slaves were assigned to Robert and to Samuel, his brother in Philadelphia.⁷⁵ Pleasants took possession of five elderly slaves under Jonathan's will: Rachel 50, Billy 50, Billy 80, Charles 100 and Moses 100. The ages are rough guesses and indicate that the slaves had little monetary value. Samuel, Robert's brother, was assigned seven people ranging in ages from 20 to 100. Samuel Jr., (known as "Sammy") was assigned nine middle aged slaves. Mary Pleasants, Robert and Jonathan's sister, received approximately seventy slaves.⁷⁶ Samuel was unhappy with being made a slaveowner. Robert responded: "I observe thy disapprobation of being invested by [Jonathan's] will with a property in Slaves, and that I come under blame for being the writer of that part of it." Pleasants felt he had no choice but to enlist his brother's aid. He explained that "if the Negroes could have been left absolutely free, consistent with the laws of Virginia" then there would be no problem, but manumission was illegal. And so the slaves, Pleasants explained, "must be reputed the property of some body." Robert reminded his brother that growing up, he had benefitted from the labor of the slaves. Here was a chance to repay that debt: Robert told him, "I should be sorry my Brother should reject the donation, and by that means deprive himself of the opportunity of showing his willingness to contribute to the relief of the distressed in so important a matter." Samuel relented and took possession of the slaves and

⁷⁵ The will stated that Robert, Samuel and Samuel, Jr., were to receive any slaves not specifically directed to heirs. Mary Pleasants received two thirds of the slaves on the condition that if she died, the slaves would be distributed equally between Samuel, Robert and Samuel Pleasants, Jr.

⁷⁶ Edward Pleasants Valentine and Clayton Torrence, ed.s, *The Edward Pleasants Valentine Papers, Abstracts of Records in the Local and General Archives of Virginia...* (Richmond, VA: Valentine Museum, 1927), 1130-1133. See also Pleasants to Samuel Pleasants, 17 May 1776, *Letterbook*.

promptly drew up a curious bill of manumission in Philadelphia. In it he stated that he was “an owner or reputed owner of a Number of negroes.” Samuel Pleasants never specified who or how many slaves; he simply identified them as “all and every of the Negroes devised to me” by Jonathan’s will.⁷⁷ Samuel may not have even known their names which may indicate how quickly he wanted to be done with the business. For a prominent Philadelphia Quaker such as Samuel Pleasants, slaveholding would have been a major social embarrassment.

In his will, Jonathan required that the enslaved children be taught to read so “as the means to fit them for freedom.” He declared that “Sharper and Bidy, his wife—also Phillis the wife of Caesar and Judy may immediately on my decease be admitted to freedom; and live when and with whom they please receiving the full benefit of their labor.” He also directed that one family, “Stephen with his wife Bidy and their child may be admitted to live on and enjoy the land whereupon my mill stands, and to enjoy the benefit of their labour free from any rent or other services except that of minding the mill and grinding for the use of this plantation.” In the absence of legal freedom, this small family faced an uncertain future, but had the means to earn a livelihood.

Jonathan Pleasants assigned eleven children to eight adult family members. Slave girls went to women and young boys were assigned to men. Charles, for example, saw three of his daughters, Sal, Delsey and Jenny sent to the women of the Langley family. They would have to adapt to new environments leaving behind the security of the familiar. Charles’ son, Ned Gray, was sent to another family, the Woodsons. To Jane

⁷⁷ Philadelphia Yearly Meeting of the Religious Society of Friends, *The Original Papers of Manumission by the Monthly Meetings Composing the Quarterly Meeting of Philadelphia, 1772-1790*. Haverford College Special Collections, manuscript collection, 1250, S2.15. Available on-line at http://triptych.brynmawr.edu/u?/HC_QuakSlav.9227 accessed 3 Sept. 2011.

Pleasants went Doll's three young children, Hannah, Peter and Phillis. It seems that Jonathan Pleasants attempted to try and place the slaves as humanely as possible, but as long as they were slaves, none of these young men and women could hope for any real security. Moreover, from a legal point of view, Jonathan Pleasants's decision would make enforcement of the will's provisions more problematic. As the slave population became more dispersed among family members the harder it would be to compel the men and women who possessed them to emancipate much less keep track of them and their children. With each subsequent transfer of ownership, the harder it would be to enforce the will's unique freedom provisions. Robert Pleasants recognized that something had to be done immediately. The pressure from Friends like David Ferris, his own conscience and the practical realities of the situation forced Pleasants's hand and similar motives compelled other Virginia Quakers to begin freeing their slaves. The Virginia Meeting reported to London that Friends had already freed several hundred.⁷⁸ Most of these manumissions probably involved isolated individuals, as in the case of Jamey. The problem of emancipating large groups of slaves remained unresolved.

Sometime in 1776, Pleasants decided to test the boundaries of the law and his neighbor's patience.⁷⁹ He placed some of the slaves on one of his properties at some distance from Curles as an experiment in how paternalistic manumission could proceed.

⁷⁸ Iaacarino, *Virginia and the National Contest*, 10.

⁷⁹ "Negroes were almost uniformly held to be intellectually and morally inferior, slothful, inclined to violence and controllable only through the most rigid policing—generally speaking, an unmitigated burden on their communities." Don B. Kates, Jr., "Abolition, Deportation, Integration: Attitudes toward Slavery in the Early Republic," *Journal of Negro History*, 53 (1968); 40. Kates explains the "vast majority of the observed blacks were slaves" who had little to no access to literacy and formal education. Moreover, "slaves [had] little occasion and less reason to reveal their intellects to the master class." *Ibid.*, 43; John W. Blassingame provides a detailed treatment of plantation stereotypes and the way slaves made use of such stereotypes in their contests with masters. Although he focuses on the antebellum period, such stereotypes were already in use in the late colonial and early Republic. See John W. Blassingame, "Plantation Stereotypes and Institutional Roles," in *The Slave Community: Plantation Life in the Antebellum South* (New York: 1979); 223-248. For a classic contemporary example of racist stereotyping, see Thomas Jefferson, "Query and Answer XIV," *Notes on Virginia*.

He gave his former slaves land to farm and supported them completely for over a year allowing them the full benefit of their labor. This arrangement he hoped would encourage them to be industrious and “remove every inducement to theft or dishonesty.”⁸⁰ Besides providing for the material needs of his slave tenants, he also attempted to obviate potential legal pitfalls. He hoped that the slaves’ industrious labor and good behavior would serve as an example of tractable black freedom so that their success would encourage others to free their slaves. He wanted to demonstrate that manumission was not a threat to community safety or wealth, but a new source of economic growth and development. Pleasants understood that slavery was more than an economic institution; in Virginia, it was a means of social and political control. Pleasants hoped that the actions of his tenants would dispel the notion that blacks needed “rigid policing.” Their good behavior, and hopefully the community’s acceptance of the tenants, would strengthen the case for a manumission act.⁸¹

Pleasants’s optimism and good intentions were not sufficient to placate his neighbors. Rumors reached Pleasants ears of “some busie meddling people” who planned to resurrect “a former most unjust & unreasonable law empowering the Church wardens to take up and sell such manumitted negroes for slaves.” Moreover, Pleasants had learned that “application hath actually been made to [Governor Patrick Henry] for this very purpose.” Pleasants sought to convince Henry that the law against manumission stood “in contradiction to the [Virginia] bill of rights.”⁸² The Declaration of Rights, Pleasants

⁸⁰ Robert Pleasants, *Memorial to the Governor, Counsel of Virginia for relief from an Henrico County Judgment against Robert Pleasants for “letting his Negroes go at large.”* Pleasants Family Papers, 1745-1850, Robert Alonzo Brock Collection [BR Box 12] Huntington Library, San Marino, CA. Microfilm held at the Library of Virginia, Richmond, VA [41008 Miscellaneous reels 4238-4241] Reel 4239, 119-121.

⁸¹ Kates, “Attitudes toward Slavery,” 37.

⁸² Pleasants was referring to Section I of the 1776 Virginia Declaration of Rights penned by George Mason: “That all men are by nature equally free and independent and have certain inherent rights, of which, when

reminded Henry, declared “all men equally free.” Freeing a slave “without any desire to offend or thereby injure any person” was to return slaves to their natural liberty, “the same inestimable privilege” all men share. The events of the last couple of years coupled with his connections to a broader antislavery movement had convinced Pleasants that antislavery had begun to turn the tide. At the dawn of republican liberty who would argue for slavery? “Indeed, few, very few are now so insensible of the injustice of holding our fellow men in Bondage as to undertake to vindicate it.”⁸³ The Revolution and the principles that Pleasants saw driving the effort were incommensurate with slavery. One could not endorse slavery without “condemning the present measures in America.” It was clear to Pleasants that if the lesser “injury offered to our selves” by the Mother Country justified the expense of “so much Blood and Treasure,” how could Virginians “impose with propriety absolute slavery on others?” Pleasants identified slavery as one of the principle causes of the Revolution and before fighting for their own liberty, perhaps “we ought to have cleansed our own hands” before opposing “the measures of others tending to the same purpose.” Pleasants understood, unlike many of his contemporaries, that the legacy of the Revolution would be built upon an unsteady foundation if slavery were not ended. If Americans in “the present struggle for liberty” proved victorious, it would be a

they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.” In an initial draft leaked to the newspapers, “when they enter into a state of society” was not in the text. Lawmakers, and readers of the *Virginia Gazette*, recognized the potential application of the language to antislavery positions. Edmund Pendleton added the phrase “when they enter into a state of society” to draw a line between rights inherent to white, civilized Virginians and black slaves. Of course, if a slave is freed by the state of Virginia and is not required to leave, does that act of bestowing freedom implicitly usher that person into a state of society? The answer seems so.

⁸³ Larry Tise notes that there was a relative paucity of proslavery arguments in the late colonial and early Republic South. Few defended it on ideological grounds. It was not until the 1830s, according to Tise, that ideological southern proslavery emerged fortified by union with a strain of conservative New England religious rhetoric. See Larry E. Tise, *Proslavery: a Defense of Slavery in America, 1701-1840* (1987).

partial victory and instead of abolishing tyranny, Virginians “might lay the foundation of a greater imposition & Tyranny to our posterity.”⁸⁴

Pleasants, joined by Edward Stabler, called upon Henry to assure him of “the true motive of Friend’s conduct” in freeing their slaves in such a manner. Henry was optimistic that the next session of the Assembly would pass a manumission act. Henry also intimated there was support in the Assembly for abolishing slavery altogether: though “clearly convinced of the justice of such an act,” he “did not think it would be at this time consistent with common prudence, or the real advantage of the people.” Henry mentioned that George Wythe, Jefferson’s mentor and one of the most esteemed members of the gentry elite, was heading a committee to revise the laws of Virginia which included allowing the manumission of slaves.⁸⁵ Henry was referring to the Committee of Revisors that was charged by the Assembly with updating colonial laws for the newly independent state of Virginia. The other members of the committee were Thomas Jefferson and Edmund Pendleton.

Pleasants had presented Henry with a gradual emancipation plan that would free the children of all slaves born after a certain date. Pleasants saw it as a chance to redeem the Revolution “without the dangers and inconveniences which some apprehend from a present total abolition of slavery.” The plan was simple: all “Children of Slaves born in the future be absolutely free at the usual ages of 18 and 21,” which corresponded to the ages of majority for males and females respectively. Those who are “convinced of the injustices of keeping Slaves” could manumit their slaves “under certain regulations” which would prevent the aged and infirm from becoming wards of the county. Pleasants

⁸⁴ Robert Pleasants to Patrick Henry, March 28 1777, *Letterbook*.

⁸⁵ Robert Pleasants to Israel Pemberton, 21 April 1777, *Letterbook*.

had spent thought not just thinking about how to end slavery, but constructing a vision of what bi-racial freedom would look like. Pleasants did not favor exile for freed men and women. Instead, “the Children would be educated with proper notions of freedom and be better fitted for the enjoyment [of liberty] than many are now. Such a plan would secure the state against “intestine Enemies and convulsions, which some think would attend a total and immediate discharge.” But above all of these concerns, Pleasants thought his manumission plan would “do that Justice to others which we contend for & Claim as the unalterable right of every man.”⁸⁶ But if gradual emancipation was a bridge too far, Pleasants reiterated his legal rationale for a manumission act:

“It surely can never be consistent with Reason or equity, for a law to invest me with the absolute property in my fellow Creatures, and at the same time, debar me from disposing of that property according to my will & desire; this as far as my knowledge in History extends, was never disallowed under any form of government when slavery was generally the lot of Captives taken in War; and should Christians so far degenerate from the practice of Heathens, as not only with them enslave Captives, but entail Bondage on their innocent offspring & them on their unhappy possessors forever?”⁸⁷

Henry passed the idea on to the Committee and they took it into consideration.⁸⁸

Jefferson, Wythe and Pendleton then drafted an emancipation scheme similar to Pleasants’s, but added a significant wrinkle—emancipated slaves were required to leave the state or be returned to their former owners as slaves.⁸⁹ Pleasants and members of the Committee could cooperate in the goal of slavery’s permanent cessation; but, for the committee, slavery was only half the problem. They refused to believe that large populations of black people could live next to whites without some sort of overriding social control. From their perspective slavery was economically inefficient, deleterious to

⁸⁶ Robert Pleasants to Patrick Henry, March 28 1777, *Letterbook*.

⁸⁷ *Ibid.*

⁸⁸ Worrall, *Friendly Virginians*, 226.

⁸⁹ Wolf, *Race and Liberty*, 29-31.

morals and generally bad policy but it solved the problem of labor production and provided the means for policing the underclass. Pleasants must have been disappointed at the changes in the bill. Such a law would not have freed any slaves currently living and it would not trigger the freedom terms of his father's or brother's wills.

Ultimately, the emancipation scheme was never presented to the General Assembly. Instead, the committee recommended repeal of the 1723 law against private manumissions. The repeal provision passed the House but ultimately died in the Senate in 1778.⁹⁰ The committee's decision to withhold the emancipation plan and substitute the repeal arose out of a perception that such a scheme would not have met public approval.⁹¹ Jefferson was convinced that public commitments to emancipation were politically untenable. Instead of manumission, attention was directed to the slave trade. If the Assembly was unwilling to free or enable private citizens to free slaves, they would consider preventing the further augmentation of the black population. In 1777, Governor Patrick Henry and Isaac Zane (a former Quaker, foundry owner and "patriot of fiery temper") submitted a bill to ban all further importations of slaves.⁹² In the first proposed bill, a manumission clause was inserted, but was defeated.⁹³ The clause would have required freed slaves to leave Virginia within six months or be returned to their previous owners as slaves. Proponents of the clause, it seemed, "viewed freedom for slaves as reward for loyalty and hard work and not as a natural right."⁹⁴ Stripped of any manumission or emancipation measures, the bill against the slave trade finally passed in

⁹⁰ Worrall, *Friendly Virginians*, 226.

⁹¹ Ibid, 200. Freehling, *Drift toward Dissolution*: 90. Duncan J. MacLeod, *Slavery, Race, and the American Revolution* (London: Cambridge University Press, 1974), 127.

⁹² Wolf, *Race and Liberty*, 25. For Isaac Zane, see Roger W. Moss, Jr., "Isaac Zane, Jr. A 'Quaker for the Times'" *The Virginia Magazine of History and Biography* 77 (1969): 291-306.

⁹³ Iaacarino, *Virginia and the National Contest*, 11.

⁹⁴ Wolf, *Race and Liberty*, 29-31.

October of 1778. Virginia finally banned the importation of all slaves.⁹⁵ The goal of the legislation was to prevent the commercial importation of African slaves but it had the effect of creating a distinction between slaveholders and the men who trafficked in the “wicked” trade. Slaveholders could still be seen as virtuous while slave traders were regarded as dangerous agents cancerous to the body politic.⁹⁶

One historian has surmised that the origin of the law was not in humanitarian sentiment, but self-interest merged with Revolutionary rhetoric which had the effect of creating the appearance and not the reality of antislavery statute.⁹⁷ But it is also apparent that Quaker moral imperatives and humanitarianism may have had some degree of influence on the course of the legislation, especially in the choice of penalties assigned to violations of the statute. Although manumission and emancipation had been expunged from the legislation, legislators chose to make freedom the penalty for illegal importations: “That every slave imported into this commonwealth, contrary to the true intent and meaning of this act, shall, upon such importation become free.”⁹⁸ Importers of slaves would also be heavily fined. Such a stiff penalty would discourage the importation of slaves, but in its execution would also serve to augment the black population. One open question remained: could a slave illegally imported have standing to bring suit under the terms of the law? It seemed possible and cases would be litigated in the 1790s. Michael Nicholls rightly termed this legal crack in the wall of slavery a “squint of

⁹⁵ William Waller Hening, *The Statutes at Large; being a collection of all the laws of Virginia, from the first session of the Legislature in the year 1619* vol. 9 (Richmond, VA: George Cochran, 1823), 471.

⁹⁶ Wolf, *Race and Liberty*, 27.

⁹⁷ *Ibid*, 29-31.

⁹⁸ Hening, *Statutes at Large*, 471.

freedom” because it was quite narrow in application and only few slaves were freed as a result.⁹⁹

The contradictory elements of the final legislation reflect the underlying division between moralistic and religious antislavery reformers and Virginians who opposed slavery for secular and policy based reasons. Passage of the act in part resulted from the cooperation of secular and Quaker interests. Through the process of democratic lawmaking, the moral challenge to slavery could be deflected along lines of economic and political self-interest. Smuggling and illegal importations would continue but the ban was generally successful in the long term. Virginia became the first and largest state in the South to ban the slave trade.¹⁰⁰ For Quakers like Pleasants, the immediate results were less than hoped for and yet from their own experience changing people’s minds about slavery and seeing that change reflected in law and policy was a process of stages. Banning the slave trade in Virginia was indeed an important first step. And, indeed, it may have appeared that more successes were in store for antislavery activists. But Pleasants was not in a position to wait for further victories, his experiment with treating slaves as semi-free tenants had run into problems.

Pleasants cheerfully reported that all of his slaves had been manumitted except for five or six “who being children, and living at a distance, I neither knew their ages or the names of some of them.” Robert Pleasants had heeded David Ferris’ advice and proclaimed, “I intend shortly to finish that business and trust to consequences, believing that He who hath been called to work will prosper it.” Pleasants was optimistic on another front and reported that more and more Virginia Friends had given up their slaves.

⁹⁹ Michael L. Nicholls, “‘The Squint of Freedom:’ African-American Freedom Suits in Post-Revolutionary Virginia,” *Slavery and Abolition* 20 (1999): 47-62.

¹⁰⁰ Wolf, *Race and Liberty*, 27.

But Pleasants's optimism was not restricted to sectarian concerns for his Society, "I hope Friends in a general way will not only be relieved from the burthen [slavery], but have the satisfaction to see many others of them act as useful members of the society in a state of freedom." Pleasants's hopes were dampened when the Assembly failed to pass a manumission law.¹⁰¹

Despite his optimism, Pleasants cautious experiment with *de facto* manumissions aroused the ire of neighbors.¹⁰² Joseph Lewis, a Churchwarden for Henrico County, had intimated to Pleasants that some of his neighbors were unhappy with the arrangement. Instead of talking to Pleasants directly, his unhappy neighbors had gone to Lewis, who was empowered to fine owners for "letting Negroes go at large." Moreover, some of the baser elements of the population, ("low" and "unreasonable" men as Pleasants termed them) had attacked the black settlers, destroyed their property and killed their hogs. Pleasants now found himself asking for justice but handicapped by the illegality of his actions. He could not convince Lewis of the legality of his conduct but he could try and convince him that it was the right and reasonable thing to do. For Pleasants, all mankind "are by nature equally entitled to freedom" and "equally under the care and protection of the Supreme Being." As a religious man, Pleasants explained that it was impossible under his faith to "look upon Negroes in the light which I fear too many do, as their Horse, or their Ox, destined to do their drudgery term of life, without fee or reward." Pleasants explained he was required to free them without any intention of giving offense to others. And so, willing to forego short-term economic interests and "in order to make the lives of that unhappy people more comfortable" he placed them on lands that were not adjacent to

¹⁰¹ Ferris, *Memoirs*, 96-7.

¹⁰² Davis, *Slavery in the Age of Revolutions*, 197.

the manor home at Curles. Pleasants then attempted to obviate Lewis' concern the slaves were unsupervised and may become a liability for the community: "they are still under my care, direction & protection" and he had not attempted to screen them from justice "properly administered." But Pleasants was adamant that no misconduct had occurred on the slaves' part and if they had acted contrary to the law they would stand "equally liable to punishment for misconduct." Regardless of these considerations, Pleasants argued, he had a long established legal right to order the affairs of his plantation, and his slaves, as he saw fit. If Lewis could not be won over with humanitarian appeals, Pleasants cited the rights of a slave master justifying his conduct: "I have an undoubted right to settle my own lands with Negroes if I choose." This right was not dependent on economic efficiency or the best use of property nor did it breach any laws "moral or divine." It was simply the prerogative of a property owner: "tho I may not manage my affairs so profitably as my neighbors, yet so long as I support my family without charge to them, I expect in reason I ought to have the privilege of doing it in my own way."¹⁰³ The lawful possession of property was a right protected in the Virginia Declaration of Rights. Lewis was unmoved by his arguments and fined Pleasants for "suffering his Negroes to go at large."

Pleasants demanded that the issue be submitted to a grand jury. Lewis obliged and the grand jury upheld the fine. Pleasants appealed to the Governor for relief. Pleasants

¹⁰³ Robert Pleasants to Joseph Lewis, Churchwarden, 29 July 1778, *Letterbook*. Pleasants articulated a variant of the "possessive individualism" that Allan Kulikoff identifies with capitalist merchants and farmers. Instead of using property rights as justification for slavery, however, Pleasants turned the idea upside down using property as a source of freedom for his own slaves. See Allan Kulikoff, "The Revolution, Capitalism, and Formation of Yeomen Classes" in Alfred E. Young, ed., *Beyond the American Revolution: Explorations in the History of American Radicalism* (DeKalb: Northern Illinois University Press, 1993): 84. Pleasants appeal could also be termed a claim to a "sovereign liberty" that Edward Countryman sees as a form of liberty white slaveowners felt entitled to. But again, Pleasants pushed the definition to include alienation, or the right to bestow liberty, as part of his sovereign liberty. See Edward Countryman, "'To Secure the Blessings of Liberty': Language, the Revolution, and American Capitalism" in *ibid*, 139. In essence, Pleasants attempted to use his understanding of traditional liberty and expand it to justify his actions in terms understandable to the gentry.

recited the facts of the case and noted that his plan to settle his slaves on his own land “was not inconsistent with the letter, spirit and intention of any law then in force” and he was seconded in that conclusion by the advisory opinion of “Patrick Henry Esq. then Governor” as well as “the attorney who acts for the state in the County of Henrico.” Despite a war fought for “the ostensible purpose of establishing the Civil & Religious Rights of America,” Pleasants found that “prejudices are gone forth among many people against Negroes being in any [way] released from a state of absolute slavery.”¹⁰⁴ In Pleasants view, prejudice had increased with the onset of hostilities. At some point after penning the Memorial, the matter was dropped. Pleasants noted on the memorial that “the fine was never levied, nor the memorial presented.” Either Pleasants or Lewis backed down, or they both agreed to let the matter rest. Pleasants’s limited experiment in freeing his slaves would be eclipsed in by the events of the Revolution in Virginia.

The American Revolution is generally understood as a period of expanding liberty but events on the ground challenged the Quaker campaign for emancipation. Prior to armed hostilities, rumors of an incipient slave rebellion aided by the British pushed Virginians toward a more aggressive posture with Lord Dunmore.¹⁰⁵ In 1775, James Madison feared that the British would tap into slave discontent and use “Insurrection among the slaves” as a military weapon.¹⁰⁶ They fretted that Dunmore’s seizure of the

¹⁰⁴ “Memorial to the Governor, Counsel of Virginia for Relief from an Henrico County Judgment against Robert Pleasants for letting ‘his Negroes go at large,” *Letterbook*.

¹⁰⁵ It bears reiteration that the slave’s desire for freedom was not a byproduct of imperial or colonial tensions; rather slaves utilized these tensions as opportunities to attain a freedom long desired. See Peter H. Wood, ““Liberty is Sweet:” African-American Freedom Struggles in the Years before White Independence,” in *Beyond the American Revolution: Explorations in the History of the American Radicalism* (DeKalb: Northern Illinois University Press, 1993), 152-4.

¹⁰⁶ *Ibid*, 160-161.

powder magazine at Williamsburg's left the country open to attack.¹⁰⁷ Edward Stabler wrote to James Pemberton that "[t]here hath been many Rumours here of the Negroes intending to Rise," scuttlebutt he dismissed as "without much foundation."¹⁰⁸ In June of 1775, an anonymous writer in the *Virginia Gazette* warned of "a threatened insurrection of negro slaves...whether this was general, or were the instigators, remains yet a secret." Yet, the writer was reluctant to go too far by saying "[t]here was reason, however, to believe that most of the negroes were too well affected to their masters, and too apprehensive of the bad consequences, as well as suspicious of the friendships of our adversaries, to join in such a wicked scheme." In the same piece, he explained why Dunmore's removal of the gunpowder caused such a heated reaction: "the magazine was erected at the publick expense of the colony, and appropriated to the safe-keeping of such munitions as should be lodged there, for the protection and security of the country, to be used by the militia in case of invasions or insurrections...that, from various reports of internal insurrections, the utmost attention to their security was become necessary..." To which the Governor responded that his intention was to protect the powder from the threat of "an insurrection in a neighboring county." The writer was plain about the threat from below: "The people could not conceive how disarming them would discourage their negroes from rising, should they be so disposed... The magazine had never yet been attempted by the negroes; and had this been apprehended, they thought it might easily have been secured by a guard."¹⁰⁹ For Holton, the "looming presence of an enslaved and

¹⁰⁷ Ibid, 163; Holton, *Forced Founders*, 143-146. See also, Sylvia R. Frey, "Between Slavery and Freedom: Virginia Blacks in the American Revolution" *The Journal of Southern History* 49 (1983): 376.

¹⁰⁸ Ibid, 143.

¹⁰⁹ *Virginia Gazette*, (Purdie), 16 June 1775, at

<http://research.history.org/DigitalLibrary/VirginiaGazette/VGImagePopup.cfm?ID=5015&Res=HI> Note: There were as many as three Virginia Gazettes operated by different printers at one time. References to the Virginia Gazette will include the editor for purposes of identification.

potentially rebellious workforce guaranteed an intensely hostile white reaction not only to Dunmore's emancipation threat but also his decision to remove the gunpowder."¹¹⁰

Lord Dunmore's November, 1775 call for slaves to join his fight against the rebels resulted in hundreds of slaves escaping to British lines and the decks of Royal Navy vessels.¹¹¹ Dunmore's proclamation and the formation of his Ethiopian Regiment made real longstanding anxieties that slaves could be used by an invading force against Virginians. The threat of internal disorder whether it was black slaves or discontented white farmers troubled Virginia leaders throughout the Revolution.¹¹² John Page, vice-president of the Virginia Committee of Safety, wrote an anonymous letter to the *Virginia Gazette* attempting to convince slaves that they were being "seduced from their duty to their masters."¹¹³ Page sought to assure any slaves that the dispute with "the British ministry" was in no way related to them and that the British were not their friends. It was, after all, patriot leaders who had passed the slave trade ban disallowed by the King influenced by "designing fellows" in the Royal African Company. The unnamed author then let the slaves in on the real motives behind British actions: all they wanted was continuation of the immense amount of money and tobacco that flowed into their hands and had no "wish that the slaves should be free." If the rebels lose, he warned, the estate of the planters will be parceled up and the slaves sold to the West Indies where their condition will "be ten times worse than it is now." In closing, the author reminded slaves

¹¹⁰ Holton, *Forced Founders*, 149

¹¹¹ Wood, "Liberty is Sweet," 169-170. Wood makes the point that the effect of the Proclamation rippled over the colonies.

¹¹² Wood, 170; Frey, "Between Slavery and Freedom," 375-378. See also, Sylvia R. Frey, *Water from the Rock: Black Resistance during a Revolutionary Age* (Princeton: Princeton University Press, 1991) and Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill: University of North Carolina Press, 1961).

¹¹³ Scribner and Tarter identified Page as the author. See Scribner and Tarter, eds., "A Few Anonymous Remarks on Lord Dunmore's Proclamation," in *Revolutionary Virginia*, IV, 459-62. *Virginia Gazette* (Purdie), 17 Nov. 1775; *Virginia Gazette* (Pinkey), 23 Nov. 1775.

that it was their Christian duty to serve faithfully. The world was composed of different hierarchies and should slaves remember the “necessity of this duty, they would find contentment in servitude buoyed by an expectation of a better lot in the next world.”¹¹⁴ In the final month of 1775, it was reported that Lord Dunmore had enlisted over 2000 men. A large portion of that force was reputed to be the Ethiopian Regiment who wore the banner “Liberty to Slaves” across their chests. From the newspaper’s perspective, the regiment was no better than a group of “banditti” stealing slaves, harassing white Virginians and stealing property.¹¹⁵ Scared of British invasion, scared of a black uprising (and also scared of lower class white riots and tumults), many Virginians on the James River peninsula were ill disposed toward black freedom in a time of war and rebellion.¹¹⁶

For Virginia’s Quakers, the experience of war would create tension between Friends and Patriot leaders over issues of pacifism, military service and loyalty. The Quaker’s religious principles would be challenged by civil authorities and public opinion during the American Revolution causing a reevaluation of their role in public life.¹¹⁷

Whatever the broader experiences of the Revolution for Americans were, for Robert

¹¹⁴ *Virginia Gazette* (Purdie) 17 Nov. 1775.

¹¹⁵ *Virginia Gazette* (Dixon and Hunter) 2 Dec. 1775; Frey puts the total number of slaves able to reach Dunmore somewhere above and beyond eight hundred. See Frey, “Between Slavery and Freedom,” 378.

¹¹⁶ In November and December of 1775, shortages of salt as a result of British embargoes had set the James River peninsula on edge. “Upland” groups of armed men descended on merchants and farmers on the lower peninsula and took whatever salt was available prompting lowlanders to consider organizing armed patrols to offer resistance to any more depredateions.” *Virginia Gazette* (Pinkney) 6 Dec. 1775. See also Holton, *Forced Founders*, 173-174. Michael A. McDonnell examines the Revolution in Virginia from the perspective of social class and hegemonic control between elite white leaders and gentry, lower class whites and black slaves. See, Michael A. McDonnell, *The Politics of War: Race, Class, and Conflict in Revolutionary Virginia* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 2007). The classic work on Virginia and the American Revolution remains John Selby, *The Revolution in Virginia* (Williamsburg: Colonial Williamsburg Foundation, 1988). Frey notes that Virginia authorities facing labor shortages and fearing slave rebellion “imposed a rigorous system of controls to minimize the possibilities for mass escapes and reduce opportunities even for individual defections. Citizen patrols were increased to maintain constant surveillance of blacks.” Frey also finds evidence that by 1780, the price of slaves had risen considerably in Virginia. Frey, “Between Slavery and Freedom,” 383.

¹¹⁷ Sydney V. James, “The Impact of the American Revolution on Quakers’ Ideas about Their Sect,” *The William and Mary Quarterly* 19 (1962): 360-382.

Pleasants and many Quakers it was a period of trial and loss. Quakers were fined, imprisoned and ostracized. One incident served to crystallize Pleasants frustrations with the treatment of Quakers by Virginia authorities causing him to enunciate a defense of pacifism. Pleasants received word that his property in that county had been assessed a treble tax. The taxes levied in Powhatan County prompted Pleasants to appeal to a captain and local county notable, Richard Crump. Pleasants had some familiarity with Crump and tried to enlist his aid. Pleasants decried the unreasonable suspicion of pacifist Friends in war time and argued against any discriminatory legal treatment. Quakers practiced “orderly and peaceable behavior” and were regarded by “most impartial men” as “a moral and useful people.” Pleasants thought it strange that prejudices against Friends should prevail “when drunkenness, gaming, profane Swearing, and almost Species of Vice is committed with impunity.” In the midst of social disruption, Pleasants could not understand the enforcement priorities of authorities.¹¹⁸ Pleasants, carried away with his rhetoric, noted that Friends, “perhaps have given the Magistrates as little trouble in the execution of their office as any Sect.” Quakers suffered deprivations without violent resistance (Pleasants glossed over the long history of legal confrontations and lawsuits associated with principled Quaker resistance). Pacifism had always been a declared principle of the Society and they had not plotted or conspired against any

¹¹⁸ Robert Pleasants to Richard Crump, 30 Nov. 1779, Letterbook. Richard Crump, it seems owned a house in Williamsburg from 1785 to 1794 called “The Richard Crump House,” which has been rebuilt in Colonial Williamsburg and also used as a model for the Richard Crump Birdhouse available for purchase in the gift store. One can also stay at the Richard Crump House on Francis Street for a substantial fee. For history of the property, see Mary A Stephenson, “Richard Crump House Historical Report, Block 2 Building 50A,” *Colonial Williamsburg Foundation Library Research Report Series* 1035 (1965). Available at the John D. Rockefeller, Jr. Colonial Williamsburg Foundation Library online at <http://research.history.org/DigitalLibrary/View/index.cfm?doc=ResearchReports%5CRRR1035.xml>. Crump’s family resided in New Kent County. See Lyon Gardiner Tyler, ed., *Encyclopedia of Virginia Biography* (4), 151. Crump, during the war, appears to have served as a Company Captain in Powhatan County. See Elizabeth Petty Bentley, *Virginia military records: from the Virginia magazine of history and biography, the William and Mary College quarterly, and Tyler's quarterly* (Baltimore: Genealogical Publishing, 1983), 290.

government in their history. Therefore, it seemed “strange and unreasonable” to Pleasants that any should see the Quakers as potentially dangerous or to persecute them for not taking sides. Pleasants asked, “If they cannot fight for their country, or their property, surely it would be unreasonable to suppose they would fight against [the British].”¹¹⁹

In 1774, Robert Pleasants wrote: “Boston is now deeply suffering.” Pleasants judged that because of “the unanimity of the people’s sentiments, and the resolves of the different Colonies, it appears as if it would be a difficult matter to enforce Taxes laid on us by a British Parliament.” People of all ranks participated in the boycott.¹²⁰ Women were as “forward to promote the Cause in that respect as the men” and Pleasants feared the consequences in this rise in patriotism: “I am fully persuaded,” he wrote “that if the Government by force or policy should prevail, it will greatly hurt both countries.”¹²¹ Civil war seemed quite possible. Friends were told by their meetings to be wary of committing themselves to signing any resolutions or joining any associations that “may be inconsistent with the peaceable principles we profess.” It was best if Friends kept a low profile while events played out. The sense of the Quarterly Meeting was that “Friends avoid as much as possible engaging in unnecessary conversation respecting those disputes.”¹²² The Society feared that Quaker refusals to swear oaths and their strict pacifism would conflict with required public declarations of loyalty and violent resistance. In peacetime Virginia, the Quakers were tolerated as peculiar religious dissenters but respected as members of the community, but in the midst of open rebellion,

¹¹⁹ Ibid.

¹²⁰ This observation by Pleasants aligns with Woody Holton’s argument that 1774 was a year of alignment between white social classes and the mending of that split allowed Virginians to present a unified political and economic opposition to Britain. See Holton, *Forced Founders*, 106-129.

¹²¹ Robert Pleasants to Charles Pleasants, 12 July 1774, *Letterbook*.

¹²² Meeting Notes, 16 Nov. 1774, *Record Book of Quarterly Meetings 1745-1783*.

it was unclear how the Society would be treated, by either side, since they refused to join a side.

Pleasants discussed the matter with Robert Bolling, a gentleman of Buckingham County and Virginia's first poet and a notorious libertine.¹²³ The unlikely correspondents were united by a love of wine; Pleasants imported the stuff while Bolling hoped to stoke domestic production. Pleasants told his friend that he was worried that Quakers would be suspected of disloyalty and ostracized from the community. "I apprehend if we are sequestered from the rest of the community, we are by no means culpable for it. It is well known that we have always declined the use of the sword...I [cannot] conceive how the community can be injured by our adherence to these principles: for if we cannot fight for the State, we cannot fight against it." Based on these beliefs, Quakers "were made to suffer in their lives, their persons & their properties" which gave them a unique perspective on the contest between the Colonies and the Mother Country: "since we have suffered so deeply by an Arbitrary power, can it be doubted that we are insensible of the value, or disaffected to the cause of Liberty? No!"¹²⁴ If Virginians understood and valued liberty because of their participation in slavery, Virginia's Quakers understood the value of liberty from an additional and different perspective. They had suffered the arbitrary actions of government and discriminatory treatment on account of their religious beliefs. This history of political slavery, as defined by the Revolutionaries, may have made the

¹²³ Robert Pleasants to Robert Bolling, Esq., 10 Jan. 1775, *Letterbook*. For Robert Bolling, see J.A. Leo Lemay ed., *Robert Bolling Woos Anne Miller: Love and Courtship in Colonial Virginia 1760* (Charlottesville: University Press of Virginia, 1990), 16-26.

¹²⁴ Pleasants to Bolling, 10 Jan. 1775, *Letterbook*.

appeals of liberty more salient to Quakers.¹²⁵ But Quakers had to also reassure their neighbors that they would not hinder the Patriot cause.

Pleasants declared that Quakers could be counted on to support the boycotts and could be “as much depended on for firmness and perseverance as others.”¹²⁶ Pleasants was true to his word. Article ten of the Continental Association gave a colonial importer a

¹²⁵ In 1738, the Virginia legislature excused “the people called Quakers” from attending militia exercises. But, Quakers were still required to “to send one able bodied man, not being a convict, or man and horse, armed and accoutered” to musters. The law required a substitute. In March of 1756, the Militia Act was amended in response to “the barbarities daily committed by the French and their Indian allies.” See Hening vol. 5, 16-17; 7, 33. Frontier militia commanders could draft all single men, Quakers included, during an invasion. Some of the Shenandoah Valley’s Friends were drafted under this Act but refused to cooperate and were jailed in Winchester, Virginia. Worrell, *Friendly Virginians*, 157-158. Pleasants wrote to the young men praising their decision. In addition, Pleasants bolstered their spirits by placing them within the tradition of Quaker noncompliance: “our worthy predecessors cheerfully suffered the spoiling of their goods, imprisonments, cruel whippings, & even death itself” and for which their “names are precious among the righteous and no doubt they are now partakers of the blessed enjoyments.” Robert Pleasants to “William Stanley and Five others taken as soldiers and confined in Winchester,” 30 June 1756, *Letterbook*. Stanley and the other men remained firm in their refusal to participate in militia exercises. The militia commander, a twenty five year old Lieutenant from Fairfax County (George Washington), admitted his defeat: “I could by no means bring the Quakers to any terms. They chose rather to be whipped to death than bear arms.” Worrall, *Friendly Virginians*, 158. Washington may have admired such a display of self-control. Eventually, the Quakers were released. The General Assembly passed a law in 1766 requiring county militia authorities to maintain a list of practicing Quakers who, although exempted from appearance at musters, were required to furnish paid substitutes in the event of invasion—not actual service. Quaker pacific principles had to be balanced against the general safety of the community. But Quaker intransigence forced lawmakers to bend. After requiring registration of Quakers aged sixteen to sixty, the statute stipulated that “if upon invasion or insurrection the militia of the counties to which such Quakers belong, shall be drawn out into actual service, and any Quaker so inlisted shall refuse to serve or provide an able and sufficient substitute in his room...every Quaker so refusing to serve or provide a substitute shall forfeit and pay the sum of ten pounds...and to be levied by distress and sale of the estate of the Quaker so refusing...” One interesting note is that militia officer had to apply to a county justice and it was the county court, not the militia that held legal authority to deprive Quakers of their property. Proving that one was a Quaker for purposes of the law required a certificate from the monthly meeting. Like a modern college exemption, if the draftee was not in good standing, the exemption was null and void. In May of 1776 the militia law was again revisited. Quakers (along with overseers, millers and Mennonites) in Accomack and Northhampton County were denied existing exemptions due no doubt to the exposed defensive position of the Eastern Shore. The commander of the militia was given tremendous latitude in applying these laws reflecting the sense that county leaders were the ones in a position to judge the expediency (and distractions) of drafting Quakers. Most likely, most militia commanders would rather have Quaker substitutes well paid than deal with the distractions and headaches of attempting to force Quakers into active service. Hening, vol. 8, 242-243; 9, 139-140. John A. Rogosta fails to devote much space to Virginia Quakers because they were a small minority in his otherwise informative article on religious dissidents in Revolutionary Virginia. See John A. Rogosta, “Fighting for Freedom: Virginia’s Dissenters’ Struggle for Religious Liberty during the American Revolution,” *The Virginia Magazine of History and Biography*, 116 (2008): 226-261. For a broad overview of the majority religion in early Virginia, see Brent Tarter, “Reflections on the Church of England in Colonial Virginia,” *The Virginia Magazine of History and Biography* 112 (2004): 338-371.

¹²⁶ Robert Pleasants to Robert Bolling, Esq., 10 Jan. 1775, *Letterbook*.

choice: it required the merchant to return any incoming shipment, transfer it to the local committee for storage or consign it to the committee for re-sale. Robert Pleasants and Co. turned over several large shipments of English goods in January of 1775 for sale at auction.¹²⁷ Pleasants did not object to lending this sort of economic assistance to the cause of American liberty. But what if direct military assistance was required? Failure to abide by the peace testimony entailed disownment from the Society.¹²⁸

Pleasants heard reports of “fighting” Quaker units in Philadelphia but remained incredulous—“the reports on that score have been various, and I suppose greatly exaggerated.” But in Virginia, Pleasants reported that four Friends had been chosen “committee men” while “five young men [had] enlisted in the independent companies viz. our kinsman [Capt.] John Pleasants[and] our brother Jonathan [too], all belonging to this poor little meeting [Curles].”¹²⁹ Jonathan later declined to participate in military endeavors. Jonathan’s flirtations with the military attracted the attention of the monthly meeting. They put pressure on Jonathan to desist. The tactic worked, but Robert hoped that Jonathan’s change of heart was not solely in response to the pressure applied by friends but reflected the “conviction in his own mind.”¹³⁰ In the latter years of the war, as hostilities moved into Virginia Quaker men of Henrico County either enlisted, paid fines or provided a substitute.¹³¹ On the whole, the Society proved resilient to the call of arms

¹²⁷ Louis H. Manarin and Clifford Dowdey, *The History of Henrico County*, (Charlottesville, VA: University Press of Virginia, 1984), 127.

¹²⁸ Arthur J. Mekeel, *The Relation of the Quakers to the American Revolution*, (Washington, D.C.: University Press of America, 1979), 129.

¹²⁹ Robert Pleasants to Samuel Pleasants, 16 Sept. 1775, *Letterbook*. John Pleasants Jr. had accepted an officer’s position in the militia and later was appointed commander of the Third Regulars raised from Henrico County. He was subsequently disowned by the Meeting. See Manarin, *History of Henrico County*, 130-132.

¹³⁰ Robert Pleasants to Samuel Pleasants, 3 Jan. 1776, *Letterbook*.

¹³¹ In 1780 to 1781 when the British returned to Henrico County, Joseph Pleasants hired a substitute; Matthew Pleasants attended musters and contributed money to the hiring of soldiers; Philip Pleasants acted a soldier by most likely participating or attending militia musters; Samuel Crew enlisted; and Thomas

or the threat of punishment for declining to serve.¹³² Pleasants remarked that generally “friends have been preserved in a good degree of stillness.”¹³³ But, maintenance of the peace testimony required the personal vigilance of Quaker elders and the meeting structure. Robert Pleasants embraced his role as an avuncular elder dissuading friends and relations from military undertakings. In the heady summer of ’76, Pleasants spoke with Philip Pleasants, a young Quaker kinsman serving in the army. Robert wrote to Philip regarding “the inconsistency of thy military undertaking.”¹³⁴ The freedoms and liberty that Quakers enjoyed in Virginia had not been won through violence, Robert reminded Philip. Their forefathers had suffered “the loss of life, liberty and property in support of the testimony they had to bear” and in doing so had achieved much in Virginia. Why renounce those principles in the present contest? Robert affirmed that civil and religious liberty were the natural rights of all men—“yet we believe government is necessary for the preservation thereof: and seeing we did not obtain these indulgences by the Sword, why would any go about to preserve them by it?”¹³⁵ Pleasants wrote to the parents of a local Quaker boy, “Thy son Exum tells me that he is going to Sea in an armed vessel, and that he has the full concurrence of his father and mother.” The boy offered the excuse that he was going as a non-combatant. Pleasants then grilled the young man whether in the case of attack he had the “resolution to withstand the scoffs & threats

Johnson enlisted and then subsequently paid for an enlistment. Mathew and Phillip Pleasants declined to continue in membership with Friends and were disowned. See Valentine Pleasants, ed., *The Valentine Papers*, 1216-1218.

¹³² Arthur J. Mekeel, *The Relation of Quakers to the American Revolution* (Lanham: University Press of America, 1979), 151. Sydney James noted that “most state governments repeatedly passed laws with which a conscientious Quaker could not comply. They requisitioned property, required military service or payment of a substitute, imposed loyalty oaths, and issued paper currency (which Friends thought triply odious, as it represented the credit of a rebellious regime, financed was and by deprecating supposedly allowed debtors to defraud their creditors).” See James, “The Impact of the American Revolution on Quakers’ Ideas,” 372.

¹³³ Robert Pleasants to Israel Pemberton, 21 April 1777, *Letterbook*.

¹³⁴ Robert Pleasants to Philip Pleasants, 8 July 1776, *Letterbook*.

¹³⁵ *Ibid.*

of the people on board.” He also demanded to know if the young man had “been plain and explicit with the Captain” because “the Captain should not be deceived in time of Action.”¹³⁶ Pleasants put pressure on both the boy and his parents to abide by the peace testimony. It became more difficult for Quakers to avoid questions of loyalty when loyalty was increasingly defined by military participation or loyalty oaths. Patriots in some counties demanded that Friends swear loyalty to the revolutionary associations. Friends, on principle, refused to swear oaths. Their principled refusal to swear an oath signaled disloyalty to some Patriot leaders. Recruitment drives pressured young men to serve. Matthew Pleasants, a relative of Robert’s, despite his background, succumbed to the pressure, or curiosity, and attended musters and participated in drills as “military man.” Pleasants wrote to his young kinsman telling him in no uncertain terms that if he persisted in such conduct, he “can’t reasonably expect any other [result] than to be excluded from a right of Membership in a Society to whose discipline thou don’t choose to conform.”¹³⁷ Despite these examples, the vast majority of Quakers steadfastly held to their principles of nonviolence despite the tremendous pressure to serve. They pledged peaceable compliance with the law, but reserved the right of noncompliance on moral and religious principles.

Although Virginia’s Quakers were pressed on several fronts by the demands of Revolution, manumissions continued and institutional structures were created to encourage and facilitate them. Pleasants was pleased to report to Quaker reformer Samuel R. Fisher of Philadelphia that he had already freed many slaves and would soon “finish

¹³⁶ Robert Pleasants to John Crew, 8 October 1780, *Letterbook*.

¹³⁷ Robert Pleasants to Matthew Pleasants, 26 Dec. 1780, *Letterbook*.

that business.”¹³⁸ Other Virginia Quakers were freeing their slaves and so Pleasants could report, “divers Friends of late have given up, and others [non-Friends] seem freely disposed to give up, their negroes.”¹³⁹ John Payne of Hanover County, “fully persuaded that Freedom is the Natural Condition of all mankind, and that no law, moral or Divine, has given me a right Or property in the persons of my fellow creatures” freed his slave Cuffe.¹⁴⁰ In 1777, Charles Moorman freed thirty-three of his slaves. The slavery committee continued pressuring slaveholding Friends. In August of 1778, it was reported, “20 Manumissions given for slaves have come to hand since last Meeting.” The committee tried to buttress informal manumissions by requiring Friends to register emancipations with the meeting and to include manumission provisions in their wills.¹⁴¹

County authorities were not blind to the manumissions. Across the Chesapeake Bay in Southampton County (where judicial records have survived) justices of the country court were concerned with Quaker manumissions. The order book reads: “It being represented to this court that several persons [Quakers] in this county have and are about to manumit their slaves therefore it is ordered that the churchwardens of the parishes of St. Luke and Nottoway make inquiry concerning the premises and deal with such slaves as the law directs.”¹⁴² As a result of such actions, it was reported that some illegally freed men and women had been apprehended and were to be sold back into

¹³⁸ Ferris, *Memoirs*, 96. For Samuel R. Fisher see Samuel Rowland Fisher, Anna Wharton Morris, William McCullough and Thomas McKean, “Journal of Samuel Rowland Fisher, of Philadelphia, 1779-1781” *The Pennsylvania Magazine of History and Biography* 41 (1917): 145-197; Samuel Rowland Fisher, “Diary of a Revolutionary Prisoner: Extracts from the Diary of Samuel Rowland Fisher” *The Prison Journal* 55 (1975): 48-57.

¹³⁹ Ferris, *Memoirs*, 97. See also “Manumission Papers” in *Original Records of Quaker Meetings in Virginia*.

¹⁴⁰ R.A. Brock, “The Fourth Charter of the Royal African Company of England with Prefatory Note Exhibiting the Past Relation of Virginia to African Slavery” *The Miscellaneous Papers, 1672-1865, Now First Printed from the Manuscript in the Collection of the Virginia Historical Society* (1887), 19.

¹⁴¹ Meeting Notes, Aug. 1778, *Record Book of Quarterly Meetings 1745-1783*.

¹⁴² Morris, *Southern Slavery*, 394.

slavery despite the putative manumissions.¹⁴³ The Quakers understood that in terms of the common law and the doctrine of *cy pres* (“as near as possible”), courts were under an obligation to effectuate the wishes of a testator within the reasonable boundaries of the law.¹⁴⁴ If manumission were challenged, having two separate records of it, one of which was in a will would help the defendant. Pleasants joined the slavery committee having, in his own estimation and presumably in other Friends’ minds too, cleared himself of slavery. In the following year, the committee decided that Quaker slaveholders account for their slaveholding and explain why they continued to hold their fellow men and women in bondage. It was also decided that instead of asking slaveholders to come in to the meeting, committee members would visit slaveholding Friends and “endeavor to administer suitable advice and counsel...”¹⁴⁵ The tactics proved successful; the Quarterly Meeting reported that over five hundred manumissions had taken place since the initiative began.¹⁴⁶ By the close of hostilities, Virginia Quakers had established antislavery committees in most, if not all, of the monthly meetings. Pleasants led the way by joining the committee at his own monthly meeting in Henrico and personally visiting Friends entreating them to free their slaves.¹⁴⁷

Antislavery efforts, although successful within the Society of Friends, took a back seat as warfare arrived in eastern Virginia. The frontier had seen its share of conflict, but tidewater Virginia’s last full scale conflict was Bacon’s Rebellion in the seventeenth century. The first casualty was the town of Norfolk. It was a commercial and tobacco

¹⁴³ Meeting Notes, Aug. 1779, *Record Book of Quarterly Meetings 1745-1783*.

¹⁴⁴ Morris, *Southern Slavery*, 374.

¹⁴⁵ Meeting Notes, May 1779, *Record Book of Quarterly Meetings 1745-1783*.

¹⁴⁶ *Ibid*, August 1779.

¹⁴⁷ Valentine Pleasants, ed., *Valentine Papers*, 1246: “Robert Pleasants, [et.al] are appointed a committee to visit all the members who continue to hold negroes in Bondage, and inquire into the wage of those Negroes that are manumitted to see if Justice be done to them. 3, 11, mo. 1781.”

shipping center that attracted hundreds of English and Scottish merchants and their families. It was distinctly “Tory” in comparison to the plantations and farms of Virginia.¹⁴⁸ Instead of liberating a friendly town from the British, Patriots captured a suspicious town where loyalty to Britain ran high. A cannonade set the wooden store houses on fire and the blaze raged out of control as the Virginia militia “set fire to many parts of the back of the Town.”¹⁴⁹ The Patriots had used the conflagration as a pretext to burn and loot a town known for its Tory sympathies.¹⁵⁰ Norfolk was lost to both sides as a strategic asset. The hungry survivors fended for themselves amongst the charred desolation searching for provisions.¹⁵¹ Pleasants and other Quakers tried to organize a relief effort but were blocked by Rebel commanders unsympathetic to Norfolk’s plight.¹⁵²

¹⁴⁸ Scottish commercial success in Norfolk “did not enhance their reputation among Virginians of English descent, especially since restrictive contracts bound many of the factors not to marry in America or otherwise put down roots;” Norfolk residents had not resisted the British seizure of the presses for the Norfolk *Virginia Gazette* and had ignored the militia call of the local commander. Norfolk’s merchants were also cooperating fully with the British and even supplying loans to the army. Some hoped to obtain title to the properties of rebel leaders. George Mason suspected merchants in Norfolk were tipping off the British navy to the departure of cargo vessels for seizure. Selby, *The Revolution in Virginia*, 27, 58-60. *Virginia Gazette* (Dixon and Hunter) 22 July 1775; “Archibald Ingram, England to James Ingram, Norfolk” *Virginia Magazine of History and Biography* 14 (1906): 129-130.

¹⁴⁹ *Revolutionary Virginia* vol. 3, 565

¹⁵⁰ The Virginia government would investigate the matter and come to the conclusion that the British forces had set nineteen houses ablaze, but the vast bulk of the destruction (863 houses) was attributed to the Virginia militia under Colonel Howe. Howe had what remained of the town torched prior to withdrawing in February. Colonel Howe recognized Norfolk’s strategic value to Dunmore’s fleet and reasoned that as soon as Rebel forces pulled out of the town, it would manifest Loyalist sympathies and again provide aid and comfort to His Majesty’s forces. Nonetheless, Dunmore was blamed for the blaze by both sides. Later in January, the Rebels would decamp from the smoky ruins. Dunmore’s fleet sailed across the Elizabeth River setting up his new base of operations at the village of Portsmouth. Augmented by the arrival of the *Roe Buck* commanded by Capt. Andrew S. Hamond, Dunmore renewed raiding efforts in the area on both land and sea. See David Lee Russell, *The American Revolution in the Southern Colonies* (Jefferson: McFarland & Co., 2000), 74-75.

¹⁵¹ A patriot officer remarked on Norfolk’s privation, “Believe me, I do not think there is as much provision within 10 miles round as would serve one day.” *Virginia Gazette* (Pinkney) 9 Dec. 1775.

¹⁵² Robert Pleasants and Edward Stabler met with Dunmore and his junior officer, Captain Hammond. Pleasants reported that the common people were in “great distress” and that carriages for transport were impossible to procure. Even if carriages could be had, poor road conditions prevented them from reaching “the more interior & plentiful parts of the country.” They proposed that townspeople should be given leave to travel to inlets where they could be reached by water. Captain Hammond “readily granted passports to send them [the survivors] as much provision as we pleased,” but he refused to allow any evacuations. (Robert Pleasants to Samuel Pleasants, 3 March 1776, *Letterbook*.) In late February, Robert Pleasants successfully solicited the Quarterly Meeting for pledges totaling £26 for relief of the unpopular inhabitants

As the British and their Loyalist allies advanced toward Philadelphia in 1777, panicked Patriot leaders issued an order to seize a score of Quaker elders (including Samuel Pleasants, Israel Pemberton and John Hunt). The Quakers complained that they were “Freemen” and the arrest order was “arbitrary” and without authority.¹⁵³ Despite their appeals to the Council, they were seized and imprisoned and removed to Winchester, Virginia on suspicion of treason.¹⁵⁴ The Philadelphia Quakers explained to Robert Pleasants they were “condemned and sentenced to Banishment before we even knew that we were accused.”¹⁵⁵ Virginia authorities reacted in turn. The Virginia Council of State directed the governor to seize Quaker records and examine them for

of Norfolk and their “necessitous situation.” See Meeting Notes, 24 Feb. 1776, *Record Book of Quarterly Meetings 1745-1783*. Pleasants pledged £5, while most of the other donations amounted to a pound or so at the most. Using the money, Pleasants hoped to purchase provisions and have them distributed to the late inhabitants of Norfolk, but was prevented from doing so by General Lee of the colonial forces. Instead, Pleasants and Stabler rerouted the shipments to Stabler’s warehouse at Four Mile Creek where if conditions permitted, the supplies could be sailed down the James River to Norfolk. It is unclear from the remaining records whether Pleasants and Stabler were ever able to secure clearance to deliver the supplies. Meeting Notes, 15 May 1776, *Record Book of Quarterly Meetings 1745-1783*; *Virginia Gazette* (Dixon and Hunter) 13 April 1776.

¹⁵³ Morgan Cloud examines the case of the Virginia Exiles as an early example “of what we would label today as religious or racial profiling” by American government and sees implications for “the current debate about profiling in the ‘war on terror.’” Cloud sees the Quakers exiles as different from other groups in that although not universally loved, these Quaker men were “not members of a minority of the weak and disenfranchised. These men were prominent in the business, political and religious lives of the new nation’s leading city.” See Morgan Cloud, “Quaker, Slaves and the Founders: Profiling to Save the Union,” *Mississippi Law Journal* 73 (2003-2004): 370, 381.

¹⁵⁴ Israel Pemberton, John Hunt, and Samuel Pleasants, *The Following Remonstrance, was this Day Presented to the President and Council, by the Hands of their Secretary to the President and Council of Pennsylvania. The remonstrance of Israel Pemberton, John Hunt, and Samuel Pleasants* (Philadelphia, Robert Bell Printer: 1777). Early American Imprints, Series 1, no. 15498 (filmed); Isaac Sharpless, *A History of Quaker Government in Pennsylvania Vol. II: The Quakers in the Revolution* (Philadelphia: T.S. Leach and Company, 1899) 145-171; “Exiles in Virginia” *Bulletin of the Friends Historical Society of Philadelphia* 2 (1908): 25-27; Thomas Gilpin, *Exiles in Virginia: with Observations on the Conduct of the Society of Friends during the Revolutionary War comprising the official papers of the government relating to that period 1777-1778* (Philadelphia: C. Sherman, Printer, 1848); Worrell, 210-213; James Donald Anderson, “Thomas Wharton, Exile in Virginia, 1777-1778,” *Virginia Magazine of History and Biography* 89 (1981): 425-447; Robert F. Oaks, “Philadelphians in Exile: The Problem of Loyalty during the American Revolution” *The Pennsylvania Magazine of History and Biography* 96 (1972): 298-319, 321-325.

¹⁵⁵ “A Bundle of Letters: Letter from John Pemberton, Samuel Pleasants & others confined at Winchester 1777 to Robert Pleasants,” *Records of Quaker Meetings in Virginia 1672-1845*.

evidence of treason.¹⁵⁶ No evidence was found and the meeting records were later returned. The “Virginia Exiles” as the men were called wrote to Pleasants and Stabler. Pleasants was unable to travel to the capitol, and so Stabler and another Friend delivered the “remonstrance.”¹⁵⁷ The Quakers lobbied Governor Patrick Henry for the full release of the “exiles.”¹⁵⁸ Henry and his Council agreed to the demands regarding prisoner treatment, but would not intervene any further without consultation with Pennsylvania authorities.¹⁵⁹ The exiles were granted the privilege “to walk in the day time in any part of the town for the benefit of their health.”¹⁶⁰ Henry may have been sympathetic, but suspicious remained regarding the exiled Philadelphia Friends; Richard Henry Lee wanted the “Quaker Tories” to be watched to prevent for any possible “mischievous interposition in favor of the enemy.”¹⁶¹ Eventually, Pleasants, Stabler and other friends managed to finally secure release of the imprisoned exiles in April of 1778.¹⁶² But this episode was not the last time Quakers would encounter friction with the revolutionary government.

“We have had [the] most severe cold winter,” Pleasants reported. Only the very old could remember a colder winter.¹⁶³ The winter of 1779-1780 was so cold that parts of the James River froze over. Currency devaluation (now at 40%) has increased the price of provisions. “...I fear from the general depravity of mankind, that our sufferings are not so

¹⁵⁶ Ward and Greer, *Richmond during the Revolution*, 144.

¹⁵⁷ Robert Pleasants to Samuel Pleasants, January 1778, *Letterbook*. The entire remonstrance along with other documents relating to the Virginia Exiles can be found in “Miscellaneous Materials,” Vol. 3 of *Original Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland* (1906) at the Valentine Richmond History Center, Richmond, VA.

¹⁵⁸ Robert Pleasants to Samuel Pleasants, January 1778, *Letterbook*.

¹⁵⁹ Mekeel, *The Relation of the Quakers*, 418.

¹⁶⁰ Worrall, *Friendly Virginians*, 207-210.

¹⁶¹ Mekeel, *The Relation of the Quakers*, 176.

¹⁶² Ibid; Cloud, “Quakers, Slaves and the Founders,” 390.

¹⁶³ The winter of 1740 was reputed to be colder than 1779-80 according to Pleasants. See Robert Pleasants to John Thomas, 1 March 1780, *Letterbook*.

near at an end as some have imagined.”¹⁶⁴ Patriotic rectitude had given way to price gouging. On top of that, Pleasants had to square off again with Virginia authorities over taxes and fines. Authorities in Powhatan County had “treble taxed [his] property.” The right of property was “sacred” to Pleasants, like many other white Virginians, and he believed that the illegal infringement of that right “was the ostensible cause of the present unhappy War.”¹⁶⁵ He appealed the decision. For Pleasants, arbitrary seizures of property were an ominous sign that the democratic Revolution could veer into tyranny quite quickly prompting Pleasants to wonder, “what security is there for life or liberty” in the midst of revolution and war.¹⁶⁶ The Virginia mobilization effort had withered as the war dragged on. The longer it continued the harder it became to convince men to serve. In 1780, the British turned their attention south prompting Virginians to try and rejuvenate their recruitment efforts with the aptly titled, “[A]ct for speedily recruiting the quota of this state for the continental army.” The bill contained numerous provisions taxing property owners. Property owners were placed in “divisions” from which taxes were levied for the support of the war. The more money a division raised the more money it had to pay for substitutes to serve in their stead. Rich men with exemptions made tempting targets for recruitment taxes. Quakers and “Menonist” (Mennonites) were excused from actual personal service, but were required to furnish funds for a substitute. Pleasants despite being fifty-seven years old was legally drafted for tax purposes and his division took full advantage of the law to tax him heavily. Pleasants was assessed the cost of finding a replacement for his presence in the militia at exorbitant rates. His father’s

¹⁶⁴ Pleasants to Thomas, 1 March 1780, *Letterbook*.

¹⁶⁵ Ibid. Pleasants argued that the law permitting treble taxation was “unconstitutional” and “directly contrary to the [Virginia] Bill of Rights” which he thought said something to the effect that “no man shall be [deprived] in his person or his property without some overt act being first proved against him.”

¹⁶⁶ Robert Pleasants to Richard Crump, 30 November 1779, *Letterbook*.

entire estate had been valued at around £12,000 in 1771; in late summer, patriot leaders informed Pleasants that he owed “between five and six thousand pounds for the hire of One Man.”¹⁶⁷ Pleasants added that he also owed regular taxes but did not know what the demand would be when he wrote to his brother Samuel in Philadelphia. He lamented to Samuel that “at this instant my estate is liable to be seized.” In early fall, the tax bill arrived. Writing to Col. Turner Southall, (the same Southall that Pleasants had written regarding the treatment of Baptist preachers), Pleasants complained bitterly on being informed that he owed £1200 in recruitment taxes. Even more galling to Pleasants was the fact that the sum was based on last year’s tax rolls when he was charged treble under a law that had been subsequently repealed “so that I can’t conceive with what propriety, or by what law, justice, or reason, I should now in this, or any other instance, be made liable to a treble tax.” If he failed to pay, his entire estate, including all the men and women who lived free but remained legally enslaved could be seized and sold in support of American liberty.¹⁶⁸

As onerous and arbitrary as the taxes were, such seizures paled compared to the material costs of conflict in the Tidewater. In January of 1781, General Benedict Arnold, formerly of the Continental Army, landed an expeditionary force of British regulars and Hessian mercenaries numbering around 2000. Arnold’s goal was the destruction of rebel supply depots in the Tidewater and along the James River.¹⁶⁹ The draft law had failed to

¹⁶⁷ “Quakers in the Revolution,” *American Monthly Magazine* 9 (1896), 26.

¹⁶⁸ Michael A. McDonnell, “Class War? Class Struggles during the American Revolution in Virginia,” *The William and Mary Quarterly*, 63 (2006): 329-330; Hening, *Statutes at Large* vol. 10, 257-62; Robert Pleasants to Col. Turner Southall, 3 Sept. 1780, *Letterbook*.

¹⁶⁹ Frey puts the estimate at 1600, but was later reinforced. See Frey, “Between Slavery and Freedom,” 380-381.

correct a dysfunctional militia that in turn offered the British scant resistance.¹⁷⁰

Unimpeded, Arnold and his forces destroyed an iron foundry, a powder factory, machine shops and warehouses. Rifles and cannon were dumped in the James River along with tons of gunpowder. The soldiers discovered a large cache of rum. The liquor proved more successful than the Virginia forces in slowing down the British raiders. After inflicting destruction in the around Richmond, the troops marched down the peninsula plundering whatever homes and plantations they came across. The force eventually camped near the Curles meeting house. The sight of an armed force bivouacking at the meeting house must have galled the pacifist Quakers. Pleasants reported that “plundering parties have robbed me of a very valuable horse & my daughter Margaret of the greatest part of her best Cloths.” Pleasants, unafraid and indignant, marched to the British camp to complain and demanded an officer provide “protection against such thieves.” British officers were unmoved by Pleasants’s demand and he was held under guard all night but released in the morning.¹⁷¹ After his release, Pleasants complained to his cousin that these had been “trying times.” He had been squeezed on two sides: “the high demands & Seizures of one

¹⁷⁰ McDonnell rightly notes that class divisions were at play at the failure of mobilization but he fails to account for Virginia’s weak institutional structure and decentralized political structure. The length of the war, repeated defeats, poor supplies, and meager financial prospects certainly depressed recruitment efforts, but more importantly Virginia lacked the institutional ability to maintain a standing, professional army. McDonnell, “Class Struggles,” 339.

¹⁷¹ Robert Pleasants to Samuel and Mary Pleasants, 15 Feb. 1781, *Letterbook*. See also Benjamin Franklin Stevens, “Clinton to Cornwallis 13 December 1780” in *The Campaign in Virginia, 1781: an exact reprint of six rare pamphlets on the Clinton-Cornwallis controversy, with very numerous important unpublished manuscript notes by Sir Henry Clinton, K.B., and the omitted and hitherto unpublished portions of the letters in their appendixes added from the original manuscripts ; with a supplement containing extracts from the journals of the House of Lords, a French translation of papers laid before the House, and a catalogue of the additional correspondence of Clinton and Cornwallis, in 1780-81* (London: 1888), 310-313; Hugh F. Rankin, *The War of the Revolution in Virginia* (Williamsburg, VA: Virginia Independence Bicentennial Commission, 1979), 20-23; John Graves Simcoe, *Simcoe’s Military Journal: A History of the Operations of a Partisan Corps, called the Queen’s Rangers, commanded by Lieut. Col. J.G. Simcoe* (London: Bartlett & Welford 1844), 158-163; “Benedict Arnold in Richmond, January 1781: His proposal concerning Prize Goods...,” *The Virginia Magazine of History and Biography* 60 (1952): 591-599; David Syret, *The Royal Navy in American Waters 1775-1783*, (London: Scholar Press, 1989), 162, 173; Manarin, *The History of Henrico County*, 141-146; Worrell, *The Friendly Virginians*, 219-220; Ward, *Richmond during the Revolution*, 74-76.

party [the Patriots]" and the "plundering of the other [the British]. The invasion, the taxes, the "licentiousness of the times," and the "deviations" of supposed Quakers had put a "gloomy prospect" over his mind.¹⁷²

Arnold returned later in the year supported by a flotilla of twenty seven vessels.¹⁷³ Pleasants awoke one morning to find "a number of British Ships, and Boats" had come up the river during the night and anchored off his plantation. As he and several other Quaker elders were observing from the shore, they were fired upon by British gunboats. Undeterred by the attack, Pleasants walked right up to the riverbank "to enquire into the cause of their firing at peaceable unarmed men." One of the marines "levied his musket in order to fire at me again but on my making the sign of peace, he desisted." To both men's surprise, Pleasants recognized the man, Joseph Shoemaker, from Philadelphia, a former Quaker. Pleasants was taken onboard and interrogated by a British officer. Later that night "sundry men came ashore after plunder and robbed Tho. Pleasants [unoccupied] house." (Thomas, Robert's brother had died in 1776). Pleasants again met with the same officer who interrogated him previously and the officer attempted to mollify Pleasants by saying he would stop the raids "if it were in his power to prevent it." The British flotilla and troops continued up the river causing more destruction. After destroying the makeshift Virginia navy at Osbourne's, the British forces return to Curles and "in the dead of night" the "ruffians" reappeared and robbed Pleasants of "Bedding, Clothes and some other things of considerable value." The British also burned two of his

¹⁷² Robert Pleasants to Evan Thomas, February 1781, *Letterbook*.

