

Black Initiative and White Anxiety on Virginia's Eastern Shore: Black Political
Participation and the Maritime Underground Railroad, 1775-1844

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In North America as in all racialized slave societies of the Atlantic World, a complex, unique, unequal, yet paradoxical relationship developed between the enslaved and the enslaver. The process of commodifying black bodies required slavery's gatekeepers to attempt to eliminate the humanity in their human property. Plantation slavery was an inherently an anti-democratic institution. To ensure maximum profits and the institution's longevity, slaveowners and slavery apologists in the United States, created, implemented, and embedded laws, regulations, and social mores into the social, political, and economic framework of the fledgling nation. Over the centuries, slavery's many architects designed the institution to control and assert dominance over enslaved African-Americans, creating what historian Stephanie Camp terms is a "geography of containment," which consisted of the systems and methods that slaveowners employed to limit, restrict, and control enslaved people's movement and time to ensure the social and economic stability of a slave society.¹ A racial ideology and a social hierarchy often accompanied these laws and infrastructures. These ideologies and political structures all served to create a psychological and legal distance between the enslaved and the enslaver. The leaders of slave societies clearly specified a set of rigid laws designed to separate the races, reinforce the superiority and dominance of the white citizen, and render the enslaved utterly dependent and subservient to the white owner. But in these same societies, slaveowners regularly shared intimate living and working spaces with their enslaved laborers, and relied on them for basic everyday necessities—such as getting dressed, and being feed—often leading some owners to develop personal relationships that acknowledge their bondsperson's humanity. These

¹ For an in-depth discussion of the geography of containment, see Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South*. Gender and American Culture. (Chapel Hill: University of North Carolina Press, 2004).

circumstances exemplify the contradictions that characterized most slave societies: the imagined ideal versus the lived reality.

Increasingly in the late 1820s and early 1830s, enslaved African-Americans on the Eastern Shore of Virginia resisted their bondage in a surprising manner. They armed themselves, stole boats, and navigated their way to New York. Even though states like Pennsylvania and New Jersey were closer and states like Ohio proved more friendly to self-emancipating bondspeople, New York developed a small, yet burgeoning free black population that dedicated itself to supporting enslaved populations. Further, during this time, abolitionist literature and anti-slavery sentiment penetrated and slowly proliferated enslaved communities throughout the South. New York's maritime commercial ties to the Eastern Shore provided information networks that alerted many enslaved persons to their allies in New York.

Chesapeake bondspeople's persistence in this particular form of resistance—mass maritime self-emancipation to free states—soon rattled the white residents of the Eastern Shore. Since the 1790s, white residence of the Shore seldom petitioned the Virginia legislature for new or more stringent laws regulating enslaved people's behavior. In fact, from the 1780s to the passage of Virginia's 1806 law prohibiting slaveowner manumissions, a “culture of manumission” characterized the Eastern Shore.² Additionally, one historian notes that because of the nature of the Eastern Shore's small, rural community most slaveowners and bondspeople “could and did know each other.”³ However, the mass maritime self-emancipation of the 1820s and 1830s ignited white residents' concerns over slave retribution. Shortly after these self-

² For an in depth discussion of the “culture of manumissions” see chapters 2 and 3 of 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). For a targeted Eastern Shore discussion of the “culture of manumissions” see chapters 2 and 3 of Kirk, *Slave and Free on Virginia's Eastern Shore*.

³ Kirk, *Slave and Free on Virginia's Eastern Shore*, 87.

emancipations started, various leaders on the Shore agitated their state government for assistance. Yet, these mass maritime self-emancipations persisted.

In 1839, a similar, yet separate incident to the south in Norfolk involving one fugitive slave and three free African-American sailors ignited a political conflagration between Virginia and New York. Despite the desperate nature of these incidents, together they illustrate growing power of the maritime Underground Railroad and demonstrate the ways in which African-Americans shaped American politics in the early republic and antebellum era. Barred from citizenship and formal pathways to political participation, African-Americans in bondage did not passively accept the restrictions of their rights or access to the ballot box. Instead, enslaved African-Americans participated in American politics by working to end their own bondage. However, in expressing their political voice through these persistent attempts to self-emancipate, enslaved black Americans exacerbated political tensions between free states and slaveholding states and initiated a geopolitical ripple that thrust the question of slavery's constitutionality onto the national stage. ⁴

The Politics of Mobility: A Subversive Undercurrent

The Eastern Shore's geography lent to the emergence of its maritime economy. Having long been a rural and agricultural area surrounded by water and dotted with small farms and a few larger plantations, the Eastern Shore resembled other rural Tidewater regions of Virginia. During the early republic, as Virginia transitioned from having a tobacco monoculture to harvesting varied crops, the Eastern Shore followed suit and corn, wheat, and oats characterized

⁴For a comprehensive overview of the political effects of slave flight, see Richard J. M. Blackett, *The Captive's Quest for Freedom Fugitive Slaves, the 1850 Fugitive Slave Law, and the Politics of Slavery*, (New York, NY: Cambridge University Press, 2018).

the majority of its exports. However, peach brandy, lumber products, salt, peas, feathers, and potatoes also constituted significant exports. Despite its rural nature and small community, the Eastern Shore played “an integral part of the maritime world.”⁵ Perched on a creek or an inlet on either side of the Delmarva Peninsula, the Shore’s larger plantations owned by the leading planters of the region—John Eyre, Abel Parker Upshur, John Cropper, Thomas H. Bayly—relied heavily on waterways to move their crops to market. Deeply entrenched in Atlantic maritime commerce, from the Eastern Shore’s settlement well into the nineteenth century, local ships traded up and down the East Coast “as well as [to] Cuba, Martinique, Curacao, and St. Eustatius in the West Indies.”⁶ Local historian Kirk Mariner highlights the extent to which the “the Eastern Shore...was home to mariners.”⁷ But these ports and plantations did not operate on their own. The Eastern Shore owes its maritime and agricultural significance to the labor of their bonded African-American residents. By the 1790s, over 7,500 enslaved African-Americans lived and worked on the Eastern Shore. In Northampton County, the smaller of the Shore’s two counties—Accomack constituting the other— African-Americans in bondage outnumbered white residents, 3,244 to 3,181, respectively.⁸ These women and men labored on the Shore’s small farms, large plantations, and dotted ports.

The small-scale nature of the slavery practiced on the Eastern Shore meant that slaveowners and the enslaved lived and worked in intimate proximity with each other. Large plantations with dozens of enslaved laborers did not constitute the norm on the Eastern Shore.

⁵ Kirk Mariner, *Slave and Free on Virginia’s Eastern Shore*. (Onancock: Miona Publications, 2014), 3-4.

⁶ Mariner, *Slave and Free on Virginia’s Eastern Shore*, 4. See also Port of Accomack naval Officer’s Book of Entries and Clearances, 1780-1787, Virginia State Library, Richmond, *passim*. Ames, “Beginnings and Progress,” in Clark, *The Eastern Shore of Maryland and Virginia*, pp. 132-133.

⁷ Mariner, *Slave and Free on Virginia’s Eastern Shore*, 4.

⁸ Mariner, *Slave and Free on Virginia’s Eastern Shore*, 14. Mariner based these numbers off of the 1790 Federal Census.

