
Dissertations, Theses, and Masters Projects

Theses, Dissertations, & Master Projects

1972

St George Tucker and the Complexities of Antislavery Advocacy in Jeffersonian Virginia

Donna Stillman Bryman
College of William & Mary - Arts & Sciences

Follow this and additional works at: <https://scholarworks.wm.edu/etd>



Part of the [United States History Commons](#)

Recommended Citation

Bryman, Donna Stillman, "St George Tucker and the Complexities of Antislavery Advocacy in Jeffersonian Virginia" (1972). *Dissertations, Theses, and Masters Projects*. Paper 1539624786.

<https://dx.doi.org/doi:10.21220/s2-scwa-j039>

This Thesis is brought to you for free and open access by the Theses, Dissertations, & Master Projects at W&M ScholarWorks. It has been accepted for inclusion in Dissertations, Theses, and Masters Projects by an authorized administrator of W&M ScholarWorks. For more information, please contact scholarworks@wm.edu.

ST. GEORGE TUCKER AND THE COMPLEXITIES
OF ANTISLAVERY ADVOCACY IN JEFFERSONIAN VIRGINIA

A Thesis

Presented to

The Faculty of the Department of History
The College of William and Mary in Virginia

In Partial Fulfillment

Of the Requirements for the Degree of
Master of Arts

by

Donna Stillman Bryman

1972

TABLE OF CONTENTS

	Page
ACKNOWLEDGMENTS.....	iv
LIST OF TABLES.....	v
ABSTRACT.....	vi
CHAPTER I. THE MAN AND HIS ENVIRONMENT.....	2
CHAPTER II. TUCKER'S IDEAS ON SLAVERY AND ITS ABOLITION.....	17
CHAPTER III. TUCKER'S IDEAS ON THE COLONIZATION OF FREE BLACKS.....	53
CHAPTER IV. TUCKER AS SLAVEHOLDER AND JUDGE: A BEHAVIORAL ACCEPTANCE OF SLAVERY.....	76
CHAPTER V. THE COMPLEXITIES OF TUCKER'S COMMITMENT TO THE ANTISLAVERY CAUSE.....	93
BIBLIOGRAPHY.....	111

ACKNOWLEDGMENTS

The writer wishes to thank her advisor, Professor M. Boyd Coyner, for his guidance throughout this project. The author would also like to thank Dr. Charles T. Cullen and Professor John E. Selby for reading the manuscript and offering many constructive suggestions.

LIST OF TABLES

Table	Page
1. Slave Property at Bizarre Plantation, 1782-1789.....	104
2. Slave Property at Matoax Plantation, 1782-1794.....	105
3. Slave Property at Roanoke Plantation, 1782-1794.....	106
4. Slave Property at Corrotoman Plantation, 1791-1827.....	107
5. Williamsburg Household Slave Property, 1789-1827.....	109

ABSTRACT

St. George Tucker (1752-1827) saw the incompatibility of chattel slavery with the ideals of liberty and equality for which the American Revolution was fought. He was cautious, however, about extending immediate freedom and equality to all slaves, because he had a jurist's respect for the sanctity of property and because he shared the racial prejudices and fears of most late eighteenth-century white Virginians. Thus, Tucker devised a scheme for the gradual abolition of slavery in Virginia. It was presented to the state legislature, but was rejected due to the prevailing forces of racial prejudice and economic self-interest.

Tucker continued to advocate the emancipation of slaves throughout his life. He expanded his earlier abolition proposal to include a scheme for the colonization of free Negroes in the territories of the United States, because he felt this would promote emancipationism. The colonization proposal was unique. By the 1820s most southern antislavery advocates were endorsing African colonization as a means to keep the United States a white man's country.

Tucker's antislavery theories were liberal when compared with his contemporaries, but, in practice, Tucker was reconciled to the existence of slavery. He was a slaveowner who believed in humanitarian treatment for his slaves, but he did not hesitate to punish or sell them when his convenience was at stake. Moreover, as a judge, Tucker did not use his public office to effectively remedy the terrible condition of slaves in Virginia. Regarding slaves as pieces of personal property, his decisions did not foster easy emancipation.

The complexities of antislavery advocacy in Jeffersonian Virginia are evident in the life of St. George Tucker. Tucker was a prejudiced southern slaveholder. In spite of this, he sincerely hoped for the abolition of slavery in Virginia and the rest of the United States.

ST. GEORGE TUCKER AND THE COMPLEXITIES
OF ANTISLAVERY ADVOCACY IN JEFFERSONIAN VIRGINIA

CHAPTER I
THE MAN AND HIS ENVIRONMENT

Possessing a high degree of intellectual curiosity, St. George Tucker was not timid in his willingness to put his thoughts on paper, and the institution of slavery in late eighteenth-century Virginia did not escape his learned analysis or condemnation.¹ As a lawyer, author, judge, and head of a Virginia household, Tucker was aware that chattel slavery touched every aspect of his life, as it did the lives of most Virginians, but, unlike most Virginians, he hoped to see slavery abolished.

Born in Bermuda in 1752, Tucker spent his youth on that island, but was later sent to Virginia to be educated at the College of William and Mary. A law practice in Virginia eventually led to greater legal responsibilities. Tucker became a judge of the General Court of Virginia, a judge of the Supreme Court of Appeals of Virginia, and finally a federal judge of the District Court for his adopted state. He further enhanced his legal reputation by succeeding

¹See St. George Tucker, Notebooks, I-X and unnumbered, Tucker-Coleman Collection, Swem Library of the College of William and Mary, Williamsburg, Virginia, passim. Hereafter the collection will be cited as T-C Mss. These notebooks show Tucker to be an amateur astronomer, poet, engineer, and accountant, besides being a professional jurist.

George Wythe as professor of law at the College of William and Mary and by editing an American edition of William Blackstone's Commentaries on the Laws of England.²

Many Americans also knew Tucker as the author of numerous pamphlets on important public issues. A Dissertation on Slavery: With a Proposal for the Gradual Abolition of It in the State of Virginia³ was one such publication. It contained an outline of the history of slavery in Virginia, Tucker's opinions on chattel servitude, and a conservative plan for an end to that heinous institution. In 1796 Tucker's plan was presented to the Virginia General Assembly, but was unsuccessful in rousing the legislators to eradicate chattel slavery. Although Tucker never convinced a significant number of his fellow Virginians to adopt his way of thinking, he remained faithful to his plan throughout his life and eventually expanded it to include a scheme for settling free Negroes within the territories of the United States.

²Mary Haldane Coleman, St. George Tucker: Citizen of No Mean City (Richmond, 1938); "Tucker, St. George," Dictionary of American Biography, eds. Allen Johnson and Dumas Malone (New York, 1946), XIX, 38-39. A short autobiographical sketch containing the points in his life which Tucker thought most important can be found in St. George Tucker to Richard Rush, Oct. 31, 1813, T-C Mss. Charles T. Cullen ("St. George Tucker and Law in Virginia, 1772-1804" [unpublished Ph. D. dissertation, University of Virginia, 1971]) has studied Tucker's early accomplishments in the field of law and has also provided an insight into the jurist's personal and professional reputations.

³(Philadelphia, 1796). Hereafter, all citations to Tucker's proposal will refer to this edition, unless otherwise stated, and the edition will be cited as Dissertation.

Tucker advocated kindlier treatment for slaves and gradual emancipationism even though he was himself a slaveholder. Because he resided in Williamsburg, Tucker's "urban" experience made him most familiar with the care, maintenance, and direction of domestic servants. He was, however, the operator of four plantations, each the property of his two wives by their previous marriages. Bizarre, Matoax, and Roanoke plantations were turned over to Tucker's stepchildren when they came of age,⁴ but he continued to share in the supervision of Corrotoman plantation with Joseph Cabell, his son-in-law, and Charles Carter, his stepson.⁵

Tucker never manumitted his slaves. He never joined an organized antislavery society. He was not activist in the sense that he continuously propagandized the evils of slavery or the benefits of abolition; his public appeals on these topics were sporadic. Nevertheless, he was a committed emancipationist, one of the most sincere southern antislavery advocates of the Jeffersonian era.

Devotion to a cause may be measured by more than deeds alone. All antislavery advocates need not be extremists. If activism and extremism are the only legitimate characteristics of commitment, then very few Southerners of the post-revolutionary period would fit into the antislavery category.

⁴Coleman, St. George Tucker, 97. These stepchildren were the children of John Randolph and Frances Bland Randolph, who became Tucker's first wife.

⁵Tucker acquired Corrotoman when he married Leila Skipwith Carter, widow of George Carter.

In the 1970s, it is too easy to expect social conscience to quash all other factors in a racial issue. It is ahistoric to expect the same in eighteenth-century Virginia, where most of the economic, political, social, and intellectual influences were deepening the ties between slaves and masters.

Certain influences of that era were conducive to an egalitarian outlook. Religious groups, particularly Quakers, Methodists, and Baptists, argued that the equality of all men before God should have been mirrored in an earthly brotherhood of men,⁶ but these Christian arguments were less important in postrevolutionary Virginia than was the natural rights philosophy of the Enlightenment, which had been popularized as the foundation of the Revolution itself.⁷ White Americans were conscious of the inconsistency between the continuation of Negro slavery and their own desire for independence from tyrannous Britain. Having defended the natural rights of liberty and equality in the Declaration of Independence, the new nation was aware that it was being put to the test of establishing a democratic government based on the high ideals which had supported its own protest against colonial bondage. Therefore, Enlightenment liberals

⁶ Mary Stoughton Locke, Anti-Slavery in America from the Introduction of African Slaves to the Prohibition of the Slave Trade (1619-1808) (Boston, 1901), 21-45; Winthrop Jordan, White over Black: American Attitudes toward the Negro, 1550-1812 (Chapel Hill, 1968), 179-215.

⁷ David Brion Davis discusses European natural law thought and its effect on prerevolutionary antislavery thinking in The Problem of Slavery in Western Culture (Ithaca, 1966), 422-445.

of both the North and South condemned chattel slavery and called for its abolition.⁸ A movement for more humane treatment of slaves also developed. Humanitarianism fostered a paternal, benevolent interest in ending the worst miseries of chattel slavery, including harsh punishments, intolerable living conditions, and, most of all, the brutal slave trade.⁹ Strongly influenced by the full range of this philosophical movement, St. George Tucker based most of his antislavery arguments on just such enlightened reasoning.

In spite of these philosophical and religious assumptions of the equality of all men, the Negroes' physical appearance acted as a reminder that there were differences between whites and blacks. Comparative anatomy provided a scientific basis for these differences. In the case of the Negro, anatomical variations from accepted patterns of white beauty were taken as indications of inherent inferiority. The popular concept of the Chain of Being, the hierarchical ranking of the objects of the universe from most superior to most inferior, provided a convenient means of ordering these differences. By ranking the Negro between the ape and the white man, the Chain of Being helped to repudiate the idea of a brotherhood of men. Antislavery advocates countered with Biblical arguments that all men were

⁸Locke, Anti-Slavery, 46-63; Jordan, White over Black, 294-304.

⁹Ibid., 365-368. David Brion Davis discusses the philosophy behind this benevolence in Problem of Slavery, 348, 360-361, 375-376, 378-380, 410-411, 433.

descendants of Adam and Eve and, therefore, were of one species; physical differences were explained away as products of environmental differences. Many abolitionists were confident that, given freedom and the opportunity to share in the benefits of the American continent, the Negroes would lose what appeared to be their innately inferior characteristics, that is, their skin color and low mentality.¹⁰ The majority of whites, however, continued to feel distaste for the concept of brotherhood with men who were black. This distaste surfaced in a fear of racial amalgamation, a fear of the degradation of civilized, white society by sexual intermixture with a darkskinned, libidinous, and savage race. The differences between blacks and whites were too visible; real equality seemed impossible.¹¹

A belief in the rightness of the natural rights doctrine combined with a belief in the inferiority of the Negro race to foster a widespread fear of slave rebellions. The doctrine of natural rights was a "contagious" philosophy, claiming liberty and equality for all, and Virginians were afraid that Negroes would attempt to achieve their freedom by doing violence to whites. Few large-scale slave revolts occurred during this period; most Negro unrest was limited to running away and individual acts of poisoning, arson, or physical violence. The revolts which did occur, however, kept alive

¹⁰Jordan, White over Black, 482-509, 513-517, 525-530.

¹¹Ibid., 512-513.

the tension of impending dangers: physical, by vengeful murders against white owners; sexual, by Negro men asserting their libidinous spirits on white women; and social, by the inversion of the power of whites over Negroes to that of Negroes over whites. The revolts in Santo Domingo in 1790 and Henrico County, Virginia, in 1800, provoked fears which weakened abolition sentiment and tightened restrictions upon slaves and free Negroes. The resulting tension caused most white Virginians to assume that the two races could live together peacefully only under a system of enforced slavery.¹²

By the late eighteenth century such a system was already in effect in Virginia. Negroes were considered to be slaves unless they could prove their free status. As the property of a particular master, a Negro was dependent upon that master for sustenance and privileges, and minor offenses by Negroes on plantations or in private households were subject to punishment by the slaveowner, either by the use of the whip, the loss of privileges, or, if serious enough, by sale and transportation away from the slave's family and friends. Major offenses against society, such as murder, robbery, or conspiracy to revolt, were handled by special courts, which recognized the inferior legal status of blacks to whites. The courts of Virginia sought to enforce this status by preventing Negroes from testifying against whites and by sub-

¹² Ibid., 380-414; James Curtis Ballagh, A History of Slavery in Virginia (Baltimore, 1902), 89-90. See Herbert Aptheker, American Negro Slave Revolts (New York, 1943), 41-45, 87-89, 219-223, and passim, for fuller accounts of slave discontent and the general fear of slave revolts.

jecting them to harsher punishments than whites for similar crimes. The code of justice divided whites from blacks and was devised to protect whites from blacks. White violence done to blacks was usually punished, but never as severely or as decisively as was Negro violence to whites.¹³

The courts were not the only public agencies which carried out the dictates of white Virginia to enforce slavery. The Virginia legislature, primarily composed of planters who depended on slavery for their sources of income and high styles of living, was reluctant to do anything which would endanger the institution of slavery. Instead, as Robert McColley states, it did much to expand the plantation system:

In opposing a policy of fostering manufactures, in seeking new foreign markets for the planters' staples, and in securing new territories for the spreading of plantation society, the rulers of Virginia demonstrated their contentment with their own economic and social situation.¹⁴

In 1782, enthused by the spirit of the revolutionary doctrine of natural rights, the legislature passed an act enabling individual slaveholders to manumit their slaves

¹³Robert McColley, Slavery and Jeffersonian Virginia (Urbana, 1964), 64-66, 93. See also Ballagh, History of Slavery, 83-88, 102-114, 124-125; and Aptheker, American Negro Slave Revolts, 53-66.