¹⁷³ Ward, 74-76.

tobacco warehouses at Four Mile Creek.¹⁷⁴ The Marquis de Chastellux corroborated the substance of Pleasants account. “Mr. Bird [Byrd]” told the Marquis how the English raided the countryside in their pursuit of Monsieur de Lafayette. The vanguard of the British Army carried away “fruits, fowls and cattle,” while the main host followed, aided by officers, who stole rum and provisions. After the main host followed “a scourge yet more terrible, a numerous rabble, under the title of Refugees and Loyalists, followed the army, not to assist in the field, but to partake of the plunder. The furniture and cloaths [clothes] of the inhabitants were in general the sole booty left to satisfy their avidity.” Byrd claimed that the ruffians had stolen the very boots from his feet.¹⁷⁵ It was not only the British army troubling Pleasants; he noted that the American army “made free with my property” and his house was used as headquarters by General Anthony “Mad” Wayne while supporting the Marquis de Lafayette in the area.¹⁷⁶ Pleasants lamented that the present are “trying times” distressing on account of “the high demands and seizures of one party, and the plundering of the other...”¹⁷⁷ Just as it happened earlier in the war, both sides claimed Pleasants’s property as taxes, military requisitions or as plunder.¹⁷⁸

In Goochland County, the British occupied a plantation owned by Pleasants. While there they helped themselves to his stock of “Horses, Cattle, Sheep, Hogs, Corn & other things.” In addition, Pleasants reported that “Eleven Negroes... went away with them [the British]”, not including the three slaves who decamped from Curles during the

¹⁷⁴ Memorandum, 14 Aug. 1781, *Letterbook*; Charles B. Cross, Jr., *A Navy for Virginia: a Colony’s Fleet in the Revolution* (Yorktown, VA: Virginia Independence Bicentennial Commission, 1981), 72; Rankin, *The War of the Revolution*, 32.

¹⁷⁵ Marquis de Chastellux, *Travels in North-America*, 4-7.

¹⁷⁶ Paul David Nelson, *Anthony Wayne, Soldier of the Early Republic* (Bloomington: Indiana University Press, 1985), 132-162.

¹⁷⁷ Robert Pleasants to Evan Thomas February 1781, *Letterbook*.

¹⁷⁸ In May, Pleasants reported to the Henrico Monthly that three head of cattle worth £7.0.0 had turned over to Chas. Pearson for use of the patriot army. *The Valentine Papers*, 1218.

last invasion.¹⁷⁹ From the remaining historical record, there is little material available to formulate a clear understanding of what motivated these fourteen slaves to leave when most remained.¹⁸⁰ Certainly, many slaves saw Arnold's and Phillips' arrival as an indication that "freedom was at hand."¹⁸¹ The memories of Lord Dunmore's declaration remained fresh and many slaves saw the coming of the British army as an opportunity for liberation. Compared to other slaves in Virginia, Pleasants's slaves enjoyed a state of semi-freedom. But the chance for real freedom may have been too alluring to resist. Sickness and war shortages may have also contributed to their decision. The repeated marching of armies had emptied the neighborhood of provisions. Moreover, Pleasants reported that "a fatal sickness...raged among the Negroes" killing twenty-one of them, notwithstanding all the care and attention & assistance in my power to give or procure for them." In between war, sickness and freedom, one can understand why the fourteen would leave.¹⁸² Finally, there is the possibility that some of the slaves were forced to leave. Slave traders used the chaos of war to steal slaves and sell them out of the state.¹⁸³

¹⁷⁹ Memorandum, 14 Aug. 1781, *Letterbook*.

¹⁸⁰ Philip Schwartz identifies many of the reasons, circumstances and the means, fugitive slaves in Virginia held, faced and availed themselves when seeking to leave Virginia. He contrasted this impulse with the more traditional, local means of slave resistance whereby slaves ran away from a limited period of time and stayed close to their neighborhoods. See Phillip J. Schwartz, *Migrants Against Slavery: Virginians and the New Nation* (Charlottesville: University of Virginia Press, 2001): 18-39. The Revolution presented a new set of factors that changed how fugitive slaves conceived of the possibility of freedom and "during that conflict slaves fled from Virginia in greater numbers than at any other time except the Civil War." See Schwartz, 42-46.

¹⁸¹ Frey, "Between Slavery and Freedom," 381. Frey also notes, however, that the British, "inhibited by inherited racial attitudes still intrinsic to British society," were not interested in emancipation unless it aligned with their military and political goals. Escaped slaves were put to work doing the worst and most unpleasant jobs. *Ibid.*, 387-390.

¹⁸² Frey documents how smallpox vitiated Dunmore's black troops at Gwynne's Island claiming an estimated five hundred or so lives, the "contagious Distemper" that went with Arnold's forces in 1779, and the problem of caring for hundreds of infected blacks at Yorktown. Throughout the British invasion of Virginia, "the virulence and pervasiveness of the disease went unchecked among black followers of the army." Fears of infection and the spread of disease helped determine both British and American policy toward blacks in Virginia during these periods. See Frey, "Between Slavery and Freedom," 390-394. Lord Dunmore felt that if it had not been for the disease, he would have had two thousand black troops and could have crushed the rebellion in its infancy. The fate of the American Revolution, in some way, was

Pleasants was concerned for the fate of the slaves who had left. He wrote to General William Phillips, commander of the British Army, concerning them.¹⁸⁴ He was unsurprised that they ran off to the British Army; he expected that they wanted “to more fully enjoy the liberty intended them.” But Pleasants had heard the rumors that some British officers were selling slaves to the West Indies and wanted assurance from Phillips that his soon to be former slaves would not be sold.¹⁸⁵ He told the General that “Liberty is the natural right of all men” and he was under a duty as the trustee of his fathers and brother’s estates to protect the slaves’ “undoubted title to freedom.”¹⁸⁶ If the slaves decided to remain with the British, Pleasants asked the General to issue an order prohibiting “Privateers or designing men” from selling the slaves for profit. Pleasants also directed the General’s attention to the case of another freed slave, Charles White, who along with his family was apparently “forced away” with the British Army leaving behind whatever little property he had acquired. Charles White had been putatively freed

determined by disease. See Wood, “Liberty is Sweet,” 171. Most likely, Pleasants’s slaves contracted smallpox as well; “the Revolutionary armies were, in effect, marching cities which provided a fertile home for smallpox and spread it around the embattled state.” Philip Ranet, “The British, Slaves, and Smallpox in Revolutionary Virginia” *The Journal of Negro History* 84 (1999): 217; St. George Tucker noted that “pestilence” followed in the path of the invaders. John Blair, a prominent planter, also made the connection—“many of those [slaves] I recovered on the surrender of York are since dead, of diseases they brot. home with them, & wch. they fatally communicated to several others.” Colonial Williamsburg Foundation “July 11, 1781 St. George Tucker to Fanny Tucker” and “August 15, 1782—John Blair to his Sister, Mary Blair Burwell” in *Enslaving Virginia: Becoming Americans: Our Struggle to be Both Free and Equal* (Williamsburg, VA: Colonial Williamsburg Foundation), 466, 475. Robert Pleasants was most likely inoculated at some point. When he sent his children to Philadelphia, he had them all inoculated as well. His slaves were not so lucky since inoculation both rendered a person unfit for work for a period of time and was generally expensive. See Robert Pleasants to Robert Pleasants Jr., 16 November 1771, *Letterbook*; January 11, 1772; March 1772,” *Letterbook*; see also Todd L. Savitt, *Medicine and Slavery: The Diseases and Health Care of Blacks in Antebellum Virginia* (Urbana: University of Illinois Press, 1978) for a general discussion of medical care and slave diseases.

¹⁸³ McColley, *Slavery and Jeffersonian Virginia*, 82-83.

¹⁸⁴ Bruns, *Am I not a Man*, 465-7.

¹⁸⁵ Frey, “Between Slavery and Freedom,” 394: “Rumors of the transportation and sale of black defectors began soon after Dunmore issued his proclamation and persisted until he abandoned the state. Many white Virginians were convinced that the British were sending scores of vessels to the sugar islands.

¹⁸⁶ Part of the slaves in question are titled to Pleasants’s sister, Mary, and her husband Charles Logan and they also filed a manumission deed freeing certain slaves at the age of majority with the meeting.

under the 1771 will of Pleasants's father, John Pleasants III. He and his two sons were watermen working Virginia's rivers transporting goods and hogsheads of tobacco. Pleasants asked Phillips to discharge White, if White desired to leave British custody. Pleasants also mentioned that two other slaves ("Negroes of mine") had run off the previous month to General Benedict Arnold and inquired after their status. Carter Jack, a thirty four year old man, had departed and Pleasants noted "I don't wish his return except with his own choice." But, the boy named London, Pleasants was "glad to reclaim." Carter Jack had been free since 1777 and was not fleeing slavery per se, but was certainly looking for more out of life than he imagined possible in Virginia. Although, London was to be freed in 1787, he had other ideas. He joined the British forces and decided to leave Virginia and reappears in 1783 when the British decamped from New York for Port Roseway, Nova Scotia. In the Book of Negroes, there is an entry: "London, 17, stout black, (Trumpeter, American Legion). Formerly slave to Robert Pleasant[s], Virginia; joined General Arnold in 1781."¹⁸⁷ After that entry on a list of passengers, London disappears into the historical record.¹⁸⁸

Pleasants's refusal to pay war taxes exposed his slaves to seizure. Pacifism conflicted with antislavery. Around June of 1782, "A negro girl named Betty aged about 7 years" was taken by the deputy Sheriff of Henrico because Pleasants had refused to pay

¹⁸⁷ *Book of Negroes: Registered & certified after having been inspected by the commissioners appointed by his Excellency Sr. Guy Carleton, General and Commander in Chief, on board sundry vessels in which they were embarked previous to the time of sailing from the Port of New York between the 23 April 31st July 1783. both days inclosed*, 104; available online at <http://www.blackloyalist.info/source-image-display/display/?file=79> at Cassandra Pybus, Kit Candlin, Robin Pettard, *Black Loyalists* (University of Sydney); last accessed September 11, 2010.

¹⁸⁸ It is estimated that nearly sixty thousand former American Loyalists and fifteen thousand former slaves left on account of the Revolution. Maya Jasanoff, "The Other Side of Revolution: Loyalists in the British Empire," *The William and Mary Quarterly* 65 (2008): 207. Neil McKinnon, *This Unfriendly Soil: The Loyalist Experience in Nova Scotia, 1783-1791* (Kingston and Montreal: McGill-Queen's University Press, 1986); John N. Grant "Black Immigrants into Nova Scotia, 1776-1815" *The Journal of Negro History* 58 (1973): 253-270. Mary Beth Norton "The Fate of Some Black Loyalists of the American Revolution" *The Journal of Negro History* 58 (1973): 402-426.

for a substitute to serve in the army. Betty was then sold with the proceeds going to fund the war effort. Pleasants and the Henrico monthly meeting tried to intercede, but legally speaking, Betty was still Pleasants property and as such liable to seizure for failure to pay taxes. They appealed to the Sheriff and made it known that Betty had been manumitted in 1777. Hoping to prevent the sale by creating legal uncertainty as to Betty's status, the Quakers informed potential buyers gathered at the auction that Betty had a right to freedom in 1792, most likely as a part of Jonathan Pleasants's will.¹⁸⁹ Patriot officials ignored Betty's right to freedom and sold her into slavery. Without a legal manumission provision, all of the Quakers efforts in these years could be unraveled and scores of free black men and women were forced to live in a state of uneasy and anxious quasi-freedom liable to be sold or forced back into slavery.

In February 1781, Robert Pleasants reported that a manumission petition had been submitted to the General Assembly but was unsuccessful. Pleasants said that Benjamin Harrison was "the greatest enemy to the passing of that Law." Pleasants was then quite pleased to learn that "B. Harrison hath suffered more than any one person that I know of, in his stock, household furniture, and Negroes: there being, as it is said, near forty of them gone away with the British Army and nearly all of them valuable."¹⁹⁰ Pleasants wrote to Benezet regarding the failure to pass the manumission act, but sounded an

¹⁸⁹ *Valentine Papers*, 1247.

¹⁹⁰ Robert Pleasants to Evan Thomas, February 1781, *Letterbook*. Benjamin Harrison, as Governor, continued to search for missing slaves. He was compelled to write Count Rochambeau on several occasions of the French Army looking for cooperation for the recovery of slave "property." According to Harrison's intelligence, many of the slaves in the French camps were claiming to free or formerly belonged to the British. They had come from Virginia and the Carolinas for freedom. In return, the French had employed the men and women in camp much to their own convenience. Harrison wanted Rochambeau to round up *all* "negroes" and deliver them to the American camps. Harrison later complained to George Washington that the French, particularly Rochambeau, had ignored his multiple requests. *Enslaving Virginia*, 474-475.

optimistic note for the following session.¹⁹¹ In his estimation, the bill would have passed if there had not been an invasion. Antislavery work continued in the meantime.

Pleasants along with several other Friends were appointed to a committee by the Henrico monthly meeting and visited Friends who continued to hold slaves. They also visited Friends who employed freed slaves to make sure they were paying fair wages.¹⁹² He also had to ensure that Friends were not backsliding on commitments. He wrote to Fleming Bates, a Quaker slaveholder, inquiring why Bates had not freed his slaves. Pleasants reminded Bates that slaveholding Friends were “required to clear their hands from the unrighteous gain of oppression, by a general Emancipation & discharge of all such who are come to the proper age to act for themselves, and desirous of leaving their Masters.” Freeing slaves was not enough from the Meeting’s perspective; it required men like Bates and Pleasants to “place them in such a situation as that they may have an entire freedom of Choice in the disposal of themselves, and any property they may be enabled to acquire by their labor.”¹⁹³ The 1781 Virginia Yearly Meeting was held at the Curles Meeting house. Joshua Brown a visiting minister recorded that slavery was a topic of discussion prompting one member to free his forty-three slaves.¹⁹⁴ The tone of the Yearly Meeting was seconded by the Quarterly and Monthly Meetings. Manumissions continued among Friends. Visits to slaveholders continued and the monthly meetings had all formed committees to visit and advise slaveholders. If Friends could not emancipate the slaves they had as a legal matter, Pleasants advised treating slaves fairly.¹⁹⁵

¹⁹¹ Worrall, *Friendly Virginians*, 226.

¹⁹² *Valentine Papers*, 1246.

¹⁹³ Robert Pleasants to Fleming Bates, 29 February 1781, *Letterbook*.

¹⁹⁴ Worrall, 220.

¹⁹⁵ In the summer of 1781, Pleasants composed a “an Advice to my dear Children” in which, among other things, he advises his children on their responsibility as temporary slaveholders: “I charge you to be kind and affectionate one to another, and just to the poor Negroes, to whom you are left as guardians during their

The campaign in Virginia continued as American and British forces inched closer to an endgame at Yorktown. But the war and age had sapped Pleasants strength. On July 4th 1782, Pleasants felt that death might be at hand as he wrote to his brother-in-law, John Thomas of West River, Maryland.¹⁹⁶ Long periods of sickness occasionally beset Pleasants. Thomas could commiserate; he had been unable to write due to a long period of illness as well. War had darkened the people's spirits while emptying their larders, houses and barns, and yet for Pleasants, the American Revolution contained a didactic message for "the Old World" saying, "how careful aught we not to be, to Act consistent with our own Arguments, and to allow to others, what we have demanded as a right inherent in every man?" Pleasants believed that the "arrogance to suppose that the color of Skin aught to determine who are entitled to freedom" would lead to even more "discriminations among men detrimental to Religious and Civil Liberty." Beyond political lessons, Pleasants saw the American Revolution as the birth of a great possibility. He wrote: "It admits of no doubt with me, that if we consider the material rights of all mankind the same, and wholesome laws are enacted to establish those Rights, America will be great & happy, and not only become the Residence of people from all parts of the World, but be a means perhaps of opening a door of Emancipation to many Nations who in times past have been held in Bondage by the tyranny of absolute

minority: restrain as much as you can from Vice and shew them by your own circumspect conduct the beauty of a religious life and conversation: In short, endeavor to do to them as you would your own Children in the like situation should be done by; and when they come to the age of freedom, don't be backward in assisting them by advice, or otherwise, as occasion may require, or your ability allow; which I believe will be pleasing in the Sight of the Righteous Judge of all, with whom there is no Respect of person and before whom we must all appear as we really are without the least covering or preeminence and be judged according to our Actions in life..." , Robert Pleasants to Margaret, Robert and Ann T. Pleasants 16 June 1781, *Letterbook*.

¹⁹⁶ Thomas was brother to Pleasants's deceased second wife; the marriage was short and ended tragically but the men's affinity for each other continued. They carried on a lifelong correspondence affectionately addressing each other as "Brother."

Monarchs.”¹⁹⁷ Pleasants had prescient vision of America’s possible future, but the reality of slavery was an inescapable fact. The successful abolition of slavery, for Pleasants, would unlock America’s potential greatness. Pleasants recuperated at Curles while Friends lobbied legislators at Virginia’s new capitol, Richmond.¹⁹⁸

And for one brief moment, Pleasants believed that potential had been fulfilled. After several setbacks in the Assembly, at last, in the spring of 1782, the Virginia legislature passed a manumission act. It is certainly safe to say that “vigorous, protracted lobbying effort by Quakers from Delaware, Pennsylvania, and Virginia” was the key ingredient in passage of the act.¹⁹⁹ The presence of persistent Quaker lobbyists pressured legislators to act on demands for a manumission act.²⁰⁰ Pleasants, too ill to attend to the matter personally, had (along with Edward Stabler) invited Delaware Friends Warner Mifflin and John Parrish to help. George Dillwyn also arrived from Philadelphia.²⁰¹ The team of Quakers worked three weeks straight pushing legislators to give masters the right to alienate their property supported by the intelligence of the Virginians Pleasants and Stabler.²⁰²

While the presence and persistence of the Quakers is certain, the question remains open as to why Virginia lawmakers relented and passed the act after rejecting previous proposals. One possible explanation is that the Revolution had elevated the ideals of liberal French and English philosophy from salon discussions into guiding political principles and new leaders had emerged in the assembly effectuating those ideals in the

¹⁹⁷ Robert Pleasants to John Thomas, 28 June 1783, *Letterbook*.

¹⁹⁸ Freehling, *Drift toward Dissolution*, 13

¹⁹⁹ Iaacarino, 13; Davis, *Slavery in the Age of Revolutions*, 197.

²⁰⁰ Wolf, *Race and Liberty*, 33.

²⁰¹ Iaacarino, 13; Davis, 197.

²⁰² Worrall, 226.

Manumission Act.²⁰³ This explanation ignores the presence of Quaker lobbyists in the actual formulation of the law assigning credit to a purely secular, deistic moral reformation. Most historians concur that proponents of Quaker religious idealism found a more receptive audience at this time in the statehouse. One theory is that “the natural rights ideology of the American Revolution” and the “religious equalitarianism of the concomitant Great Awakening” served to jointly augment Virginians hostility to the idea of slavery.²⁰⁴ These two currents came together and resulted in an act designed to encourage private manumissions. But this formulation subsumes Quaker distinctiveness under the blanket term “The Great Awakening.” Quakers were not evangelicals and did not seek to promote a popular religious movement. Quaker rules were intentionally exclusionary. Moreover, the influence of evangelical antislavery in Virginia has been exaggerated and what little influence they did exert does not take shape until later in the decade. The origin of the act for Anthony Iaacarino was not in any sort of “widespread antislavery sentiment in Virginia” but rather the result of a small cadre of Virginia Quakers “bound by sensibility, kinship, organizational structure, and shared history of persecution.” Antislavery could not have developed in the Old Dominion without the assistance and influence of Friends outside of Virginia. Quakers drew upon a “uniquely transatlantic sectarian consciousness” which provided them with an alternative source of self expression that was not wed to tobacco or slavery. For Iaacarino, it was Quaker distinctiveness that was ultimately at the heart of the novel campaign for manumission. Quakers were different in “their emphasis on inner dignity,” adherence to the Golden Rule and plain attire. Virginia gentry were ruled by a need to display dominance and

²⁰³ John H. Russell, *The Free Negro in Virginia, 1619-1865* (New York: Dover Publications, 1969), 59. See also Drake, *Quakers and Slavery*, 83

²⁰⁴ Freehling, *Drift toward Dissolution*, 88.

status. Quakers were encouraged to sympathize and imagine themselves as slaves, but “such a radical move toward identification with the oppressed ran counter to an important premise upon which the legitimacy of slaveholding gentry rule rested.” In the hierarchical colonial world, leaders were expected to demonstrate and reinforce their superior station and condescending to Quaker equalitarianism was alien to gentry understandings. For Iaacarino, the differences between Quakers and Virginia gentry, “rendered the early antislavery campaign quite foreign to the sensibilities of gentlemen who wielded power in Virginia.”²⁰⁵

Iaacarino is indeed correct that Quaker religiously inspired moralism was both injected and developed in Virginia, but it might be the case that he overstates the degree of difference between Quakers and other Virginians, especially in the case of Robert Pleasants (and Edward Stabler). Both men were deeply involved in the tobacco trade and knew well its particular concerns. They dealt with the “Tobacco Mentality” on a daily basis and their own livelihoods depended on their ability to raise, buy and sell tobacco. Like their planter peers and neighbors, they gathered in Williamsburg to exchange information and do business. One could not be a successful and independent land speculator, trader, planter, merchant and entrepreneur without understanding the perspectives and motivations of one’s peers, customers, suppliers and clients. Moreover, Pleasants, like many other Quakers in Virginia, had a long and deep history with slavery—they themselves were slaveowners who like their gentry peers had to maintain control of their slaves and had to do all the things that slavery required of the master. Iaacarino’s insight that the Quaker could and would empathize with the slave seems to hold true. In addition, one might also say that Quakers like Pleasants could understand

²⁰⁵ Iaacarino, 5-6.

and empathize with slaveholders. If Quaker religious antislavery was foreign to sensibilities of Virginians, Friends like Robert Pleasants helped to translate it into something that would appeal to Virginia's lawmakers as reflected in the manumission act.

The law did not give Quakers and others *carte blanche* to free their slaves. The private right of a master was balanced against social concerns.²⁰⁶ Legislators were concerned that freed men and women might become a burden on society. If a master wanted to free a slave, then the slave had to be of "sound mind and body." Elderly, juvenile and disabled slaves, if freed, had to be supported by the person liberating them or their estate. Failure to do so would empower the sheriff to distrain and sell the liberator's property in order to meet the needs of the freed slaves. If freed men or women failed to pay taxes, the sheriff could seize and hire them out "for so long time as will raise the said taxes and levies" if their estate was insufficient to pay the levy. Legislators were also concerned about the unregulated movement of blacks. Liberators had to provide freed men and women with emancipation papers. If a freedman were to travel outside his home county without proper documents, he could be jailed and was responsible for paying for the cost of his own detention, which would last until his freed status could be verified. It seems the old fear that free blacks would help stoke slave disobedience by fraternizing with slaves resurfaced in part. Legislators were also concerned that emancipation could be used to defeat creditors and disrupt economic transactions. Legislators added a "saving" clause whose language is unclear, but seems to imply

²⁰⁶ Thomas Morris says of the Manumission Law of 1782: "It was, of course, a concession to those who opposed slavery, particularly those with religious scruples who had worked so diligently to obtain the right to manumit in the first place. At the same, the law was also congenial to the notion that one ought to be able to do what one wished with one's own property, and that accommodated the 'intention' of the individual property owner in a liberal capitalist world." Morris, *Southern Slavery*, 398.

emancipation would not defeat any outstanding claims on the title to the slave made prior to emancipation.²⁰⁷ Friends began to free their slaves immediately.²⁰⁸ The question remained open for Pleasants whether his family would now follow his lead or would they renege. More broadly, the question became whether large numbers of Virginians would emancipate their slaves. Pleasants and the Quakers would seek to convince both groups to move ahead with freeing their slaves.

²⁰⁷ Hening, *Statutes at Large*, 40.

²⁰⁸ Ward and Greer, 124-5.

CHAPTER III

1785: THE FAILURE OF EVANGELICAL ANTISLAVERY

1785 was the year Virginia slaveholders claimed the legacy of the American Revolution in support of their property interest and evangelicals disclaimed antislavery for popular appeal. After the passage of the Manumission Act of 1782, slaveholders increasingly defined manumission in terms of racism, property and public disorder. The enabling masters to free slaves, they declared, was an understandable, but misguided act of benevolence requiring at the very least modification if not repeal. After 1785, antislavery proponents faced an increasingly organized defense of slavery. Spurred by antislavery political lobbying and the rapid increase and public visibility of free black Virginians, slaveholders—for the first time in U.S. history—organized a state wide political, religious and popular defense of their right to enslave. More white Virginians owned slaves after the Revolution than before it. When evangelicals preached to crowds in the countryside, more and more of the assembled folks were slaveholders. When evangelical leaders implemented antislavery rules of membership, slaveholders in the congregations resisted strongly, forcing the leadership to abandon antislavery. When presented with political and religious appeals to “dismantle” slavery many Virginians chose instead to defend it. The decision would doom the commonwealth to antebellum “irrelevance and poverty.”¹

Slavery, as an economic and social institution, changed in response to historical forces set in motion as Virginia transitioned from colony to commonwealth. It was

¹ Susan Dunn, *Dominion of Memories: Jefferson, Madison & the Decline of Virginia* (New York: Basic Books, 2007), 14.

unclear in the immediate aftermath of the Revolution what place slavery, and manumission, would have in that new republican order. As slavery democratized (i.e. the percentage of whites who owned slaves increased), the political elite of Virginia backpedalled their support of antislavery. The experience of Robert Pleasants's as antislavery activist in this period brings into focus the rapid retreat of evangelical antislavery efforts in the 1780s. Pleasants and other Quakers hoped to tap into the popular energy of the evangelicals, but soon discovered a decided resistance to antislavery initiatives among the populace. The setbacks of 1785 taught Robert Pleasants and other antislavery activists that the crusade against slavery would not find purchase in Virginia as a popular movement. In response, Pleasants and others would form the Virginia Abolition Society. The VAS would seek to undermine the legal and political foundations of slavery using the courts and lobbying individual Assembly members. The contest over the meaning of the Revolution's promise to end slavery in the near future lost ground to a competing narrative which cast emancipation as a violation of fundamental property rights, an infringement on the liberty of the people, an irresponsible and dangerous act which threatened white society, and part of a British plot to undermine Virginia's independence. This narrative was developed in newspapers, legal records and legislative petitions by slavery's defenders.

For whites who lived along the James River (like Robert Pleasants), the American Revolution was not a narrative of liberty and freedom; it was defined by military invasions, food shortages, looting, heavy taxes, and conscription. Most black Virginians were slaves and remained so—some were even seized by slave traders in the chaos of war. Estimates vary, but it is irrefutable that some slaves, in the thousands at

least, used the chaos of war to further their own freedom by running away or fighting for one or the other. After the British surrender at Yorktown in October of 1781, patriot leaders continued to seize Robert Pleasants's property.² He reported the loss of 12 head of sheep, 23 head of cattle, one mare and a moderate amount of "currency" taken by the Sheriff for nonpayment of war taxes. Despite these depredations, he was pleased to observe the "desirable effects of Peace" ripple through the Tidewater after the cessation of hostilities.³ The arrival of vessels from "different trading Nations" was a welcome sight. They delivered long sought after but reasonably priced goods—a relief from the price gouging and shortages of the war years. Tobacco prices were also rising. Farmers were slowly recovering from last season's disappointing harvests that caused a "considerable scarcity" of wheat and corn in some areas. "Plentiful rains" of late had sown the promise of a rich harvest and the return of peace prompted Pleasants to reflect on the Revolution. In its immediate aftermath, Pleasants tried to make sense of it. He arrived at the conclusion that the Revolution was one spark, albeit an important one, of a divinely inspired moral and political awakening occurring on both sides of the Atlantic. He believed that while God showed the way, it was now up to humanity to walk the path in order to bring about an enlightened age of benevolent sympathy and equalitarian justice. The Revolution's success, he argued, proved that all men were entitled to natural rights equally. He also came to believe that the denial of those fundamental rights could

² Edward Pleasants Valentine and Clayton Torrence, eds., *The Edward Pleasants Valentine papers, abstracts of records in the local and general archives of Virginia relating to the families of Allen, Bacon, Ballard, Batchelder, Blouet, Brassieur (Brashear) Cary, Crenshaw, Dabney, Exum, Ferris, Fontaine, Gray, Hardy, Isham (Henrico County) Jordan, Langston, Lyddall, Mann, Mosby, Palmer, Pasteur, Pleasants, Povall, Randolph, Satterwhite, Scott, Smith (the family of Francis Smith of Hanover County) Valentine, Waddy, Watts, Winston, Womack, Woodson.*, (Richmond: Valentine Museum, 1927), 1248.

³ Robert Pleasants to John Thomas, 28 June 1783, in "Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland," Vol. 4: *The Letterbook of Robert Pleasants*, The Valentine Richmond History Center: Richmond, VA.

have revolutionary, and violent, consequences. Were the slaves so different from their masters when they yearned for liberty? Would they not seek to overthrow the yoke of tyranny and would they not be justified in doing so? Sooner or later, all rulers had to accept this fact or face the inevitable consequences.⁴ The legacy of the Revolution, Pleasants believed, demanded the abolition of slavery. But for many white Virginians, the Revolution raised the specter of a large scale slave rebellion. The twin potentials of the Revolution were in tension. On one hand were the abstract, yet powerful republican ideas that colonists had used to shape their thinking and more importantly justify their actions in the Revolution. On the other were the fears and realization that Virginia society was not far above the social disorders and tumults that had characterized its beginnings. The Revolution had proved that. Pleasants would attempt to define the legacy of the Revolution in antislavery terms while discounting fears of social disorder and economic loss. Proslavery proponents were able to add another dimension to their appeals and arguments based on fears of social disruption: the Revolution had really been about property rights. Property defined the boundary between citizen and government in terms of rights and prerogatives—*meum et tuum* was in this regard a political division. For the government to seize property without compensation and without regard to the commonweal was a tyrannical exercise of power that violated fundamental rights and liberties. To interfere with the enjoyment of slavery, it was argued, infringed on a sacred property right sanctioned by God. Pleasants and other antislavery proponents attempted to shape the meaning of the Revolution against a proslavery counter-narrative of

⁴ Pleasants wrote: “O may we retain a grateful sense of these continued favors, and instead of exulting as tho so great a Revolution as the Independence of America, is merely the effect of human Wisdom & policy, or our desserts, let us rather with humility believe it to be the will of Providence for wise purposes best known to himself.” Robert Pleasants to John Thomas, 28 June 1783, *Letterbook*.

established property rights sanctified in law, custom and the Bible in newspapers and petitions.

The Revolution, Pleasants wrote, instructed European rulers (as well as their subjects) on “the proper limits of power.” He believed there was a standard of legitimacy beyond which a government forfeits its right to sovereignty. That standard was derived from the principles of natural law. If a government crossed that line then the people had the right to demand change and refuse the sovereign’s command. The same applied in Virginia: “If the Struggles of America have been a means of instruction to the Old World, how careful ought we now to be to act consistent with our own Arguments, and allow to others, what we have demanded as a right inherent in every man?” He rejected the proposition “that the Color of the Skin ought to determine who is entitled to freedom.” The principles which demanded the end of slavery also precluded discriminations against dissenting religious groups such as Quakers. Pleasants saw the justifications of slavery as inherently threatening and “detrimental to Religious and Civil Liberty.” It threatened the unique American destiny he had envisioned for the emerging nation. He thought that if Americans truly considered “the material rights of all mankind the same” and established equality in law, then “America will be great and happy, and not only become the Residence of people from all parts of the World, but be a means of perhaps of opening a door of Emancipation to many nations who in times past have been held in Bondage by the tyranny of absolute Monarchs.”⁵ The passage of the Manumission Act of 1782 was the

⁵ Ibid. Pleasants very early on tried to make sense of the Revolution as an event that set the precedent for proper political action and set the foundation for the idealistic aspirations of the republic. Historian Kathryn Malone wrote that there were “a variety of understandings of what the revolution had been about and of what the goals of the new nation ought to be. There was, however, one consistent pattern. Claims of fidelity to revolutionary heritage became a necessary part of any attempt to establish political legitimacy, and remain so to the present day.” See Kathryn R. Malone, “The Fate of Revolutionary Republicanism in Early National Virginia,” *Journal of the Early Republic* 7 (1987): 27.

first victory of what Pleasants hoped would be a series of advances against slavery.

Allowing private manumissions signaled, for Pleasants, governmental endorsement of the act of freeing one's slaves. It was an implicit ratification of policy that would be followed by more measures leading to a general emancipation. The Revolution was used to supply precedent and authority to policy choices in the present and Pleasants sought to use that authority in favor of emancipation. Changes in law would be measured by adherence to Revolutionary principles and meaning, but those standards of revolutionary fidelity were not clear; they were in a literal sense contested.

When reviewing the history of antislavery in Virginia in this period, it becomes clear that the events of 1785 were pivotal in these contests over the meaning of slavery, emancipation and the Revolution. In the midst of the ongoing disputes two important events served as forums for competing claims. The first event was the instigation and subsequent retraction of antislavery rules in Virginia's evangelical societies. The evangelicals, allied with the more resolute and better organized Society of Friends, could have formed the basis of a popular antislavery movement. They, however, chose popularity over conscience. Their flirtation with antislavery was short lived. Some who were partial to slavery began a process of fortifying proslavery arguments with threats of social chaos and Biblical justifications. The moral condemnations of northern abolitionists in the antebellum period were preceded by an internal debate over slavery within Virginia's evangelical communities strengthening their resistance to such appeals in later periods. The second defining event of 1785 was the organization of a political anti-manumission interest in the counties. Prior this period, there had been no organized defense of slavery. But in 1785, Virginia slaveholders organized a coordinated defense of

the institution. These two events represented a major setback for the antislavery movement. The events of 1785 would foreclose any possibility of a popular movement against slavery in Virginia.⁶ Internally, antislavery had been weakened while the proslavery forces organized themselves. Beyond the slavery petitions and discussions, the events of 1785 were a contest over the meaning of the sanctity of the new American experiment in governance and society. Some Virginians, both black and white, saw the Revolution as the harbinger of the end of slavery. Pushed by antislavery arguments and the actions of the enslaved and free blacks, Virginia slaveholders responded to these challenges by building a bulwark against emancipation composed of property rights, racial prejudice and economic anxiety. To be successful in their defense of slavery, liberty had to be brought into tension with private property and social stability. Slaveholders argued that respecting vested property rights in slaves would ensure Virginia's prosperity in the future. As slaveholding became more widespread and more accessible to white Virginians, the protection of established property rights assumed more importance rhetorically.

After the Revolution, Virginia experienced economic instability, especially in the older, tobacco regions girding the Chesapeake. Many wealthy families had suffered in the war and declining incomes had to be divided among an increasing number of heirs. In the Tidewater, slaveholders, in periods of depression or after the death of a wealthy relative, might decide it was to their economic advantage to rent, sell, transfer and even manumit slaves. In the Piedmont, economic opportunities were expanding and the number of

⁶ The next chapter argues that failures of the 1780s pushed Robert Pleasants and other antislavery proponents to adopt a more secular institutional approach to antislavery. Unable to move the populace, Pleasants and others formed the Virginia Abolition Society which utilized targeted legal and political efforts to chip away at the functioning of slavery as an institution.

slaveholders who owned slaves increased. The days of the grand estates with hundreds of slaves were drawing to a close in Virginia. Slaveholding, in this sense, was becoming democratized; for the first time, slaveholders became a majority of the white population. As historian Richard Dunn notes there were political implications in this demographic trend: the majority of white voters now had “a direct personal stake in the [slave] system.” And that system continued to expand enabling more and more whites to directly participate as owners. The slave population of Virginia also expanded. It did so even as thousands of slaves were being sold out of the state or moved with their owners as they sought opportunities in the west.⁷

Nonetheless, some slaves did gain their freedom. It has been estimated that by 1800, free blacks made up ten percent of some 300,000 or so black Virginians.⁸ In many cases the free community provided temporary refuge, shelter and assistance to runaways. By its very existence, these free communities challenged the casual association of blackness with slavery. But more importantly for those who remained enslaved, the free men and women demonstrated a “powerful model of human freedom.”⁹ In terms of numbers and military capacity, the free black community never represented an existential threat to slavery. But whatever humanitarian assistance they provided to runaways

⁷ Richard S. Dunn, “Black Society in the Chesapeake, 1776-1810,” in Ira Berlin and Ronald Hoffman, ed.s, *Slavery and Freedom in the Age of the American Revolution* (Charlottesville: University of Virginia Press, 1983), 59-65; Philip Hamilton, “Revolutionary Principles and Family Loyalties: Slavery's Transformation in the St. George Tucker Household of Early National Virginia,” *The William and Mary Quarterly* 55 (1998): 539. Alan estimates that nearly a quarter million slaves from Virginia, the Carolinas, and Georgia were sent west between 1790 and 1820 disrupting established and “flourishing” communities stretching across plantation regions. The forced migration smashed “the fragile security of slave community.” See Kulikoff, “Uprooted Peoples: Black Migrants in the Age of the American Revolution 1790-1820,” in Berlin and Hoffman, eds., *Slavery and Freedom*, 143, Table 1.

⁸ Dunn, “Black Society in the Chesapeake” in *Slavery and Freedom*, 58.

⁹ Douglas Egerton, *Gabriel's Rebellion: the Virginia Slave Conspiracies of 1800 and 1802* (Chapel Hill: University of North Carolina Press, 1993) 15.

became associated with Virginia's recurrent anxiety about possible slave rebellions and social disorder. Black freedom represented an incipient threat to many white Virginians.¹⁰

In this context, the Manumission Act of 1782 "redefined" the nature of slavery in Virginia. In the colonial period, only the Assembly could free a slave; after 1782, slave masters themselves had the right to manumit. And so in some places like Henrico County, where the bare majority of residents were non-white, the majority of residents were free and not enslaved.¹¹ The presence of free blacks created anxiety in many of Henrico County's slaveholders and they complained to the Assembly.¹² Residents also sought judgments against men like Pleasants who had freed their slaves in practice even before the act. The whites of Henrico County were not the only community to petition lawmakers. The backlash against the Manumission Act gained strength in the 1780s. Passage of the act may have surprised some slaveholders, but they mounted a successful campaign against anymore talk of emancipation. Residents of Accomack County, for example, pleaded with the Assembly: "However desirable an object that of universal Liberty in this country may be... sound policy and the publick good" had to be the

¹⁰ "The greatest fear of whites during the 1780s and 1790s was that a class of freed blacks would grow in their midst, thereby tearing asunder the social contract between gentlemen and yeomen that protected human property of all slaveholders in perpetuity." Winthrop D. Jordan, *White Over Black: American Attitudes toward the Negro*, (Chapel Hill: University North Carolina Press, 1968) 577-579; see also Allan Kulikoff, *Tobacco and Slaves: The Development of Southern Cultures in the Chesapeake, 1680-1800* (Chapel Hill: University of North Carolina Press, 1986), 432.

¹¹ Peter Wallenstein, "Indian Foremothers: Race, Sex, Slavery and Freedom in Early Virginia," in Catherine Clinton and Michael Gillespie, eds., *The Devil's Lane: Sex and Race in the Early South* (New York: Oxford University Press, 1997), 61.

¹² On June 8, 1782, the House of Delegates received a petition from the citizens of Henrico County. They complained that "many persons have suffer'd their Slaves to go about" and hiring themselves out while other negligent slave owners "under pretence of putting [slaves] free set them out to live for themselves." Free of control, the "said slaves live in a very Idle and disorderly manner." The petitioners further alleged that the slaves "encourage neighboring slaves to steal from their masters and others, and they become the receivers and Traders of those Goods." Another consequence of the slaves running at large was the seed of discontent it sowed among slaves "who are not allow'd such Indulgencies." The men wanted the House to pass an Act that would stop "such pernicious practices" and put an end to problem of slaves running at large. See "Citizens of Henrico County to Virginia House of Delegates, 1782" in Loren Schweninger, ed., *The Southern Debate over Slavery Volume 1: Petitions to Southern Legislatures, 1778-1864* (Champaign: University of Illinois Press, 2001), 4.

legislature's main concern and in that case, manumission had to be curtailed. They also contended that freeing slaves could also lead to a drop in slave prices and economic and legal instability in slave property. They further alleged that freed slaves would burden the county's fund for paupers.¹³ Residents of Henrico County also complained that blacks, illegally freed by the British army, were trading with local slaves.¹⁴ Residents demanded that the former slaves (who were living as *de facto* freed men and women) register at the county court so authorities could track them. Petitioners also demanded that the free blacks cease any trading with local slaves.¹⁵ In addition to these legislative initiatives, individual slaveholders took to defending slavery in the public press. They sought to convince their fellow citizens that emancipation was a danger to their safety, whiteness and property and slavery was necessary to prevent a racial uprising.

In 1782, "A Friend of Liberty" had "attacked the inconsistency between fighting for liberty and holding slaves" in the papers prompting some writers to defend slavery.¹⁶ "A Holder of Slaves" argued that emancipation would hurt Virginia's economy by extinguishing valuable property vested in slaves and increasing the possibility of violent racial retribution against the white population. If there were not race war, he warned that

¹³ Anthony Iaccarino, "Virginia and the National Contest over Slavery in the Early Republic, 1780-1833 (Ph.D. diss., University of California at Los Angeles, 1999), 14. Wolf also argues that the reaction against the manumission act demonstrates that pro-slavery defenses began soon after the Revolution in Virginia. See *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), 18. The petition itself is available at the Library of Virginia, Richmond, VA. See Legislative Petitions, Henrico County, Nov. 16, 1784, A 8971.

¹⁴ Some slaves had been seized by the British Army (or freed by the French) but remained in Virginia after the war. Masters sought to reclaim their property and searched for their former slaves. Some were re-captured and re-enslaved. But it seems that others slipped through the cracks as it were and lived a shadowy existence between freedom and slavery. I have not come across any articles or manuscripts devoted to the subject, but it is clear that, at least in Henrico County, these fugitive slaves, freed by the British or French, lived a liminal existence. As it was, Virginia lacked any sort of police force capable of identifying, arresting and returning these men and women to their former masters. White Virginians may not have viewed these people as legally free, but it no serious, institutionalized effort was undertaken to re-unite master and former slave.

¹⁵ Louis H. Manarin and Clifford Dowdey, *The History of Henrico County* (Charlottesville: University of Virginia Press, 1984), 166.

¹⁶ Wolf, *Race and Liberty*, 18

emancipation would inevitably lead to racial amalgamation producing a degraded “mixed mongrel” race of Virginians. “A Scribbler” argued that slavery was not wrong but an institution that had been sanctioned in law, custom and tradition. Blacks, therefore, were an appropriate subject of slavery because of inherent, not environmental, characteristics—it seemed to him that blacks were born to be slaves.¹⁷ Slavery was the best means of constraining an otherwise intractable black population and preventing social chaos according to these writers.

For many slaveholders, the problem was not the slaves themselves who naturally exploited whatever small cracks and spaces might open up to pursue personal, economic even political motivations, it was based on a perceived decay in white commitment to maintaining slavery and its race based distinctions.¹⁸ Some masters were finding it in their own interest—however they saw it—to commit less time and effort to the personal management of slaves. And if enough slaveowners in a slave society start to disassociate slavery with the attainment of social and economic success, the very foundations of that slave society begin to weaken. In this light, we can see why men like Pleasants and others could be fined by authorities, for letting their slaves “run-at-large.” Not maintaining strict control of slaves was regarded as injurious to the community at large.¹⁹ In the same year they passed the Manumission Act, the Virginia Assembly banned slave self-hire hoping

¹⁷ Ibid, 19-20.

¹⁸ Manarin and Dowdey found that a survey of Henrico County’s “Order Books reveal some cases in which whites were tried for ‘Letting their Negroes go at large as freemen,’ ‘for dealing with Negroes,’ and ‘for keeping unlawful assemblies of Negroes and allowing them to Game.’” See *History of Henrico*, 166.

¹⁹ Henry M. Ward and Harold E. Greene, Jr., *Richmond during the Revolution 1775-1783*, (Charlottesville: University of Virginia Press, 1977), 124. Anthony Iacarina noted that in the same year the legislature passed the measure that increased the penalty on masters who allowed their slaves to hire *themselves* out, but did not preclude a master from hiring out his bondsmen. It was the independent economic action of the slave that was prohibited. For Iacarina, “the almost simultaneous enactment of a liberal manumission statute alongside restrictive anti-slave hiring legislation was not a contradiction. The laws were designed to give masters greater freedom to manumit their slaves, not to give slaves wider avenues to freedom.” See Iacarina, *Virginia and the National Contest*, 15.

to reestablish the link between slavery and limited social and economic participation in society. Slaves seeking work, they argued, degraded the distinction between slaves and laborers. The legal penalty fell on the owner and signaled the legislator's desire to force owners to exercise tighter control of their slaves. Slaves, who violated the law, could be seized by county officials and sold for the benefit of the county. The penalty also affected the slave's behavior. Fewer slaves would be willing to risk hiring themselves out if they knew they could be sold away.²⁰

The Revolution revealed fissures in the white population threatening social cohesiveness.²¹ In the post-war period, those fears were reified in the emerging bustle of a boom town—the new state capital of Richmond. Cases of counterfeiting, arson and especially theft were reported in the newspapers. Horse stealing had been a problem in the area and some suspected organized gangs of professional horse thieves were responsible. Edmund Randolph, Attorney General of Virginia, complained to James Madison about the “laxness and inefficacy of government.” He complained that a “prince of the banditti” was organizing the graft. This “prince” had organized “a Nefarious Crew” which some suspected was composed partly of ex-soldiers.²² Thefts also aroused racial suspicions.²³ Richmond, like other urban centers attracted runaway slaves and free blacks. For white Virginians, “urban concentrations of free black people in both the

²⁰ As historian Eva Sheppard Wolf wrote, the message to the public was “that slaveowning involved responsibilities to the community at large and that society could punish irresponsible slaveholders by depriving them of their slaves.” See *Race and Liberty*, 36. For the statutes, see William Waller Hening, *The Statutes at Large; being a collection of all the laws of Virginia, from the first session of the Legislature in the year 1619* vol. 11 (Richmond: 1823), 23-25 .

²¹ Michael A. McDonnell, *The Politics of War: Race, Class, and Conflict in Revolutionary Virginia* (Chapel Hill, NC: 2007); John E. Selby, *The Revolution in Virginia 1775-1783* (Charlottesville: University of Virginia Press, 1988); Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 1999).

²² Ward and Greer, *Richmond during the Revolution*, 111-113.

²³ *Ibid*, 109-111.

North and South posed more than a symbolic danger to the slaveholder's property in man." Runaway slave advertisements in Virginia "bespoke their assumption that free people of color gave runaway slaves aid. They presumed that black seamen hid runaways on their ships, or that free black populations in cities throughout the Chesapeake and Northern states offered the possibility of anonymity to fugitives from bondage."²⁴ The existence of a free black population also helped make forged freedom papers more plausible.

The strong and swift counter response lends credence to the suspicion that slaveholders were anxious about the legal status of their property. Winthrop Jordan noted that "only in Virginia did wholesale emancipation look at once extremely difficult and yet seemingly within the realm of possibility."²⁵ The Virginia Assembly, and many patriots, were disgusted with the conduct of masters who had sent their slaves to fight and promised freedom and then re-enslaved them. The passage of the Manumission Act shifted the focus of antislavery forces towards issues regarding emancipation and its effects. The first antislavery step in Virginia had been to block the influx of slaves through a ban on the slave trade, a policy which had aligned with the political and economic considerations of many slaveholders in their dispute with Britain. The next step was passage of a manumission act, which enabled Friends and other benevolent masters the ability to exercise their conscience and free their slaves. Even this progression of the antislavery campaign had tepid support from some slaveholders and republicans: it seemed self-evident and fundamental that if the law permits a man to own property, then that same man has the ability to alienate that property. The ability to possess naturally

²⁴ Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill: University of North Carolina Press, 2008), 17.

²⁵ Jordan, *White over Black*, 551.

assumes the ability to dispossess one's self of that property. But the effectuation of emancipation would force slaveholders to confront and mount opposition to antislavery while maintaining allegiance to the principles of the Revolution even as they sold their slaves to the Deep South or promised a restoration of their "inalienable" freedom as an incentive to productive labor.²⁶

If emancipation were to proceed in Virginia, the base of support would have to be expanded and strengthened. If the Quakers, Baptists and Methodists could present a unified front, they could undermine the notion that Christianity was compatible with slaveholding. But creating a coalition between these groups would prove difficult. The Society of Friends had committed itself to emancipation over the course of the eighteenth century and it had taken decades to form an antislavery consensus in the Society. In comparison, evangelical Virginians sought to eliminate slaveholding from their ranks in only a few short years. Quakers had changed their Society from the bottom-up through a slow, halting process of consensus building that went from amelioration of slaveholding, to encouraging manumission among members to the expulsion of slaveholders. In comparison, the evangelical attempt was sudden and originated in the leadership. English leaders simply had no "sense" of their congregations in Virginia. There was great resistance among Methodists, and potential Methodist converts, when it

²⁶ Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: The New Press, 1974), 19; Egerton, *Gabriel's Rebellion*, 10-12. Egerton argued that lawmakers were convinced that the changing Virginia economy would need less slaves and so Virginia lawmakers gave in to "Quaker and new light demands that the law be amended to make manumission easier...economic change allowed the gentry to solve a problem posed by the logic of their own egalitarian rhetoric." Ibid, 10-11. It might also be argued that lawmakers failed to anticipate the rapidity and intensity of manumission in the period right after its passage.

came to embracing antislavery. Robert Pleasants discovered the nature and depth of that resistance in an exchange with a prominent local Methodist member, Francis Irby.²⁷

In response to Pleasants's critiques of slaveholding, Irby defended slavery using the Old Testament.²⁸ Pleasants subsequently challenged Irby's Biblical interpretations and he implicitly challenged the role ancient Scripture has in determining moral action in the present.²⁹ The Bible certainly had its place, but the precepts of the inner light precluded blind allegiance to laws intended for the ancient Hebrews. Above the Bible was true natural law—God's justice. And Pleasants firmly believed that slavery “doth not Originate in equal justice.” Its reason for being was in the corporeal world; its foundation was seated upon “the interest, long custom, & habit confirmed by the laws of men.” Self-interest did not justify oppression of others. And the effect of reifying slavery in law “tended to silence reflection” in the people. Pleasants apprehended what he considered the self-interested nature of humanity: “men are not generally very scrupulous in examination of matters which may appear contrary to their imaginary temporal interest, or over anxious, to divest themselves of what they have been taught to call property.” But

²⁷ Robert Pleasants to Francis Irby, 22 Nov. 1784, *Letterbook*.

²⁸ Irby quoted Leviticus 25:46 which reads in the 1769 King James Bible: “And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen for ever: but over your brethren the children of Israel, ye shall not rule one over another with rigour.” Available on-line at <http://www.kingjamesbibleonline.org/>

²⁹ Pleasants then took on Irby's challenge to “produce a Gospel precept, to disprove in the smallest degree thy favorite Slavish doctrine.” Pleasants quoted from the New Testament noting that although “they do not mention the Word Slavery, must, as I apprehend (if they mean anything) utterly condemn every such violation of the rights of mankind.” Pleasants used “God is no respecter of persons” (Acts 34:35) to ask the question, “where then doth preeminence of a white skin over a black one consist, but in violence & prejudice?” He made similar moves with “Love thy enemy,” “Love thy neighbor,” and “Do no violence to no man.” Pleasants demanded to know, “But is not the depriving of a man of his natural rights to liberty, the greatest violence that can be committed next to that of life?” Pleasants also used, “Do to the least among you as you would do to me.” Pleasants continued: “It must then follow of course, thou canst have no more right, from the Text thou mentions to detain them in bondage, than they would have to keep thee, thy wife, & children in that State.” Pleasants also has one more arrow in his quiver to launch at Irby: “Sarcastic witticisms in serious matters appear to me always improper. They neither convey instruction to the reader or add strength to the arguments, and therefore I have purposely avoided taking notice of thy flourishes of that nature.”

if men and women looked beyond their self-interest and recognized the cruelty and barbarity of slavery, they might experience compassion for “the sufferings & distresses of the human race.” The embrace of antislavery signaled an ecumenical sense of human justice and equality.

Pleasants referred Irby to sources that demonstrated slavery’s incompatibility with justice and a deviation from the Revolution’s promise. He told Irby that “many of the wisest men of the present age” declared in the Virginia Declaration of Rights (which Pleasants called, “our Constitution”) that “all men are by nature equally free.”³⁰ Pleasants cited William Blackstone’s definition of natural liberty: it was “the power of acting as one thinks fit, without any restraint or control, unless by the law of Nature; being a right inherent in us by birth, and one of the gifts of God to man at his Creation when he endowed him with the faculty of free will.” Pleasants next citation cleverly linked antislavery and the American Revolution. He noted that arguments of the Abbé Raynal who declared natural liberty to be inalienable in the context of the American colonists right to self-governance his essay, *The Revolution in America* (1781).³¹ Pleasants used Raynal’s language to challenge the claim that slavery was justified when a combatant spared the life of the vanquished: “conquests bind no more than theft, the consent of Ancestors cannot be obligatory upon the descendants.” Pleasants closed with “another revolutionary author who remarked that “Liberty is derived from any one, but originally in everyone; it is inherent and inalienable.” For Pleasants all of this pointed to the conclusion: “the Child of a Slave is as free born, according to the laws of Nature, as he

³⁰ Pleasants was quoting from the Virginia Declaration of Rights.

³¹ The Abbé Raynal (a.k.a. Guillaume Thomas François Raynal), *The Revolution in America* (London: 1781), 45. Raynal’s writings were well-known author among Quaker antislavery leaders of the period. See Jonathan D. Sassi, “With a Little Help from the Friends: The Quaker and Tactical Contexts of Anthony Benezet’s Abolitionist Publishing,” *The Pennsylvania Magazine of History and Biography* 135 (2011): 64-67.

who could trace a free ancestry up to Creation. Slavery in all its forms, in all its degrees, is an outrageous violation of the rights of Mankind: an odious degradation of human nature.” Pleasants turned the tables on Irby and started to question his motivations especially in regards to slaves under Irby’s “immediate care” whom he has the ability to “relieve.” Pleasants called him out—“For my part, as I conceive example preacheth louder than words” and reformation therefore begins at home. Pleasants may have recognized that getting the Methodists on board in terms of antislavery activity would be a major advance in the cause.³² Irby’s frivolous attitude did not bode well.

Evangelicalism, with its pressing need to convert non-believers, discounted antislavery in favor of aggrandizing its membership rolls. In all fairness, Methodists and Baptists were by no means entrenched in Virginia—antislavery could jeopardize evangelical popularity through association.³³ Ultimately, the need for popularity and political accommodation trumped morality in the evangelical worldview following the Revolution.³⁴

³² Pleasants asked John Lee Webster, his former brother-in-law, about manumission in Maryland: “How does the work of emancipating the Slaves go on in your part of the Country? It has been said, that it had become almost general among the Methodist Society, as well as friends that way...” Robert Pleasants to John Lee Webster, [undated], *Letterbook*. Manumission, in general, was more prevalent in Maryland than in Virginia.

³³ Sylvia R. Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton: Princeton University Press, 1991), 244.

³⁴ Historian David Brion Davis notes that there were similarities between the evangelical pronouncement on slavery and the Quakers, but there are some sharp distinctions: “the Quakers were not a proselytizing church whose desire for converts required accommodation to economic interest and popular prejudice. The very openness and self-direction of the southern revival made it a weak vehicle for antislavery discipline.” See *The Problem of Slavery in the Age of Revolution, 1770-1823* 2d. ed., (New York: Cornell University Press, 1999) originally published in 1975, 205. Sylvia Frey wrote: “Smothered by the deadening pall of racial prejudice, the small antislavery movement died a quick death. The antislavery policies adopted by the Methodist Conference in 1784 and the Baptist General Committee in 1785 and 1790 had led the struggling evangelical movement into a tense and disruptive relationship with larger society at precisely the moment when it was most actively engaged in an effort to achieve disestablishment and religious freedom. Fearful of losing the political leverage they had gained from their support of the Revolution, the evangelicals drew back from the political precipice created by the antislavery movement.” See *Water from the Rock*, 249-51.

The Baptists were the weakest in their commitments and they made little impact in terms of advancing the antislavery cause.³⁵ The Methodists' failure had much more far reaching consequences.³⁶ Starting in 1780, local Methodist ministers and preachers were put under pressure to manumit their slaves. In 1785 the Virginia Methodist conference condemned slavery and recommended that *all* Methodists emancipate or face expulsion.³⁷ Manumission was an order that came down from the leadership and appears to have found tepid support. Jesse Lee, a well-traveled minister, objected to the leadership's call for immediate manumission based on his experiences in the Roanoke, Caswell, and Amelia circuits. He confronted Thomas Coke, an English Methodist bishop, and challenged his support for manumission as misguided. Lee warned that advocating immediate manumission would create a backlash that could threaten the wholesale future

³⁵ The Baptists made some tentative flirtations with antislavery but never pursued any coordinated action. Of all three groups, Eva Sheppard Wolf finds that they were the least effective. They lacked "charismatic antislavery leaders," and were driven by evangelicalism towards constantly adding new members (often slaveholders) and so they had to dilute their antislavery message somewhat. But Wolf sees that the loose organization of the church lacked the institutional structures to enforce discipline on antislavery initiatives. "As in Virginia as a whole, it seemed that any push toward emancipation was stopped by the collective voice of the white community, whose material interests and cultural values rested on slavery." See *Race and Liberty*, 96-100. Iaacarino calls them "politically ineffective." See *Virginia and the National Contest*, 33. See also, W. Harrison Daniel, "Virginia Baptists and the Negro in the Early Republic," *Virginia Magazine of History and Biography*, 80 (1972): 65-67; Davis, *Problem of Slavery*, 204-8, Frey, *Water from the Rock*, 248-9. Cf., Egerton argues for a more discernible Baptist impact on antislavery in Virginia. See *Gabriel's Rebellion*, 9-11.

³⁶ Eva Sheppard Wolf thought that the Methodists lacked secure foundations as they were an "immature and growing sect" that required an influx of members to prosper. They were trying to grow their ranks while Quakers were purging their own ranks of slaveholders and "lukewarm" members. Antislavery in slaveholding Virginia could be an impediment to the growth of Methodism, at least in the south. Wolf, *Race and Liberty*, 95.

³⁷ The narrative of the rise and fall of Methodist antislavery has been told many times. See Iaacarino, *Virginia and the National Contest*, 15-18, Fredrika Teute Schmidt and Barbara Ripel Wilhelm, "Early Proslavery Petitions in Virginia," *The William and Mary Quarterly*, 30 (1973), 135. Davis, *Problem of Slavery*, 204, Frey, *Water from the Rock*, 246-247, Wolf, *Race and Liberty*, 83-91. The rules adopted on slavery are reprinted in Leroy M. Lee, D.D., *The Life and Times of the Rev. Jesse Lee* (Louisville: John Early for Methodist Episcopal Church, 1848), 164.

emancipation of all slaves. Lee's recommendation was that it was best not to discuss the issue in Virginia at least for the present.³⁸

English leadership discovered that the Virginia rank and file did not support manumission. The leaders themselves, however, were not willing to go very far or face much resistance in their "lukewarm" commitment to antislavery. Coke implicitly justified the failure of their antislavery commitments by describing the "violent" resistance he encountered when he tried to preach his antislavery message in Virginia.³⁹ Of course, Robert Pleasants and the Quakers had been advocating emancipation and manumission without being subjected to physical attacks since the 1770s (though some of the freed people Pleasants had manumitted had been abused by white neighbors). Moreover, Virginia Quakers held public meetings, resembling in many respects evangelical revivals

³⁸ Lee's biographer notes of the exchange that "Mr. Lee regarded the whole Ecclesiastical proceedings in the premises as ill timed; and without questioning the pure intentions of those concerned in these measures for the extirpation of slavery, he nevertheless considered the whole as extrajudicial, and calculated to excite the strong prejudices of an interested and resisting community against those engaged in the crusade against slavery...[Lee] knew the opinions and feelings of those against whom these measures were directed, and he forewarned the Conference against stirring up the wrath and indignation of the community by pressing rules demanding the Methodists to emancipate their slaves." Lee's biography, compiled in 1848, was published by a Methodist printing house in the South and written by a descendent who presents the Methodist capitulation as a prudent and wise measure beneficial to all. In addition, it presents and refines some articulations of the slaveholder's argument against emancipation that were perhaps more indicative of the late antebellum period. Looking back to this pivotal moment in Methodist history, Lee's biographer thought if emancipation was pressed too hard on "the people," there would be a backlash by those not in favor of emancipation based on a sense that emancipation was "interference with their civil rights and interests" leading to the formation of a "general opposition as to prejudice the interests of the slave, and preclude any future attempts at emancipation." In essence, if you want to free the slaves, do not agitate for the slaves. Lee's second set of objections were "drawn from the injurious effects these measures were already producing upon the religious interests of the people." It seems to Lee (and to his antebellum biographer), that the antislavery measures could have killed the fledgling American society in its nest: "It had separated between brethren, alienated the ministers from each other, and the people from their pastors, and was rapidly spreading, like a plague-spot, through all the ramifications of society." Lee wanted a course of action, "less exciting, and more calm, deliberate and conciliating." Lee, *Life and Times of the Rev. Jesse Lee*, 170. See also Minton Thrift, *Memoir of the Rev. Jesse Lee, with Extracts from His Journals* (New York: N. Bangs and T. Mason for the Methodist Episcopal Church, 1823), 78-79; Iaacarino, 19.

³⁹ For Coke's account of the incident see Thomas Coke, *Extracts of the Journals of Rev. Dr. Coke's Three Visits to America* (London: G. Paramore, 1790), 33-36.

in which both blacks and whites attended. Visiting ministers did not report any vigilante disruptions.⁴⁰

Historians have generally accepted Coke's account of violent slaveholder resistance.⁴¹ No one has suggested that perhaps Coke exaggerated his account. Certainly, he encountered some resistance, but the Methodist Society's reputation along with Coke's, benefits from claims that Virginia slaveholders would extinguish all talk of antislavery with violent mob action. Indeed, if the threat of flogging, most likely exaggerated in his re-telling, at the behest of a "high-handed [Virginia] Lady" was enough to silence Coke and the Methodist leadership, then support for the antislavery agenda was indeed brittle, much more so when compared to Pleasants and many of his fellow Quakers who were willing to suffer abuse, loss of property, and official harassment for the sake of antislavery. It was not the threat of violence that snuffed out Methodist antislavery. Antislavery, as a moral proposition remained noble, but its placement in the hierarchy of what needed to be done was downgraded by a recognition that Virginia slaveholders would not convert without their slaves and so accommodations were made. Quakers, on the other hand, cleansed their ranks and closed their society to slaveholders and as a result the meetings withered in Virginia. Methodist leaders had to reassess once it became clear that there were more than a few men like Jesse Lee within

⁴⁰ Sarah Harrison, "Memoirs of the Life and Travels of Sarah Harrison, late of Philadelphia, deceased" *Friend's Miscellany*, XI (1838): 105-111. The account must be read with caution as it seems at times to exaggerate the number of manumissions that resulted from these meetings, but there seems no reason to doubt that these visiting Quakers held public meetings attended by both black and white people, preached emancipation and were not assaulted.

⁴¹ Wolf sees the incident as revealing a "deep seated, violent resistance to [Coke's] antislavery message." Wolf, *Race and Liberty*, 90. Coke, in McColley's words, "decided that the hostility of slaveholders toward his ideas derived from their great fear of a slave revolt" and was therefore unchangeable inducing him to focus his sermons to slaves on the "Christian duty of obedience to their masters, so long as the laws retaining them in slavery had not been repealed."); Robert McColley, *Slavery and Jeffersonian Virginia* 2d., ed. (Urbana: University of Northern Illinois Press, 1972), 150. See also Samuel Drew, *The Life of the Reverend Thomas Coke, LL.D.* (London: Thomas Cordueux, 1817), 133.

the Society who defended slaveholding, at least in the present. The issue of slavery would split the fledging movement in Virginia.

Just six months after promulgating the new *Discipline* in 1785, Methodist ministers were authorized “to suspend the execution of the Minute on Slavery” indefinitely.⁴² The conference discontinued substantive action while retaining the posture of antislavery: “We do hold in the deepest abhorrence the practice of slavery, and shall not cease to seek its destruction by all wise and prudent means.”⁴³ In less than a year, the Methodist Society had capitulated on the issue of slavery.⁴⁴ But scattered among the Methodist Society were a handful of members who remained individually committed to antislavery. In conjunction with local Quakers, these Methodist diehards petitioned the Assembly in favor of emancipation. Henry Fry, delegate of Culpeper County, agreed to submit it to the House of Delegates. The petition effort prompted “one of the best-known early defenses of slavery in Virginia.”⁴⁵ The Methodist/Quaker petition used common antislavery arguments that centered on inalienable rights and the principles of the Revolution noting that “the body of Negroes” had been “robbed” of their natural birthright—“LIBERTY.”⁴⁶ To their credit, Francis Asbury and Thomas Coke visited Mount Vernon to ask George Washington to sign the petition.⁴⁷ Washington declined

⁴² Cited in Lee, *Life and Times of the Rev. Jesse Lee*, 171. See also McColley, *Slavery and Jeffersonian Virginia*, 152 and Jordan, *White over Black*, 293.

⁴³ Lee, *Life and Times of the Rev. Jesse Lee*, 171.

⁴⁴ Wolf, *Race and Liberty*, 91.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*; Iaacarino, *Virginia and the National Contest*, 20. Richard K. MacMaster noted that evangelicals drew arguments from political documents and constitutions but “their own anti-slavery position was grounded on the moral evil of slavery in “Liberty or Property? The Methodists Petition for Emancipation in Virginia, 1785,” *Methodist History* 10 (1971): 44. The petition in its entirety is reprinted on pages 48-49.

⁴⁷ McColley, *Slavery and Jeffersonian Virginia*, 151. See also Drew, *Coke*, 138.

their invitation and responded with, in one historian's phrase, "genteel opprobrium."⁴⁸ Elite Virginians would not publically endorse an emancipation plan.