Instead, the majority of the slave-owning population “owned five or fewer” bondspeople, while just over twenty percent owned only one.⁹ Many of these enslaved African-Americans worked on small farms alongside their owner; and typically lived in the same house as their owner and some reportedly slept in the same room. As was common among more rural communities, these living and working arrangements created a familiarity between the Eastern Shore’s white and black residents, where “neighbors...knew other people’s slaves by name and face, and their relationship to each other.”¹⁰ This familiarity made it possible for white communities to closely and collectively monitor the movements of enslaved persons within and between households.

Slaveowners used plantation rules and regulations, such as curfews, and often passed laws to ensure compliance with spatial and temporal restrictions. Throughout the seventeenth, eighteenth, and nineteenth centuries many of the laws passed regarding slavery specifically restricted black mobility. As historian Stephanie Camp notes “planters commonly viewed adherence to spatial and temporal discipline as essential to overall order” on the confines of the plantation as well as for the long-term preservation of the institution of slavery writ large.¹¹ Further, she identifies that throughout the nineteenth century "more than any other single activity—such as trading, learning to read, consuming alcohol, acquiring poisoning techniques, or plotting rebellions—slave movement was limited, monitored, and criminalized," which speaks to the disruptive power of mobility and the forms of resistance that utilized it such as running away, or truancy among others.¹² This was also the case on the Eastern Shore, as its white residents legally restricted the mobility of its bonded black residents. Unsurprisingly, there were always special cases such as an unnamed privileged black overseer who worked on the

⁹ Mariner, *Slave and Free on Virginia’s Eastern Shore*, 85.

¹⁰ Mariner, *Slave and Free on Virginia’s Eastern Shore*, 87.

¹¹ Camp, *Closer to Freedom*, 27.

¹² Camp, *Closer to Freedom*, 15.

Nottingham plantation, who enslaved women, Candis Godwin, noted could move about the community on his own accord.¹³

However, unmonitored or tolerated black mobility sometime extended beyond special circumstances and occurred as a result of a form of everyday slave resistance. As Anthony E. Kaye illustrates in *Joining Places: Slave Neighborhoods in the Old South*, enslaved people created “neighborhoods,” or extended kinship networks that crossed plantation lines.¹⁴ These neighborhoods played an essential role in providing a stabilizing social network, particularly as a result of slaveowners propensity to break up families when they sold off bondspeople. On the Eastern Shore, these neighborhoods also played an important role because the majority of bondspeople lived on small farms and plantations with only one, no other, or only a few other bondspeople. Thus, bondspeople regularly traveled from one farm or plantation to the next to find spouses or to expand their social and kinship networks. Through these neighborhoods, enslaved women and men “multiplied the possibilities of courtship, worship, amusement, struggle, and collective identity, of love, faith, pleasure, and solidarity.”¹⁵ The development of these neighborhoods represents a type of what Camp terms a “rival geography.”

As Camp explains, a rival geography primarily constituted the literal pathways and hideouts that fugitive slaves and truant slaves used to either permanently or temporarily escape slavery; it also constituted the reclaiming of the slave cabin as a private sphere to develop ideologies of slave resistance.¹⁶ More broadly, the rival geography can be described as the physical spaces and pathways that enslaved people occupied during their leisure time (and

¹³ Mariner, *Slave and Free on Virginia's Eastern Shore*, 88.

¹⁴ Anthony E. Kaye *Joining Places: Slave Neighborhoods in the Old South*. The John Hope Franklin Series in African American History and Culture. (Chapel Hill: University of North Carolina Press, 2007), 4.

¹⁵ Kaye *Joining Places*, 6.

¹⁶ For an in-depth discussion of the rival geography and the forms it takes, see Camp, *Closer to Freedom*.

sometime not) without the express consent of their slaveowner, where enslaved African-Americans engaged in various activities that brought them joy, gave them a sense of personhood, and where they could also exercise ownership over their own bodies. Mariner notes that on that “many ... [bondspeople on the Eastern Shore] moved about with surprising freedom.”¹⁷ Interestingly, the laws passed on the Eastern Shore to control enslaved people’s mobility do illustrate that “whites greatly disapproved of this practice,” yet the enforcement of the law requiring bondspeople to carry a pass while not on their farm or plantation does not show up in the archive as “there are no records of [enslaved people] receiving 20 lashing for being caught without a pass.”¹⁸ In order to better understand white residents’ perception of the mobility of the Shore’s black residents, Mariner reviewed the witness testimonies in criminal charges brought against free or enslaved black residents. He found that enslaved African-Americans “often visited each other, fraternized with Free [Blacks], and were a frequent sight around the Shore’s small villages.”¹⁹ These testimonies indicate that white residents were cognizant of the spaces black people occupied and their actions within those spaces, but quite significantly black people’s *presence* in these spaces or their movement to and from these spaces were *not* considered remarkable, unusual, or alarming.²⁰ This suggests that the efforts of Eastern Shore bondspeople to create extended social networks occurred with such regularity and without any inciting incidents that white residents, despite their discomfort, adapted to this form of mobility. Because this rival geography allowed bondspeople to engage their personhood and develop a life and community outside of the confines of the plantation, and because it compelled white residents to tolerate a level of black mobility, it served as a powerful form of resistance. Further,

¹⁷ Mariner, *Slave and Free on Virginia’s Eastern Shore*, 88.

¹⁸ Mariner, *Slave and Free on Virginia’s Eastern Shore*, 88.

¹⁹ Mariner, *Slave and Free on Virginia’s Eastern Shore*, 89.

²⁰ Mariner, *Slave and Free on Virginia’s Eastern Shore*, 89.

the mobility associated with this rival geography played an important role for freedom-seeking enslaved people on the Eastern Shore as it gave them an intimate knowledge of the Shore's physical geography, as well as the social geography of the Shore's white residents. However, there were additional economic factors that led to white residents' tolerance of black mobility.

The Eastern Shore's maritime economy meant that slaveowners heavily relied on enslaved African-Americans mobility and their maritime navigational skills for the full functioning of their plantations and the economy. Similarly, all along the southern seaboard slaveowners relied on "slave fishing and boating" illustrating the integral role of enslaved African-Americans in the maritime economy.²¹ One scholar noted that as early as 1736, Eastern Shore slaveowners used enslaved African-Americans as ferry boat captains. In fact, Peter Bodwin, an Eastern Shore slaveowner who owned a ferry boat service to the Chesapeake, established his preference for using enslaved African-Americans as captains as opposed to a white captain. He found that bonded African-Americans were the "most able and skillful Piolets for those parts of the Bay and River" and they proved to be "expert watermen."²² Further, as bondsmen were an integral part of the eastern seaboard maritime economy, Eastern Shore slaveowners relied on them to take their peninsula's major export—corn, wheat, oats, peach brandy, lumber products, salt, peas, feathers, and potatoes—to market.

However, this reliance meant that slaveowners relinquished a significant measure of control that they would otherwise wield over an enslaved person's actions and movements. Historian David Cecelski notes this necessity in *The Waterman's Song: Slavery and Freedom in Maritime North Carolina*, finding that navigating "shallow inlets and shifting shoals...[demands]

²¹ David Cecelski, *Waterman's Song: Slavery and Freedom in Maritime North Carolina*. (Chapel Hill, University of North Carolina Press), xix.; Clarence Lee Beebe, "A History of the Chesapeake Bay Ferries to Virginia's Eastern Shore Prior to the Civil War" (1954). *Master's Theses*. Paper 85., 42.