¹⁴McColley, Slavery and Jeffersonian Virginia, 37, 52-53. See also Jordan, White over Black, 316-321; William Sumner Jenkins, Pro-Slavery Thought in the Old South (Chapel Hill, 1935), 48-65; and Aptheker, American Negro Slave Revolts, 70-71, 78.

without prior legislative approval.¹⁵ From 1782 to 1806, private manumissions were popular, but this early enthusiasm on the part of the legislators was short-lived. By 1806, the slave rebellions in Haiti and Henrico County had alarmed the whites of Virginia about the growing number of free Negroes in their state-- Negroes who could spread their lust for freedom to the larger, enslaved black population. In response to these fears, the General Assembly passed a law which required all freed Negroes to leave Virginia within one year of the date of their manumission.¹⁶ Although the law of 1782 was not repealed, the number of manumissions declined drastically. Anxiety over the free black population was coupled with a growing acceptance of the benefits, economic and social, which slavery brought to Virginia's society.¹⁷ By 1806, the belief in liberty and equality for all had been submerged by self-interest. A tightening of slave codes further marked this change in sentiment. The rights to assemble, to carry arms, and to travel freely were just some of the civil liberties which were curtailed to keep the slaves subservient.¹⁸

¹⁵William Waller Hening, 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 (Richmond, 1823), XI, 39.

¹⁶Ibid., XVI, 252.

¹⁷John H. Russell, The Free Negro in Virginia, 1619-1865 (Baltimore, 1913), 63-64, 75-82.

¹⁸McColley, Slavery and Jeffersonian Virginia, 101-105.

Freedom from slavery did not end this discriminatory treatment. Free blacks suffered under similar civil restrictions, due to similar social prejudices. Furthermore, Virginians, as well as other Americans, hoped to prevent the assimilation of free blacks into their society by the deportation of these unwanted individuals to the Caribbean, Africa, or the territories of the United States. The Negro colonization movement grew in popularity as the questions of race and prejudice began to outweigh the principles of the Declaration of Independence.¹⁹

In theory, then, Virginia's statesmen believed that slavery was an evil which should have been eliminated. In practice, however, racism and economic self-interest prevented the spread of emancipation as the "glamor of the revolutionary doctrines" waned.²⁰ This conservative reaction, particularly characteristic of the South, did not totally destroy antislavery sentiment. The North was not alone in its crusade for the emancipation of slaves. In the South, particularly in Virginia, varying degrees of antislavery advocacy lasted through the beginning of the nineteenth century.

Arguments against slavery were plentiful. Pointing to

¹⁹Russell, Free Negro in Virginia, 65-74; Jordan, White over Black, 551-555, 560-569; H. N. Sherwood, "Early Negro Deportation Projects," Mississippi Valley Historical Review, II (Mar. 1916), 486-507; Locke, Anti-Slavery, 192-193; Ballagh, History of Slavery, 145.

²⁰Ulrich B. Phillips, American Negro Slavery (New York, 1929), 131; McColley, Slavery and Jeffersonian Virginia, 138; Jordan, White over Black, 581-582; Clement Eaton, Freedom of Thought in the Old South (Durham, 1940), 27-28; and Aptheke, American Negro Slave Revolts, 371-372.

the horrible treatment of Negroes from the time they were captured in Africa through their lifelong enslavement in America, advocates of emancipation did more than show the inconsistency of slavery with the spirit of Christianity and the doctrine of natural rights. They insisted that slavery subverted the power of employer to worker and, therefore, encouraged white despotism. Furthermore, it was argued that slavery retarded the industriousness of white labor, depreciated the value of land due to poor agricultural techniques, discouraged the arts and sciences by stifling free intellectual inquiry, and poorly distributed the wealth to be gained from American soil.²¹

Individuals who were concerned over the injustices of slavery eventually organized to bring about the eradication of chattel servitude in the United States. The first steps toward emancipation were taken on the state level, due to the weaknesses of the Confederation government.²² Abolition societies were most effective in the northern states, where gradual emancipation laws were popular means of ending slavery.²³ Antislavery organizations were weaker, but still

²¹These arguments are summarized in Locke, Anti-Slavery, 54-58.

²²Ibid., 62; Jordan, White over Black, 343.

²³Gradual emancipation acts were passed in Rhode Island (1784), Connecticut (1784), New York (1799), and New Jersey (1804). Immediate emancipation was brought about in Massachusetts (1783), Vermont (1777), and New York (1817). Arthur Zilversmit, The First Emancipation: The Abolition of Slavery in the North (Chicago, 1967), 109-229. See also Locke, Anti-Slavery, 80-81, 128; Dwight Lowell Dumond, Antislavery: The Crusade for Freedom in America (Ann Arbor, 1961), 46-50; and Jordan, White over Black, 345-346.

active, in Maryland, Delaware, and Virginia, where their efforts were most successfully employed in encouraging voluntary manumissions.²⁴ While criticism of slavery was acceptable and widespread in these "middle" states, anti-slavery sentiment began to decline there in the 1790s. The rejection of St. George Tucker's Dissertation on Slavery by the Virginia legislature in 1796 exemplified this reversal of opinion.²⁵ Other areas of the United States remained relatively free from organized antislavery activity. Georgia and South Carolina (followed by the states which were later added to the Deep South) did not even pass laws to facilitate voluntary manumissions.²⁶

In 1794 the local societies organized themselves into the American Convention for Promoting the Abolition of Slavery and Improving the Condition of the African Race, in order to pursue the cause of abolition on the national level. As forums for national debate over this issue became available, the societies strove to obtain congressional limitation of the African slave trade, as well as the fair and humane treatment of slaves already in America. By appeals to reason and conscience, by memorials, petitions, and court cases, abolitionist organizations attempted to bring about their desired program on both national and state levels.²⁷ Although,

²⁴Ibid., 343, 348; Locke, Anti-Slavery, 74-75.

²⁵Ibid., 129; Jordan, White over Black, 348.

²⁶Ibid., 343, 346; Locke, Anti-Slavery, 122, 130.

²⁷Ibid., 101-107; Dumond, Antislavery, 53-58.

by 1798, all the states had passed legislation prohibiting the importation of slaves from Africa, evasion of these laws was so common that congressional action appeared to be the only way to effectively stop the foreign slave trade. Organized antislavery groups prodded the national legislature to action. Congressional prohibition of the African slave trade became a reality in 1808, although prohibition of the domestic slave trade was rejected due to southern fears that it would lead to universal emancipation.²⁸

Besides control over the slave trade, Congress had few delegated powers which would enable it to deal with slavery in the states. The territories were under congressional control, however, so special abolitionist efforts were aimed at trying to limit slavery in those areas. Through the beginning of the nineteenth century, such efforts were most often unsuccessful. Slavery was prohibited in the Northwest Territory in 1787, but from then on all discussions of the expansion of slavery into the territories led to the defeat of the antislavery forces. Kentucky, Tennessee, most of the Louisiana Territory, and the District of Columbia were left open to slaveholders, at the same time the western territories were being considered, but rejected, as colonies for free blacks.²⁹

By 1808, organized abolition efforts had begun to

²⁸ Ibid., 81-86; Locke, Anti-Slavery, 135-154.

²⁹ Ibid., 158-163.

decline. Having salved their consciences with the prohibition of the African slave trade, Southerners reexamined their former liberality and decided in favor of retaining the institution of slavery. Northerners, believing that it was impractical to interfere with southern slavery, were satisfied to have ended that institution in their own area.³⁰ Antislavery energies in the North and South began to be channelled into a new movement, the colonization of freed blacks. By 1816, local groups had again organized into a national movement, this time to transport free Negroes outside of the United States, particularly to Africa.³¹ A variety of sentiments were expressed in this desire to remove blacks from America. There were feelings of racism, the desire to rid America of inferior beings who might otherwise mix with the established, civilized, white culture and, by doing so, taint it. But there were also nobler ends. Many advocates of colonization believed that an effective plan for the deportation of Negroes was a necessary first step toward total emancipation. Taking into account the prejudices and fears of white Americans, advocates of colonization reasoned that by eliminating the major cause of these fears (free blacks) complete abolition would eventually result.³²

³⁰ Ibid., 109.

³¹ P. J. Staudenraus, The African Colonization Movement, 1816-1865 (New York, 1961), 12-22; Dumond, Antislavery, 126-132.

³² Both positive and negative attitudes toward colonization were expressed by antislavery advocates. See Alice Dana Adams, The Neglected Period of Anti-Slavery in America (1808-1831) (Boston, 1908), 199-207.

In this way colonization was a descendant of earlier anti-slavery efforts. In another way it was a perversion of the cause. By acknowledging the racist feelings of slaveholders and nonslaveholders alike, the movement practically guaranteed the continuation of Negro slavery until white fears were extinguished. By doing so, it undermined the rights of liberty and equality for blacks on American soil.

St. George Tucker's earliest antislavery writings glorified gradual abolitionism; his last words on the subject spelled out a plan for the colonization of free Negroes. In each case, Tucker was responding to the intellectual and social currents which predominated in his society and, in each case, Tucker provided one of the most liberal southern solutions to the problem. While most early southern anti-slavery advocates became more conservative as racial prejudices and economic self-interest drove them to postpone abolition in favor of African colonization, Tucker remained loyal to the principles of natural rights and humanitarianism. However, Tucker cannot be unconditionally praised for his persistence. His seemingly liberal point of view must be juxtaposed with his ownership of slaves, his plan for gradual, not immediate, abolitionism, his moderate-conservative judicial rulings, and his personal prejudices against all blacks. The complexity of St. George Tucker's relationship to the system of slavery can only be understood in the context of the late eighteenth and early nineteenth centuries when chattel slavery was an acceptable institution to the large majority of Virginians.

CHAPTER II

TUCKER'S IDEAS ON SLAVERY AND ITS ABOLITION

In late eighteenth-century Virginia, the decision to be pro or antislavery was a personal one. Each Virginian weighed the cruelties of slavery with the benefits it brought him and his society. Each slaveowner decided for himself whether he would manumit his slaves or bequeath them to his heirs. Like many of his fellow Virginians, St. George Tucker analyzed the debits and credits of slavery and decided that it should be abolished, but he realized that reliance on individual manumission was not an effective means for the abolition of such a widespread and all too profitable institution. Therefore, he hoped to take the decision-making process out of the hands of the individual and to put it into the hands of the state legislature. By the time of his death, in 1827, the General Assembly of Virginia had taken a position on the emancipation of slaves, but it was not in accordance with Tucker's antislavery wishes.

Certain facets of Tucker's environment, personality, and position in society influenced him more than others in his personal analysis of Virginia's system of slavery. The principles of natural law expressed during the American Revolution, the knowledge he acquired from his legal training,

and the examples of practical emancipation in Pennsylvania and the New England states, inspired Tucker to voice his protest against slavery and to work for its abolition. At the same time, an ever-present fear of slave rebellions and the deeply-embedded prejudices of his era tended to make him cautious in his plans for accomplishing the eradication of slavery.

In his Dissertation on Slavery, Tucker elucidated the dilemma which slavery imposed upon the newly independent Americans. While fighting for their freedom from an external power, white Americans had failed to expunge the internal tyranny which they were imposing on the black population:

Whilst America hath been the land of promise to Europeans, and their descendants, it hath been the vale of death to millions of the wretched sons of Africa. The general light of liberty, which hath here shone with unrivalled lustre on the former, hath yielded no comfort to the latter, but to them hath proved a pillar of darkness, whilst it hath conducted the former to the most enviable state of human existence. Whilst we were offering hecatombs upon her altars; whilst we swore irreconcilable [*sic*] hostility to her enemies, and hurled defiance in their faces; whilst we adjured the God of Hosts to witness our resolution to live free, or die, and imprecated curses on their heads who refused to unite with us in establishing the empires of freedom; we were imposing on our fellow men, who differ in complexion from us, a slavery, ten thousand times more cruel than the utmost extremity of those grievances and oppressions, of which we complained. Such are the inconsistencies of human nature;...such the partial system of morality which confines rights and injuries, to particular complexions.¹

¹Tucker, Dissertation, 9-10.

The unalienable rights guaranteed to men by the Declaration of Independence and the Constitution were denied to slaves. To remedy this situation, Tucker called for a patriotic effort to restore these rights or else Americans would be "self convicted" for having defiled the purity of their cause. That they had not "loosed [the slaves'] chains and broken their fetters" at the time of the Revolution could only be excused if the defenders of liberty "embrace[d] the first moment of constitutional health and vigour, to effectuate so desirable an object."²

To help bring about this desirable objective, Tucker searched for emancipation precedents which would aid him in the creation of an abolition scheme applicable to Virginia's society. He studied the Pennsylvania and Connecticut bills for the gradual abolition of slavery³ and carried on extensive correspondences on the subject of northern emancipation with Zephaniah Swift, a congressman from Connecticut,⁴ and Jeremy Belknap of the Massachusetts Historical Society.⁵ In a letter to Belknap, Tucker wrote:

²Ibid., 11.

³Ibid., 82-83.

⁴Ibid., 12-14.

⁵Jeremy Belknap (1744-1798) was a Congregational minister, who wrote the History of New Hampshire and American Biography. His interest in the preservation of historical items caused him to form the Massachusetts Historical Society with a group of his friends. "Belknap, Jeremy," DAB, eds. Johnson and Malone, II, 147.