What worried slaveholders was the fact that a small group of committed antislavery activists could offer public challenges to slavery, especially when they coordinated their efforts thus forcing Virginia leaders to address an issue they would have rather avoided, especially in light of the Revolution. The petition combined religious antislavery morality within the framework of the Revolution as support for their position.⁴⁹ The petitioners endowed the Revolution with an emancipationist legacy and logic. They declared that "the Glorious and ever memorable Revolution...doth plead with greater Force for the emancipation of our Slaves."⁵⁰ The oppression of slaves, they noted, was much worse than anything the colonists had suffered at the hands of the British. The petitioners argued that a bi-racial nation of citizens would be stronger than a slaveholding society of white over black: "That the Riches and Strength of every Country consists in the number of its Inhabitants who are interested in the support of its government and therefore to bind the vast Body of Negroes to the State by the powerful ties of Interest will be the highest Policy." They disregarded racist arguments based on physical characteristics as "beneath the man of sense much more the Christian" and the petitioners

⁴⁸ Washington agreed that slavery was disdainful but, in Coke's recollection, "he did not see it proper to sign the petitions." Washington tried to preserve an antislavery pose when he indicated that if the Assembly "took it into consideration" then he would "signify his sentiments to the Assembly by letter." Coke, *Extracts of the Journals*, 45. For George Washington, the most advisable way to end slavery was by legislative action through "slow, sure, and imperceptible degrees." Iaacarino, *Virginia and the National Contest*, 22-3. Washington to Morris, April 12, 1786; Washington to Mercer, September 9, 1786. See also, Washington to the Marquis de Lafayette, May 10, 1786 in Abbot and Dorothy Twohig, eds. *The Papers of George Washington: Confederation Series*, 6 vols. [as of 1999] (1992), IV, 15-16, 43-4, 243.

⁴⁹ MacMaster, "Liberty or Prosperity," 44-55; Iaacarino, *Virginia and the National Contest*, 22; J. H. Johnston, Fleming Bates, William Count, Nathan L. Wums and John Chamberlayn, "Antislavery Petitions Presented to the Virginia Legislature by Citizens of Various Counties," *Journal of Negro History* 12 (1927): 670. Legislative Petitions, Frederick County, November 8, 1785; Legislative Petitions Miscellaneous Petitions, November 8, 1785 at the Library of Virginia.

⁵⁰ The archaic "doth" reveals a degree of Quaker influence.

insisted that they “would not insult the Assembly by enlarging on them.” Gradual emancipation will make “the fear of enormities which the Negroes may commit” groundless. The legal and penal system “where occasion may require will easily suppress the Gross flagrant Idleness either of the Whites or Blacks.”⁵¹ The petitioners rejected the notion of a permanent, racial inferiority and dismissed such claims as “beneath a man of sense” and insulting to enlarge upon in the hallowed halls of the Assembly. The threat of social disorder, for these men, was not inherently a racial problem and the solution was an equal application of the law as written. The petitioners presented a vision of the future that aligned with the principles of the Revolution. Not all Virginians believed that emancipation would lead necessarily to a breakdown of social order.

The response of the Assembly is in some measure a reflection of the petition’s success in weaving together different strands of antislavery into the Revolutionary heritage. It struck a nerve with some in the Assembly and they explicitly rejected the association of antislavery and the Revolution. They saw the Revolution as a vindication of their property rights and saw emancipation as a threat to those hard won rights.⁵² For others, the debates surrounding the petition and counter-petitions served as a moment when they could demonstrate their revolutionary fealty without sticking their necks out politically.⁵³ James Madison, who was in the Assembly, wrote to George Washington saying the petition was “rejected without dissent but not without an avowed patronage of its principles by sundry members.” When the anti-manumission faction made a motion to

⁵¹ Johnston, et al., “Antislavery Petitions,” 671.

⁵² For Schmidt and Wilhelm, “religious and Revolutionary idealism” could cut both ways as it “also influenced the minds of those Virginians who spoke in defense of slavery” even going so far as to “fortifying the proslavery defense.” The petitioners are not contrite, but rather evince a “fierce assertion of property rights and liberty.” See “Early Proslavery Petitions,” 135.

⁵³ Iaacarino notes that that some members in the lower house “defended the ideal of some future emancipation.” See *Virginia and the National Contest*, 23.

throw it under the table, those who aligned themselves with the principles of revolutionary liberty treated the motion “with as much indignation” as the anti-manumission faction.⁵⁴ The petition survived the attempt to table it and some sort of antislavery bill (records have not survived) was presented to the House but it “was thrown out on the first reading by a considerable majority.”⁵⁵

The petition forced lawmakers to confront slavery, its relationship to the Revolution and its future in a republic. Slaveholders began erecting a defense of slaveholding that was not in tension with the Revolution, but sanctified by its precepts. Slavery had been challenged on many fronts during the Revolution. Virginia had banned the import of slaves (an ambiguous act to be sure) but one that nonetheless signaled that slavery was susceptible to legislative infringement. In the chaos of war, slaves had expressed their desire for freedom by running away or fighting. During the war, Quakers like Robert Pleasants had freed slaves and set them out on lands of their own where the formerly enslaved people demonstrated their ability to be productive citizens. Slavery was condemned in the papers, legislative petitions and in conversations. Some said it was immoral and unchristian while others saw it as the cause of Virginia’s rather shabby economic development. The manumission law, pushed by the Quakers, allowed some lawmakers to express their own adherence to the principles of liberty—it seems that they did not expect so many to make use of its provisions. The passage of the act enabled the growth of a free black population—especially visible in the burgeoning town centers of Virginia—Norfolk, Richmond, Alexandria and Petersburg. In these circumstances, the

⁵⁴ William T. Hutchinson and William M.E. Rachal, et al. eds., *The Papers of James Madison* vol. 8 (Chicago: University of Chicago Press, 1972), 403-5. *Journal of House of Delegates*, 1785, 27.

⁵⁵ “James Madison to Thomas Jefferson, January 22, 1786,” in Gaillard Hunt, ed., *The Writings of James Madison* vol. 2 (New York: G.P. Putnam and Sons, 1901), 219.

original antislavery petition was a succinct expression of discontent with slavery, and it forced debate. The result was the organized coalescence of a defense of slaveholding interests combined with articulation of racist concerns regarding the small, but growing, free black population.

The pro-slavery defense began with a rapid response in the Assembly. Anti-manumission legislators drew up a bill to repeal the 1782 Manumission Act, but it was defeated by a margin of 52 to 35. They were opposed by Virginia lawmakers concerned about Virginia's reputation in national politics. Repealing the manumission act would appear unenlightened, but more importantly it would rally antislavery opponents nationally. They might push for legislative emancipation. James Madison thought the ensuing debates and contests would prove poisonous to the political health of the fledging nation. He led the successful legislative defense of the manumission act.⁵⁶ Defeated in the Assembly, slaveholders rallied their slaveholding base in support of a massive petition effort.⁵⁷ There was not enough antislavery support for a public endorsement of emancipation, but just enough to maintain the status quo and defeat the anti-manumission bill. And it appeared that a defense of slaveholding was beginning to take a more pronounced and visible shape in the form of public petitions against black liberty.

The petitioners were not contrite apologists for slavery; rather, they evinced a "fierce assertion of property rights and liberty."⁵⁸ Their rhetorical posture indicates that they took the antislavery arguments seriously and worth repudiating, especially the

⁵⁶ Iaacarino, *Virginia and the National Contests*, 32; *Journal of the House of Delegates... One Thousand Seven Hundred and Eighty-Five* (Richmond, VA: 1828), 91, 107-8, 143. Madison to Ambrose Madison, December 15, 1785, in Hutchinson and Rachal, et al. *Madison Papers* vol. 8, 442-44.

⁵⁷ Teute and Schmidt counted 1,244 signatures and noted that Most of the petitions came from the southside and southwestern piedmont, "which were the only areas of extensive tobacco production after the war. See "Early Proslavery Petitions," 137.

⁵⁸ *Ibid*, 136.

connection with the Revolution. They also sought to reestablish religious justifications for slavery that had been under assault by Quaker equalitarianism and the short lived evangelical protests. Their arguments predate and prefigure the proslavery defenses of the 1830s, especially in their negative (and often fearful) assessment of free blacks.⁵⁹ The petitions are a good indication of the tangled range of feelings, arguments and ideas that emancipationists in Virginia had to contend with.⁶⁰ Looking at these petitions, there was no one pro-slavery response. Instead, petitioners positioned the issue of slavery in relation to property rights, social stability, the Revolution, British loyalists and religion.⁶¹

⁵⁹ Ibid. For Schmidt and Wilhelm, these petitions show that Virginians defended slavery in the post-Revolutionary era in contrasts to the claims of Jordan, Mullen and McColley. Instead of relying on racial inferiority explicitly as in some northern petitions, “Virginians only implied Negro inferiority; their petitions exhibit an extensive scriptural defense that received only slight attention from the northerners who dwelt on Enlightenment reasoning in their attempt to provide a ‘scientific’ rationalization for the existence of slavery.” The petitioners, in contrast to Mullin’s assertions that race relations were good following the Revolution, expressed “a profound fear of free Negroes and felt their society physically and morally threatened by them.” Ibid, 134.

⁶⁰ For the use and importance of petitions in southern history and slavery see, Loren Schweninger, ed. “Introduction” in *The Southern Debate over Slavery Volume 1: Petitions to Southern Legislatures, 1778-1864* (2001), xxix.

⁶¹ The petitions, in Eva Sheppard Wolf’s estimation, represent the threat that some Virginians imagined emancipation held and a “response to social disorder” engineered by “the disruptive evangelizing of preachers who called for emancipation.” See *Race and Liberty*, 113. For Iaacarino, the petitions stated “that natural rights, Christianity, and good policy, were all compatible with slavery.” Iaacarino believed that the petitions were in direct response to the Methodists antislavery, not Quaker, efforts. He also noted the suspicion of foreign influence in antislavery as “a Northern and British-inspired plot to undermine the sovereignty of Virginia and the gains of the Revolution.” The petitions “signaled a gradual move toward the shoring up of slavery as an institution” and helped “initiate a sporadic series of efforts to abolish the liberal manumission law...” He also pointed out the fact that most of the petitions originated in areas south of the James River and the Piedmont (apart from Henrico County). Tobacco was still profitable in these areas and slaves were in high demand. The content of the petitions for Iaacarino centered on what they considered “their natural rights to possess property in slaves” and “grounding the sanctity of slave ownership in natural right, not mere positive law.” If successful, “according to this logic, no legislative enactment could ever take away a master’s natural right to his or her slave.” As for the Revolution, “they claimed that the war was fought to defend slave property.” Petitioners also “declared that legislative emancipation was unconstitutional because it violated the freedoms guaranteed by the Virginia Declaration of Rights” and individuals were not entitled to petition the legislature for unconstitutional demands. Whereas the Methodists had relied on the New Testament, the petitioners “culled most of their Biblical defense of slavery from the Old Testament.” Petitioners also relied on a policy argument; emancipation was “exceedingly impractical and dangerous” and “current citizens and former slaves would be negatively affected and the economy would inevitably suffer.” The petitioners “attempted to denigrate the advocates of emancipation by associating them with British malefactors...By connecting emancipation with British interference and loyalism, defenders of slavery essentially characterized antislavery as not only a threat to personal property rights, but Virginia’s sovereignty as well.” It was not simply a useful attack on emancipationists, as “both republicanism and a particularly eighteenth century mode of conspiratorial

The petitions generally concluded by asking the Assembly to reject all emancipation schemes and repeal the manumission act.⁶² The delegates responded to both sets of petitions by laying them on the table in committee.⁶³ The idealism of the Revolution was running into the needs of an anxious white populace concerned with protecting slavery. Amendments would be proposed in 1787, one of which required freed slaves to leave Virginia in twelve months or risk being sold back into slavery with the money going to the county fund for the poor. It was defeated by a vote of 56 to 32, with 20 members abstaining.⁶⁴ The numbers indicate that there was a base of support among the Assembly in the 1780s that worked to protect the manumission law, but were increasingly at odds with large numbers of their constituents.⁶⁵ Thomas Jefferson

thinking gave such arguments a compelling force.” *Virginia and the National Contest*, 25-30. See also Gordon Wood, “Conspiracy and the Paranoid Style: Causality and Deceit in the Eighteenth Century,” *William and Mary Quarterly* 39 (1982); 401-441. John Kukla notes that the petitions present “shocking” but “honest expressions of American values and American ideology” from the time of Madison and Jefferson. For Kukla, the petitions “combined a Lockean reading of property rights with Old Whig concerns about the *virtu* and independence of republican citizens” while seeking to enlist the “intellectual momentum of the American Revolution firmly in support of slavery.” In his estimation, the petitioners argued that manumission posed a “dangerous threat” to liberty and property of the petitioners. The petitioners wanted four things to happen: the legislature had to secure the property rights of the people—i.e. they had to act as guardians of vested property rights. For them, the General Assembly had been charged by the people with a “Guardianship” of their established rights. Second, the petitioners wanted the Assembly to reject outright any calls for emancipating their property—“our Slaves.” Third, the Assembly should repeal the Manumission Act of 1782. The last requested action was related to what Kukla calls the “anti-crime agenda of 1785.” The petitioners requested that the Assembly “provide effectually for the good Government, and due restraint of those already set free, whose disorderly Conduct, and thefts and outrages, are so generally the just Subject of Complaint; but particularly whose Insolence, and Violences so frequently of late committed to and on our respectable Maids and Matrons.” See John Kukla, “On the Irrelevance and Relevance of Saints George and Thomas,” *Virginia Magazine of History and Biography*, 102 (April 1994), 261-270; 267-8. See also Theodore Stoddard Babcock, “Manumission in Virginia 1782-1806” (M.A. thesis, University of Virginia, 1974), 29.

⁶² Teute and Schmidt, “Early Proslavery Petitions,” 146.

⁶³ Wolf, *Race and Liberty*, 94.

⁶⁴ *Ibid.*, 114. See also, *Journal of the House of Delegates...1785*, 91-92, 110; Hunt, ed., *Writings of James Madison* 2, 203-4; *Journal of the House of Delegates...1787*, 35, 45, 48, 57, 126, 128-9.

⁶⁵ In support of this contention, Wolf noted that the Assembly rejected the pleas of Joseph Mayo’s heirs to invalidate his will and its freedom provision in 1787 and in 1788, “the legislature failed to act on a petition from the citizens of Henrico County complaining that the manumission law was ‘imperfect and unjust’ since certificates of manumission were ‘liable to forgery’ and insufficient provision was made in them to ‘guard the rights of creditors.’” And finally, in 1791, the Assembly rejected a proposal to modify the manumission law. Wolf, 114-115. See also *Journal of the House of Delegates...1787*, 25, 75, 79; Hening, *Statutes* 12, 611, 613; *Journal of the House of Delegates...1788*, 45; Peter Joseph Albert, “The Protean

recognized the changing winds and sided with the anti-emancipation members and submitted a bill that would require freed men and women to leave the state one year after being freed. It was defeated, but it was clear that support for antislavery was slipping among the elite.⁶⁶

Pleasants understood that one of the problems that faced emancipationists was the increasing demonization and prejudice directed at free black Virginians. Pleasants thought the goal of emancipation could be advanced by educating them and giving them the tools to become economically self-sufficient, but socially compliant, and therefore non-threatening to white citizens. To that end, Pleasants began circulating an idea that he had most likely gleaned from Anthony Benezet—education as a means of helping to assuage white anxieties regarding freed blacks. It was Benezet’s conviction that slavery and its effects could be defeated by education.⁶⁷ Pleasants and Benezet discussed their visions of freedom for blacks and what it should look like.⁶⁸ But not all Quakers shared their enthusiasm for continued involvement with free blacks. The exchange between

Institution: the Geography, Economy and Ideology of Slavery in post-Revolutionary Virginia,” (Ph.D. diss., University of Maryland, 1976), 230. For Russell, the petitioners were opposed by people who had endorsed the manumission act with “a view to removing the restraints upon the will of the master for the sake of the master’s freedom. Neither the proposition for emancipation nor the project for the repeal of the law authorizing manumission could command their support.” The contest of 1785 resulted in a “compromise” between the two extremes: “the act authorizing the manumission remained on the statute book, and represented the policy to which the State remained for many years firmly committed. John Henderson Russell, *Free Negro in Virginia 1619-1865* (Baltimore: Johns Hopkins University Press, 1913), 60 n. 68.

⁶⁶ Iaacarino, *Virginia and the National Contests*, 32-3. See also, “A Bill concerning Slaves,” in Julian P. Boyd, et al., eds. *The Papers of Thomas Jefferson*, 470-3 and *Journal of the House of Delegates...1785*, 12-15, 54, 64, 71, 78, 79, 133.

⁶⁷ In Pennsylvania, Benezet had found some success in putting young blacks with “country friends” but has not yet “had the opportunity to try them in the case of infants.” But Benezet is “very adverse to placing young Negro lads in this City” expect in a trade like shoemaking. Benezet sees the danger of “menial service in the kitchen or stable “where they associate with servants in leisure and are soon corrupted.” For Benezet, young lads would best be placed with religious country families where they can learn husbandry or a cottage trade. “A Bundle of Letters Addressed to Robert Pleasants: Anthony Benezet, March 17, 1781” in *Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland* Vol. 3 Miscellaneous Materials (1906) at the Valentine Richmond History Center, Richmond, VA.

⁶⁸ *Ibid.*

Pleasants and Benezet also shows that as Quakers achieved emancipation statutes and cleared themselves of mastery, their sense of responsibility to freed blacks faded.⁶⁹

Prior to the Revolution, Friends had been unsure about the value and purpose of education—there was tension between “useful” learning, which many Quakers supported—mathematics, reading, science versus more rarified, academic learning. Quaker meetings in Virginia tried to establish schools for Quakers and some non-Quaker neighbors.⁷⁰ Generally, southern states forbade the education of blacks in the latter half of the antebellum period “in the interest of public safety.” But in the early national period, “there were no laws against such instruction.”⁷¹ Pleasants believed that a logical consequence of antislavery was to support the education of freed slaves—men and women “who by being detained in Bondage have not had the same opportunities of improvement” as other people. It was hard to bring together the resources to begin such a project. The state was burdened by “high taxes” and the “decay of trade.” Friends were leaving eastern Virginia seeking land in the Piedmont and the Valley beyond.⁷² Pleasants solicited aid from English Friends. Pleasants asked John Townshend to “represent the case to some of our rich friends on your side of the water” who would aid in the “establishment of suitable schools for the proper education of that unhappy people.”⁷³

⁶⁹ Benezet noted: “Thy observation on the duties that is upon us to put forward the education of the poor blacks & the satisfaction it would afford particular Friends who would interest therein is very agreeable to my sentiments” and “Thy remark on the backwardness of Friends amongst us to promote the welfare of the Blacks except where there is a prospect of advantage to themselves is painful to me in this as in all others where there is a selfish disposition it will manifest itself.” Ibid.

⁷⁰ Jay Worrall, *The Friendly Virginians: America's First Quakers* (Athens, G.A., 1994), 252.

⁷¹ McColley, *Slavery and Jeffersonian Virginia*, 70. McColley noted that most planters provided their children with “at least an elementary education” either by tutor or a local grammar school. Finishing academies were starting to appear and higher education was limited to the College of William and Mary. Ibid, 41-47.

⁷² Robert Pleasants to John Townshend, 12 Feb. 1788, *Letterbook*,

⁷³ Ibid.

The Society was pushing forward with cleansing its ranks of slaveholders and thus emboldened Pleasants to take action on his education initiatives. 1785 was also a pivotal year in another respect for Virginia antislavery. As the evangelical effort fizzled, Virginia Quakers were shoring up the institutional structures necessary to completely clear the Society of slaveholding. Committees were formed to visit Friends who had not yet manumitted their slaves. At the yearly meeting, reports of antislavery progress arrived: most Friends had manumitted their slaves, yet some still have not “done this act of Justice.” Robert Pleasants was not the only Quaker interested in educating free blacks. The Yearly Meeting asked the lower meetings to report on the progress of religious and literacy instruction: “Do any friends hold Slaves, and do all bear a faithful testimony against the practice, endeavoring to instruct the negroes under their care in the principles of Christian religion and teach them to read?”⁷⁴ The query was especially intended for Quakers who, like Pleasants, had custody of slaves who could not be freed on account of their youth or particular legal provisions that delayed emancipation.

On the whole, Quakers were effective in ridding themselves of slaveholding. Having declared that slaveholders were to be disowned if they did not manumit, the Society extended its ban on slaveholding to overseeing slaves. For Virginia Friends, the ban on slaveholding would be “exercised towards them as with those who hold slaves.” The measures proved effective in cleaning out the stain of slaveholding.⁷⁵ But the Friends were much less effective against slavery itself. Quakers did not devote the same measure of resolve and institutional commitment to improving the lives and political situation of free black Virginians. Although Quaker beneficence extended to free blacks and slaves,

⁷⁴ Yearly Meeting Minutes, May 1785, *Original Records of Quaker Meetings in Virginia*.

⁷⁵ Yearly Meeting Minutes, May 1786; See also Untitled Extract, 10 Aug. 1786 appended to “Some Account of the first Settlement of Meetings,” *Letterbook*.

Quaker membership did not. Quakers seem to have contended themselves with providing generalized Christian instruction but did not seek to include black men and women in membership, at least in Virginia.⁷⁶ From contemporary accounts it is clear that Quakers included black Virginians in some meetings but those contacts did not lead to an extension of complete fellowship in the Society. They could have been a source of rejuvenation in a period of decline for the Society.

Recurring in Quaker accounts is a sense of declension. Robert Pleasants remarked on it often. The Quaker sense of declension was paralleled by a sense that Virginia as a whole was also declining.⁷⁷ There was little doubt that the Society was weakening in Virginia as adherence to discipline waned and membership rolls contracted. Black men and women could have represented an infusion of new life into the Society, but there was one problem—race. All men and women were equal before God but Friends, if they were to remain Friends, were required to marry fellow Friends. What would the reaction be if the Society recognized inter-racial unions? There is no recorded discussion of these issues in Quaker records, but that does not mean they did not take place. The very presence of black folks at Quaker meetings must have sparked some

⁷⁶ “There were no greater illusions than the belief that emancipators would embrace ex-slaves in religious communion; or above all, the belief that religious instruction was a step toward the slaves’ emancipation. The Quakers were a highly exclusive sect, intent on purifying their own lives in accordance with in-group norms...they sought to diffuse a spirit of benevolence and to create a social environment congenial to their own discipline.” Davis, *Problem of Slavery*, 208.

⁷⁷ Hugh Judge (a Quaker minister) visited Virginia. He found provisions hard to find for both himself and his fellow companions and their horses. He wrote: “So sorrowfully poor is the situation and condition of many of the inhabitants of old Virginia, that travelers are hardly beset to get a little refreshment; yet they abound with negroes, and their land in many places is almost worn out; so that it keeps them bare and busy in order to get a little for themselves to live on; and if this is the case with them that come in first for what is raised, how must we suppose the poor slaves fare? They are indeed to be pitied,—many of them being almost naked: so that my heart has been filled with sorrow as I rode along, in beholding the situation of the poor blacks.” As for the Quakers, he noted: “So great is the departure from our Christian profession, that my heart was pained to behold the declension, so that such ought to be way-marks to others do not even keep to the plain language.” Hugh Judge, *Memoirs and Journal of Hugh Judge: A Member of the Society of Friends Minister of the Gospel; Containing an Account of his Life, Religious Observations, and Travels in the Work of the Ministry* (Philadelphia: John and Isaac Comly, 1841), 34-5.

discussion of the issue. Most Quakers were willing to give up slavery, but few were willing or able to challenge racism in all its dimensions. In this regard, Robert Pleasants stands as an exception to the norms of his contemporaries.

In terms of psychology and experience, however, he had much in common with his gentry neighbors. But Pleasants had little in common with a man like George Washington. Washington admired Quakers for their resoluteness but thought them wrongheaded on slavery.⁷⁸ Pleasants wrote a letter challenging Washington on slavery, racism and the meaning of the Revolution. Pleasants told Washington that God had been “instrumental in bringing about an extraordinary Revolution,” and had given him command of the American Army to promote “the cause of liberty and the Rights of Mankind.” After the war, it was strange that “many who were warm advocates for that Noble cause during the War, are now sitting down in a State of ease, & dissipation, & extravagance, on the labor of Slaves.” After subjecting himself “to the greatest fatigue and dangers” in the cause of Liberty, Pleasants wondered if Washington would continue to withhold liberty from his slaves as “the Right of freedom is acknowledged to be the natural and inalienable right of all mankind.”⁷⁹ It was not a failure in Washington’s character, Pleasants observed, because Washington had displayed “uncommon generosity

⁷⁸ He had experienced Quaker recalcitrance in the French-Indian War conscripting Friends to serve in the militia. See “A Detailed Account of the first Settlement of Meetings and Sufferings in Virginia,” *Letterbook*. Pleasants sent a letter of encouragement to the young Friends urging them to remain committed to their pacifism. Robert Pleasants to William Hanley and five other Friends taken as soldiers and confined in Winchester, Virginia, 30 June, 1756, *Letterbook*.

⁷⁹ Robert Pleasants to George Washington, 11 Dec. 1785, *Letterbook*. Most likely, Pleasants included Dickinson’s *Draft of an Act for the Gradual Abolition of Slavery in Delaware* written around 1785. For a copy of the *Draft* see, Charles Janeway Stille, *The Life and Times of John Dickinson, 1732-1808* (Philadelphia: J.P. Lippencott Company, 1891), 424-431. George Washington’s manuscript collection of antislavery tracts, and his own views of emancipation, has been recently examined in Francois Furstenberg, “Atlantic Slavery, Atlantic Freedom: George Washington, Slavery, and Transatlantic Abolitionist Networks,” *The William and Mary Quarterly* 68 (2011): 247-286. The letter itself is reproduced with commentary in Fritz Hirschfeld, *George Washington and Slavery: A Documentary Portrayal* (Columbia: University of Missouri Press, 1997), 193-5.

of thy conduct in other respects.” No, the problem lay in “the effect of long custom” and racial prejudice.

Pleasants urged Washington to act without delay: “It is a sacrifice which I fully believe the Lord is requiring of this generation, and should we not submit to it, is there not reason to fear, he will deal with us, as he did with Pharaoh on a similar occasion?” Pleasants continued: “We read, ‘where much is given the more will be required,’ and as thou hast acquired much fame in being the Successful champion of American liberty, it seems highly probable to me that thy example & influence at this time, towards a general Emancipation would be as productive of real happiness to mankind, as thy Sword may have been.” Pleasants tried unsuccessfully to convince Washington that supporting emancipation would be a crowning achievement of the “great Actions of thy life.” But such moments are fleeting, according to Pleasants, and “the time is coming, when all actions will be weighed in an equal balance and undergo an impartial examination.” In this historical reckoning of Washington’s reputation, Pleasants asked, “how inconsistent then will it appear to posterity, should it be recorded that the great General Washington without fee or reward had commanded the United forces of America” relieving the colonies from “tyranny and oppression” and yet, after all, “had so far continued those Evils as to keep a number of people in Slavery, who are by nature equally entitled to freedom as himself.”⁸⁰ Washington did not respond to Pleasants’s 1785 letter. He would not engage in a discussion of slavery and was most likely offended by Pleasants’s

⁸⁰ Robert Pleasants to George Washington, 11 Dec. 1785, *Letterbook*,

impertinence. He continued to ignore the issue freeing his slaves only after his and his wife's death.⁸¹

1785 proved to be a revealing year in antislavery efforts in Virginia. An inchoate unease with free blacks became paired with a desire to preserve property and social stability which coalesced into an organized defense of slaveholding. No longer would abolitionists work unopposed. Virginia's Quakers, slaves and free blacks had demonstrated how the manumission act could be used to undermine and destabilize slavery.⁸² The very presence of a free black community threatened slaveholder arguments that blacks were incapable of supporting themselves. When black Virginians proved their ability to survive in a hostile, racialized climate they were re-conceptualized from incompetent to highly coordinated subversives. Like the legal instability of the slave's character in law, the various purported social characteristics of blacks could be employed in order to fortify slaveholding interests. The failure of evangelical slavery left Quakers alone and with few allies. But beginning in 1787, emancipationists in Virginia began to look north for an ally in the resurgent Pennsylvania Abolition Society. In the coming years, Robert Pleasants would seek to build an ecumenical and public society which could coordinate and effectuate antislavery initiatives in Virginia. The hope of a popular movement against slavery originating first in the evangelical congregations was proven unlikely for the time being.

⁸¹ Hirschfeld noted: "In 1785, when Washington stood at the pinnacle of his popularity, very few friends—or strangers for that matter—would have dared to lecture him about slavery. With the exception of certain foreigners, most Americans felt too intimidated to even bring up the subject of Washington's Mount Vernon slaves. If perchance they were presumptuous or impertinent enough to raise the issue, and Robert Pleasants' letter is one of only a few known to historians, they were likely to be greeted by indifference. There is no record that Washington even bothered to reply to, or even acknowledge, this unwelcome and brash intrusion into his private affairs." Hirschfeld, *George Washington and Slavery*, 194-5.

⁸² Davis, *Problem of Slavery*, 208.

CHAPTER IV

THE VIRGINIA ABOLITION SOCIETY

The Virginia Abolition Society was premised on the conviction that gradual emancipation could be achieved in post-Revolutionary Virginia through legislation and legal action. It styled itself as an elite organization motivated by humanitarianism, natural law and religion against slavery. The story of the Virginia Abolition Society [VAS], led by its president, Robert Pleasants, marks the final chapter of Virginia's post-Revolutionary antislavery movement. As slaves, abolitionists and free persons resisted slavery in the 1790s, a handful of formal associations would represent antislavery in the legislature, the press and the courts. Silencing these abolitionist voices was part of a concerted effort by slave masters and their political supporters to tamp down antislavery dissension in the late eighteenth century. Virginia's legislators assigned heavy penalties in 1795 for assisting the enslaved with freedom suits. The law would make prosecution of freedom suits nearly impossible.

Antislavery voices, like the VAS, attempted to counter these efforts by aligning themselves with the Revolution and its legacy. Hoping that revolutionary rhetoric and broad religious appeals could unite a coalition of antislavery supporters, they tried to expand their base of membership. At its height, however, the VAS only had around 120 members. The heart of the VAS was a cadre of reformists led by Pleasants. The broader membership was beset by internal weaknesses which was largely responsible for undermining the campaign for emancipation. They proved unable to stop slavery's supporters from framing emancipation as the first step toward social unrest and rebellion.

Arguments for social stability, along with renewed protection of slave holders' property rights carried the day. The VAS and Robert Pleasants proved diligent, however, in forcing members of Virginia's elite to enunciate defenses for slavery and to justify their own personal inaction.

The VAS was founded in 1790 by Robert Pleasants. The official name was the Virginia Society for Promoting the Abolition of Slavery, and the Relief of Free Negroes, and Others, Unlawfully Held in Bondage, and Other Humane Purposes [hereafter the Virginia Abolition Society or VAS]. Pleasants was President of the Society until his death in 1801. The VAS was Pleasants's attempt to organize a non-denominational antislavery organization that would push for gradual emancipation. By examining how the VAS was organized, the problems it encountered, the manner and means by which it pushed its agenda, its occasional successes and more numerous failures, we get a detailed picture of how a small group of antislavery men challenged the institution in the early republic. The VAS preferred to petition and gently persuade lawmakers to pass antislavery legislation; it was not a radical organization. Yet the response of slaveholders to the VAS reveals a high degree of white anxiety concerning manumission, free blacks, and the threat of slave rebellion. The VAS pushed slaveholders and lawmakers to respond to their political, moral and legal challenges to slavery. They responded by silencing critics using the coercive power of law. Freeing slaves became a threat to public safety.

At the beginning of the 1790s, free black communities began forming in towns and in some areas of the countryside. The visibility of free blacks challenged racial assumptions associating blackness with enslavement. Slave masters were also made anxious by the violence of the Haitian Rebellion. News of it reached Virginia followed

by scores of refugees on her shores demonstrating that slaves could not only rebel, but could overthrow both government and society. The rebellion also revealed the consequences of a slave rebellion—whites would be driven out and made refugees. Slavery's defenders felt compelled to respond to these challenges and reassert white control of Virginia. In the 1790s, lawmakers passed numerous acts of legislation requiring slave masters and county authorities to exercise stricter control over slaves and free blacks. Despite these measures, the enslaved could still coordinate resistance and political action across the Tidewater. In 1801, Gabriel's Rebellion (an aborted uprising of slaves to take control of the city of Richmond) confirmed in the minds of many white Virginians that emancipation could not be uncoupled from social unrest and rebellion.

The VAS faced an uphill battle and was undercut further by dissension within its ranks. Some Quakers disapproved of it and its president. They accused Robert Pleasants of hubris and overstepping his place. Although Virginia Quakers had made slave owning a disownable offense in 1784, they had proven less committed to advocating emancipation outside of their own membership. Having cleared themselves of slavery, many Quakers were content to let the people of the world do as they would. It was a time of emerging quietism among Virginia's Friends.

The problem was partly geographic. Unlike its northern counterparts, the VAS was one of the few American abolition societies of the time embedded in a slave society. It was an elite organization and in Virginia, most members of the elite owned slaves. The decision to only admit emancipators greatly narrowed the range of potential membership in the Old Dominion. Similarly, in their petitioning efforts, the VAS only sought signatures of "the first rank." Middling sorts were turned away squandering an

opportunity to build a more broadly based movement. The elite membership model, however, proved mildly successful in orchestrating freedom suits. What had previously been an *ad hoc* network of legal assistance was formally organized by the VAS. Although a numerically insignificant number of people were freed using the law (in comparison to the hundreds of thousands enslaved), the use of the courts and the common law compelled slave holders to respond. Driven by an anxiety to prevent rebellion and social disorder, Virginia's law makers clamped down on the use of the legal system by slaves and abolitionists.

Enslaved plaintiffs had relied on the common law doctrine of *forma pauperis*, among others, to sue their masters for freedom. In 1795, legislators made it so that only the most egregious case of wrongful enslavement could prevail. Instead of the pliability of the common law, legislators erected a rigid statutory process designed to protect slave holding defendants. They did so by prescribing heavy fines and liability for damages to anyone helping a plaintiff with unsuccessful litigation. In 1798, the legislators barred members of any abolition society from serving on juries when a slave was on trial. If the goal of the legislation were to break the back of abolition societies, it was successful. Membership declined under the threat of legal liability and financial penalties. Unable to expand their membership, the VAS lacked the resources to survive. Lacking the funds to continue expensive litigation, Pleasants thought that education could be an area where the VAS could make a difference. But they received little support. If the formation of the VAS, the passage of the Manumission Act, and the success of individual manumission cases represented the vulnerabilities of slavery in Virginia, the counter-reaction demonstrates that slave holders when presented with a threat could organize quickly and

effectively to protect their interests. The hand-wringing over slavery had given way to a quiet determination to protect slave property.

* * *

The VAS was modeled on the Philadelphia-based Pennsylvania Society for Promoting the Abolition of Slavery and for the Relief of Free Negroes Unlawfully Held in Bondage [PAS] organized by Pleasants's kinsman, James Pemberton. Pemberton was Vice-President but ran the show while ceding the honorary title of President to the elderly Benjamin Franklin. Like its precursor, the VAS petitioned legislatures and lobbied legislators. Both organizations sought the end of the slave trade and gradual emancipation. Both believed that public education would adequately equip former slaves for freedom. The two groups also sought a more equitable legal treatment of blacks. The VAS, like the PAS, also rendered assistance to those who claimed they were enslaved illegally. They donated money and assistance to plaintiffs seeking freedom in Virginia. Whereas the PAS would have a long history in abolitionism, the VAS would falter in little over a decade.

The Pennsylvania Abolition Society was the nerve center of American antislavery in the 1790s.¹ It was, according to Richard Newman, an association of elite but “deferential petitioners.”² In its early years, the PAS was dominated by Philadelphia's

¹ The PAS set the lead and served as a model for other antislavery societies—Wilmington, Delaware (1788); Washington County, Pennsylvania (1789); Rhode Island (1789); Virginia (1790); Maryland (1790); and Connecticut (1790). A society was formed in London in 1787 followed by Paris one year later. Leaders of the PAS sought to correct imperfections in the existing social order, not to create a new one; beyond lobbying and petitioning, the Society sought “strict enforcement of existing laws,” especially against kidnapping and enslaving free blacks. Jeffrey Nordlinger Bumbrey, “A Guide to the Papers of The Pennsylvania Abolition Society,” *Slavery, Abolition and Social Justice 1490-2007* at www.slavery.amdigital.co.uk/Essays/content/PASguide.aspx retrieved 5/21/2010

² Newman focuses two chapters on the PAS. He noted that the PAS pushed for antislavery laws and petitioned courts to rule against slaveholders. It tried to “delegitimize slavery's legal standing in the nation.” The PAS petitioned federal and state governments to ban the slave trade, prevent slavery's expansion into the west and eliminate slavery in federally held territory (Washington, D.C.). In legal terms,

Quakers. Later, it would include prominent individuals such as Tench Coxe, Thomas Paine, John Jay, Noah Webster, Dr. Benjamin Rush and the Marquis de Lafayette as members.³ Although elite, polite and well-connected, members of the PAS engendered spirited opposition from slaveholders demonstrating how antislavery associations could stir public debates at the highest levels.

The tactics of the PAS, although sedate by modern standards, resulted in “fractious” debates in Congress.⁴ In 1790, the PAS along with Quaker meetings from Pennsylvania petitioned the federal Congress meeting in Philadelphia to act against the slave trade.⁵ While the Quaker petitions were tabled, the PAS petition signed by Benjamin Franklin was brought to the floor because Franklin’s name still carried weight

the PAS represented free black illegally enslaved, served to negotiate the freedom of fugitive slaves, and “by requiring northern courts to protect the constitutional rights of blacks, the PAS hampered slavery’s legal protections nationally—turning bondage into a distinctly sectional institution with different legal sanctions in northern and southern courts.” Newman calls it a “republican” strategy and says the PAS was famous “for its distinctly conservative style of activism.” See Richard S. Newman, *The Transformation of American Abolitionism* (Chapel Hill: University of North Carolina Press, 2002), 4-5, 16. Sam Rosenfeld wrote that it typified Revolutionary abolitionism in much the same way the Massachusetts Anti-Slavery Society would do in the antebellum period. He notes: “Elite in its membership and Quaker-dominated, the organization pioneered the basic tenets of late-eighteenth century-abolitionism, chief among them gradualism, a focus on legal activism, and preoccupation with respectability and moderation.” Sam Rosenfeld, “Introduction to The Constitution of the Pennsylvania Abolition Society,” in James G. Basker, ed., *Early American Abolitionists: A Collection of Anti-slavery Writings 1760-1820* (New York: Gilder Lehrman Institute of American History, 2005), 79. David Brion Davis explored the question of who the Quakers attracted to their manumission societies and concludes that apart from Philadelphia, “the major abolition societies represented an extremely narrow and affluent cross section of any given population.” Philadelphia had a fair amount of Quaker skilled tradesmen and retail merchants—comfortable perhaps, but certainly not wealthy. The leadership committees were “dominated by merchants, lawyers, doctors and the holders of high public office.” The other societies often composed of men with commercial interests—bankers, merchants, and speculators and “the abolition societies contained virtually no members with agricultural ‘interests’...” Instead, Davis sees the successful abolition societies as having broader concerns of maintaining social order in an urban context. David Brion Davis, *The Problem of Slavery in the Age of Revolution 1770-1823* (Ithaca: Cornell University Press, 1975), 240-3.

³ Bumbrey, “A Guide to the Papers of The Pennsylvania Abolition Society,” *Slavery, Abolition and Social Justice 1490-2007*.

⁴ Newman, *Transformation of American Abolitionism*, 23.

⁵ “The Memorial of the Pennsylvania Society for Promoting the Abolition of the Slavery, the Relief of Free Negroes unlawfully held in Bondage, & the Improvement of the Condition of the African Race.” Minutes and Reports; General Meeting, Minutes 1775, 1784-1842 PAS Papers Series 1.1, Sec. 2 Minute Book, 1787-1800.

with the public and with congressmen.⁶ The petition caused “the first bitter floor-fight in the U.S. House of Representatives.”⁷ Fearful to reopen the constitutional compromise regarding the slave trade, the House repeatedly tabled the petitions. Local Quakers “packed the gallery” over lawmakers to signal their silent disapproval. Slavery’s defenders derided Franklin as senile and they accused the Quakers of treason for their pacifism during the war. The goal was to discredit “the [Quaker] petitioners by invoking the Revolutionary War.”⁸ Legislators, who were convinced of the present intractability of slavery, saw the petition campaign as impairing the uneasy operation of the new government. The Quaker petitions, however, continued. In the following year, nine were sent in from various abolition societies. More soon followed.⁹ Congress adopted a rule as a result—“prior to 1808, it would be a betrayal of Constitutional agreement to even consider possible ways of restricting slave importations.”¹⁰ This early gag rule, which acquiesced to South Carolina’s participation in the international slave trade, was a victory for slaveholders. William Smith, representative from South Carolina thought the episode had revealed a heretofore unknown, but tacit compromise embedded in the founding:

“The Northern states adopted us with our slaves, and we adopted them with their Quakers. There was an implied compact between the Northern and Southern people that

⁶ See Stuart K. Knee, “The Quaker Petition of 1790: A Challenge to Democracy in Early America,” *Slavery and Abolition* 6 (1985): 151-59; A. Glenn Crothers, “Quaker Merchants and Slavery in Early National Alexandria: The Ordeal of William Hartshorne,” *Journal of the Early Republic* 25 (2005): 59.

⁷ Jay Worrall, *The Friendly Virginians: America’s First Quakers* (Athens: Iberian Publishers, 1994), 241.

⁸ The most effective defense of slavery for historian Robert G. Parkinson was the use of “fresh memories of the Revolutionary War” to impugn the credibility and legitimacy of the petitioner’s arguments. The connection for Parkinson was thus—“what made the recent terrible memories of the Revolution so significant was that now those former Tories were taking on many of the aspects of their British enemy; namely, they were exciting ‘tumults, seditions, and insurrections’ throughout the South. See Robert G. Parkinson, “‘Manifest Signs of Passion’: The First Federal Congress, Antislavery, and Legacies of the Revolutionary War,” in Matthew Mason and John Craig Hammond, eds., *Contesting Slavery: the Politics of Bondage and Freedom in the New American Nation* (Charlottesville: University of Virginia Press: 2011), 50.

⁹ Worrall, *Friendly Virginians*, 242.

¹⁰ Davis, *Slavery in the Age of Revolution*, 132.

no step should be taken to injure the property of the latter, or to disturb their tranquility.”¹¹ It was at this time, in Virginia, that Robert Pleasants began the process of forming an abolition society. Emancipation and antislavery were national issues that had the potential to fracture the fledgling union and the PAS had played a major role in stoking the debate over the slave trade.

Robert Pleasants was excited to hear that the PAS and its national antislavery campaign had inspired men in other states to form abolition societies. The formation and growth of an antislavery society in Baltimore inspired James Pemberton to suggest to Pleasants that an abolition society could be organized in Virginia. It would, Pemberton surmised, greatly benefit the “oppressed blacks” of the commonwealth.¹² Pleasants agreed with him and identified men willing to support abolition in Virginia. In 1790, Pleasants informed Pemberton that “a number of the Methodist Society & others are about to unite with Friends” to form an abolition society. Although the majority of Virginia Methodists had retreated from antislavery, some members remained committed to its precepts. In order to grow the society in Virginia, the VAS had to attract men of different faiths—there were simply too few Quakers with a mind for antislavery in the Old Dominion. If Pleasants managed to recruit enough members, he planned to petition the General Assembly for a gradual emancipation bill.¹³ Experience had taught him that immediate emancipation may not find support among white Virginians: “I don’t know whether the minds of people at large are yet fully Ripe for such a Revolution,” but he wanted to test the waters with the gradual emancipation plan—reasoning that “the cause

¹¹ Ibid.

¹² Quoted in Worrall, *Friendly Virginians*, 243.

¹³ Robert Pleasants to Job Scott, 9 March 1790, in “Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland,” Vol. 4: *The Letterbook of Robert Pleasants*, The Valentine Richmond History Center: Richmond, VA.

of humanity will not suffer by being publicly agitated at this enlightened day.”¹⁴ Virginia could not forever resist “the Spirit of Liberty.”¹⁵ He hoped that Spirit would compel men of different denominations to join the VAS.¹⁶ Banding together in a society, Pleasants reasoned, was the only way to “abolish” slavery.¹⁷

In January of 1790, Pleasants invited all “Friends of Liberty” to join “the Virginia Society for Promoting the Abolition of Slavery,” under the maxim: “Righteousness exalteth a nation.”¹⁸ The announcement proclaimed that slavery was an evil that depraved peoples’ morals and inculcated sympathy with tyranny. It was eating away at the republican virtue of Virginians. All those interested in ending slavery, regardless of religious disposition, were invited to join. Some men responded, preliminary meetings were held and a leadership committee was formed. At its first count, the VAS claimed approximately eighty or so members.¹⁹

¹⁴ Robert Pleasants to Gressit Davis, 6 March 1790, *Letterbook*.

¹⁵ Robert Pleasants to Job Scott, 9 March 1790, *Letterbook*. Antislavery proponents scored a number of victories in the Age of Revolutions giving heart to emancipationists across the Atlantic. In 1789, Pleasants was elated that “by the united sentiments & extraordinary Speeches of divers [and] the principal Speakers of the British Parliament, as Wilberforce, Burk, Pitt, Fox, etc., there appears the greatest probability that a total prohibition of the Slave trade has taken place.” Pleasants hoped the British abolition of the trade “will be a prelude to the Emancipations in the W.I. [West Indian] Islands and indeed the World over.” Antislavery, for Pleasants, was a worldwide movement. “For it seems,” he wrote, that “the spirit of Liberty in France was not to be restrained by all the efforts of those in power” and he hoped liberty would sweep like a wave over all the old slave powers. Pleasants was familiar with religious antislavery, but this wave of political antislavery gave hope that a similar, more expansive secular movement was sweeping the Atlantic world. The PAS must have seemed to be a manifestation of that trans-Atlantic movement and confirmation of its mission.

¹⁶ *Ibid.*

¹⁷ Robert Pleasants to Gressit Davis, 6 March 1790, *Letterbook*.

¹⁸ *Virginia Independent Chronicle and General Advertiser*, 27, 30, Jan. 1790. See also, James H. Kettner, “Persons or Property?: The Pleasants Slaves in the Virginia Courts, 1792-1799,” in Ronald Hoffman and Peter J. Albert, eds., *Launching the “Extended Republic”: the Federalist Era* (Charlottesville, VA:1996), 137.

¹⁹ A handful of Methodists were successfully recruited to join the VAS: John Finney (vice-Pres.) and James Smith (secretary). There were also four Methodists on the executive committee: Gressey [alt. Gressit] Davis of Petersburg, Henry Featherstone, Richard Graves, and George Jones. But the majority of the leadership was Quaker—Robert Pleasants (Pres.), James Ladd (treasurer), John and Micajah Crew, Thomas Pleasants, James Harris and John Hunnicutt rounded out the rest of the leadership committee. Worrall, *Friendly Virginians*, 243-4.

While slave holder resistance to the VAS was expected, Pleasants was blindsided by the resistance of fellow Quakers. He was informed that “Samuel Bailey” and “divers Friends” from the south side of the James River “disapproved of Friends being concerned in the late Institution for ‘promoting the abolition of slavery.’”²⁰ Pleasants was shocked and reasoned that only ignorance and an “intemperate Zeal,” could drive suspicion. He was incredulous that Friends would disparage “assistance for the Relief of [slaves] for no better reason” than a narrow aversion to joining with “conscientious people of other denominations.”²¹ If Pleasants represented the activist strain in Quakerism, Bailey represented the opposite. Bailey and his dissenters grouched that the “the pompous titles of the Officers” proved Pleasants’s hubris and pride. Pleasants tried to quell the grumbling; if he lost Quaker support, the VAS would falter. In defense, Pleasants noted that Quakers in England, Pennsylvania, Maryland, and Rhode Island had all joined similar societies. These members were men “of the first character” and there were no complaints from even “the most scrupulous [F]riend in those places.” The offices were temporary appointments and unsalaried and he explained “intended merely for Order in transacting the business of the Society.”²²

Bailey and others objected, however, to “people of different religious sentiments uniting in civil institutions”—even in the furtherance of humanitarian efforts. Pleasants pointed out that Quakers had built a hospital in Philadelphia along with a “house of

²⁰ Robert Pleasants to Samuel Bailey, 23 July 1790, *Letterbook*.

²¹ Glen Crothers argued: “Quaker quietism undermined Robert Pleasants’s 1790 effort to establish the Virginia Abolition Society. Encountering significant opposition from members of his sect, he was forced to cooperate with Methodists.” I would qualify Crothers’s conclusion by suggesting that Pleasants was not forced to cooperate with Methodists but saw them as essential to a broader membership. See Crothers, “Quaker Merchants and Slavery in Early National Alexandria, Virginia,” 70, n. 31. See also Peter Joseph Albert, “The Protean Institution: the Geography, Economy and Ideology of Slavery in post-Revolutionary Virginia,” (Ph.D. diss., University of Maryland, 1976), 176-177.

²² Robert Pleasants to Samuel Bailey, 23 July 1790, *Letterbook*.

employment for the poor.” For Pleasants, antislavery was an extension of a Friend’s humanitarianism: “seeing that friends have been foremost in the Emancipation of Slaves, I can but admire why any should hesitate in promoting that testimony among others.” He argued: “if we believe it to be Right and just that [slaves] should partake of freedom, the more we promote it the better.” There was no cause for concern, in Pleasants’s mind, in uniting with Methodists or any denomination except “papists”—revealing his own anti-Catholicism. If more Friends supported the VAS, their “weight and influence” would ensure order and regularity in “transacting the business.” In comparison to his critics’ narrow focus, Pleasants remained convinced that uniting with other Protestants was “beyond a doubt...productive of Real good.”²³ If Friends would “keep steady” in their testimony against slavery, they would be “extensively useful in promoting the Work of Righteousness.”²⁴ Bailey and the other Quakers were reticent to engage in antislavery activism after clearing themselves of slaveholding. Pleasants reported that Friends in the Tidewater had been “very deficient in attending the meetings of the [VAS]” and few expressed an “inclination to become members.” They were distracted, Pleasants surmised, by “an attachment to their own private affairs” and they were “not fully sensible of the nature of the business” fearing the “danger of mixing with other people even to promote so laudable Work.”²⁵

In addition to challenges from fellow Quakers, Pleasants and the VAS had to face a rather unique constitutional question: could slaveholders be admitted to the Virginia Abolition Society?

²³ Ibid.

²⁴ Ibid.

²⁵ Robert Pleasants to James Pemberton, 19 June 1790, *Letterbook*.

If the VAS were intended to be a primarily a Quaker organization, the issue of members holding slaves would have been a moot issue. But in Virginia, most members of the elite, the group that Pleasants targeted for membership, owned slaves. He feared the VAS would stumble “at the threshold” if they admitted slaveholders. Yet, some members were sympathetic to the idea of a slaveholding abolitionist (exemplified perhaps by Thomas Jefferson). Pleasants had initially assented to admitting “some [slaveholding] Members of ability & candor,” but the failure to attract elite members caused him to reconsider. It was “very unlikely” to Pleasants those slaveholders could effectively promote the abolition of slavery. Slaveholders would not, he was convinced, “promote a business contrary to their interests.” Moreover, the admission of slaveholders would generate dissension among the membership and Pleasants thought “we had better step Slowly & Safely.” He resigned himself to a smaller membership—“if we have fewer members...I have no doubt [that] the business will be done more to satisfaction.” He was “disgusted” with the “spirit and intention” of the effort to admit slaveholding members.²⁶

A meeting was called to decide the issue and the offending provision “expunged without a dissenting voice.”²⁷ The Methodists who had been “warm advocates” of admitting slaveholders changed their minds. Pleasants was suspicious. The Methodists, he suspected, realized their “dependence on friends in the management of the business.” They capitulated, he concluded, because they feared that Pleasants might dissolve the VAS completely rather than admit slaveholders. The Methodist members did not act in bad faith; rather, it seems they believed that expanding the society to include slaveholders

²⁶ Pleasants related his conversation with Pemberton in a letter to Gressitt Davis. See Robert Pleasants to Gressitt Davis, 30 April 1790, *Letterbook*.

²⁷ Unfortunately, no record of the debate survives.

would allow it to grow in membership and resources. They were committed to the VAS; but had a different vision for its development. Pleasants believed that the recent visit of Bishop Francis Asbury to Petersburg played a part in their changing position.²⁸ Pleasants spoke with an unnamed source within “the Methodist Conference” who claimed that the Methodist “preachers unanimously approved” of the VAS. Bishop Asbury was “much pleased” and was “very sanguine in his expectations of it” and thought it might become a “fatal stab to oppression.” Moreover, Asbury had agreed, according to Pleasants’s source, “to adjourn the [Methodist] conference in order to wait on the Society with preachers.” But, “the Bishop [Asbury] did not come.”²⁹ The support of the Methodists was essential in broadening and deepening the movement against slavery, but as Pleasants sought to construct new additions to the movement, the foundations he built upon were not very deep or strong, especially when buffeted by an increasing hostility to manumission and emancipation in the 1790s.

* * *

The debates in Congress over the Quaker and PAS petitions demonstrated that slavery had the potential to split and therefore disrupt legislative assemblies. The Manumission Act of 1782 spurred the growth of a free black population destabilizing the color line separating freedom and slavery. The anti-emancipation petition drives of 1785 were the first manifestations of a backlash against freedom. That backlash found a subsequent target in the Virginia Abolition Society. In the first half of the 1790s, essays

²⁸ For Asbury in general, see John Wigger, *American Saint: Francis Asbury and the Methodists* (New York, Oxford University Press, 2012).

²⁹ Robert Pleasants to James Pemberton, 19 June 1790, *Letterbook*. The Methodist Conference was indeed held in Petersburg starting on the fourteenth of June. See Robert Paine, *Life and Times of William M'Kendree: Bishop of the Methodist Episcopal Church, Volume vol.1* (Nashville: Publishing House of the Methodist Episcopal Church, South, 1869), 75.

appeared in the papers arguing against the VAS and its mission of freeing slaves. Laws passed in 1792 curtailed the legal effects of manumission—slaves could be freed, but freed people could also be re-enslaved—and encouraged county authorities to identify and jail potential runaways. In 1795, Virginia lawmakers made abolitionists personally liable for unsuccessful freedom suits. They revised the law so that only the most egregious case of wrongful enslavement had any chance of success in the courts. Although internal problems hindered the VAS, the external challenges that confronted the Society would prove more pernicious.

Thomas Jefferson agreed with Edmund Randolph that the “abolitionist strategy augured ill for the American republic.” Randolph supported private manumission, but opposed any compulsory emancipation of slaves.³⁰ He wished that the “situation of the country” would enable him “to endorse [emancipation petitions]” but he could not. His support for private manumission did not extend to public policy:

“I write merely as a private man: and in that character I am free to declare, that whenever an opportunity shall present itself, which shall warrant me as a citizen, to emancipate the slaves, possessed by me, I shall certainly indulge my feelings, as a man, informed with a sense of the rights of this unfortunate people and regardless of the loss of property. For such an opportunity, my best endeavors shall not be wanting.”³¹

Randolph represented a sentiment of some elite Virginians. Their disapproval of slavery, like Randolph’s never gave rise to action and they, like Jefferson, saw antislavery agitation as ill-advised. Sympathetic opinions towards antislavery were thinly rooted compared to the deep psychological, economic and historical attachments to

³⁰ Newman, *Transformation of American Abolitionism*, 33. For Randolph, see John J. Reardon, *Edmund Randolph: a Biography* (New York, Macmillan: 1975).

³¹ Edmund Randolph to Benjamin Franklin, August 2, 1788, in “PAS Papers Series 2.2 Correspondence, Loose Correspondence, incoming 1784-1795,” The Pennsylvania Abolition Society at The Historical Society of Pennsylvania: Philadelphia, PA. Available on-line at *Slavery, Abolition and Social Justice 1490-2007* at www.slavery.amdigital.co.uk/

slavery in Virginia. Pleasants believed that many of his neighbors opposed emancipation because of the long standing “custom” of slave ownership in the Old Dominion.

Owning slaves had a bewitching effect on masters because it enabled them to hold absolute “power” over the lives of others. This psychological effect was compounded over time as the forces of law, history, power and personal convenience combined to “lay waste the tender feelings of humanity and the moral obligations among men.” Pleasants argued that the “evils” of slavery “become habitual” reinforced by “imaginary interest.” He knew that emancipation entailed a significant economic cost, but believed it was outweighed by the moral, religious and political benefits. Emancipation would occur, he reasoned, when “the minds of the people at large were more fully convinced of the evils attendant on slavery.”³²

He wondered why it had failed when slavery was clearly contrary to Christian equality. How could the religious person “reconcile the depriving our fellow creatures of the common and acknowledged rights of men?”³³ How could Christians “believe it to be wise and just to keep by coercive means any man (malefactors excepted) in a state of bondage?” Of all the people on earth, it was the Americans during their Revolution, Pleasants averred, who “maturely considered the Rights of [M]an, and the dignity of their nature as the most Noble part of Creation.” And yet, many Virginians denied the fact that people of every “Nation, language, [and] color” were all brothers and sisters under God.³⁴ Pleasants had hoped that religion and moral consideration would lead the way.

³² *Richmond and Manchester Advertiser*, 25 November 1793: Robert Pleasants, “Essay against Slavery signed A Citizen of the World, October 29, 1793,” *Letterbook*.

³³ *Ibid.*

³⁴ *Richmond and Manchester Advertiser*, 25 November, 1793.

Supporters of slavery responded by writing articles attacking manumission and its proponents. News of the VAS had spread in the Tidewater stoking discussions of emancipation. In response, articles appeared in the *Virginia Gazette* defending slavery.³⁵ “Z.L.,” an anonymous writer, argued that “no man who has labored to purchase a servant to assist him in the cultivation of his farm would willingly loose that part of his labor.” Slavery, in his view, rewarded economic thrift and augmented the labor capability of middling farmers; the farmer had earned the right to purchase a servant to work beside him in the fields thus slavery enabled economic advancement and social advancement. To ask a white farmer to renounce that right was to deprive him of the benefit of his own labor. It was absurd, according to “Z.L.,” that “society should claim his Horse, and leave him to draw the plow.”³⁶ He was appealing to a growing class of new slaveowners who broadened political support for slavery. “Z.L.’s” language tracked changes in Virginia’s economy: farms and plows had replaced plantations and hoes in many areas. Instead of addressing tobacco plantation masters, he addressed farmers who had become slaveholders.

Other authors attacked abolitionists as “radicals.”³⁷ They argued emancipation was dangerous. “A.C.” believed that blacks were to some degree naturally inferior to whites because they could not take care of themselves; yet he acknowledged the ability of slaves to plan and organize a coordinated uprising. He proposed a rather unusual solution to the problem—turn slaves into servants by forcing all those in existence to serve a “99 year term.” Mistreatment by masters would result in freedom thereby encouraging

³⁵ It was customary for authors to use pseudonyms or initials to conceal their identity. Pleasants included the articles in his *Letterbook* and the language, tone and subject are unmistakably unique to Robert Pleasants.

³⁶ *Virginia Independent Chronicle and General Advertiser*, 2 June 1790.

³⁷ 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), 108-9.

humane treatment of slaves. “A.C.” imagined that if slaves were not physically abused they would be content and not rebel.³⁸

Another writer proposed a plan of emancipation that exiled all black men and women to “a Colony in Africa.”³⁹ The author, in this regard, claimed to be “an advocate for the liberation of slaves.” Pleasants disagreed: “I cannot look upon him as a real friend to freedom or his scheme consistent with good policy.” The unnamed writer wanted to deny blacks “the privileges of Citizens” because “there is something repugnant to the general feelings [of white Virginians] even in the thought of their being allowed the free intercourse and marriage with the white inhabitants.” The writer had advanced a pernicious “proof” of these sentiments by asking “where is the man of all those who have liberated their slaves, who would marry a son or daughter to them?” Pleasants also noted that the same unnamed writer argued that blacks formed a “separate interest” distinct from that of white Virginians and that split in interests would lead to the endangerment of the whole society.⁴⁰

Pleasants felt compelled to respond in the papers. Writing under the pen name, “Humanity,” he attempted to rebut slavery’s defenders and colonization proponents.⁴¹ He contended that all men, regardless of race, were equal in contradiction to the claim that blacks were “an inferior species of mankind.” Pleasants reasoned that “if men with black skins have the same right to liberty” as white men, then slaveowners held titles over their slaves “defective in both law and equity.” He defended the mission of the VAS, declaring

³⁸ Wolf, *Race and Liberty in the New Nation*, 108-9.

³⁹ *Ibid.*

⁴⁰ *Virginia Independent Chronicle and General Advertiser*, 2 June 1790.

⁴¹ *Ibid.*

that it was not engaging in “impropriety” by promoting fundamental rights nor were its actions in any way threatening to peace and stability of the commonwealth.

Pleasants denied that freeing slaves and providing them with civil rights would be “productive of discord.” Instead, freedom and basic civil rights (ownership of property, right to due process, recognition in the law) would align their interests, politically, with their white neighbors. Black men and women would, therefore, have a stake in Virginia remaining a peaceful, stable and productive society. For Pleasants, the union of interests would “establish a permanent constitution.” As to the fears of racial miscegenation voiced by the writers, he supposed “there would not be much danger of his son or daughters intermarrying with them so long as such connection appears so repugnant and those insurmountable prejudices operate so powerfully.” Pleasants addressed the issue of racism just as directly: “But suppose there was real cause to apprehend his son or daughter would get over those prejudices, I ask him, if that would be a sufficient reason to deprive thousands of fellow creatures of one of the most valuable blessings of life?” It was unjust, cruel and bad policy to “deprive the Country of so great a number of laborers” based strictly on racism.

Some had argued, Pleasants noted, that the vast “uncultivated land in the state” and the “extensive territory” to the west presently uninhabited—at least by whites—could be a destination for Virginia’s black population. He did not believe it was conscionable to subject Virginia’s black people to more than a century’s worth of “long hard servitude” only to banish them to the frontier. Pleasant asked if white Virginians had forgotten the “dangers & hardships of a long voyage and a change of climate?” The western frontier “would be as fatal to those born here, as it is to Europeans.” Even if it were possible to

induce black Virginians to engage in self-deportation, or forcibly remove nearly four hundred thousand people, where would anyone “procure a tract of country sufficient to answer the purpose” of hosting them? He concluded that such a scheme was beyond the realm of possibility.

Writers supporting slavery also used the Bible to justify slave holding. They claimed the ancient Israelites kept “the heathen in bondage” with God’s blessing. Pleasants retorted that both white and black Virginians (i.e. Gentiles) were of heathen extraction and so Biblical justifications “by no means apply” nor do they provide the imprimatur for the contemporary enslavement of Africans. God sent down “plagues & judgment” on the Egyptians, Pleasants noted, for their slaveholding. He saw a historical evolution of moral values contrary to slavery. Pleasants placed the American Revolution within a larger evolution of libertarian and equalitarian principles. The Virginia “bill of rights” held particular saliency since it declared “all mankind by nature equally entitled to freedom.” He also quoted a popular passage from the Revolution, which read: “The liberty of mankind is the immediate gift of God...it is inherent and inalienable...The Child of a Slave is as free born according to the laws of nature.”⁴² He closed with a challenge to his readers:

⁴² The quotation is as follows: “It is a capital error in the reasonings of several writers on this subject, that they consider the liberty of mankind in the same light as an estate or a chattel, and go about to prove or disprove their right to it, by the letter of grants and charters, by custom and usage, and by municipal statutes. Hence we are told that these men have a right to more, those to less, and some to none at all. But a title to the liberty of mankind is not established on such rotten foundations. 'Tis not among mouldy parchments, or in the cobwebs of a casuist's brain, we are to look for it; it is the immediate gift of God, and the seal of it is that free will which he hath made the noblest constituent of men's nature. It is not derived from any one, but it is original in every one; it is inherent and unalienable. The most antient inheritance cannot strengthen this right, the want of inheritance cannot impair it. The child of a slave is as free-born according to the law of nature, as he who could trace a free ancestry up to the creation. Slavery in all its forms, in all its degrees, is an outrageous violation of the rights of mankind; an odious degradation of human nature. It is utterly impossible that any human being can be without a title to liberty, except he himself have forfeited it by crimes which make him dangerous to society” Pleasants was quoting John Cartwright, an English opponent of slavery. See John Cartwright, *The Life and Correspondence of Major*

“If however there should be any who can lay their hands on their hearts and honestly say they believe a man born in Africa or their offspring have not the same natural rights to freedom as themselves or can from Scripture or right reason justify perpetual Slavery to people of any particular Country or Color, it might be a satisfaction to many, who doubt the rectitude of bondage among Christians and are fluctuating in their minds between duty and interest, whether to discharge or continue to hold such property; and should they succeed in removing the doubt, it may be a more effectual Remedy to keep up the Value of slaves than stopping the mouths of those who talk about Emancipation.”⁴³

It was in this atmosphere of growing hostility towards emancipation that Robert Pleasants began recruiting potential members for his abolition society. Because it was modeled on the PAS, Pleasants attempted to recruit elite Virginians sympathetic to antislavery. First on the list was Patrick Henry. Combining economic localism and evangelical fervor, Henry could have inspired a measure of popular support for antislavery. But, Henry had a long track record of avoiding antislavery commitments. Like Edmund Randolph, he averred private support for manumission, but would not act publically to support it for fear of alienating his constituents. Pleasants praised Henry for being “among the foremost” in asserting that freedom is “the Natural and Unalienable Right of all descriptions of Mankind” but was disappointed that Henry would let race delimit human freedom. He pointed out the irony of American revolutionaries who demanded recognition of the “rights and liberties of mankind,” but who now hold men in “abject slavery.”⁴⁴ Pleasants chided Henry and suggested, “thou may perhaps say if thy heart wert conformable to the convictions of thy own mind, the World would call thee fool or thou might lose thy consequence or honor among men, but what is that in

Cartwright Volume 1 (London: 1826), 65-66. It is easy to see why Pleasants would have found a kindred spirit in Cartwright. Although Cartwright was a retired naval officer who esteemed patriotism and the sacrifice of life in the service of one's country, he was a fierce advocate of liberty. He sided with the Americans in the Revolution and refused to fight against the colonists. He became a noted advocate for political reform. See John W. Osborne, *John Cartwright* (Cambridge: Cambridge University Press, 1972).

⁴³ *Virginia Independent Chronicle and General Advertiser*, 2 June, 1790.

⁴⁴ Robert Pleasants to Patrick Henry 25 January 1790, *Letterbook*.

comparison to the enjoyment of true peace of mind, and a conscience void of offense toward God and towards men?" Patrick Henry declined to endorse the VAS, but his refusal did not dissuade Pleasants from trying to recruit other elite Virginians.

Charles Carter of Shirley Plantation, who had previously been the target of Pleasants's enthusiastic antislavery efforts, told Pleasants that he "did not wish to be further informed in Respect to the principles of Slavery," nor read "any of the late publications on that subject."⁴⁵ Pleasants, nonetheless, solicited Carter again explaining that he was inspired to do so by "the Spirit of liberty" that he saw "diffusing itself among all descriptions of men in different parts of the World." He sent Carter some "sensible pamphlets" on the slave trade and a recent speech by William Pinkney in the Maryland Assembly defending the right of slaveholders to emancipate their slaves free of legislative meddling.⁴⁶ Charles Carter declined to join. Pleasants also wrote to Robert Carter, Charles' kinsman, and congratulated him for emancipating over four hundred and fifty slaves.⁴⁷ He told Robert Carter that his manumissions were all the more admirable "considering the present State of human laws, and the prejudices prevailing in the minds of people habituated to look upon blacks as an inferior species of mankind and regarding them only as property." Pleasants then asked Carter to join the VHS. Carter declined Pleasants's invitation and later moved to Maryland for reasons unrelated to the Society. Carter failed to take any other actions against slavery once he had freed his own slaves. He may have been an emancipationist, but he was certainly not an activist in the mold of

⁴⁵ Robert Pleasants to Charles Carter, 11 September 1790, *Letterbook*.

⁴⁶ For William Pinkney's speech see William Jennings Bryan, ed. *The World's Famous Orations*. (1906); Bartleby.com, 2003. www.bartleby.com/268/. [December 1, 2011]. Robert Pleasants to James Pemberton, 26 August 1790, PAS Papers Series 2.2 - Correspondence, Loose Correspondence, incoming 1784-1795.

⁴⁷ Robert Pleasants to Robert Carter, 8 October 1791, *Letterbook*. For Robert Carter, see Andrew Levy, *The First Emancipator: The Forgotten Story of Robert Carter, the Founding Father who Freed his Slaves* (New York, Random House, 2005).