²² Beebe, "A History of the Chesapeake Bay Ferries to Virginia's Eastern Shore Prior to the Civil War," 43.

a sharp mind and a free hand. A fisherman must rely on his own wits and intuition, not somebody else's orders, to guide the laying of a mullet net or a fish trap."²³ This meant that enslaved African-Americans who worked on and along waterways were accustomed to exercising an ownership of self and experiencing a liberty linked to their mobility, which should be understood as an extension of Eastern Shore bondspeople's rival geography.

Furthermore, bondspeople's engagement of the trading networks along these waterways provided access to another important commodity that added another subversive element to their rival geography: information. In *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution*, historian Julius Scott illuminates that in the Caribbean, a "regional network of communication" developed along the same networks used for commerce.²⁴ The "masterless class,"—or those who the ruling class had little to no control over, or those whose mobility the ruling class depended upon proved integral to this communication network. In Scott's discussion, the information that traveled along these trading networks was the subversive rhetoric and ideologies of the Atlantic Revolutionary era. Significantly, by identifying that the masterless class utilized established trade networks to pass along potentially subversive information, Scott links mobility with subversion, and demonstrates the agency of the masterless class in "[providing] a steady undercurrent of opposition to the 'absolute' power of masters, merchants, and military officers."²⁵ Similarly, Eastern Shore bondspeople maritime activities not only gave them intimate firsthand knowledge of navigating the waterways up and down the eastern seaboard, but it also gave them access to potentially subversive information networks. Eastern

²³ Cecelski, *Waterman's Song*, xix.

²⁴ Julius Sherrard Scott and Marcus Rediker. *The Common Wind: Afro-American Currents in the Age of the Haitian Revolution*. (London ; New York: Verso, 2018), 118.

²⁵ Scott and Rediker, *The Common Wind*, 76.

Shore bondspeople would soon leverage all facet of their rival geography to find permanent liberation.

Fugitive Slaves and the American Revolution: Mass Maritime Self-emancipations in Wartime

The American Revolution set a new precedent for self-emancipating Virginian bondspeople that had influence well into the nineteenth century. In November of 1775, the colonial governor of Virginia, Lord Dunmore, issued a proclamation of freedom to any male bondsperson or indentured servant who aided in the suppression of colonial rebels.²⁶ He intended to intimidate Virginian slaveowners into submission. He hoped to prey on their widespread fear of armed blacks rising against their masters. Unfortunately for Dunmore, his proclamation infuriated and united white Virginians against the British, while galvanizing bondspeople to flock by the hundreds to his encampments and ships. By early 1776, approximately 1600 bondspeople escaped to Dunmore's encampments. Whole families and extended kinship groups often left together and many bondsmen were eager for the chance to fight for their freedom. So, Dunmore created a regiment for black soldiers. Regrettably, Lord Dunmore lacked aptitude as a military leader, and the unit soon suffered heavy losses in late 1775 and early 1776. Despite this, bondspeople continued to flock to the British by land and sea in hopes of gaining freedom.²⁷

In the summer of 1781, well over 4,000 enslaved African-Americans sought liberation by finding their way to Lord Cornwallis's army along the James River. Virginian leaders soon noted bondspeople's use of boats to escape to the British and expressed anxiety about this maritime

²⁶ Alan Taylor, *The Internal Enemy: Slavery and War in Virginia, 1772-1832*, (New York: W. W. Norton & Company, 2013), 23-24.

²⁷ Taylor, *The Internal Enemy*, 26-27.

mobility. A Patriot military leader on Virginia's Eastern Shore noted that "We have had most alarming times this Summer, all along [the] shore, from a sett of Barges manned mostly by our negroes who have run off."²⁸ This comment illustrates the emerging model for self-emancipations that the destabilizing nature of war presented for Virginian bondspeople: shifting power dynamics and external allies. The American Revolution and the British offered a new opportunity for bondspeople—to escape as *families* by water.

This new black initiative disrupted slaveowners' "geography of containment" and forced white Virginians to find new methods of coercion to tighten control over their bondspeople. During the war, to deter their bondspeople from fleeing to the British, and assert the efficacy of their "peculiar institution," white Virginians initiated an anti-British propaganda campaign. Slaveowners often gathered and told their bondspeople that the British were their true enemies. According to colonial slaveowners, the British falsely promised liberty because their true intention was to resell bondspeople in the West Indies.²⁹ But this was a Virginian, rather than a British, practice. In 1775, shortly after Dunmore's proclamation, Virginia passed a statute that stipulated "that slaves who voluntarily escaped to the British would, if recaptured, be transported to the West Indies, [and] running away in a group [was now considered] ... a conspiracy."³⁰ Additionally, slaveholders enforced their own regulations and punishments to prevent bondspeople from self-emancipating to British ships. This often took the form of public beatings or mutilation of recaptured enslaved African-Americans.³¹ Despite Virginian slaveowners'

²⁸ Taylor, *The Internal Enemy*, 27.

²⁹ Taylor, *The Internal Enemy*, 25.

³⁰ Schwarz, *Slave Laws in Virginia*, 125.

³¹ Taylor, *The Internal Enemy*, 25.

efforts control their bondspeople, these mass maritime self-emancipations continued throughout the war.

Outside of wartime, bondspeople eloping en masse on boats did not constitute the norm for self-emancipating enslaved people (also known as runaway slaves or fugitive slaves). Instead, the typical profile of a self-emancipating bondsperson constituted a young adolescent male in good physical condition. Although in much lower numbers, bondswomen self-emancipated as well. Between 1790-1816, women counted as fifteen percent of Virginia's self-emancipated bondspeople, whereas men constituted eighty-five percent of them. A myriad of factors motivated enslaved African-Americans to self-emancipate. The death of an owner, the replacement of an overseer, an opportune moment, dissatisfaction with being hired out, or unusually violent and/or cruel treatment or punishments to name a few. For those who chose to leave, others chose to stay. One of the strongest pull factors that led an enslaved person to stay in bondage was family and kinship ties. However, mass maritime self-emancipations provided bondspeople who otherwise would have opted to stay with their families in bondage the opportunity to escape without permanently rupturing these social bonds.³² Ultimately, Eastern Shore bondspeople established this form of resistance as preferable and efficacious, as it recurred in the War of 1812 with important outcomes.

As with the American Revolution, the War of 1812 destabilized the power dynamic between slaveowner and the enslaved and empowered large numbers of bondspeople to self-emancipate. Approximately a year into the war, in March of 1813, the British Secretary of State, Earl Bathurst established an official policy that expressly forbade military personnel from

³² John Hope Franklin, and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation*. (New York: Oxford University Press, 1999), 210.

encouraging enslaved African-Americans “to rise against their Masters.”³³ This not only meant encouraging a revolt or other types of violence, but it was also a restriction on providing asylum for large numbers of fleeing enslaved people. Bathurst’s implemented this policy, in part, to quell the fears of British West Indian slaveowners “who bitterly opposed, as a terrifying precedent, any British promotion of a slave revolt in America.”³⁴ He also feared that any instigation of violence on their part could be used by Americans to create propaganda that would find its way to Parliament. However, Chesapeake commanders were permitted to recruit a few enslaved men (no women and children) to serve as guides to help navigate the local waterways to gain a tactical advantage. Word of this policy to recruit bondsmen as guides traveled quickly around the Chesapeake region and although they were only interested in bondsmen with a knowledge of the waterways, enslaved men without these skills from farther inland soon made contact with British military personnel. In July of 1813, Joshua, Arnold and Will from the Eastern Shore’s Northampton County seized an opportunity to emancipate themselves when they approached what they thought was a British warship, but turned out to be an American privateer’s ship. After being severely flogged, Joshua, Arnold and Will returned to their slaveowners.³⁵

Nevertheless, this failed emancipation attempt did not deter these men. A year later in May of 1814, Joshua, Arnold and Will, having learned from their first attempt, devised a more intricate plan to liberate not only themselves but Joshua’s wife, two children and several others in their community. In order to find their way to British naval ships, they specifically chose a night that “was clear & calm” so that they “could hear distinctly...the drum & fife & fiddle from

³³ Taylor, *The Internal Enemy*, 201.