Having observed, with much pleasure, that slavery has been wholly exterminated from the Massachusetts; and being impressed with an idea, that it once had existence there, I have cherished a hope that we may, from the example of our sister state, learn what methods are most likely to succeed in removing the same evil from among ourselves.⁶

From early 1795 through the middle of 1797, Tucker corresponded with the members of the Massachusetts Historical Society on the subject of slavery. By providing Tucker with an outlet for the expression of his own ideas on slavery and emancipation, the members of the society did him a great service. It was to the Massachusetts Historical Society that Tucker first presented the ideas which were later incorporated into his Dissertation on Slavery. He spoke of Virginia's laws, her prejudices, the problems behind the inclusion of Negroes into free society, and his inclination toward gradual emancipationism. In many ways, the letters written to the society in 1795⁷ were important first drafts of the ideas which Tucker would soon make public. The society also provided Tucker with additional ideas over which to ponder. Acknowledging his dependence upon the opinions of the learned men within the society, Tucker confided to Belknap,

⁶St. George Tucker to Jeremy Belknap, Jan. 24, 1795, "Queries Respecting the Slavery and Emancipation of Negroes in Massachusetts, Proposed by the Hon. Judge Tucker of Virginia, and Answered by Rev. Dr. Belknap," Massachusetts Historical Society Collections, 1st Ser. (Boston, 1795), IV, 192.

⁷St. George Tucker to Jeremy Belknap, June 29, 1795, "Queries relating to Slavery in Massachusetts," Belknap Papers, II, Massachusetts Historical Society Collections, 5th Ser. (Boston, 1877), III, 405-412; St. George Tucker to Jeremy Belknap, Nov. 27, 1795, ibid., 417-423.

"I am almost resolved to publish something upon the subject [of slavery]; but before I do it would give me pleasure to hear your own, Mr. Sullivan's, or any other of your friends' sentiments upon the subject."⁸ The replies Tucker received contained many ideas which were later included in his Dissertation.

The condition of Negro servitude in Massachusetts provided few similarities with Negro slavery in Virginia. The smaller proportion of Negroes, the liberal laws, and the sympathetic public opinion in Massachusetts were in vivid contrast to Virginia's situation, but there were many aspects of the problem which were applicable to both states. For instance, Belknap and Sullivan reinforced Tucker's predisposition to worry about the effect of freedom upon people raised under slavery. When asked about the condition of emancipated blacks in Massachusetts, Belknap admitted that

unless liberty be reckoned a compensation for many inconveniences and hardships, the former condition of most of them was preferable to the present....Some are industrious and prudent, and a few have acquired property; but too many are improvident and indolent, though a subsistence for labouring people is here very easily obtained. Having been educated in families where they had not been used to provide for themselves in youth, they know not how to do it in age. Having been accustomed to a plentiful and even luxurious mode of living, in the houses of their masters, they are uncomfortable in their present situation. They often

⁸Ibid., 42. Tucker was referring to James Sullivan (1744-1808), first president of the Massachusetts Historical Society. "Sullivan, James," DAB, eds. Johnson and Malone, XVIII, 190-191.

suffer by damp, unwholesome lodgings, because they are unable to pay the rent of better, and they are subject to many infirmities and diseases.⁹

Lawlessness and starvation were also conceivable problems, even if the Negroes of Virginia were permitted to emigrate. Tucker quoted Sullivan in his Dissertation on Slavery: "We have in history but one picture of such and enterprize [sic] [the migration of a multitude of enslaved people]; and there we see it was necessary, not only to open the sea, by a miracle, for them to pass, but more necessary to close it again, in order to prevent their return."¹⁰

The social relationship of Negroes and whites in Massachusetts offered a more encouraging preview of what Virginia might expect once emancipation had been started. Massachusetts was not totally free of prejudice, for there were still "seeds of pride, envy, tyranny, and scorn, in this garden of peace, liberty and equality,"¹¹ but Belknap assured Tucker that he was "not sensible of any want of harmony in general between persons of different colours, merely on account of that difference."¹² Nevertheless, this harmony did not mean a high rate of intermarriage. Moreover,

⁹Jeremy Belknap to St. George Tucker, Apr. 21, 1795, Mass. Hist. Soc. Coll., 1st Ser., IV, 206.

¹⁰James Sullivan to Jeremy Belknap, July 30, 1795, Belknap Papers, II, 413; Tucker, Dissertation, 79.

¹¹Jeremy Belknap to St. George Tucker, Apr. 21, 1795, Mass. Hist. Soc. Coll., 1st Ser., IV, 210.

¹²Ibid., 209.

Belknap explained that there was "no perceptible difference between the general, moral, or social conduct of emancipated persons, or their descendants," and whites: "It is neither birth nor colour, but education and habit, which form the human character."¹³ With information such as this, Tucker could more easily place his faith in the abolition of slavery, for he had some hope that, with proper controls, Virginia's society could continue to run harmoniously.

Confidence in harmonious race relations was certainly preferable to a fear of slave rebellions, a fear which haunted Tucker's thoughts, as it did the thoughts of many Southerners during the period following the Haitian Revolution. Realizing that two-fifths of the population of Virginia were oppressed by chattel slavery, Tucker was extremely aware of "the possibility that they may one day be roused to attempt to shake off their chains."¹⁴ "The calamities which have lately spread like a contagion through the West India Islands"¹⁵ were in Tucker's mind as he wrote his Dissertation and prepared his plan for the gradual abolition of slavery. Eight years after the Negro rebellion in Santo Domingo, Tucker still feared that if the United States became involved in a war with France "our situation would be more dreadfull [sic] than that of the French West Indies,"

¹³Ibid., 209.

¹⁴Tucker, Dissertation, 39-41.

¹⁵St. George Tucker to Jeremy Belknap, June 29, 1795, Belknap Papers, II, 406.

because the French might "emancipate the negroes to cut our throats."¹⁶ The growing population of oppressed blacks called for more than a philosophical avowal of the principles of the Declaration of Independence or a vague approval of northern emancipation. It called for a plan of action to end the threat of slave violence in Virginia.

Tucker's plan of action was to be further influenced by the prejudices of his society, prejudices from which he could not escape. Belief in the innate biological and mental inferiority of Negroes was commonly coupled with an irrational repulsion for the physiognomic features of the black race,¹⁷ and Tucker was aware that despite his hopes for the abolition of slavery, there was "a Degree of prejudice in [his] own breast."¹⁸

Thomas Jefferson's Notes on the State of Virginia, which Tucker read and quoted from at great length in his Dissertation, summarized the core elements of contemporary white prejudice that even affected those men who were antislavery advocates.

¹⁶ Lawrence Brooke to St. George Tucker, May 17, 1798, T-C Mss. See also Daniel Brent to St. George Tucker, May 17, 1798, ibid.; Robert Brooke to St. George Tucker, May 17, 1798, ibid. Brent and the Brookes were recalling what Tucker had said about the undeclared war between France and the United States.

¹⁷ Jordan, White over Black, 429-541.

¹⁸ St. George Tucker to Robert Pleasants, June 29, 1797, Tucker Notebook, unnumbered, T-C Mss., 39.

Although Tucker remained skeptical about Jefferson's "'suspicion only, that the blacks...are inferior to whites in endowments of both body and mind'",¹⁹ he used this "suspicion" as a reason for questioning the wisdom of fully incorporating Negroes into free society. Tucker also shared Jefferson's fear of intermarriage with a race of lesser physical beauty, questionable morality, and inferior intellect.²⁰ Recognizing his own distaste for miscegenation, Tucker noted: "This is a prejudice so prevalent in the present generation, that were I of a different opinion I would leave it to time to eradicate."²¹ Accommodating his plans to this weakness, he permitted these prejudices to be the basis for his desires to restrict Negro civil rights, even after emancipation, and to colonize freed blacks.

Finally, the knowledge and opportunities Tucker gained by his choice of professions were significant influences on his ideas. Tucker's familiarity with the laws concerning slaves permeated his abolition writings,²² and it possible that he gained both his knowledge and his antislavery

¹⁹Thomas Jefferson, Notes on the State of Virginia quoted in Tucker, Dissertation, 87n.

²⁰Tucker, Dissertation, 86n-88n. Tucker suggested that the reader should become acquainted with Jefferson's full explanation. For the complete passage see Thomas Jefferson, Notes on the State of Virginia, ed. William Peden (Chapel Hill, 1955), 138-143.

²¹St. George Tucker to Robert Pleasants, June 29, 1797. Tucker Notebook, unnumbered, T-C Mss., 39-40.

²²See, for instance, the detailed history of Virginia's slave laws in Tucker, Dissertation, 34-47, 52-66, 71-73.

sympathies from his former preceptor at the College of William and Mary, George Wythe. When Tucker succeeded Wythe as a professor at that same school, his discussions with his law students on "The Expedience and practicability of a general Abolition of Slavery in this State , or in the United States at large," helped him to organize his own thoughts on the subject; before its publication, the Dissertation on Slavery had been a lecture to the college's law class.²³ Furthermore, Tucker's arguments against the right to enslave were borrowed heavily from William Blackstone's Commentaries on the Laws of England.

Beginning with the use of slaves in ancient times, three proslavery arguments had emerged in defense of chattel slavery. It was believed that a conqueror had the right to deal with a captive as he pleased, since he had spared his victim's life. Also, a man could become a slave by selling himself to another man. And, finally, children of acquired slaves were considered slaves by birthright. Basing his ideas on those of Blackstone, Tucker reasoned that none of these arguments was satisfactory justification for slavery. War depended on the principle of self-preservation, rather than the right of slaughter, therefore, war did not "give a right to kill, torture, abuse, plunder, or even enslave, an enemy, when the war is [o]ver."²⁴ Furthermore, the

²³Tucker Notebook, VII, T-C Mss., 43; Tucker, Dissertation, introduction.

²⁴William Blackstone quoted ibid., 23-24.

historical precedent for enslavement of captives taken in a fair war was not applicable to the treatment of Africans by Europeans, who "have constantly, by the most insidious (I have almost said infernal) arts, fomented a kind of perpetual warfare among the ignorant and miserable people of Africa."²⁵ Tucker also argued that slavery was not justified by one person selling himself to another. Being a lawyer and, therefore, familiar with the theory of contractual obligations, Tucker reasoned that a sale implied a price paid by the buyer to the seller. However, no adequate price could ever be paid for life and liberty. Moreover, once the seller became a slave, all of his property had to be turned over to his master, the buyer. "Therefore, the buyer gives nothing, and the seller receives nothing; of what validity then can a sale be, which destroys the very principles upon which all sales are founded?"²⁶ Believing that neither capture nor sale was valid foundation for enslavement, Tucker further insisted it was wrong to reduce the offspring of first generation slaves to a position they had neither earned nor chosen. "The right of one man over another is neither founded in nature, nor in sound policy. That it cannot extend to those not in being"²⁷ was the fundamental principle Tucker used to devise his plan for the gradual abolition of slavery.

²⁵Ibid., 26.

²⁶William Blackstone quoted ibid., 25.

²⁷Ibid., 97.

The ideas of William Blackstone and the philosophy of natural rights both called for an end to wrongfully imposed slavery and, despite racial differences and antagonism, the northern states provided examples of the abolition of slavery without racial conflict or a high degree of miscegenation. These factors strongly influenced Tucker as he critically analyzed Virginia's own system of slavery. Tucker realized that the problem of slavery was an old one for the United States. It had been introduced to the North and the South at the beginning of the seventeenth century: "Early had our forefathers sown the seeds of an evil, which, like a leprosy, hath descended upon their posterity with accumulated rancour, writing the sins of the fathers upon succeeding generations."²⁸ To censure the present generation for a misfortune it had not created was wrong, but it was still necessary to plead with that generation to end the inherited injustice.

Tucker tempered the blame he placed on past generations with an understanding of the economic necessity for a labor force. Moreover, Virginia had seriously begun to limit the importation of slaves²⁹ and new laws had gradually improved the slaves' condition.³⁰ About the remaining legal restrictions, Tucker conceded:

²⁸Ibid., 13.

²⁹Ibid., 40-47.

³⁰Virginia's slave laws in 1792 protected most criminal slaves from arbitrary conviction and punishment by requiring a unanimous verdict from five justices of the court and by guaranteeing the right to counsel for the defense. Slaves were also able to receive benefit of clergy. Ibid., 57-62.

It may be urged, and I believe with truth, that these rigours do not proceed from a sanguinary temper in the people of Virginia, but from those political considerations indispensibly [sic] necessary where slavery prevails to any great extent; I am moreover happy to observe that our police respecting this unhappy class of people, is not only less rigorous than formerly, but perhaps milder than in any other country where there are so many slaves, or so large a proportion of them, in respect to the free inhabitants.³¹

Nevertheless, Tucker, the jurist, believed that the institution of slavery still violated the three forms of civil rights: the right of personal security, the right of personal liberty, and the right of private property.³² In his Dissertation, Tucker insisted that it was necessary to change Virginia's laws, because they legitimized this degradation of Negroes: "It is time we should admit the evidence of moral truth, and learn to regard them as our fellow men, and equals, except in those particulars where accident, or possibly nature, may have given us some advantage; a recompence for which they perhaps enjoy in other respects."³³ The laws of Virginia, despite their mildness in comparison with those of other states, kept Negroes in a deplorable condition. Actions "permitted by the law of nature to all mankind, and by the laws of society to all free persons,"³⁴ were perceived to be

³¹Ibid., 67.

³²Ibid., 49-51.

³³Ibid., 51.

³⁴Ibid., 57.

criminal and subject to punishment when rendered by a slave. In addition to these injustices, a slave was also subject to a different manner of trial and conviction than a free man. Until 1792 there was no possibility of appeal after a "speedy and easy prosecution of slaves"³⁵ who had allegedly committed capital crimes. Furthermore, slaves and free persons received different forms of punishment for similar offenses. Tucker thought that the most abominable law in the history of Virginia was the one

exempting the masters of slaves, or others punishing a slave by order of their masters, from any penalty or prosecution in consequence of any slave dying in consequence of excessive chastisement, for which this reason was assigned by the legislators of those days: 'Since it cannot be presumed that prepenive malice, which alone makes murder a felony, should induce any man to destroy his own estate.'³⁶

Moreover, the county courts' power to punish runaway slaves in any fashion short of execution, but including dismemberment, convinced Tucker of the "cruelties to which a state of slavery gives birth."³⁷

Although Tucker desired fairer treatment for slaves and although he hoped for their eventual emancipation, he was cautious about immediately extending full equality to blacks.

³⁵Ibid., 59.

³⁶St. George Tucker to Jeremy Belknap, June 29, 1795, Belknap Papers, II, 406-407.

³⁷Tucker, Dissertation, 54.