Robert Pleasants. Distinctions, like Robert Carter's, weakened antislavery in Virginia. For men like Carter, releasing slaves was as far as their antislavery efforts would go. Not all of Pleasants's attempts were in vain, however. Over the first couple of years, Pleasants managed to recruit approximately twenty new members. He was quick to act if he received information that someone was sympathetic to antislavery. When he heard rumors that a local Baptist notable, Dr. George Cheeseman of York County had freed his slaves, he asked Cheeseman to join the VHS. He explained that the VAS was "about one hundred Members of different religious denominations," none of which were Baptists. Pleasants knew that the VAS had to increase its membership among other faiths. Slavery was an evil that called for "the united endeavors of those who have seen it in its proper light."⁴⁸

In its first couple of years, the VAS achieved some success. It had "several suits pending in the different courts wherein the freedom of several hundred [slaves]" was concerned."⁴⁹ It was preparing a petition for gradual emancipation that would "be dispersed into the different parts of the Country [i.e. Virginia]." The goal was to get a sense of "the disposition of the people" on the issue of emancipation. If the response were positive, then it would be submitted to the General Assembly.⁵⁰ Before petitioning in Virginia got started, James Pemberton, President of the PAS, requested that the VAS assist in petitioning the national Congress for measures against the slave trade.⁵¹

Pleasants agreed and put the issue on the agenda for the next meeting of the VAS.

⁴⁸ Robert Pleasants to George Cheeseman, 6 July 1792, *Letterbook*.

⁴⁹ Robert Pleasants to Robert Carter, 8 Oct. 1791, *Letterbook*. See also, Robert Pleasants to George Cheeseman, 6 July 1792, *Letterbook*.

⁵⁰ Robert Pleasants to Robert Carter, 8 Oct. 1791, *Letterbook*.

⁵¹ Worrall, 244.

In April of 1791, the VAS met and composed a petition opposing the African slave trade. The petition declared that slavery was “an odious degradation” and “outrageous violation” of human nature and “utterly repugnant to the precepts of the Gospel.” They urged Congress to alleviate “the horrors & cruelties” inherent to the slave trade.⁵² Pleasants asked Virginia representative, James Madison, whom he believed to be a “friend of general liberty,” to present the petition to Congress. Claiming that “divers slaveholders” favored gradual emancipation, he asked for Madison’s “judgment on the propriety of a petition to our Assembly for a law, declaring the Children of Slaves to be born after the passing [of] such an Act to be free ...at 18 and 21 years.” Under Pleasants’s plan, the former would enjoy “such privileges as may be consistent with justice and sound policy.”⁵³ Madison, however, rejected the slave trade petition. He explained he was not “at liberty” to submit the petition against the African slave trade because of its “animadversions” against slavery and because he was bound to serve the interests of his constituents who regarded manumission as lessening the “value” of individual slaves and slavery in general by “weakening the tenure of it.”⁵⁴ Such action would voluntarily wound the public’s interests in slavery—“an interest on which they set so great a value.”⁵⁵ Popular sovereignty, in this instance, supported slavery and cautious conservatism was Madison’s choice in the matter. Emancipation was a subject “of great

⁵² The Virginia Society for Promoting the Abolition of Slavery and the Relief of free Negroes, or others, unlawfully held in Bondage and other Humane Purposes, “Memorial to the Honorable Congress of the United States, 5 April 1791,” *Letterbook*.

⁵³ Robert Pleasants to James Madison, June 6 1791,” *Letterbook*. See “James Madison’s Attitude toward the Negro,” *Journal of Negro History* 6 (1921): 74-102.

⁵⁴ “To Robert Pleasants, Phila., Oct 30, 1791” in James Madison, *The Writings of James Madison: Comprising his Public Papers and his Private Correspondence, including Numerous Letters and Documents now for the First Time printed* VI, (New York, 1900-1910) in *The Making of Modern Law* available at Gale, Cengage Learning at <http://galenet.galegroup.com.proxy.library.vanderbilt.edu/servlet/MOML?af=RN&ae=F150081993&srcht p=a&ste=14> last accessed 28 December 2011.

⁵⁵ *Ibid*, 61.

delicacy,” he warned Pleasants, and its consequences should be “well-weighed by those who would hazard it.” An emancipation petition directed at the Virginia General Assembly, Madison judged, would be “likely to do harm rather than good.” It might ignite a backlash and “produce attempts to withdraw the privilege” of manumission. Madison thought manumission was a privilege of masters—and privileges could be revoked. Returning to the issue of emancipation in the Assembly might result in a requirement “that persons freed should be removed from the Country.” Madison had heard “arguments of great force for such a regulation” in the Assembly. Madison believed there were many who were against slavery, but feared the social disorder of emancipation, and would not object to the exile of freed slaves from Virginia.⁵⁶ In this way, Virginia could be free of slavery and its black population. Madison understood that the mood in Virginia toward emancipation had grown less tolerant.⁵⁷

Undeterred by Madison’s refusal, the VAS sent the “Petition to the Assembly for a Gradual Abolition of Slavery” directly to the House of Delegates in October of 1791. The petitioners acknowledged the challenges of “immediate emancipation.” They noted that many white Virginians felt that “reason and conviction have but little influence” on the conduct of slaves. Many white Virginians were convinced of “the unfitness” of former slaves for freedom because they were “sunk below the common standard of human nature” by ignorance and slavery. But ignorance could be remedied by education. And so the petitioners asked that a gradual emancipation law be passed along with a

⁵⁶ Ibid, 60-61.

⁵⁷ His warnings proved prescient. Indeed, he understood the delicate interests that maintained the legality of manumission in Virginia. In 1806, the General Assembly re-visited the issue of manumission and added a requirement that all newly freed persons leave the state in one year’s time or face possible enslavement. Madison retrieved Pleasants’s letter and wrote in the margin “It so happened.” The confirmation of his warning may have reinforced his sense that emancipation was a noble sentiment and goal, but practical realities and the customs of prejudice proved intractable—a note of self-congratulation for his decision not to act. Ibid, 61, n. 2.

provision “to enjoin their instruction to read” and “to invest them with suitable privileges as an enticement to become useful Citizens.” The present holders of the young slaves should be barred from exacting “inhuman treatment” on those who remained enslaved.⁵⁸ Virginia’s legislators avoided discussions of slavery and they were silent in response to the petition. In response, Pleasants and the VAS attempted a statewide petition drive for gradual emancipation. The first petition had come from the VAS, but the next petition would come from people across the state. Members were sent out to collect signatures.

John Hough wrote to Pleasants from Loudon County, in the northern part of the state, regarding his efforts to collect signatures. Hough had “endeavored to get housekeepers of character to sign,” but often met with “gainsayers who refused to sign the Petition.” Despite his “considerable endeavors,” the “greater part of the people of property, especially those who have slaves as property...have generally Refused their signatures offering Idle Excuses.” But he was pleased to report that the few signatures he had secured were from “persons of property and Reputable Character.” In a moment of missed opportunity, Hough noted: “Indeed I have been cautious of offering it to any others, or I might have had great Numbers of Names,” and he wondered if perhaps, he “was too scrupulous in offering it.”⁵⁹ The VAS strategy of targeting “householders of character” did not produce much support for the petition. Although Patrick Henry had declined membership in the VAS, Pleasants, ever the optimist, thought that maybe Henry would at least support the state-wide emancipation petition. Slavery, however, had irreparably fractured the friendship between Pleasants and Henry.

⁵⁸ Petition to the Assembly for a Gradual Abolition of Slavery, October 1791, *Letterbook*.

⁵⁹ John Hough to Robert Pleasants, 20, Sept. 1792, “A Bundle of Letters,” *Original Records of Quaker Meetings in Virginia 1672-1845*, Vol. III, The Valentine Richmond History Center: Richmond, Va.

Henry had argued against the submission of the slave trade petitions to Congress much to Pleasants's consternation. According to Pleasants, Henry "dreaded the consequences" of the antislavery campaign and thought it "an improper time to move in such a business." The manumission of slaves, Pleasants retorted, would prevent a rebellion; the slaves were "numerous & increasing" but "degraded" by law and custom. "Surely in the nature of things," Pleasants told Henry, they "cannot always remain in their present subject state." Lurking behind his words was the slave rebellion in Haiti. Pleasants sent Henry a "late publication entitled an inquiry into the causes of the insurrection of the Negroes in the Island of St. Domingo by which we may see the woeful effects of pride and prejudice." It was a cautionary tale for Pleasants; if Virginia's slaveholders and political leaders, like Henry, would not heed it—it would be their doom. Henry remained unmoved.⁶⁰

Pleasants used the Haitian slave rebellion in his antislavery arsenal. In November of 1793, the *Richmond and Manchester Advertiser* published an essay by Pleasants using the pseudonym, "A Citizen of the World."⁶¹ In it, he claimed the principles of the Revolutionary struggle demanded emancipation and the principles that drove the Americans to rebel also moved the former slaves of Haiti in their fight for freedom. Pleasants, like many other white Virginians, had also become increasingly concerned about the possibility, if not inevitability, of a massive slave uprising. Those anxieties found confirmation in the events in Haiti.⁶² Pleasants feared that "dreadful consequences"

⁶⁰ Robert Pleasants to Patrick Henry, 21 July 1792, *Letterbook*.

⁶¹ *Richmond and Manchester Advertiser*, 25 Nov. 1793; Essay against Slavery signed A Citizen of the World 29 Oct. 1793, *Letterbook*.

⁶² Laurent Blanc, *Avengers of the New World: The Story of the Haitian Revolution* (Cambridge: Harvard University Press, 2005).

similar to those witnessed in “St. Domingo” would result if emancipation did not obviate the danger.

Pleasants feared the violence that would ensue if the slaves freed themselves. Samuel Whitbread, whom Pleasants quoted, declared to the British House of Commons, “there is a point of endurance beyond which human nature cannot go.” After that point, “the mind of man rises by its native elasticity, with a spring and violence proportioned to the degree to which it is has been depressed.”⁶³ The more repressive the regime, Pleasants concluded, the more violent the rebellion. He also quoted Jefferson’s *Notes on the State of Virginia*: “considering numbers, nature, and natural means only,” Jefferson warned, “a revolution of the wheel of fortune, an exchange of situation, is among the probable events.”⁶⁴ Pleasants argued the way to avoid the inevitable future was to begin freeing slaves in the present.

* * *

For the first couple years, the VAS was pretty much on its own receiving little but encouragement from the PAS. But in 1793, the Abolition Society of New York called for a national convention to meet in Philadelphia, seat of the federal government for “the purpose of addressing Congress in a united manner on the subject of the slave trade.”⁶⁵ Nine societies sent twenty-five delegates to Philadelphia in 1794. But, according to Jeffrey Nordlinger Bumbrey, the convention was limited by a focus on the local needs

⁶³ See The House of Commons, *The Debate on a Motion for the Abolition of the Slave-trade, in the House of Commons, Monday the second of April, 1792* (London: 1792), 92-3.

⁶⁴ Thomas Jefferson, *Notes on the State of Virginia* (1784), Query XVIII

⁶⁵ Robert Pleasants to James Pemberton, 15 Nov. 1793, *Letterbook*. Historian Richard Newman notes that the ACAS was important for several reasons: one, it was a “clearinghouse for abolitionist tracts”; “it attracted abolitionists from the South and West” but “never became a potent national protest organization”; it spearheaded “a petition drive in the early 1790s to urge Congress to ban the slave trade”; finally, “it did not prohibit any state abolitionist society from admitting slaveholders.” Newman, *Transformation of American Abolition*, 19.

and interests of the societies that “militated against a strong national organization.”⁶⁶

Meeting records have not survived for the VAS, but through the correspondence and participation in the American Convention, we can glean an overview of the VAS’s history from 1793 to its dissolution in 1803. The records reveal a society struggling to sustain membership but still capable of agitating for antislavery until legal reforms in 1795 enervated the VAS leading to its decline.

No one from the VAS attended the inaugural Convention of Delegates in January of 1794 because none were willing to undertake the long journey in the middle of winter.⁶⁷ Pleasants asked his brother, Samuel, and Samuel’s son, Israel, who both lived in Philadelphia, to represent the VAS. Pleasants hoped the substitution would not prevent the VAS from being represented in the convention.⁶⁸ Samuel and Israel Pleasants were not formally admitted to the convention but reported that the VAS had “prepared a memorial” advocating a gradual manumission plan but the memorial failed to reach the house floor.⁶⁹ After the convention was over, the executive committee sent the VAS a draft petition they had prepared for presentation to the General Assembly. “General” James Wood, member of the VAS, delivered the memorial to Pleasants. Wood, who had

⁶⁶ The Convention continued to meet “off and on” until 1838. New England stopped coming after 1799 and the Virginia and Maryland societies were “moribund” by 1800. And so, “by 1804 the Convention had accomplished much of its stated purpose: every state north of Delaware had enacted gradual emancipation laws or had outlawed slavery in their constitutions. And in the South, the development of the cotton gin, the reorganization of Southern agriculture, and the availability of new lands in the Deep South and West hardened already established regional feelings against abolitionism.” See Bumbrey, “A Guide to the Papers of The Pennsylvania Abolition Society,” *Slavery, Abolition and Social Justice 1490-2007*. Although Benjamin Franklin and Benjamin Rush held various roles in the Society, “from the outset it was a predominantly Quaker organization.” Davis thinks that at least of three quarters of the major figures in the Society were Friends except in Connecticut and Kentucky. In 1805, seven of the ten officers in the New York society were Friends. In North Carolina, it may have been as high as eighty percent Friends. Davis, *Slavery in the Age of Revolutions*, 217

⁶⁷ Minutes and Committee Reports, January 1-7, 1794, PAS Papers Series 5.17, Miscellaneous, American Convention of 1794, Sec. 1.

⁶⁸ Robert Pleasants to James Pemberton, Dec. 20, 1793, PAS Papers Series 2.2, Correspondence, Loose Correspondence, Incoming 1784-1795.

⁶⁹ Minutes and Committee Reports, January 1-7, 1794, PAS Papers Series 5.17, Miscellaneous, American Convention of 1794.

met with “the Counsel of this State,” thought it would be “improper” to present the petition without first announcing it in the *Virginia Gazette*, as was the “custom and general usage.” Because there was not enough time to get it published prior to the Assembly commencing its business, Pleasants agreed with Woods to delay presenting it until the next session.⁷⁰

The second national convention was scheduled for 1795 and Pleasants was optimistic that the VAS would make a better showing, but once again, it failed to send delegates because it could not reach a quorum necessary to elect them. The low turnout, Pleasants believed, may have been the result of “the sickliness of the season” or perhaps a “spirit of indifference” creeping among the membership. But Pleasants feared that there was too much “lukewarmness” among the membership of the VAS. In November, another attempt was made but Pleasants was too ill to attend the meeting. He was dispirited: “I can’t help fearing if the members cannot be [inspired] to more diligence it will drop all together.”⁷¹ Although he wanted to explain the troubles of the VAS in terms of sickness and weather, it seems that the larger issue was one of commitment—only a few members of the VAS were willing to take active roles. And action itself was at times stymied by a formalistic concern for rules of parliamentary procedure.

⁷⁰ Robert Pleasants to James Pemberton, 24 December 1794, PAS Papers Series 2.2, Correspondence, Loose Correspondence, Incoming 1784-1795. General James Wood (1741-1813) was a member of the House of Burgesses who had settled in Winchester, VA. He sided with the patriots during the American Revolution and advanced to the rank of brigadier general in the Virginia line. After the war, he served two terms in the House of Delegates, a member of the Council of State, and a lieutenant governor. From 1796 to 1799, he served three terms as governor of Virginia while serving as the vice-president of the VAS. He was a Federalist and a founding member of the Order of Cincinnati. See “A Guide to the Governor James Wood Executive Papers, 1796-1799,” Library of Virginia, Richmond VA, Ascension Number 40844; Davis, 170; Virgil A. Lewis and Robert Alonzo Brock, *Virginia and Virginians I* (Richmond, H.H. Hardesty: 1888), 90.

⁷¹ Robert Pleasants to James Pemberton, 11Dec. 1794, PAS Papers Series 2.2, Correspondence, Loose Correspondence, incoming 1784-1795.

But the VAS remained active. At the beginning of 1795, it decided to present a petition for gradual emancipation to the Assembly. It was the same petition that John Hough had been passing around in northern Virginia. Several hundred people had signed it and Pleasants thought it was time to announce its existence in the newspapers. He was aware that the petition was unlikely to meet with success, but he believed that emancipation and antislavery “will gain ground by being publically agitated.”⁷² Inaction, Pleasants believed, would lead to the dissolution of the society. On the legal front, the VAS assisted twelve enslaved plaintiffs against their former master, David Ross, in Richmond.⁷³ The VAS was also involved in a case in which many members of the same family had been sold in Georgia despite their claims to freedom. There was, however, little the VAS could do. Pleasants regretted that the VAS was “young” and “without much Stock,” so it was forced “to prosecute Suits which would be attended without much expense.” But, there was some good news—after three failed attempts, the VAS finally elected delegates willing to attend the American convention.⁷⁴ Although the VAS focused on Virginia, the examples of the PAS and the American Convention influenced Pleasants and others to try and stoke antislavery in neighboring North Carolina.

⁷² Robert Pleasants to Exum Newby, 30 July 1795, *Letterbook*. For Exum Newby generally see Ellen Goode Rawlings Winslow, Watson Winslow, *History of Perquimans County* (Baltimore: Genealogical Publishing, 2009 reprint).

⁷³ In order to press their case, enslaved plaintiffs had to do a number of things. One, they had to recognize that their enslavement was vulnerable to legal challenge. To reach this conclusion, they had to know the general grounds upon which a slave could be freed under Virginia law. In order to substantiate their claims, they often had to prove their own lineage from a free descendent or show that another provision of the law had been violated. They had to recognize the possibility of freedom and gather the evidence to substantiate that claim. Finally, they had to know of the existence of the VAS and find a way to bring their case to the Society’s attention. No easy task for someone enslaved, but a testament to the collective efforts of the enslaved, free blacks and their allies in Virginia that such cases ever reached the docket, much less found occasional success. Such tasks became more difficult as Virginia slaves were increasingly likely to be sold into the domestic slave trade to the southwest.

⁷⁴ Extracts of a Letter from Robert Pleasants of Virginia to James Pemberton dated Virginia 4 Mo. 22nd 1795, PAS Papers Series 2.2, Correspondence, Loose Correspondence, incoming 1784-1795

Even with its limited resources, Pleasants and the PAS pushed antislavery into North Carolina, but found it tough going. North Carolina law did not provide for the private manumission of slaves making the work extremely difficult.⁷⁵ James Binford, a Quaker from Northampton, NC, reported to Pleasants there are “more Enemies against the Liberties of Negroes” in Carolina than Virginia.⁷⁶ Binford had freed his slaves in violation of the law, just as Pleasants had done years earlier, and allowed his former slaves to build three or four small houses on his land where they raised their own corn and hogs. But he was wary of petitioning the court for more freedom for them since private manumission was “contrary to our laws.” As a consequence, he was forced to pay taxes on the fourteen people as if they were his slaves. Binford was especially anxious since he was “in [his] Seventy fifth year.” Without the means to legally free a slave, Binford’s *de facto* grants of freedom were unstable and transitory. The families risked re-enslavement in North Carolina after his death.

Pleasants wrote to another Carolina Quaker, Exum Newby, and included copies of the American Convention’s 1795 meeting minutes. The materials contained “sentiments worthy of General [attention] not only in respect to the Instruction of young Blacks, but in the forming of Societies in different parts for promoting the abolition of Slavery.” Knowing that it was more difficult to manumit in North Carolina, Pleasants hoped that an abolition society might assist men and women illegally detained in bondage in Carolina. The situation was increasingly dire for slaves on account of an escalation of the domestic slave trade: “I have no doubt there are Enemies to freedom there as well as here, who would make no scruple, for the sake of gain to continue the trade in slaves from other

⁷⁵ Michael J. Crawford, *The Having of Negroes Is Become a Burden: The Quaker Struggle to Free Slaves in Revolutionary North Carolina* (Gainesville: University Press of Florida, 2010).

⁷⁶ A Bundle of Letters: James Binford, 4 Nov. 1794, *Records of Quaker Meetings in Virginia, 1672 – 184*

states.” The lure of profits also led “enemies” to sell free men and women into slavery, which Pleasants believed happened “especially in the back parts” of Carolina.⁷⁷ Many slaves freed in North Carolina would later be re-enslaved. Quakers and other emancipators pushed for a manumission law similar to Virginia’s, but were opposed by law makers convinced that manumission would lead to slave rebellions. Without legal recognition, manumission faltered in North Carolina. Quakers and others would have to transport slaves outside of Carolina in order to legally emancipate them. Beyond clearing their ranks of slave holders, Quaker antislavery was stymied in North Carolina.⁷⁸

By 1795, the VAS had 133 registered members, but only a handful was actively involved in “the business.” Its membership total included a score of “corresponding” members who did not attend meetings or pay dues. Yet it freed approximately fifty “Blacks, and the descendants of Indians” through litigation.⁷⁹ Despite these individual successes, the membership was disheartened by the Assembly’s continued indifference to its petitions. Even with its limited resources, the Society put tremendous effort into petitions hoping to stoke support for gradual emancipation, but there was no disguising the fact that the effort was a failure. The membership rolls had also stagnated, and the

⁷⁷ Robert Pleasants to Exum Newby, 30 July 1795, *Letterbook*. For Exum Newby generally, see Goode, et al., *History of Perquimans County*.

⁷⁸ See generally, Crawford, *The Having of Negroes Is Become a Burden*.

⁷⁹ Officers and Number of Members of the Abolition Society in Virginia with the number of Free blacks, Slaves, and those who have been relieved from bondage 1795, PAS Papers Series 5.19, Section 3: Reports of the Delaware, Maryland, New Jersey, and Virginia Abolition Societies to the Convention. The officers for 1795 were listed as follows: President, Robert Pleasants; John Finney, Vice-President; Edward Jeffers, Secretary; James Ladd, Treasurer. The acting committee was composed of Richard Graves, Robert Evans, Micajah Crew, Nathaniel Lee, James [Wood], John Lee, Richard Gariston, Frederick Bonner, and Ebenezer Maul. The committee for correspondence was Robert Pleasants, Robert Evans, John Lee, and James [Careton]. The report lists a return which estimated the number of free persons of color in Virginia as 12,866 and slaves at 292,627. According to the law, which varied in the seventeenth century, Native Virginians could not be enslaved except for those enslaved during a short time in the latter part of the seventeenth century. If an enslaved person could show descent from a Native American, they had a chance to be freed. See the case of *Hudgins v. Wrights*, 1 Hen. and Munf. 123, (Richmond, VA: 1806) for a fuller explanation of the law.

Society was running out of money. As a result, they agitated less for the end of slavery and focused more on litigation.

But the law also worked against their efforts. In 1795, the Virginia General Assembly made the prosecution of freedom suits onerous and costly for litigants and supporters.⁸⁰ The legal changes were part of a hardening of attitudes toward blacks among white Virginians in the 1790s. The legal changes were in response to the efforts of slave and free blacks to take advantage of changes in Virginia's slave economy. Manumission was creating a class of free blacks who endured second-class status. In many slave societies, a free black class—caught between slavery and full freedom—became an integral part of maintaining the institution. In Virginia, the rapid increase of a once negligible free black population was a new development, which sparked elite anxieties over social control. Prior to 1782, there were perhaps less than a thousand free persons of color; whereas by 1795, the VAS counted 12,866 such people.⁸¹ Legislators passed a series of laws aimed at prodding white Virginians to exercise more diligence in the maintenance of slavery while narrowing opportunities for freedom.

Enslaved Virginians had developed networks of communication, kinship, friendships and assistance over the years.⁸² As some slaves were manumitted, those networks were strengthened. Free blacks could render aid that slaves could not. Robert Pleasants's neighborhood of Curles and Four Mile Creek was home to free blacks once associated with the family. It is no surprise that slaves, held by other Pleasants family

⁸⁰ Copies of the Acts of the General Assembly of Virginia concerning Slaves, free Negroes, and Mullatoes passed in the years of 1795 and 1796, PAS Papers Series 5.19, Miscellaneous, American Convention of 1796, Section 4.

⁸¹ Officers and Number of Members of the Abolition Society in Virginia with the number of Free blacks, Slaves, and those who have been relieved from bondage 1795, PAS Papers Series 5.19, Section 3: Reports of the Delaware, Maryland, New Jersey, and Virginia Abolition Societies to the Convention

⁸² See Calvin Schermerhorn, *Money over Mastery, Family over Freedom: Slavery in the Antebellum Upper South* (Baltimore: Johns Hopkins University Press, 2011).

members, often fled to these areas. Free blacks could provide temporary refuge but more importantly, they could provide access to information, resources and opportunities that slaves could not obtain. It seems that slaves who headed to Curles anticipated finding some sort of connection to the nautical trades. Perhaps free blacks in the area knew how to turn a runaway slave into a free waterman without arousing too many questions. In order to clamp down, legislators tried to incentivize stricter control of slaves and free blacks.

Legislators faced the realization that blackness was not a guaranteed indicator of slave status. In response, emancipations had to be recorded with the clerk of the court and freedom papers were issued to the formerly enslaved. Black persons could be jailed until freedom was proven—enslaved status was a rebuttable presumption. Legislators also recognized white complicity in aiding, or ignoring, runaway slaves. Transporting a slave by ship or “any other vessel” without the consent of the owner could get a captain fined and charged with damages and liabilities.⁸³ This part of the law augmented a 1776 act designed to “discourage people from assisting debtors, servants, and slaves to leave the commonwealth.” It made “captains of ships and operators of coaches responsible for knowing the status of their passengers.” Ignorance was no excuse under the law.⁸⁴

Lawmakers also sought to limit the effect and power of manumission—“all slaves so emancipated, shall be liable to be taken by execution, to satisfy any debt contracted by the person emancipating them before such emancipation is made.”⁸⁵ If a slave were freed by an indebted master, then the former slave could be re-enslaved until the master’s debt

⁸³ Schermerhorn, *Money over Mastery*, 129.

⁸⁴ Robert McColley, *Slavery and Jeffersonian Virginia* (Urbana: University of Northern Illinois Press, 1975), 97.

⁸⁵ Samuel Shepherd, *The Statutes at Large of Virginia from the October Session 1792 to December Session 1806, Inclusive, in Three Volumes, being a continuation of Hening Vol. I* (Richmond, VA: 1823), 128.

had been satisfied. Manumission, in this regard, was a benevolent and sanctioned act, but the value of that humanitarian privilege did not extend beyond a creditor's rights. Slaves under the law were now explicitly designated a part of the "personal estate" of a master. In the case of an intestate death, the court could sell slaves in order to ensure an equal distribution of the deceased's estate.

The line between slavery and freedom was destabilized in favor of creditors signaling another devaluation of manumission in the eyes of Virginia's elite. Legislators believed that some masters would "gift" slaves to someone else, while retaining their possession and labor in order to dodge creditors.⁸⁶ Manumission was a privilege of mastery under Virginia law but was subsidiary to the satisfaction of a pre-existing debt according to legislators. Manumission was not a one way door; in such cases, it opened both ways and people who were putatively freed could be re-enslaved. Former slaves, if they failed to pay taxes, could be "hired out" to pay the arrears. Emancipators had the right to free their slaves but they did not have a right to do so if the cost of that manumission fell on the county or creditors. Slaves who were to be set free had to be adults "of sound mind and body" but not over forty-five years old. Elderly, incompetent and juvenile slaves had to be "supported and maintained" by either the former master or by the estate.

The ambiguities of manumission were embedded in the slave statutes of 1792. Virginia was becoming a slaveholding republic that made allowances for antislavery impulses among the privileged and those inclined to humanitarianism, but erected a legal

⁸⁶ Shepard, *Statutes at Large*, 129.

structure that narrowed the opportunities for black freedom.⁸⁷ It did so by charging whites and slaveholders with legal duties designed to support the stability of slavery in Virginia.⁸⁸ Whereas the 1792 legal changes were aimed at individuals both black and white in an attempt to strengthen slavery and racial supremacy, the 1795 changes sought to inhibit the operation of antislavery groups as well as individuals.

Concerned by the “great and alarming mischiefs” caused by “voluntary associations of individuals,” Virginia’s legislators took action against the VAS and other abolition societies in 1795. Freedom suits instigated by abolition societies, they declared “have in many instances been the means of depriving masters of their property in slaves.” The suits, according to legislators, were unfounded and “tedious” occasioning “heavy expenses” for slave masters. Abolition societies had overstepped their authority according to Virginia legislators who restricted the use of common law doctrines in lieu of a statutory manumission scheme thereby narrowing the legal options available to plaintiffs.⁸⁹

A slave who conceived himself or herself illegally bound, faced a series of gatekeepers in the new statute. The first hurdle a litigant had to overcome was gaining an audience with a judge or magistrate. Even if a slave could steal away from an owner and present herself to a judge, that judge could simply refuse to meet with her. The judge could hear the slave’s case and chose to do nothing. Prior to this law, an enslaved person

⁸⁷ “It shall be lawful for any justice of the peace to commit to the jail of his county or corporation, any emancipated slave travelling out of the county of his or her residence, without a copy of the instrument of his or her emancipation...” If a former slave failed to pay taxes, he or she could be hired out as slaves to pay the county levy if there was nothing worth seizing. Ibid, 128.

⁸⁸ For Robert McColley, “it was basic to the social contract in Virginia that, although primary responsibility for the management of slaves fell on their owners, it was the responsibility of everyone to make sure that all slave property remained secure. Those who refused to cooperate, either for profit or for conscience, were liable to punishment.” McColley, *Slavery and Jeffersonian Virginia*, 97

⁸⁹ Shepherd, *Statutes at Large*, 364.

might complain to a benefactor or the VAS which could assist in filing suit, but no longer. The first stop had to be with a magistrate or judge. If the official were so inclined, he could summon the owner to appear and answer the complaint. At this point, the slaveowner would have to pay a bond—based on the market value of the slave litigant—on the condition that he allow the slave to appear at the next full meeting of the county court. If the slave master refused, the judge could seize the slave litigant and hold him to the next session.

At the next hearing, the slave litigant was required to provide a petition which stated the “material facts of the case” proved by affidavits or testimony. In actuality, the justices most likely questioned the slave litigant in court as only a few slaves could read and write well enough to prepare a statement of facts. But it must be noted that there was no legal standard here—the county judges decided, based on their discretion, if the petition could proceed. If a slave litigant had trouble explaining her case, or lacked evidence or the sympathy of the judge, it was unlikely that the court would allow the case to go forward. Of course, if the complaint was rejected, the slave litigant would be sent home with her master. After challenging a master’s right to ownership and exposing that same master to community sanction for alleging illegal enslavement, the slave litigant was in a worse position than when she began the process. If the judge agreed to let the suit proceed, he would assign counsel who, “without fee or reward,” would prosecute the suit—but there was another hurdle. Assigned counsel was required to “make an exact statement to the court, of the circumstances of the case, and with his opinion thereupon.” Many a busy county lawyer would want to rid themselves of an unremunerated case that antagonized local slaveholders.

The Alexandria Abolition Society protested the law in a petition to the General Assembly.⁹⁰ The petitioners pointed out that once a slave filed an action against his or her master, it was in the master's interest "to use every means to prevent the person to return" to court and to use similar means to hinder the person from "procuring the necessary evidence sufficient to substantiate his or her claim to freedom." They also contended that "considerable oppression" results from the requirement that only the enslaved themselves could act as plaintiffs in *forma pauperis*. The result of this change, the petitioners noted, was to "deprive the plaintiff of the choice of Counselor or Attorney." In addition, a court appointed attorney might be "hostile" to antislavery or "wanting" in legal ability, they argued.

The Society also complained about the second section of the law which required an appointed attorney to prepare a detailed statement to the court. Unless there were "manifest grounds" not to proceed, the court was supposed to endorse continuation of the case. The petitioners characterized this requirement as a "manifest inhumanity." According to the law, the court had already found legal grounds to proceed with the case when it decided to appoint a lawyer for the plaintiff. The court's ruling was to be superseded, not by its independent judgment or a higher court of review, but "as directed by the opinion of Counsel." If the court appointed lawyer was hostile to the freedom suit, he could derail it by writing a report that declared there were manifest grounds not to proceed with the suit. The decision of the lawyer seemed to determine the judge's ruling at this juncture. But the third section of the law presented the most "material hardship" of all the provisions. This clause attached a possible \$100 fine and damages to all those who

⁹⁰ Copy of a Petition from the Alexandria Society for the Relief and Protection of Persons Illegally held in Bondage to the General Assembly of Virginia. PAS Papers Series 5.19, Miscellaneous, American Convention of 1796, Sec. 6.

aided or abetted an unsuccessful freedom suit. The law appeared to be “calculated to destroy almost every suggestion of hope, that any person during its existence, can obtain liberty by due process of law, however valid their claim or however indisputable their title.” The law robbed enslaved plaintiffs of “necessary assistance” to obtain evidence and treated slave litigants as if they were free persons with the institutional knowledge necessary to advance their cause. Some may have had this knowledge and ability, but in the petitioner’s experience, the forced ignorance of slaves and “their restricted situation” prohibited them from pursuing a case with success. The petitioners recognized the obvious power imbalances that the law failed to countenance. They argued that slave masters were “already armed with powers more than adequate” to keep someone legally enslaved. So, when the “congenial prejudices of his peers (by whose verdict the justice of his claim is decided) are taken into consideration, even where he holds one illegally in bondage, the balance of opinion, in a majority of instances, will probably be in his favor.”

The possibility of a slave litigant proceeding over these hurdles and past these gatekeepers was unlikely. Only the most egregious cases of wrongful enslavement had a remote chance of prevailing in freedom suit: a slave’s legal right to freedom had to be “as clear as the sun at noonday” before a Virginia county court would grant a trial.⁹¹ The VAS and other manumission societies had to carefully select cases to prosecute; losing a freedom case could result in monetary penalties levied against the Society and its members. Given that the Society’s membership dues was a donation of “no less than one

⁹¹ Michael L. Nicholls, “‘The squint of freedom’: African-American Freedom Suits in Post-Revolutionary Virginia,” *Slavery and Abolition* 20 (1999): 55-56.

dollar” upon admittance and yearly dues were also one dollar, a single fine of a hundred dollars would vitiate its yearly budget.⁹²

By 1797, the law had already adversely affected the fortunes of the VAS and antislavery in Virginia. That year, Joseph Anthony, the lone delegate to the American Convention, prepared a report on the state of the VAS.⁹³ The VAS had not made much progress, he acknowledged, owing in part to the new laws fueled by a growing hostility to antislavery and free blacks. The 1795 law, Anthony told fellow abolitionists, was “dictated by prejudice” and infused with “a spirit of Tyranny and Oppression.” It was “particularly designed to frustrate the benevolent purposes of our association,” Anthony observed and “it hath so far succeeded.” In little over a year, the law had slackened the exertions of the members and set a pall over the society. Beyond this grim news, Anthony had “little of a pleasing nature” to report.

Without a change in the law, the VAS had few prospects of future success or even viability. Nonetheless, Pleasants continued to try and secure signatures for the plan for gradual emancipation. In May of 1787, he asked St. George Tucker, a jurist, and law professor to sign the VAS petition for gradual emancipation. He explained that it had been signed by about five-hundred people, some of whom, in Pleasants’s opinion, were “very Respectable slaveholders.” It had been submitted to the Assembly “without result,” but Pleasants hoped to re-submit it at the next session—“as is sometimes the case with

⁹² The Constitution of Virginia Society for Promoting the Abolition of Slavery, and the Relief of Free Negroes, or others, unlawfully held in Bondage, and other Humane Purposes in *Early American Imprints*, Series 1, no. 29803 (filmed) at http://docs.newsbank.com/openurl?ctx_ver=z39.88-2004&rft_id=info:sid/iw.newsbank.com:EAIX&rft_val_format=info:ofi/fmt:kev:mtx:ctx&rft_dat=0F301452A6001A88&svc_dat=Evans:eaidoc&req_dat=0D0CB61B5B6C9920 last accessed 3/21/13.

⁹³ Report of Joseph Anthony to the American Convention, PAS Papers Series Miscellaneous, American Convention of 1797, Sec. 5 [Note: The on-line archive incorrectly list the first document in this section as a report from the Virginia Abolition Society; it is in fact a report from the New York Society. Joseph Anthony’s short report follows.]

unpopular matters.”⁹⁴ Tucker agreed to sign the petition, but feared that the addition of his name might “prejudice rather than serve the cause.”⁹⁵ It was a small success in an otherwise bleak year.

The change in the law affected all of Virginia’s abolition societies. In northern Virginia, the Alexandria Society focused on individual manumission cases instead of pursuing large scale legal changes.⁹⁶ It funded manumission litigation in Norfolk and North Carolina.⁹⁷ The VAS attempted to do the same but soon ran out of money and had to devote its dwindling resources to ongoing cases instigated on “behalf of between twenty and thirty persons.” In the following year, the VAS reported that they had “succeeded in a number of suits instituted for the relief of persons illegally detained in servitude.”⁹⁸ In response to the legal difficulties, the small abolition society in Winchester decided to focus on cases where slaves were being held unlawfully through “fraud and imposition.”⁹⁹ The Winchester society ceased targeting slaveowners for litigation. Although the Alexandria Society continued to press legal claims for the enslaved, “it reported a loss of their most timid members, some of whom were slaveholders.”¹⁰⁰ The

⁹⁴ Robert Pleasants to St. George Tucker, 30 May 1797, *Letterbook*.

⁹⁵ Tucker was the midst of a moment of self-pity following the Virginia Assembly’s chilly reception to his *Dissertation on Slavery*. See Copy of a Letter to Robert Pleasants on the Abolition of Slavery, 29 June 1797, Tucker-Coleman Papers, Mss. 40 T79, Box 63, Special Collections Research Center, Earl Gregg Swem Library, College of William and Mary, VA, On-line at <https://digitalarchive.wm.edu/handle/10288/13432> Last accessed 4/12/12/.

⁹⁶ Report of Joseph Anthony to the American Convention, PAS Papers Series Miscellaneous, American Convention of 1797, Sec. 5. The Alexandria Society received “twenty six complaints made to the Society—six persons relieved on the law against importation; five will probably be relieved and the other fourteen cases on which as well as on the above five suits are pending are doubtful.”

⁹⁷ A Table showing the Recommendations and Requisitions of the Convention of 1796 and of former conventions, and how far they have hitherto been complied with by each Society , 1797, PAS Papers Series 5.20.

⁹⁸ Minute Book, vol. 1, 1794-1804, PAS Papers Series 5.16, Miscellaneous, American Convention for promoting the Abolition of Slavery, and Improving the Condition of the African Race 1794-1837, Sec. 1.

⁹⁹ Nicholls, “*Squint of Freedom*,” 55-6.

¹⁰⁰ *Ibid.*

legal measures, one member admitted, would contribute to the demise of the society by 1804.¹⁰¹

But there were some men like Pleasants in the VAS who remained “zealous in the cause.”¹⁰² Despite the problems and setbacks, members of the VAS consoled themselves in the belief that the principles of antislavery were “gradually expanding their influence on the minds of the people at large.” Hope remained that through continued perseverance their efforts would be rewarded with eventual success, but it was also apparent to Anthony and the rest of the standing committee that absent outside support the VAS was doomed. Anthony observed that in some states, there were multiple abolition societies with similar interests and these “should unite” to avoid “contradiction in their proceedings.” Nothing was to come of the idea, which sounded good in theory, but the Alexandria Society had perhaps sixty members at the time, less than half of those claimed by the VAS, and the Winchester Abolition Society had failed to send any delegates or reports to the national convention—ever. The unification, or pooling of their resources, would not have made much of a difference. Unified or not, antislavery societies in Virginia could not operate successfully with the threat of fines and personal liability attending every manumission case.

The Convention had asked each society to answer questions about its membership, progress and prospects.¹⁰³ Anthony voiced a growing tendency among some members to blame free black Virginians for the failures of antislavery. He noted that there were admirable free blacks “in different parts of the state respectable for their

¹⁰¹ Ibid.

¹⁰² Report of Joseph Anthony to the American Convention, PAS Papers Series Miscellaneous, American Convention of 1797, Sec. 5.

¹⁰³ A Table showing the Recommendations and Requisitions of the former Conventions of 1796 and of former Conventions, and how far they have hitherto been complied with by each Society. PAS Papers Series 5.20 Miscellaneous, American Convention of 1797.

sobriety & industry.” But Anthony noted that the conduct of free blacks in general “afford room for complaint of the licentiousness of their conduct.” If antislavery was failing in Virginia, then Anthony put part of the blame on black Virginians. Behind his comment was a belief that slaves, upon attaining their freedom, should act in ways approved by men like himself and become sober, industrious and religious. His comments hint at growing frustration and a darkening of mood within the membership as it became increasingly disinclined to take action. The VAS was contemplating another petition effort, but Anthony, in a moment of candor, admitted there was little hope of making it happen.¹⁰⁴

Pleasants began to shift focus during this period. His own legal suit against his family would come to occupy more of his time. Recognizing that white Virginians would not assent to emancipation as long as they perceived free blacks as a threat to the social order, he began to develop his ideas linking education with emancipation. He saw two advantages in educating slaves and freed people: with education, freed men and women would become economically self-sufficient and slaves would be prepared for freedom. Educated blacks and freed slaves could serve as examples demonstrating that race did not determine social behavior. Former slaves could become peaceful, useful citizens of the new republic.

The VAS contemplated “the establishment of a School for the instruction of blacks and other people of color” but Pleasants and the other members knew they lacked

¹⁰⁴ Minutes of the Proceedings of the Fourth Convention of Delegates from the Abolition Societies established in the different parts of the United States assembled at Philadelphia 1797, PAS Papers Series 5.16, Miscellaneous, American Convention for promoting the Abolition of Slavery, and Improving the Condition of the African Race 1794-1837, Minute Book, vol. 1 , 1794-1804; Nicholls, 55-6.

the funds to accomplish the work “in a proper manner.”¹⁰⁵ Pleasants had composed an education proposal many years before and now attempted to enlist Thomas Jefferson in the cause. He wrote to Jefferson regarding the “Instruction of black Children” in Virginia. Pleasants hoped that Jefferson, reputed to be a “Real Friend to the cause of liberty & Humanity” would support his plan. He told Jefferson in an essay he sent him that education would benefit Virginia by fitting the slaves for freedom.¹⁰⁶ The essay itself has been lost and only a fragment of Jefferson’s response to Pleasants remains.¹⁰⁷ Jefferson agreed with Pleasants on the need and value of education, but would not support “the establishment of the plan of emancipation.” He was convinced that “private liberalities” (i.e. private funding of schools) would never accomplish a diffusion of knowledge and education throughout the state. Instead, Jefferson suggested that public education would be more efficacious. Jefferson’s plan, it seemed, would provide for the “instruction of slaves...destined to be free” and perhaps those already free. Jefferson closed his letter by noting that “Ignorance and Despotism seem made for each other.”¹⁰⁸

Pleasants did not respond to Jefferson until February 1797. Jefferson had stressed “the superior advantages” of free public schools established by law. But he had “no expectation that such a law could be obtained.” Despite Jefferson’s pessimism, Pleasants

¹⁰⁵ Minutes, June 5 1798, PAS Papers Series 5.16, Miscellaneous, American Convention for promoting the Abolition of Slavery, and Improving the Condition of the African Race, Sec. 1 Minute Book, Vol. 1, 1794-1804.

¹⁰⁶ Robert Pleasants to Thomas Jefferson, 1 June 1796, *Letterbook*; Barbara B. Oberg, ed., *The Papers of Thomas Jefferson* vol. 29 (Princeton: Princeton University Press, 2002), 120. The letter corroborates Davis’ point that “one must emphasize that [Jefferson] gave occasional and extremely quiet encouragement to Negro education and to antislavery opinion among the planter class.” Davis, *Slavery in the Age of Revolutions*, 171; Winthrop Jordan, on the other hand, wrote that while Jefferson was “vastly interested in the promotion of American education” he was to an equal extent “uninterested in educating Negroes as to improve their chances of participating in the body politic.” Winthrop Jordan, *White over Black: American Attitudes Toward the Negro 1550-1812* (Baltimore: Johns Hopkins Press, 1968), 355.

¹⁰⁷ Julian P. Boyd, et. al., *The Papers of Thomas Jefferson* 29 (Princeton: Princeton University Press, 1950-), 177-8.

¹⁰⁸ *Ibid.*

believed in doing “what was practicable on a smaller scale.” He believed it incumbent upon him to engage in privately funded small scale efforts. Jefferson doubted their effectiveness and thought the answer lay in legislation. Pleasants feared that “the prejudices so prevalent against that unfortunate race, will be an Obstruction to an equal participation” in any public school plan. He doubted the ability of the Virginia government to undertake such an effort: “It also seems doubtful from the too general inattention to public Institutions that this may not be attended to in a Manner which the Importance of the subject require.”¹⁰⁹ Little would come of the idea of public education for slaves and free blacks in Pleasants’s lifetime.

Throughout the 1790s, the VAS showed signs of atrophy. Members who feared potential legal liability became less involved and drifted away. In 1798, James Woods, vice-President of VAS, again recommended to the American Convention that some sort of merger or plan for assistance be implemented, but the convention declined to act considering it “inexpedient.”¹¹⁰ They denied the request again in 1800.¹¹¹ Dwindling finances and declining membership were reported in 1800.¹¹² The Society did manage to send a lone delegate to the American Convention in 1801. He carried a report from the new president, James Woods, elected after Pleasants’s death. The VAS lacked the resources to do more than sue a few “petty tyrants” for the “unlawful apprehension” of free blacks. The numerous cases of the re-enslavement of former slaves and free

¹⁰⁹ Robert Pleasants to Thomas Jefferson, 8 Feb. 1797, *Letterbook*.

¹¹⁰ James Woods, Address from the Richmond Society to the General Convention of the Abolition Societies to be held in Philadelphia, PAS Papers Series 5.36- Miscellaneous, American Convention 1797-1836, Sec. 1 Correspondence Incoming; Minutes of the Delegates of the Abolition Societies 1800, PAS Papers Series 5.16 Miscellaneous, American Convention for promoting the Abolition of Slavery, and Improving the Condition of the African Race, 1794-1837, Sec. 1 Minute Book Vol. 1 1794-1804.

¹¹¹ Minutes of the Delegates of the Abolition Societies, 1800, PAS Papers Series.

¹¹² Richmond (Va.) Abolition society to the American Convention (Philadelphia, Pa.) 1 April 1800, PAS Papers Series V - Miscellaneous, American Convention 1797-1836, Sec. 1 Correspondence Incoming.

blacks had combined to form a “melancholy crisis” in Virginia according to Woods. In all probability, the VAS saw only the tip of the iceberg in terms of re-enslavement. Most cases went unreported.

The VAS was finally finished off by Gabriel’s Rebellion in 1801. After the aborted rebellion of slaves which sent Richmond and the vicinity into a near panic,¹¹³ Woods wrote: “Many, also, who were once hearty in the cause of emancipation, taking a retrospective view of the recent plot which threatened our internal tranquility with a revolutionary convulsion, have now thought proper to abandon it as dangerous to the well-being of society.” Although no free blacks were ever linked to the conspiracy, that fact did not prevent many white Virginians from seeing Gabriel’s Rebellion as confirmation of their long-held beliefs that blacks, free or enslaved, threatened white society. Manumission only served to expand the freedom of action for the agents of rebellion and racial retribution. Support for it and the VAS evaporated in the heat of white suspicion and fear. The Virginia experiment with manumission had encountered a backlash. Woods described the condition of the VAS as “languid and critical” and the membership “gloomy.” He was frustrated with events in Virginia and the lack of support from the American Convention: he exclaimed, “You know how much we have to do, and how few there are to do it.” Nonetheless, Woods proclaimed there were still some members who felt antislavery was a “just and righteous cause,” but to continue the VAS, they needed “pecuniary aid.” Days later, the Convention donated one hundred dollars to

¹¹³ See Douglas R. Egerton, *Gabriel’s Rebellion: The Virginia Slave Conspiracies of 1800 and 1802* (Chapel Hill: University of North Carolina Press, 1993); see also, James Sidbury, *Ploughshares into Swords: Race, Rebellion, and Identity in Gabriel’s Virginia, 1730-1810* (New York: Cambridge University Press, 1997).

the VAS. It was too little and too late to do any good. When the Convention met again in 1803, the VAS sent neither delegates nor word.¹¹⁴ It had ceased to exist.

In 1804, the Convention complained that if the Virginia abolition societies would not send delegates, they could at least inform the convention “of their situations.” Over the course of the convention, it finally dawned on the delegates that Virginia societies had not sent delegates because they had stopped meeting. The delegates resolved to try and help revive the southern abolition societies by instigating “a correspondence with some of the leading friends to abolition in Baltimore, Richmond and Alexandria.” The goal of that correspondence was a revival of “the spirits and form of their associations.”¹¹⁵ But times had changed. And there was no one like Robert Pleasants to stoke such a revival. It is clear that by 1804, the VAS and the other southern abolition societies that had advocated large scale gradual emancipation were finished. But the legacy of the VAS could not be easily extinguished in Virginia.

During his second run for President, William Henry Harrison had been accused of a lack of veracity on an important question of public interest.¹¹⁶ Asked if he had ever been a member of an abolition society, Harrison said no. But his opponents had proof—Harrison had admitted being a member of the Virginia Abolition Society. In 1822, while campaigning for the U.S. House of Representatives in Ohio, he had been accused of being overly friendly to slavery and slaveholders. He responded to the charge: “From my

¹¹⁴ Minutes of the Delegates of the Abolition Societies, 1801, PAS Papers Series. Note: the American Convention did not meet in 1799.

¹¹⁵ Minutes 1804.

¹¹⁶ William Henry Harrison, whose brief term in office betrays the importance of his career, has recently received the attention of scholars and biographers. See Adam Joseph Jortner, *The Gods of Prophetown: the Battle of Tippecanoe and the Holy War for the American Frontier* (2012); Gail Collins, *William Henry Harrison* (New York: Oxford University Press, 2012); Hendrik Booraem V, *A Child of the Revolution: William Henry Harrison and his World, 1773-1798* (Kent: Kent State University Press, 2012); Robert M. Owens, *Mr. Jefferson's Hammer: William Henry Harrison and the Origins of American Indian Policy* (Norman: University of Oklahoma Press, 2007).

earliest youth to the present moment, I have been an ardent friend of human liberty. At the age of 18, I became a member of an Abolition society, established at Richmond, Virginia; the object of which was to ameliorate the condition of slaves, and procure their freedom by every legal means.”¹¹⁷ The young Harrison later left Virginia seeking adventure in the West by enlisting in the Army leaving Virginia behind for good.

In the contentious 1840s, however, his brief membership in the VAS became a national issue. Harrison tried to back-track the statement and down-play the abolitionist history of the VAS. His original denial, he claimed in the press, resulted from a lapse of memory regarding the VAS’s name and purpose. In the 1790s, when he joined the society, abolitionism was different—less confrontational. According to Harrison, the abolition society was more accurately described as a “humane” society. Its main goal was “the extirpation of the African slave trade” as well as assisting “negroes who were held in bondage to obtain their rights through the courts of justice.”¹¹⁸ The VAS was not primarily directed towards the abolition of slavery, but the amelioration of slavery, Harrison claimed. The VAS was, however, clearly guided by the belief that gradual emancipation, as instigated in the north, could be achieved in Virginia through lobbying, legislation and legal action. Its existence had demonstrated to northern abolitionists that there was a current of antislavery in the South that could be amplified through assistance, correspondence, and encouragement.¹¹⁹ Although it had styled itself an elite organization

¹¹⁷ See “General Harrison’s Veracity,” *Extra Globe* vol. 6, July 15 1840 (Washington, D.C.); Office of the Executive Committee of the Republican Committee of Seventy-Six, *The Northern Man with Southern Principles and the Southern Man with American Principles, or a View of the Comparative Claims of Gen. William H. Harrison and Martin Van Buren Esq., Candidates for the Presidency, to the Support of Citizens of the Southern States* (Washington: Peter Force, 1840), 15-21.

¹¹⁸ *Ibid.*

¹¹⁹ Stanley Harrold has argued that northern abolitionists sought to encourage southern “emancipators” and worked towards developing strains of Southern antislavery in the 1830s and 40s. See Stanley Harold, *The Abolitionists and the South, 1831-1861* (Lexington: University Press of Kentucky, 1995). The VAS and its

dictated by concerns for humanity, natural justice and religion, it had been perceived as a substantive threat to the value of slave property by slave masters and legislators in the 1790s. The existence of the VAS challenged slaveholder's notions in the 1840s that antislavery was a northern invasion and forced them to consider the domestic and Revolutionary lineage of antislavery. The rise and fall of the Virginia Abolition Society marks the final chapter of Virginia's post-Revolutionary antislavery movement and its story shows how slavery and racism was challenged in the Upper South during the early republic. As slaves, abolitionists and free persons resisted slavery, a handful of formal associations challenged slavery in the legislature and in the courts in the 1790s. Silencing these abolition societies was part of a concerted effort by slave masters and their political supporters to tamp down dissenting antislavery dissension in this decade. Antislavery voices, like the VAS, attempted to counter these efforts by aligning themselves with the Revolution and its legacy. They proved unsuccessful as slavery's supporters successfully framed emancipation as the first step toward social unrest and rebellion. Arguments for social stability, along with renewed protection of a slave holders property rights in law, carried the day. The VAS and Robert Pleasants proved diligent, however, in forcing members of Virginia's elite to enunciate defenses for slavery and to justify their own personal inaction. Doing so revealed the limits to which they were willing to extend the rhetoric of the Revolution vis-à-vis slavery and mark the end of its potential to challenge the institution on moral grounds.

relationship with the PAS and other northern abolitionist societies set an early precedent showing how northern and southern antislavery proponents could organize across state lines. More importantly, it demonstrated that antislavery had a domestic pedigree in Virginia. Harrison had attempted to draw a clear distinction between the "humane" purposes of the VAS and the abolitionists of his era.

CHAPTER V

THE PLEASANTS FAMILY AND MANUMISSION

His family argued the slaves were property but, Robert Pleasants did not see it that way.¹ It was his belief that his family members were legal guardians, not owners of the enslaved.² He encouraged his children to be just to the “poor Negroes” and “restrain [them] as much as you can from Vice.” Do to the slaves, he reminded them, “as you would your own Children in the like situation should be done by” and show them “the beauty of a religious life.” He hoped that his example of settling his former bondsmen and women on his lands would inspire others.³ Pleasants was praised for his beneficence by some, but others reported his actions to the authorities. More grievous to Pleasants than the ire and suspicion of his neighbors were the actions of his family. Over time, they renounced Quaker humanitarianism and left the Society to become slave masters. But Robert Pleasants of Curles was not easily dissuaded. He knew that proceeding in the “unpleasant business,” as he called it, would not be without a cost: he expected to “incur the displeasure of some of my relations, who I love.” But their displeasure was not, in his

¹ As Matthew Mason notes, antislavery ideas sparked action only when connected or intersected with “political, social, economic, and or cultural factors;” but, that transformation from idea to reality could be inhibited by the same factors. Matthew Mason, “Necessary but Not Sufficient: Revolutionary Ideology and Antislavery Action in the Early Republic,” in John Craig Hammond and Mathew Mason, eds., *Contesting Slavery: the Politics of Bondage and Freedom in the New American Nation* (Charlottesville: University of Virginia Press, 2011), 12.

² Robert Pleasants to James Pemberton, November 13, 1790 in PAS Papers Series 2.2 - Correspondence, Loose Correspondence, incoming 1784-1795, p. 2-221 in “Manuscript Collection Belonging to the Pennsylvania Society for Abolition at the Historical Society of Pennsylvania,” available on-line at *Slavery, Abolition & Social Justice* www.slavery.amdigital.co.uk last accessed May 25, 2012. When Pleasants father died in 1771, his estate totaled 215 slaves and Pleasants noted there was a “very considerable” increase in their numbers over the ensuing years.

³ Robert Pleasants to Margaret, Robert and Ann T. Pleasants, 16 June 1781, in “Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland,” Vol. 4: *The Letterbook of Robert Pleasants*, Richmond History Center: Richmond, VA.

mind, “a sufficient motive to decline [the] duty [of] endeavoring to fulfill the wills of a father and brother and promoting the happiness of so considerable number of the human species.”⁴ Robert Pleasants was forced to undertake a rather unique mission of emancipation.⁵

⁴ Robert Pleasants to James Pemberton, 13 November 1790 in PAS Papers Series 2.2 - Correspondence, Loose Correspondence, incoming 1784-1795, 1784-1795, p. 2-221.

⁵ The post-revolutionary debates and contests over emancipation in Virginia have been studied in some detail by historians. Eva Sheppard Wolf's *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) is the most recent addition to the field and the most comprehensive. Wolf sees the emancipation push in Virginia as a highly ambivalent enterprise that ultimately helped solidify race and slaveholding in the post-Revolutionary age. Wolf builds upon the work of two fine dissertations: Anthony Iaccarino, “Virginia and the National Contest over Slavery in the Early Republic, 1780-1833 (Ph.D. diss., University of California at Los Angeles, 199) and Peter Joseph Albert's dissertation, “The Protean Institution: the Geography, Economy and Ideology of slavery in post-Revolutionary Virginia,” (Ph.D. diss., University of Maryland, 1976). Sylvia Frey looks at the post-war manumission push as outgrowth of the Revolution and the actions of the enslaved in *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton: Princeton University Press, 1991). Douglas Egerton studies it in relation to Gabriel's Rebellion in *Gabriel's Rebellion: the Virginia Slave Conspiracies of 1800 and 1802* (Chapel Hill: University of North Carolina Press, 1993) whereas James Sidbury tacks a slightly different, more impressionistic exploration than Egerton in *Ploughshares into Swords: Race, Rebellion, and Identity in Gabriel's Virginia* (New York: Cambridge University Press, 1997). Alison Goodyear Freehling examines the period in relation to later slave debates in *Drift Toward Dissolution: the Virginia Slavery Debate of 1831-1832* (Baton Rouge: Louisiana State University Press, 1982). Andrew Levy profiles a prominent Virginia emancipator in *The First Emancipator: the Forgotten Story of Robert Carter, the Founding Father who Freed his Slaves* (New York: Random House, 2005). Other recent works touch on emancipation but focus on the lives of the enslaved or free communities of black Virginians. See Midori Tagaki, *Rearing Wolves to Our Own Destruction: Slavery in Richmond Virginia, 1782-1865* (Charlottesville: University of Virginia Press, 1999); Tommy Bogger, *Free Blacks in Norfolk, Virginia, 1790-1860: the Darker Side of Freedom* (Charlottesville: University of Virginia Press, 1997); and Suzanne Lesbock, *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860* (New York: W.W. Norton & Co., 1984). Virginia's experiences with manumission are covered in great detail as part of broader studies. See Gerald W. Mullin, *Flight and Rebellion: Slave Resistance in Eighteenth Century Virginia* (New York: Oxford University Press, 1972); Robert McColley, *Slavery Jeffersonian Virginia* 2d., ed. (Urbana: University of Northern Illinois, 1972); Winthrop D. Jordan, *White Over Black: American Attitudes toward the Negro*, (Chapel Hill: University of North Carolina Press, 1968) Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Oxford University Press, 1974); David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* 2d. ed., (New York, Cornell University Press, 1999) originally published in 1975. The Quaker experiences with manumission appear in many of the above works, but there are no manuscript length studies devoted to the subject such as Michael J. Crawford's *The Having of Negroes is Become a Burden: the Quaker Revolutionary Struggle to Free Slaves in Revolutionary North Carolina* (Gainesville: University Press of Florida, 2010). North Carolina did not allow manumissions in this period and so Friends in North Carolina had a different legal framework in which they operated their antislavery convictions. Freeing the Society of slavery also took a different form in Pennsylvania. Jean R. Soderlund sees the rise of antislavery as part of a process of internal reformation within the Society of Friends in *Quakers and Slavery: A Divided Spirit* (Princeton: Princeton University Press, 1985). Soderlund and Gary Nash extend the scope of the analysis and look at how emancipation played out beyond the Society of Friends in Pennsylvania in their work, *Freedom By Degrees:*

When Pleasants freed his slaves, he found that there were many practicalities and considerations to consider. The first was economic. Slaves were valuable assets and freeing them extinguished their value to the former slaveholder. Moreover, slaves were the very means of generating wealth in Virginia. Future generations counted on slaves as a part of their inheritance and often contested the validity of freedom provisions in court. The second consideration was more complicated. The question of whether or not to free slaves in the Pleasants case, and in other Quaker families, became entangled in a post-Revolutionary struggle between generations over wealth, authority, self-determination and religion. Virginia Quakers were in the midst of a reformation.⁶ They were clearing out “lukewarm” Friends—slaveholders and other “disorderly” members—who failed to adhere to Quaker dictates of behavior. Many young Friends, born into the Society and raised in its principles, drifted away from the constraints of the Society during and after the Revolution. They found the discipline of Friends too restrictive in the age of liberty. Their decision to leave the Society was a rejection of their parents’ principles. Slaveholding was a defiant act signaling full participation in “the world” outside the

Emancipation in Pennsylvania and its Aftermath (New York: Oxford University Press, 1991). The most relevant works on the experience of Virginia Quakers divesting themselves of slavery are Stephen B. Weeks, *Southern Quakers and Slavery: A Study in Institutional History* (Baltimore: Johns Hopkins Press, 1896); Thomas E. Drake, *Quakers and Slavery in America* (Gloucester: P. Smith, 1965); Jay Worrall, *The Friendly Virginians: America’s First Quakers* (Athens: Iberian Publishing Co., 1994); James H. Kettner, “Persons or Property?: The Pleasants Slaves in the Virginia Courts, 1792-1799,” in Ronald Hoffman and Peter J. Albert, eds., *Launching the “Extended Republic”: the Federalist Era* (Charlottesville: University of Virginia Press, 1996); A. Glenn Crothers, “Quaker Merchants and Slavery in Early National Alexandria, Virginia: The Ordeal of William Hartshorne,” *Journal of the Early Republic* 25 (2005): 47-77.

⁶ Jack D. Marietta, *The Reformation of American Quakerism, 1748-1783* (Philadelphia: University of Pennsylvania Press, 1984). Marietta focuses most of his attention on the more numerous meetings of Pennsylvania. Jean A. Soderlund also covers some of the same ground but reaches some different conclusions in *Quakers and Slavery: A Divided Spirit*. A spirited debate ensued on the nature of the reformation, see Marietta, *Reformation of Quakerism*, and “Egoism and Altruism in Quaker Abolition,” *Quaker History* 82 (1993), 1-22 and Soderlund, “On Quakers and Slavery: A Reply to Jack Marietta,” *Quaker History* 82 (Spring 1993): 23-27. What is clear is that the reformation came later to Virginia and encountered circumstances that were different from other Quaker meetings. Virginia Quakers had never wielded political power in the colony and they were much more highly invested in slavery than other Quakers in the mid-Atlantic.

Society free of paternalistic and religious oversight. In responding to Robert Pleasants's pleas to free their slaves, family members articulated a range of defenses justifying their slaveholding yet never completely renouncing their connection to Robert Pleasants and the ideals he proposed. Although slaveholding exacerbated tensions in the Pleasants family, it never completely sundered family bonds. Robert Pleasants held fast to the belief that his family members would one day free the slaves voluntarily.

Even among those who were willing to emancipate their slaves, practicalities had to be reckoned with, namely the fate of the freed people after manumission. Virginia was a hostile place for black men and women. How would they fare against the prejudice and suspicion of the white community? As he considered the practicalities of structuring freedom in a slave society, even Robert Pleasants wondered if freedom was a disservice to slaves. Many potential emancipators faced these considerations. Some, such as Pleasants, thought that whatever the difficulty, manumission was a moral imperative that demanded action. Others decided that manumission was not feasible and used the racism of their neighbors as a justification to retain their slaves.

Emancipators also faced legal difficulties. The Manumission Act was passed partly in response to the Quakers freeing their slaves before it was legal to do so. Quakers had signed deeds of emancipation prior to the act and had included freedom provisions in their wills. As time passed, many of the heirs proved reluctant to abide by the provisions and challenged the legitimacy of the wills and deeds. To legally emancipate a slave was a relatively simple process—a deed was filed at the courthouse and if that deed met the legal criteria, it was done. But freeing slaves was a much more complex process, especially when family was involved. Robert Pleasants attempts to persuade his kin to

manumit reveals the complex relations between the Quaker humanitarian urge, family tensions, the slaves and the law.⁷ In each instance, family members had to decide for themselves whether or not to emancipate slaves as dictated by the wills of John and Jonathan Pleasants. The wills embodied the intention of the testators to free their slaves and yet it would take decades to begin and finally complete the process of emancipation.⁸ The hostility of the heirs to emancipation played a large part in adversely affecting the process, but the gradual manumission provision of the wills, the law, and the economy alongside community resistance also presented practical considerations that delayed emancipation. But the slaves at issue were not passive objects in the contestation. They actively sought to influence the course of events. Many understood they had a legal right to freedom and sought to claim that right through extra-judicial means. Unable or unwilling to wait for manumission they either ran away or actively rebelled. Robert Pleasants' efforts to convince his family to voluntarily free the slaves were ultimately unsuccessful. But he was successful in forcing them to emancipate using the law. He filed suit against them and the slaves won their freedom in 1800. He died soon after. Before the case ever reached a judge's desk, the issues involved had been litigated between the

⁷ Most white Virginians, even after the American Revolution, did not question slavery. It remained an inextricable element of the economic and social life of the Old Dominion. Virginians who questioned, however slightly, the legitimacy, utility or advisability of slavery could be termed "antislavery." In that regard, history has placed Thomas Jefferson alongside Robert Pleasants as antislavery men. Scholars such as Robert McColley and Paul Finkelman interrogated these labels and showed that there existed a wide variety in attitudes in between "antislavery" proponents. In this vein, Pleasants was termed a "true emancipator" by Robert McColley in *Slavery and Jeffersonian Virginia*, 156-159, while Jefferson was accused of hypocrisy (not by the standards of our time, but by the actions and attitudes of contemporaries) and charged with lack of leadership by Paul Finkelman in *Slavery and the Founders: Race and Liberty in the Age of Jefferson* (Armonk: M.E. Sharpe, 1996), 105-137. Christopher Leslie Brown provided historians of emancipation with a case study of how antislavery beliefs and attitudes become antislavery political action in *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006). He pointed to a gap between men abolitionists who became activists and men like Jefferson who espoused the rhetoric and adopted the posture of antislavery but refrained from effectuating those beliefs.

⁸ Under the terms of the will and the court ruling in *Pleasants v. Pleasants*, 6 Va. 319; 2 Call 319 (1800) slaves would be freed throughout the antebellum period. Gradual emancipation could take decades.

family members. In doing so, family members gave voice to their own understandings of the law, the meaning of the Revolution and the continuation of slavery in an age of liberty. Whereas Pleasants represented the idealism of the Revolutionary age, his children and young family members represented a much more skeptical and much more cautious generation of Virginians who paid lip service to the ideals of liberty, but would not divest themselves of the benefits of slavery.

* * *

Before passage of the Manumission Act of 1782, Pleasants had freed a number of slaves attracting the attention of his neighbors who promptly complained to the authorities. The Henrico County court found him guilty of letting his slaves run at large in June of 1782.⁹ The court could have fined Pleasants for each slave running at large which would have netted a much larger fine, but perhaps in deference to the times and to Robert Pleasants's noble intentions, the fine was assessed at only ten pounds.¹⁰ The imposition of the fine itself reflects a competing spirit—a popular white antipathy towards free black Virginians.¹¹ The Henrico County court could not ignore Pleasants's

⁹ Henry M. Ward and Harold E. Greene, Jr., *Richmond during the Revolution 1775-1783*, (Charlottesville, University of Virginia Press, 1977), 124-5.

¹⁰ If we assume that the 29 who were freed were the individuals living at satellite plantations, the fine could have totaled 290 pounds.