³⁴ Taylor, *The Internal Enemy*, 200.

³⁵ Taylor, *The Internal Enemy*, 200-202.

the shipping then lying opposite [them] in the bay.”³⁶ Further, they organized “a great dance the night they went away” as a misdirect, understanding that “[if] they would dance & be merry, Master wouldn’t think they were going to the British.”³⁷ All along the Eastern Shore as well as the rest of the Chesapeake region, enslaved African-Americans like Joshua, Arnold, and Will engineered similar such emancipations. They persisted in these mass maritime self-emancipations with such consistency that Virginians as well as the British experienced ramifications that necessitated legal and strategic changes.

During Britain’s first Chesapeake campaign in 1813, the hundreds of bondspeople who flocked to British warships forced British military leaders to alter their strategy for its second campaign in 1814. Despite Bathurst’s policy restricting British aid to self-emancipating bondspeople, Vice Admiral Sir John Borlase Warren, the commander of the North American squadron, soon found himself in a difficult situation. A few months before Joshua, Arnold, and Will led their daring mass self-emancipation, the British found themselves with dozens of bondspeople fleeing to their ships. In a May report to his superiors, Warren stated that it was becoming increasingly difficult to refuse asylum to the dozens of fleeing bondspeople. One British military official reported that “It is with great Difficulty that larger numbers have been prevented [from] joining us; 150 have come down in a body near the shore of the Potowmac just after we had left it. I could not refuse those which have got on board the ships in Canoes—men, women, & children—amounting to about 300.”³⁸ Warren also observed that the

Black population of these Countries evince, upon every occasion, the Strongest predilection for the cause of Great Britain, and a most ardent desire to join any Troops or Seaman acting in the Country, and from information which has reached me, the White Inhabitants have suffered great Alarm from the discovery of Parties of Negroes having formed themselves into bodies and

³⁶ Taylor, *The Internal Enemy*, 202.

³⁷ Taylor, *The Internal Enemy*, 202.

³⁸ Taylor, *The Internal Enemy*, 204.

especially with Arms in the Night.³⁹

Warren's comment not only illuminates enslaved African-Americans' political consciousness but it also demonstrates their organizing and mobilizing abilities. Bondsmen like Joshua, understood the destabilizing nature of war and capitalized on British presence in the Bay to seek opportunities to end their own enslavement. The persistence and sheer numbers of enslaved women and men voicing their discontentedness with enslavement (as well as their desire to aid the British in their campaign) forced the British to adopt a new policy. By mid-1814, it became Britain's official policy to accept all self-emancipating bondspeople onto their ships.

Furthermore, they stated that "in no Case to permit [the] Separation [of families], [as] the Assistance given to their families in the British Service being understood to be one principal Cause of the desire to emigrate, which had been manifested by the Negro population."⁴⁰ Like Joshua's desire to bring his wife and two children, other bondsmen refused to join the British unless their families could join them in their liberation. It was in this way that enslaved black Americans not only voiced their political desires, but saw them realized. This black initiative similarly compelled Virginian lawmakers to act.

The mass exodus of bondspeople during the War of 1812 caused such alarm and illustrated an erosion of slaveowners' power over their human property that in 1814 and 1815, Virginian lawmakers passed two statutes in response. In an effort to thwart bondspeople from using boats to reach the British, the two statutes "directed various militia officers to take action to put smaller boats out of the reach of slaves and to watch ferries particularly closely."⁴¹

Unfortunately for slaveowners, these laws did little to impede bondspeople from self-

³⁹ Taylor, *The Internal Enemy*, 203.

⁴⁰ Taylor, *The Internal Enemy*, 212.

⁴¹ Schwarz, *Slave Laws in Virginia*, 129.

emancipating in mass numbers during the war. Scholars estimate that the number of enslaved African-Americans from the Chesapeake who gained their liberation to be around 3,400 and the majority of them used rivers and waterways to attain their freedom.⁴² These mass maritime self-emancipations created important precedents during the American Revolution and the War of 1812. In leveraging their maritime navigational skills and capitalizing on the arrival of allies and the accompanying shifting power dynamics, bonded black Americans loudly proclaimed their discontentment with the institution of slavery and successfully frustrated Virginian slaveowners attempts to further their enslavement. Lessons that stayed with white Virginians and enslaved African-Americans alike.

Two years after the war's end, concerns about the maritime Underground Railroad (UGRR) resurfaced while fears of a new external threat arose. It is important to note that Virginia (as well as other slave-owning states) often had laws that permitted and financially compensated slaveowners or slave catchers to enter other states to retrieve self-emancipated bondspeople. In 1817, the Virginia Assembly attempted to further empower slaveowners, slave catchers, and other officials who were recovering self-emancipated bondspeople, particularly those who utilized waterways and headed North. The language lawmakers used in this statute not only indicated a rising concern with the maritime UGRR, but it explicitly casted free Northern states as the new enemy enticing bondspeople from their owners (as opposed to the British). The 1817 statute offered higher compensation and mileage allowances for slave catchers in an effort "to widen the geographic coverage of runaway laws."⁴³ The Virginia Assembly wanted to extend the power of slaveowners into the border states and northern states. Additionally, the law

⁴² Taylor, *The Internal Enemy*, 271.

⁴³ Schwarz, *Slave Laws in Virginia*, 129.

required enslaved people “to have a permit to use a ferry or even to cross a bridge, [further] owners and keepers of bridges and ferries were held responsible for checking these permits.”⁴⁴ Despite the Virginia Assembly’s best efforts, bondspeople continued to self-emancipate in this way and concerns regarding the maritime UGRR and the free states did not abate.

Six years later, in 1823, legislators felt that the strength and scope of the 1817 statute were insufficient. The new statute set a fee structure to financial incentivize slave catchers to recover self-emancipated bondspeople in Maryland, Kentucky, Delaware, New Jersey, New York, and Ohio (states they specified in the 1817 statute), as well as adding Indiana, all of the New England states and they even extended their reach abroad to “either of the British Provinces.”⁴⁵ These laws’ extension beyond international political borders signifies the increasing anxiety over both the U.S.’s First Emancipation which was unfolding in the North and the rise of an abolitionist movement in Britain and the United States. The 1830s brought even more modifications to these laws, and unsurprisingly “rivers, bridges, ferries, and northerners” constituted Virginians primary concerns.⁴⁶ The Virginia Assembly’s increasing focus on waterways, and those who worked on waterways, was not only illustrative of the increased activity of the maritime Underground Railroad, but also of its efficacy. Prior to 1820, mass maritime self-emancipations occurred only during wars. During the 1820s, however, more bondspeople on the Eastern Shore of Virginia adopted this method of self-liberation and it sent shockwaves of panic throughout the state.

⁴⁴ Schwarz, *Slave Laws in Virginia*, 129.