Believing that slaves were a form of property,³⁸ Tucker suggested that any legislative attempts to ameliorate their condition would have to consider this unusual, but significant, status.³⁹ Furthermore, Tucker firmly believed in regulating the activities and privileges of free Negroes. He suggested that free blacks be compelled to labor, if they did not do so voluntarily, because "their faculties are at present only calculated for that object; if they be not employed therein they will become drones of the worst description."⁴⁰ He also saw no reason to grant them immediate civil rights equal to those of whites:

It would be dangerous to extend the civil privileges of the Blacks: for their numbers and those of the whites being nearly equal if they could acquire any share in the administration of the state we should soon behold two parties formed and enlisted by

³⁸Tucker examined the condition of the Negro slave as real and personal property: "The primary object of real property is land; whatever is permanently annexed to, or connected with it, or arises out of it, or issues from it, are considered secondary objects of the same nature; because whilst they remain in such a state of connexion with it, they are regarded as part of the land itself; but when severed from it, they cease to be considered as the objects of real property. The primary and almost universal objects of personal property are all things of a moveable and transitory nature; which may attend the person of the owner wherever he goes." After presenting a number of abstracts concerning slaves as property, Tucker concluded, "It is difficult to assign to them a determinate place, either under the head of real, or personal property." St. George Tucker, "Summary View of Laws concerning Slaves, as Property in Virginia," in William Blackstone, Commentaries on the Laws of England, ed. St. George Tucker (Philadelphia, 1803), II, 73-97.

³⁹Tucker, Dissertation, 81.

⁴⁰Ibid., 103-104. See Edmund S. Morgan, "Slavery and Freedom: The American Paradox," Journal of American History, LIX (June 1972), 13.

nature under different banners whose contests would probably convulse the state.⁴¹

Nor did Tucker feel it was necessary to incorporate free blacks into the state:

Have not men when they enter into a state of society, a right to admit, or exclude any description of persons, as they think proper? If it be true, as Mr. Jefferson seems to suppose, that the Africans are really an inferior race of mankind, will not sound policy advise their exclusion from a society in which they have not yet been admitted to participate in civil rights; and even to guard against such admission, at any future period, since it may eventually depreciate the whole national character.⁴²

Tucker's thinking was swayed by current arguments about the innate inferiority of Negroes. He quoted François Chastellux, "'In the present case, it is not only the slave who is beneath his master, it is the negroe who is beneath the white m[a]n. No act of enfranchisement can efface this unfortunate distinction.'"⁴³ The exclusion of Negroes from the mainstream of white society was, therefore, considered desirable. Tucker believed that "the emancipated blacks were not ambitious of civil rights. To prevent the generation of such an ambition," which would only lead to racial conflict, he suggested a "cautionary restriction" of Negro

⁴¹St. George Tucker to Robert Pleasants, June 29, 1797, Tucker Notebook, unnumbered, T-C Mss., 40.

⁴²Tucker, Dissertation, 89.

⁴³Chastellux, Travels in America, quoted ibid., 88n. Marquis de Chastellux (1734-1788) was a French general and author of De la felicité publique (1772) and Voyages dans l'Amerique Septentrionale (1786). "Chastellux, François Jean," The New Century Cyclopedia of Names, ed. Clarence L. Barnhart (New York, 1954), I, 914.

liberties.⁴⁴ Although Tucker desired fairer slave codes, he was most willing to have free Negroes regulated by strict black codes. Despite the disabilities suffered by persons under such black codes, freedom was better than slavery and, as a free man, a Negro could always escape his civil inferiority in Virginia by migrating elsewhere.⁴⁵ In fact, Tucker hoped that a curtailment of civil rights would induce a voluntary migration of free Negroes out of Virginia.⁴⁶

In spite of Tucker's fears about Negro inferiority and miscegenation, he genuinely hoped for an end to the institution of slavery and he believed that the present generation of Virginians, being more liberal than their ancestors, "would cheerfully concur in any feasible plan for the abolition of it."⁴⁷ Therefore, Tucker constructed what he considered to be a "feasible plan." The plan combined Tucker's reservations about the capabilities of the newly freed Negroes with his sensitivity to the prejudices and self-interest of most

⁴⁴Tucker, Dissertation, 90-91. In 1797 Tucker wrote a letter which explained his Dissertation ideas. In the letter he wrote, "It would be hereafter easier to enlarge Negro rights to their just extent than to attempt to limit them after they had once been enlarged." (St. George Tucker to Robert Pleasants, June 29, 1797, Tucker Notebook, unnumbered, T-C Mss., 40.) In 1803 Tucker included these views in his revised publication of the Dissertation. (St. George Tucker, "On the State of Slavery in Virginia" in Blackstone, Commentaries, ed. Tucker, I, pt. 2, 79n.)

⁴⁵Tucker, Dissertation, 76.

⁴⁶Ibid., 95-96.

⁴⁷St. George Tucker to Jeremy Belknap, June 29, 1795, Belknap Papers, II, 407.

Virginians. Tucker rejected the feasibility of a general emancipation, because he was convinced that Negroes were unprepared for total freedom within or without the United States. They had been living under conditions fostering obedience and submission, not independent thinking or self-help. Immediate emancipation would only subject the slaves to starvation, disease, and "a lingering death."⁴⁸ Having had no background in instituting a government or freely complying with laws, the Negroes "would become hordes of vagabonds, robbers and murderers"⁴⁹ when released from plantation restraints. Furthermore, Tucker was sure that a simultaneous emancipation of all slaves would inflict a famine upon the area of the United States south of Delaware. For every free white person cultivating the soil in this area, there were four slaves doing the same. By discharging this vast source of agricultural labor, food production would decline disastrously.⁵⁰ Tucker was also sensitive to the sanctity of property. Since slaves were legally the property of individuals, he believed the legislature could not take them away without the owners' consent or without just compensation.⁵¹ Finally, the safety of the white population was equally as important as the freedom of the blacks. The

⁴⁸Tucker, Dissertation, 79.

⁴⁹Ibid., 86.

⁵⁰Ibid., 80.

⁵¹Ibid., 81.

revolution in the French West Indies provided a too terrifying picture of the consequences of a general and simultaneous emancipation.⁵²

An immediate, wholesale emancipation was out of the question, but slavery was immoral and the growing number of slaves made some course of abolition necessary. Tucker contemplated the problem:

Every day renders the task more arduous to be performed. We have now 300,000 slaves among us. Thirty years hence we shall have double the number. In sixty years we shall have 1,200,000. And in less than another century from this day, even that enormous number will be doubled. Milo acquired strength enough to carry an ox, by beginning with the ox while he was yet a calf. If we complain that the calf is too heavy for our shoulders, what will not the ox be?⁵³

Gradual abolition appeared to be the only way out of Virginia's dilemma. As Tucker explained it to Belknap, "My plan would, indeed, require over a century to execute itself; but we ought not to be discouraged from doing good ultimately, because we cannot immediately effect it, or live to see its operation."⁵⁴

Tucker's plan for the gradual abolition of slavery provided that all females born to slave parents after the adoption of the proposal were to be free. The male and

⁵²Ibid., 80-82. For another statement of the problems involved in general emancipation see St. George Tucker to Jeremy Belknap, June 29, 1795, Belknap Papers, II, 407.

⁵³Tucker, Dissertation, 98.

⁵⁴St. George Tucker to Jeremy Belknap, Nov. 27, 1795, Belknap Papers, II, 418.

female descendants of these females were to be free as well. To compensate the previous owners for the costs of maintaining these persons during their infancy, the former owner was to use their services until they reached the age of twenty-eight.⁵⁵ While in service, Negro servants were to be treated in a manner similar to white servants or apprentices and were to be subject to the same mode of trial as free Negroes or mulattoes.⁵⁶ When they became twenty-eight years of age, the Negroes were to be given clothing, twenty dollars, two blankets, and their freedom.⁵⁷ Then, as free blacks, they were to be under rigid restrictions designed to encourage

⁵⁵This would guarantee a gradual nature to the scheme. From his numerical analysis of the workings of this system of abolition, Tucker argued that "whenever it is adopted the number of slaves will not be diminished for forty years after it takes place; that it will even encrease [sic] for thirty years; that at the distance of sixty years, there will be one-third of the number at its first commencement; that it will require above a century [105 years] to complete it; and that the number of blacks under twenty-eight and consequently bound to service, in the families they are born in, will always be at least as great as the present number of slaves." Tucker, Dissertation, 99n-104n, 98-99.

⁵⁶To do so would provide the Negro with better training and, therefore, make him more qualified for his future freedom. This part of the plan may also be seen as Tucker's response to the cruelties to which Negro slaves were subjected.

⁵⁷If necessary the county courts were to enforce this act.

their migration out of Virginia.⁵⁸

In 1796 Tucker published this proposal, along with a legal, economic, and social history of slavery in Virginia, in the Dissertation on Slavery. Dedicated "to the General Assembly of Virginia, To whom it belongs to decide upon the expediency and practicability of a plan for the gradual abolition of Slavery in this commonwealth,"⁵⁹ the Dissertation offered the legislature a "middle course, between the tyrannical and iniquitous policy which holds so many human creatures in a state of grievous bondage, and that which would turn loose a numerous, starving and enraged banditti, upon the innocent descendants of their former oppressors."⁶⁰

⁵⁸"Let no Negroe or mulattoe capable of taking, holding, or exercising, any public office, freehold, franchise, or privilege, or any estate in lands or tenements, other than a lease not exceeding twenty-one years.-- Nor of keeping, or bearing arms, unless authorised so to do by some act of the general assembly, whose duration shall be limited [sic] to three years. Nor of contracting matrimony with any other than a Negro or mulattoe; nor be an attorney; nor be a juror; nor witness in any court of judicature, except against or between Negroes and mulattoes. Nor be an executor or administrator; nor capable of making any will or testament; nor maintain any real action; nor be a trustee of lands or tenements himself, nor any other person to be a trustee to him or to his use." Tucker, Dissertation, 93-94. For the entire plan see ibid., 91-94.

⁵⁹Ibid., dedication. Tucker believed in the theory of state sovereignty, therefore, it was appropriate for him to look to the Virginia, not the national, legislature for action on the eradication of slavery. See St. George Tucker, "View of the Constitution of the United States," Blackstone, Commentaries, ed. Tucker, I, pt. 1, 141, 187. See also Jesse T. Carpenter, The South as a Conscious Minority (New York, 1930), 202.

⁶⁰Tucker, Dissertation, 90.

Despite Tucker's efforts to present a proposal custom-made for Virginia's economic and social conditions, his plan failed to move the General Assembly to action. It also failed to achieve general public acknowledgement or acceptance. The most that can be said is that the Dissertation on Slavery received an encouraging, but not overly enthusiastic, reception from Tucker's personal acquaintances.

In November 1796 Tucker sent copies of his Dissertation to the General Assembly. He was confident that "the Representatives of a free People, who in the moment of becoming such, have declared all men are by nature equally free and independent, can not disapprove an attempt to carry so incontestible [sic] a moral Truth into...practical Effect."⁶¹ He was mistaken. The House of Delegates debated sending Tucker's letter and pamphlet back to him without taking any action. In the end, a semblance of courtesy reigned and the proposal was tabled. That the motion to send the Dissertation back to its author was made by men who "had certainly never read or heard the plan read"⁶² pointed to strong feelings of prejudice and self-interest among the delegates. When the essay was presented before the Senate, it fared no better. It was "read and ordered to lie on the

⁶¹St. George Tucker to Speaker of the Senate of Virginia, Nov. 30, 1796, T-C Mss.

⁶²St. George Tucker to Jeremy Belknap, Aug. 13, 1797, Belknap Papers, II, 427. See Dec. 2, 1796, Journal of the House of Delegates of the Commonwealth of Virginia (Richmond, 1796), 52, Colonial Williamsburg Research Library, Williamsburg, Virginia. Microfilm 16-5.

table."⁶³ George K. Taylor wrote to Tucker about the progress of Tucker's pamphlet in the legislature. Prejudice was prevailing and Taylor was sure that if the "Ayes and Noes" were taken the plan would be ignored, since "too many [of the representatives] regard more the popularity of the moment than the investigation of truth and the permanent interest of their constituents."⁶⁴

In light of the obvious disinterest, perhaps distaste, which the legislature felt for Tucker's abolition plan, the letter it sent in reply must be viewed as ironic. Ludwell Lee, correspondent on behalf of the Senate, wrote:

You certainly judge rightly in supposing that to an enlight[ened Leg]islature, no object can be more grateful, than that of endeavoring to restore; upon a plan not injurious to the Society; the Freedom, to a part of our fellowmen, which the God of Nature gave to them. That the Time may come, when Liberty in our Country shall be inseperable [sic] from Life, is a wish in which you are sincerely joined....⁶⁵

When the General Assembly took up the issue of Tucker's Dissertation only four copies of the pamphlet ("two of which were lost") had been brought into Virginia.⁶⁶ If it was difficult for the delegates to know what was actually in the

⁶³Dec. 2, 1796, Journal of the Senate of Virginia (Richmond, 1796), 46-47, CW Research Lib. Microfilm 16-1.

⁶⁴G[eorge] K. Taylor to St. George Tucker, Dec. 8, 1796, T-C Mss.

⁶⁵Ludwell Lee to St. George Tucker, Dec. 5, 1796, T-C Mss.

⁶⁶St. George Tucker to Jeremy Belknap, Aug. 13, 1797, Belknap Papers, II, 428. The pamphlet had been published in Pennsylvania.

proposal, it was even more difficult for the Virginia public to be made aware of its contents. No mention of Tucker's ideas about the gradual abolition of slavery or the debate in the Assembly appeared in the state capital's newspaper, the Virginia Gazette, and General Advertiser,⁶⁷ and Tucker seems to have been concerned only with distributing his pamphlet to friends and influential people.

The presentation of the plan to the Assembly was not followed by a vigorous public campaign for emancipation. In fact, only one petition for the emancipation of a slave was presented to the state legislature from 1796 through 1799 (the years which fell between the introduction of Tucker's proposal and the Gabriel Rebellion in Henrico County, which was a separate factor in eliciting petitions about slavery) and this petition was in no way affected by Tucker's ideas.⁶⁸

⁶⁷(Richmond), Dec. 7, 1796-Dec. 28, 1796. Nor were Tucker's ideas mentioned in such Virginia newspapers as the American Gazette and General Advertiser ([Norfolk], Dec. 6, 1796-Dec. 30, 1796) or The Alexandria Gazette (Dec. 3, 1796-Dec. 31, 1796).