¹¹ Most historians agree that resistance to emancipation in Virginia became more pronounced by the 1790s, see Crothers, "Quaker Merchants and Slavery," 68; Michael L. Nicholls, "'The squint of freedom': African-American Freedom Suits in Post-Revolutionary Virginia," *Slavery and Abolition*, 20 (1999), 55; Frey, *Water from the Rock*, 228; Davis, *The Problem of Slavery in the Age of Revolution*, 337; Jordan, *White Over Black*, 349-52. Political resistance to the Manumission Act of 1782 was organized within months of its passage. Fearful of freed and escaped slaves, isolated as they were on the Eastern Shore, residents of Accomack sought repeal of the emancipation provision by petitioning the legislature in June. See Iaacarino, "Virginia and the National Contest Over Slavery," 14. Manumission was critiqued in the Richmond by the *Virginia Gazette and Weekly Advertiser* 31 Aug. 1782. In 1785, petitions arrived from all over the state arguing against emancipation and defending the legitimacy of slavery. Fredrika Tuete Schmidt and Barbara Ripel Wilhelm, "Early Proslavery Petitions in Virginia," *The William and Mary Quarterly* 30 (1973): 133. Henrico County residents complained of freed blacks trading with slaves and prosecuted whites for not being diligent slaveholders in 1785. See Manarin, *History of Henrico County*,

actions and so it acknowledged the validity of the infraction while limiting the penalty to a relatively nominal sum. The anti-emancipation counter-reaction came up against expansive notions of liberty and property rights that characterized Revolutionary rhetoric.¹² Although the manumission act was amended in 1806, the prerogative of a slave owner to alienate his property was never overturned. If slaves were property, then the slaveholder had the liberty to alienate his property. To hold otherwise was to deny the slaveholder the liberty of a fundamental element of ownership. The court split the difference in this case; it recognized the existence of the law but assigned a weak penalty.

Many of Pleasants's Henrico County neighbors were not ambivalent on the issue of emancipation. They subsequently complained to the General Assembly about the "pernicious practices" of slavemasters who "suffered their Slaves to go about to hire themselves and pay their masters for their hire." They complained about other masters who "under the pretense of putting [slaves] free" had "set them out to live for themselves." It was the opinion of the complainants that such slaves "live in a very Idle and disorderly Manner" and "in order to pay their Masters their due hire are frequently stealing in the Neighborhood." Even more pernicious was the supposed effect such unsupervised slaves had on local plantation slaves; the petitioners claimed the two groups conspired "to steal from their Masters and others" and "become the receivers and Traders

166. Growing support for slavery was sustained by an increase in the number of slaveholders in the Chesapeake. See Richard S. Dunn, "Black Society in the Chesapeake, 1776-1810," in Ira Berlin and Ronald Hoffman, eds., *Slavery and Freedom in the Age of the American Revolution* (Charlottesville: University of Virginia Press, 1983), 65.

¹² Anthony Iacarina noted that in the same year the legislature passed the measure that increased the penalty on masters who allowed their slaves to hire *themselves* out, but did not preclude a master from hiring out his bondsmen. It was the independent economic action of the slave that was prohibited. For Iacarina, "the almost simultaneous enactment of a liberal manumission statute alongside restrictive anti-slave hiring legislation was not a contradiction. The laws were designed to give masters greater freedom to manumit their slaves, not to give slaves wider avenues to freedom." See Iacarina, "Virginia and the National Contest over Slavery," 15.

of those Goods.” The freedom that unsupervised slaves enjoyed, it was alleged, “gives great discontent to other Slaves who are not allow’d such Indulgencies.”¹³ The petitioners did not directly attack the prerogative of manumission but highlighted the perceived consequences of large scale manumission: they foresaw an idle, dissipated class of free blacks who would steal and pilfer and thereby disrupt control of plantation slaves.¹⁴

Unlike the petitioners of Henrico and for that matter most of the white population, most Virginia Quakers freed their slaves. Those who did not chose to leave or were ultimately disowned by the Society of Friends. In the early antebellum period, many of the remaining Virginia Friends would choose to emigrate because they chose not to live in a slave society.¹⁵ It was not an easy process to clear Virginia Friends of slaveholding and some members prevaricated on the question of manumission. In such instances, local meetings appointed committees to visit recalcitrant Friends and “treat” with them and encourage emancipation.¹⁶ The Quakers had in place institutional structures necessary to

¹³ Quoted in Manarin, *The History of Henrico County*, 166.

¹⁴ There is a certain irony in that the petitioners were frightened of black laziness and yet by their arguments demonstrated the ability of black Virginians to organize a surreptitious market while enslaved, a task which would defy indolence and demand creative invention and adaptation to a highly adverse environment. A second irony is that the goods that were being “stolen” were the very goods that were often made or raised by the slaves themselves. The Virginia Assembly had banned slave self-hire thereby hoping to reestablish the link between slavery and limited social engagement. Slaves seeking work for themselves helped to degrade the distinction between slaves and free laborers. The penalty fell on the owner and signaled the legislator’s desire to force owners to exercise tighter control on their slaves. The slaves would be seized by county officials and sold for the benefit of the county. The penalty also affected the slave’s behavior. Fewer slaves would be willing to risk hiring themselves out if they knew they could be sold away. As historian Eva Sheppard Wolf wrote, the message to the public was “that slaveowning involved responsibilities to the community at large and that society could punish irresponsible slaveholders by depriving them of their slaves” in *Race and Liberty*, 36. For the text of the law, see William Waller Hening, *The Statutes at Large; being a collection of all the laws of Virginia, from the first session of the Legislature in the year 1619* Vol. 11 (Richmond, V.A., 1823), 23-25 .

¹⁵ See Philip J. Schwartz, *Migrants Against Slavery: Virginians and the Nation*, (Charlottesville: University of Virginia Press, 2001).

¹⁶ In the records of the Henrico Monthly Meeting for June 4, 1782 it appeared that “Whereas John Ellyson some years ago purchased a Negro contrary to discipline and did not properly condemn his [...] but as he as granted all his 6 Negroes their liberty and recorded manumissions, his restrictions are removed.” See F. Edward Wright, *Quaker Records of Henrico Monthly Meeting and Other Church Records of Henrico, New Kent and Charles City Counties, Virginia* (Lewes: Colonial Roots, 2003), 66.

support and effectuate their antislavery principles. At the Yearly Meeting of Virginia in 1780, despite the fact that manumission was illegal, it was decided that local meetings should form committees composed “of such friends as they may Judge most suitably qualified for this weighty and necessary service.” The newly formed committees would then treat with slaveholding Friends and pressure them through personal visitations, interviews and correspondence. The Yearly Meeting requested annual and quarterly reports on the effort.¹⁷ In the following year, the Yearly Meeting increased the pressure and decided that recalcitrant slaveholders could not hold offices in the Society any longer.¹⁸ In 1784 the Virginia Yearly Meeting decided to disown slaveholders. It was the last of the major American Quaker Meetings to do so.¹⁹ Quaker meetings worked over time to try and convince the slaveholder to see the light and repent of the sinful practice.²⁰

The Quaker effort to emancipate ran into challenges, especially before the passage of the Manumission Act. In one instance, Robert Pleasants had composed a deed that freed Betty, a young girl, when she reached the age of maturity. Henrico County officials did not recognize her emancipation and she was seized by the Sheriff and sold at auction because Pleasants had refused to pay war taxes in 1781. Another local Quaker had died,

¹⁷ Virginia Society of Friends Yearly Meeting Minutes, Vol. 6 of “Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland,” May 1780, Valentine Richmond History Center, Richmond, VA.

¹⁸ Virginia Society of Friends Yearly Meeting Minutes, May 1781.

¹⁹ The New England Yearly Meeting began disowning slaveholders in 1773; New York in 1777; Maryland followed in 1784 and so “by the middle of the 1780s, Quakers throughout North America found it difficult to own slaves and remain in good standing with their yearly meetings.” Crawford, *Having of Negroes*, 9.

²⁰ Norris Jones travelled to Virginia with Sarah Harrison on a tour of the southern Quaker meetings; see Worrall, *The Friendly Virginians*, 229. From this account it was clear that there were still slaveholding Friends in 1788 and that it took unusually large meetings invigorated by the presence of weighty Friends from Philadelphia like Harrison and Jones to make them repent their slaveholding ways. It is unclear at what point their monthly meetings would take action, but in Henrico the process from warning to disownment may take up to a year and half to two years.

but named a non-Quaker as his executor. The executor, to clear the estate of debts, had auctioned off some of the slaves. Two other Friends decided to purchase some of them out of “motives of humanity.” The meeting took a hard line with the pair. They told the two that at their next meeting to present copies of manumission papers for the slaves and a promise that “the remaining heirs do not receive any part of the money arising from said sales.”²¹ Like their fellow Quakers, some Pleasants family members also manumitted slaves in accordance with Quaker discipline.²²

Robert’s elderly uncle, Thomas Pleasants of Goochland County, freed a fifty two year old man named Don Pedro and a forty year old woman also named Betty in 1780. It was hardly a radical antislavery gesture to free an elderly couple after years of service, but the act was nevertheless illegal.²³ In the following year, Thomas, in a much more generous gesture, declared twenty men and women “under his care” entitled to “all my right interest, and claim, or pretension of claim whatsoever, as to their persons, or any Estate they or either of them may hereafter acquire, without any interruption from me or any person claiming under me.” In 1782, he declared Mingo “a negro under his care” to be free at twenty one in 1799. Robert Pleasants, with satisfaction, witnessed the official legal recording of his uncle’s deeds of manumission.²⁴ Miriam Pleasants of Powhatan

²¹ Virginia Society of Friends Yearly Meeting Minutes, May 1781.

²² Samuel Parsons, a fellow Quaker of Henrico County, was similarly charged with letting his slaves go at large, but the court exonerated him completely, and after the passage of the act he freed his nine former slaves who were most likely living in similar arrangements to the Pleasants freedmen. See Ward, *Richmond During the Revolution*, 124-5.

²³ Thomas Pleasants and John Pleasants had shifted their views on slavery in the decades after the pair placed an ad in the *Virginia Gazette* looking for a runaway named “Jack” a “Virginia-born Negroe Man” in 1752. Lathan A. Windley, comp. *Runaway Slave Advertisements, vol. 1 Virginia and North Carolina* (Westport: Greenwood Press, 1983), 25-6.

²⁴ On 3 May, Robert and Samuel Pleasants signed and registered deeds of emancipation for twelve men and women. The former slaves, whom under the two wills had been given conditional grants of quasi-freedom on a “condition of their good behavior” and were required to provide sufficient labor for their own support. Carpenter Will, Nat Caesar, Fanny, Aggy, Sam, Sharper, Bidy, Judy, Stephen, and Bidy all were now

County, a cousin of Robert Pleasants, pledged to free her slave, a sixteen year old lad named Benjamin, when he turned twenty-one. Other Friends in Pleasants's meeting also freed their slaves: John Ellyson had purchased a slave several years before and had been formally sanctioned and ostracized by the meeting for his action. After the manumission law was passed, he was readmitted to the meeting because he "granted all his 6 Negroes their Liberty."²⁵ William Binford freed eighteen people.²⁶ Other Friends followed suit: Samuel Parsons freed nine; John Lynch, of Lynchburg, freed sixteen and William James and Christopher Johnson freed twenty two between them.²⁷ Pleasants must have been immensely pleased when he filed a deed of emancipation for twenty nine former slaves under his care. Pleasants also took the opportunity to buttress the legal evidence for future emancipations. In addition to setting the twenty-nine free, he also noted that he held "forty nine negroes now in their Minority" and that the boys would serve until twenty one while the girls would serve till 18. He included their names and freedom dates in the court record. Some time later, Pleasants and his brother Samuel, jointly freed another twelve people covered under the will.²⁸

legally able to enjoy "the full benefit of their labor" as long as they "behaved in an orderly manner becoming their Stations." "Manumission Papers" in Vol. 3 of "The Original Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland" at the Valentine Richmond History Center, Richmond, VA.

²⁵ Wright, *Quaker Records*, 66.

²⁶ Ward, *Richmond During the Revolution*, 124-5.

²⁷ Worrall, *Friendly Virginians*, 228.

²⁸ "Henrico County Deeds," May 3, 1784, Reel 11, 210 at the Library of Virginia, Richmond, VA. James Kettner dated this emancipation in 1783. Kettner, "Persons or Property?" 143. Pleasants "resettled the freed families, deeding plots of land on his Henrico County plantations at Varina and Gravel Hill. The whole business cost him most of his fortune—about £3,000 sterling." See Worrall, *Friendly Virginians*, 228; and François Jean Chastellux, *Travels in North America, in the years 1780, 1781, and 1782* II (London, 1787), 167 n. In 1783, there were 3, 925 slaves in Henrico County and about the same number of whites. Peter Randolph owned 106 slaves making him the largest slaveholder in the County followed by Richard Randolph with 74, George Cox with 58, Thomas Prosser with 55 and Peter Winston with 51. The political notables of the county also owned slaves: the Rev. Miles Selden owned 32; Thomas Mann Randolph held 37 and Robert Carter Nicholas had owned 41 before he died. See Manarin, *History of Henrico County*, 164.

Even when someone promised to do so, emancipation could still be difficult to achieve. Robert Langley, Pleasants's brother-in-law, held sixty slaves at his plantation near Petersburg. He at last relented in response to repeated visits by Quaker committees and promised to free his slaves after the fall harvest. But he died in 1792 before he could make provisions for their freedom. Elizabeth, his wife, took her widow's share of estate, including the slaves. Whether Langley failed to manumit out of careless neglect or made the promise with no intention of fulfilling it remains an open question.²⁹ Either way, it made emancipation extremely unlikely. Such examples only served to invigorate and highlight the need for decisive and immediate action by abolitionists like Pleasants.³⁰

The combination of committed individuals like Pleasants and the institutional structure of the Quaker meeting which focused on individual Friends and leveraged social pressure, despite local resistance to manumission, largely achieved the goal of clearing slavery from the Society of Friends in Virginia. In 1788, Pleasants noted with satisfaction that although the rest of Virginia society could not see past "their views of ease and consequence in their estimation of the World so far as to emancipate their slaves," there were "very few" Friends who still tried to justify slaveholding as a benevolent or humane institution. Most of the recalcitrant acknowledged their commitment to slavery was "mere convenience or policy as they term it."³¹ Pleasants did not think their arguments persuasive and he continued to push others to do their duty and

²⁹ Worrall, *the Friendly Virginians*, 230.

³⁰ Ann Jones of Caroline County was another example of a determined emancipationist who had to face practical challenges to emancipation. Near the end of her life, she "had to pass through many trials particularly with respect to black people: for holding divers of them as Slaves, and most of her near connections having by that time left friends, she had to travel as it were alone in the neighborhood and country generally opposed to their liberation, but she was supported through all, and enabled to give them up, and remained ever after to end of her days a zealous advocate for their liberty, and exemplary in her conduct towards those under her care." Virginia Society of Friends Yearly Meeting Minutes, May 1800.

³¹ Robert Pleasants to John Townshend, 12 Feb. 1788, *Letterbook*.

manumit their slaves. Within his own family, he had to negotiate with a member whose commitment to emancipation was situational and lukewarm. When it served her interests, Miriam Pleasants might emancipate. Also, when it served her interest, she might re-enslave those she had granted freedom. In January of 1784, Pleasants wrote Miriam, in response to a letter in which she accused him of meddling in her affairs.³² He admitted to the interference without hesitation: “It is true that I wrote to thy son James & John Payne respecting the complaint of thy Negro man who I thought had been abused by thy son John.” Pleasants did not know under whose orders the abuse had been commissioned, but if it were Miriam’s then “it was very inconsistent with thy public declarations, and Solemn Act under hand & Sealed duly acknowledged.” Abuse implicitly violated the terms under which she held custody of the man. Pleasants thought she should have behaved as a legal guardian and not as a slave master.

He justified his interference: “I believe my conduct hath clearly manifested a belief that Negroes are as much entitled to freedom as myself; canst thou then expect me to be active in reducing any to a state of slavery who have been discharged?” James, the “negro man” who had been abused also reported to Pleasants that Miriam “required him (after discharging him as a free man) to return to servitude and moreover, had refused to let his wife live on any part of thy land.” Pleasants seemed pained to believe that Miriam would do such a thing and wrote that if James’ story were true it “appears to be a hard case.”³³

³² Robert Pleasants to Miriam Pleasants, 14 Jan. 1784, *Letterbook*.

³³ Freed slaves and free blacks often faced the threat of re-enslavement. See John Hope Franklin, Loren Schweninger *Runaway Slaves: Rebels on the Plantation* (New York, N.Y., 1999), 182-208.

Pleasants explained to James that he could do little for him without Miriam's cooperation. Although there was a law that enabled a master to free a slave, there were few legal protections to maintain that freedom. After all, Pleasants had no standing to raise a suit on behalf of James. Resigned to his impotency in the matter, Pleasants advised the man "to be contended in his situation as he could" and then turned his attention to Miriam. And so, despite the claim he could do nothing, Pleasants tried again to convince Miriam to relent.

He took the opportunity to remind her of "a complaint formerly exhibited against a once favored people, in a similar case." He referenced Jeremiah 34:10, which reads in the 1769 King James Bible: "Now when all the princes, and all the people, which had entered into the covenant, heard that every one should let his manservant, and every one his maidservant, go free, that none should serve themselves of them any more, then they obeyed, and let [them] go." Miriam would not have needed any further explanation as to the meaning of Pleasants's citation. She would have known that Jeremiah castigated the Hebrews for breaking their covenant with the Lord by re-enslaving those they had freed: speaking the Lord's voice, Jeremiah condemns the slaveholders, "Ye have not hearkened unto me, in proclaiming liberty, every one to his brother, and every man to his neighbor: behold, I proclaim a liberty for you, saith the Lord, to the sword, to the pestilence, and to the famine; and I will make you to be removed into all the kingdoms of the earth." Lurking behind the passage is a sense of corporate guilt: acts of such perfidy, by those who proclaim the name of the Lord, damage the covenant of the faithful and bring down God's judgment. For Pleasants, the Revolution had been a chance at renewing the covenant with God and one consequence of that favor was the commitment to free slaves.

Miriam's actions, when repeated by others, were immoral acts that jeopardized the divine favor of the Lord and squandered the promise of the Revolution.³⁴

Pleasants referred Miriam to another Biblical passage: "How such conduct can be reasonable to common justice or the professions thou hast made? Remember the fate of Ananis & Saphira."³⁵ Ananias and Saphira were struck dead because they held back on a promise to the Lord. Pleasants wanted Miriam to recognize that Ananias and Saphira's conduct violated a covenant with God. Pleasants did not want Miriam to see her own conduct as immoral but that such conduct endangered her life, her soul and the good of the country. Pleasants voiced similar sentiments to John Michie (a neighbor) who declined to free his slaves despite Pleasants's encouragement. Michie thought that freedom would hurt his former slaves and, both his and their interest, would best be served by remaining slaves. Pleasants rejected Michie's reasons as "more imaginary than real." Pleasants admitted that, "I once thought as thou does—and while I kept them in that State, I wished to act the part of a friend, a guardian, Parent, etc., rather than a Tyrant."³⁶ But, Pleasants had come to see the errors of his ways and he urged Michie to do the same. He wrote that men and women have a God-given "free choice in the pursuit of happiness" and that inestimable blessing could not be forfeited without due cause. The interest of the slaves would be best served, argued Pleasants, by immediate emancipation. After all, Pleasants knew that trusting the next generation to do justice could be dicey: "Who knoweth whither a wiseman or a fool may inherit after thee?" Pleasants closed by

³⁴ King James Bible, 1769 Version. Available on-line at <http://www.kingjamesbibleonline.org/>

³⁵ Ibid, Acts 5:1-5:12. Early Christians owned property in common. Ananias sold some land to give to the church but withheld a share. Peter questioned the man, "Whiles it remained, was it not thine own? and after it was sold, was it not in thine own power? why hast thou conceived this thing in thine heart? thou hast not lied unto men, but unto God." Ananias drops dead on the spot. His wife repeating the same lie also drops dead.

³⁶ Underlined in the original manuscript.

presenting his vision of generational responsibility: “The freedom of that unhappy people is required of this generation.” Liberty was given to every person in order to fulfill God’s plan for humanity; natural liberty was a fundamental right of humanity and so he asked Michie, by “what right have we to detain or restrain them from performing the Work intended for them to do?” He reminded Michie of the words of Moses: “let my people go that they may serve me.”³⁷

The circumstances involving both Miriam and John Michie revealed the limits of Pleasants’s ability to act. Lacking legal standing to file suit on behalf of the enslaved, Pleasants was forced to undertake a mission of persuasion. But some slaves in Miriam’s possession decided to act independently. In 1785, Miriam advertised for the capture and return of a runaway, “a likely black fellow” named Thornton. He had left Miriam’s plantation two years previous and she thought he was in Robert Pleasants’s neighborhood working the “river business” and living life as a free man.³⁸ She was also looking for Jacob, an eighteen year old lad, who was last seen in Richmond, but was thought to be headed for Pleasants’s neighborhood or Petersburg, where a growing community of free blacks had begun to coalesce.³⁹ Miriam believed that Jacob would try and pass as a free man.⁴⁰ She offered twenty dollars reward for Thornton, who was an older skilled slave,

³⁷ Robert Pleasants to John Michie, 4 Dec. 1787, *Letterbook*.

³⁸ The waterways of Virginia at times offered free black and the enslaved an occupational space of relatively uncharacteristic freedom from white observation and direct control. Slaves and free blacks captained *bateaux*--long flat bottomed boats usually worked by crews of three that would transport hogsheads of tobacco and other goods. See Melvin Patrick Ely, *Israel on the Appomattox: a southern Experiment in Black Freedom from the 1790s through the Civil War* (New York: Vintage, 2004), 151-155.

³⁹ For the free black population of Petersburg generally, see Lesbock, *The Free Women of Petersburg*.

⁴⁰ Jacob planned to play the part of a free man and he chose a blue cotton coat with matching breeches, an olive colored Virginia cloth coat and a red cape with matching red cuffs. He also brought “sundry other clothes” that he may have intended to sell. Slaves adapted and invested their clothes with social and personal meaning. Runaways used their clothing to pass as freemen or to sell to other free blacks or slaves. See Shane White and Graham White, “Slave Clothing and African-American Culture in the Eighteenth and Nineteenth Centuries,” *Past and Present* 148 (1995): 149-186. Advertisements for runaways provide some

and ten dollars for the younger field hand. Believing the two men would try and leave Virginia by water, Miriam publically forewarned “all masters of vessels, or others from employing either of the above negroes.”⁴¹ By 1789, she had freed three slaves, but also continued to hold others in slavery despite her stated belief that “freedom is the Natural right of all mankind.”⁴² In 1800, Gaby an enslaved man Miriam had leased to a neighbor ran away and again she believed her former slave was probably “in the neighborhood of Curles or Petersburg.”⁴³ Runaways, like these men, availed themselves of networks of kin relationships that stretched across the Tidewater and linked free and enslaved people. Both slave and runaway thought it was quite possible to pass or find refuge among black communities indicating the extent of these networks between free and enslaved black Virginians.⁴⁴

of the best and most detailed descriptions of individual slaves in America and have provided historians with rich material about slaves and their masters. See Robert McColley, “Chapter 5: Runaway and Rebel,” in *Slavery and Jeffersonian Virginia*; John Blassingame, “Chapter 5: Runaways and Rebels” in *The Slave Community: Plantation Life in the Antebellum South* (New York: Oxford University Press, 1972); Mullin, *Flight and Rebellion*; Windley, *A Profile of Runaway Slaves in Virginia and South Carolina from 1730 through 1787* (New York: Garland Publishing Inc., 1995); and Windley, *Runaway Slave Advertisements*. The successful runaway slave has been shown to be a sort of self-fashioned confidence man of the period, especially in the mid-Atlantic. See David Waldstrieher, “Reading the Runaways: Self-Fashioning, Print Culture, and Confidence in Slavery in the Eighteenth-Century Mid-Atlantic,” *The William and Mary Quarterly* 56 (1999): 242-272. John Hope Franklin and Loren Schweininger’s *Runaway Slaves* remains the best and most complete full length treatment of runaways in America.

⁴¹ Windley, *Runaway Slave Advertisements*, 233.

⁴² Edward Pleasants Valentine and Clayton Torrence, eds., *The Edward Pleasants Valentine papers, abstracts of records in the local and general archives of Virginia relating to the families of Allen, Bacon, Ballard, Batchelder, Blouet, Brassieur (Brashear) Cary, Crenshaw, Dabney, Exum, Ferris, Fontaine, Gray, Hardy, Isham (Henrico County) Jordan, Langston, Lyddall, Mann, Mosby, Palmer, Pasteur, Pleasants, Povall, Randolph, Satterwhite, Scott, Smith (the family of Francis Smith of Hanover County) Valentine, Waddy, Watts, Winston, Womack, Woodson.*, (Richmond: Valentine Museum, 1927), 1158.

⁴³ *Virginia Argus* (Richmond) 5 Aug. 1800.

⁴⁴ Steven Hahn points to these networks as one expression of slaves having, expressing and effectuating political identities at the local, state and national level which interacted with and influenced the traditional narratives of history. See Steven Hahn, *A Nation Under our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge: Harvard University Press, 2003). See also Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: University of North Carolina Press, 1999). Holton demonstrates how slaves understood their own political identity and expressed that identity in ways that fundamentally determined the interaction between Virginia patriots and the British Empire. See also Frey, *Water from the Rock* (1991).

Pleasants assisted in another case which demonstrated the precarious situation of all blacks in Virginia, even those who were free born. James Smith, “a likely young man of yellowish complexion” had been arrested in Richmond on suspicion of being a runaway slave. Pleasants went to Smith in jail and had the man recount his story. He told Pleasants that his mother lived with her former master in Pennsylvania and that she had been freed well before his birth—meaning that he was born to a free woman. It seems possible that his mother’s former master may have also been his father. Smith then travelled to Philadelphia, joined a ship’s crew, voyaged to Jamaica, New York, Liverpool and the West Indies and was regarded by all as a free man.⁴⁵ Pleasants wrote to associates in Philadelphia to obtain documentary proof of Smith’s freedom. They sent documentation of Smith’s Pennsylvania birth to Pleasants; Smith was soon freed.⁴⁶ Two years later, Pleasants helped to liberate another black man, held by Henrico County by presenting a copy of the man’s manumission papers sent by fellow Friends in North Carolina. But, emancipation was not always the final act separating a person from a slave.⁴⁷ Despite setbacks, by 1794, “Virginia’s Quaker families were substantially clear of slaveholding, either through disownment of the slaveholders or manumission of the

⁴⁵ Historians have recognized the importance of black American sailors in the context of the Atlantic World and American history: see Paul A. Gilje, *Liberty on the Waterfront: American Maritime Culture in the Ages of Revolution* (Philadelphia, P.A. 2004); W. Jeffery Bolster has done significant research on this field: “Letters by African American Sailors, 1799-1814,” *William and Mary Quarterly* 64 (2007), 167-182; *Black Jacks: African American Seaman in the Age of Sail* (Cambridge, M.A., 1997), and “To Feel Like a Man: Black Seamen in the Northern States, 1800-1860,” *The Journal of American History* 76 (1990); 1173-1199; See also, Jesse Lemisch, *Jack Tar vs. John Bull: The Role of New York’s Seaman in Precipitating the Revolution* (New York, N.Y., 1997); Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seaman, Pirates, and the Anglo-American Maritime World, 1700-1750* (Cambridge, N.Y., 1987); Peter Linebaugh and Marcus Rediker, *The Many Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston, M.A., 2000); Martha S. Putney, “Black Merchant Seamen of Newport, 1803-1865: A Case Study in Foreign Commerce,” *The Journal of Negro History* 57 (1972); 156-168; Philip Harner, “Great Britain, the United States, and the Negro Seaman Acts, 1822-1848,” *The Journal of Southern History* 1 (1935); 3-28.

⁴⁶ Robert Pleasants to James Pemberton, in PAS Papers Series II - Correspondence, Loose Correspondence, incoming 1784-1795, 1784-1795, November 13, 1790, 2-221.

⁴⁷ Robert Pleasants to James Pemberton, 8 Dec. 1792, *Letterbook*.

slaves. The exceptions were a few families where slaves were owned by non-Quaker wives, or the like.”⁴⁸

But, Pleasants had even less leverage with family members who had left or been expelled from the Society of Friends. Robert’s half-sister, Mary “Molly” Pleasants was a young child when she became mistress of approximately fifty slaves under her late brother’s (Jonathan Pleasants) will; she was sent north to Philadelphia where the young heiress met Charles Logan, “grandson of the distinguished colonial statesman and proprietary leader James Logan.”⁴⁹ They wed in 1779. The marriage of Logan and “Molly” was supposed to be an auspicious linkage of two elite Quaker families reinforcing the ties of kinship between the Virginia and Philadelphia Quaker communities. The nuptial was also noble because “the newly married pair, having a claim of a number of negroes in Virginia, had voluntarily manumitted them all; whereby, more than fifty will be restored to their natural rights.”⁵⁰ The two signed manumission

⁴⁸ Worrall, *Friendly Virginians*, 230.

⁴⁹ Kettner, “Persons or Property,” 144. Charles Logan (1754-1794) was, by all measures, “the lesser son of greater sires.” His grandfather, James Logan was William Penn’s right hand man, personal secretary and mayor of Philadelphia as well as a noted naturalist and accomplished scholar. James Logan’s three thousand volume library was donated to the Library Company of Philadelphia. See Loganian Library, *First Supplement to the Catalogue of Books belonging to the Loganian Library: to which is prefixed the deed of trust Constituting the Foundation of the Library* (Philadelphia: Collins, 1867). Charles Logan’s brother was Dr. George Logan (1753-1821) who as a state legislator visited French minister Talleyrand prompting Congress to pass the Logan Act which forbids U.S. citizens from non-authorized negotiations with foreign governments. Dr. Logan would later become a U.S. Senator. Dr. Logan also became good friends with Thomas Jefferson when Jefferson was Secretary of State. See Worrall, *The Friendly Virginians*, 273. See also Deborah Norris Logan, *Memoir of George Logan of Stenton*, (Philadelphia: The Historical Society of Pennsylvania, 1899), Chapter III, IV, 127. The text of the Logan Act is included on page 164. Charles Logan seems to have been a source of embarrassment to the family. In the *Memoir* written by Dr. George Logan’s widow, Charles is never named directly although their eldest brother William, also a doctor, was praised and lamented as he was “suddenly cut off in the flower of his age.” The only reference to Charles is in a genealogical chart in the appendix of the book. See Logan, *Memoir of George Logan of Stenton*, (1899), 32-3, 36, and 127.

⁵⁰ “Grahame’s Colonial History,” *The Friend* 20 (1847): 233.

documents on their wedding day which greatly pleased the assembled Friends. A poem was composed to honor the occasion.⁵¹

Surrounded by Quaker friends and family in Philadelphia, antislavery was reinforced via community pressure and institutional structures. In the Old Dominion, however, Quakers were a distinct minority and the potential wealth and status of owning fifty slaves may have been too tempting for a man of limited personal gifts like Logan to forgo. Having achieved little in his own life and overshadowed by his older brothers in Philadelphia, Logan and his new wife chose not to fulfill their pledge. They moved to Virginia in 1782 and within a year, Logan had been disowned by the local Quaker meeting. Molly remained a Quaker for a few more years but was soon disowned for “non-attendance” and “inconsistent conduct.”⁵²

Once in Virginia, Robert Pleasants kept reminding Logan of his wedding day promise to free the slaves but Logan proved obstinate. Pleasants had “divers times spoke to Charles [Logan] on the subject,” but Pleasants’s insistence had not produced “the

⁵¹ See “A Pleasant Celebration of Marriage,” *The Friend* 16 (1843): 124. The event moved one person to compose a poem for the occasion, which was a form of artistic activity that Friends did not uniformly reject. The poet’s name is listed simply as N., which may indicate Deborah Norris Logan, who was Dr. George Logan’s wife and Charles’ step-sister. It is also possible that the poem was written long after the events by a Quaker abolitionist who discovered the record of the wedding and was unaware of the couple’s shameful conduct after the wedding. Either way, the pairing of the wedding and emancipation resonated in the Quaker psyche. An excerpt follows:

*They thought of their slaves upon southern soil weeping:
And in love-lighted charity quickly they sever
The chains from their bondsmen, and free them forever.
Soft Mercy looked forth on that moment delighted;
Stern justice with smiles in her rapture united
As the seal of the bridegroom the slavery ended,
As the bride her new name sweetly blushing appended.*

⁵² Kettner, “Persons or Property,” 145; William Wade Hinshaw and Thomas Worth Marshall et al., compseomps., *Encyclopedia of American Quaker Genealogy* vol. 2, (Baltimore: Genealogical Publishers, 1969), 584; Ibid, vol. 6, 258; Robert Pleasants to Samuel Pleasants Jr., 7 July 1779 *Letterbook*, and Herbert Alan Johnson, Charles T. Cullen, Charles F. Hobson, eds., *The Papers of John Marshall* vol. V, (Chapel Hill: University of North Carolina Press, 1974-), 541.

desired effect.”⁵³ If he could not convince the pair to relent, he would have to find other ways to compel performance of the deed; however, because the deed was prepared in Pennsylvania and before the Manumission Act of 1782, Pleasants doubted his ability to legally compel the pair to do their duty if they continued to prevaricate.

Within two years of taking ownership of his Virginia slaves, the slaves themselves began to rebel against Logan’s pretensions and assert their claim to freedom. In December of 1784, John Gray as Logan called the young man, or Jack as he called himself, took leave of Logan’s Powhatan plantation.⁵⁴ Logan obviously had trouble with the young man and Jack had challenged Logan’s tentative control of his plantation. Logan described Jack as having “an impudent countenance and sulky disposition.” Jack had taken to liquor, gaming and cards and there was little Logan could do to stop him. Jack would get drunk, find his courage and become “very impertinent” with Logan. It is clear that Jack had little fear or respect for Logan and the alcohol exacerbated the tension. Logan offered eight dollars for his return—well under the average price for a prime field hand. Logan wanted Jack back, but on the cheap.⁵⁵ Jack, like Thornton and Jacob had done, took a variety of clothes and Logan assumed that “he may change his appearance” to look like a free man. Like the other two runaways, it was assumed that Jack would make for the James River and either seek passage out of Virginia or work along its banks as a waterman or sailor. And like Miriam, he warned captains of vessels to steer clear of employing Jack as they did so at “their peril.” Logan imagined or thought it useful to claim that Jack was violent and a threat to any potential benefactors.

⁵³ Robert Pleasants to Jacob Shoemaker, Jr. and Others, the Committee appointed by the Pennsylvania Society for the Abolition of Slaves, 12 May 1788, *Letterbook*.

⁵⁴ Windley, *Runaway Slave Advertisements*, 368.

⁵⁵ Franklin and Schweningen found that the average reward for a prime Virginia field hand in 1800 was \$18 or about 5% of the average sale price of \$350. See Franklin and Schweningen, *Runaway Slaves*, 176-177.

Although Logan had trouble with his slaves and was under pressure from Pleasants, he would not budge on emancipation. Pleasants sought the legal advice of Edmund Randolph, one of Virginia's finest practitioners, who was "then practicing law in the superior courts." Randolph, after considering the matter concluded that the manumission was "ineffectual to compel a performance" for two reasons. One because the manumission had taken place on the day of Logan's marriage, the law supposes a man in that situation to be under "particular influences" deleterious to sound judgment. The anticipation of nuptial bliss and a last minute request on the part of his bride just before the wedding may have been enough to put Logan under some duress in Randolph's estimation. Secondly, in Randolph's legal opinion, Logan did not yet have custody to dispose of the minor's property since the marriage had not yet taken place.⁵⁶ Randolph noted that Logan's bride was "under age" and may have lacked the legal capacity to either emancipate the slaves or to consent to their manumission.⁵⁷ It would be like asking a modern court to enforce the promise of a sixteen year old youth to give away a quarter of million dollars to charity. Randolph related the matter without regard to the object of the couple's ephemeral benevolence. It made no difference to Randolph that the subject of the dispute was the freedom of nearly fifty individuals because as a lawyer that is how he imagined a court would rule. It would overlook considerations of humanity and seek to know if the formal requirements had been met. Without a special category for slave property, a common law court would treat the matter like any other valuable property the presumption being that only in extraordinary circumstances would a man

⁵⁶ Kettner, "Persons or Property?" 145; Robert Pleasants to Jacob Shoemaker, Jr. et. al., 12 May 1788, Letterbook. For Edmund Randolph, see John J. Reardon, *Edmund Randolph: A Biography* (New York, Macmillan, 1975).

⁵⁷ Pleasants to Shoemaker, Jr., et al., 12 May 1788, *Letterbook*.

willingly part with so much valuable property. If he came to his senses and reversed himself why should a court intercede? No legal party could claim detrimental reliance on his or Molly's promise—the slaves did not count as beneficiaries according to Randolph's understanding of the case.

But Pleasants was not dissuaded. He vowed “to accomplish my Father's and Brother's wills in every Respect” using all “probable means to relieve the Negroes.” He told Logan that he would one day put them beyond “any other shadow of claim.” Logan tried to pacify Pleasants by saying that he did not blame him for doing what he conceived to be his duty and in fact admired Pleasants for it. Nonetheless, Pleasants admitted that the dispute had become personal and “it would give me real pleasure to see them relieved from a state of hard Bondage” and removed from Logan's possession. He suspected that Logan had sold some of the slaves down south for cash and was only waiting for “the suitable opportunity of disposing of [some] others.” He hoped that the slaves were sold locally, but was unsure if any of “them have gone out of state or not.”⁵⁸ If the slaves were indeed sold out of state, it would become very difficult to track them down, much less convince a court in another jurisdiction to overturn the sales.

Unable to move Logan to emancipate, Pleasants saw a new opportunity to force the issue with his brother in law—the formation of the Pennsylvania Abolition Society [PAS].⁵⁹ The recently reconstituted PAS had previously assisted Pleasants in a case which revealed how tenuous the right to freedom was for slaves under the wills.⁶⁰

⁵⁸ Ibid.

⁵⁹ For the PAS, see Richard S. Newman, *The Transformation of the American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002).

⁶⁰ Pleasants had given Thomas Pleasants, his son in law, custody of a slave girl named Lydia who held a right to freedom when she reached eighteen years old. Thomas took her Philadelphia and once there Lydia

Pleasants hoped that the PAS, whose Philadelphia members were on familiar terms with Charles Logan, could assist.

In order to increase pressure on the couple, members of the PAS decided to publish Logan and Molly's matrimonial manumission deed so as to discourage the sale of any of the slaves to legitimate buyers, or at least give potential buyers pause before purchasing them with a possibly defective title attached.⁶¹ Beyond that measure, the PAS was hesitant. They recommended that Pleasants attempt "mediation" with Logan before resorting to "an appeal to your Laws." They wrote: "We desire not to throw out unmeaning threats against Charles- we wish not to injure him." Instead, they wanted him to "comply with the advice of his Friends and his own solemn engagement." Logan's behavior had created negative "publick notoriety" and the PAS decided to form an acting committee to deal with the situation. The PAS reassured Pleasants that if "milder measures fail we shall be obliged to use the [Instrument] of the Law [.]"⁶² Sterner measures had been proposed against him but it was decided to give "Charles notice of their intentions and Time [particularly] to reflect on his conduct."⁶³

Over the summer, the PAS kept pushing Pleasants to treat with Logan. It was difficult for Pleasants. The distance between their homes was nearly fifty miles and he had trouble riding long distances at his age. But he would have made the journey if he

was passed from Thomas through several putative owners. Her right to freedom had been ignored or obscured during the several changes of ownership. It seems she may have legally freed, but was subsequently bound as a servant until twenty five. Pleasants was "uneasy" with the situation and informed the standing committee of the situation. The committee applied to the courts of Philadelphia and a trial was set in the matter. The PAS continued to pursue the matter for Pleasants. See The Pennsylvania Abolition Society Minutes and Reports; Acting Committee, Minutes 1784-1810; Minute Book 1789-1797, PAS Papers Series 1.4, Sec. 2, p. 2.

⁶¹ Minutes and Reports; Acting Committee, Minutes 1784-1810; Minute Book, 1784-1788, PAS Papers Series 1.4, Sec. 1, p. 148.

⁶² Ibid, 149-150.

⁶³ Ibid.

had not thought it hopeless. He explained to the PAS committee members that “divers times” in the past he had spoken with Logan. And now, he could not see “the least prospect of his doing justice to those injured people.” Despite his frustration with Logan’s intractability, Pleasants agreed to try one last time. He promised that if Logan should show even the “least disposition to do right,” he would relent and the committee members would be informed as soon as possible.⁶⁴ The PAS also reached out to Logan and discovered he had no intention to “fulfill those honorable intentions expected from him.” As a result, they resolved to form a three person group to explore with the Society’s legal counselors and determine if the deeds were “agreeable to the laws of Virginia” when combined with the freedom provisions in the will.⁶⁵ They thought perhaps that the combination of the two documents could compel performance. It seems that little came of the idea and by the end of 1788 it appeared the PAS could not do anything further to compel Logan to free the slaves.

Unable to persuade Logan to release the slaves voluntarily, Pleasants returned to the idea of a lawsuit and sought a second opinion from one of his lawyers who advised Pleasants to petition the legislature directly for relief.⁶⁶ But, Pleasants knew that there would be “great opposition to such a law.” Logan and the others would quickly mobilize to oppose any such measure. In addition, his lawyer noted that if the petition were defeated, “it would not in the smallest degree prejudice the right of the claimants” at a future date. Pleasants thought this was sound advice and decided to test the waters in the General Assembly. He consulted one of the “leading men” of the assembly who gave him

⁶⁴ Correspondence, Loose Correspondence, Incoming 1784-1795, PAS Paper Series 2.2, 153-155.

⁶⁵ Minutes and Reports; Acting Committee, Minutes 1784-1810; Minute Book, 1784-1788, PAS Papers Series 1.4, Sec. 1, p. 191.

⁶⁶ It is not clear who the attorney Pleasants consulted may have been.

cautionary advice.⁶⁷ The legislator “appeared to be clear in [his] Judgment that it would be best that a suit should be commenced in one of our courts of law.” If the case was defeated or dismissed, then “the assembly could with more propriety take it up.” But Pleasants did not trust the lawmaker’s advice. As his attorney had noted, there was no penalty in applying to the legislature: but a court decision, on the other hand could be final and the Assembly would more than likely be averse to overturning a judicial ruling.

Pleasants had successfully lobbied members of the Assembly to adopt freedom provisions in two other Quaker wills.⁶⁸ He thought that the case of Charles Moorman was particularly on point and was a good precedent that argued well for his case.⁶⁹ Charles Moorman of nearby Louisa County had included freedom provisions for “upwards of thirty negroes” in his will drawn up in 1778.⁷⁰ Both Moorman and his wife died soon after. His executor petitioned the Assembly to free Moorman’s slaves in December of 1786.⁷¹ The will had expressly “loaned” the labor of the slaves to his devisees with the stipulation that all males so “loaned” would gain full freedom at 21 and females at 18. Moorman requested that his executors petition the Assembly to “confirm the freedom” of all the slaves in his will. And if an act could not be obtained, he directed that they “keep possession of their respective loans, and their increase; to descend to them, their heirs or assigns, forever; reserving, nevertheless, a right for all of the...slaves, to claim the benefit of this my last will and testament, if ever hereafter it should be lawful for them to do so.”

⁶⁷ The unnamed legislator was most likely Patrick Henry who was on close terms with Pleasants and had helped him with legislative matters and advice in the past.

⁶⁸ Correspondence, Loose Correspondence, Incoming 1784-1795, PAS Papers Series 2.2, 1-145.

⁶⁹ Robert Pleasants to James Pemberton, November 13, 1790 in PAS Papers Series 2.2 - Correspondence, Loose Correspondence, incoming 1784-1795, p. 2-221.

⁷⁰ Ibid.

⁷¹ *Journal of the House of Delegates of the Commonwealth of Virginia...the Sixteenth of October in the Year of Our Lord One Thousand Seven Hundred and Eighty Six* (Richmond: Thomas W. White, 1828), 88.

Like Charles Logan, two of the devisees sold some of the slaves and “conveyed the absolute right thereof to the purchasers.” Reading between the lines, either the devisees failed to inform the buyers or the buyers thought the provision would not be enforced in the foreseeable future.⁷² In the fall, the committee presented a second report on the matter.⁷³ In addition to the will, Moorman’s executor submitted deeds of emancipation, signed and sealed, dating from May of 1778 in which he released “thirty-three slaves” and voided “all of his absolute property, all the right, interest, claim, or any pretensions of claim whatsoever” in the former slaves.⁷⁴ And so, there were two records of Moorman’s intention to free the slaves, both of which predated the manumission act. The Assembly passed a bill ratifying the freedom of the slaves declaring it “just and right that the benevolent intentions” of Moorman “towards his slaves should be carried into effect” and the Assembly essentially enacted the will’s provisions as recorded.⁷⁵ Moorman’s estate made effectuation of the will a simple matter. The estate was solvent and without creditors. But the Assembly’s act only applied to the slaves in Virginia and those specifically named. Christopher Johnston, the executor of the estate, with the aid of Pleasants would travel south looking to locate the slaves sold to South Carolina and Georgia.⁷⁶

⁷² Ibid, 121-2.

⁷³ *Journal of the House of Delegates of the Commonwealth of Virginia... Fifteenth of October in the Year of Our Lord One Thousand Seven Hundred and Eighty Seven*, 40-1.

⁷⁴ Ibid.

⁷⁵ William Waller Hening, *The Statutes at Large: Being a Collection of All the Laws of Virginia, from the First Session of the Legislature, in the Year 1619*. Vol. 12 (Richmond: J. & G. Cochran, 1823); 613-616, 615.

⁷⁶ It appears that Johnston had been hired by Pleasants and the Virginia Yearly Meeting to try and secure the release of those people sold illegally between 1788 and 1796. Johnson travelled south to try and track the men and women down. After locating them, he was to file suits for their release. Things did not go well. County courts generally met once a month and Johnston found himself rushing from one county to the next. He found “disappointments again in Georgia, occasioned by the courts being altered with respect to time.” He was delayed for months. He visited three courts but the three suits he submitted were dismissed without

In the second petition, the Assembly confirmed the freedom of 170 or so slaves set free under the will of Joseph Mayo of Henrico County.⁷⁷ Mayo who composed his will in 1780 had died in 1785. Pleasants saw similarities between the wills of his father and brother and the will of Mayo. Both were written before the 1782 law and both sought to free a large number of slaves.⁷⁸ The testators had also decided to free their slaves only after their death surprising and disappointing relatives and heirs. But there was a difference. Mayo had instructed his executors to apply *directly* to the legislature for a private bill to “confirm the freedom as devised.” The Pleasants’ wills, in contrast, required terms of service from the slaves and provided for a conditional release only after the law was changed to allow manumissions.⁷⁹

Mayo’s will “astonished” neighbors and family members. His former slaves soon discovered the will’s provisions. James Currie, a local planter, reported to Thomas Jefferson that “the report has caused 2 or 3 combats between slaves and their owners, now struggling for the liberty to which they conceive themselves entitled.”⁸⁰ Based on Currie’s report, it seems the slaves at issue believed they had a legal right to freedom and

a hearing. Pleasants prepared an accounting of Johnston’s expenses and the Quarterly Meeting paid it with Pleasants making a personal contribution. See Christopher Johnston to Robert Pleasants, 20 Aug. 1792, “Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland” Vol.3, at the Richmond History Center, Richmond V.A.; Davis, *Problem of Slavery*, 197; Charles O. Paullin, “The Moorman Family of Virginia,” *The William and Mary Quarterly* 12 (1932): 178. Christopher Johnston squared off against a young John C. Calhoun in the case of *Johnston v. Dilliard*, 1 S.C.L. 232, 1 Bay 232 (1792). The result of the case remains uncertain. See Linda O. Smiddy, “Judicial Nullification of State Statutes Restricting the Emancipation of Slaves: A Southern Court’s Call for Reform,” *South Carolina Law Review* 42 (1990-1991): 610-611. Jay Worrall found that Johnson had made fourteen separate trips between 1788 and 1797 and travelled well over ten thousand miles. Worrall, *Friendly Virginians*, 231.

⁷⁷ Robert Pleasants to John Townshend, 12 Feb. 1788, *Letterbook*.

⁷⁸ James Currie wrote to Thomas Jefferson that the number of slaves at issue was between one hundred and fifty to one hundred and fifty seven. Quoted in John Henderson Russell, *The Free Negro in Virginia 1619-1865* (Baltimore: Johns Hopkins Press, 1913): 56.

⁷⁹ Russell, *Free Negro in Virginia*, 56; Correspondence, Loose Correspondence, Incoming 1784-1795, PAS Papers Series 2.2, 1-145.

⁸⁰ James Currie to Thomas Jefferson, 5 Aug. 1785, in Boyd, *Papers of Thomas Jefferson* vol. VII, 342-3.

were willing to fight for it. Mayo's executors applied to the Assembly for a law to "carry into effect the will of the testator directing the emancipation of all the slaves" he possessed. There should have been no problem since Mayo died after the passage of the Manumission Act. The executors averred they were "sincerely disposed to comply with that benevolent purpose" of emancipation but "the insufficiency of the personal estate" meant Mayo's debt could not be discharged. The will instructed them to free the slaves but as executors of the estate, they were legally bound to settle all outstanding claims. If they freed the slaves, they would deplete the estate and thus deny "creditors their just demands."⁸¹ They needed something to split the difference and hoped that the Assembly could craft a private bill that would meet both considerations. The measure passed the House after extensive debate and was sent to the Senate in early 1787 where it was finally adopted.⁸²

The private bill declared that Mayo's "benevolent intentions" were "just and proper." But, such benevolence had to be balanced against the "rights of all persons having claims upon the estate." The law freed all of Mayo's slaves alive at the time of his death and "the increase" since then and charged the High Court of Chancery with administering the act. The court was instructed to settle the estate's debts before emancipating any slaves since the slaves' labor could be used to cover any shortages. Moreover, the slaves' labor was used to create a fund to care for elderly or infirm former slaves "so as to prevent them from becoming burthensome to the community." Only after those two objectives had been met, would the high court arrange for the emancipation of

⁸¹ *Journal of the House of Delegates of the Commonwealth of Virginia... One Thousand Seven Hundred and Eighty Six*, 10, 18, 22, 36, 37, 102, 106.

⁸² *Journal of the House of Delegates of the Commonwealth of Virginia... the Fifteenth of October in the Year of Our Lord One Thousand Seven Hundred and Eighty Seven*, 10, 12, 25-6, 30, 41, 78-79, 98.

Mayo's former slaves. The liberty of the slaves, the Assembly decided, was of secondary consideration; it had to first satisfy the estate's creditors and legatees as well as prevent disruptions to the community or its finances.⁸³ And yet, the Assembly thought it fit and proper to fulfill Mayo's will as long as it could be balanced against established property rights. Without a special analytical category that would make the descent of slaves separable from other forms of property, the Assembly had to fashion an *ad hoc* rule that took into consideration the profit generating capability of slaves as laboring human beings and their need for maintenance in old age and infirmity. The primary goal was to settle the estate and if possible fulfill the testator's benevolent intentions. The law did not take notice of the slave's desire for freedom because that desire had been analytically extinguished as a consequence of being classified as chattel property. In the end, the slaves worked the land and did it well. By 1791, they had done so well that they had cleared all of the estate's debts leaving a stash of profits and lands to be fought over in court by Mayo's descendents.⁸⁴ No one suggested that perhaps the slaves were entitled to the land they had so profitably engaged.

In a similar matter, Pleasants directed "a suit to be commenced for the freedom of about six or eight Negroes left free by the will of one of my neighbors, which have been sold or now detained by the administrator or executor on a pretense that there is not estate sufficient to pay the debts without them."⁸⁵ Pleasants was referring to the estate of Gloister Hunnicutt, a Quaker, of Sussex County who devised six slaves to the Society of Friends

⁸³ Hening, *Statutes at Large* vol. 12, 611-613; *Seekright, Lessee of Wm. Mayo v. Paul Carrington and Others* (1791) in Thomas Johnson Michie ed., *Virginia Reports, Jefferson –33 Grattan, 1730-1880* (Charlottesville, The Michie Company, Law Publishers, 1903), 378-9.

⁸⁴ See *Ibid.* See also *Seekright v. Carrington* (1791), 378-9.

⁸⁵ Robert Pleasants to Jacob Shoemaker, Jr. and Others, the Committee appointed by the Pennsylvania Society for the Abolition of Slavery, 12 May 1788, *Letterbook*.

in 1780 to be set free when legally possible. Two years later, the Quakers executed deeds of emancipation, which were recorded in the Sussex county court. The only problem was the estate's executor, Gloister's son, Pleasant Hunnicutt, refused to free them.⁸⁶ Pleasants' suit failed in the district court and the case meandered its way toward the Virginia Court of Appeals. It would not be settled until 1804 well after Pleasants's death in 1801. Freedom was not self-executing and could be difficult to enforce "unless heirs and executors were sympathetic toward the idea of manumission."⁸⁷ But Pleasants had hope. In addition to ratifying the wills of Mayo and Moorman, the Assembly voted down a measure that would have required freed blacks to leave Virginia after emancipation.⁸⁸ Antislavery in Virginia was at the peak of its powers as the 1790s began. In the peace that followed the Revolution, a manumission act had been passed, the Society of Friends had been substantially cleared of slaveholding and Pennsylvania had passed a gradual emancipation act. It seemed the cause of liberty, an end to the slave trade and emancipation was a movement in ascendance. And indeed, it was. It challenged slaveholders in Virginia to justify slavery.

Slavery was defended in law by refusing to countenance the humanity of slave in the common law considerations. In the case of the Moorman estate, the primary consideration was the solvency of the estate and effectuating the testator's good

⁸⁶ *Charles et al. v. Hunnicutt*, 5 Call., (1804), 311-312. The case would not be decided until 1804 in the Virginia Court of Appeals. In a strange twist of fate, the case of *Pleasants v. Pleasants* would be heavily cited in the *Hunnicutt* decision. See Wolf, *Race and Liberty*, 156; Thomas D. Morris, *Southern Slavery and the Law, 1619-1860* (Chapel Hill: University of North Carolina Press, 1996), 374. For the family generally, see James Branch Cabell, "The Hunnicutts of Prince George" *The William and Mary College Historical Quarterly* 27 (1918): 34-44.

⁸⁷ Robert McColley noted that Gloister Hunnicutt's putative slaves were detained in bondage, "twenty-two years longer than they should have been, according to the clear instruction of his will." McColley, *Slavery and Jeffersonian Virginia*, 145.

⁸⁸ *Journal of the House of Delegates of the Commonwealth of Virginia...Fifteenth of October in the Year of Our Lord One Thousand Seven Hundred and Eighty Seven*, 128-9.

intentions. It was a noble act that reflected well on Moorman but little consideration was given to the humanity of the slaves—it was secondary to the execution of a relatively easy estate partition. In the case of Joseph Mayo, the Assembly focused on making sure all outstanding debts were paid before any emancipations took place. Certainly, the slaves themselves understood that their voice would not be heard in court and so they made their arguments through defiance. In the case of Gloister Hunnicutt, there was no common law consideration or category that acknowledged how his son's unrestrained property right during adjudication might be curtailed in favor of protecting the objects of consideration, the people themselves, from being sold away or worse. Lawmakers, judges and lawyers found the common law's silence on slavery to be useful for the perpetuation of the institution. When it served the interest of slaveholders, slaves could be treated like animals or beasts in the law. When it served the interest of slaveholders, slaves could be inanimate property. And so on and so forth. Whether this categorical instability caused a tension in Southern jurisprudence that demanded some sort of rectification is beyond the scope of this study.⁸⁹ But it does appear clear, at this point, the ambiguity of the legal personality of the slave was useful in responding to legal challenges presented by antislavery. Far from demanding amelioration, the categorical instability allowed lawmakers and judges to craft rulings that were able to uphold the principles necessary for the perpetuation of slavery (i.e. property rights) while adding a libertarian gloss to their rulings.

Having eliminated any other options and having exhausted his patience with Charles Logan's stubbornness, Pleasants began working on a plan to get the wills ratified

⁸⁹ See Mark V. Tushnet, *The American Law of Slavery, 1810-1860: Considerations of Humanity and Interest* (Princeton: Princeton University Press, 1981).

by the Assembly just as the executors of the Mayo and Moorman estates had done.⁹⁰ In August, Pleasants wrote to Patrick Henry whom he had attempted to convince to implement antislavery legislation into law in the past, but Henry demurred.⁹¹ Pleasants again asked for Henry's help, arguing that Henry was aware of "the injustice of laws that restrain the liberation of that highly injured people" and might feel compelled to act. Henry would soon see a notice in the papers, Pleasants explained, seeking "the relief of the Negroes" set free by his father and brother's wills. The slaves were "held in Bondage in contradiction to the desire and express condition of the bequests under which they are held." Pleasants hoped to convince Henry to use his influence in the Assembly, but Henry's base of political support was growing class of slaveholding tobacco planters from the Southside and the Piedmont. Henry could not act counter to their interests and so Pleasants presented Henry a legalistic argument that he could utilize. "Every man hath or ought to have a Right by will," Pleasants told Henry, "to provide for the contingencies in the disposition of estates of every kind held under sanction of law." It was a fundamental right of property owner to decide what should be done with his property.

Pleasants anticipated the counterargument that the will's provisions were invalid because manumission was illegal at the time it was written. Pleasants admitted there was an "unrighteous law" in place that "prevented the deceased from fulfilling their benevolent intentions." And as applied to his case, it inhibited the testator from doing "justice to that injured people. He closed by saying that in this "enlightened day" such a formality should not allow the continued "holding [of] that unhappy people in a State of

⁹⁰ Hobson, *The Papers of John Marshall* vol. v, 541.

⁹¹ See Henry Mayer, *A Son of Thunder* (Charlottesville: University of Virginia Press, 1986), 168.

perpetual slavery.”⁹² A record of Henry’s response has not been found, but it seems unlikely that he would lend more than cursory support for the measure.

In September of 1790, Pleasants announced his intention to petition the legislature to seek a law to enforce his brother and father’s wills.⁹³ He tried to balance his responsibility as dutiful executor with his deeply held religious beliefs and love for his children and relatives. He did not relish the case and it was not very often that he addressed it in the surviving correspondence. Nonetheless, he supposed that Logan and the others would make “all the opposition in their powers” but he was optimistic and thought there was a “fair prospect” of success.⁹⁴

Logan and Samuel Pleasants Jr. [“Sammy”], Robert’s nephew filed a counter petition. Sammy’s father, who died in 1775, had asked Pleasants to ensure that the young man would be brought up “in the principles” of Friends.⁹⁵ Despite Pleasants’s assistance, Sammy found Quakerism too constraining and according to his uncle lived a life of “sensuality and dissipation.” Pleasants would continue to cajole and encourage Sammy to mend his ways, but to no avail.⁹⁶ His alliance with Logan in the matter was probably not a surprise, but nonetheless a great disappointment to Pleasants. Logan and Sammy

⁹² Robert Pleasants to Patrick Henry, 17 Aug. 1790, *Letterbook*.

⁹³“Notice is hereby given, that a petition will be presented to the General Assembly, to pass an act in confirmation of the last wills and restatements of John and Jonathan Pleasants, late of Henrico County, deceased, which direct and all the slaves then held by them, together with their increase, to be made free at a certain age.” *Virginia Gazette, and General Advertiser*, 8 Sept. 1790.

⁹⁴ Robert Pleasants to James Pemberton, November 13, 1790 in PAS Papers Series 2.2 - Correspondence, Loose Correspondence, incoming 1784-1795, 1784-1795, p. 2-221. *Journal of the House of Delegates of the Commonwealth of Virginia*, 1790, 57-60.

⁹⁵ Robert Pleasants to Samuel Pleasants, 7 July 1779, *Letterbook*.

⁹⁶ Pleasants wrote to Sammy in 1778: “I have had too much reason to apprehend from thy late conduct, that anything I say, either from my own experience, or the anxious desire of a deceased Parent, will little avail, towards thy establishment in the way of Truth and Righteousness; but whether thou wilt hear or forbear, I wish to discharge my duty to thee, and to all mankind.” Signed, “Thy afflicted but Loving Unkle.” Ibid. See also, Robert Pleasants Excerpt of a Letter to Samuel Pleasants, 31 May 1784, *Letterbook*.

defended their decision not to emancipation on legal grounds. They argued that at the time the wills were made colonial law prohibited private manumissions which made the freedom provisions ‘a mere Nullity.’” The law was clear and so they argued that Pleasants’s petition was “not a proper Subject of Legislative interference.”⁹⁷ Their petition did not consider the intent of the testator, the subject of the dispute or the intention of the manumission law. Those were secondary considerations that depended on the validity of the instrument, according to Logan and Sammy. They also argued there were other legal technicalities that required judicial interpretation beyond the Assembly’s proper cognizance.⁹⁸ If the freedom provision were indeed a “nullity” then the slaves were common law property and divisible according to common law estate settlement. Their argument found support in the Committee for the Courts of Justice, which urged that Pleasants’s petition be rejected because it involved “private rights” that depended on the legal interpretation of the will putting it outside of the “proper” consideration of the Legislature.⁹⁹

In 1791, Pleasants tried again and published a more accusatory notice in the papers. He alleged that his father and brother’s heirs held slaves in “contradiction to the express conditions” of the wills. Pleasants highlighted their immoral conduct and perfidy in taking the slaves under the will’s provisions and then renegeing on that agreement.¹⁰⁰ He hoped that others would see the notice and pressure the family members to do justice. If the slaveholders had been faithful Quakers, the monthly and quarterly meetings could have applied pressure as could individual friends in their personal capacities. But as it

⁹⁷ *Journal of the House of Delegates*, 1790, 78.

⁹⁸ Kettner, “Persons or Property?” 146, citing Petition of Nov. 20, 1790, in Legislative Petitions, Henrico County, Box A (1778-90), Library of Virginia, Richmond, V.A.

⁹⁹ Kettner, 146, citing *Journal of the House of Delegates* (1790), 107, 126.

¹⁰⁰ *Virginia Gazette and General Advertiser*, 10 Aug. 1791.

was, many of the slaveholding family members had drifted away or were no longer active members of the Society. Outside of the Quakers, there were only a few communities that actively pushed for emancipation in Virginia.¹⁰¹ Despite his hopes, the private bill was defeated. His brief to the Committee for the Courts of Justice could not convince the legislators to reconsider the issue.¹⁰² In order to compel Logan and the others to free the slaves, he would have to file suit in a court of law.

But Logan and Molly were not Pleasants's only problem; his relationship with his son and namesake, Robert Jr., had greatly deteriorated as a result. The relationship had been stressed by disputes concerning the war, slavery and religion. As the rebellion began, Robert Jr. felt the pull of patriotism and flirted with the idea of military service while supporting the idea of armed revolution. His father accused him of being an "encourager of War" and violating the spirit of pacifism. Robert Jr. had also stopped attending Quaker meetings and his absence embarrassed his father when prominent ministers visited. As he explored "the world" outside the Society, he met Elizabeth ["Eliza"] Randolph, daughter of Thomas Mann Randolph, a wealthy and prominent slaveholder in Henrico County.¹⁰³ Robert Jr. left the Society of Friends and married Eliza "without the approbation" of his father. Like his father, Robert Jr. had a stubborn streak. To all of his father's many, many paternal advices, Robert Jr. often responded by saying "I must think for myself." And he would stick to his position much to his father's

¹⁰¹ Eva Sheppard Wolf found in her study of eight counties that religious groups accounted for a large number of emancipations, but she also found a secular antislavery community on the Eastern Shore in Accomack County in *Race and Liberty in the New Nation*, 60-3.

¹⁰² *Journal of the House of Delegates* (Oct. 17—Dec. 20, 1791), 14, 45, 63. No record of the brief or identity of the lawyer who presented it remains. It may have very well been John Marshall whom Pleasants had retained in 1790 in an unrelated case.

¹⁰³ For Thomas Mann Randolph and his family see Cynthia A. Kierner, "'The Dark and Dense Cloud Perpetually Lowering over Us': Gender and the Decline of the Gentry in Post-revolutionary Virginia," *Journal of the Early Republic* 20 (2000): 185-217.

consternation.¹⁰⁴ After periods of rapprochement and conflict, by 1792 the split between the Pleasants was at its worst. Pleasants blamed Eliza in some measure for his son's apostasies and worked to undermine her fitness as a mother in his eyes. Robert Jr.'s health was poor and on the eve of a trip (most likely to the Virginia Springs for recuperative purposes), Pleasants urged his son to "make a will & leave one or more of thy dear Children to the Guardianship of some honest steady friend, who would be more likely to attend to their religious education." Eliza could not be trusted with his grandchildren's spiritual welfare; he wrote, "altho I love their Mother, how grievous would it be to see my only surviving descendants brought up in the accustomed follies and vanities of a dissipated and Irreligious age."¹⁰⁵ Eventually Eliza learned of Pleasants's views and was deeply hurt—at first—but became increasingly angry the longer she thought about it.

Eliza had silently suffered Pleasants's disapproval of her marriage to his son. But, Pleasants struck a nerve when he threatened her custody of the children by denigrating her character and fitness as a parent. In a heartfelt and moving letter she comes across as an intelligent and spirited woman who is a reluctant, yet nonetheless confirmed defender

¹⁰⁴ Robert Pleasants to Robert Pleasants Junr., 9 Sept. 1778, *Letterbook*. Some of Pleasants's urgency regarding his son's choices, especially in regards to religious and moral matters, is related to Pleasants's recognition of his son's delicate constitution. Used to seeing men and women in the prime of life cut down by death and sickness, he feared greatly for his son's welfare. He told his son, "Our life in this world is properly compared to a vapor; short at most & altogether uncertain as to its continuance." Ibid.

¹⁰⁵ It must be noted that these letters to Robert Pleasants, Jr. are not included in the Haverford version of the *Letterbook* but are in the typed transcripts of the letters held at the Richmond History Center. Certainly, Pleasants's conduct in this matter is less than admirable. He puts the notion in his son's ear that Eliza would be unfit to raise the children in the event of Robert's demise. It is clear that Robert Jr.'s health was an issue: "I desire thou wilt let me hear from [you] by every suitable opportunity, in respect to thy health, as well as [Eliza], and what effect the exercise, the air, or the Water have on you and may the Lord bless and preserve you..." See Robert Pleasants to Robert Pleasants, Jr., 14 July 1792, *Letterbook*.

of slavery.¹⁰⁶ Slavery became a point of contention in the gender and familial dynamics of the family. Eliza wrote that after eight years of “endeavoring to please [Pleasants],” a man she held in high esteem, she was “at this time as far from it as ever.” But her pain soon gave way to indignation. She chided him for his low opinion of irreligious women like herself. Pleasants believed, according to Eliza, that that the “conscience of a Woman void of religion can easily be lulled to sleep, whenever she wishes to satisfy her Carnal inclinations.” In a general sense, Pleasants believed that religion elevated moral considerations from the din of individual short term self-interest. But Eliza may have also been voicing resistance to Pleasants’s intimations that women were perhaps more susceptible to “carnal” inclinations, an idea which she found patronizing. Pleasants was concerned that if his son should die, his grandchildren’s welfare might be endangered by a hasty ill-conceived remarriage. She rejected his condescension: “I do not think my offspring will be injured from the irregularity of my conduct.”¹⁰⁷

Eliza first affirmed her own moral character then addressed the issue of parental custody and the emotional pain Pleasants had inflicted: “I cannot get over Dear Father mentioning to you that my feelings are wounded in a most sensible manner at your wish to have my children taken from me should I survive their Father.”¹⁰⁸ Pleasants may have used the promise of an inheritance to try and influence the couple, but Eliza rejected his

¹⁰⁶ Eliza Pleasants to Robert Pleasants, 17 Oct. 1792, in “Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland” Vol. 3 *Miscellaneous Materials* at the Valentine Richmond History Center, Richmond, VA. The episode with Eliza shows how law, race, slavery, custom and family dynamics could all be intertwined in early Virginia communities. Tatiana Van Riemsdijk studies another such intersection of these forces in Lancaster County, V.A. See Tatiana Van Riemsdijk, “His Slaves or Hers? Customary Claims, a Planter Marriage, and a Community Verdict in Lancaster County, 1793” *The Virginia Magazine of History and Biography* 113 (2005): 46-79. Eliza was indeed well educated by private tutors along with all of her sisters. See Kierner, 188-190.