⁴⁵ Schwarz, *Slave Laws in Virginia*, 131.

⁴⁶ Schwarz, *Slave Laws in Virginia*, 131.

Sectional Tensions Surface: Mass Maritime Self-Emancipations in Peacetime:

In the winter of 1828, on Virginia's Eastern Shore, the residents of Northampton County grew fearful. Their bondspeople's behavior had changed. Severn Eyre Parker, a Virginia House of Delegates representative, wrote to governor William B. Giles that winter, petitioning for firearms for the county's militia. A year later, with anxieties still heightened, Parker wrote again. In this letter, dated August 11, 1829, Parker expressed serious concern about the "alarming spirit among our blacks here." He informed Giles that "some circumstances of general influence had immensely effected our slaves." Parker's allusion to the unspecified "circumstance" influencing Northampton bondspeople's "alarming spirit" was the mass elopement of bondspeople in boats from their county.⁴⁷

As most slaveowners did, Northampton County residents equated the gathering and movement of bondspeople in large numbers as a rupture to their geography of containment indicating a threat to their own security as well as of the institution's longevity. If enslaved people could escape in large numbers, they might rebel and kill masters on their way out. Demonstrations of black mobility and organizing power, such as these mass maritime self-emancipations, terrified white society as it reminded them of the impossibility of ever truly controlling the enslaved. As a result, slaveowners seldom admitted to the acuity of their bondspeople, nor to the shared fundamental human desire for personhood and liberation. Parker's letter to the governor exemplifies an ideological paradox that many whites could not resolve: to protect white citizens from the immediate perceived threat of black retribution, they had to acknowledge a degree of black acuity and agency, yet sustaining the institution's

⁴⁷ Severn Eyre Parker to William Branch Giles, August 11, 1829, Northampton county, *William Branch Giles Executive Papers*. Box 7, folder 5, *Library of Virginia*.

longevity required their adherence to the paternalistic ideology of black docility, and dependency. This cognitive dissonance largely led Parker and slaveowners throughout slave societies to misinterpret their bondspeople's desire for freedom as having an underlying violent and retributive intent. The mass maritime self-emancipations of Eastern Shore bondspeople made Parker "feel and see; [as] every man here feels and sees that it is absolutely important to place the militia in a state to suppress insurrection. It is heard from the lips of all, that we are in danger and ought to be immediately armed." Parker ensured the governor of the fortitude of Northampton County residents: "Believe me, sir, people of this Shore are not easily agitated by danger, and the Present state of the public mind proved that we are in the midst of it. I trust, then, that the Executive will give us the means of defending ourselves."⁴⁸ Two days later, Governor Giles received another letter from the Eastern Shore. This time from the local militia officers.

Writing in greater detail, the officers of the Accomack County militia explicitly described their fears and the perceived threat that they believed their enslaved population posed. In a letter to Governor Giles petitioning the state for arms, the men recounted "The alarming extent To which the elopement of slaves from this county to the states of New York and Philadelphia has recently taken place and the fact of their going off in gangs and armed bidding defiance to the citizens."⁴⁹ It did not seem to occur to the militia officers or to other white residents that bondspeople's use of arms was for self-protection in the pursuit of their liberation, not violent retribution for their enslavement. Evidently, bondspeople demonstrating their organizing and mobilizing power to gain their own liberation suggested that they also could organize a bloody

⁴⁸ Parker to Giles, August 11, 1829, Northampton.

⁴⁹ John G. Joynes, Levin S. Joynes, and Thomas H. Kellam to William Branch Giles, August 13, 1829, Accomack county, *William Branch Giles Executive Papers*. Box 7, folder 5, *Library of Virginia*.

insurrection. They reported that “several [such elopements] have taken place, there has within the present year at least 60 or 70 slaves eloped from Accomack and Northampton.” The three militia officers believed their community to be vulnerable because their militia was “almost entirely destitute of arms [which] places us in a very alarming dangerous situation should an insurrection take place which we have to much reason to fear unless some speedy means of defense is procured.”⁵⁰ Enslaved African-Americans’ desire for freedom and their persistent attempts to self-emancipate ruptured and destabilized the geography of containment façade.

As the self-emancipations continued, white Eastern Shore residents’ response to them represented the distorted understanding that slave-owning white society had regarding black attempts for freedom. On August 3, 1829, just ten days before they petitioned the governor for arms, “a boat crew [of slaves] eloped from the sea side in this County (which is now the usual mode adopted by them) and after proceeding some distance up the coast, they landed on an island in the upper part of this county and established a regular camp, and placed armed sentinels out with orders to shoot down any white man who should approach within 15 yards of them.” Armed blacks with orders to shoot whites confirmed white hysteria and reinforced the idea of black retribution. Even though these women and men wanted to be free from bondage, in the slave-owning society’s mind, the organizing power of enslaved African-Americans did not equate to a desire for freedom, equal protection under the law, or their legal citizenship. Instead, white society perceived these initiatives for freedom as an attack on the racialized power structures inherent in a slave society. These mass maritime self-emancipations forced white eastern Shore residents to confront the reality of their bonded African-American residents’ humanity. Yet, as a result of centuries of ideological brainwashing that described black people as

⁵⁰ Joynes, Joynes, and Kellam to Giles, August 13, 1829, Accomack County.

both inherently docile and inherently violent, white residents had no tools to interpret black desires for liberation. Instead, fearing for their safety, white residents marshalled state power to tighten their control and ensure their protection and the continued security of the institution.⁵¹

As bondspeople persisted in their attempt to reach freedom in the North, whites continued to perceive these actions as motive for insurrection; however, now white residents attempted to deter their bondspeople's resistance with a different legal recourse. On October 24, 1830, ten bondspeople from Northampton County, Isaac, Mark, Arthur, Jacob, Manuel, Carry, George, George, James, and Harry stole William Dixon's boat and attempted to sail for New York. The archive is silent as to why their attempt failed, but what is significant and revealing about this particular self-emancipation attempt is that the state of Virginia took the ten bondspeople to trial. Curiously, despite Virginian lawmakers' concerted effort to develop and refine laws to stop bondspeople's maritime escapes, they had no laws that made self-emancipations explicitly illegal and as a result, the state could only legally try them for the theft of Dixon's boat. Of the ten, six were found guilty. Isaac, the two Georges, and Manuel were given the harshest sentencings, while the charges against Mark and Arthur were dropped. Apparently, Isaac, the Georges and Manuel, served as the leaders, and Mark and Arthur provided evidence for their convictions. Those who the court convicted were sentence to be flogged and burned in the hand.⁵² Interestingly, legislators primarily focused on punishing free people of color, ship captains, or abolitionists for these maritime escapes, while bondspeople received few if any formal legal repercussions—instead slaveowners doled out their own punishments, which included reselling

⁵¹ G. Joynes, S. Joynes, and Kellam to Giles, August 13, 1829, Accomack. [[This is an incomplete citation. Every document citation must provide box, and archive.]]

⁵² *Northampton Order Book #38*, pp. 493-497, 503. Library of Virginia. Mariner, Kirk. *Slave and Free on Virginia's Eastern Shore*. (Onancock: Miona Publications, 2014), 136-142.

to the Deep South or other local plantations, or physical violence or mutilation—such as severe flogging and burning people’s hands.⁵³ Ultimately, these self-emancipations constituted enslaved black Americans political opinions on the question of slavery. The state of Virginia’s insistence on prosecuting these self-emancipating bondspople and its increasing laws targeting abolitionist and free black communities (as well as others) demonstrates the emerging threat that self-emancipation posed to the future of a slaveholder’s power.