⁶⁸The emancipation petition was presented by some residents of Middlesex County in hopes that the legislature would grant freedom to a slave who had shown "integrity and fortitude" when attacked as he delivered the public mail. (Residents of Middlesex County to General Assembly, Dec. 7, 1798, State Legislative Petitions, Middlesex County, Virginia State Library, Richmond, Virginia.) Although only a few petitions concerning slavery were sent to the legislature during this period, most implied an acceptance of the maintenance of the slave system. Some of the petitions requested compensation for criminal or runaway slaves who had died during incarceration by the state. (Bottom Shagell to General Assembly, Dec. 26, 1798, ibid., Dinwiddie County; Henry Lawrence to General Assembly, Nov. 10, 1796, ibid., Hanover County.) Other persons requested permission to import slaves from their plantations outside of Virginia into this state, since importation of slaves had been prohibited by state law in 1778. (Edward Nichols and Nathaniel Talbott to General Assembly, Dec. 13, 1797, ibid., Frederick County; Residents of Loudoun County to General Assembly, Dec. 5, 1797, ibid., Loudoun County.) In general, see ibid., 1796-1799, Accomack-York Counties.

One finds no evidence that Tucker's plan was the subject of public controversy. Most likely this was because few knew of his ideas and even fewer took time to consider them seriously. But the limited number of responses received by Tucker do provide some insight into the opinions of men who were known to be sympathetic to the cause of abolition.

After congratulating Tucker for "advocating the cause of the greatly injured Africans," Robert Pleasants, a Virginia Quaker, informed Tucker that he had been too wary of the prejudices of the public mind and had, therefore, presented a too lenient proposal. Pleasants took issue with Tucker on the question of the legislature's right to emancipate the slaves. Tucker had argued that slaves were private property and that the legislature could not free them without their owners' consent or without compensation. Pleasants believed that since the legislature had given "an American a just Right to the person of an African"⁶⁹ it could also repeal this unjust law:

The Legislature of Virginia have at least much Right to Repeal a law founded on unrighteous principles, as they had in the first instance to pass an Act making Slaves of a people who had never forfeited their Right to liberty, by any Act of their own, nor had they injured, or had it in their power to injure, the people of this Country in any manner.⁷⁰

⁶⁹Robert Pleasants to St. George Tucker, May 30, 1797, Letterbook of Robert Pleasants, 327, Valentine Museum, Richmond, Virginia.

⁷⁰Ibid., 327.

As for Tucker's plan for abolition, Pleasants found it entirely too gradual. Not that Pleasants desired "a total and indiscriminate emancipation," for he felt that the lack of education among Negroes and the prejudices of whites would make that situation intolerable, but he did feel that all the children of slaves should be free at birth, rather than just the females as Tucker had suggested. He argued that to confine emancipation to females would greatly prolong the abolition of slavery, making it probable that the remaining slaves would revolt against their oppressed condition. Pleasants also disagreed with Tucker's plan for restricting free Negroes and mulattoes, because he felt that forcing these people to leave Virginia would tend "to perpetuate the prejudices now prevalent against them."⁷¹ Instead he preferred to educate them and encourage their affections toward Virginia and its people, so that they might "contribute to the peace, happiness and prosperity of the Country, as well as other Citizens." If this was not done, he warned, they might assert their desire for equality by violent actions.⁷²

It is interesting that Pleasants, the one man who has provided us with a significant contemporary analysis of Tucker's plan, found that plan to be too full of the racial prejudices which permeated Virginia's society. To him it was a plan which fell far short of the desired goal. To stress his own opinions, Pleasants enclosed a petition for

⁷¹Ibid., 328.

⁷²Ibid., 329.

the gradual abolition of slavery which contained his stronger ideas on the subject and stated his hope that, as "a friend to humanity," Tucker would see fit to approve it.⁷³

Thomas Jefferson was one of the individuals to whom Tucker sent a personal copy of his Dissertation.⁷⁴ Tucker had alluded to Jefferson's Notes on the State of Virginia quite often in his own pamphlet. He had also suggested that his own scheme for abolition was better than the emancipation plan drawn up by the legislative committee chosen to revise Virginia's laws just after American independence.⁷⁵ Jefferson had been a member of that committee.

Jefferson's reply to Tucker's Dissertation contained a reaffirmation of his concern over the problem of slavery, but there was no comment or critique on the content of Tucker's plan. Pointing to Santo Domingo, Jefferson wrote, "If something is not done, and soon done, we shall be the murderers of our own children.... From the present state of things in Europe and America, the day which begins our combustion must be near at hand; and only a single spark is wanting to make that day to-morrow."⁷⁶ But all Jefferson

⁷³Ibid., 329.

⁷⁴Thomas Jefferson to St. George Tucker, Aug. 2, 1797, The Writings of Thomas Jefferson, ed. Andrew A. Lipscomb (Washington, 1903), IX, 416.

⁷⁵Tucker, Dissertation, 84-85. The committee's emancipation plan and Tucker's reaction to it are discussed in Chapter III.

⁷⁶Thomas Jefferson to St. George Tucker, Aug. 28, 1797, Writings of Thomas Jefferson, ed. Lipscomb, IX, 418.

had to say about Tucker's new scheme for averting such an eventuality was, "As to the mode of emancipation, I am satisfied that that must be a matter of compromise between the passions, the prejudices, and the real difficulties which will each have their weight in that operation."⁷⁷

Tucker was sincere about his desire for an end to slavery, but he realized that it would be necessary to shape his abolition proposal to meet the temperaments of men and the conditions of society. His proposal was already a "compromise between the passions, the prejudices, and the real difficulties" of a general emancipation. Why, then, was the reponse to the plan so small and so unenthusiastic?

Factors such as economic necessity, racial prejudice, aristocratic life styles, and fear of Negro rebellions have already been discussed as the basic motives or rationales behind the slave system.⁷⁸ All of these factors were at work in Virginia in 1796 and, therefore, all helped to shape the reception given Tucker's Dissertation. The Dissertation was presented to the Virginia legislature "at the height of the party strife between Federalists and Democratic-Republicans,"⁷⁹ but George Taylor's letter to Tucker has shown that self-interest and prejudice were probably more important than party politics in shaping the decision of the General

⁷⁷Ibid., 417.

⁷⁸See Chapter I.

⁷⁹Ulrich B. Phillips, American Negro Slavery (New York, 1929), 131.

Assembly. This is ironic, since Tucker had purposely structured his gradual abolition plan to take these factors into account:

Convinced that mistaken self-interest and prejudice were the most formidable enemies I had to encounter, I endeavored to elude, rather than invite, their attacks. With this view, I proposed the most gradual plan that could possibly eventually produce the desired effect. I guarded it with every restriction that I supposed timidity or prejudice could insist on; and I endeavoured to lull avarice itself to sleep by demonstrating the slow progress and insensible [sic] effects of my proposal.⁸⁰

Tucker had not been elusive enough.

Other factors may have shaped the public's lack of response. One of the important results of the Santo Domingo slave rebellion was "that many Americans came increasingly to feel that slavery was a closed subject, entirely unsuitable for frank discussion." Fearing a disastrous slave revolt in their own area, many Southerners believed a "public airing of matters being on slavery was downright dangerous," because literate slaves might be influenced by any open controversy over their status.⁸¹ Such beliefs and fears may explain why there was a tendency for newspapers not to discuss Tucker's plan.

But there was also a unique factor influencing the

⁸⁰St. George Tucker to Jeremy Belknap, Aug. 13, 1797, Belknap Papers, II, 427.

⁸¹Jordan, White over Black, 384. See also Aptheker, American Negro Slave Revolts, 155-156, 157, 158, 372; and Patricia Hickin, "Antislavery in Virginia, 1831-1861" (unpublished Ph. D. dissertation, University of Virginia, 1968), 524-525.

response to Tucker's proposal. The Dissertation was sent to the General Assembly at a time when only two copies were available for distribution. One copy was sent to each house, making it nearly impossible for individual delegates or other interested persons to be aware of its true content or intent. Looking back on the "ill success" of his plan, Tucker remarked, "Nobody...had read it; nobody could explain its contents. Nobody was prepared to meet the blind fury of the enemies of freedom."⁸² It was not until the summer of 1797 that Tucker received the copies he had personally requested of the printer.⁸³ By that time the distribution of the Dissertation to his acquaintances could not affect its acceptance by the legislature. If the response to the proposal for gradual abolition was shaped by its limited distribution in Virginia, then this factor was also an extremely important reason for the lack of response from the North. Although the sale of A Dissertation on Slavery was advertised in at least one northern newspaper,⁸⁴ Tucker doubted "that [the] work ha[d] ever cross'd Hudson's river."⁸⁵

A Dissertation on Slavery: With a Proposal for the

⁸²St. George Tucker to Jeremy Belknap, Aug. 13, 1797, Belknap Papers, II, 428.

⁸³St. George Tucker to Jeremy Belknap, Apr. 3, 1797, ibid., 426; St. George Tucker to Jeremy Belknap, Aug. 13, 1797, ibid., 427.

⁸⁴The New World (Philadelphia), Dec. 17, 1796.

⁸⁵St. George Tucker to Richard Rush, Oct. 31, 1813, T-C Mss. Tucker must have forgotten the copy he had sent to Jeremy Belknap and the Massachusetts Historical Society in 1797.

Gradual Abolition of It in the State of Virginia was doomed by disaffection, disinterest, and poor distribution. The strength of property interests, racial prejudice, and fear worked against it. Complacency did the same. Tucker's initial reaction was one of bitterness. The inactivity of the Assembly in the face of such an important task caused him to insist that he no longer cherished "the smallest hope of advancing a cause so dear to me as the abolition of slavery." He predicted that "actual suffering will one day, perhaps, open the oppressors' eyes. Till that happens, they will shut their ears against argument."⁸⁶

In spite of his defeat and disillusionment, Tucker maintained his desire for an end to slavery and was willing to work for abolition plans other than his own. Soon after the rejection of his proposal by the legislature, Robert Pleasants requested Tucker's signature on a petition proposing the emancipation of all children born after the enactment of the bill. Remembering the "ignominy" with which his own proposal was treated, Tucker expressed doubt that Pleasants's plan for emancipation would be successful. He was also concerned that freeing all the children, rather than just the females, might be too drastic. Nevertheless, his interest in ending slavery overrode his pessimism. Wishing to help rather than hamper the abolition movement, Tucker was hesitant about including his name on the petition so soon

⁸⁶St. George Tucker to Jeremy Belknap, Aug. 13, 1797, Belknap Papers, II, 428.

after his own defeat. He warned, "My name to it I fear would prejudice rather than serve the cause. But if you think otherwise I will subscribe to it."⁸⁷

Tucker also continued his campaign against the cruelties of the slave system. In an essay intended for "The Old Bachelor,"⁸⁸ he discussed the necessity for undoing the moral evils to which the slave system was prone:

Benevolence, or that universal Sentiment of humanity, and tenderness, which teaches us to regard the whole human race as our Brethren, and to feel for their distress the same compassion, which, under a change of circumstances, we should wish to be felt for our own: and to do, as far as is in our power, everything for their relief, which we ourselves could ask, or desire, were we under the like Calamity, appears to be that character of the human heart, which is probably most acceptable to our bountiful, and merciful Creator.⁸⁹

⁸⁷St. George Tucker to Robert Pleasants, June 29, 1797, Tucker Notebook, unnumbered, T-C Mss., 40. It is questionable whether Tucker ever signed this petition, for no future correspondence on the matter has been found.

⁸⁸"The Old Bachelor" was a collection of essays written by William Wirt and a group of his literary friends. Thirty-three of these essays were published in Richmond's Enquirer, some in 1811, some in 1813. They were republished in book form in both 1814 (Richmond) and 1818 (Baltimore). The announced aim of the essays was "'virtuously to instruct, or innocently to amuse.'" "The Old Bachelor" was typical of the "Virginia essay" in the early nineteenth century. It was characterized by "playfully satiric portrayal of manners, the seriously moral or didactic, the philosophic or literary theory in layman's language, the half-sentimental commentaries on American antiquity and traditions." (Richard Beale Davis, Intellectual Life in Jefferson's Virginia [Chapel Hill, 1964], 280-284.) Tucker's essay on slavery (Essay on Benevolence) was written to be included in this collection, but it was not published. See The Enquirer (Richmond), Dec. 22, 1810-Dec. 24, 1811 and Jan. 2, 1813-Dec. 30, 1813, University of Virginia, Charlottesville, Virginia. Microfilm N 497 and 499.

⁸⁹St. George Tucker, Essay on Benevolence, The Old Bachelor, [1810-1813?], T-C Mss., 26.

Although he continued to sympathize with the needs and responsibilities of southern planters,⁹⁰ Tucker was appalled by their drive for power and their desire for extensive possessions, which subverted the principle of humanity. "A Virginia Planter proud of the possession of... [200] Slaves, and ten times as much land as the whole of them could cultivate to advantage," was morally evil, because he permitted his humanity to be sacrificed to ambition.

According to Tucker, the general treatment of slaves was too often an example of the principle that "power is law." In his Essay on Benevolence, Tucker portrayed the typical treatment of Negroes on plantations by creating a fictitious Major Opulent, owner of three or four plantations. The Major fed, clothed, and otherwise cared for his slaves, but he had a "smart Overseer" who made them work long hours. The whipping of slaves was another example of unnecessary cruelty. That this was done on plantations owned by "the best of men" only showed the moral degradation that slavery was forcing upon the white population.⁹¹

⁹⁰Tucker wrote, "Some apology, and even a very favourable one, may be offered for many who engaged in this [enslavement] practise. The Lands required to be opened in order to Cultivation [sic]: labourers were wanting, and could not be otherwise procured; the wretched victims themselves were probably in such a situation as to render a release from their infernal prison, desirable under any terms; and no doubt many of them experienced a more humane treatment, than they had been accustomed to, even in their own Country, where a great proportion of them, it appears, are held in the most abject Slavery. An humane Master, would by such unfortunate beings be regarded, as in fact he would be, a great Benefactor." Ibid., 26.

⁹¹Ibid., 26. Tucker did not have to resort to fiction to portray the cruelty of overzealous overseers. As will be discussed in Chapter IV, his personal experience with such men provided him with ample first-hand knowledge.