¹⁰⁷ Eliza Pleasants to Robert Pleasants, 17 Oct. 1782, *Letterbook*.

¹⁰⁸ *Ibid.*

gestures: “Their poor Mother, not having the happy art to please will I do not doubt deprive them of their earthly patrimony” but “if the almighty thinks fit to spare me, I will endeavor through his divine assistance to make amends for it—believe me, Dear Father.”

She challenged her father-in-law’s religious surety:¹⁰⁹ “Was I weighed in the balance, I should probably be without Religion...for what do we frequent public places of worship but to set an example to others?” Religion, to this daughter of Virginia aristocracy, seemed a social ritual of display.¹¹⁰ Furthermore, adherence to a “discipline,” a set of arbitrary rules by which God should be worshipped, struck Eliza as ridiculous and small-minded: “Can I possibly suppose the supreme judge of all, so capricious a being, that unless I serve him in a particular manner, he will think me unworthy his attentions? Can I be so vile that a secret prayer put up to the Merciful Creator will not find admittance?”¹¹¹

Eliza’s irreligious beliefs, and actions, threatened Pleasants’s conception of his family, faith and mission. She helped Robert Jr. leave the Society of Friends and the pair had accepted slaveholding. Robert Jr.’s decision to renounce Quakerism was a personal failure for his father. As a Quaker elder, it was expected that of all Friends, he should be able to pass on the faith to his children. The rising generation was turning away from its spiritual inheritance. Being a Quaker, in Pleasants’s eyes, was the surest path to salvation.

Eliza threatened his son’s heavenly reward. One sure sign of Eliza’s untethered moral

¹⁰⁹ Eliza was in this regard quite the opposite of at least three of her sisters: “Like many troubled gentlewomen of their generation, the Randolph sisters sought and found solace in evangelical Christianity.” See Kierner, “The Dark and Dense Cloud,” 196.

¹¹⁰ Eliza’s experience seems to corroborate Rhys Isaac’s conclusion that it was “evident that Virginians, whatever their rank, did not affect postures of grave piety and that on Sunday at church they took for granted the close proximity of the profane to the sacred.” Rhys Isaac, *The Transformation of Virginia 1740-1790* (Chapel Hill: University of North Carolina Press, 1982), 60-61.

¹¹¹ Eliza Pleasants to Robert Pleasants, 17 Oct. 1782, *Original Records of Quaker Meetings in Virginia* vol. 3.

sense, for Pleasants, was her defense of slavery—an institution that he regarded as one of humanity's greatest crimes.

If slavery had not been involved, perhaps these two could have reconciled, but slavery forced abstract issues of equality and morality to the forefront with immediate and direct consequences for both the family and the enslaved. Eliza countered Pleasants' denunciations of her slaveholding by skillfully weaving strands of humanitarianism, practicality, and religion into a defense of her decision not to emancipate. Slavery in this way helped exacerbate other pre-existing tensions within the family. For example, Eliza chose her words carefully when she utilized aspects of the Golden Rule, the bedrock principle of Quaker moral decision-making, as a defense of slavery:

“To do as we would be done by is certainly a very great virtue and pleads more forcibly against slavery than anything I can hear from others—but experience has taught me, setting aside all interested motives, that the situation of the Negro, brought up in slavery, and ignorance, is far more eligible [*sic*] under the direction of a good Master than sat at large in the World—without principle or industry which is the case with nine out of ten.”

In these short lines she intimated that the Golden Rule argued for the continued enslavement of black men and women. There existed a “parity of our intentions,” she insisted, as both sought to be benevolent. But unlike Pleasants's optimistic vision of emancipation, Eliza believed that emancipation would only further increase the troubles of her slaves. She had resigned herself to the intractability of slavery in Virginia, at least for the present. And so she wrote: “nothing is left for me to do but to make the lives of those that custom has put in my power, as happy as I can when the Work is ripe for execution, my heart will not be hardened.” Eliza assumed a passive posture in regards to emancipation; she saw it as something external to her influence whereas Pleasants saw

himself as possessing the ability to effect change. In Eliza's perception, black freedom was ill-advised at the present and a responsible, truly benevolent master who would only release her slaves in some distant future when the time was right. Instead of insisting that blacks were dangerous, Eliza had gone the opposite direction in claiming that blacks were helpless. Black Virginians, according to Eliza, should remain enslaved for their own good. Neither her, nor her husband, would free any slaves.¹¹² In 1786, Robert Jr. placed a notice in the papers regarding a runaway, one of his slaves, a "Negro fellow" by the name of Mingo who had run away and was passing as a free man. He found employment in Charlotte County as a hired servant. Mingo's status was discovered and relayed to Robert Jr., by Mingo's employer. Robert Jr. then took the unusual step of announcing in the papers that "I have disposed of the said Mingo to [the master of the house], believing him to have acted uprightly in the matter." Mingo, it seems, was made the slave of his employer and perhaps Robert Jr. was glad to be rid of him. He could have emancipated Mingo, but that would have sent a message to his other slaves that running away could lead to legal recognition and endorsement.¹¹³

Pleasants often worried about his son's weak constitution and sickly nature. His fears came true when his estranged son died leaving Eliza alone and in charge of his

¹¹² This episode stands in stark contrast to James Kettner's reading of the case and especially his take on the female defendants: he wrote, "the fact that they [female devisees] failed to comply with the terms of his will by no means proves that they were indifferent to [John Pleasants] wishes or unsympathetic to the slaves' predicament. Once these women married, control of their slaves rested with their husbands, who might well be more prone to calculate the economic consequences of manumission" Kettner, "Persons or Property?" 144. As the letters between Eliza Pleasants and Robert Pleasants demonstrate, the female defendants could be just as self-serving and unsympathetic to the plight of the slaves as any man. Kettner rightly pointed out that Logan was one of the main movers behind resistance to the will, but he must have not come across this exchange of letters between Pleasants and his daughter-in-law. It should also be noted that when Charles died, Molly continued to hold slaves and fight all efforts to free them. Slavery and patriarchy did not make women oppressed sisters across the color line. See Elizabeth Fox-Genovese, *Within the Plantation Household: Black and White Women of the Old South* (Chapel Hill, N.C., 1998).

¹¹³ Windley, *Runaway Slave Advertisements*, 382.

grandchildren.¹¹⁴ It is very likely Robert Jr. had died after contracting tuberculosis; Eliza would soon follow. Whatever enmity had developed between Eliza and Pleasants, it was resolved in the shared loss of a husband and a son. But in her grief and illness, Pleasants came to her and sat at her bedside as she suffered through the terminal stages of consumption. The father-in-law she could never please stood beside her as she lay dying.¹¹⁵ Despite the conflicts and disagreements that sundered them in life, there was a deep bond of love and respect between them that manifested itself at death. Eliza designated Robert as her children's guardian and entrusted their future to his care.

Charles Logan also died around the same time. True to form, he failed to write a will and as a result his estate was settled by intestacy law. Molly received her widow's share of the estate but the rest was divided up among surviving heirs according to the law. This division of property was an incredibly anxious time for Logan's bondspeople. They could be sold, separated, and taken down south. In legal terms, they were powerless, but a few took action and worked to emancipate themselves in practice. They knew they were in danger of being sold away as part of the settlement of the estate. If they were passed to new owners, it was increasingly unlikely that their claim to freedom would accompany them. Two of them decided to take their chances. On July 23, an advertisement appeared in the *Virginia Gazette Richmond Advertiser* seeking them: Joe was a nineteen years old young man who left wearing the dull clothes of a field hand and Sam was a red haired mulatto man who was regarded by the executors as "an excellent

¹¹⁴ Robert Pleasants to Elizabeth Langley, 26 Jan. 1796, *Letterbook*.

¹¹⁵ Ibid; Robert Pleasants to Samuel Pleasants, 16 Jan. 1796, *Letterbook*. Eliza was the second oldest of ten children born to Anne Cary Randolph. Thomas Mann Randolph remarried a teen age girl who gave birth to a son in 1792. The infant received a large portion of the "debt-ridden" estate and the residual was divided between the remaining ten children in 1793. When she passed in 1796, the once great Randolph family was in serious decline. Kierner, "The Dark and Dense Cloud," 191-194. Like the Pleasants family, the question of inheritance created tensions in the Randolph family

cooper.”¹¹⁶ The runaway ad supposed that Sam planned to pass himself off as a freeman. An experienced cooper, Sam, would have found his skills in high demand and probably had extensive experience off the plantation. Joe would have had less experience with the wider countryside as a field hand. But to look the part of freemen, they had taken with them, according to the ad, a variety of clothes too numerous to describe. The clothes could also be sold for cash.

The original holders of slaves under the will were dying out. With each change of ownership, it became more difficult to free them. Thomas Pleasants (Pleasants’s son-in-law) died in December 1795 and “expressed some anxiety of not having it in his power to leave his Negroes free.” Pleasants understood his situation and supposed that Thomas had done what he could for them “consistent with what he thought right in his involved situation.” The details are murky, but evidently Thomas had been unable to settle his affairs on account of an “unfortunate connection with D.R.” It is not clear who or what D.R. might have been.¹¹⁷

Time was running out and the more time passed, the more difficult effectuating an emancipation of the slaves was becoming. In addition, Pleasants was overburdened.¹¹⁸ He was in his late seventies and in declining health. All of the familial expenses,

¹¹⁶ *Virginia Gazette Richmond Advertiser*, 23 July 1795.

¹¹⁷ Robert Pleasants to Samuel Pleasants, 16 Jan. 1796, *Letterbook*.

¹¹⁸ He had to manage the execution of two personal estates—Robert Junior and Eliza’s marital estate and the estate of Thomas Pleasants. In addition, he, Robert Jr. and Thomas had formed a trading company, Robert Pleasants & Co., that had not been very successful and although the business had long since dissolved, Pleasants was still settling its affairs years after its disintegration. Pleasants also assumed responsibility for the care and religious education of Eliza and Robert Junior’s three children. In May, “Robert Pleasants (grandfather and guardian) requested that Eliza, Anna, Mary and Margaret Pleasants, daus. of Robert and Eliza Pleasants, dec’d, be joined in membership.” F. Edward Wright, *Quaker Records of Henrico Monthly Meeting and Other Church Records of Henrico, New Kent and Charles City Counties, Virginia* (Lewes: Colonial Roots, 2002), 80. Valentine, *Valentine Papers*, 1213-4, 1256. Anna would die the following year at seven years old. See Wright, *Quaker Records*, 85.

responsibilities and time commitments had put him in a financial bind. He even considered, but ultimately rejected, asking his brother Samuel for a loan.¹¹⁹ Despite it all, Pleasants persevered in his quest to compel his relatives to free the slaves. Out of ideas, running out of time and money, Pleasants was forced to bring legal action against his relatives and kin.¹²⁰ His effort to convince his relatives to “do emancipation” had failed. His only resort was the force of law.

It is clear from the narrative that Quakers in large part chose to manumit their slaves. Some were enthusiastic; others were reluctant. The success of the Society of Friends in ridding itself of slavery in Virginia has to be in large part attributed to the personal efforts of Friends aided by the institutional structure of the Society. But when Friends tried to push non-Friends to emancipate they were often rebuffed. Robert Pleasants spent the better part of his life trying to translate the Quaker humanitarian impulse into political and legal action. The Pleasants family, like many other once wealthy Tidewater families, was in a period of decline. The family was large and growing larger and the wealth was dispersed and less concentrated. The decisions of the elder generation to free their slaves, although admirable, severely damaged the economic fortunes of future generations. Those who refused to free their slaves saw themselves as protecting their own economic station in an uncertain and chaotic world. These economic realities became intertwined in the domestic relationships of the family and the Society of Friends. In addition to slavery, Quakers also undertook a moral reformation which led to

¹¹⁹ Robert Pleasants to Elizabeth Langley, 26 Jan. 1796, *Letterbook*.

¹²⁰ Charles and Mary “Molly” Logan were already disowned by the Cedar Creek Meeting so Pleasants was not under an obligation to submit the dispute to the monthly meeting for resolution and settlement. Quakers practiced an extensive process for resolving disputes and “going to the law” was an absolute last resort against fellow members of the Society. See Yearly Meeting Minutes May 1801, *Original Records of Quaker Meetings in Virginia* for the complete discipline of friends in Virginia at the time.

a large number of young people leaving the Society. Many were disowned after the fact for non-attendance. Many others chose to marry outside the society. The Revolution had unsettled things to say the least and all of the old orthodoxies came under suspicion. Pleasants's rigid moralism may have seemed a product of another time to his children and younger family members. Whenever his father tried to impart his code of ethics, Robert Jr. would answer, "I must think for myself." For these young men and women, the Revolution in some sense helped them to rebel against the moral authority of their parents and the Society and challenge their fundamental assumptions, especially when it came to slavery as demonstrated by Eliza. Others like Logan did not defend the morality of slaveholding but evaded the question and focused on negating the legal instruments that seemed to require emancipation. The law in this case, well before litigation, played an integral role in the dispute. The wills made Quaker antislavery actionable. They gave legal authority to benevolence setting the stage for a confrontation.

After the passage of the manumission act, Pleasants began to press his family to "do justice." His family resisted. In doing so, they helped to define the meaning of the manumission act. Not its terms per se, but the meaning behind the statute. For Pleasants, the act was a product of the Revolution and signaled man's evolving commitment to natural law. For his family and for many other white Virginians, the law enabled a master to alienate his property and transferred what had been a sovereign power reserved to the colonial House of Burgesses to property holders. It could enable benevolence or it could support the continuation of slavery. Either way, it did not signal any commitment to emancipation in a broader sense. These understandings of the law, that did not exist when it was passed, would become part of the context of legal decision-making when the case

reached the courts. The narrative of the Pleasants family dispute reveals the historical value of examining how disputes played out before reaching the docket. We can see at a very basic level how larger forces—the law, antislavery, religion, the economy—helped to shape and define a generational dispute in a critical moment in a critical place in the history of Atlantic emancipations.

CHAPTER VI

THE DECISION

In 1793, Robert Pleasants filed suit against his sister, Molly, and her husband, Charles Logan in Powhatan County court.¹ The case record has been lost or destroyed, but it seems that Pleasants attempted to compel the couple to free the slaves Molly inherited from Jonathan Pleasants, Molly's brother, in 1777. Pleasants likely petitioned the court to enforce the Logans' wedding-day promise to free their slaves. Edmund Randolph thought Logan and Molly's promise was unenforceable.² Randolph, it seems, was correct and the case was either dismissed or withdrawn. Robert Pleasants would not sue his family unless he had no other options, but Logan and Mary were a special case. Pleasants felt personally betrayed by both of them. He also suspected that Logan was selling slaves, entitled to freedom under the wills, out of state. By the 1790s, Pleasants was nearly alone among his Virginia kin in opposing slavery.³

Over the decade, the conflicts and divisions between family members worsened. Quaker records reveal the fact that many members of the Pleasants family left or were expelled from the Society, mostly for "marrying out of the Society." Ann Thomas, Robert's youngest daughter, married a non-Quaker and died some years later abandoned

¹ James H. Kettner, "Persons or Property?: The Pleasants Slaves in the Virginia Courts, 1792-1799," in Ronald Hoffman and Peter J. Albert, eds., *Launching the "Extended Republic": the Federalist Era* (Charlottesville: University of Virginia Press, 1996).

² See Chapter 5, 21-22; Robert Pleasants to Jacob Shoemaker, Jr. et. al., 12 May 1788 in "Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland," Vol. 4: *The Letterbook of Robert Pleasants*, Richmond History Center: Richmond, VA.

³ Pleasants had pled with family members for years to release the slaves. Antislavery, in the Pleasants family, became embedded within a generational dispute over religion and authority. Embracing slaveholding signified a rejection of the Quaker religion and the authority of it, and its members, to dictate a young person's actions. Presented with a choice between manumission and membership in the Society of Friends, the next generation of Pleasants chose slaveholding and property rights. In response, Robert Pleasants attempted to remove the legal basis of their right to enslave.

by her husband. She rejected Quaker austerity in life but apologized to her father on her deathbed for her finery. In Pleasants's account, she repented wearing "long tailed gowns" and "high crown hats" and her beloved wedding ring. She had worn these things when she was out of her father's sight. She also apologized for her associations with people "of the world" (i.e. not Quakers) against her father's wishes. The fact is there were few Quakers her age left in the area. Robert Pleasants Jr. married Eliza Pleasants (nee Randolph) and left the Society for his choice to marry a non-Quaker. Robert Pleasants's nephew, Samuel Pleasants Jr., of Fine Creek ["Sammy"], also rejected his uncle's authority and religion. He ignored Pleasants's admonitions to conform to the dictates of the Society of Friends and chose to live a life in Pleasants's words of "sensuality and dissipation," rather than "acting conformable to the dictates of the divine principle."⁴ He too married outside of the Society, but it appears he had already left the Friends years before. By the closing years of the 1790s, Robert Pleasants was an old, frail man in his late seventies increasingly dispirited about the prospects of a gradual emancipation effort in the Commonwealth. He had to choose—either retire to Curles and live out what little time he had left or make one last effort to free the slaves and do justice to his brother's and father's requests.

Robert Pleasants's side of the story has been documented in the preceding chapters. But less is known about the defendants.⁵ What is clear is that the Revolution

⁴ An Account of my dear daughter Ann T Thompson, 11 Jan. 1792, *Letterbook*. See also Robert Pleasants to Robert Pleasants Jr., 20 Oct. 1792, *Letterbook*. Pleasants was upset with his son for his failure to attend meetings of worship especially when prominent Quakers were visiting and pleaded with his son to be more attentive to religious matters. See also Robert Pleasants to Samuel Pleasants, Jr., March 1773, *Letterbook*.

⁵ James Kettner identified the slaveowners in the Pleasants case and termed some "obstinate," but does not delve into any further discussion but he did note that Samuel Pleasants Jr. was considered a "lukewarm" Quaker. See Kettner, "Persons or Property," 143. See also Robert Pleasants to Samuel Pleasants Jr., 7, July 1779, *Letterbook*; and Herbert Alan Johnson, Charles T. Cullen, Charles F. Hobson, eds., *The Papers of John Marshall* vol. V (Chapel Hill: University of North Carolina Press, 1974-), 541.

created a crisis of religious and social identity which entailed a rejection of the moral authority of their inheritance—both literally and figuratively. John and Jonathan selected people they imagined would faithfully execute their duty to manumit. It would not be until 1782 that it became possible to free the slaves. Over the years, many of the original devisees had died passing slaves to their heirs. The next generation, although reared and educated in the Society, rejected its antislavery strictures and claimed their right to enslave in contradiction to the wills. One of the original leaders of the family was John Pleasants's cousin, Thomas Pleasants Jr., of Goochland County. He was a slaveowner and received more under the will of John Pleasants (his brother) in 1771. "Uncle Thomas," as Robert called him, was an ambivalent emancipator. In 1780, as the Revolutionary War dragged on, Uncle Thomas freed an elderly slave because "freedom is the natural birthright of all mankind," and "no Law moral or divine," had given him property right in "the person of any of my fellow creatures" His actions were the result of a desire "to fulfill the injunction of our Lord and Savior Jesus Christ by doing to others as [he] would be done by."⁶ Thomas Jr. continued to manumit: in 1781, he freed twenty persons that were "under his care" and renounced all claims of property for himself and his heirs. Most likely, this group had been assigned to Thomas Jr. under the wills. The manumission of the elderly slaves was a benevolent act supported by legal power and lofty principles; the second manumission was an exercise in careful legal maneuvering at a time when manumission was an uncertain act lacking formal recognition. Thomas was not simply trying to free the slaves; he attempted to obviate future claims against them.⁷ When the manumission act passed in 1782, Thomas's mother freed four people—most

⁶ "Manumission Papers," *Original Records of Quaker Meetings in Virginia*. vol.3.

⁷ A list of the names and the ages of the formerly enslaved are included in the manumission papers.

likely slaves from the will and Thomas deeded to her “all his interest in the labor and profits arising from 29 negroes during their minority.” This group appears to be another set of slaves from the will.⁸ Thomas Jr. clearly felt compelled to do his brotherly duty under the will. But in 1787, he advertised a mill he constructed for immediate rent. It had a “two-story” brick oven bake house, a house for the miller and a house for the cooper, a cooper’s shop, saw mill, grist mill, and “Negro houses”. The reality listing noted that “five valuable negroes acquainted in the business” were available for hire along with the mill.⁹ From the description it is difficult to discern the status of the “negroes”—they may have been slaves or they may have free.

Thomas Jr. felt a duty to his dead brother to fulfill the terms of his will. It was the personal connection which ultimately drove his decision to manumit. And it was this personal connection to the testators that could not be passed down to the next generation. Thomas Jr. was only a party to the litigation through his wife Margaret; he freed the slaves he held under the will, but kept others not associated with his brother’s estate in slavery. Margaret inherited Pender, an enslaved woman, and her children from John Pleasants in 1771. Why Pender and her family were not manumitted is a question that can not be definitively answered. If Thomas Jr. believed in the validity of the freedom provision and was imbued with the duty to manumit on account of his love for his brother, did he feel differently about his wife’s slaves? The bulk of the Pleasants slaves had been distributed according to the residuary clause. The Pleasants wills, however,

⁸ Mary Pleasants, Thomas’s mother, lived to the age of 101.

⁹ Edward Pleasants Valentine and Clayton Torrence, eds., *The Edward Pleasants Valentine Papers, abstracts of records in the local and general archives of Virginia relating to the families of Allen, Bacon, Ballard, Batchelder, Blouet, Brassieur (Brashear) Cary, Crenshaw, Dabney, Exum, Ferris, Fontaine, Gray, Hardy, Isham (Henrico County) Jordan, Langston, Lyddall, Mann, Mosby, Palmer, Pasteur, Pleasants, Povall, Randolph, Satterwhite, Scott, Smith (the family of Francis Smith of Hanover County) Valentine, Waddy, Watts, Winston, Womack, Woodson.*, (Richmond: Valentine Museum., 1927), 1268.

assigned specific slaves to individual family members based on personal attachment or circumstances. We may speculate there was some sort of connection between Margaret and Pender, but how that played out between the women is difficult to say. The fact was, whatever the exact circumstances, Robert Pleasants was forced to sue elderly Uncle Thomas in 1799 to free the slaves Margaret, his wife, had inherited. One clue may be the fact that whatever antislavery sympathies Uncle Thomas possessed, his descendants owned and inherited slaves throughout the antebellum period.¹⁰

Elizabeth Langley, Pleasants's sister, was another member of the older generation of defendants. Langley on the eve of litigation was a widow. She had received a number of slaves from her husband, Robert Langley that he had in turn acquired from John Pleasants, (Elizabeth's father and testator). Langley was beautiful, intelligent, sociable, and deeply religious. Robert and Elizabeth maintained a life long correspondence but always sidestepping the issue of slavery—at least in the letters that Pleasants decided to retain in his letterbook. But the presence and tensions caused by slavery remained palpable.¹¹ When Pleasants visited his slaveholding sisters, he complained of abuse for his beliefs.¹² Pleasants would not discontinue his antislavery crusade nor would he cease

¹⁰ Valentine, *Pleasants Valentine Papers*, 978, 981.

¹¹ Pleasants apologizes for not visiting his sisters (Elizabeth Langley, Anne Atkinson, and Dorethea Briggs) and says it was not intentional although he admitted being in their neighborhood and not visiting them—there was no “abatement of brotherly affection.” He encourages them to turn from the “the love, the pleasures, and the delusive friendships of the World” and turn towards God. Robert Pleasants to E.L., A.A., & D.B. 22 December 1781, *Letterbook*. See also Robert Pleasants to Elizabeth Langley, 22 Feb. 1788, *Letterbook*. When Pleasants's beloved, but troubled daughter, Ann Thomas died, Elizabeth Langley did not visit her brother resulting in Pleasants's ire and resentment. See Robert Pleasants to Elizabeth Langley, 15 Nov. 1791, *Letterbook*.

¹² Pleasants complained to Elizabeth Langley of one particular neighbor who had offended him. This neighbor was most likely a slaveholder as Pleasants described him as engaging in “wicked and profane” practices. But Pleasants would not be deterred and told his estranged sister, that he would not visit the neighbor ever again unless he repented of his practices, but his unjust & abusive treatment of me will never have such an effect on my mind as to prevent my doing anything that had a prospect of tenting to his real good or that of any that appertain to him.” It is likely that the “neighbor” was one of Pleasants's sisters’

caring for his family—nor would his family turn their backs on Robert. The issue of manumission strained family bonds, but did not rupture them. Pleasants' family members learned to endure his antislavery objections and tolerate his dissent but remained firm in their conviction that manumission was a choice and not a duty. Similarly, Pleasants would not budge from the position that family members were legally (and morally) obligated under the wills to emancipate the people they enslaved.

Pleasants had another brush with death in 1794 ultimately leading to reconciliation with his sister, Elizabeth. He told her that he would “make a right use of these favors whilst time may be lengthened out” for “the accomplishment of the important business of life.”¹³ This impulse created a strain for Pleasants: he could not abide Elizabeth's or her family's slaveholding and yet he could not distance himself emotionally from his sister. Slavery pushed brother and sister in different directions, yet they remained tethered by affection and Christianity.¹⁴ Even as Pleasants was contemplating litigation against her and her daughters, the two remained on good terms. Langley even counseled Robert to ask Samuel Pleasants of Philadelphia (Robert and Elizabeth's brother) for a loan to pursue legal action—against her and her children.¹⁵

When a visiting Quaker minister, Joshua Evans visited southern meetings, Elizabeth attended a public meeting at the Curles meeting house in the summer of 1798—a couple months after Robert had formally filed suit against her. Her presence at the event showed how brother and sister had reached a *détente* on the issue of slavery agreeing to

husbands, perhaps Roger Atkinson, husband of Anne. Robert Pleasants to Elizabeth Langley, Undated, in *Original Records of Quaker Meetings in Virginia*, vol. 3.

¹³ Robert Pleasants to Elizabeth Langley, 28 January 1795, *Letterbook*.

¹⁴ Elizabeth Langley, although no longer a Quaker, was still extremely religious and much of the correspondence between brother and sister focused on religious concerns.

¹⁵ Robert Pleasants to Elizabeth Langley, 26 January 1796, *Letterbook*.

let the court decide the matter. Evans recorded in his journal that the Curles meeting was “solid” and many people “both black and white” attended. The presence of black people, most likely former slaves of the Pleasants family, was a stark reminder that manumission still divided the siblings. But slavery was only one part of the tension between family members; the question of manumission became entangled with a reaction against the constraints of Quakerism. Elizabeth Langley had married a non-Quaker slaveholder and enjoyed freedom outside the Society.¹⁶

Beyond Elizabeth Langley and Uncle Thomas, many of the original devisees had died passing the responsibility to manumit to their heirs. To say that economics or ideology alone accounts for their decision not to free the slaves—however powerful such factors may be—is to lose sight of the complex and multifaceted circumstances of family life. For example, Robert Pleasants had invested himself in the future of his nieces, the daughters of Elizabeth Langley: Margaret (“Peggy”) Langley, Anne May, and Elizabeth Langley the younger. For years, he counseled them not to marry out of the Society of

¹⁶ George Churchman, ed., *A Journal of the Life, Travels, Religious Exercises, and Labours in the Work of the Ministry of Joshua Evans* (Philadelphia: J. and I. Comley, 1837), 204-6. Evans was born in 1731 in West Jersey, converted to Quakerism in the 1750s. He was a vegetarian, like Anthony Benezet, and an abolitionist. Evans’ original manuscript journals were edited by George Churchman and published. The original manuscripts are at the Friend’s Historical Library of Swarthmore College, Swarthmore, PA. See Joshua Evans Papers, ca. 1788- ca. 1804, RG 5/190. See <http://www.swarthmore.edu/library/friends/ead/5190joev.xml> last accessed 2/6/13. Although Evans never mentions Elizabeth by name, he also used word “pleasant” enough times to make one wonder if he were hinting at her identity. Or perhaps, Evans unconsciously fixated on the word as well as the woman. See Churchman, *Journal of Joshua Evans*, 206-8. At Robert’s plantation house later that evening, Evans and Elizabeth had an exchange that cast light on the tensions. Evans described Elizabeth as “gay in her dress” and felt compelled to say something to her about her appearance. When he did, Elizabeth gracefully offered the “bobs in her ears” (i.e. earrings) to another female dinner guest. Evans responded that if she gave away the bobs, then she must also give up her fine gown and stately cap. Elizabeth, “put by in a pleasant way” by Evan’s quick wit conceded that it was true that all her accessories ought to all go together. Elizabeth had dispensed with Quaker austerity and expressed her independence from Robert and other Quakers through her appearance. The juxtaposition between Elizabeth’s religiosity and appearance was jarring to the Quaker minister. It was clear from this exchange that she had practice with the issue; certainly, she and Robert had engaged in similar conversations and she had learned to deflect and defuse earnest inquiries about her religious and moral state.

Friends.¹⁷ They did not do so. When Anne May died, her husband John May of Dinwiddie County inherited nineteen people under the will.¹⁸ John May refused to manumit them. Elizabeth the younger and her husband held six slaves under the will. They too refused to free their slaves. Peggy married Daniel Teasdale—a non-Quaker who also refused to emancipate and went so far as to make an attempt to “launder” his claim to the slaves. Peggy received custody of an enslaved woman named Suky and her “issue.” Suky died while giving childbirth at the age of forty one leaving her six young children in Teasdale’s possession. Teasdale conspired with T. Atkinson, a relative, to affect a sham purchase to void the freedom claims of Suky’s children. Teasdale maintained in court that he held no responsibility to the original testator because he himself did not inherit the slaves. After Peggy died, he claimed that “T. Atkinson has by virtue of a mortgage recovered part of those held by the defendant, and the defendant hath since paid him a valuable consideration.” Atkinson was likely a descendant of Roger Atkinson, the hard-drinking Scottish merchant who had married into the Pleasants family through Anne, Robert’s sister. Teasdale hoped that by having title to the slaves transferred to Atkinson, and then subsequently re-purchasing them at a later date, he would void the freedom

¹⁷ Robert Pleasants to Margaret Langley, 23 Feb. 1777; Pleasants to Ann May, 3 Feb. 1783; Robert Pleasants to Ann May, Nov. 3, 1785, *Letterbook*.

¹⁸ *Virginia: in the High Court of Chancery, March 16, 1798. Between Robert Pleasants, son and heir of John Pleasants, dec'd., pltf., and Mary Logan, widow and administratrix of Charles Logan, and devisee of John Pleasants and Jonathan Pleasants, deceased, Elizabeth Pleasants, administratrix of Joseph Pleasants, deceased, Isaac Pleasants and Jane his wife, Samuel Pleasants, Junior, Thomas Pleasants, Junior, and Margaret his wife, Robert Langley and Elizabeth his wife, Daniel Teasdale and Margaret his wife, late Margaret Langley, Elizabeth Langley the younger, and Anne May, defendants.* (1800) available on-line at Early American Imprints, Series I: Evans, 1639-1800, Imprint 38963 at <http://infoweb.newsbank.comsearch> last accessed 4/3/12.

provision. It was a crafty and yet fairly transparent attempt to defeat the freedom provision.¹⁹

Sammy Pleasants Jr., who held the most slaves under the wills, was the promising and talented son of the disappointing Thomas Pleasants—Robert’s brother who died in 1776 just months before Jonathan. On his deathbed, Thomas pleaded with Robert to take Sammy as his ward and raise the young man to avoid the mistakes that Thomas had made in life by straying from the Society and its dictates.²⁰ Sammy had an opportunity, Pleasants felt, through education and fortune to become “a bright instrument” in God’s hand and do real good in the world.²¹ Upon his father’s death, Sammy inherited a sizeable estate leading Robert to fear that his youth and riches made easy prey for “unreasonable men.”²² Along with wealth and slaves, Sammy had inherited the entrepreneurial spirit and good fiscal management that had made the Pleasants family so wealthy in the colonial era, but did not retain any of the ancient vitality of his forebears. He was, to use a phrase Pleasants often used, like salt that had lost its flavor. As Sammy Jr. grew up, his uncle Robert lamented his ward’s declining religious sense.²³

In the early 1790s, Sammy aligned himself with Charles Logan in sending counter-petitions to the Assembly arguing against Robert Pleasants’s attempt to free the

¹⁹ Wythe appointed commissioners to ascertain the names, ages and freedom dates of all slaves covered under the wills. The commission reports are in a series of tables from which this information is drawn. See *Pleasants v. Logan*, 8-14.

²⁰ Robert Pleasants to Samuel Pleasants, July 7, 1779, *Letterbook*. Sammy’s father, Thomas Pleasants of Cedar Creek, was at times, a wayward Quaker. “Loose and unthinking” in some respects was how his brother Robert described him. Robert Pleasants to Samuel Pleasants, 16 Sept. 1775, *Letterbook*. On 17 May 1776, Robert Pleasants writes to Samuel, his brother in Philadelphia, conveying the death of Jonathan Pleasants and Thomas Pleasants: “Thus we have lost two Brothers in the prime of life in less than five months: we two brothers now only remain, perhaps to see more trouble and affliction.” Robert Pleasants to Samuel Pleasants, 17 May 1776, *Letterbook*.

²¹ Robert Pleasants to Samuel Pleasants, Jr., March 1773, *Letterbook*.

²² See Robert Pleasants to “Respected Friend,” 14 Dec. 1774, *Letterbook*; Robert Pleasants to Samuel Pleasants Jr., 7 July 1779, *Letterbook*.

²³ Robert Pleasants to Samuel Pleasants Jr., 7 July 1779, *Letterbook*.

slaves. They argued that at the time the wills were made colonial law prohibited private manumissions which made the freedom provisions ‘a mere Nullity.’” The law was clear and so they argued that Robert Pleasants’s petition was “not a proper Subject of Legislative interference.”²⁴ Pleasants, in turn, had decided to write off his nephew (temporarily): “I have had too much reason to apprehend from thy late conduct,” he lectured his former ward, “that anything I say, either from my own experience, or the anxious desire of a deceased Parent, will little avail, towards thy establishment in the way of Truth and Righteousness.” He signed it, “Thy afflicted but Loving Unkle.”²⁵ Although uncle and nephew would drift further and further apart, Pleasants chose to help Sammy on occasion: for example, he deeded land purchased from Thomas Prosser of Henrico County to his nephew—278 acres of waterfront property in Powhatan County near Fine Creek.²⁶ The property would become part of Sammy’s identity—in later life, he was known as Samuel Pleasants of Fine Creek. Sammy, by 1798, held a large portion of the enslaved stemming from his one third share of the residuary clause. Under Jonathan’s will in 1777, Sammy received nine additional slaves.²⁷ In 1799, he held one hundred and eighty nine people under the combined wills.²⁸

Mary “Molly” Logan, like Sammy, had inherited slaves from John Pleasants, her father. He assigned his daughter eight slaves in 1771. In 1776, Jonathan left the bulk of his estate to her as well.²⁹ Robert Pleasants feared if she remained in Virginia, she “will be in imminent danger of becoming prey to some designing fellow.” He sent her to

²⁴ *Journal of the House of Delegates... One Thousand Seven Hundred and Ninety* (Richmond: T.W. White, 1828), 78.

²⁵ Robert Pleasants Excerpt of a Letter to Samuel Pleasants, May 31, 1784, *Letterbook*.

²⁶ Valentine, *Pleasants Valentine Papers*, 1159.

²⁷ Valentine, *Pleasants Valentine Papers*, 1134: “Caesar 50; Nelly 40; Cuffee 70, Sukey 40, Betty 40, Nanny 40, Solomon 30, Young Caesar 20, Patt 55” valued at £385-00.”

²⁸ *Pleasants v. Logan* (1798), 8.

²⁹ Jonathan assigned her 86 slaves valued at £4205-00. See Valentine, *Pleasants Valentine Papers* 1134.

Philadelphia to be among relatives.³⁰ It was in Philadelphia that she met Charles Logan, who was clearly a “designing fellow” and they married in 1779. From the reports of the wedding, Molly’s share of the enslaved was upwards of fifty people.³¹ By the eve of litigation, figuring out her share becomes complicated. Charles Logan died without a will. Molly took a widow’s third of their combined estate. While Logan’s estate was being settled, Molly married a relative named Robert Cary Pleasants. And so, on the eve of litigation, Robert Cary as Molly’s second husband was listed as having possession of 160 people. Molly held possession, in her own right, of twelve people. Isaac W. Pleasants was named a defendant on account of his wife, Jane, having ten slaves in her possession. Isaac was a gentleman, an overseer of the poor, a militia Captain and justice of the peace in Goochland County. All of the above would be expected of a country gentleman, but in 1799 he did something unexpected; he administered the estate of Francis Cocke, a free black man in Goochland.³²

Daniel Teasdale, Roger Atkinson, Charles Logan, Tommy Thompson (Ann Thomas Pleasants’s feckless husband) and Eliza Randolph (Robert Jr.s’ wife) married into the Pleasants family. Their influence offset Pleasants’s antislavery admonitions and religious appeals. They undermined his authority and ability to direct the actions of his children, siblings and cousins. By 1797, it was clear to Robert Pleasants, that he could not persuade any of the defendants to free the slaves. Legal action was the only way, in the short time left to Robert Pleasants, to fulfill his religious and legal duty as executor.

Robert was not a lawyer; he was, however, a skilled practitioner of the law, who knew his limits as an advocate. He considered representing himself in the action, but

³⁰ Robert Pleasants to Samuel Pleasants, 17 May 1776, *Letterbook*.

³¹ “Grahame’s Colonial History,” *The Friend*, 20 (1847), 233.

³² Court of Chancery Commissions; *Pleasants Valentine Papers*, 1014-7.

thought better of it and decided it was “utterly out of [his] power” to litigate such a complex case without “great injustice” to the slaves.³³ Nonetheless, he was an experienced litigant, who understood property law and could articulate natural law positions in support of his case. Freedom held a privileged place in the law—*in favorem libertatis* as it was called. And because the wills intended, as a charitable act, to free the slaves, he believed a common law court would rule in his favor.³⁴ Family members, in turn, justified their refusal to free the slaves with legal understandings and arguments resting upon fear of rebellion, racism and property rights. Blacks were a distinct and decidedly inferior species of humanity, some family members contended, and could not be trusted with freedom and legal equality. More importantly, family members argued

³³ Robert Pleasants to Elizabeth Langley, 26 Jan. 1796, *Letterbook*.

³⁴ Pleasants wrote the following on the connection between Blackstone and the Revolution: “Friends and ‘many of the wisest men of the present age,’ Pleasants observed, ‘have declared, and our present Constitution have adopted the language, ‘that all men by nature are equally free.’ This natural liberty (says Blackstone) consists of properly in the power of acting as one thinks fit, without restraint or control, unless by the law of Nature; being a right inherent in us by birth, and one of the gifts of God to man at his creation which must not be understood to be exclusive of the sacrifice of liberty. Liberty is not to be bartered for any thing, because there is not any thing which is of a comparable price.” Pleasants also pointed to a “late author in the Independence of America, that ‘Liberty is not derived from any one, but originally in every one; it is inherent and inalienable...the child of the slave is as free born, according to the laws of Nature, as he who could trace a free ancestry up to Creation. Slavery in all its forms, in all its degrees, is an outrageous violation of the rights of Mankind; an odious degradation of human Nature.” Robert Pleasants to Francis Irby, 22 Nov. 1784, *Letterbook*. Pleasants also connected the Revolution to antislavery. In a letter, he told George Washington, to “remember the cause for which thou wert called to the command of the American Army was the cause of liberty and the rights of mankind; how strange then must it appear to impartial thinking men, to be informed that many who were warm advocates for that Noble cause during the War, are not sitting down in a State of ease, dissipation, and extravagance on the labor of slaves.” He told Washington that “the time is coming, when all actions will be weighed in equal balance, and undergo an impartial examination; how consistent will it appear to posterity, should it be recorded that the great General Washington, without fee or reward, had commanded the United forces of America; and at the expense of so much blood and treasure, been instrumental in relieving those states from tyranny and oppression; yet after all, had so far continued those evils, as to keep a number of people in Slavery, who are by Nature equally entitled to freedom as himself.” Robert Pleasants to George Washington, Esq., 11 Dec. 1785, *Letterbook*. Federal judge and legal scholar, John T. Noonan, recognized that Blackstone and *The Commentaries on the Laws of England* provided both “a legal critique of slavery and a concept on which to base a law of universal liberty” and “the general thrust of Blackstone is clear: the purpose of law itself is liberty for every person formed by God.” John T Noonan, Jr., *Persons and Masks of the Law: Cardozo, Holmes, Jefferson, and Wythe as Makers of the Masks* (Berkeley: University of California Press, 1976), 47, 49.

that slavery provided the necessary means of social control and security. Peace depended on slavery.

Pleasants conceded to the necessity of legal action and consulted an attorney whom he had retained in the past and who had a good reputation at the Richmond bar. The destruction of records makes it impossible to confirm, but the most likely scenario is that Pleasants retained John Marshall, the future Supreme Court Justice, for the Chancery suit.³⁵ Pleasants explained the nature, motivation and practice of his antislavery activism to Marshall. He related how religion and moral concern drove his father and brother's bequest. Family members had accepted custody of the slaves, he explained to Marshall, and therefore they had accepted requirement to emancipate when it was legal to do so. When the manumission act of 1782 passed, Pleasants recounted the long history of the informal internecine litigation over the slaves. Marshall must have quickly recognized how antislavery and the desire for freedom in the actions of the enslaved drove the facts of this case.

³⁵ John Marshall was an experienced litigator in the Chancery court and had studied law under George Wythe at the College of William and Mary, although he was not close to Wythe like Thomas Jefferson and Henry Clay, both former pupils. Pleasants hired Marshall to settle the tangled affairs of Robert Pleasants & Co., a company he operated with his son and nephew that failed, resulting in litigation from 1790 to 1794. As for the Pleasants case in chancery, Marshall was in Virginia until June of 1797 before departing for France on the bungled diplomatic mission known as the X.Y.Z. Affair. Marshall made arrangements to continue his legal practice and maintain his client base during his absence: "I should return after a short absence, to my profession, with no diminution of character, and, I trusted, with no diminution of practice. My clients would know immediately that I should soon return and I could make arrangements with the gentlemen of the bar which would prevent my business from suffering in the meantime." Quoted in Jean Edward Smith, *John Marshall: Definer of a Nation* (New York, Holt, 1996), 185. See also, the prefatory note to *Asselby v. Pleasants* (1794) in *Papers of John Marshall V*, 330-3. Little is known of Marshall's career as litigator because few records have survived to this day. The contents of his law office have "largely vanished" and "virtually all the records of the higher courts of Virginia that sat in the capital were destroyed by fire in April 1865." See Adams, "The Sources of John Marshall's Law Practice" in *The Papers of John Marshall* vol. v., xxiii-xxiv. It should also be noted that clients usually paid Marshall for resolution of the entire legal case including appeals. There was less contract or piece meal work. The editors of the Marshall papers noted that his typical *modus operandi* in cases was "to state the law in terms of general principles, laying down one or more premises from which he deduced the consequences and conclusion that inevitably followed. To decide a case, he characteristically remarked, it was 'only necessary to recognize certain principles.'" An appeal to broad easily understood principles characterized the practice of law in Virginia. See *Papers of John Marshall* vol. v, lviii.

Just as Robert Pleasants communicated his legal understandings to Marshall, the defendants presented their own understandings of property law and manumission to their lawyers.³⁶ They explained that they had left the Quaker religion and its antislavery dictates behind. Slaves were to be treated under estate law as property and the freedom provision was an illegal restraint on the enjoyment of their lawful property and their own liberty. The wills had been composed in 1771 and 1776, years before the Manumission Act was passed in 1782. The wills therefore required an illegal act and so that portion of the gift was void. The manumission act, they insisted, could not operate retroactively (i.e. *ex post facto*) to make good a provision that was bad from the start.

The intent of the Pleasants wills was clear enough— freedom for the slaves when the laws would allow it. And yet, the freedom provision itself, was not without problems. Courts will not enforce a testamentary provision that requires the performance of an illegal act and private manumission had been illegal in Virginia since 1748. It did not become legal until 1782. When both the testators died, manumission was illegal. Another potential problem revolved around the nature of manumission itself. There was no clear conceptual basis to explain what exactly occurred when a slave was made a person under the law. If manumission were the transfer of property from the master to the slave, then the rule against perpetuities might apply to the gift. The rule limited the amount of time that a property interest could exist without vesting.³⁷ The general rule was a property interest had to vest within a life-in-being and an additional twenty years beginning with

³⁶ Records from the Chancery Court burned in 1865 and so it is unknown who represented the defendants, but the court opinion refer to the defendants counsel in the plural. Most likely, John Wickham and Edmund Randolph, who represented the defendants at the Supreme Court of Appeals, represented them in chancery as well.

³⁷ Vesting confers a legal right or property interest on a person. In order for a property interest to vest, there must be a “someone” whom the court can identify as able to hold that property interest.

the creation of the interest. Normally, the clock begins ticking the moment the provision is created. In 1777, when Jonathan Pleasants died, there was no telling when a slave under the will might be freed because the Assembly might never pass a law allowing manumission as required by the will and so the provision might never vest in a life-in-being, plus twenty years in 1777. But if manumission was conceptualized, not as a transfer of property, but as a change in legal status, then the rule against perpetuities may not apply. In this regard, it was more like a benevolent act undertaken to the financial detriment of the donator in order to benefit the recipient. The decision in the case depended in large part on the nature of manumission as understood by the lawyers, judges and litigants.

If manumission were a benevolent act, then Marshall could claim that the Pleasants's wills had created a quasi-trust intended for the benefit of the enslaved which would give the case access to the court of chancery. If it were simply a property transfer, then the matter would have to be filed in a common law court. Pleasants and Marshall filed suit in the High Court of Chancery.³⁸ As a court of equity, it could decree "specific

³⁸ See Bryan Garner, ed., *Black's Law Dictionary*, 7th Ed. (St. Paul: Thomson West, 1999), 560: "Equity, *n.* 4. The system of law or body of principles originating in the English Court of Chancery and superseding the common and statute law (together called "law" in the narrow sense) It is a court of extraordinary jurisdiction whose express aim is to do justice and is not bound by the letter of the law." The Chancery court had been established during a reform of Virginia's court system between 1776 and 1779 after the collapse of the royal system. It was a court of equity. Equity by the 1790s was "a highly organized and rational system of law that operated as a kind of adjunct, or supplement, to the dominant system of common law...administered by a separate tribunal, the court of chancery." Chancellors of the equity courts "had power to intervene and to see that justice was done in extraordinary cases...The chancellor decided cases not by fixed rules but according to the dictates of his 'conscience,' a human reflection of divine justice. Equity was thus discretionary; it proceeded *ad hoc* from case to case. An equity decree acted upon the person, not the thing or property in dispute. It compelled a person to do something he was bound in conscience to do (convey property, for example) or refrain from doing something (such as bringing vexatious lawsuits) that was against conscience." The procedures of the High Court of Chancery were also unique. Instead of parties exchanging evidence, the Chancellor appointed commissioners who deposed witnesses. The Chancellor played a much more important role in ascertaining the facts of the case than a common law judge. Institutionally and conceptually, the Court of Chancery was distinct from the regular common law courts. See *Papers of John Marshall* vol. v, xxviii and 53-57.

performance of a contract” or force “a conveyance of property” where a traditional common law court could not. If Pleasants had filed “at law” he would have been restricted to seeking monetary damages for family member’s refusal to emancipate. Having settled on a venue, it was not clear at the outset whether Pleasants would have had standing to sue. He himself was not personally injured by the recalcitrance of his family; he had no personal damages to speak of or a specific cause of action.³⁹

As Marshall and Pleasants prepared, they must have been aware of a second suit that had reached the court’s attention. The plaintiff in this case embodied the desire for freedom and demonstrated the capacity of the enslaved to understand the legal process. It also demonstrated the ability of at least one slave to use that system in his favor despite the tremendous social and institutional hurdles erected to prevent black litigants from obtaining justice. Ned was an older man who carried with him a right to freedom under the will for nearly two decades through several changes of ownership. Under the will of John Pleasants, Ned and some other slaves were given to John’s brother Joseph. Joseph died in 1785 leaving most of the slaves (including Ned) to his wife, Elizabeth Pleasants of Henrico.⁴⁰ Elizabeth was later disowned along with several of her daughters for non-attendance and deviating from the plain dress and speech of Quakers.⁴¹ Following the death of her husband, Elizabeth Pleasants decided to retain the slaves she had inherited. As we have seen, it is clear that some enslaved people understood the basic outlines of the estate process. They knew enough to fear the uncertainty and disruptions that inevitably followed the death of a large slave master with many heirs. They understood

³⁹ Robert M. Cover details the standing consideration in his discussion of the case at the Virginia Court of Appeals. See Robert M. Cover, *Justice Accused: Antislavery and the Judicial Process* (New Haven: Yale University Press, 1975), 70; *Papers of John Marshall* vol. v, 56-7.

⁴⁰ Valentine, *Valentine Pleasants Papers*, 1116

⁴¹ *Ibid*, 1219.

that each transfer of property made their right to freedom more and more difficult to enforce. Time and distance would conspire to rob them of their inheritance. Recognition of these circumstances pushed Ned to use the legal system to litigate his freedom. And like Robert Pleasants, he too recognized that time was short. Despite the incredibly onerous legal barriers erected in 1795 to discourage freedom litigants, Ned managed to have his case heard by the Court of Chancery in May 1797. In order to overcome the legal barriers, Ned must have relied on a network of information and assistance that operated between sympathetic family members and Quakers like Robert Pleasants and the slaves, related by kin, spread out among the defendant's homes. The Chancery Court ruled that Ned was qualified by law to sue Elizabeth Pleasants, on the issue of the will, in *forma pauperis*. With this certification, the Chancellor instructed Elizabeth not to abuse Ned, remove him from the jurisdiction, or prevent him from attending court. John "Old Jock" Warden, an affable Scottish émigré, was assigned as Ned's *pro bono* counselor.⁴² Because they involved the same issues, Ned's and the Pleasants cases were joined together for the purposes of trial. Marshall shepherded the case through the evidence gathering phase of the chancery process in the spring of 1797 and then left for France in June. Before he departed, Marshall asked that the slaves be turned over to Robert Pleasants "in trust" for the purpose of fulfilling the wills of John and Jonathan

⁴² Jack Warden was well regarded at the Richmond bar. See John Pendleton Kennedy, *Memoirs of the Life of William Wirt, Attorney General of the United States Vol. I* (G.P. Putnam and Sons: NY 1872), 312-3. John Mays, Pendleton's biographer, is less kind in his description of Warden: "Nature had been as niggardly with Warden as it had been generous with [Edmund] Randolph as far as personal appearance was concerned." David John Mays, *Edmund Pendleton 1721-1803: A Biography* vol. I (Cambridge: Harvard University Press, 1952), 283; *Ibid*, vol. II 283-4, 286, 301, 398. See also Samuel Mordecai, *Richmond in By-Gone Days* (Reprint 1856: Applewood Books, Carlisle MA), 81-82.

Pleasants.⁴³ The court of chancery investigated the facts—taking depositions, reviewing briefs and considering the parties’ petitions—for well over a year during Marshall’s absence.⁴⁴ The chancery decision was issued on the 12th of September, 1798, after Marshall returned to the US.

When *Pleasants* was decided, there was general concurrence among America’s legal elite that natural law principles were basic components of legal reasoning applicable to slavery. Natural law, however, was not a trump card. Lawyers and judges could select from a “hierarchy of sources” to decide cases, but the application of the natural law principles often contrasted with positive law. Natural law provided the principles behind the law, but not the content of the law itself.⁴⁵ The content of the law, in a democratic republican society, had to come from the people through their representatives. The jurisprudential result was “a principled preference for liberty” in early American judicial opinions “often articulated and applied in very imprecise and cautious terms.”⁴⁶ The abstract ideal of “the universal applicability of natural rights” gave the Revolution a higher standing in history for many Americans. To deny that universality was to remove

⁴³ As stated earlier, there are actually two wills with nearly identical provisions. Jonathan, Robert’s uncle and John’s brother had died in 1777. The cases were consolidated as the issues and facts were nearly identical.

⁴⁴ The forms of equity were well established at this point in Virginia. After some procedural machinations involving injunctions, subpoenas, filing of bills of complaint, etc., the defendant would answer and offer his or her defense. Wythe would question the party directly on his defense as “the defendant was a witness to his own cause, and his answer took the form of a deposition.” Instead of questioning witnesses before a jury, “commissioners” appointed by the court (usually magistrates of the county where a witness resided) would speak with the witnesses and give them a chance to tell their own story. Each side got a chance to look at the depositions and the Chancellor decided all matters of fact and law based on the accumulated court record. Based on his interviews and review of the legal filings, witness depositions and briefs, Wythe would make his ruling. *The Papers of John Marshall* vol. v, 59. “To succeed in the a court of chancery it was essential to establish the “equity” of the complaining party’s case, to show he had no remedy at common law or that such remedy was inadequate. Indeed, one important measure of a lawyer’s professional acumen was his ability to discern what kinds of cases properly require equitable relief.” *Ibid*, 61.

⁴⁵ *Papers of John Marshall* vol. v, 34.

⁴⁶ *Ibid*, 35.

the dint of higher purpose that Americans used to justify, sanctify and connect with their Revolution.⁴⁷ Slavery was at odds with a commitment to fundamental liberty in some eyes.⁴⁸

Revolutionary elites, especially colonial Anglo-American lawyers, shared a familiarity with Montesquieu and Blackstone and Lord Mansfield's opinion in *Somerset*.⁴⁹ Montesquieu's articulation of natural law disjointed justifications for slavery from higher law principles and Blackstone's *Commentaries* joined Montesquieu's "universalist" assumptions with the common law declaring it to be congenitally hostile to slavery. "The spirit of liberty," he observed, "is so deeply implanted in our constitution, and rooted in our very soil, that a slave or negro, the moment he lands in England, falls

⁴⁷ "For Americans particularly, denial of the universal applicability of natural rights would have deprived their Revolution of its broader meaning and of its claim upon the attention of the world. Denial would have shrunk the new nation from a grand experiment to an episodic instance of political degeneration." Winthrop Jordan, *White Over Black: American Attitudes toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968), xi. The Revolution meant many things to contemporaries and different things to the next generation but there is "one consistent pattern" in that "claims of fidelity to revolutionary heritage became a necessary part of any attempt to establish political legitimacy...[.]" Kathryn R. Malone, "The Fate of Revolutionary Republicanism in Early National Virginia," *Journal of the Early Republic* 7 (1987): 27.

⁴⁸ Outside of this narrow political and legal elite, "most big Chesapeake slaveholders displayed little enthusiasm for manumission." See Richard S. Dunn, "Black Society in the Chesapeake, 1776-1810" in Ira Berlin and Ronald Hoffman, eds., *Slavery and Freedom in the Age of the American Revolution* (Charlottesville: University of Virginia Press, 1986), 75, 80; 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), 101; Robert McColley, "Gentlemen's Opinions on Race and Freedom" in *Slavery and Jeffersonian Virginia* (Urbana: University of Northern Illinois, 1964), 114-140. We may characterize this sort of antislavery as the necessary consequence of the logic and reasoning of other political ideas, understandings and commitments. Compared to someone like Wythe or Thomas Jefferson, Robert Pleasants's strain of antislavery was much more immediate, and much more vigorous in its intensity. He saw the Revolution and the ensuing Republic as hopelessly flawed and immoral as long as slavery existed. There would be no perfection of liberty in a slaveholding republic in Pleasants's estimation.

⁴⁹ The literature on *Somerset's* case is extensive. In 2006, *Law and History Review* published a forum entitled "Somerset's Case Revisited" which provides an introduction to the scholarship of this case. See George van Cleve "'Somerset's Case' and Its Antecedents in Imperial Perspective," *Law and History Review* 24 (2006): 601-45; Daniel J. Hulseboch, "Nothing But Liberty: 'Somerset's Case' and the British Empire," *Ibid* (647-57); Ruth Paley, "Imperial Politics and English Law: The Many Contexts of 'Somerset,'" *Ibid* (659-64); and George Cleve, "Mansfield's Decision: Toward Human Freedom," *Ibid* (665-71).

under the protection of the laws; and so far becomes a freeman.”⁵⁰ It should be stressed that Blackstone did not mean that the common law manumits, or frees a slave; rather, it is because slavery lacked legal recognition, no person coming before an English court could be regarded as a slave. The common law was not ambivalent on the issue of slavery; it was in Lord Mansfield’s opinion so “odious” that “nothing can be suffered to support it, but positive law.”⁵¹ One could read in Mansfield not only a refusal to acknowledge slavery, but also a presumption, in principle, against it.

The Manumission Act of 1782, in some ways, reflected this tradition.⁵² Slavery in Virginia was supported by statute, but it had never been given philosophical or jurisprudential status in the common law. Likewise, the inability of slave holders to manumit under colonial law was the result of a statute. But the right of property owners to alienate their property and the right of testators to provide for the dispensation of their estates were established in the common law and these two fundamental values were in tension with the prohibition against manumission. By following the procedures of the manumission act, masters could undo the positive law status of their former slaves. In this regard, manumission could be interpreted not as a transformative process creating legal personality, but the restoration of natural right to a person under legal disability. Manumission did not transform a slave into a person; manumission removed the status of slave from an existent legal personality. If this proposition were so, then it was incumbent that masters be able to definitively prove they had clear title to their slaves. It was only the formalities of positive law that empowered the master over his slaves and without meeting the legal requirements of ownership, the master had no claim to the enslaved.

⁵⁰ Quoted in Cover, *Justice Accused*, 15. Cover termed Montesquieu’s approach “universalist.”

⁵¹ *Ibid*, 16.

⁵² *Ibid*, 33.

Questions follow from this conclusion once the wrongfully enslaved have access to common law rights: Did a person, held in slavery illegally, have a cause of action for illegal detention? Alternatively, could masters acting in bad faith and knowingly lacking clear title be forced to pay the former bondsmen reparations for the loss of labor, “profits,” whilst enslaved? But until *Pleasants*, no case considered the meaning behind the act and its consequences in terms of law. Chancellor George Wythe would get the “first bite of the apple” as lawyers say to set the framework for how the *Pleasants* case would be decided by the Court of Appeals.

Wythe was “Chancellor of the Commonwealth of Virginia...a lawyer, a signer of the Declaration of Independence, [and] Speaker of the Revolutionary Assembly.”⁵³ He detested slavery.⁵⁴ Thomas Jefferson, Wythe’s former student noted that the Chancellor’s “sentiments on the subject of slavery [were] unequivocal.”⁵⁵ Following his wife’s death in 1787, Wythe had begun freeing his slaves.⁵⁶ He explored the idea that slavery had no basis in the common law in *Turpin v. Turpin* (1791) employing “law and reason” to decide the case—instead of treating the slaves at issue as property, he considered them as if they were chattel property.⁵⁷ Manumission, as understood by George Wythe, was the restoration of a person to their natural equality.⁵⁸

⁵³ Noonan, *Persons & Masks of the Law*, 29

⁵⁴ Timothy Sandefur, “Why the Rule Against Perpetuities Mattered in *Pleasants v. Pleasants*” *Real Property Probate & Trust Journal* 40 (2006): 669. Gary B. Nash, *The Forgotten Fifth: African Americans in the Age of Revolution* (Cambridge: Harvard University Press, 2006). 95.

⁵⁵ Sandefur, “Why the Rule Against Perpetuities Mattered,” 96.

⁵⁶ In a cruel irony, Wythe was murdered by a family member but the poisoner escaped justice as Wythe’s own slaves could not testify in a court of law as to the identity of the murderer. See Bruce Chadwick, *I am Murdered: George Wythe, Thomas Jefferson and the Killing that Shocked a New Nation* (Hoboken: John Wiley and Sons, 2009).

⁵⁷ Noonan refers to this distinction as the difference between “being property and being a person in whom property exists.” For Noonan, “Wythe believed that human beings are by nature free. He believed that the legislature is not omnipotent over nature. He believed that the legislature can enslave human beings. Rule-centered, he perceived with sharpness the injustice of an unjust rule; he did not perceive the injustice of removing human beings from consideration as persons.” Noonan, *Persons and Masks of the Law*, 54-8.

In *Pleasants v. Mary Logan, et. al.* (1798) two strains of antislavery, unequal in intensity, came together to produce a remarkable ruling that was premised on the revolutionary notion that all men share a natural equality as human beings.⁵⁹ More attention to the case at Chancery is warranted in order to explain the High Court's ultimate decision in *Pleasants*.⁶⁰ It was Wythe who established the facts of the case and framed the applicable choices of legal doctrines that the high court would be forced to consider. Wythe set the parameters of the legal stage upon which the lawyers and judges would have to perform. He wrote his opinion not only to settle the case at hand, but with an eye to the inevitable appeal. There were nearly four hundred and forty enslaved persons at issue at the time of adjudication—a small fortune was at stake. His opponents would surely file an appeal if they lost. If the number of slaves had been three or four, the Court would have had less difficulty ruling against Robert Pleasants and the plaintiffs. But the original two hundred and twenty or so slaves had doubled. It was difficult for judges who styled themselves revolutionaries in the cause of liberty to sentence hundreds of men, women and children to perpetual slavery.

George Wythe believed that the formerly enslaved deserved “restitution” of their right to freedom which they “could not have been deprived without a violation of equitable constitutional principles.” Wythe Holt, “George Wythe: Early Modern Judge” *Alabama Law Review* 58 (2007): 1028.

⁵⁸ “Human freedom for Wythe was an ‘inherent’ natural law right of all humans, confirmed by the language of the first article of Virginia’s 1776 Declaration of Rights, which recited that ‘all men are by nature equally free.’” Holt, “George Wythe,” 1009.

⁵⁹ *Pleasants v. Logan* (1798); Kettner, “Persons or Property,” 148. It was an “unprecedented action” and a “radical decree.” Hobson, *Papers of John Marshall Volume* vol. v, 542.

⁶⁰ Previous treatment of the *Pleasants* case has varied in the amount of attention devoted to the case in Chancery. Timothy Sandefur ignores the ruling completely. Sandefur, “Why the Rule...Mattered;” Thomas D. Morris provides a succinct summary of the holding but saves all analysis for the High Court decision. Thomas D. Morris, *Southern Slavery and the Law, 1619-1860* (Chapel Hill: University of North Carolina Press, 1996), 404. Kettner calls Wythe’s opinion “characteristically learned and [a] somewhat pedantic decree.” Kettner, “Persons or Property?,” 148. It is true that the opinion is difficult to read and highly complex which appears to be the reason that Kettner failed to recognize its importance. Wythe composed his opinion with the judges of the high court in mind. Less of a ruling, it resembles in many ways, an argument to the court. Other legal scholars have attended to the Chancery decision with more vigor. Robert Cover in *Justice Accused* looks at the Chancery decision, but focused on the appeal.

There were at least five major legal issues to reckon with in the case: first, prior to 1782, private manumissions were illegal; second, the freedom clauses prevented the ability of those who held the slaves to sell or transfer them without restriction—a possible restraint on the alienation of property; third, the freedom provisions did not fulfill the statutory requirements of the 1782 act; fourth, the freedom clause could be construed as violating the rule against perpetuities; and a final question, did Robert Pleasants have standing (i.e. the legal grounds for an actionable claim) against the defendants?⁶¹ Wythe quickly dispensed with the argument that the Pleasants’s wills did not provide for the posting of a bond, which the manumission act required, and was therefore void. As a court of equity, it was well within his power to structure a judicial arrangement allowing the terms of the act to be met. The conduct of Charles Logan, deceased, and the actions of Daniel Teasdale, made clear that the freedom provision had not operated, as a factual matter, to restrain alienation. Logan, it seems had sold slaves under the will out of state. Teasdale had alienated his ownership in an attempt to void the freedom provision. Family members had transferred slaves from generation to generation while the right to freedom lay dormant. Wythe would focus his energy on three questions: Did Robert Pleasants have standing to bring his suit in the court of chancery; did the Manumission Act of 1782 operate to engage the freedom provisions of the wills; and finally, did the Rule Against Perpetuities apply to the freedom provision and if it did, what was its effect on human liberty?

Before addressing these issues, Wythe established the unique historical mission of his chancery court and its relationship to slaves. The High Court of Chancery, Wythe asserted, had a special mission to do equitable justice based on “constitutional

⁶¹ Holt, “George Wythe,” 1009.

principles.” He likened it to the Roman *fideocommissa*—a judicial tribunal that administered estate inheritances and freed slaves.⁶² Judicial manumission of slaves was often a necessary function of estate settlement and it was this tradition, reaching back to the glory of the Roman Republic, that sanctified his equitable powers vis-à-vis freeing slaves. It was contrary to the mission and historical nature of his judicial commission to rule against freedom. The Chancellor’s judicial preference was for liberty.

To establish chancery jurisdiction over the case, Wythe decided that the will of John Pleasants created a trust for the benefit of the enslaved with Robert Pleasants as the *de facto* trustee. Pleasants, in this regard, could be characterized as the executor of a benevolent trust in which the slaves themselves were the beneficiaries. To do so, the slaves would have to be regarded as persons under the law capable of being beneficiaries putting them squarely within the jurisdiction of the Chancery Court.⁶³ Wythe’s understanding of slavery informed his decision on this point—beneficiaries were people, not property. Slaves remained legal personalities despite their enslavement as he had established in *Turpin*.

John Pleasants had died before the manumission act was passed, the defendants had argued, so he was “never authorized to manumit his slaves” and “could not enjoin manumission of them” on his heirs. They contended that John and Jonathan Pleasants, prior to 1782, did not have the power to manumit slaves and so they could not pass down, or require their heirs, to exercise a power they themselves lacked. There was a difference, Wythe explained, between an unlawful condition that required an immediate malicious act versus one that required performance of a benevolent act with the proviso *if* it were

⁶² *Pleasants v. Logan* (1798), 2.

⁶³ Kettner, “Persons or Property?,” 148.

legal. Wythe noted that as long as the condition to be performed became legal “not after an intolerable length of time” it was absurd to say that such a condition was illegal from its conception.⁶⁴

Of course, it was quite possible to argue the contrary.⁶⁵ Another judge could have decided that *ab initio* the clause was invalid, because at the time the will was probated, it required manumission of unknown slaves upon a set of remote contingencies. It would be unreasonable and detrimental to the full enjoyment of slave property to be burdened by a clause that might come to pass, or never pass, in the distant future. Slaves, until freed, were property and a freedom provision might lower their market value. It would make the transfer of ownership fraught with liability and create great uncertainty and engender unrest among the slaves. These were the sorts of issues the statute of 1748 was designed to prevent. It served to clearly delineate slave from citizen and black from white. Wythe’s

⁶⁴ In most cases, this line of reasoning would have been sufficient to support Wythe’s interpretation of the law. But it seems that Wythe aimed the next part at withstanding a more rigorous review by the appellate court. The freedom provision contained in the Pleasants wills, Wythe lectured the judges, was not “literally” prohibited by the 1748 colonial statute that made manumission illegal. The law read “that no slave shall be set free upon any pretense, except for services adjudged by the governor and council to be meritorious.” It, by its own terms, only applied to “emancipations efficacious immediately” and not ones contingent upon future events—like the Manumission Act of 1782. Wythe noted that the statute prohibited private manumissions; it did not prohibit the creation of a legal instrument that would serve to effectuate a manumission (the means to a manumission as it were), if it were legally possible to do so. They are two distinct concepts. He narrowed the application of this statute in order to create legal space for his argument in favor of emancipation to grow.