With more than a decade of bondspople voicing their political beliefs about slavery through these mass self-emancipations, white Eastern Shore residents started to view this rupture of their geography of containment as a larger constitutional issue. Two years after Isaac attempted to lead his first group of bondspople to freedom, he tried again. In July of 1832, Isaac, George, and Caleb (a different George from the previous attempt) led a group of approximately fifteen bondspople to their freedom in New York. This mass self-emancipation prompted a letter from Abel Parker Upshur, an Eastern Shore local, judge, lawyer, and politician, to the new governor, John Floyd. Upshur implored Floyd to use his executive powers to aid the citizens of the Eastern Shore. Upshur stated that “About six weeks ago, seventeen or eighteen slaves belonging to different persons in this County, stole a large boat from Mr. Peter Bowdain, and sails from Mr. Eyres and absconded with them to the city of New York where it is ascertained they arrived in safety and probably still remain.” In sharp contrast to the earlier letters, Upshur did not request arms so that the local militia could protect its citizens. Instead, Upshur wanted “to obtain from you as the Executive of Virginia a demand on the Executive of New York for the surrender of these people under the second section of the Fourth article of the

⁵³ Franklin, and Schweningen, *Runaway Slaves*, 240-248. It should be noted that punishments often varied from state to state and plantation owner to plantation owner. Franklin and Schweningen detail these variations.

Constitution of the United States.” This demand signifies an important departure and tactical shift from their earlier attempts to stop these emancipations. Further, Upshur’s request to include the New York governor in the rendition of fugitives and his evocation of the Constitution foreshadows a larger shift occurring within the nation.⁵⁴

The persistent self-emancipations to New York soon initiated an interstate issue. As Eastern Shore bondspeople’s destination repeatedly became New York, it evolved into a serious point of contention for Virginians. Upshur reported to Virginia governor Floyd that “this is not the first nor the second instance in which large numbers of our slaves have succeeded in reaching New York in boats stolen by them from citizens resident on the sea-board. Neither is it the last attempt which has been made; within four weeks last past about thirty of them, emboldened by the success of previous attempts, united in a similar enterprise.” Deeply frustrated, Upshur demanded that the state government intervene by protesting to the authorities of New York. He informed the governor that “it is ...of the utmost importance to all slave-owners here, that the slaves should know that there is a power in the laws to render abortive all future attempts of that kind.” His message was clear. When an African-American in bondage slighted the authority of their white enslaver, it was the slaveowners’ duty to wield the coercive power of the state, and in extreme cases—such as the persistent mass maritime self-emancipations—the federal government, to rectify this transgression. To reassert the power of their geography of containment over enslaved people, Eastern Shore slaveowners went beyond demanding executive action from their governor, and evoked the fugitive slave clause of the U.S. Constitution as a means of coercing the government of another state to ensure the protection of

⁵⁴ *Northampton Order Book #39*, pp. 249-251. Library of Virginia. Abel Parker Upshur to John Floyd, October 4, 1832, Northampton county. *Calendar of Virginia State Papers*, pp. 578-579.

their powers as slaveholders.⁵⁵ In doing this, Eastern Shore slaveowners attempted to extend their geography of containment into the Free North.

However, southerners faced fierce opposition in their encroachment into the North, as antislavery and abolitionist factions burgeoned in many northern states. Ultimately, the political statements of bondspeople (i.e. their self-emancipations), together with the activism of their allies in the abolitionist and political anti-slavery movements, loosened the slaveholding elites' legal and political powers in the United States. With the advent of immediate abolitionists, such as David Ruggles, the Grimke Sisters, and William Lloyd Garrison, who openly and aggressively opposed slavery, slaveowners felt this loosening more keenly.

Antislavery and Abolition in New York: Black Abolitionists and the Rise of New York's Underground Railroad:

New York passed a gradual emancipation law in 1799 and a follow-up law in 1817, rendering slavery illegal within its borders and giving momentum to a small yet growing faction of reformers in the state who opposed slavery and sought to dismantle it on a national scale. Those who opposed the institution often had markedly different approaches to bringing about its end. However, two groups' principal approaches emerged: the grassroots activism of "radical immediatists," and the electoral maneuvering of "political antislavery" politicians. Radical immediatists like William Lloyd Garrison, Frederick Douglass, and the Grimke sisters, embraced a broad urgent agenda of emancipation and civil rights. They believed in slavery's immediate end by any radical means necessary. On the other hand, the political antislavery figures, such as William Henry Seward, John Quincy Adams, and James Birney, favored a more gradual

⁵⁵ Upshur to Floyd, October 4, 1832, Northampton.

approach that worked through political parties and the electoral system. They often disapproved of the work of radical activists and attempted to keep them at arm's length.

By the 1820s, New York was home to pioneering Black immediatists, who had already started to make a public mark. In 1827, John Brown Russwurm, and Samuel E. Cornish started the first black newspaper *Freedom's Journal*, which helped connect black intellectuals and activists within the state as well as across the north and parts of the south.⁵⁶ The 1829 dissemination of David Walker's *Appeal*, which drew on Walker's experiences in both South Carolina and Massachusetts, highlighted the intersection of slave resistance and northern black reform in North America, and further inspired activists in New York.⁵⁷ Additionally, in 1835, David Ruggles founded the New York Vigilance Committee, an organization devoted to helping protect free African-Americans in New York from being kidnapped by Southern slavecatchers. In a biography of on David Ruggles, historian Graham Hodges sees Ruggles as the "linchpin" that connects the abolitionist community to the Underground Railroad.⁵⁸ Ruggles epitomizes the rise of black radical intellectual tradition and abolitionism in antebellum New York (and other abolitionist cities). Ruggles' committee inspired other abolitionist in cities such as Philadelphia, Boston, etc., to create their own vigilance committees.⁵⁹ The work of Ruggles and the committee not only helped hundreds southern freedom seekers and free black citizens of New York, but it is also a distinct and clear illustration of how southern slave resistance and northern reform circles worked in conjunction.

⁵⁶ Jacqueline Bacon, "The History of Freedom's Journal: A Study in Empowerment and Community." *The Journal of African American History* 88, no. 1 (2003): 1–20.

⁵⁷ Peter P. Hinks, *To Awaken My Afflicted Brethren: David Walker and the Problem of Antebellum Slave Resistance*. (University Park, Pa: Pennsylvania State University Press, 1997.), xiv-xv.

⁵⁸ Graham Russell Hodges, *David Ruggles: A Radical Black Abolitionist and the Underground Railroad in New York City*. The John Hope Franklin Series in African American History and Culture. (Chapel Hill: University of North Carolina Press, 2010), 3-4.

⁵⁹ Hodges, *David Ruggles*, 152.

The work of the above organizations and individuals illustrates how by the late antebellum period the New York UGRR gained increasing prominence. In examining the record book of prominent New York abolitionist Sydney Howard Gay, another scholar asserts that it is “clear that by the 1850s New York had become a key site in a well-organized system whereby escaping slaves who reached Philadelphia from [the Upper South] were forwarded to Gay’s office and then dispatched to underground railroad operatives in Albany, Syracuse, Boston, and Canada.”⁶⁰ Although the abolitionists and antislavery supporters constituted a minority, their presence and growth proved troublesome for Virginia.