Tucker's emotional response to the cruelties imposed upon Negro slaves is seen most eloquently in the following poem, which accompanied his Essay on Benevolence:

My Ear is pain'd.
 My Soul is sick with every day's report
 Of wrong and outrage, with which earth is fill'd.
 There is no flesh in man's obdurate heart,
 It does not feel for man. The natural Bond
 Of Brotherhood is sever'd as the flax
 That falls asunder at the touch of Fire.
 He finds his fellow guilty of a Skin
 Not colour'd like his own, and having pow'r
 T'inforce the wrong, for such a worthy cause,
 Dooms, and devotes him as his lawful prey.
 And worse then all, and most to be deplored,
 As human nature's broadest, foulest blot,
 Chains him, and tacks him, and exerts his sweat,
 With stripes, that mercy with a bleeding heart,
 Weeps when she sees inflicted on a Beast.⁹²

To curb these injustices, Tucker called upon slaveowners to check their "unfeeling overseers," but to abolish these practices Tucker stressed, as he had in 1796, that there had to be a change in "the laws of the Land.--However tender our legislature may be of interfering with the rights of the owner of a Slave, certainly these petty tyrants... [should be punished] when they violate the bonds of necessary and meritted chastisement, and set at nought the precepts of Humanity"⁹³

Although Tucker had insisted he was "by no means tied down to any particular mode by which [abolition] may be affected,"⁹⁴

⁹²Ibid., 26.

⁹³Ibid., 26.

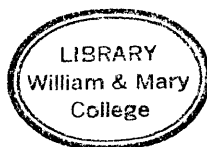
⁹⁴St. George Tucker to Robert Pleasants, June 29, 1797, Tucker Notebook, unnumbered, T-C Mss., 38.

his greatest confidence remained with his own plan. Tucker distributed copies of the Dissertation on Slavery to friends, to various persons interested in the cause of abolition, and to individuals who were just interested in knowing more about Tucker himself.⁹⁵ Furthermore, he thought the Dissertation important enough to include as an appendix to his 1803 edition of Blackstone's Commentaries.⁹⁶ The placement of the proposal in this work increased its distribution among the influential lawyers of Virginia. From the handwritten additions to his own copy of the Commentaries, it seems likely that Tucker was going to keep the proposal in the second edition of that work, which was being prepared for publication a decade and a half later.⁹⁷

⁹⁵Copies of the Dissertation were personally sent to such people as John Page (John Page to St. George Tucker, July 18, 1797, T-C Mss.), John Coalter (St. George Tucker to John Coalter, Aug. 2, 1797, ibid.), Thomas Jefferson, James Monroe, and James Madison (St. George Tucker to Thomas Jefferson, Aug. 2, 1797, Writings of Thomas Jefferson, ed. Lipscomb, IX, 416), Jeremy Belknap (St. George Tucker to Jeremy Belknap, Aug. 13, 1797, Belknap Papers, II, 427), and John Adams (St. George Tucker to Richard Rush, Oct. 13, 1813, T-C Mss.).

⁹⁶Blackstone, Commentaries, ed. Tucker, I, pt. 2, 79-86.

⁹⁷See St. George Tucker, Supplement to Note H, On the State of Slavery in Virginia, which is a handwritten addition to Tucker's proposal that can be found interleaved in Tucker's personal copy of Blackstone's Commentaries (I, pt. 2, T-C Mss., 79-86 and loose leaf). This supplement dates Tucker's renewed interest in republishing the Commentaries at about 1819. See Chapter II, fn. 40. Tucker died before the second edition could be published.



Tucker's supplementary ideas to his original proposal for the gradual abolition of slavery are crucial for a true evaluation of his commitment to the abolition cause. Written toward the end of his life, the ideas concerned the colonization of free Negroes and were outgrowths of the seeds of a colonization scheme which he had included in the original Dissertation. Although Tucker accepted the popularly held belief that colonization would have to follow emancipation, it was at emancipation, not colonization, that he was aiming. This commitment resulted in a colonization proposal which was unique for the 1820s.

CHAPTER III

TUCKER'S IDEAS ON THE COLONIZATION OF FREE BLACKS

Proposals for the colonization, or deportation, of Negroes were not new to Virginia when St. George Tucker wrote his Dissertation on Slavery. Prominent Virginians, such as Thomas Jefferson, Edmund Pendleton, George Wythe, and Ferdinando Fairfax, had publicized their own ideas on the subject at earlier dates, but it was the beginning of the nineteenth century which saw the most serious consideration of colonization. Tucker was one of many Virginians who supported the movement to rid their state of free blacks, but unlike most Virginians he supported territorial, not African, colonization.

In 1776 Jefferson, Pendleton, and Wythe were chosen by the Virginia legislature to revise the state's laws. Among their suggestions was a plan for the gradual emancipation and colonization of Virginia's slave population "in such place as the circumstances of the time would render most proper."¹ Although this proposal was not accepted by the

¹Jefferson, Notes on the State of Virginia, ed. Peden, 137-138.

legislature,² the content of the plan was popularized by its inclusion in Jefferson's Notes on the State of Virginia, where Jefferson explained why he believed deportation would have to follow emancipation:

Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of the one or the other race.... The unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people. Many of their [antislavery] advocates, while they wish to vindicate the liberty of human nature, are anxious also to preserve its dignity and beauty.... Among the Romans emancipation required but one effort. The slave, when made free, might mix with, without staining, the blood of his master. But with us a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture.³

A belief in the physical and mental inferiority of Negroes, a fear of reprisals for past oppression, and a desire to keep the United States a white man's country were behind most of the deportation proposals made by

²See Julian R. Boyd, The Papers of Thomas Jefferson (Princeton, 1950), II, 305-325 for a discussion of the proposed revival of Virginia's laws. See ibid., 321-323, for a discussion of the reluctance of the Virginia legislature to revise the laws of the state. Charles Cullen describes the revival process as a "search for order" rather than a movement for reform, in "St. George Tucker and Law in Virginia," 135-155.

³Jefferson, Notes on the State of Virginia, ed. Peden, 137-143. See Jordan, White over Black, 436, 546-547; and Staudenraus, African Colonization Movement, 1-2.

Virginians. In 1790 Ferdinando Fairfax⁴ suggested that a colony for emancipated Negroes be established in Africa. As proof of the impossibility of incorporating Negroes into American society, he asked, "Where is the man of all those who have liberated their slaves, who would marry a son or a daughter to one of them? if he would not, who would?"⁵

As the historian H. N. Sherwood has pointed out:

During the last quarter of the eighteenth century, deportation was regarded not as a punishment for crime, not as a means to prevent an increase in the number of free negroes, but as a logical outcome of manumission. Deportation had become a broad social problem [particularly the prevention of race intermixture], involving the transportation of the negro population to a distant territory with the aid of the state and under the auspices of the national government.⁶

When Tucker wrote his Dissertation on Slavery, he addressed himself to this type of deportation scheme and bluntly stated two objections. First, the expense involved in transporting the freed Negroes to their new homes (within or outside of the United States), as well as the expense of supporting them until they had established a viable economy and protection from outside invasion, would be "beyond the revenues and

⁴Fairfax was a wealthy Virginia planter and a close friend of George Washington. Jordan, White over Black, 554n.

⁵Ferdinando Fairfax, "Plan for liberating the Negroes within the united states [sic]," The American Museum, or, Universal Magazine, VIII (1790), 285. See Jordan, White over Black, 554-555; and Staudenraus, African Colonization Movement, 3-4.

⁶H. N. Sherwood, "Early Negro Deportation Projects," Mississippi Valley Historical Review, II (Mar. 1916), 487.

abilities of the State." Second, the possibility of the establishment of a separate colony in the United States "would probably lay the foundation of intestine wars" between whites and blacks.⁷

Tucker believed "one of three courses...must inevitably be pursued; either to incorporate them [the Negroes] with us, to grant them freedom without any participation of civil rights, or to retain them in slavery."⁸ To do the first would be to go against the deep-rooted prejudices which he and his society had come to honestly appreciate. To do the latter would be to deny those natural rights which Americans honored as the foundation of their society. Therefore, throughout his life, with perhaps one exception, Tucker chose the "middle course." In doing so he differed from most of his contemporaries, but such a course offered him an alternative to the colonization schemes he found so objectionable.

Tucker's earliest alternative was to suggest that

by denying them [the Negroes] the most valuable privileges which civil government affords, I wish to render it their inclination and their interest to seek those privileges in some other climate.... By excluding them from offices, the seeds of ambition would be buried too deep, even to germinate; by disarming them, we may calm our apprehensions of their resentments arising from past sufferings; by incapacitating them from holding lands, we should remove the foundation of ambition, and party-struggles.⁹

⁷Tucker, Dissertation, 84.

⁸St. George Tucker to Jeremy Belknap, June 29, 1795, Belknap Papers, II, 408.

⁹Tucker, Dissertation, 94-96.

Migration out of Virginia would be voluntary (so there would be no government expense) and individual (so no large colony would be established), but it would be to the advantage of the free Negro to leave the state in favor of such areas as "the Floridas, Louisiana, and the country south of the mouth of the Mississippi."¹⁰ Since this scheme was attached to Tucker's abolition proposal, it was rejected by the Virginia legislature along with the rest of his plan.

Jefferson, Fairfax, and Tucker were addressing themselves to a much debated issue in Virginia. Ever since 1782, when the legislature had removed restraints on private manumissions, the number of free Negroes had increased rapidly. With this increase came public outcries against free blacks, who were chastized for being aiders of escaping slaves, thieves, and public charges. There was also a pervasive fear of racial amalgamation. In 1793 the legislature passed an act prohibiting free Negroes from entering Virginia, but it was not until 1800 that it did anything about lessening the number of free Negroes already residing in the state.¹¹

The fear engendered by the Gabriel Prosser insurrection in the summer of 1800 caused the state legislature to reappraise its policy concerning Negroes. George Tucker wrote

¹⁰St. George Tucker to Jeremy Belknap, Nov. 27, 1795, Belknap Papers, II, 421. See Jordan, White over Black, 556, 559; and Staudenraus, African Colonization Movement, 3-4, for accounts of Tucker's early colonization ideas.

¹¹Russell, Free Negro in Virginia, 61-66.

to his cousin, St. George Tucker, "You must know...of the recent attempt of the Negroes.... The Assembly no doubt will consider it--but the public mind is not prepared for a remedy which shall strike at the root of the evil."¹² The remedy George Tucker hoped for was the abolition of slavery and he was correct in predicting that the legislature would not pass such a drastic measure. Instead, colonization was considered to be a suitable program for ridding the state of potential or actual colored insurgents.¹³ On December 31, 1800, the House of Delegates resolved "that the governor be requested to correspond with the President of the United States, on the subject of purchasing lands without the limits of this State, whither persons obnoxious to the laws, or dangerous to the peace of society may be removed."¹⁴ This first resolution was followed by three years of consideration and clarification of the matter. By 1802, the Virginia legislature hoped for two separate programs: one, a colony on "the continent of Africa, or any of the Spanish or Portuguese settlements in South America," for Negro insurgents; the other, a colony "without the limits" of the United States to which any free Negro or mulatto could be sent as "a place

¹²George Tucker to St. George Tucker, Nov. 2, 1800, T-C Mss.

¹³Colonization as a means to end slave revolts is discussed in Aptheker, American Negro Slave Revolts, 368; and Staudenraus, African Colonization Movement, 104.

¹⁴Journal of the House of Delegates (Richmond, 1800), 48. Colonial Williamsburg Research Library, Williamsburg, Virginia. Microfilm 16-5.

of asylum."¹⁵ The latter plan left open the choice of a site for such a colony. The territories of the United States were considered, and, in 1804, a Virginia resolution requested that the state's congressional representatives "exert their best efforts for the purpose of obtaining from the General Government a competent position of territory, in the country of Louisiana [now a territory of the United States], to be appropriated to the residence of such people of color as have been or shall be emancipated in Virginia, or may hereafter become dangerous to the public safety."¹⁶

As President of the United States during these years, Thomas Jefferson received the resolutions of the Virginia legislature. He was interested in the idea of colonization and promised to "execute their [the legislators'] wishes with fidelity and zeal."¹⁷ Jefferson, like the legislators, had

¹⁵Jan. 16, 1802, Journal of the House of Delegates, quoted in Archibald Alexander, A History of Colonization on the Western Coast of Africa (Philadelphia, 1849), 69-70. Agreed to by the Senate, Jan. 23, 1802. Ibid., 69.

¹⁶Dec. 3, 1804, Journal of the House of Delegates, quoted ibid., 72. Agreed to by the Senate, Jan. 22, 1805. Ibid., 72. See also Early Lee Fox, The American Colonization Society, 1817-1840 (Baltimore, 1919), 41-42; Staudenraus, African Colonization Movement, 4; Jordan, White over Black, 562-563; and particularly Alexander, History of Colonization, 62-72; and Rev. Philip Slaughter, The Virginian History of African Colonization (Richmond, 1855), 1, 5, 6, for accounts of the Virginia legislature's actions from 1800 to 1805.

¹⁷Thomas Jefferson to James Monroe (Governor of Virginia), Nov. 24, 1801, The Works of Thomas Jefferson, ed. Paul Leicester Ford (New York, 1905), IX, 318.

an open mind as to the sites for such colonies. At first he hoped for a settlement within the British colony of Sierre Leone on the coast of Africa,¹⁸ but the negotiations for this purpose failed.¹⁹ He toyed with ideas of using the Northwest Territory, Canada, or Louisiana as places for asylums, but he felt that "the West Indies offer a more probably and practical retreat for them [the Negroes]. Inhabited already by a people of their own race and color; climates congenial with their natural constitution; insulated from the other descriptions of men; nature seems to have formed these islands to become the receptacle of the blacks transplanted into this hemisphere."²⁰

The correspondence between Jefferson and the Virginia legislature (through the state's governors) was kept a

¹⁸Thomas Jefferson to James Monroe, Jan. 23, 1802, ibid., 374-375.

¹⁹Thomas Jefferson to Rufus King (United States Minister to Britain), July 13, 1802, ibid., 384-385; Thomas Jefferson to John Page (Governor of Virginia), Dec. 23, 1803, The Writings of Thomas Jefferson, ed. Albert Ellery Bergh (Washington, 1907), XIX, 138.