⁶⁵ The devise could have been read as a “fee tail” and ruled invalid using statutory law. In 1776, the Assembly passed “An Act declaring tenants of lands or slaves in taille to hold the same in fee simple.” The stated purpose of the law was concern over “the perpetuation of property in certain families, by means of gifts made to them in fee taille, is contrary to good policy, tends to deceive fair traders, who give a credit on the visible possession of such estates, discourages the holder thereof from taking care and improving the same, and sometimes does injury to the morals of youth, by rendering them independent of and disobedient to their parents.” See Hening, *Statutes* IX, 226. <http://vagenweb.org/hening/vol09-11.htm> If read broadly by a judge hostile to manumission, this argument could have decided the case. He could have ruled that the Pleasants descendants received what amounted to some sort of fee tail in 1772. Their fee tail estate in the slaves was converted in 1776 to fee simple and they were free to do with the slaves as they wish despite the will. The will of the testator can be effectuated as long as it is not contrary to law or public policy. In this case, an argument can be made that the will’s provisions fail because of positive law. In similar Virginia cases, Wren tells us that “the Court was usually content to convert the fee tail to a fee simple without considering the consequences.” Wren, 118-9. In one notable exception, *Smith v. Chapman* 1 Hen. & M. 240 (1807), the Court avoiding applying the 1776 statute by construing the will at issue as a “valid executor devise” and not a speculative fee tail. *Ibid.*

reading was one of several possible approaches to the case. Wythe could not step outside the law, but the law provided enough ambiguity and uncertainty as to the common law status of a slave to enable him to construct a legally-justified ruling for freedom that satisfied the intention of the testators. Wythe injected the religious and moral antislavery intentions of John and Jonathan Pleasants into law hoping to set a precedent that would undermine the legal foundations of slavery. To do so, he shifted his analysis to the issue of statutory construction (i.e. how a judge should interpret the law) and that presumption in looking at slave law.

Wythe proposed a method of principled, but liberal, statutory interpretation which he described as “ampliation.”⁶⁶ In cases where the facts at issue most resemble the situation meant to be addressed by the statute, Wythe argued there was an “ampliation of the statute” giving it increased “energy.” In cases where the problems sought to be addressed by the law were absent, the statute should be “de-amplified” because the case before the court is not the “predicament,” or set of conditions, that the lawmakers were seeking to prevent. In *Pleasants*, Wythe ruled any such “ampliation” was reprobated when the defendants invoked the chancery court’s aid “to hinder the restitution” of the slaves’ right to natural freedom. The common law did not originate vis-à-vis slavery and Wythe used that ambiguity to the plaintiff’s advantage. Just as a law received amplitude in judicial considerations when the facts of the case clearly conformed to the situations addressed by the law, the utilization of common law doctrines in support of slavery was unintended by the history and experience of the common law, and therefore not due a

⁶⁶ “Ampliation” is an archaic term derived from the Latin term *ampliato*. It was defined as “an Enlargement[.], but in Sense of Law it is a Referring of Judgment, till the Cause is further examined” in a legal dictionary dating from 1750. See Giles Jacob, *A New Law Dictionary Containing the Interpretation and Definition of Words...* 6th ed. (London: 1750). Note: pages lack numbers.

high degree of consideration in judicial rulings. Wythe proposed that the common law tradition rejected assimilation of slavery because it did not recognize slavery as a conceptual doctrine.

Because the common law did not countenance slavery, Wythe implied the Assembly had passed a manumission act enabling a master the right to free his slave so that one positive law annulled another positive law. Manumission, in this way, returned a slave to his natural equality. The statute was read by Wythe as furthering the “natural right to freedom.”⁶⁷ The act’s initial history supported his reading. Robert Pleasants and other Quakers had pushed lawmakers to pass the manumission act and it was done so in the midst of revolutionary idealism.

Manumission also became entangled in justifications involving charity and benevolence. “Just as men could gratuitously fulfill charitable impulses by leaving or giving property to churches or other worthy causes,” legal scholar Robert Cover explained, “so they ought to be able to fulfill an impulse to humane broadening of the area of liberty.”⁶⁸ But, as the glow from the revolution faded and many white Virginians became hostile to antislavery, the purpose and motive of the manumission act became less clear and increasingly ambiguous, resulting in “grave problems for construction whenever courts confronted cases that fell outside the literal language of the act.”⁶⁹ The question in 1799 was whether the manumission act had the power to give legal efficacy to the Pleasants’s wills. In this way, the intention of the statute mattered. Was

⁶⁷ Cover, *Justice Accused*, 62.

⁶⁸ *Ibid*, 68

⁶⁹ *Ibid*, 70.

manumission favored as a policy or was it disfavored? If it were favored then the manumission act received “ampliation” rather than a restricted judicial interpretation.⁷⁰

A conditional testamentary bequest, like the freedom provision, must “vest” within a life-in-being plus twenty-one years so as to not violate the Rule Against Perpetuities.⁷¹ If there is any possibility, no matter how improbable, that the bequest would not vest before the time period expires then the bequest violate the rule; the rule is a brutally objective cut-off date for conditional gifts. If a court cannot identify when and in whom the interest would vest, then the bequeath is void from inception. The rule excuses courts from considering stipulations that may be over hundreds of years old with little relevance to contemporary economic or social realities. Moreover, the existence of contingent future claims on property served to restrict its value and marketability in the present. Wythe thought the rule had little applicability in cases “in which human liberty is challenged.” Just as the statute was de-“ampliated” when the conditions it meant to address were absent, so too was the rule’s stringent requirements when applied in the unfamiliar context of slavery. And so he declined to apply the rule. Formalistic common law property rules were inappropriate justifications when the issue was the fundamental right to liberty.⁷²

If the judges of the Supreme Court of Appeals decided to apply the Rule against Perpetuities to the case despite Wythe, he went ahead and set the judicial framework for applying a rule that he had already declared did not apply to the case at hand. If the Rule

⁷⁰ Ibid.

⁷¹ Sandefur, "The Rule Against Perpetuities," 667: "...[T]he R.A.P. means that if a will bequeaths property to a person on the condition that a certain incident occurs, that bequest is valid only if the recipient will either certainly get it, or certainly not get it, within the twenty-one years of the death of somebody who is alive when the will creates that interest. The rule is intended to prevent property from being tied up, unusable, for generations."

⁷² Holt, "George Wythe," 1028.

applied to the case, Wythe conceded, it certainly did not apply to the slaves who were alive when John (and Jonathan Pleasants) died. Those people could only enjoy a right to freedom in their own lifetime. Wythe insisted on the humanity of slave property as part of his judicial consideration.

The Chancellor, accordingly, ruled that children born to women who were slaves when the Pleasants testators died were not in violation of the Rule. He noted there were “legitimate periods” in which the Rule’s operation can be paused—the clock halts “where events before the termination of a life or lives existent, or of a life or lives immediately succeeding the existent, must fix the destiny.” Whatever the logical formalities of the Rule, in the real world, the freedom provision would either be good or bad at the death of that generation.⁷³ With each new generation, the freedom provision’s period of time is reset. But all of that was mere speculation; the reality was that the act had passed. Wythe resisted the application of the Rule to the humanity of the slaves before him. He conceived of each slave having his or her own bequeath and so structured the ruling so that each generation could fix their destiny anew and avoid the Rule’s requirements.

Wythe overruled the defendant’s demurrers and held that the slaves who were over thirty years old in 1782 were entitled to immediate freedom under the provisions of the will. As for the slaves born before the testator’s death (1771 for John Pleasants’s will or 1776 for Jonathan Pleasants’s) and not thirty years old, each had a right to freedom which vested once they turned thirty years old.

⁷³ Ibid, 1028. The commentator notes that Wythe’s ruling on this issue “leapt out existing perpetuities doctrine” and applied something like the modern “wait and see” doctrine—he did not proceed as if passage of the manumission act had not taken place.” Waiting until 1782 to start the clock “showed no possible actual invalidities under perpetuities restrictions.”

The Chancellor decreed anyone who was thirty or over under the will as of 1782 immediately freed. People, who were alive, but not yet thirty in 1782, were to be released on their thirtieth birthday. For those born between the death of either John or Jonathan Pleasants and passing of the act in 1782 would likewise be freed at thirty years of age. And anyone born after the statute was entitled to freedom at thirty years of age—they were born, in effect, as indentured servants. The Chancellor set about trying to effectuate the will’s provisions using his equity powers: he ordered his court commissioners to “prepare a catalogue” listing the names and dates when particular individuals should be released. Wythe tried to recompense the wrongfully detained. Former slaves who had a right to freedom in 1782, he ruled, were entitled to the “profits” of their labor dating from 1782 to the 1798. Each day held in slavery after the manumission act, Wythe figured, was a compensable injury. Wythe declared that because members of the Pleasants family held free people illegally, the wrongfully enslaved must be compensated for their damages—namely, their wages. Wythe pushed the limits of his equity powers.

Wythe predicated his ruling on the conviction that the distinction between legal slavery and illegal slavery was a matter of formalities. There was no other basis for slavery than positive law. Wythe, in effect, was arguing that slaves were human beings deserving of moral consideration thereby destabilizing the conceptual foundations that slaves were personal property. He had written in the *Turpin* case: “As the law is now, and always has been, a bequest of slave transfers the property of them in the same manner *as if* they were chattels.” Chancellor Wythe had arrived at an antislavery position derived from secular considerations of fairness and Enlightenment egalitarianism.⁷⁴ Like Robert

⁷⁴After the Revolution, Wythe reworked the old royal oath of office for a chancellor so that each chancellor had to swear to “do equal right to all manner of people, great and small, high and low, rich and poor,

Pleasants, Wythe believed that law ought to regard black men and women as human beings entitled to basic rights *a priori* to any other considerations.⁷⁵

Wythe's decision to award the formerly enslaved profits raised an important question as the line between freedom and slavery, black and white, became increasingly blurred in the post-Revolutionary period. Did enslavement contrary to law function as a deprivation of property under the common law and if so, could such a deprivation constitute an action for personal damages? Until Wythe's ruling, freedom had been the only reward for those wrongfully enslaved. Some of the judges of the high court shuddered at the possible ramifications of Wythe's ruling. Records of enslavement were often sparse and many masters, if confronted by litigation, would not be able to produce much evidence of legal enslavement. Before Wythe's ruling, the only consequence a master might face for illegal enslavement would be the loss of that person's labor in the future. If Wythe's ruling stood, it would force masters to consider the potential costs of

according to equity and good conscience, and the laws and usage of Virginia, *without respect of persons.*" Wythe inserted the italicized language for the former which read "without favor, affection, or partiality." See Noonan, *Persons and Masks*, 30-31.

⁷⁵ This is as about as far as one could go in describing Wythe's antislavery sentiments. His papers were burned and so we are bereft of Wythe's private feelings on the subject. He freed three slaves in his lifetime—one of whom was Michael Brown whom he made his heir. There are no public statements that clearly articulate his view on slavery. Noonan suggests that Wythe was an "unequivocal emancipator" (along with Thomas Jefferson) and that events turned them into "statesmen making slaves." For Noonan, their transformation was effected by "accepting the law's power, fictions, and masks." See Noonan, *Persons and Masks*, 33-5. Few historians, today, would claim that Jefferson was an "unequivocal emancipator." Wythe, like Robert Pleasants, had grown up around slavery. Wythe, as a professional lawyer, judge, legislator and professor eschewed the planter life and kept a small household. It took him years to shed that inheritance. By the end of his life, Wythe had released all of his slaves. Several, after being freed, stayed on as house servants. John T. Noonan Jr., noted that Virginia slave law was in large part like a "criminal code" which was in large part directed towards whites and their civic responsibilities as slaveowners while endowing local officials and slavemasters with wide discretion and community support. Working behind the scenes to ensure the continuation of slave property over the generations were the laws of property and estates inheritances. One branch of the law saw slaves as human beings with passions and culpability while the laws of property and estates made slaves into objects of testamentary distribution—things to be distributed according to law. See Noonan, *Persons and Masks of the Law*, 38-41. From this perspective, Wythe's ruling threatened not only what it meant to hold slave property, but also the consequences. Furthermore, his ruling demonstrated how a court could read a case where manumission was at stake and then apply any relevant statutes with a corresponding sense of strictness.

reparations if they failed to manumit people they knew had a right to freedom, or were unable to prove lawful enslavement. Holding a person in slavery could be costly for a master. The subversive nature of the ruling forced “Virginians to confront the humanity of their slaves, the inhumanity of their treatment of slaves, and the legal basis for slavery itself, all in the context of their own revolutionary heritage of seeking freedom.”⁷⁶ When he read Wythe’s opinion, Edmund Randolph, chief judge of the Virginia Supreme Court of Appeals, declared with obvious disdain that the decree was “subversive of slavery.” Spencer Roane, Wythe’s former pupil agreed with Randolph that Wythe’s ruling presented a dangerous threat to one of the pillars of Virginia society—slavery. Roane regretted the ruling and believed it had the potential to “agitate and convulse the Commonwealth to its centre.”⁷⁷

Wythe’s ruling in favor of the plaintiffs added an imprimatur of republican virtue to their case. The Chancellor’s reputation for virtue was acknowledged by most members of the legal and political elite of Richmond and that reputation gave his rulings elevated standing above other judges. In that vein, Wythe fore-grounded the benevolent intentions of the testators and the natural desire for freedom present in humanity combined with a skillful legal-historical argument.⁷⁸ His ruling could not be easily undone. He had woven together a complex set of arguments supporting his ruling with the intention of withstanding rigorous appellate review. But there were other considerations. There were both personal and political divisions in the bar and bench which could affect the decision.

⁷⁶ Wythe’s ruling was the “most significant departure from existing practice” and for George Wythe, “the ‘freedom’ accorded to the Pleasants slaves by emancipation—indeed, as he hinted, a ‘right’ restored to them under the Virginia Constitution—was not abstract, but meant that they should have the full dignity of being wage workers.” Holt, “George Wythe,” 1009.

⁷⁷ *Pleasants v. Pleasants*, 6 Va. 319; 2 Call 319 (1800), **344.

⁷⁸ Holt “George Wythe,” 1028: “Wythe’s decree was founded upon the humanity of slaves and the importance of human freedom.”

Wythe had a personal history with many of those involved. John Marshall and John Wickham, one of the defendants' lawyers, were his neighbors. Wythe had trained John Marshall, Henry Clay, Thomas Jefferson and many other members of Virginia's political and legal elite in the practice of law as the College of William and Mary's only law professor. Wythe had taught one of the current judges on the Supreme Court of Appeals—Spencer Roane. Born in 1762 to the son of a Scottish immigrant, his happiest memory was mustering as a volunteer during the lead-up to Revolution at the age of thirteen bearing a carbine and tomahawk with the words, "Liberty or Death" emblazoned on his hunting shirt over the left breast. After the War, Roane studied law with Wythe in 1780 and Wythe "played a key role in Roane's professional development."⁷⁹ He was elected to the Assembly in 1783. In 1789, he was appointed to the Virginia General Court and served all over the state. Impressing lawyers and judges alike, the prodigious Roane was elected to the Virginia Supreme Court of Appeals at only thirty-three years old. Roane, like Pleasants, was close friends with Patrick Henry. So much so that Roane married Henry's daughter, Anne.⁸⁰ He was an ardent republican and libertarian and supporter of Jefferson until he died in 1822.⁸¹ And like Jefferson, Roane would express

⁷⁹ Timothy Huebner, "The Consolidation of State Judicial Power: Spencer Roane, Virginia Legal Culture, and the Southern Judicial Tradition," *Virginia Magazine of History and Biography* 102 (1994): 50.

⁸⁰ "Original Records of the Phi Beta Kappa Society," *The William and Mary Quarterly* 4 (April 1896): 249-50.

⁸¹ Roane and Marshall would become bitter foes in the antebellum period. Roane assumed leadership of the Virginia Supreme Court of Appeals in 1803 upon the death of Pendleton. Roane was a champion of state's rights and local control of institutions while Marshall advocated a federalist understanding of the relationship between local and national power. We know little of Roane because like his former teacher, G. Wythe, they directed that their personal papers burned when they died. For Roane see Timothy S. Huebner, "Chapter One: Spencer Roane, Virginia Legal Culture, and the Rise of a Southern Judiciary" in *The Southern Judicial Tradition: State Judges and Sectional Distinctiveness 1790-1890* (Athens: University of Georgia, 1999), 10-39; Huebner says of Roane that "he played an important role in establishing the independence, power, and prestige of the state's judiciary by advancing the concept of judicial review, promoting unanimity among judges, decided cases on the basis of settled legal precedents" in "The Consolidation of State Judicial Power: Spencer Roane, the Virginia Legal Culture, and the Southern Judicial Tradition," *The Virginia Magazine of History and Biography* 102 (1994): 47-72; F. Thornton

qualms about slavery but his plantation, Spring Garden like Monticello, nonetheless depended on the labor of slaves for its beauty and productivity.⁸² Wythe could expect a fair hearing from Roane and Wythe's reputation carried weight with the other judges on the court, except Edmund Pendleton had led the court as its president since 1777 and was forty years older than Roane. Pendleton was born a "country boy" with a coarse manner who regarded the legal profession as a "process whose end was profit."⁸³ Pendleton and Wythe clashed often over the years and personally disliked each other, but Wythe would not lower himself to partiality even if it benefited his foe.⁸⁴ Pendleton, as an Appeals court justice did not show a similar restraint and reversed Wythe in over half the cases that came before the Court.⁸⁵ By 1797, Wythe knew that his rulings would receive more than their fair share of scrutiny from Pendleton. With this consideration in mind, he had to construct rulings that met both his own standard of fairness, as well as give Pendleton as little possible room to find reasons to reverse the ruling.⁸⁶ Wythe had constructed his decision in *Pleasants* with this sort of hostile review in mind.

Miller, "John Marshall versus Spencer Roane: A Reevaluation of *Martin v. Hunter's Lessee*," *The Virginia Magazine of History and Biography* 96 (1988): 297-314; John Radabaugh, "Spencer Roane and the Genesis of Virginia Judicial Review," *The American Journal of Legal History* 6 (1962): 63-70; Joseph H. Harrison Jr., "Oligarchs and Democrats the Richmond Junto" *The Virginia Magazine of History and Biography* 78 (1970): 184-198; Harry Amon, "The Richmond Junto, 1800-1824" *The Virginia Magazine of History and Biography* 61 (1953): Note, "Judge Spencer Roane of Virginia: Champion of State's Rights Foe of John Marshall," *Harvard Law Review* 66 (1953): 395-418; Rex Beach, "Spencer Roane and the Richmond Junto" *William and Mary Quarterly* 22 (1942): 1-17; T.R.B. Wright, "Judge Spencer Roane" *The Virginia Law Register* 2 (1896): 473-89.

⁸² Huebner, *Southern Judicial Tradition*, 23.

⁸³ Noonan, *Persons & Masks*, 32.

⁸⁴ Noonan extols Wythe's impartiality in the case of *Page v. Pendleton* where Wythe ruled for his bitter rival. See Noonan, 31.

⁸⁵ Ibid 30-2. Henry Clay, a former student of Wythe, noted that "Mr. Wythe's relations to the Judges of the Court of Appeals were not of the most friendly or amicable kind, as may be inferred from the tenor of his reports." B.B. Minor, ed., *Decisions of Cases in Virginia by the High Court of Chancery, with Remarks Upon Decrees, by the Court of Appeals Reversing Some of the Those Decisions by George Wythe, Chancellor of Said Court* (Richmond: J.W. Randolph, 1852), xxxiv.

⁸⁶ This dynamic reflected their own strengths as lawyers and judges. Henry Clay went on to say that Wythe was much better "in the opening of the argument of a case" while Pendleton "was always ready in opening and concluding an argument and was prompt to meet all the exigencies which would arise in the

In addition to the personal considerations, the judges understood that *Pleasants* was no ordinary case. The freedom of literally hundreds of slaves was at stake. The meaning of manumission, the manumission act itself and the effects of the common law were all at stake. And so, the case "transcended the realm of merely legal to embrace higher questions of morality and social policy."⁸⁷ More importantly, it also challenged the legal foundations of slavery by uniting antislavery principles, the common law, religious appeals, the benevolent intentions of his forbearers and the case history established by Robert Pleasants.

On 16 September 1798, the defendants filed an appeal to the Supreme Court of Appeals and the chancery order was stayed pending resolution.⁸⁸ When the case reached the Court of Appeals, Roane and the rest of the judges faced a difficult dilemma: they had to reconcile notions of liberty and judicial deference to the intentions of the testators

conduct of a cause in court." Clay thought Pendleton had the better of Wythe as a lawyer and relates how Wythe threatened to quit the bar and go preach—"You had better not do that replied his friend; for, if you do, Mr. Pendleton will go home, take orders, and enter the pulpit too, and beat you there." Minor, *Decisions of Cases in Virginia*, xxxiv.

⁸⁷ Adams, *Papers of John Marshall* vol. v, 541-2.

⁸⁸ In 1788, A general court was created consisting of eighteen districts with one judge in each and a chancery court with one chancellor. The Court of Appeals was made a separate court with five judges—it was "the final statement on the vast majority of substantive and procedural issues that found their way to the Virginia court system." John Thomas Wren, "Republic Jurisprudence: Virginia Law and the New Order 1776-1830," Ph.D. diss. (College of William and Mary, 1988),13. Wren tells us that one of the outstanding issues following the Revolution was how to accommodate the "English legal heritage to the requirements of the new republican order." The Court of Appeals, "embraced, on the whole, the English legal heritage, despite its violent separation from Great Britain." Stability and continuity signaled protection of vested property rights. But the Court was not "slavishly devoted to the common law" and Wren identifies several areas where the Court would depart from established understandings. But on the whole, Wren finds that most often "traditional legal rules went unchallenged, evidencing a conservative respect for stability and property rights." Wren 64-5. One area where the Court of Appeals "did evince a resistance to the pattern of adherence to common law rules" was in the case of wills, especially in cases "involving the interpretation of the intent of the testator (the writer of a will) in the application of the provisions of the will." Judicial departure was justified by common law ambiguity, contradiction and conflict. Arguments could be had on the merits, but judges were unable to agree on what constituted "settled rules of construction." The Court threw up its hands and conceded that "cases on wills serve rather to obscure, than illuminate." Decisions tended to be very case specific. The relative clarity of the testator's intention determined the degree to which common law cases would apply. In order to frustrate clear intent, adverse cases must be "strong, uniform and apply pointedly before they will frustrate that intention." Wren, 82., quoting Edmund Pendleton.

while restricting the consequences of the ruling in order to obviate economic and social disruption.⁸⁹ Instead of an open terrain which provided the freedom to rule, the actions of the Pleasants family, the people held in bondage, and Wythe's skillful legal work forced the Court of Appeals into a delicate reactive position. Their personal sense of justice and legal training competed against the recognition that Wythe's ruling had the potential to radically undercut the legal foundations of slavery in Virginia enabling causes of action against slave holders by slaves themselves, not simply for freedom, but for restitution.

The Court of Appeals opinion is a response to Wythe's subtle attempt to define slaves as persons laboring under legal disability grounded only in positive law. If they voted to strike down Wythe's readings out of hand, they appeared anti-libertarian, disrespectful to the Chancellor whose republican virtue was widely revered in the Virginia political and legal elite, and ignoring the clear, benevolent intention of the testators and their adherence to higher principles of humanity and benevolence—this they could not do. This generation of Virginia justices had been raised in the natural law tradition and could not ignore the facts of the case or the consequences of their decision. To rule against Pleasants and the slaves was to rebuke their own higher political and legal principles. At the same time, however deep or shallow their antislavery sympathies, they understood that Wythe's ruling was a direct threat to the stability of property rights for slaveholders. Under Wythe's ruling, those persons illegally detained in slavery had a cause of action for the profits of their labor. Slaveholders would lose their traditional

⁸⁹ The integration of common law property concepts with the realities of an increasingly complex institution of slavery proceeded after the American Revolution. It was not clear how common law concepts developed to serve feudal and early modern English landholders applied to slaves in early national Virginia. In the colonial period, the law of slavery was more or less a collection of police regulations; no attempt had been made to conceptually integrate the common law with slavery. After the Revolution, Virginia lawmakers explicitly adopted the common law as the law of the land. It was up to the judges and lawyers to figure out how that integration would occur.

indemnity for their actions. If slaveholders possessed doubtful title to a person, they might be inclined to free that putative slave sooner rather than later.

The defendants (now appellants) retained two of the best litigators in the state—Edmund Randolph and John Wickham.⁹⁰ Randolph had consulted with Robert Pleasants in 1788 on the question of whether Molly and Logan’s nuptial pledge to emancipate could be enforced.⁹¹ Randolph, by 1799, was a “former state attorney general, governor, United States attorney general, and secretary of state.”⁹² Randolph was an accomplished lawyer and politician (he had been Washington’s Attorney General and then Secretary of State but was forced to resign in disgrace). John Wickham, one of the Virginia bar’s most active litigators and builder of one of Richmond’s most notable residences, also represented the defendants.⁹³

⁹⁰ Randolph would be John Wickham’s co-counsel in defending Aaron Burr.

⁹¹ See Chapter 4. Robert Pleasants to Jacob Shoemaker, Jr. et. al. 12 May 1788, *Letterbook*. For Edmund Randolph, see John J. Reardon, *Edmund Randolph: A Biography* (New York: Macmillan, 1975).

⁹² Kettner, "Persons or Property?," 148.

⁹³ There is little written on John Wickham. R. Kent Newmyer commented that Wickham has “been undeservedly ignored by history—perhaps because he ignored it. Like Marshall, Wickham was so confident of his own gifts that he felt no need to advertise them.” Wickham occupied his time litigating cases, “looking after his numerous children, breeding racehorses, and tending to his investments, his two plantations and many slaves.” He was one of the richest men in the state. R. Kent Newmyer, *The Treason Trial of Aaron Burr* (New York: Cambridge University Press, 2012), 81, 186-7. Newmyer also called Wickham a “southern gentleman,” but Wickham family lore holds that John Wickham was born on Long Island, NY and like many New Yorkers of the time, he was a Loyalist. He was tried as a spy. Eventually acquitted, he moved to Virginia and began studying law at the College of William and Mary. He was good friends with his neighbor, John Marshall. Wickham’s practice was very successful, coupled with very remunerative marriages, he soon became the wealthiest man in Richmond. Wickham is also noted for his horse breeding talents. “Boston” considered America’s first great racing horse was his most outstanding success. Finally, his most tangible legacy is the Wickham-Valentine House in Richmond, Va. It is a national historic landmark and considered one of the finest examples of Federalist architecture from the period. See Joe Wickham, "John Wickham (1763-1839)," <http://www.geocities.com/joewickham/john.htm>. For his “splendid” house, see The Valentine Richmond History Center, "The 1812 Wickham House," <http://www.richmondhistorycenter.com/wickham.asp>. The only contemporary accounts are by William Wirt, another leading member of the cliquish Richmond bar. Wirt described him “exceedingly ingenious, subtle, quick in argument, and always on the alert to take and keep the advantage by all logical arts.” John Pendleton Kennedy, *Memoirs of the Life of William Wirt, Attorney General of the United States* vol. I (Philadelphia, PA: 1860), 311-2. In Wirt’s *The Letters of a British Spy*, he describes Wickham as having a “quickness of look, a sprightly step, and that peculiarly jaunty air, which I have heretofore mentioned, as characterizing the people of New York.” Wirt criticized his rival for putting on “artificial” affectations and gestures 214. Wirt praised Wickham’s wit and ingenuity and calls says that Wickham “unites in

Marshall, Warden, Wickham and Randolph—all members of the American legal elite—confronted the questions and issues framed by Wythe and exemplified by Robert Pleasants and the slaves concerning manumission and law. The first issue was whether Wythe and his chancery court had exercised proper jurisdiction? In other words, did Robert Pleasants have a case?

Wickham challenged the jurisdiction of the Chancery Court to decide the case and argued that the plaintiffs had attempted to use common law and should not have had access to the Court of Chancery.⁹⁴ Warden, representing Ned’s interest, responded that Chancery had proper jurisdiction over the matter as the will had established a legal “trust.” It was the failure of the legatees to emancipate the slaves that compelled the plaintiff, as executor of the estate and trustee of the “charitable instruments” established by the wills of John and Jonathan Pleasants to bring suit.

There could “be no question” the case was an equitable matter, Marshall declared. But even if it were a close decision, he noted that the case could not be judged on purely technical grounds alone “because, being a suit for freedom, the forms of proceeding will not be so strictly adhered to, as in other cases.”⁹⁵ The common law had no clear application, or precedent, when the subject was a human being. In order to decide the matter, Marshall argued that the Court would have to step out of a purely formalist approach to do justice in the case. Marshall knew it was crucial to success that the case be upheld as a matter of equity. The weakness in Marshall’s contention was that a trust is a

himself a greater diversity of talents and acquirements, than any other at the bar of Virginia.” See William Wirth, *The Letters of a British Spy* 3 ed. (New York, NY: 1875), 214-219.

⁹⁴ *Pleasants v. Pleasants* (**9): This quote is from the bundle of pretrial materials that are not paginated with the Court report.

⁹⁵ *Ibid.*, **18.

legal instrument established to benefit a third party.⁹⁶ Normally, a trust is explicitly created through some act or declaration. Trusts, under a court's equity powers, can at times be created retroactively as it appears that Wythe had done doing justice to the intentions of the testators.

Randolph sensed where Marshall was going and reiterated that this was a technical question of law: he argued: "The nature of the subject did not alter the case..." and "this was a plain legal question."⁹⁷ Wickham chimed in that slaves were property and therefore matters concerning them should be governed by the law of property—not the equitable law of trusts. Even if the Court found it was a trust the nature of the freedom provision, according to Wickham, was an illegal provision. When John Pleasants wrote his will, private manumissions were illegal and a trust designed for illegal purposes was not recognized by law. Because the private manumission of slaves at that time was illegal the trust was void from the outset—it never had any legal effect. Therefore, the laws of common law property should apply to the slaves.

Wickham claimed that the rights of property were co-equal to considerations of liberty: "the rights of property" he pointed out to the judges, "are as sacred as those of liberty."⁹⁸ To rob the defendants of their right to property would be tantamount to robbing them of liberty. The law of property governed and protected, according to Wickham, the rights of the white defendants over their black slaves. Although they acknowledged the value of liberty and the right of testators to settle their own estates, manumission was not a duty for the defendants. It was an option and it was one they

⁹⁶ See Garner, *Black's Law Dictionary*, 1513: trust, *n.* 1: "the right, enforceable solely in equity, to the beneficial enjoyment of property to which another person holds the legal title."

⁹⁷ *Pleasants*, **20-21.

⁹⁸ *Pleasants*, **11.

decline to choose. Family members had valorized the rights of property and emphasized the need to adhere to the formal constraints of the law regardless of the subject matter. They argued through their actions and through their attorneys that the way to modify the common law with the law of slavery was to adhere tightly to abstract legal rules that operated well enough in the context of landed estates but were not calculated to apply to human beings. Marshall had argued that the enslaved had rights at least as beneficiaries to a trust and the humanity to enjoy the benefit of the freedom provision. Wickham, Randolph and the defendants proposed that the enslaved had to be treated in this case as property. As property, then the rules of property applied and the freedom provision was an illegal provision as it violated an obscure element of estate law. The freedom provision was “contrary to the nature of the estate, for it tended to bar the alienation of the property, and therefore was void.”⁹⁹ Wickham contended that the effect of the freedom provision was “a devise of the slaves in absolute property, with a condition, that the devisee shall not alien” and “the right of alienation is a privilege inseparable from the right of property.”¹⁰⁰ Slaves were property, Wickham and Randolph argued, and should be treated as such under the law.

Even if the Court found a trust existed and accepted the slaves as beneficiaries, Wickham and Randolph continued, the slaves themselves still remained the property of the defendants; they argued that the freedom clause was worded in such a way as to make it illegal and void. They claimed it violated the rule against perpetuities and was an illegal restraint on the alienability of property. Wickham seized on the possibility that the law might never be passed to argue that it violated the rule against perpetuities. The heart of

⁹⁹ *Ibid.*, **10.

¹⁰⁰ *Pleasants*, **11

the rule is that “a contingent property interest is valid only if the interest *must* either vest or fail within twenty years after some life in being at the creation of the interest.”¹⁰¹ In between John Pleasant’s death in 1771 and the passing of the Act of Manumission in 1782 the defendants had property, Wickham declared, “to which there was a repugnant and illegal condition annexed” which was “consequently fruitless and void” of legal effect.¹⁰² This was because in 1771, when the will was probated after the death of John Pleasants, there was no way of telling whether the Legislature would pass such an act in ten, twenty or a thousand years. The same applied for the will of Jonathan Pleasants drafted in 1776. There was, according to Wickham, no guarantee that the Legislature would ever do such a thing therefore the contingency may never happen. It was a logical proof: the contingency must either fail or vest—if it remains unresolved then the contingency is contrary to rule and is void. According to Wickham’s application of the rule, the slaves were the full property, unencumbered, of the defendants. Wickham did not address the fact that the whole issue was moot: Virginia had passed a manumission act in 1782 satisfying the requirements of the freedom provision. The rule was designed as a logical proof that enabled Wickham to ignore actual facts in his presentation to the Court.

Marshall took a different position that argued for a consideration of humanity in the application of the law of estates to the case. “Where a mother was born at the death of the testator,” Marshall told the judges, “the most remote limitation would be a life in being, and thirty years afterwards” and thus the contingency was confined to a reasonable

¹⁰¹ Sandefur, “The Rule Against Perpetuities,” 667.

¹⁰² *Pleasants*, **13.

period.¹⁰³ Marshall presented an alternative to Wickham’s formalist approach—one that relied on reason and a tacit acknowledgement of the slave’s humanity (at least to the slaves alive at the death of either John or Jonathan Pleasants—the other possible permutations would be considered later). If the common law were going to be used to support slavery, then it had to be applied with some degree of discretion. To simply import the common law, developed for estates in land in a feudal society, without regard to the subject matter seemed a doctrinaire approach and unreasonable to Marshall. What difference did it make that the period under the Pleasants wills was thirty years and not twenty? Randolph would argue against any sort of judicial laxity in the application of the rule. He defended formality and tradition over adaption:

“Executory devises must take effect within a limited time or not at all. Thirty years is too long, and has never been allowed. If it were, you might go on to any extent. The period of a life, or lives, in being, and twenty one years afterwards, is the fixed rule; insomuch that it has now become a canon of property; and to alter it, would be to shake titles, and unsettle property.”¹⁰⁴

Randolph intimated that if the Court allowed modification of the rule, it would establish a precedent that would upset property titles throughout the Commonwealth. Randolph also noted that the devise was contrary to the policy and “genius and spirit of the Acts of Assembly” at the time, which was still under British control. Furthermore, to uphold the Chancellor’s decree and the terms of the will, Wickham argued that endorsement would create a “new species of property, subject to rules unknown to the law. But this is what no man can do.”¹⁰⁵ Wickham understood that the Pleasants will de-stabilized the boundary between free and enslaved people in Virginia. It did so by applying features of indentured servitude combined with slavery. Wickham’s declaration was in direct

¹⁰³ *Pleasants*, **20.

¹⁰⁴ *Ibid.*, **23.

¹⁰⁵ *Pleasants*, **23.

contrast, again, to the social realities of the case and time. As scholars have shown, after the Revolution, masters, slaves and free people entered into all sorts of economic arrangements that contrasted sharply with the rather staid form of slavery characteristic of the colonial era. The defendant's arguments clung to a legal understanding that denied social realities in both slavery and the law of manumission.

Marshall's arguments for freedom were on firm footing when it came to slaves alive when the wills were written—either a law would pass legalizing manumission or one would not in their lifetimes. There was no ambiguity there, but Wickham focused on the word “hereafter” in John Pleasant's will: “I say all my slaves now born or hereafter to be born, whilst their mothers are in the service of me or my heirs, to be free at the age of thirty years...[.]” If the will's provisions were not contrary to the rule, then Wickham asked the question: “Must it be that the plaintiffs and their progeny to all generations shall, in succession, be entitled to freedom at thirty?”¹⁰⁶ The inheritance of a freedom right in this regard was what Wickham had objected to as a new form of property.

Wickham claimed that Wythe's decree did not adhere to the intention of the testators. The testators, according to Wickham, “intended to erect the slaves into a distinct kind of property”—service until thirty and freedom after. It was clear to Wickham that “the word hereafter takes in all future generations.”¹⁰⁷ The Chancellors' order was clearly wrong according to Wickham and there was no way to save the provision. To fulfill the testator's intentions would be to create “a new species of

¹⁰⁶ Ibid., **15.

¹⁰⁷ **15-6.

property subject to rules unknown to the law” and “this is what no man can do” and the provision was therefore void and unenforceable.¹⁰⁸

Wickham argued that even if the Court accepted all of the plaintiff’s offerings, the slaves could still not be freed by the will because the will’s provisions failed to adhere to the Act of 1782’s requirements. The Assembly “has prescribed certain terms, and the present case is not within any of them.”¹⁰⁹ Wickham was referring to the Act’s imposition of a bond on the owner of the slaves for the “maintenance of the young and aged slaves.” He contended that the only way that a slave owner can manumit his slaves in Virginia was according to the terms of the Act; in order for this to happen, the Court of Chancery’s order imposed on the family members the legal duty to provide the bond or else “the helpless and aged will be thrown as burthen upon the public... [.]”¹¹⁰ The law had made emancipation of slaves a sovereign act, which the Assembly had delegated to private owners only upon the fulfillment of the Act’s requirements: “Therefore,” Wickham explained, “any case which is not strictly within the terms of the act of 1782 will come within the operation of that of 1748.”¹¹¹ If the formalities of the 1782 act were not met, then the earlier statute from 1748 that banned private manumissions should operate. Marshall responded that the law of 1782 repealed the 1748 Act and because the slaves were not seized and sold under the terms of the 1748 Act by the Government, the Government in effect had made a sovereign choice not to act thereby implicitly endorsing the private action at issue by not enforcing the law. With the passage of the 1782 Act,

¹⁰⁸ **15.

¹⁰⁹ **13.

¹¹⁰ **14.

¹¹¹ **13.

Marshall reminded the court, “the will of the testator did not change” and “the right of the paupers to their liberty continues.”¹¹²

The Court could have ruled for either party without breaking too far from the normative standards of legal conduct. At the heart of the quandary was how to regard the slaves in question. If they were strictly property before the law, then certainly they could not have had a contingent property right in themselves—property does not hold title to property. Furthermore, even if they could have a contingent interest in themselves, that interest was voided by application of the rule. But if the Court evinced sympathy for the obvious humanity of the slaves and accepted Marshall’s subtle pleas to treat the slaves as people and not things, it could perhaps begin to bifurcate the laws of property as applied to slaves in favor of equity and away from technical and rigid applications of the feudal laws of property.

The whole issue of whether a certain group of the slaves were entitled to “profits” did not occupy much space in the arguments to the court. That issue was aimed squarely at the judges and Wickham had little to say on it except that “it could have scarcely been intended by the testator” that his legatees should have to pay back wages. Moreover, “the general idea of the country and the practice in the courts of law are opposed to such a demand; and therefore damages are never given, in actions of this kind, by the juries who decide them.”¹¹³ Ned, an older man who had labored for years, argued through his attorney that he and others like him had “a right to the profits of their labor.” The order only directed an inquiry to figure out which slaves, after the passage of the Manumission

¹¹² *Pleasants*, **19.

¹¹³ **16.

Act of 1782 were entitled to profits.¹¹⁴ The testator intended them to be free after the Manumission Act and assignment of profits does not violate that intention.

In deciding the case, the obvious place to begin was with the wills of John and Jonathan Pleasants. These documents translated the Quaker spirit of equalitarianism and antislavery into a source of legal power that the judges had to consider. John Pleasants was a respected gentleman, merchant and planter; his will, and the vast property he held at death, reflect this fact. He demonstrated how a Virginia gentleman could, if he chose to do so, free his slaves. There was no reason, legally speaking, to doubt the sincerity or right of John Pleasants to free his slaves in the manner that he did. But the second part of the will was less clear. He gave his former slaves the choice to be free or remain in slavery, but only if the law did not require them to be transported out of the country. Conceivably, a law could have passed which allowed manumission but only if the slave had to leave the state in a set time. Under these circumstances, the freedom provision would not have had any effect. What difference did it make to John Pleasants where his former slaves lived after emancipation? Did he imagine such a law would be a hardship on his former slaves forcing them to choose between freedom and family? If so, he decided to deny them that choice. Freedom would only occur if they could remain in Virginia. His concern could have also been related to the second part of the will, referred to as the hereafter clause, whose intent remains unclear. Following the freedom provision, the following sentence was inserted: it read, "I say all my slaves now born, or hereafter to be born, whilst their mothers are in the service of me or my heirs, to be free at the age of 30 years..." If John Pleasants imagined that a manumission act was near at hand, the clause provided a reasonable way to free the slaves he formerly owned while

¹¹⁴ **17-8.

providing some recompense to his heirs for the financial loss. If manumission were in the distant future, then the clause provided the means to pass freedom down through the generations.

The will's provisions revealed John Pleasants's paternalistic attachment to individual slaves and concern for their welfare. Provisions dictated that Old Sukey and her family could choose which of Pleasants heirs to live with and they were "not to be controlled, and to enjoy the benefit of their labor as fully as if they were free."¹¹⁵ The will provided old age stipends for Joe Cooper and Carpenter Will. It will be recalled that Pleasants set Charles White at liberty with his two sons to work Virginia's waterways. Sam was given liberty to hire himself "as a free man" and earn what money he could earn, provided he paid the estate a flat fee.¹¹⁶ All of these individuals, in John Pleasants judgment, could earn a living as free people despite their previous lives as slaves. It was a contention that the court was forced to confront and decide whether to give it legal approval.

The will of Jonathan Pleasants composed in 1777 made an explicit connection to liberty and natural rights. The judges read that Jonathan believed that "all mankind have an undoubted right to freedom." Freedom was an "inestimable blessing." Jonathan commiserated with "the Negroes which by law I am invested with the property of" reflecting both his liberal compassion and the legal proposition that he held the property of the enslaved, implicitly undercutting the idea that slaves were property themselves. To be a master was to steal another man's property was the obvious conclusion for the Pleasants brothers. It was a content that Wythe had picked up and given legal form in his

¹¹⁵ Valentine, *Valentine Pleasants Papers*, 1117.

¹¹⁶ *Ibid.*

order for restitution. Jonathan had also instructed the young people be educated so that they may “enjoy the full benefit of their labor.” Jonathan’s ultimate goal was to fit his former slaves for freedom which would be conducive “to their happiness.” Jonathan desired that his former slaves enjoyed freedom “in as full and ample manner as if they had never been in bondage.”¹¹⁷ Although Roane tossed Jonathan’s will aside for purposes of deciding the legal issues, there can be little doubt that its language solidified in his mind the benevolent intentions of the testators and the language of Jonathan’s will was included in the court record.

The contention had even more saliency in Ned’s suit against Elizabeth Pleasants, widow of Joseph Pleasants (i.e. John Pleasants’s brother and Robert Pleasants’s uncle). What Ned managed to do is remarkable. As we have seen, the establishment of the 1795 procedures for slaves seeking freedom created a dense screen through which only the most clear cut cases of illegal enslavement would pass. John Noonan contended that the law was unintelligible to the enslaved, which was perhaps true in many cases, but it is clear that Ned was aware that he had an actionable right to freedom and took steps to pursue it in the legal system. To do so, he must have relied on the accumulated oral knowledge of the enslaved community in his neighborhood. Relying on this network, he could have evaluated and judged which whites were perhaps sympathetic to his plight in order to evaluate his chances of success and the repercussions of failure. Ned’s appeal to justice reinforced the fact that the enslaved understood liberty and desired it as their right. Ned epitomized to the judges both the desire and the capability of black men and women to seek and enjoy liberty.

¹¹⁷ *Pleasants*, **4-5

The defendants declined to take on the moral questions and instead pleaded various excuses for not manumitting the slaves they held. They all “demurred” (i.e. contested) the jurisdiction of the Chancery court to hear the case. Mary Logan claimed that she could manumit any slaves because her dead husband, Charles Logan, had died indebted to creditors. She wanted to retain the right to sell the slaves in order to settle the estate. Elizabeth Pleasants claimed that John Pleasants the testator and her brother, had given her “Tabb and her increase” when he was alive and so the will did not apply to them. Daniel Teasdale claimed that he had no responsibility to the plaintiff as heir or executor to free the slaves. Wickham had argued it would be unfair to free slaves born after the testator’s death but prior the Manumission Act of 1782, if a master had contracted debts using his slaves as collateral. He asked the court, “ought the creditors who had trusted him on a fair presumption that no law of emancipation would pass to lose their debts?”¹¹⁸ Marshall responded that creditors who trust a contingent estate “must be subject to the contingency” and assume the risks knowingly.¹¹⁹ After hearing arguments, the Court delivered its rulings in three separate opinions on May 6, 1799.¹²⁰

Chancellor Wythe’s Chancery decision had pushed conceptions of liberty and justice, drawn from the litigants and his own beliefs, into consideration so that Roane and the rest of the judges could not completely side step those issues; they had to discuss the nature of manumission to decide the case. Nor could they completely evade formal applications of property law as Wickham and Randolph had reminded them in their arguments to the court. Roane and the other judges were faced with the task of trying to meld the common law of property with the requirements of slavery while still retaining

¹¹⁸ *Pleasants*, **15.

¹¹⁹ *Ibid.*, **21.

¹²⁰ Judge William Fleming concurred without comment.

an ideological connection to the principles of the American Revolution and the Enlightenment advanced by the plaintiffs. To do so, Roane would bend the rules to accommodate his desire to free the enslaved while simultaneously helping to create the legal architecture necessary to support a slaveholding republic. The *Pleasants* ruling stands as an early attempt to resolve the tensions between the heritage of the common law, the Revolution and the increasingly complex and diversified nature of slavery in Virginia. In the case, Roane balanced liberty and property, but established a precedent that would work over time to enable the ascendancy of property rights over natural law and equal liberty.

Wickham had wanted the case remanded back to county courts, but Roane thought the case involved human liberty and was ready for resolution.¹²¹ Practical considerations played a part. The number of claims, well over four hundred, necessitated the joinder of these claims for the purposes of resolution. Doing so would prevent “a great deal of litigation and expense.” Imagine the result, Roane cautioned, if separate suits were litigated, “persons having the same rights, nay even children of the same mother, might one be adjudged to be free, and another a slave.”¹²² The case had to be decided in the present. In order to do so, Roane had to accept Wythe’s ruling on jurisdiction. When the defendants accepted custody of “the Negroes,” Roane ruled, their acceptance created “inchoate contract to emancipate” the enslaved which became “complete” with the passage of the act. The defendants were trustees of freedom and “plaintiffs were right, in coming to a Court of Equity, to enforce the fulfillment of that

¹²¹ *Pleasants*, **27.

¹²² *Ibid.*, **37.

trust.”¹²³ The focus of Roane’s opinion, therefore, was concentrated on the manumission act, the rule against perpetuities and Wythe’s decision to award reparations.

The defendants had claimed that because the wills required an “unqualified emancipation,” Wythe was wrong to hold that the condition specified in the will had passed. Wickham and Randolph employed a formalistic and constrained reading of both the will and the laws, which were refuted by the case history. The qualifications embedded in the manumission statute rendered it a qualified emancipation law and not within the intent of the Pleasants testators. Roane ruled it was “close enough.” Although the manumission act required bonds and security “to prevent aged and infirm slaves from being chargeable to the public,” John Pleasants “cannot reasonably be supposed to have contemplated an act of emancipation, making no provision to prevent the persons liberated from being chargeable to the public.” The act therefore, according to Roane, “had substantially taken place.” But Roane was careful to balance the interests of the slaveholders.

Roane admitted having difficulty with the question of how to meet the statute’s requirement of indemnification for aged and infirm slaves. Only the power of equity, which is concerned with “the substance of things more than forms”, could do justice in the case.¹²⁴ Roane, using his own equity powers shifted “the burthen of the indemnity, required by the act of 1782, upon the slaves themselves and making it a lien on the liberty granted them.” Such an arrangement would leave the defendants in “no worse condition than if an unqualified act in favor of emancipation had actually passed.” This was the only manner, Roane declared, to carry the inchoate contract into execution and a

¹²³ **35.

¹²⁴ *Pleasants*, **36-7.

“necessary” exercise of the court’s equity power. He noted that Robert Pleasants or “any other responsible person” may put up the bond with the condition “to indemnify and save the public harmless”¹²⁵

The doctrines of the common law, namely perpetuities relative to estate inheritances, apply to both land and chattels. The law frowned on rendering property inalienable for long periods of time. This logic applied particularly to chattels that by nature were better adapted to trade and differed from real property in its transitory and perishable nature.”¹²⁶ Wythe had clearly held that slaves in terms of property law were to be treated as if they were chattel property—not property themselves. Roane admitted ducking the question: “The view of the subject that I have now taken...will supersede the necessity of a very delicate and important enquiry: Namely, whether the doctrine of perpetuities is applicable to cases in which human liberty is challenged?”¹²⁷ He did this by “referring to the ordinary doctrine of limitations of personal chattels.” He explains that hostility to the restraint of alienation in inheritances to prevent perpetuities was “founded principally, if not solely, on considerations of public policy and convenience.”¹²⁸ The rules have been expanded to included chattels and terms of years and the “utmost tolerable limits” are only decided after a lot of investigation and usually fail only if there is “a considerable lapse of time.” Roane also notes the juridical context of these prior decisions—the common law judges who formulated these rules for property never contemplated that human beings would be the property at issue and “therefore may not apply.” But this is an “extensive question” that Roane felt it was not necessary, perhaps

¹²⁵ **40.

¹²⁶ **27-28.

¹²⁷ Ibid.

¹²⁸ *Pleasants*, **33-4.

even advisable, to avoid considering. Again, he repeated that his ruling did not decide this matter, but if the matter were to be considered “it would be proper to weigh the policy of authorizing or encouraging emancipation.” Roane said the policy of manumission “as certainly received in many instances, and partly by the act of 1782, the countenance of the Legislature, at least from the area of our independence, and must always be a dear friend of liberty and the human race.” This recognition of the value of manumission was above, in Roane’s estimation, the “secondary considerations” supporting application of the rule against perpetuities to ordinary kinds of property.¹²⁹

Even if the rule applied to human freedom, Roane reasoned, the bequest would still be good. The gift of freedom could only be enjoyed by each individual person during his own life. There was never any period in which it was uncertain in whom the property interest would vest. As for indeterminacy in time, any ambiguity was limited by the life of each slave under the will. Either a manumission act passed in a slave’s lifetime or it did not. If not, the gift was extinguished.¹³⁰ Legal scholar Timothy Sandefur pointed out: “It would have been extremely easy for a judge wedded to the notion that a slave was nothing more than property to overlook what Roane saw: the validating lives were the slaves themselves.”¹³¹ It was their lives, their humanity and desire for freedom, that determined whether the gift should lapse or vest. There remained an issue with the

¹²⁹ Ibid.

¹³⁰ Roane wrote in his opinion: “Thus a limitation to one, in esse, [while living] in fee or in tail, after a dying without issue, is not good, because the contingency, the dying without issue, is too remote. But such a limitation to one, in esse, for life is good; because the contingency must happen, if at all, so as to vest the estate, within a life in being, viz. that of the remainderman; that is to say, the limitation in remainder for life restrains the previous disposition, in the same manner, as if it had been expressly limited to the remainderman, on the event of dying without issue, in his life time.” Translated into simpler and less archaic terms, Roane is pointing out a very fine distinction: the benefit (freedom) can only be enjoyed while the objects of his bounty are living (in esse). Roane explains, “unless it [freedom] happened within their lives, it might as well, as to them not happen at all...this restrains the happening of the contingency...and makes the executory devise good...to all who are within the legal limits.” Ibid.

¹³¹ Sandefur, “Why the Rule,” 671.

“hereafter” slaves—those who had not been alive in 1782, but born after; would they not have a right to freedom because the bequeath was void under the rule. The perpetuities period is measured by *lives in being* and the younger slaves were not yet in existence.¹³² But it was settled municipal law of Virginia, explained Roane, derived from the great natural law “that the children of a free mother are themselves also free” and the inverse was also true in that a child born to a slave mother. So, Roane had a choice to make: should the mothers who held a vested right to freedom but continued in bondage until the age of thirty (the contingent interest became vested with the passing of the manumission Act of 1782) be treated as slaves or as free? If they were slaves, then the children would be slaves forever since the rule had made any bequeath void as to them while their mothers would become free at age thirty. Roane analogized the case to indentured servitude:

“The condition of the mothers of such children is, that of free persons, held to service, for a term of years, such children are not the children of slaves. They never were the property of the testator or legatees, and he or they, can no more restrain their right to freedom, than they can that of other persons born free.”

Cognizant of Wickham’s arguments on the word *hereafter* that indicated that the testator intended all of his family’s slaves to serve for thirty years, Roane ruled that particular provision of the will was illegal and void as it was an attempt to “detain in slavery, persons that are born free.”¹³³ Roane used a relic from the past—indentured servitude in order to provide freedom to the children of the slave mothers and clarify the legal status of those, under the age of thirty, who still served the Pleasant’s heirs. It seems likely that Roane doubted that John Pleasants intended to create a perpetual class of young servants using the words “hereafter.” In remarking whether the hereafter clause applied to children

¹³² Ibid., 673.

¹³³ *Pleasants*, **39.

born to mothers alive in 1782 but not thirty, Roane remarked if such a thing were intended or “construed to apply to them,” it was void as “an attempt to detain in slavery, persons that are born free.” Only the legislature, by a specific decree, could impose such a burden on persons. Roane agreed with Wickham that John Pleasants could not create a new species of property, but he did not agree that voiding the hereafter clause invalidated the freedom provision as a whole.

“There is yet one part of the Chancellor’s decree, which I could have wished had not been made,” Roane lamented in the closing section of his opinion.¹³⁴ Roane had upheld most of Wythe’s decree and he supplemented portions of it in favor of the enslaved; he also modified sections to benefit slave holders. Manumission was an expression of benevolence and virtue, an act to be admired and esteemed, for it reflected the renunciation of self interest in favor of higher principles. Part of the accord attributed to manumission in this period was its elective nature. If manumission were coerced against the owner’s will, then manumission lost some of its moral sheen. The independence of property owners from coercion was an important value that competed with Roane’s understanding of the manumission act and his own libertarian sympathies. Wythe’s decision to award reparations, Roane supposed, would force slaveholders into making some hard decisions. Those who thought they could prove clear title to their slaves wouldn’t fear litigation. But those who might not be able to prove clear title might be forced to manumit slaves they “rightfully” held for fear of paying reparations. Cash judgments could be onerous in a currency shortage prone economy like Virginia’s. In terms of law, it reified Wythe’s understanding of slavery into legal precedent--slaves were men and women deprived of their natural right to liberty by positive law.

¹³⁴ *Pleasants*, **38.

Wythe had not charged the defendants with a fraudulent intent or bad faith for retaining possession of the slaves. His ruling recognized that masters may genuinely believe the people they hold as slaves are rightfully their property, but he assigned “profits” when it was found that formerly enslaved had been robbed of a marketable economic property—their labor. Roane knew that the evidence supporting the ownership of individual slaves was often scanty, especially in estate cases. The ruling, if it stood, would have forced masters to consider, not only the loss of economic value of the slave or slaves in a freedom suit, but the potential costs of remuneration for the slaves’ lost “profits.” Prior to Wythe’s ruling, a master had no disincentive to challenge a freedom suit; even if the evidence supporting enslavement was spotty, it made sense to challenge the suit from the master’s perspective. If the court found for freedom, the master still retained the economic benefits that slave contributed to his household. Wythe’s ruling made it potentially costly to keep a slave: if a master had reason to believe that a person might have a right to freedom, the longer that master kept the person enslaved, the larger the judgment for lost “profits” might be. If a master kept multiple slaves, the judgment could escalate rather quickly. Masters, in certain cases, would find it advisable to free slaves with potential rights to freedom rather than risk legal exposure for lost profits. The ruling had the potential to drastically alter the calculus of manumission and it was this aspect of the ruling that troubled Spencer Roane. On the one hand, he felt compelled to free the Pleasants slaves—“it is the policy of the country to authorize and permit emancipation” and he “rejoiced to be an humble organ of the law in decreeing liberty”; on the other, he believed that Wythe’s ruling had the potential to disrupt and complicate the transfer and ownership of slaves. Roane declared that his court’s decision was “upon

grounds, as I suppose, of strict legal right, and not upon such grounds, as, if sanctioned by the decision of this court, might agitate and convulse the Commonwealth to its centre.” Roane would not award the wrongfully enslaved profits for their labor; slaves who won their freedom would win freedom and nothing else and masters could hold tenuous title to slaves without trepidation or fear of litigation.

Roane’s preference for liberty had reached its limits and he would not follow Wythe into uncharted territory. Instead, he struck down Wythe’s attempt to hold slaveholders accountable for their actions and provide people wrongfully enslaved recompense. His revolutionary idealism gave way to conservatism: “We have no precedents,” he declared, “either of the Courts of England, or this country, to guide us” in their quest to understand how a common law claim for “profits” interacted with slavery. There was not one instance, Roane averred, of a court awarding a person “profits” upon “recovering his liberty.” Of a thousand cases of “palpable violations of freedom,” Roane thundered, “no jury has been found to award and no court has yet sanctioned a recovery of the profits of labor, during the time of detention.” Roane reminded Wythe that juries made excellent Chancellors—in other words, he warned, do not get ahead too far ahead of the sensibilities of the country landholders; if they, acting as juries, had not awarded damages then judges should not. Roane was accusing Wythe of a judicial overreach. The *Pleasants* case was close and could have been decided the other way. Roane pointed out that this case was not a clearly “palpable violation of freedom” and it was a “very nice question” whether the plaintiffs were entitled to freedom or not. Roane rebuked the Chancellor for overreaching in a “doubtful case” when “the whole equity of the country flowing through a thousand channels has not yet awarded in a single instance” profits to

an emancipated person. Roane attempted to use a precept of the Revolution against recovery of the profits in a rather strained way—“It seems to be a solecism, to award ordinary profits to recompense the privation of liberty; which, if it is to be recompensed, the power of money cannot accomplish.”¹³⁵ Roane’s ridiculous logic reveals the tension between liberty and property in the *Pleasants* decision.

Roane said that the decisive consideration in his conclusion not to uphold the Chancellor’s decree was this: all of the children born after 1782 were entitled to freedom when they reach thirty years old but it was the defendants who had to bear “the burthen or rearing such persons during their infancy.” Roane considered this a fair offset against “the profits of those who were capable of gaining profits by their labor.” Most of the major expenses of raising slave children were already sunk-costs for the slaveholder. Whatever costs were entailed in providing for slave children was miniscule in comparison to what those same slaves could earn during the prime working years. Roane had been around slaveholding all his life and he knew better, but he was also determined to prevent Wythe’s innovative threat to slaveholding interests from taking life in the law.

The rule against perpetuities did not decide the *Pleasants* case—avoiding the discussions of race, liberty, slavery and the meaning of the Revolution presented in the case history had more to do with the result than logic games. Roane could not help but express some of the tensions pulling on his consideration of the case at bar. It was a question of balancing interests, he decided. The liberty to manumit a slave was part of the Revolution—it had been illegal under colonial rule, and Roane thought the right to manumit “must always be dear to every friend of liberty and the human race.” It was both a property right and an expression of benevolence and liberality and deserved judicial

¹³⁵ *Pleasants*, **39.

recognition in Roane's ruling paramount to "*secondary* considerations of public policy and convenience, which appear to have supported and established [the rule]...as relative to ordinary kinds of property." Roane admitted that the rule had been used for chattels, and not just estates, but he would stop short of applying it to cases of "human liberty." He took pride in this ruling and rejoiced to be a "humble organ of the law in decreeing liberty to the numerous appelles now before the court." Roane could not ignore the number of people before the court and regarded them as litigants in the case. He believed he had served justice, but there was a second aspect to the *Pleasants* ruling that is less inspiring. Roane was cognizant of how charged the issue of slavery was in Virginia. And so he wanted to make clear the limits of the ruling by overturning Wythe's ruling in several important respects. Freedom came for the enslaved, but Roane made sure to close up any more possible loopholes that could undermine slave owner's rights inherent in Wythe's decision. Roane had to translate his own sympathies, historically grounded and nurtured, into a legal format—this is why he supposed his decision is based on "strict legal right." Certainly, it was not strict, but a permissive reading of the law. But Roane was aware of the Court's responsibility to reflect the values of its society. Virginia was becoming more and more wedded to pro-slavery ideology and he had to couch the ruling in terms that would invite acceptance on the basis of being legally sound, and not on pure personal sympathies, which if left un-translated had the potential to "agitate and convulse" the Commonwealth.

There is one last part to Judge Roane's opinion that deserves mention. Roane specifically stated the things that his decision did not decide and they were the very sort of thorny conceptual problems he had hoped to foreclose. Able to decide the vast

majority of slaves under his decision, he sent the decision whether or not Teasdale and Elizabeth Pleasants, who held derivative or “paramount titles” back to the Chancellor for a decision.¹³⁶ He gave his former law teacher some advice, but not his “decided opinion” on how to rule: Roane noted that “if the limitation [i.e. freedom provision] was good, by the rules of law, the right thereby created would not yield, either, to the claim of creditors or purchasers.” Applied to the case at hand, Teasdale and Elizabeth Pleasants should be forced to manumit. Roane was the most ambivalent about Wythe’s ruling and clearly felt torn between the competing values at play, but there is little hint of such ambivalence in Judge Pendleton’s opinion.

Pendleton upheld the decision but differed in several key areas. He first considered the issue of standing: “the suit in Chancery cannot be sustained upon the ground of the appellees claim as heir at law to take the slaves for the condition broken...neither will his claim, as executor, have that effect.” Pendleton did not believe that Robert Pleasants had standing to bring suit in a court of common law; it did not matter that he was executor of the estate or could claim possession of the slaves. Instead, Pendleton said that if relief was entitled “it is on the ground of a trust created by the wills, that their manumission should take place upon a contingent event, which is alleged to have essentially happened, but requires an act to be done by the possessors, who refuse to perform it” and therefore the Court of Equity was the proper judicial body to decide the case overruling the demurrers of Mary Logan, Isaac Pleasants, and Samuel Pleasants Jr.

¹³⁶ The decision reads: “With respect to the slaves claimed by Elizabeth Pleasants and by Teasdale, paramount to the will of J. Pleasants, my opinion, in the present case, does not extend to them, so far, as the title thereto, is claimed paramount to the will; but such title ought to be considered, as still open, if desired for discussion and decision.” *Pleasants*, **44.

for want of jurisdiction. He believed that Robert Pleasants status as trustee gave him the standing to bring suit in equity.

In a personal swipe at his rival, Pendleton implied that if he so chose, he could have overturned Wythe's ruling on procedural grounds and took the opportunity to chide the Chancellor for not following procedure: "the cause was set for hearing on the demurrers, and not on the answers and exhibits...regularly that court [Wythe's Court of Chancery] could not have proceeded to a hearing and decree on the merits."¹³⁷ But, Pendleton was not so petulant. He agreed with Marshall and Warden that the principle of "not adhering to strict form...where essential justice can be done" applied to the case.¹³⁸ In this case, Pendleton made clear, for the sake convenience, the court made a general ruling "without meaning to fix a precedent" leaving the claims of Teasdale and Elizabeth Pleasants open as well as, "how far those [slaves] in the possession of Mary Logan shall be liable to the debts of her husband." In order to become free, the slaves of Mary Logan would have to pay for Charles' spendthrift ways. The Court of Chancery would make that determination "upon a proper statement of facts and exhibits."¹³⁹ As far as the freedom provision, Pendleton agreed with Wythe that a provision that required the performance of an act when it became legal to do so was not the same as requiring someone to perform an illegal action in the present.

For Pendleton, rigid application of the Rule against Perpetuities would void freedom—to say that the freedom interest was a contingent remainder chattel interest was, in his mind, the same, legally speaking, as a clause limiting a property interest "upon a general dying without issue" and was therefore void. The contingent event, "the

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ *Pleasants*, **46.

legislative permission” might never be given in a hundred years or after. The will itself when it was probated became the “rule of judgment...unaltered by the event, although the dying without issue shall happen in a reasonable time, all being involved in fate.” If one could not tell whether the assembly would pass a law in 1771, the limitation was a perpetuity under the rule and therefore void. But application of the rule was, for Pendleton, “too rigid” and a “reasonable principle ought to be adopted to suit its peculiar circumstances.” He proposed that if the event [passing the act] happened while the slaves remained in the possession of the family—“without change by the intervention of creditors or purchasers”—the bequest should take place because the testator intended to benefit the interests of the enslaved. He too, like Roane, would not decide how intervening claims from creditors should affect the devise of freedom.

Accordingly, although it appeared that the rule against perpetuities controlled the case at bar, it did not—“it would be too rigid to apply that rule.” Citing reason as a principle, Pendleton opined that all the slaves held by the family in 1782 (the passage of the Manumission Act) and who turned thirty since that time were completely free. Slaves held in 1782, but not yet thirty would be freed when they attained that age. Pendleton agreed that any and all subsequent claims or “any change by the intervention of creditors, or purchasers” would not be held against the slaves after 1782. But one thorny issue remained: what about slaves who were born after 1782 to mothers who were not thirty years old? Roane had decided that because the mothers already possessed a determinable right to freedom, their children were not born to slave mothers and as free people could not be held to a pre-natal labor contract.

Pendleton took issue with the language of the will. If the will had directed a general emancipation when the Assembly permitted it, Pendleton would have no difficulty in decreeing in favor of “the paupers.” But the testators did not direct a general manumission according to Pendleton; it was a “limited” one. The requirement to serve until thirty—directing all future generations to serve to that age—was founded, for Pendleton, “upon a consideration of the interest of his family and that of the slaves.”¹⁴⁰ Pendleton seemed to think that the testators intentionally created a middle state. Surely, we can assume that he read both wills and surely he noticed that Jonathan’s will was specifically dedicated to the prospect of fitting the enslaved for freedom. Roane’s sleight of hand by treating John Pleasants’s will as a stand in for both enabled Pendleton to ignore the clear antislavery content of Jonathan’s will. By doing so, the paternalistic antislavery of early Quaker efforts was highlighted while ignoring the more revolutionary equalitarianism of Quaker antislavery infused with natural law and notions of political liberty present in Jonathan’s 1777 testament and the sense in his will that a manumission act was a real possibility in the near future. Pendleton finds that the wills were silent on whether they would or would not have “compelled the devisees to emancipate” subject to the act of 1782’s bond requirements. In the silence of the testator, Pendleton asked whether the defendants who opposed manumission should be “compelled, under the wills, to do the act, be subject to new hardships, not imposed on them by the wills, and on which no person can say, what would have been the decision, had the testators contemplated the subject?”¹⁴¹ Of course, this is rather fatuous. Both of the testators had

¹⁴⁰ *Pleasants*, **48.

¹⁴¹ *Pleasants*, **49.

basically consigned two thirds of their estate to charity and it seems unreasonable to suppose that we can not infer their likely response.

Pendleton and (Paul Carrington, the other concurring judge) held that all future generations must serve until thirty years of age. The children were, in effect, indentured servants from birth. They were free, but under a labor contract until thirty years old. Pendleton, when constructing the language of the will seems to see intention and not a drafter's error. In Pendleton's interpretation, John Pleasants *intentionally* set this situation up. In effect, John Pleasants created a middle space between slavery—more akin to an extended indentured servitude which would be profitable for both master and slave/servant. He noted that the clause was “founded no doubt, upon a consideration of the interest of his family, and that of the slaves.”¹⁴² This construction was quite revealing—Pendleton thought that John Pleasants decided it was in the best interest of the slaves to serve his family until turning thirty. Perhaps, exposure to white morals and instruction would set the proper foundation for their eventual emancipation. It also happened that such a construction would enable the slaveowners to extract some of the best and most profitable years of their labor. And yet, if such provisions were repeated and upheld, it is conceivable that the clear delineations of free and not free would begin to erode. Wickham had warned against creating a “new species of property subject, to rules unknown to the law” a warning Pendleton and Carrington ignored. Finally, Pendleton concurred with Roane as to the profits of the slaves: an accounting, he declared, would be “unusual,” “less reasonable” and “very difficult” to figure.