New York abolitionism, like abolitionism everywhere, was the convergence of a Northern free black culture of reform and a Southern culture of slave resistance. However, the intersection of these forms of resistance with the emerging political antislavery movement of politicians like William H. Seward, John Quincy Adams, and James Birney posed a foreboding threat to southern slaveholders’ geographies of containment. At the end of the 1830s, a major dispute erupted between the Virginia and New York that widened sectional divisions between slaveholding and non-slaveholding states. This dispute encapsulates the immense political ramifications of black initiative in a white society.

The Virginia-New York Controversy

In July 1839, a bondsperson named Isaac boarded the schooner *Robert Center*, which was docked in Norfolk, Virginia and waiting to sail to New York. Isaac’s owner, John Colley, hired him out to administer repairs on the ship. While aboard, Isaac met Peter Johnson, Isaac Gansey, and Edward Smith, three free black sailors. These men understood the plight, drudgery, and

⁶⁰ Eric Foner, *Gateway to Freedom: The Hidden History of the Underground Railroad*. First edition. (New York: W. W. Norton & Company, 2015), 10.

confinement of bondspeople. As members of the free black population, they were neither slave nor citizen, but something in between. In that way, free people of color and bondspeople stood united in their oppression. Gansey, Johnson, and Smith wanted to help Isaac lead a freer life and they told Isaac that he was “foolish to remain in Virginia as he could get good wages in the north.”⁶¹ With the knowledge of opportunities for freedom and self-sufficiency in the north and the new support of Gansey, Johnson, and Smith, escape seemed plausible. So, Isaac stayed aboard to escape to New York.⁶²

Shortly after the *Robert Center's* departure, Colley noticed Isaac's absence and suspecting that he had attempted to self-emancipate, he sent agents to intercept the vessel once it docked and unloaded in New York. Unfortunately for Isaac, Colley's agents beat the *Robert Center* to New York, searched the vessel, and discovered Isaac stowed away. They took him back to Virginia, and under a warrant, they had New York police officers arrest Gansey, Johnson, and Smith for theft.⁶³

Prior to Isaac's capture, and Gansey, Johnson, and Smith's arrest, Colley asked the Virginia Lieutenant Governor Henry Hopkins for an extradition warrant to prosecute the sailors under Virginia law for theft. Once in New York, Colley's agents presented New York Governor William Henry Seward with the extradition warrant expecting to receive the three sailors without issue. Seward, however, one of New York's few antislavery politicians, “informally declined to approve the extradition warrant ... [initially citing that the] requisition was not accompanied by a

⁶¹ Stephen J. Valone, “William Henry Seward, the Virginia Controversy, and the Anti-Slavery Movement, 1839-1841,” *Afro-Americans in New York Life and History*, (Jan 2007; 31, 1; *Ethnic News Watch*, 65), 65.

⁶² Paul Finkelman, “The Protection of Black Rights in Seward's New York,” *Civil War History* 34, no. 3 (September 1988), 215-217; Valone, “William Henry Seward, the Virginia Controversy, and the Anti-Slavery Movement, 1839-1841,” 65-66.

⁶³ Finkelman, “The Protection of Black Rights,” 215-217; Valone, “William Henry Seward, the Virginia Controversy, and the Anti-Slavery Movement, 1839-1841,” 65-66.

grand jury indictment.”⁶⁴ About a month later, Virginia Lieutenant Governor Hopkins wrote to Seward asking for his formal response to the extradition request. In a lengthy protracted response, Seward formally denied the request and articulated that he did not constitutionally recognize a slaveholder’s power in non-slaveholding states. He maintained that “the offense [against Gansey, Johnson, and Smith] is not within the meaning of the Constitution of the United States.” He went further and invoked the law of nations stating that “I believe that the right to demand and the reciprocal obligation to surrender fugitives from justice between sovereign and independent nations, as defined by the law of nations, include only those cases in which the acts constituting the offense charged are recognized as crimes by the universal laws of all civilized countries.”⁶⁵ At this time, Seward’s antislavery stance was only just beginning to surface and antislavery supporters in general in New York still constituted a small minority. Significantly, New York’s strong commercial ties to the South and sizeable proslavery population, makes Seward’s refusal to aid in the return of three fugitives from justice surprising.⁶⁶

However, this incident provided Seward with an opportunity to adopt, more publicly, an antislavery stance. Many New Yorkers associated antislavery with abolition, which they believed to be a radical fringe movement, filled with fanatics bent on destroying the Union. As a result, Seward had to calibrate his public support of antislavery to avoid alienating some constituents who did not distinguish between the two. Conversely, because more New Yorkers identified as antislavery and wealthy, prominent abolitionists such as Gerrit Smith developed potentially formidable political clout, Seward also could not afford to alienate these constituents. However,

⁶⁴ Finkelman, “The Protection of Black Rights,” 215.

⁶⁵ New York (State), *Correspondence between the Governor of New-York and the executive of Virginia*. HathiTrust [Albany, N.Y.]: [New York State Assembly, 1841], 44-45.

⁶⁶ For a discussion of New York’s economic ties to the South see Eric Foner, *Gateway to Freedom*., 8-9; Finkelman, “The Protection of Black Rights,” 215-217; and Valone, “William Henry Seward, the Virginia Controversy, and the Anti-Slavery Movement, 1839-1841,” 65-66.

Seward presents an interesting case because he straddled the line between radical immediatism and the more moderate political antislavery approach, which was evident by his rising support for the basic rights of black New Yorkers. Consequently, southerners were intent on casting him as a radical, and as proof that immediatism was sweeping over the North. Seward later went on to become one of the most outspoken Northern antislavery voices of the antebellum era.⁶⁷

In his formal response to Hopkins, Seward made his antislavery sentiments known. Drawing on the law of nations and asserting New York's state sovereignty, he rejected slavery's extension into a non-slaveholding state. Significantly, he also recognized the rights of African-Americans in his state. In his letter, Seward reminded Hopkins:

that there is no law of this state which recognizes slavery, no statute which admits that one man can be the property of another, or that one man can be stolen from another. On the other hand, [New York's] Constitution and laws [abolished] slavery in every form. ...It results from this view of the subject that the offense charged...is not a felony nor a crime within the meaning of the Constitution; and ...I cannot surrender the supposed fugitives to be carried to Virginia for trial under the statute of that State.⁶⁸

Seward's declaration that a person cannot own or steal another person in his state, indirectly acknowledged the citizenship of black New Yorkers as well as their right to civil liberties. The next year, Seward and the New York State legislature reinforced this acknowledgement with laws.

In 1840, with the support of the state legislature, governor Seward signed some of New York's first laws protecting its African-American residents. It guaranteed any African-American accused of being a fugitive slave the right to trial by jury; and granted the governor the ability to send agents South to negotiate the retrieval of kidnapped free blacks who had been unlawfully

⁶⁷ Valone's "William Henry Seward, the Virginia Controversy, and the Anti-Slavery Movement, 1839-1841," 66-68.