²⁰Thomas Jefferson to James Monroe, Nov. 24, 1801, Works of Thomas Jefferson, ed. Ford, IX, 316-318; Thomas Jefferson to John Page, Dec. 23, 1803, Writings of Thomas Jefferson, ed. Bergh, XIX, 138; Thomas Jefferson to John Page, Dec. 27, 1804, quoted in Alexander, History of Colonization, 71. See also the encouraging replies to Jefferson's suggestions. James Monroe to Thomas Jefferson, June 15, 1801, The Writings of James Monroe, ed. Stanilaus Murray Hamilton (New York, 1900), III, 292-295; James Monroe to Thomas Jefferson, Feb. 13, 1802, ibid., 336-338; James Monroe to Thomas Jefferson, June 11, 1802, ibid., 351-353.

secret at Jefferson's request,²¹ so the public was not fully aware of the colonization efforts which were being undertaken. However, the debate over the acquisition of the Louisiana Territory during these same years provided a public forum for the consideration of the colonization question. While antislavery memorials flooded Congress in opposition to the acquisition of this new territory, which many believed would guarantee the expansion of slavery,²¹ Tucker expressed his hope for an opposite effect. In Reflections on the Cession of Louisiana to the United States,²³ he listed as one of the "advantage[s] which may possibly accrue to the United States from this acquisition" the potential use of "the southern parts of Louisiana" as a place for the colonization of free blacks. This suggestion was a radical departure from his earlier view that the deportation of blacks to a single colony would be expensive, inhumane, and dangerous to the security of the white population. Tucker hoped that by modifying his own ideas to coincide with the more popular colonization proposals he might hasten the "great work of the abolition of slavery." But the appeal he made in 1803 was still tinged

²¹"You will perceive that some circumstances connected with the subject, and necessarily presenting themselves to view, would be improper but for yours and the legislative ear. Their publication might have an ill effect in more than one quarter." Thomas Jefferson to James Monroe, Nov. 24, 1801, Works of Thomas Jefferson, ed. Ford, IX, 315. See also James Monroe to Speakers of General Assembly, Dec. 21, 1801, Writings of James Monroe, ed. Hamilton, III, 322.

²²Locke, Anti-Slavery, 162-163.

²³(Washington, 1803).

with the remnants of past disappointments. Bitterly he concluded, "Would to God, that I could flatter myself that this was not a mere visionary project!"²⁴

Tucker's scheme proved to be a "Utopian idea,"²⁵ because slavery was permitted to expand into the new land. At the same time, however, other national efforts were curtailing some of the injustices of the system of slavery. For the next few years, Virginia and the other American states concentrated on the federal abolition of the foreign slave trade, which was accomplished in 1808.²⁶

While Virginia was trying to curtail the importation of African slaves, it was also attempting to curtail its own free Negro population. All slaves manumitted after May 1, 1806, were required to leave the state within twelve months of the time they were granted their freedom. Although this law called for renewed efforts toward colonizing this class of Negroes, it failed to provide a place for these people to go.²⁷ As Virginia's expatriated blacks migrated to neighboring Maryland, Kentucky, and Delaware, these states passed acts which prohibited the permanent residence of free Negroes

²⁴Ibid., 24-26. See Staudenraus, African Colonization Movement, 4.

²⁵Tucker, Reflections on the Cession of Louisiana, 25.

²⁶Locke, Anti-Slavery, 143-154. Prior to 1808 there had been a constitutional ban on federal action concerning the slave trade.

²⁷Hening, ed., The Statutes at Large, XVI, 252. See also Slaughter, Virginian History, 17; and Russell, Free Negro in Virginia, 70.

from other states.²⁸ The only alternative appeared to be a colony outside of the United States, but the Virginia legislature did not take up this matter again for another decade.

Many events led up to the decisions of 1816. The movement for African colonization, which culminated in the formation of the American Colonization Society, gathered momentum after the War of 1812. Benevolent societies flourished and a national effort to ameliorate the condition of free Negroes in the United States soon developed.²⁹

In 1816 Charles Fenton Mercer³⁰ took advantage of the growing public interest in colonization and presented a resolution to the Virginia House of Delegates which called for a renewed effort on the part of the President and Congress to obtain "a territory on the coast of Africa, or at some other place, not within any of the States, or territorial government of the United States, to serve for an asylum" for free Negroes.³¹ The popular resolution was passed with little opposition.³²

²⁸Ibid., 71-72.

²⁹Staudenraus, African Colonization Movement, 12-22.

³⁰Mercer was a member of the House of Delegates from 1810 to 1817, when he resigned to enter Congress. He was active in movements for the suppression of the slave trade and the colonization of free Negroes. "Mercer, Charles," DAB, eds. Johnson and Malone, XII, 539.

³¹Alexander, History of Colonization, 75-77; Slaughter, Virginian History, 8.

³²In the House of Delegates, there were only nine votes against the resolution; in the Senate, only one vote against it. Alexander, History of Colonization, 76. See also Staudenraus, African Colonization Movement, 31; Fox, American Colonization Society, 43-44.

On December 28, 1816, shortly after the Virginia legislature had reasserted its interest in colonization, the American Colonization Society was formed "'to promote and execute'" schemes for the colonization of free blacks.³³ While leaving it up to Congress to decide on the site for such a colony, the society's memorial to both houses of Congress showed its preference for "Africa, the native land of negroes...as the only country on the globe to which it would be practicable to transfer our free people of colour with safety, and advantage to themselves and the civilized world." The society believed the Negroes' "distinct character and relative condition, render an entire separation from our own states and territories indispensable."³⁴ By 1816, the trend in colonization thinking had moved away from the consideration of areas near the United States. Instead, concentrated effort was being placed on acquiring a colony in a totally different continent.

Local auxiliaries of the national society quickly appeared in the counties and cities of eastern Virginia,³⁵ and prominent Virginians, such as John Marshall, James Madison,

³³Ibid., 47; Staudenraus, African Colonization Movement, 23-30.

³⁴"The memorial [sic] of the President and Board of Managers of the American Society for Colonizing the Free People of Colour of the United States," quoted in Alexander, History of Colonization, 94-95.

³⁵Slaughter, Virginian History, 11; Russell, Free Negro in Virginia, 73.

and James Monroe, became actively involved in the cause.³⁶ Many Virginians who were interested in the movement recognized that "the repugnance of the Whites to their [the Negroes'] continuance among them is founded on prejudices themselves founded on physical distinctions, which are not likely soon, if ever to be eradicated."³⁷ Therefore, they looked to the national government to aid in the enormous project of Negro deportation.³⁸ Many Virginians, such as William H. Fitzhugh and the Reverend William Meade, also publicized the idea that the ultimate goal of the national society was to provide an

³⁶ James Monroe became president of the Loudoun County auxiliary. John Marshall became president of the Richmond and Manchester auxiliary, which had James Madison, James Monroe, and ex-governor James Pleasants as its vice-presidents. In 1833, eighty-two year old James Madison was elected president of the Colonization Society. Staudenraus, African Colonization Movement, 106-107, 183. Although Thomas Jefferson did not become a member of the American Colonization Society, believing "this enterprise is for the young," his correspondence is filled with hope "for those who can follow it up, and bear it through to its consummation." Thomas Jefferson to Edward Coles, Aug. 25, 1814, Works of Thomas Jefferson, ed. Ford, XI, 419. See Slaughter, Virginian History, 11-13, for a list of officers and members in the Virginia auxiliaries.

³⁷ James Madison to Lafayette, 1821, The Writings of James Madison, ed. Gaillard Hunt (New York, 1908), IX, 85n. See also James Madison to Robert J. Evans, June 15, 1819, ibid., VIII, 440; James Madison to Francis Wright, Sept. 1, 1825, ibid., IX, 90; Thomas Jefferson to Edward Coles, Aug. 25, 1814, Works of Thomas Jefferson, ed. Ford, XI, 418; Thomas Jefferson to William Short, Jan. 28, 1826, ibid., XII, 434.

³⁸ Thomas Jefferson to Jared Sparks, Feb. 4, 1824, ibid., XII, 339; James Madison to Robert J. Evans, June 15, 1819, Writings of James Madison, ed. Hunt, VIII, 442, 446; James Madison to Lafayette, Nov. 1826, ibid., IX, 265.

avenue for the emancipation of all slaves.³⁹

By 1821, the American Colonization Society had obtained some territory on the African continent (the area which is now Liberia) and was optimistic about the success it would have in carrying out its humanitarian scheme.⁴⁰ By that year, Americans were also beginning to adjust to the compromise division of the Louisiana Territory at the 36° 30' line. The southern part of the territory was to be open to the expansion of slavery; the northern part free of slaves. It was in 1821, too, that St. George Tucker completed his own plan for the colonization of free Negroes.⁴¹

³⁹ Fitzhugh was a slaveholder who was very active in the American Colonization Society. Fox, American Colonization Society, 48. For Fitzhugh's view, see African Repository and Colonial Journal, II (Oct. 1826), 254. Meade was an agent for the American Colonization Society and later became bishop of Virginia. Fox, American Colonization Society, 48. For Meade's view, see African Repository, I (July 1825), 148. Madison and Jefferson expressed similar feelings. Thomas Jefferson to Jared Sparks, Feb. 4, 1824, Works of Thomas Jefferson, ed. Ford, XII, 334-339; James Madison to Robert J. Evans, June 15, 1819, Writings of James Madison, ed. Hunt, VIII, 441-442. Colonization of free Negroes as a means to achieve the emancipation of slaves is discussed in Staudenraus, African Colonization Movement, 104-106, 113-114; and Fox, American Colonization Society, passim.

⁴⁰ Ibid., 67-68; Staudenraus, African Colonization Movement, 65-68; Alexander, History of Colonization, 167-173.

⁴¹ The colonization plan has a final date of Jan. 10, 1821. However, the whole supplement was not written in 1821. The first ideas suggested by Tucker take into account the Spanish control of East Florida and the pending treaty of cession. The later ideas mention the cession of this territory, as well as the possibilities for settlement west of the Rocky Mountains (referring to Spain's renunciation of any claim it might have had to the Oregon area). Therefore, it seems probable that Tucker wrote and revised his plan between 1819 and January 1821.

At the same time the American Colonization Society and its Virginia auxiliaries were deporting Negroes and mulattoes to Africa in order to maintain a peaceful, white United States, and at the same time Congress was dividing the Louisiana Territory, making it half-slave, half-free, Tucker was devising a colonization scheme which was radically different from both approaches. All of the practical considerations which had led him to devise a plan for the gradual abolition of slavery were vividly in his mind when he created his own colonization plan, but, despite these incessant fears of race wars, vagabondism, and miscegenation, his overriding considerations were that the creation of a separate black colony in Africa would entail unnecessary, inordinate public expense and that it would leave the uneducated, unskilled Negroes to the vagaries of nature and the savagry of outside invaders.

Tucker's basic ideas had not changed since 1796. The continuity of his ideas is best seen in the way he wished to present his colonization proposal. The Dissertation on Slavery had been republished in 1803 as an appendix, "On the State of Slavery in Virginia," in Tucker's edition of William Blackstone's Commentaries on the Laws of England.⁴² Tucker planned to include this appendix, along with a supplement to it, in a second edition of this work. The supplement was

⁴²Blackstone, Commentaries, ed. Tucker, I, pt. 2, 79-86.

his scheme for the colonization of free blacks.⁴³ Popular interest in the deportation of Negroes had stirred Tucker to a deeper consideration of the problem, but this renewed consideration had not altered his earlier views. He insisted:

The principles upon which the preceeding [sic] plan for the gradual abolition of Slavery in Virginia, was form'd are to be regarded as indispensable [sic] concomitants of this plan. My object being to emancipate the Slave; and afford him an asylum against poverty, and wretchedness, without inviting him to stay within the territories of the United States, if he can find a happier or more comfortable Situation in any other Country.⁴⁴

Tucker pondered over a suitable location for the settlement of a large number of free Negroes. He discarded "East Florida," because of "its proximity to Cuba, and the other Islands in the West Indies already fill'd with negroe Slaves, who may in time follow the Example of those in St. Domingo, and form...nations of Barbarians and pirates."⁴⁵ Although he speculated about settlements in the Rocky Mountain area and on the Pacific coast, he once again chose the Louisiana Territory as the ideal location for colonies of free Negroes. The entire territory was large enough to accommodate America's black population "without the difficulties and...expence,

⁴³The handwritten Supplement to Note H, On the State of Slavery in Virginia may be found interleaved in Tucker's personal copy of his edition of Blackstone's Commentaries (I, pt. 2, T-C Mss., 79-86 and loose leaf).

⁴⁴Tucker, Supplement to Note H, 80. Tucker meant "actual states" when he used the term "territories."

⁴⁵Ibid., 79.

which must attend any attempt to colonize them in Africa."⁴⁶

Next, in his characteristic manner of outlining a plan detail by detail, Tucker constructed a scheme for the colonization of this territory based on the voluntary emigration of blacks. He suggested that all vacant government land west of the Mississippi River be divided into sections thirty miles square. Every section was to be divided into twenty-five townships, each six miles square. He also proposed that the central township of each section be reserved by the United States as "an assylum [sic] for Negroes, and other persons of colour, willing to settle therein."⁴⁷ All colored persons desiring residence in the asylum had to possess "a certificate, or other satisfactory proof of his absolute freedom, and that he is not a fugitive from Justice."⁴⁸ Each acceptable colored family would then be given a twenty acre plot of land, free from rents and taxes. The title to this land was to be retained by the United States and the settlers were to be regarded as "Tenants for Life."⁴⁹ Tucker calcu-

⁴⁶Ibid., 79-80, 86, and loose leaf. Tucker's concern over the high cost of the colonization and protection of Negroes in Africa proved to be reasonable. The American Colonization Society was in constant need of funds and continuously sought federal assistance, because private donations were not sufficient to carry out its program. Staudenraus, African Colonization Movement, 36, 38, 48-58, 68, 150-151, 169; Fox, American Colonization Society, 70-71, 75-76, 88, 191, 210; and Slaughter, Virginian History, 9.

⁴⁷Tucker, Supplement to Note H, 80.

⁴⁸Ibid., 82.