Although he agreed with Wythe in overruling “the demurrers of two of the appellants,” Judge Paul Carrington thought that Robert Pleasants could not proceed at

¹⁴² Ibid.

common law as “heir at law, executor, or trustee, could proceed, at law, as for a condition broken.” His ability to do so ended with the distribution of the enslaved to the heirs.¹⁴³ As for the Chancellor’s jurisdiction, he confessed that “I do not understand the principles and reasoning, upon which, he founds his decree; but the result is, clearly, contrary to both law and Equity.” Carrington was unwilling to step out and challenge Wythe directly and so sliding in a brief concurrence behind Pendleton’s shadow, he mused that Wythe had not “preserved the principles of the only law giving owners power to emancipate.” He offered a different vision of the manumission statute than the idealistic one advanced by Robert Pleasants, John Marshall and Spencer Roane. It was a means of dealing with the social consequences of emancipation in that it prevented owners from dumping unwanted slaves on the public. Wythe’s ruling, he moaned, “fixes, on the public, a certain expense, or leaves a number of these people to starve, for want of subsistence.” He thought that Wythe should have addressed the public indemnification clause in the manumission act—“this is still the law, and ought to have been attended to by the Chancellor in forming his decree.”¹⁴⁴ Carrington could only nip at Wythe on peripheral issues.

But in one regard, Carrington’s opinion proved decisive in support of Pendleton forcing some slaves into terms of servitude. Carrington found “no difficulty in ascertaining the meaning and intention of both the testators; who discover a strong desire to emancipate their slaves immediately on their deaths.” But the law stood in their way, he supposed, and so they made “temporary devises” to friends and family with the freedom provision attached requiring service until thirty. For Carrington, this clause was attached, “with a view to the labor of the slaves affording some compensation, for the

¹⁴³ *Pleasants*, **56.

¹⁴⁴ *Pleasants*, **57.

trouble and expense of taking care of the aged or infirm, and rearing the children.”¹⁴⁵ Accordingly, the devises were “sustainable.” They were not subject to the “rule respecting chattel interests, limited on more remote contingencies, than the law allows.” These devises were “different”—liberty, not property, was devised. Both were “sacred rights” but the rules of limitation were not necessarily the same when applied to them. As a factual matter, Carrington observed, the contingency happened very shortly after the deaths of the testators. And so if anyone should pay the bond, it should not be the defendants, but rather Robert Pleasants. The hereafter slaves should continue to serve “which seems to me to satisfy the meaning of the testators.” The decree of profits was “new and unexpected.” If it were tabulated, Carrington thought that the “reductions for the trouble and expense of taking care of the aged and infirm, and rearing of the children” when measured against profits earned between 1782 and 1799 would “yield very little.” Why bother seemed to be his attitude. The case was remanded back to Chancery. After eighteen years, the size of the 215 original slaves had more than doubled to 431. Of these, 185 were granted immediate emancipation; the other 246 would have to serve until thirty years of age as would their children as ordered by Pendleton and Carrington.

News of the *Pleasants* decision spread quickly among the enslaved around Richmond. In August, the *Virginia Argus*, a newspaper, began printing a run-away slave advertisement submitted by John Hunnicut of Powhatan for “two yellow males” named Simon and Gaby who ran away after hearing the news of the decision. The pair of them belonged to Miriam Pleasants. Hunnicut thought they would be in the neighborhood of Curles or Petersburg and endeavor “to pass as a part of the negroes that obtained their freedom under the will of John Pleasants, deceased, of Henrico.” Whether Gaby and

¹⁴⁵ Ibid., **58.

Simon were entitled to freedom under the will is uncertain, nonetheless, they saw the court's decision as a ratification of freedom and more importantly as an opportunity to claim their own freedom. To say that the enslaved did not understand the technical complexity of the law is perhaps true in most instances, but to say that they did not understand how to manipulate and use law to their advantage would be untrue as Gaby, Simon and Ned clearly demonstrated.

* * *

For Robert Pleasants, slavery denied the fundamental nature of men as equal beings before God and law. Family members countered that manumission was a noble act of benevolence; but it was contingent upon the rights of property and the disposition of the property owner. Instead of restoration to natural equality, manumission was rooted in the property rights and the prerogatives of mastery. The common law should take no notice of the humanity before it—until freed, slaves were property.

Chancellor Wythe recognized that human liberty was at stake and because of its value—reflected in Virginia's founding documents and the history of the common law—he declined to treat the defendants as property. They were persons held illegally and deserved recompense for the theft of their labor. Wythe attempted to set a precedent that would determine the nature of manumission and his understanding of the Revolution. It aligned with Pleasants's understanding of manumission; manumission, for Wythe, removed the legal disabilities rooted in positive law restoring an enslaved person to their natural liberty. The status of slave was antecedent to legal personality for the Chancellor. The judges on the Supreme Court of Appeals assimilated the challenge presented by

Wythe and Pleasants. They afforded manumission special consideration in their ruling, but at the same time they denuded it of any subversive legal implications.

The Virginia Supreme Court of Appeals had agreed, but only to a point. They acknowledged that when human liberty is at issue, it may be the basis of a more generous standard of judicial review—*in favorem libertatis*; but the Court was united in the view that persons manumitted could not hold claims against their former masters. The common law would not apply against the plaintiffs nor would it aid them in restitution. Manumission in this regard was the benevolent act of a testator and courts should make an effort to carry out such intentions when legal to do so. Manumission, for the members of the Court, reaffirmed the legal barrier between slavery and freedom and the prerogatives of property owners. Instead of removing legal disabilities ascribed by positive law to a free person, manumission for Pendleton and the others was an act of benevolence undertaken by a master that created legal personality in the slave from the discretionary powers of the master. The open language of the manumission act, the history that Pleasants and others had inscribed into it by action and letters, the ruling in the case all seemed to cement the interpretation of the manumission act as a direct outgrowth of the Revolution and its idealism. But that idealistic connection was attenuated as time put distance between Virginia and the Revolution.

CONCLUSION

In the spring of 1801, Robert Pleasants died at his plantation house overlooking the James River. He was seventy nine years old.¹ And, like his father had done thirty years earlier, Robert Pleasants composed his final will.² It was in some ways an attempt to heal the divisions in the Pleasants family that had been sown with his father's and brother's wills. He forgave his nephew Sammy for a sizeable debt as long as Sammy agreed to donate some money to family members. Despite the conflicts between Robert and his nephew, Sammy had named his own son Robert Pleasants. And the elder Robert left his young namesake land and a mill just off the James River at Fine's Creek. The bulk of his landholdings, he willed to his surviving granddaughters—Mary and Eliza, with Robert Pleasants of Fine Creek as a residuary holder. Robert also gave many acres to his second namesake—his nephew Robert, the son of Samuel Pleasants of Philadelphia, as long as young Robert remained a Quaker, held no slaves, and lived on the land. Thomas Jr., who had married Pleasants daughter, had been an ambivalent emancipator, and yet he was close to his father-in-law. In 1802 Thomas Pleasants of Goochland died and by will, appointed his son-in-laws William and Edward Stabler Jr. as executors along with his natural sons, James Brooks Pleasants and William Henry Pleasants. Edward Stabler Sr. of Petersburg had been Pleasants's close friend and fellow antislavery activist and his sons had married Thomas' daughters—Deborah and Mary. In

¹ Edward Pleasants Valentine and Clayton Torrence, eds., *The Edward Pleasants Valentine Papers, abstracts of records in the local and general archives of Virginia relating to the families of Allen, Bacon, Ballard, Batchelder, Blouet, Brassieur (Brashear) Cary, Crenshaw, Dabney, Exum, Ferris, Fontaine, Gray, Hardy, Isham (Henrico County) Jordan, Langston, Lyddall, Mann, Mosby, Palmer, Pasteur, Pleasants, Povall, Randolph, Satterwhite, Scott, Smith (the family of Francis Smith of Hanover County) Valentine, Waddy, Watts, Winston, Womack, Woodson.*, (Richmond: Valentine History Museum, 1927), 1259.

² Robert Pleasants's will is abstracted in "An Extract from the Will of Robert Pleasants dated February 6, 1800, and Admitted to Probate in Henrico County, Virginia, April 6, 1801" *The Journal of Negro History* 2 (1917): 429-30.

his will, Thomas Jr. gave his niece Mary Younghusband, “a negro girl Diana until she the sd. Diana reaches lawful age at which time by order of the Court she is free. Several other negro children who will become free at lawful age by order of the Court he leaves to be equally divided between his children who may take them and educate them to read and write and instruct them so as to enable them to earn an honest living. To such children he gives collectively £100 for this service.” By naming Diana and the children specifically in his will Thomas Jr. buttressed the documentary evidence supporting their future freedom. But some divisions could not be healed. Bitter at having lost his claim at trial, Isaac W. Pleasants, widower of Jane Pleasants, pursued Robert for a sum of money he felt he was owed and sued Pleasants in chancery. But Pleasants believed the suit lacked merit and was “improper,” but set aside money in his will just in case Isaac won a judgment against Pleasants’s estate.

The issue of manumission had shaped the history of the family for nearly thirty years, although it had not completely sundered Robert from his family, he would not compromise his antislavery beliefs: “Slavery is an evil of great magnitude,” he wrote in his will; and, “inconsistent with the true interest and prosperity of [the] Country” and the Golden Rule.³ To the faltering Virginia Abolition Society, he gave one hundred dollars for “the prosecution of suits” for those “wrongly detained in bondage.” He then proceeded to make bequests to slaves and former slaves. Following the suggestion of the Court, Pleasants took on the responsibility of supporting and providing bond for former slaves too old to support themselves. Benjamin Johnson, who had been Pleasants’s personal servant before manumission, had changed his name to Furmore and moved to

³ The Will of Robert Pleasants, 6 Feb. 1801, Probated in Henrico County, Virginia 6 April 1801, *Pleasants Family Papers 1745-1850* in the Brock Collection: 41008 Misc. Reels 4238-4241, Library of Virginia, Richmond.

Petersburg. Pleasants provided money to Furmore's surviving children and widow. To his old servant, Effee Johnson, he gave five pounds.

One of the legacies of Robert Pleasants and the *Pleasants* decision was the school at Gravelly Hills and the community that grew alongside it. Despite Thomas Jefferson's disapproval of "private efforts," Pleasants had proceeded with his education plan. He instructed his heirs:

"I have had a school house built on my land called Gravelly Hills Tract containing by estimation 350 acres, the use and profits whereof I give to that use forever, or so long, as the monthly meeting of friends in this County may think it useful, for the benefit of the Children and descendants of who have been Emancipated by me, or other black Children whom they may think proper to admit."

In addition to the school, there were resident tenants already living at Gravelly Hills. Many of them were descended from the people Pleasants set free in the late 1770s, as well as some newcomers. Pleasants instructed his executors to allow his "old servant Philip [Gardner] and his Wife Dilcy" to settle on any part of the estate as long as they did not interfere with the school's operation. He also gave them some money to build a house and some cows and pigs. In addition to the old couple, four women lived on the property—Effee, Sarah, Dilcy and Elcy. Pleasants stipulated that they were to continue to live rent free for the rest of their natural lives. Moses, Mingo, Tarence [sp] Daniel and Ben Robinson, were afforded the same privilege.

But Pleasants was wary about the future conduct of his heirs toward their slaves. Pleasants tried to protect the young people as best he could with their future struggles to claim their freedom: "I further direct that in case those of my heirs who may claim a right to the service of the young blacks under this will should neglect or refuse to give them learning either at the above mentioned School or by some other way or means, I hereby

declare them free one year before their time of servitude expires and to be sent to school at the expense of my estate for that time.” The future conduct of his heirs clearly worried Pleasants and he did his best to obviate potential problems.

Eliza Pleasants, daughter of Thomas Mann Randolph and Robert’s deceased daughter-in-law, had sued Nicholas Davies for the possession of a number of slaves. After Eliza’s death, her estate prevailed at law and Robert Pleasants, as her executor, inherited custody of seven slaves. He held temporary custody while Eliza’s daughters (Mary and Eliza) were in their minority. To keep the seven from being separated from their families, Pleasants had them hired out “for the benefit of the Estate.” In his will, he stipulated that the seven receive “the full benefit of their labor in future” and tried to condition the bequest in such a way as to push his granddaughters to emancipate them when they could do so. If the girls should “demand wages” from the seven, Eliza and Mary would “forfeit every part of the personal Estate they might otherwise be entitled under this Will.” Robert had to also make arrangements for slaves owned by his deceased daughter and son-in-law, Margaret and Thomas Pleasants Jr.⁴ He directed the executors of his will to try and purchase as many of the slaves from the estate as possible starting with Aggy, then her husband William, followed by their children and grandchildren. Once purchased, they were “to be immediately emancipated” or when the boys reached twenty years of age and the girls eighteen years old.

⁴ Thomas Pleasants of Goochland died and appointed his sons in law William and Edward Stabler as executors along with his natural sons, James Brooks Pleasants and William Henry Pleasants. Edward Stabler had married Thomas’s daughter Deborah. Along with Deborah, he had Mary (Stabler), Sarah, Henrietta, and Margaret. To his niece Mary Younghusband, he gave “a negro girl Diana until she the sd. Diana reaches lawful age at which time by order of the Court she is free. Several other negro children who will become free at lawful age by order of the Court he leaves to be equally divided between his children who may take them and educate them to read and write and instruct them so as to enable them to earn an honest living. To the children he gave £100 for this service. *Valentine Pleasants Papers*, 975-6.

The local Quakers of Henrico took over supervision of Pleasants's school. They hired a teacher, bought books, and kept the school running for over twenty years.⁵ But they did not do it alone. In 1808, the monthly meeting reported the "black peoples" had begun to bear a part of the expense of running the school. Henry Crew was hired to teach at the school and part of his salary came from the "Tenants individually in proportion to the respective amounts of their agreed rents." Crew was teaching eighteen "scholars" according to the Quaker records and the school was progressing satisfactorily. In 1811, the school closed for a year, but reopened the next year. Henry Crew's brother, James, agreed to teach there under similar conditions. The last recorded mention of the school in operation was in 1824. Afterwards, the land was reclaimed by Mary Mosby one of Robert Pleasants's granddaughters. In the wake of Pleasants's death, his two youngest grandchildren, Mary and Eliza, were left without a guardian. It was decided by family and Friends that Samuel Pleasants, Robert's brother who lived in Philadelphia and his wife, would take the girls as their wards. In 1810, Mary returned to Virginia, married a non-Quaker and was disowned.⁶ By that time, the meeting house at Curles had been abandoned. Originally built in September, 1699 by Robert Pleasants's great grandparents (among others), the meeting house was the site of more than a century of meetings spanning five generations of the Pleasants family.⁷ Pleasants had provided money so that

⁵ William Wade Hinshaw, Thomas Worth Marshall and D.S. Brown, *Encyclopedia of American Quaker Genealogy IV: Virginia* (Baltimore, Genealogical Publishing Company: 1936, Reprint 1969), 208; *The Valentine Papers*, 1260; William C. Dunlap transcribed the monthly meeting records regarding the school in *Quaker Education in Baltimore and Virginia Yearly Meetings with an Account of Certain Meeting of Delaware and the Eastern Shore Affiliated with Philadelphia* (Philadelphia: University of Pennsylvania Press, 1936), 173.

⁶ Hinshaw, *Encyclopedia* vol. 4, 208. *Valentine Papers*, 1214, 1259, 1261.

⁷ *Valentine Papers*, 1184-6. It is recorded that John Pleasants paid 5,050 pounds of tobacco for construction costs. It was completed in 1704. Scant description remains but we do know it had a wooden floor, a row of seats around the inner perimeter of the building and a "double seat at one of the ends about ten foot long with a bar of bannisters" for [amassment] of ministers and weighty Friends.

the grave yard at the Curles Meeting house could be kept up, but by 1810, the property was up for sale along with other former Quaker meeting houses in the neighborhood (White Oak Swamp and Black Creek).⁸

The closing of these “ancient” meeting houses demonstrated the degree to which the Quaker communities of eastern Virginia had withered. After 1824, the local monthly meeting did not have the resources, either financial or administrative, to continue operation of the school.⁹ Virginia’s antislavery efforts suffered with the death of Robert Pleasants and the collapse of Quaker communities in eastern Virginia. Many Quakers refused to live under slavery any longer and decamped for free states in the west.¹⁰ Friends who stayed in Virginia showed little inclination to aggressively campaign for manumission.¹¹ The attitude in Virginia toward manumission became decidedly more hostile following Gabriel’s failed rebellion in 1801. The counter-reaction ensured the death of the Virginia Abolition Society and its plea for manumission. “There never was a madder method of sinking property,” opined a writer in the *Richmond Recorder*, than “the freak of emancipating negroes.” Emancipation would result in “a destruction of

⁸ *Valentine Papers*, 1150. Today, the grave yard, the Pleasants former home, the meeting house and many other priceless archeological sites are being destroyed as the current owners, Richard E. Watkins and Betsy W. Short, lease Curles’ Neck for gravel and sand extraction. The history of his remarkable place, and the Pleasants family, is literally being used as road fill. The last attempt to protect the property was 2009. See National Register of Historic Places Registration filing at http://www.dhr.virginia.gov/registers/Counties/Henrico/043-0035_Curles_Neck_Farm_2009_Nomination_FINAL.pdf . See also <http://www.henricohistoricalsociety.org/varina.curlesneck.html> Last accessed 2/25/13.

⁹ Hinshaw, IV, 208. *Valentine Papers*, 1214, 1259, 1261.

¹⁰ See generally, Philip J. Schwarz, *Migrants Against Slavery: Virginians and the Nation* (Charlottesville: University of Virginia Press, 2001).

¹¹ Quaker historian Stephen Weeks concluded that “slavery was not a subject which attracted much attention among Virginia Quakers, comparatively speaking, after the beginning of the nineteenth century. The Society had by that time succeeding in clearing its own skirts of the institution. It never became a slaveholder as it did in North Carolina. It waged few battles with the Legislature in the shape of petitions, it did not appeal to the courts as often, nor to the Federal Government, nor did it seek to forward the colonization of blacks. It was weaker, less virile, less aggressive, and less successful in the amount and character of work accomplished.” Stephen B. Weeks, *Southern Quakers and Slavery: an Institutional History* (Baltimore: The Johns Hopkins Press, 1896), 217.

property, and a deluge of the blood of white people from which the commonwealth could hardly recover in the course of a century.” Antislavery, the writer declared, was the result of a “real scatter-brain spirit of benevolence.”¹² The popular turn against manumission was soon reflected in the state house.

Legislators in the 1804-5 session debated whether or not to repeal the Manumission Act of 1782.¹³ Proponents for repeal focused on three areas. They argued that the right of property was not absolute and property cannot be lawfully used in such a way as to injure a neighbor: “Whoever emancipates a slave may be inflicting the deadliest injury upon his neighbor. He may be furnishing some active chieftain of a formidable conspiracy.”¹⁴ Haiti and Gabriel’s Rebellion had made that point clear. Manumission, it was also argued, extinguished valuable property and represented a major loss to the state in terms of revenue. The third area proponents of repealing the act focused on was what they called “rights of conscience” to recast manumission as a selfish, not benevolent act. Supporters of repeal argued that it was bad policy, and an unjust practice, to enable former slave masters who “having made all the use he could of his slaves, does not hesitate to deprive his wife and children of their labor?”¹⁵

Some of the old revolutionaries defended the law. There were, they noted, “a vast number of people” who felt that slavery was a religious wrong and to bar them from manumitting would “place them between two contrary and conflicting laws.” Manumission in this regard was grounded in religious tolerance. Moreover, the law’s defenders pointed out, the measure to repeal would violate the constitution. They clung to

¹² John Henderson Russell, *The Free Negro in Virginia, 1619-1865* (Baltimore: The Johns Hopkins Press, 1913), 75. Russell cites *The Richmond Recorder* 10 Nov. 1802.

¹³ Russell, *Free Negro*, 67-8 citing *The Richmond Enquirer*, 15 January 1805.

¹⁴ *Ibid*, 67.

¹⁵ *Ibid*.

the idea that Pleasants had enunciated as early as 1776 namely, that the Virginia Declaration of Rights made slavery unconstitutional. The defenders echoed his arguments: “The first clause says that all men are by nature equal and independent. Already we have violated this declaration, but the present measure will do so still more, for...the last clause declares that conscience ought to be free.” Insurrection would be obviated, the defenders argued, by continuing to allow the slavemaster to “reward with freedom his faithful and loyal slaves.”¹⁶ Slaves, knowing that freedom is their reward, will protect their masters from uprisings since no “reward is more seductive than the acquisition of freedom.” The vote was 77 to 70 against repealing the manumission act.¹⁷ A contemporary writer recast the defense of the manumission act less as a defense of higher principles and more as a function of a slave owner’s paternalistic attachment to his slaves. There was a division in the sentiments of the slave-owning lawmaker: “As legislators, impressed with the jeopardy that threatens the public safety, men readily give their assent to any measure that seems calculated to protect it, but when they return to the bosom of their families and are surrounded by those among whom they were born and nursed and from whose labor they obtain the means of comfort and independence the sentiments of the legislator are frequently lost in the feelings of humanity and affection in the private man.”¹⁸ In this way, manumission was an outgrowth of a slaveholder’s humanity or the consequence of religious freedom; it was not regarded as the general policy, or disposition, of the state.

¹⁶ Ibid, 68.

¹⁷ Ibid.

¹⁸ Russell, 173 citing *Richmond Enquirer*, 8 Oct. 1805.

In the following year, 1806, the issue of manumission was revisited in Richmond.¹⁹ Some members urged caution and avoidance of the issue since “free and open discussion was dangerous.”²⁰ Free blacks were judged to be the connecting ligaments of an incipient slave rebellion. They were accused of holding and trafficking “ideas hostile to our peace.”²¹ In the 1806 session, a bill to completely revoke private manumissions was narrowly defeated by a vote of 75 to 73.²² Manumission’s defenders “believed that the measure infringed [upon] the rights of private property.” They also argued that “the conscience of a dying man ought not to be deprived of the momentary comfort emancipation of his slaves would produce.”²³ Although a majority of lawmakers agreed that manumission was a right of the slaveholder, the majority also sought to contain the consequences of exercising that right. The Assembly refused to infringe on the prerogative of the slave holder to emancipate, but it did curtail the privileges of freed persons. Lawmakers passed a modification of the manumission act requiring all slaves manumitted after May 1, 1806 to leave the state within a year’s time or face the threat of legal re-enslavement. The idea that manumission irrevocably removed the status of slavery was disavowed. If a person was born a slave, that person could be freed and re-enslaved.

The law of private manumissions remained unchanged during the antebellum. Lawmakers were unwilling to annul the privilege of freeing slaves completely. Russell

¹⁹ The debates regarding manumission appeared in the Richmond paper, *Virginia Argus*, 17 and 21 January 1806 and *The Petersburg Intelligencer*, 21 January. See also Russell, 69-72. He relied mainly on 17 January 1806 edition of the *Argus*.

²⁰ Russell, 69.

²¹ For Russell, the debates mark a change in the minds of many white Virginians: “Principles of policy and considerations of safety,” he wrote, “were no longer brushed aside by arguments based on the rights of man.” *Ibid.*

²² *Ibid.*

²³ *Ibid.*, quoting from *Virginia Argus*, 17 January 1806.

cites two reasons: one, the banishment clause was an “indirect restriction on the will of the master” which afforded manumission opponents some satisfaction; in effect, the banishment clause would serve to help check the growth of the free black population by encouraging free blacks to leave. Secondly, the revision of 1806 marked a turning point toward removing the free black population from Virginia. Colonization assumed greater and greater importance from this point forward.²⁴ Other states were forced to react as freed slaves left Virginia.²⁵ In discussing the change in white American attitudes toward black Americans, Winthrop Jordan has noted that the law of 1806 requiring freed slaves to leave Virginia was “a great turning point” and it revealed that “white men were scarred by fear of racial intermixture which they equated with Negro insurrection, with free Negroes, with their own freedom, and with their own lack of mastery and self-control.”²⁶ As a result of the discussions, the “number of emancipations swelled in response to anticipated amendments to the manumission law; legislative discussions of those years even suggested manumission might be banned altogether.” For historian Eva Sheppard Wolf, this “disjunction between legislative action and community response demonstrated again white Virginians’ ambivalence about emancipation and their failure to make coherent sense of slavery in the post-Revolutionary period...It is almost certain that had there been no 1806 law, there would have been no spike in the number of manumissions in 1805-6 and that manumissions would have continued in Virginia as it had since the 1790s, a relatively fixed, if uncommon, aspect of an entrenched and secure institution.”²⁷

Indeed, by the end of the decade, the Pennsylvania Society for Abolition had decided that

²⁴ Russell, 71.

²⁵ Ibid, 72.

²⁶ Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968), xiii.

²⁷ 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), 72.

formal abolition societies in the South were “too risky” and it was best to focus on the black population of Philadelphia. It was noted by the organization that “both public sentiment and the attitude of the courts were much less liberal than they used to be.”²⁸

Although the Manumission Act of 1782 would not be amended until it was made moot by the 13th Amendment, judicial understandings of manumission would increasingly tilt the balance toward a pure property based understanding. *In favorem libertatis* would be explicitly renounced by later members of the Court and antebellum judges worked to undermine its applicability.²⁹

The *Pleasants* decision represented an opportunity for freedom for many enslaved people in the surrounding areas around Henrico County. Gaby and Simon recognized that it could be used to provide some cover while they sought to escape slavery. But only half of the enslaved were entitled to immediate freedom—the rest had to wait for freedom. In 1809, “Sammy” Pleasants advertised a fifteen dollar reward in the *Richmond Enquirer*

²⁸ David Brion Davis, *The Problem of Slavery in the Age of Revolution 1770-1823* (Ithaca: Cornell University Press, 1975), 331.

²⁹ The subsequent jurisprudential treatment of the *Pleasants* case will be the subject of an additional chapter when this dissertation is prepared for publication. For an early treatment of the *Pleasants* case see *Charles et al. v. Hunnicutt* Call. 324-30 (Va., 1804): In 1780, Gloister Hunnicutt, a Quaker from Sussex County and a relative of the Pleasants family, devised six slaves to his monthly meeting of Friends to be freed by them when possible. Hunnicutt’s son, named Pleasants, challenged the devise. Freedom was affirmed by the Virginia Court of Appeals. Roane declared in favor of the plaintiffs and the manumission as an “emphatical species of charity” while Lyons noted that “devises in favour of charities, and particularly those in favour of liberty, ought to be liberally expounded.” See also Thomas D. Morris, *Southern Slavery and the Law 1619-1860* (Chapel Hill: University of North Carolina Press, 1996), 374; Robert M. Cover, *Justice Accused: Antislavery and the Judicial Process*, (New Haven: Yale University Press, 1975), 72; Robert McColley, *Slavery and Jeffersonian Virginia* (Urbana: University of Northern Illinois Press, 1964), 145 citing Helen Tunnichiff Catterall and James J. Hayden, *Judicial Cases Concerning American Slavery and the Negro* vol. I (Washington, DC: Carnegie Institution of Washington, 1926-1937), 109 and Russell, *The Free Negro in Virginia*, 57. Just after the 1806 modification of the Manumission Act of 1782, the Court decided *Patty v. Colin* (1807). Led by Spencer Roane, the Court once again evinced procedural flexibility with a preference for liberty. See Cover, *Justice Accused*, 73. Latter cases beginning with *Maria v. Surbaugh* (1821) and *Gregory v. Baugh* (1831) severely curtailed any preference for liberty. The Court opined that *in favorem liberates* had relaxed “rather too much” the rule of law. The Court felt it was incumbent upon them to treat manumissions “precisely like any other questions of property.” Robert Cover observed that “In Virginia, for Roane, Tucker, or Lyons the manumission scheme represented a step toward libertarian ends. For [Judge]Green, twenty years later, the restrictive rather than the libertarian strands were emphasized, and emancipation became essentially a sop thrown to a few humane, perhaps misguided, slaveholders.” Cover, *Justice Accused*, 80.

for “Fanny, a bright Mulatto Girl.” Fanny had been missing since December of the previous year and “had been harbored in Richmond” under the assumed name of Louisa Smith. Fanny had stashed “a variety of clothes at different houses where she has been secreted.” Samuel Pleasants noted: “She is one of those entitled to liberty—when she arrives at a certain age—under the will of the late John Pleasants, of Henrico County, in consequence of which many of them are very ungovernable, many of her connections enjoy their liberty and live in adjacent counties.”³⁰ The will, Robert Pleasants’s actions, the actions of free blacks and the enslaved continued to challenge slavery. It endowed Fanny with a sense of herself that imagined life beyond slavery. Already at 15, Fanny displayed an ability to plan ahead and put into motion a plan for immediate freedom using the resources created in part by the case. She had on an India Cotton frock when she ran away, and had stashed a variety of clothes at different houses where she had been secreted. Samuel Pleasants observed that she was “very fond of dress, and has been frequently detected in committing daring robberies.”³¹ Two years after Fanny ran off, Sammy suffered some sort of stroke and died. When his will was probated, the court recognized the freedom claims of the young slaves he held. But whether those claims would be honored by his heirs remained to be seen.³²

Some in Robert Pleasants’s family did continue to uphold antislavery ideals. William Henry Pleasants took over Pleasants’s place in the Quaker meetings. In 1823, he was a member of a committee who received \$1159 from the Friends of the Yearly Meeting in London for “the purpose of assisting this Meeting in educating the children of

³⁰ *Valentine Papers*, 1282.

³¹ *Ibid.*

³² *Ibid.*, 1153.

people of color or to aid in supporting their rights to freedom.”³³ The money enabled the school at Gravelly Hills to continue for a few more years. Others in the family embraced the racist antislavery position of colonization. Governor of Virginia, James Pleasants, Jr. was elected the first Vice President of the Virginia auxiliary of the American Colonization Society.³⁴ Chief Justice John Marshall and former lawyer for the Pleasants family soon joined Governor Pleasants as leaders of the Virginia Society for Colonization.³⁵ John Hampden Pleasants was later elected to the managing committee.³⁶ But for the most part, the Pleasants family turned from Quakerism and antislavery, having litigated the issue of manumission for nearly thirty years. Manumission had challenged their attachment to slaveholding, but did not break it. Instead, they learned to deflect moral changes by extolling property rights and the dangers of manumission. When the debates over slavery renewed in Virginia, many white Virginia families had already confronted the issue and resolved it among themselves. The *Pleasants* case stands out because it was the largest judicial manumission in American history and set the legal ramifications and understandings of manumission for the antebellum South.

³³ Ibid, 1244-5.

³⁴ Report of a notice printed in *The Richmond Enquirer, The Valentine Papers*, 1292.

³⁵ See http://www.pbs.org/wnet/supremecourt/personality/sources_document15.html . Last accessed 25 February 2013. R. Kent Newmyer noted that Marshall was a “lifetime member” and served as president of the Richmond and Manchester Auxiliary which was the “most prestigious affiliate of the national association.” Newmyer says that Marshall’s involvement was as “ambiguous” as the ACS itself. R. Kent Newmyer, *John Marshall and the Heroic Age of the Supreme Court* (Baton Rouge: Louisiana State University Press, 2001); 419-20; Jean Edward-Smith tells us that “Marshall’s attachment to the idea of colonization was tenaciously held.” In 1823 he helped establish the Richmond branch and was an active organizer of the first hundred or so black people sent to Liberia from Norfolk in 1825. In 1827, he founded the Virginia Society for Colonization and was president until his death. Jean Edward-Smith, *John Marshall: Definer of a Nation* (New York: H. Holt & Co., 1996), 489-90.

³⁶ Report of a notice printed in *The Richmond Enquirer, The Valentine Papers*, 1295.

BIBLIOGRAPHY

Primary Sources

Records of Quaker Meetings in Virginia, 1672 – 1845: Transcribed from the Original Records held by the Orthodox Friends, Baltimore, Maryland (1906) at the Valentine Richmond History Center, Richmond, VA.

The Record Book of Quarterly Meetings 1745-1783, Vol. 7 of the Brock Collection. Microfilm collection at the John D. Rockefeller Jr. Library at Colonial Williamsburg, Virginia, M-1685.

Pleasants Family Papers 1745-1850 in the Brock Collection: 41008 Misc. Reels 4238-4241; Legislative Petitions and County Deeds, Library of Virginia.

Newspapers and Periodicals

Extra Globe

The Friend

Friend's Miscellany

The Petersburg Intelligencer

Richmond and Manchester Advertiser

Richmond Enquirer

Virginia Argus

Virginia Gazette

Virginia Gazette and Weekly Advertiser

Virginia Independent Chronicle and General Advertiser

Cases

Seekright, Lessee of Wm. Mayo v. Paul Carrington and Others (1791) in Thomas Johnson Michie ed., *Virginia Reports, Jefferson –33 Grattan, 1730-1880* (Charlottesville, The Michie Company, Law Publishers, 1903), 378-9.

Johnston v. Dilliard, 1 S.C.L. 232, 1 Bay 232 (1792)

Virginia: in the High Court of Chancery, March 16, 1798. Between Robert Pleasants, son and heir of John Pleasants, dec'd., pltf., and Mary Logan, widow and administratrix of Charles Logan, and devisee of John Pleasants and Jonathan Pleasants, deceased, Elizabeth Pleasants, administratrix of Joseph Pleasants, deceased, Isaac Pleasants and Jane his wife, Samuel Pleasants, Junior, Thomas Pleasants, Junior, and Margaret his wife, Robert Langley and Elizabeth his wife, Daniel Teasdale and Margaret his wife, late Margaret Langley, Elizabeth Langley the younger, and Anne May, defendants.(1800)

Pleasants v. Pleasants, 6 Va. 319; 2 Call 319 (1800)

Charles & al. v. Hunnicutt, 3 Call 311 (1804)

Hudgins v. Wrights, 1 Hen. and Munf. 123 (1806)

Published Primary Sources

“Antislavery Petitions Presented to the Virginia Legislature by Citizens of Various Counties.” *Journal of Negro History* 12 (1927): 671-691.

“Archibald Ingram, England to James Ingram, Norfolk.” *Virginia Magazine of History and Biography* 14, no. 1 (1906): 129-130.

Basker, James G. ed., *Early American Abolitionists: A Collection of Anti-slavery Writings 1760-1820*. New York: Gilder Lehrman Institute of American History, 2005.

Bentley, Elizabeth Petty. *Virginia military records: from the Virginia Magazine of History and Biography, the William and Mary College quarterly, and Tyler's quarterly*. Baltimore: Genealogical Publishing, 1983.

Brendlinger, Irv A. *To be Silent... Would be Criminal: The Antislavery Influence and Writings of Anthony Benezet*. Lanham: Scarecrow Press, 2007.

Bruns, Roger. ed., *Am I Not a Man and a Brother: The Antislavery Crusade of Revolutionary America, 1688-1788*. New York: Chelsea House, 1977.

Colonial Williamsburg Foundation. *Enslaving Virginia: Becoming Americans: Our Struggle to be both Free and Equal*. Williamsburg: Colonial Williamsburg Foundation, 1998.

- Ferris, David. *Memoirs of the life of David Ferris: an Approved minister of the Society of Friends, late of Wilmington, in the state of Delaware*. Philadelphia: John Simmons, 1825.
- Finkleman, Paul. ed., *The Law of Freedom and Bondage: A Casebook*. New York: Oceana Publications, 1986.
- Fisher, Samuel Rowland. "Diary of a Revolutionary Prisoner: Extracts from the Diary of Samuel Rowland Fisher." *The Prison Journal* 55, no. 2 (1975): 48-57.
- Fisher, Samuel Rowland and Anna Wharton Morris, William McCullough and Thomas McKean. "Journal of Samuel Rowland Fisher, of Philadelphia, 1779-1781." *The Pennsylvania Magazine of History and Biography* 41, no. 2 (1917): 145-197.
- Gilpin, Thomas. *Exiles in Virginia: with Observations on the Conduct of the Society of Friends during the Revolutionary War comprising the official papers of the government relating to that period 1777-1778*. Philadelphia: C. Sherman, Printer, 1848.
- Gummere, Amelia Mott. ed., *The Journals and Essays of John Woolman*. New York: The McMillan Company, 1922.
- Hening, William Waller ed., *The Statutes at Large; being a collection of all the laws of Virginia, from the first session of the Legislature in the year 1619* (Philadelphia: Thomas Desilver, 1823).
- Hirschfeld, Fritz. *George Washington and Slavery: A Documentary Portrayal*. Columbia: University of Missouri Press, 1997.
- Hunt, Gaillard. ed., *The Writings of James Madison: Comprising his Public Papers and his Private Correspondence, including Numerous Letters and Documents now for the First Time printed*. New York: G.P. Putnam's Sons, 1900-1910.
- Hutchinson, William T. and William M. E. Rachal, Robert A. Rutland, J. C. A. Stagg, et al., ed.s. *The Papers of James Madison*, 1st series. Chicago and Charlottesville: University of Virginia Press, 1962-1991.
- Johnson, Herbert Alan and Charles T. Cullen, Charles F. Hobson, eds., *The Papers of John Marshall*. Chapel Hill: University of North Carolina Press, 1974-.
- Judge, Hugh. *Memoirs and Journal of Hugh Judge: A Member of the Society of Friends Minister of the Gospel; Containing an Account of his Life, Religious Observations, and Travels in the Work of the Ministry*. Philadelphia: John and Isaac Comly, 1841.
- "Letters of Roger Atkinson 1769-1776." *Virginia Magazine of History and Biography* 15, no. 4 (1909): 345-359.

- “Letters of Robert Pleasants, Merchant at Curles, 1772.” *William and Mary Quarterly* 2, no. 4 (1922); 257-275.
- Maryland General Assembly. *Proceedings and Acts of the General Assembly of Maryland* (Baltimore: Maryland Historical Society, 1902).
- Oberg, Barbara G., ed. *The Papers of Thomas Jefferson*. Princeton: Princeton University Press, 1950-.
- Rind, William. "Personal Notices from the Virginia Gazette." *William and Mary College Quarterly Historical Magazine* 8, no. 3 (1900): 187-191.
- Schmidt, Frederika Tuete and Barbara Ripel Wilhelm. “Early Proslavery Petitions in Virginia.” *The William and Mary Quarterly* 30, no. 1 (1973): 133-146.
- Schweninger, Loren ed. *The Southern Debate over Slavery Volume 1: Petitions to Southern Legislatures, 1778-1864*. Champaign: University of Illinois Press, 2001.
- Shepherd, Samuel., ed. *The Statutes at Large of Virginia from the October Session 1792 to December Session 1806, Inclusive, in Three Volumes, being a continuation of Hening*. Richmond: Samuel Shepherd, 1836.
- Twohig, Abbot and Dorothy. ed.s. *The Papers of George Washington: Confederation Series*. Charlottesville: University of Virginia Press, 1992-.
- Valentine, Edward Pleasants and Clayton Torrence, eds. *The Edward Pleasants Valentine papers, abstracts of records in the local and general archives of Virginia relating to the families of Allen, Bacon, Ballard, Batchelder, Blouet, Brassieur (Brashear) Cary, Crenshaw, Dabney, Exum, Ferris, Fontaine, Gray, Hardy, Isham (Henrico County) Jordan, Langston, Lyddall, Mann, Mosby, Palmer, Pasteur, Pleasants, Povall, Randolph, Satterwhite, Scott, Smith (the family of Francis Smith of Hanover County) Valentine, Waddy, Watts, Winston, Womack, Woodson*. Richmond: Valentine Museum, 1927.
- Van Schreeven, William James and Robert L. Scribner, and Brent Tarter, ed.s. *Revolutionary Virginia, the Road to Independence*. Charlottesville: University of Virginia Press, 1973 1983.
- Virginia General Assembly, House of Delegates. *Journal of the House of Delegates of the Commonwealth of Virginia* (Richmond, VA: 1844).
- Windley, Lathan A. comp. *Runaway Slave Advertisements, vol. 1 Virginia and North Carolina*. Westport: Greenwood Press, 1983.
- Wright, Edward F. *Quaker Records of Henrico Monthly Meeting and Other Church Records of Henrico, New Kent and Charles City Counties, Virginia*. Lewes: Colonial Roots, 2002.

Secondary Sources

Articles/Book Chapters

- Anderson, James Donald. "Thomas Wharton, Exile in Virginia, 1777-1778." *Virginia Magazine of History and Biography* 89, no. 4 (1981): 425-447.
- "James Madison's Attitude toward the Negro." *Journal of Negro History* 6, no. 1 (1921): 74-102.
- Aptheker, Herbert. "The Quakers and Negro Slavery." *The Journal of Negro History* 25, no. 3 (1940): 331-362.
- Bolster, W. Jeffery. "Letters by African American Sailors, 1799-1814." *William and Mary Quarterly* 64, no. 1 (2007): 167-182.
- . "To Feel Like a Man: Black Seamen in the Northern States, 1800-1860." *The Journal of American History* 76, no. 4 (1990): 1173-1199.
- Brock, R.A. "The Fourth Charter of the Royal African Company of England with Prefatory Note Exhibiting the Past Relation of Virginia to African Slavery" in *The Miscellaneous Papers, 1672-1865, Now First Printed from the Manuscript in the Collection of the Virginia Historical Society*. Richmond: Virginia Historical Society, 1887.
- Cabell, James Branch. "The Hunnicutts of Prince George." *The William and Mary College Historical Quarterly* 27, no. 1 (1918): 34-44.
- Carrol, Kenneth L. ed. "Robert Pleasants on Quakerism: Some account of the first settlement of Friends in Virginia." *The Virginia Magazine of History and Biography* 86, no. 1 (1978): 3-16.
- Cloud, Morgan. "Quaker, Slaves and the Founders: Profiling to Save the Union." *Mississippi Law Journal* 73 (2003): 369.
- Cotter, William R. "The Somerset Case and the Abolition of Slavery in England." *History* 79 (1994): 31-56.
- Crothers, A. Glenn. "Quaker Merchants and Slavery in Early National Alexandria: The Ordeal of William Hartshorne." *Journal of the Early Republic* 25, no. 1 (2005): 44-77.
- Daniel, W. Harrison. "Virginia Baptists and the Negro in the Early Republic." *Virginia Magazine of History and Biography*, 80, no. 1 (1972): 60-69.
- D'elia, Donald J. "Dr. Benjamin Rush and the Negro." *Journal of the History of Ideas* 30, no. 3 (1969): 413-422.

- Deyle, Steven. "An "Abominable" New Trade: The Closing of the African Slave Trade and the Changing Patterns of U.S. Political Power, 1808-60." *The William and Mary Quarterly* 66, no. 4 (2009): 833-850.
- Dunn, Richard S. "Black Society in the Chesapeake, 1776-1810." In *Slavery and Freedom in the Age of the American Revolution*, edited by Ira Berlin and Ronald Hoffman, 59-65. Charlottesville: University of Virginia Press, 1983.
- Fisher, Miles Mark. "Friends of Humanity: A Quaker Anti-Slavery Influence." *Church History* 4, no. 3 (1935): 187-202.
- Frey, Sylvia R. "Between Slavery and Freedom: Virginia Blacks in the American Revolution." *The Journal of Southern History* 49, no. 3 (1983): 375-398.
- Furstenberg, Francois. "Atlantic Slavery, Atlantic Freedom: George Washington, Slavery, and Transatlantic Abolitionist Networks." *The William and Mary Quarterly* 68, no. 2 (2011): 247-286.
- Holt, Wythe. "George Wythe: Early Modern Judge." *Alabama Law Review* 58 (2007): 1028.
- Huebner, Timothy. "The Consolidation of State Judicial Power: Spencer Roane, Virginia Legal Culture, and the Southern Judicial Tradition." *Virginia Magazine of History and Biography* 102, no. 1 (1994): 47-72.
- James, Sydney V. "The Impact of the American Revolution on Quakers' Ideas about Their Sect." *The William and Mary Quarterly* 19, no. 3 (1962): 360-382.
- Kates, Jr., Don B. "Abolition, Deportation, Integration: Attitudes toward Slavery in the Early Republic." *Journal of Negro History* 53, no. 1 (1968): 33-47.
- "Kennon Family." *The William and Mary College Quarterly* 14, no. 2 (1906): 132-135.
- Kettner, James H. "Persons or Property? The Pleasants Slaves in the Virginia Courts, 1792-1799." In *Launching The "Extended Republic" The Federalist Era*, ed. Ronald and Peter J. Albert Hoffman. Charlottesville: University of Virginia Press, 1996.
- Knee, Stuart K. "The Quaker Petition of 1790: A Challenge to Democracy in Early America." *Slavery and Abolition* 6 (1985): 151-59.
- Kukla, John. "On the Irrelevance and Relevance of Saints George and Thomas." *Virginia Magazine of History and Biography* 102, no. 2 (1994): 261-270.
- Kulikoff, Allan. "The Revolution, Capitalism, and Formation of Yeomen Classes." In *Beyond the American Revolution: Explorations in the History of American Radicalism*, edited by Alfred P. Young, 84. DeKalb: Northern Illinois University Press, 1993.

- . "Uprooted Peoples: Black Migrants in the Age of the American Revolution 1790-1820," in *Slavery and Freedom in the Age of the American Revolution* edited by Ira Berlin and Ronald Hoffman. Charlottesville: University of Virginia Press, 1983.
- Hamilton, Philip. "Revolutionary Principles and Family Loyalties: Slavery's Transformation in the St. George Tucker Household of Early National Virginia." *The William and Mary Quarterly* 55, no. 4 (1998): 531-556.
- Hast, Adele. "The Legal Status of the Negro in Virginia 1705-1765." *The Journal of Negro History* 54, no. 3 (1969): 217-239.
- "The Hunnicutts of Prince George." *The William and Mary College Historical Quarterly* 27, no. 2 (1918): 113-122.
- Jasanoff, Maya. "The Other Side of Revolution: Loyalists in the British Empire." *The William and Mary Quarterly* 65, no. 2 (2008): 205-232.
- Jefferson, Thomas. *Notes on the State of Virginia*. (1784).
- Ketcham, Ralph L. "Conscience, War, and Politics in Pennsylvania, 1755-1757." *William and Mary Quarterly* 20, no. 3 (1963): 416-439.
- Lee, Leroy M., D.D., *The Life and Times of the Rev. Jesse Lee*. Louisville: John Early for Methodist Episcopal Church, 1848.
- MacMaster, Richard K. "Arthur Lee's "Address on Slavery": An Aspect of Virginia's Struggle to End the Slave Trade, 1765-1774." *The Virginia Magazine of History and Biography* 80, no. 2 (1972): 141-157.
- . "Liberty or Property? The Methodists Petition for Emancipation in Virginia, 1785." *Methodist History* 10 (1971): 44.
- Malone, Kathryn R. "The Fate of Revolutionary Republicanism in Early National Virginia." *Journal of the Early Republic* 7, no. 1 (1987): 27-51.
- Marietta, Jack. "Egoism and Altruism in Quaker Abolition." *Quaker History: the Bulletin of Friends Historical Association* 82 (1993): 1-22.
- McDonnell, Michael A. "Class War? Class Struggles during the American Revolution in Virginia." *The William and Mary Quarterly*, 63, no. 2 (2006): 305-344.

- Miller, F. Thornton. "John Marshall versus Spencer Roane: A Reevaluation of *Martin v. Hunter's Lessee*." *The Virginia Magazine of History and Biography* 96, no. 3 (1988): 297-314.
- Moss, Jr., Roger W. "Isaac Zane, Jr. A 'Quaker for the Times'" *The Virginia Magazine of History and Biography* 77, no. 3 (1969): 291-306.
- Nicholls, Michael L. "Strangers Setting among Us: The Sources and Challenge of the Urban Free Black Population of Early Virginia." *The Virginia Magazine of History and Biography* 108, no. 2 (2000): 155-179.
- . "The Squint of Freedom: African-American Freedom Suits in Post-Revolutionary Virginia," *Slavery and Abolition* 20 (1999): 47-62.
- Oaks, Robert F. "Philadelphians in Exile: The Problem of Loyalty during the American Revolution." *The Pennsylvania Magazine of History and Biography* 96, no. 3 (1972): 298-319, 321-325.
- Paullin, Charles O. "The Moorman Family of Virginia." *The William and Mary Quarterly* 12, no. 3 (1932): 177-180.
- Pleasants, J. Hall. "The English Descent of John Pleasants (1645-1668) of Henrico County, Virginia." *The Virginia Magazine of History and Biography* 16, no. 2 (1908): 218-220.
- Radabaugh, John. "Spencer Roane and the Genesis of Virginia Judicial Review," *The American Journal of Legal History* 6, no. 1 (1962): 63-70.
- Ranet, Philip. "The British, Slaves, and Smallpox in Revolutionary Virginia" *The Journal of Negro History* 84, no. 3 (1999): 217-226.
- Rogosta, John A. "Fighting for Freedom: Virginia's Dissenters' Struggle for Religious Liberty during the American Revolution." *The Virginia Magazine of History and Biography*, 116, no. 3 (2008): 226-261.
- Sandefur, Timothy. "Why the Rule Against Perpetuities Mattered in *Pleasants v. Pleasants*" *Real Property Probate & Trust Journal* 40 (2006): 667.
- Sassi, Jonathan D. "With a Little Help from the Friends: The Quaker and Tactical Contexts of Anthony Benezet's Abolitionist Publishing." *The Pennsylvania Magazine of History and Biography* 135, no. 1 (2011): 33-71.
- Smiddy, Linda O. "Judicial Nullification of State Statutes Restricting the Emancipation of Slaves: A Southern Court's Call for Reform." *South Carolina Law Review* 42 (1991): 589.
- Soderlund, Jean R. "On Quakers and Slavery: A Reply to Jack Marietta." *Quaker History: the Bulletin of Friends Historical Association* 82 (1993): 23-27.

---. "Response to 'Historiographical Developments in Early North American Quaker Studies.'" *The Southern Friend: Journal of the North Carolina Friends Historical Society* 13 (1991).

Thrift, Minton. *Memoir of the Rev. Jesse Lee, with Extracts from His Journals*. New York: N. Bangs and T. Mason for the Methodist Episcopal Church, 1823.

Van Riemsdijk, Tatiana. "His Slaves or Hers? Customary Claims, a Planter Marriage, and a Community Verdict in Lancaster County, 1793." *The Virginia Magazine of History and Biography* 113, no. 1 (2005): 46-79.

Waldstriecker, David. "Reading the Runaways: Self-Fashioning, Print Culture, and Confidence in Slavery in the Eighteenth-Century Mid-Atlantic." *The William and Mary Quarterly* 56, no. 2 (1999): 243-272.

Wallenstein, Peter. "Indian Foremothers: Race, Sex, Slavery and Freedom in Early Virginia," in *The Devil's Lane: Sex and Race in the Early South* edited by Catherine Clinton and Michael Gillespie. New York: Oxford University Press, 1997.

White, Shane and Graham White. "Slave Clothing and African-American Culture in the Eighteenth and Nineteenth Centuries." *Past and Present* 148 (1995): 149-186.

Winslow, Ellen Goode Rawlings and Watson Winslow. *History of Perquimans County*. Baltimore: Genealogical Publishing, 2009 reprint.

Wood, Peter H. "'Liberty is Sweet:': African-American Freedom Struggles in the Years before White Independence," in *Beyond the American Revolution: Explorations in the History of the American Radicalism* edited by Alfred P. Young. DeKalb: Northern Illinois University Press, 1993.

Books, Dissertations and Theses

Albert, Peter Joseph. "The Protean Institution: the Geography, Economy and Ideology of Slavery in post-Revolutionary Virginia." PhD diss., University of Maryland, 1976.

Babcock, Theodore Stoddard. "Manumission in Virginia 1782-1806." M.A. thesis, University of Virginia, 1974.

Bauman, Richard. *For Reputation of Truth: Politics, Religion, and Conflict among the Pennsylvania Quakers, 1750-1800*. Baltimore: Johns Hopkins Press, 1971.

Berlin, Ira. *Slaves Without Masters: The Free Negro in the Antebellum South*. New York: The New Press, 1974.

- Blanc, Laurent. *Avengers of the New World: The Story of the Haitian Revolution*. Cambridge: Harvard University Press, 2005.
- Blassingame, John. *The Slave Community: Plantation Life in the Antebellum South*. New York: Oxford University Press, 1972.
- Bolster, W. Jeffery. *Black Jacks: African American Seaman in the Age of Sail*. Cambridge: Harvard University Press, 1997.
- Breen, T. H., *Tobacco Culture: the Mentality of the great Tidewater Planters on the eve of Revolution*. Princeton: Princeton University Press, 1985.
- Brock, Peter ed. *Liberty and Conscience: A Documentary history of the Experiences of Conscientious Objectors in America through the Civil War*. New York: Oxford University Press, 2002.
- Brookes, George S. *Friend Anthony Benezet*. Philadelphia: University of Pennsylvania Press, 1937.
- Brown, Christopher Leslie. *Moral Capital: Foundations of British Abolitionism*. Chapel Hill: University of North Carolina Press, 2006.
- Bush, Jonathan A. "The British Constitution and the Creation of American Slavery." In *Slavery and the Law*, ed. Paul Finkleman, 379-418. Madison: Madison House, 1997.
- Chadwick, Bruce. *I am Murdered: George Wythe, Thomas Jefferson and the Killing that Shocked a New Nation*. Hoboken: John Wiley and Sons, 2009.
- Churchman, George. ed., *A Journal of the Life, Travels, Religious Exercises, and Labours in the Work of the Ministry of Joshua Evans*. Philadelphia: J. and I. Comley, 1837.
- Cover, Robert M. *Justice Accused: Antislavery and the Judicial Process*. Yale University Press, 1984.
- Crawford, Michael J. *The Having of Negroes is Become a Burden: The Quaker Struggle to Free Slaves in Revolutionary North Carolina*. Gainesville: University Press of Florida, 2010.
- Dunn, Susan. *Dominion of Memories: Jefferson, Madison & the Decline of Virginia*. New York: Basic Books, 2007.
- Dunlap, William C. *Quaker Education in Baltimore and Virginia Yearly Meetings with an Account of Certain Meeting of Delaware and the Eastern Shore Affiliated with Philadelphia*. Philadelphia: University of Pennsylvania Press, 1936.
- Egerton, Douglas R. *Gabriel's Rebellion: the Virginia Slave Conspiracies of 1800 and 1802*. Chapel Hill: University of North Carolina, 1993.

- Ely, Melvin Patrick. *Israel on the Appomattox: a southern Experiment in Black Freedom from the 1790s through the Civil War*. New York: Knopf, 2004.
- Davis, David Brion. *The Problem of Slavery in the Age of Revolution*. Ithaca: Cornell University Press, 1975.
- . *The Problem of Slavery in Western Culture*. Ithaca: Cornell University Press, 1966.
- Drake, Thomas Edward. *Quakers and Slavery in America*. Gloucester: P. Smith, 1965.
- Finkelman, Paul and Joseph Calder Miller. *Macmillan Encyclopedia of World Slavery*. New York: Simon & Schuster Macmillan, 1998.
- Finkelman, Paul. ed., *Slavery and the Law*. Madison: Madison House, 1997.
- . *Slavery and Founders: Race and Liberty in the Age of Jefferson*. Armonk: M.E. Sharpe, 1996.
- Franklin, John Hope and Loren Schweninger. *Runaway Slaves: Rebels on the Plantation*. New York: Oxford University Press, 1999.
- Fox-Genovese, Elizabeth. *Within the Plantation Household: Black and White Women of the Old South*. Chapel Hill, N.C., 1998.
- Freehling, Alison Goodyear. *Drift toward Dissolution: the Virginia Slavery Debate of 1831-1832*. Baton Rouge: Louisiana State University Press, 1982.
- Frey, Sylvia R. *Water from the Rock: Black Resistance during a Revolutionary Age*. Princeton: Princeton University Press, 1991.
- Frost, J. William. ed., *The Quaker Origins of Antislavery*. Norwood: Norwood Editions, 1980.
- Gardner, ed. Lyon. *Encyclopedia of Virginia Biography*. New York: Lewis Historical Publishing Company, 1915.
- Garner, Bryan. ed., *Black's Law Dictionary*, 7th Ed. St. Paul: Thomson West, 1999.
- Genovese, Eugene D. *Roll, Jordan, Roll: the World the Slaves Made*. New York: Pantheon Books, 1974.
- Gilje, Paul A. *Liberty on the Waterfront: American Maritime Culture in the Ages of Revolution*. Philadelphia: University of Pennsylvania Press, 2004.
- Hadden, Sally E. *Slave Patrols: Law and Violence in Virginia and the Carolinas*. Cambridge: Harvard University Press, 2001.
- Hahn, Steven. *A Nation Under our Feet: Black Political Struggles in the Rural South from*

- Slavery to the Great Migration*. Cambridge: Harvard University Press, 2003.
- Harrold, Stanley. *The Abolitionists and the South, 1831-1861*. Lexington: University Press of Kentucky, 1995.
- Hayes, Kevin J. *The Mind of a Patriot: Patrick Henry and the World of Ideas*. Charlottesville: University of Virginia Press, 2008.
- Hinshaw, William Wade and Thomas Worth Marshall et al., compseomps., *Encyclopedia of American Quaker Genealogy* vol. 2. Baltimore: Genealogical Publishers, 1969.
- Hodgson, Jr., William. *Select Historical Memoirs of the Religious Society of Friends, Commonly Called Quakers: being a Succinct Account of their Character and Course during the Seventeenth and Eighteenth Centuries*. Philadelphia: J.B. Lippincott & Co., 1881.
- Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia*. Chapel Hill: University of North Carolina Press, 1999.
- Huebner, Timothy S. *The Southern Judicial Tradition: State Judges and Sectional Distinctiveness 1790-1890*. Athens: University of Georgia, 1999.
- Iaccarino, Anthony. "Virginia and the National Contest over Slavery in the Early Republic, 1780-1833." PhD diss., University of California, 1999.
- Isaac, Rhys. *The Transformation of Virginia 1740-1790*. Chapel Hill: University of North Carolina Press, 1982.
- Jackson, Maurice. *Let This Voice Be Heard: Anthony Benezet, Father of Atlantic Abolitionism*. Philadelphia: University of Pennsylvania Press. 2009.
- James, Sydney V. *A People Among Peoples: Quaker Benevolence in the Eighteenth Century America*. Cambridge: Harvard University Press, 1963.
- Jordan, Winthrop. *White Over Black*. Chapel Hill: University of North Carolina Press, 1968.
- Justice, Hilda. *Life and Ancestry of Warner Mifflin*. Philadelphia: Ferris & Leach, 1905.
- Kennedy, John Pendleton. *Memoirs of the Life of William Wirt, Attorney General of the United States*. G.P. Putnam and Sons: NY 1872.
- Kierner, Cynthia A. "'The Dark and Dense Cloud Perpetually Lowering over Us': Gender and the Decline of the Gentry in Post-revolutionary Virginia." *Journal of the Early Republic* 20, no. 2 (2000): 185-217.
- Kulikoff, Allan. *Tobacco and Slaves: the Development of Southern Cultures in the Chesapeake, 1680-1800*. Chapel Hill: University of North Carolina Press, 1986.

- Lemay, J.A. Leo ed., *Robert Bolling Woos Anne Miller: Love and Courtship in Colonial Virginia 1760*. Charlottesville: University Press of Virginia, 1990.
- Lemisch, Jesse. *Jack Tar vs. John Bull: The Role of New York's Seaman in Precipitating the Revolution*. Cambridge: Harvard University Press, 1997.
- Lewis Virgil A. and Robert Alonzo Brock. *Virginia and Virginians*. Richmond: H.H. Hardesty, 1888.
- Lesbock, Suzanne. *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860*. New York: W.W. Norton & Co., 1984.
- Levy, Andrew. *The First Emancipator: The Forgotten Story of Robert Carter, the Founding Father who Freed his Slaves*. New York, Random House, 2005.
- Logan, Deborah Norris. *Memoir of George Logan of Stenton*. Philadelphia: The Historical Society of Pennsylvania, 1899.
- MacLeod, Duncan J. *Slavery, Race, and the American Revolution*. New York: Cambridge University Press, 1974.
- Manarin, Louis H. and Clifford Dowdey. *The History of Henrico County*. Charlottesville: University Of Virginia Press, 1984.
- Mason, Matthew. *Slavery and Politics in the Early American Republic*. Chapel Hill: University of North Carolina Press, 2008.
- Mason, Matthew and John Craig Hammond, eds., *Contesting Slavery: the Politics of Bondage and Freedom in the New American Nation*. Charlottesville: University of Virginia Press, 2011.
- Marietta, Jack D. *The Reformation of American Quakerism, 1748-1783*. Philadelphia: University of Pennsylvania Press, 1984.
- McColley, Robert. *Slavery and Jeffersonian Virginia*. Urbana: University of Northern Illinois Press, 1972.
- Mayer, Henry. *A Son of Thunder: Patrick Henry and the American Republic*. Charlottesville: University Press of Virginia, 1991.
- McDonnell, Michael A. *The Politics of War: Race, Class, and Conflict in Revolutionary Virginia*. Chapel Hill: University of North Carolina Press, 2007.
- Mekeel, Arthur J. *The Relation of Quakers to the American Revolution*. Lanham: University Press of America, 1979.

- Morgan, Edmund S. *American Slavery, American Freedom*. New York: W.W. Norton & Company, 1975.
- Morris, Thomas D. *Southern Slavery and the Law 1619-1860*. Chapel Hill: University of North Carolina Press, 1996.
- Mullin, Gerald W. *Flight and Rebellion: Slave Resistance in Eighteenth Century Virginia*. New York: Oxford University Press, 1972.
- Nash, Gary B. *The Forgotten Fifth: African Americans in the Age of Revolution*. Cambridge: Harvard University Press, 2006.
- Nelson, Paul David. *Anthony Wayne, Soldier of the Early Republic*. Bloomington: Indiana University Press, 1985.
- Newman, Richard S. *The Transformation of American Abolitionism*. Chapel Hill: University of North Carolina Press, 2002.
- Newmyer, R. Kent. *The Treason Trial of Aaron Burr*. New York: Cambridge University Press, 2012.
- . *John Marshall and the Heroic Age of the Supreme Court*. Baton Rouge: Louisiana State University Press, 2001).
- Noonan, Jr. John T. *Persons and Masks of the Law: Cardozo, Holmes, Jefferson, and Wythe as Makers of the Masks*. Berkeley: University of California Press, 1976.
- Paine, Robert. *Life and Times of William M'Kendree: Bishop of the Methodist Episcopal Church*. Nashville: Publishing House of the Methodist Episcopal Church, South, 1869.
- Quarles, Benjamin. *The Negro in the American Revolution*. Chapel Hill: University of North Carolina Press, 1961.
- Ragsdale, Bruce A. *A Planter's Republic: Search for Economic Independence in Revolutionary Virginia*. Madison: Madison House, 1996.
- Rediker, Marcus. *Between the Devil and the Deep Blue Sea: Merchant Seaman, Pirates, and the Anglo-American Maritime World, 1700-1750*. New York: Cambridge University Press, 1987.
- Russell, John Henderson. *The Free Negro in Virginia, 1619-186*. Baltimore: The Johns Hopkins Press, 1913.
- Russell, David Lee. *The American Revolution in the Southern Colonies*. Jefferson: McFarland & Company, Inc., 2000.

- Schermerhorn, Calvin. *Money over Mastery, Family over Freedom: Slavery in the Antebellum Upper South*. Baltimore: Johns Hopkins University Press, 2011.
- Selby, John. *The Revolution in Virginia*. Williamsburg: Colonial Williamsburg Foundation, 1988.
- Sharpless, Isaac. *A History of Quaker Government in Pennsylvania Vol. II: The Quakers in the Revolution*. Philadelphia: T.S. Leach and Company, 1899.
- Schwartz, Philip J. *Migrants Against Slavery: Virginians and the Nation*. Charlottesville: University of Virginia Press, 2001.
- Sheppard-Wolf, Eva Marie. *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner's Rebellion*. Baton Rouge: Louisiana State Press, 2006.
- Slaughter, Thomas P. *The Beautiful Soul of John Woolman, Apostle of Abolition*. New York: Wang and Hill, 2008.
- Smith, Jean Edward. *John Marshall: Definer of a Nation*. New York, Holt, 1996.
- Nash, Gary and Jean R. Soderlund. *Freedom by Degrees: Emancipation in Pennsylvania and its Aftermath*. New York: Oxford University Press, 1991.
- Soderlund, Jean R. *Quakers & Slavery: A Divided Spirit*. Princeton: Princeton University Press, 1985.
- Tarter, Brent. "Reflections on the Church of England in Colonial Virginia." *The Virginia Magazine of History and Biography* 112, no. 4 (2004): 338-371.
- Tise, Larry E. *Proslavery: a Defense of Slavery in America, 1701-1840*. Athens: University of Georgia Press, 1987.
- Tolles, Frederick B. *Meetinghouse and Counting House*. Chapel Hill: University of North Carolina Press, 1948.
- . *Quakers and the Atlantic Culture*. New York: Macmillan, 1960.
- Tushnet, Mark V. *The American Law of Slavery, 1810-1860: Considerations of Humanity and Interest*. Princeton: Princeton University Press, 1981.
- Wigger, John. *American Saint: Francis Asbury and the Methodists*. New York, Oxford University Press, 2012.
- Weeks, Stephen B. *Southern Quakers and Slavery: A Study in Institutional History*. Baltimore: Johns Hopkins Press, 1896.

- Ward, Henry M. and Harold E. Greene, Jr., *Richmond during the Revolution 1775-1783*. Charlottesville: University of Virginia Press, 1977.
- Wiecek, William M. "Somerset: Lord Mansfield and the Legitimacy of Slavery in the Anglo American World." *University of Chicago Law Review* 41 (1973): 86-147.
- Windley, Latham. *A Profile of Runaway Slaves in Virginia and South Carolina from 1730 through 1787*. New York: Garland Publishing Inc., 1995.
- Worrall, Jay. *The Friendly Virginians*. Athens: Iberian Publishers, 1994.
- Wren, John Thomas. "Republic Jurisprudence: Virginia Law and the New Order 1776-1830." PhD diss. College of William and Mary, 1988.
- Young, Alfred E. ed., *Beyond the American Revolution: Explorations in the History of American Radicalism*. DeKalb: Northern Illinois University Press, 1993.

Web Sites

Book of Negroes: Registered & certified after having been inspected by the commissioners appointed by his Excellency Sr. Guy Carleton, General and Commander in Chief, on board sundry vessels in which they were embarked previous to the time of sailing from the Port of New York between the 23 April 31st July 1783. both days inclosed;; available online at <http://www.blackloyalist.info/source-image-display/display/?file=79>

Bumbrey, Jeffrey Nordlinger. A Guide to the Papers of The Pennsylvania Abolition Society," *Slavery, Abolition and Social Justice 1490-2007* at www.slavery.amdigital.co.uk/Essays/content/PASguide.aspx retrieved 5/21/2010

Colonial Williamsburg Foundation, Virginia Gazette 1730-1780
<http://research.history.org/DigitalLibrary/VirginiaGazette/VGbyYear.cfm>

Early American Imprints, Series I: Evans, 1639-1800
<http://www.readex.com/readex/product.cfm?product=4>

"Manuscript Collection Belonging to the Pennsylvania Society for Abolition at the Historical Society of Pennsylvania," available on-line at *Slavery, Abolition & Social Justice*
www.slavery.amdigital.co.uk

Privy Council Registers 1649 to 1800, "March 23 1773" PC/117, IMG_0055; digital archive assembled by Robert C. Palmer and Elspeth K. Palmer, *The Anglo-American Legal Tradition* available at aalt.law.uh.edu/aalt.html

Quakers and Slavery
<http://trilogy.brynmawr.edu/speccoll/quakersandslavery/>

Slavery, Abolition and Social Justice 1490-2007 at www.slavery.amdigital.co.uk/

Tucker-Coleman Papers, Mss. 40 T79, Box 63, Special Collections Research Center, Earl Gregg Swem Library, College of William and Mary, VA, On-line at <https://digitalarchive.wm.edu/handle/10288/13432> Last accessed 4/12/12/.