⁶⁸ New York State, *Correspondence between the Governor*, 45.

sold into slavery. Shortly thereafter, in 1841, the state made it so that any bondsperson entering the state of New York—whether with their slaveowner or as a fugitive— would be considered free, putting the legal burden of proof on the agents of slaveowners.⁶⁹ These new policies that sought to protect the rights of free black New Yorkers “combined with [Seward’s] electoral success, suggests that large numbers of voters in New York were willing to support politicians who advocated enhancing the rights of blacks.” This was also the case for a few politicians across other northern states specifically Ohio, Illinois, and Massachusetts.⁷⁰ These laws, known as personal liberty laws, caused considerable uproar among southern slaveowners as they made the legal rendition of fugitives, expensive and difficult.⁷¹

New York’s new antislavery laws particularly frustrated the residents of Virginia’s Eastern Shore. In their minds, bondspeople and their abolitionist allies in the North had been terrorizing the Shore’s residents with their elopements to New York for decades. The letters from Upshur, Parker, and the three militia leaders from Accomack requesting arms and executive interference attest to the fears that gripped these counties. In 1840, having had enough, Thomas H. Bayly, a House of Delegates Representative from Accomack, took action. In a fifty-page speech to the House, Bayly implored them to protect its citizens living on or near waterways from New York’s new laws. Because of New York’s major economic ties to Virginia, the widespread use of waterways to transport goods, and bondspeople’s mass maritime self-emancipations, Bayly and other felt particularly vulnerable. He urged that with the Virginian counties “who are near the sea, the bay and navigable rivers, which are swarming with New York craft. We are directly exposed to all the mischiefs resulting from the course of that state.”⁷²

⁶⁹ Finkelman, “The Protection of Black Rights,” 212-227.

⁷⁰ Finkelman, “The Protection of Black Rights,” 213.

⁷¹ Finkelman, “The Protection of Black Rights,” 212-213, 221-222.

⁷² Bayly, “Speech of Mr. Bayly of Accomack,” 18.

Citing Seward's letter to Hopkins, Bayly equated the governor's actions to an act of war. He maintained that "Gov. Seward in furtherance of their plan of warfare upon our rights and property, declares that the person who entices our slaves from us commits no offence; and that if he [escapes] to New York no punishment shall await him. And the legislature of the state passes a law which makes the recapture of the slave himself impossible."⁷³

Bayly and his fellow Virginians believed that New York's laws would enable Northerners to steal their bondpeople to make a profit in the domestic slave trade. Recounting a special committee report that he wrote, Bayly stated that:

If a citizen of New York were to come into this state, inveigle a cargo of our slaves on board his vessel, under the pretext that he meant to take them to some 'land of liberty,' and should carry them to Louisiana and sell them in the New Orleans market, and should thereafter take refuge in New York, he would be free from arrest, and could not be made to expiate his crime.⁷⁴

In this assertion, Bayly invokes southern paternalism as an attempt to claim a moral high ground for slaveowners. Often when an outsider threatened a slaveowners' geography of containment and offered opportunities for liberation, slaveowners cast these offers as predation. They claimed paternalistic concern for their bondpeople, asserting that only they could offer protection from supposed predation of outsiders. Virginian slaveowners made the same argument against Dunmore in 1775, insisting that he intended to deceive bondpeople and send them away to the more brutal slavery practiced in the West Indies. However, Bayly's concerns extended beyond Northerners stealing and reselling bondpeople into the Deep South.

Another consequence loomed large in his and many other slaveowners' minds: insurrection and violence. Bayly believed that the logic that Seward used to defend his state's

⁷³ Bayly, "Speech of Mr. Bayly of Accomack," 16.

⁷⁴ Bayly, "Speech of Mr. Bayly of Accomack," 16.

sovereignty, could corrode a slaveowner's authority over his bondspeople and destabilize the institution. He posed a hypothetical scenario to the House: "Suppose a master should attempt to correct his slave, and the slave should resist, and carry his resistance to violence. Under the doctrine of governor Seward, he would not be guilty of any offence. If he be not the property of the master, he has no right to correct him, and were he to do it, the common law right of self-defense would justify resistance and violence."⁷⁵ However unlikely this scenario was, the actions of northerners fed into southern fears of slave retribution, and spoke to a larger fear for slaveowners that was quickly becoming their reality. The combination of bondspeople like Isaac leading groups of bondpeople to northern freedom, and the rise of an interracial immediate abolitionist movement, coalescing with northern political intransigence significantly eroded slaveowner hegemony and signaled the end of southern slaveowners political, social and economic reign over the United States.

Conclusion:

This 1839 controversy represents southerners' struggle to preserve power and dominance over their bondspeople, which was inextricably tied to their political power. Enslaved African-Americans continued self-emancipation attempts not only reminded slaveowners of the imperfections of their slavocracy, but powerfully, their actions began to erode their power. In Atlantic World slave societies, slaveowners and slavery apologists attempted to render millions of people submissive and subservient to the will of their owners and sought to eliminate all modes of resistance and any traces of their bondspeople's humanity. The fallacy inherent in that worldview made slave resistance so potent that it posed the ultimate threat to the stability and

⁷⁵ Bayly, "Speech of Mr. Bayly of Accomack," 16.

security of the institution. As soon as Virginians identified self-emancipating bondspeople, particularly those using the maritime Underground Railroad, as a potential threat to their institution, they legislated against it. Yet, resistance persisted. With the American Revolution and the War of 1812, enslaved African-Americans recognized the socially and politically destabilizing nature of war and found a friend in the enemy of their enemy. These first sets of mass maritime self-emancipations left Virginians in absolute terror, for the British had liberated and armed their former bondspeople. The indiscriminate murder of whites at the hand of blacks seemed to be an imminent reality. So, Virginians sought to shore up their geography of containment. They promoted anti-British propaganda, legislated against ship captains, and doled out violent physical retaliations to stem these self-emancipations. Yet, resistance persisted. As slaveowners' systems of control became more sophisticated, so too did bondspeople's method of resistance.

The advent of mass maritime self-emancipations during the 1820s and 1830s demonstrates bondspeople like James, Isaac, and Carry's political astuteness. These continued mass maritime self-emancipations constituted enslaved black Americans political opinion on the question of slavery and illustrated their keen awareness of the changing social and political terrain of the United States. Further, it exemplifies the power of these women and men's mobilizing and organizing ability, even against the seeming pervasiveness of the slaveowners' geography of containment. Armed only with centuries of ideological brainwashing about the nature of bondspeople, Virginians interpreted this mobilization as evidence of a coming insurrection and an attack on the racialized power structures of their slave society. Yet, these enslaved black Americans were far more interested in attaining their freedom, securing equal protection under the law, and becoming a legal citizen, than exacting violent retribution.

Eventually, the persistent mass maritime self-emancipations of Eastern Shore bondspeople to New York, initiated a dispute between New York and Virginia that ignited a debate about the constitutionality of slavery. The rise of black radical abolitionists and their influence on northern white abolitionists converged to support self-emancipating bondspeople. Soon, enslaved African-Americans' persistent pursuit for freedom forced sympathetic northern whites to move from a belief in antislavery ideology to action. Governor William Henry Seward's personal transition from privately supporting antislavery ideology to publicly declaring his commitment foreshadows the transition that much of the rest of the country would make in the 1850s as the sectional crisis deepened and as the country inched closer towards Civil War.

Although the slaveowners' geography of containment proved oppressive and adept at facilitating the institutions' longevity, the bondsperson's rival geography proved equally powerful. A century and a half of slaveowners refining laws, codes, curfews, and patrols to extract submission and obedience is not simply a testament to the coercive power of black resistance on slaveowner hegemony, but significantly it is a testament to the longevity of black political contributions. Contributions that ultimately pushed the United States as well as other Atlantic World slave societies to the many emancipations of the nineteenth century.

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