⁴⁹Ibid., 84.

lated that about a half-million black persons could be supported in these asylums. He could think "of no other means, by which a provision could be made for such a number."⁵⁰

In the center of each asylum Tucker proposed reserving six hundred and forty acres for "a Village, or place of resort, and residence, for white mechannics [sic], and traders; and for a Schoolmaster, or Schoolmasters, and such Teachers of Religion as may be willing to settle themselves in those asylums, for the purpose of instructing the black people, and their children."⁵¹ To encourage such people to move into the Negro asylums, schoolmasters and religious instructors were to be offered eighty acres of land, rent- and tax-free. Mechanics and tradesmen would receive ten acres.⁵² Law and order in the asylums were to be enforced by justices of the peace and other officers chosen primarily from the white settlers in each asylum, although black constables might also help.⁵³ Two of the duties of the justices of the peace would be to compel all able inhabitants of the asylum to work and to "bind...out" all "vagrants and idlers."⁵⁴

⁵⁰Ibid., 85.

⁵¹Ibid., 81.

⁵²Ibid., 82.

⁵³At first Tucker felt that "no negroe or person of Colour... should hold any civil office or appointment, whatsoever." By Jan. 1821, he had changed his mind and had written, "Perhaps it might be advisable to appoint some of the Blacks or other people of colour, to be constables, in each asylum, with power to Command and keep the peace among their fellow negroes." Ibid., 83, 83n.

⁵⁴Ibid., 83.

After Tucker constructed this first draft of his plan, he began to have second thoughts about the practicability of certain of its ideas. He decided twenty acres might not be enough land to support a Negro family, so he increased the allotment to forty acres. But the most important revisions he made were to increase the encirclement of the Negro asylums and to lessen Negro rights. Instead of a whole township devoted to colored inhabitants, Tucker decided that four separate asylums per section was a better idea. Each asylum was to be the size of a quarter-township (three miles square) and situated twelve miles from all other asylums. There would still be a professional community in the different asylums, but it would be smaller. By decreasing the size of the asylum and the number of its inhabitants and by scattering the asylums throughout the section, Tucker believed he could offer the white settlers in the surrounding townships much greater protection against the possibility of Negro violence. Tucker also suggested an additional set of regulations. The establishment of "tippling houses" and the sale of alcohol were to be punished by "severe penalties, in addition to Expulsion from the assylum."⁵⁵ Furthermore, guns and ammunition were to be excluded from those asylums which were in no danger of Indian attack.⁵⁶

⁵⁵Ibid., 86.

⁵⁶Ibid., 85-86.

Tucker's plan for colonizing free Negroes in the western territories of the United States reflected his personal ideas about blacks. The isolation of colored people in asylums was the result of Tucker's continuing fears about miscegenation and the lawlessness of blacks. The regulations for colored residents of the asylums were additions to the restrictions on free Negroes in his Dissertation on Slavery. Moreover, by giving the inhabitants the status of "Tenants for Life" and by compelling them to labor, Tucker hoped to prevent the creation of an idle, starving, vagabond class.

It is a moot question as to whether Tucker's colonization plan was any more humane than the ones which suggested African settlements. Were African colonies more or less cruel than freeing Negro slaves, practically forcing them to emigrate from Virginia, and then reducing them to virtual slavery in the Louisiana Territory? Whatever the answer to this question may be, Tucker believed his proposal was more humane than turning uneducated Negroes loose in a foreign environment. Moreover, Tucker was sure his proposal was the more practical of the two. The enormous amount of time and money required to deport blacks to Africa would postpone the final emancipation of all slaves. Most antislavery advocates believed slavery would be abolished only when whites could be assured of a controlled free Negro population. Since the abolition of slavery was Tucker's ultimate goal, he purposely devised a scheme which would speedily, but effectively, colonize and restrict free blacks.

Despite this obvious clash of opinions between Tucker and his contemporaries, there was absolutely no debate between them. It is quite possible that Tucker never told anyone about his colonization proposal. No surviving correspondence has been found which would show that he discussed these thoughts with any of his friends or intellectual acquaintances. This fact becomes important when one compares this lack of correspondence with the full year of correspondence on slavery and its gradual abolition which preceded the publication of Tucker's Dissertation on Slavery.⁵⁷ Furthermore, the supplement was never published. Tucker died before he was able to bring out his planned second edition of Blackstone's Commentaries. The proposal remained buried in his personal library.

One can only speculate as to why Tucker did not publicize his views. Perhaps he saw the difficulty of establishing his geometrical sections and townships in territories which were filling up with scattered populations of whites and Negro slaves. Perhaps he believed the African colonization movement was too entrenched to be easily pushed aside. Perhaps he realized that the majority of influential Southerners had begun to accept slavery as a necessity for their expanding cotton economy--an economy which reaped its highest profits in the western cotton lands. Or perhaps Tucker, like Jeffer-

⁵⁷"Queries Respecting the Slavery," Mass. Hist. Soc. Coll., 1st Ser., IV, 191-211; Belknap Papers, II, 378-423.

son in his old age, had decided to leave the reform movement in the hands of a younger generation. He was almost seventy years old when he wrote his colonization proposal. The rejection of his plan for gradual abolition of slavery in 1796 had left him embittered and defeated as a younger man. It is not surprising that in 1821 he did not actively seek what might have been another humiliating experience.

Tucker was not unique in his prejudices, in his fears for his society, or in his hopes for the gradual abolition of slavery. Many men in Virginia and the rest of the United States shared these thoughts. However, Tucker's ideas about the colonization of free blacks was unique. At a time when most Americans were turning away from the territories of the United States as possible receptacles for an enormous free Negro population, Tucker was turning toward them. While his contemporaries worked to make the United States a white man's country, Tucker proposed to open the West to both whites and free blacks. True, this did not mean that Tucker would acquiesce to a mulatto country. Negroes were to be severely confined in order to prevent this from happening. However, his most important goal was freedom for all slaves and he was willing to sacrifice some of America's western land to bring this about.

Tucker's colonization proposal was based on an ideology typical of the last quarter of the eighteenth century. His thoughts had not changed to correspond with the alteration in political, economic, and intellectual attitudes of the

early nineteenth century. By then revolutionary vigor and moral indignation over slavery were wearing thin within the general population. Most southern antislavery advocates had turned to African, not territorial, colonization as a moderate plan, which would achieve their purposes without offending white Americans. By tenaciously holding on to his eighteenth-century principles, Tucker was out of step with this newer generation of colonizationists and the society which made their version of colonization popular. By his silence, by the detailed manuscript which remained unpublished and unpublicized, Tucker showed that he realized this.

CHAPTER IV

TUCKER AS SLAVEHOLDER AND JUDGE: A BEHAVIORAL ACCEPTANCE OF SLAVERY

The ideas expressed in all of St. George Tucker's writings suggest a man who was skeptical about the character and capabilities of Negroes, but a man who was so offended by the moral evil of slavery and so afraid of possible slave uprisings that he longed for an immediate step toward the abolition of chattel servitude. It is often easier to theorize about morality and the means to achieve it than it is to put one's ideas into practice. The question remains, did Tucker practice what he preached? Did he own slaves? How did he treat them or, more importantly, did he emancipate them? Moreover, as a judge, did Tucker attempt to ameliorate the legal status of enslaved and free Negroes?

Tucker did not exempt himself from the ownership of slaves. He was in charge of the slaves that were attached to the plantations which his two wives (both widows) brought to their marriages and he was also the owner of a number of slaves at his personal residence in Williamsburg. The plantations of the John Randolph estate, including Bizarre, Matoax, and Roanoke, were eventually turned over to Randolph's children when they came of age. Before that time Tucker

supervised groups of approximately thirty-three, fifteen, and sixty-five slaves respectively.¹ Corrotoman plantation, part of the George Carter estate, was eventually operated by Joseph Cabell, Tucker's son-in-law, and Charles Carter, Tucker's stepson, but Tucker always derived an income from the plantation and was consulted on all important matters.² Corrotoman was worked by a labor force of between seventy-six and one hundred twenty-six slaves, a labor force which increased after Tucker took charge of the plantation's affairs.³ Moreover, Tucker owned an average of thirteen slaves while living in Williamsburg. This was a comparatively large number, considering the average number of slaves owned by Williamsburg families in the late eighteenth century was five or six.⁴

The large number of slaves Tucker owned may account for his involvement in the hiring out or sale of some of them. Tucker was a shrewd businessman when it came to such dealings.

¹See Tables 1, 2, and 3.

²See St. George Tucker to Joseph Cabell, May 10, 1814, June 8, 1814, Cabell Family Papers, University of Virginia, Charlottesville, Virginia. Hereafter cited as Cabell Papers.

³See Table 4.

⁴Thad W. Tate Jr., The Negro in Eighteenth-Century Williamsburg (Charlottesville, 1965), 51. Tate has computed the number of slaves owned by late eighteenth-century Williamsburg families and has indicated that any household with an extremely large number (10-19) of slaves was an exception. Ibid., 51. See Table 5.

He provided his agent for such sales⁵ with detailed terms that were to be met and advised him to be careful when bargaining with prospective buyers. On behalf of his daughter, who wished to sell five slaves, Tucker wrote, "The higher price of negroes at present encourages me that you will dispose of them for more than the sum limited in the power of attorney (£200), and I rely on your exertions to do so. You will apprise the purchaser whose property they are, that ignorance may not hereafter be pretended."⁶

Some of the slaves Tucker offered for sale had previously been hired out for a long period of time. He soon learned of the difficulties involved in such sales. William Haxall made excuses for the delay in selling Tucker's daughter's slaves by pointing out, "I think this property ought to bring the sum you have named, and I believe it would readily have done so, had they not been indulged in hiring their time for 2 or 3 years past, which circumstance operates very unfavorably on the minds of people here,"⁷ for "the objection is, that they have so long hired their time and lived without controul."⁸ Eventually Haxall was able to sell the slaves for

⁵Usually William Haxall of Petersburg (see St. George Tucker-William Haxall correspondence, T-C Mss., passim), but also, in at least one case, his overseer (William Withers to St. George Tucker, Mar. 11, 1782, ibid.).

⁶St. George Tucker to William Haxall, Dec. 2, 1796, ibid. See also details over the sale of Tucker's slave, Sally Quomino. St. George Tucker to William Haxall, Feb. 17, 1801, ibid.

⁷William Haxall to St. George Tucker, Dec. 20, 1796, ibid.

⁸William Haxall to St. George Tucker, Feb. 10, 1797, ibid.

the £200 requested, but not before Tucker had been given the opportunity to reject the offer of John R. Davis to purchase the slaves with the hope of emancipating them.

The slaves involved in the sale had asked Davis to become their owner, so Davis offered Tucker "good bonds payable in twelve months; or Western lands, at a price which I have frequently been offered for them," for their purchase. He also informed Tucker that he had "no other view than to give them an opportunity of liberating themselves by returning me the purchase money, with interest, and what shall be deemed a reasonable compensation for my risk" and that "Mr. Haxall has promised the servants that the Sale shall be postponed until your determination shall be known."⁹ No evidence has been found to explain Tucker's "determination," but three months later the slaves were sold to Haxall's neighbor, Mr. Robert Birchett.¹⁰

In the case of Sally Quomino and her children, Tucker decided to sell them after their labor no longer provided him with a source of revenue. He had been informed by Sally's employer that "the trouble and expense of keeping her and her two children [was] more than adequate to her services."¹¹ A

⁹John R. Davis to St. George Tucker, Jan. 5, 1797, ibid.

¹⁰William Haxall to St. George Tucker, June 28, 1797, ibid. It is difficult to determine how much Tucker's daughter influenced his decision not to sell her slaves to Davis.

¹¹St. George Tucker to Freeland and Gillies, Mar. 4, 1798, ibid.; Freeland and Gillies to St. George Tucker, Mar. 17, 1798, ibid.

purchaser was not easily found and three years later Tucker prodded Haxall to continue looking for a buyer or else to hire them out "upon the best terms you can."¹²

Tucker accepted the slave system as a social and legal reality with which he would have to live until legislative abolition could be brought about. Besides dealing with the hiring, buying, and selling of his own slaves and those of his immediate family, he often acted as an advisor or agent for the sale or purchase of other people's slave property.¹³ Furthermore, Tucker's own slaves were never manumitted.¹⁴ Fear for the safety of his family, concern for the future welfare of the Negroes, and an awareness of the legal intricacies involved in manumission, all caused him to reject the idea of individual emancipation.

In 1813 Tucker's second wife, Leila, requested to purchase any right of inheritance that her son by her first marriage might have had to her servants. She desired to be

¹²St. George Tucker to William Haxall, Feb. 17, 1801, ibid.

¹³Donald Campbell to St. George Tucker, Sept. 6, 1787, ibid.; H. Lee to St. George Tucker, Jan. 18, 1796, ibid.; David Anderson to St. George Tucker, Mar. 23, 1801, ibid.; St. George Tucker to Joseph C. Cabell, Apr. 8, 1808, Bryan Family Papers, University of Virginia, Charlottesville, Virginia. Hereafter cited as Bryan Papers. There is no evidence that Tucker ever received money for his services in this connection.

¹⁴Tucker's wife inherited his slave property. Upon her death, the slaves were inherited by the Tucker children. See Williamsburg Personal Property Taxes, 1828-1829, CW Research Lib. Microfilm M-1-47; St. George Tucker to Joseph C. Cabell, June 8, 1814, Cabell Papers.

able to bequeath these slaves to her new husband should she die before him. Charles Carter, Leila Tucker's son, suggested an alternative plan. Rather than be paid for giving up his rights, he preferred "to cede my right in them to you, on the express condition that in case my Father[-in-law] survives you, he shall hold them 'till his death, when they shall be emancipated by him, and in the event of your out-living him, you shall make the like use of them"¹⁵ After Mrs. Tucker informed her husband of this offer, Tucker wrote down his thoughts on the matter. He rejected Carter's plan for a number of reasons. First, he feared the fatal consequences which would follow should the slaves learn that the deaths of their master and mistress were all that stood between their slavery and freedom: "Such a Temptation ought in no case to be held out to poor ignorant creatures, who might be misled by the vicious Councils of others."¹⁶ Furthermore, Tucker explained:

As the Law is at present and probably will continue, should they be emancipated they must depart the State forever, within a year, or be sold again as Slaves by the overseers of the poor. The effect of the former would be to send them into perpetual Banishment from their friends and Connexions, poor, ignorant, and friendless. Those in the decline of life would perish miserable, and those who were not would be obliged to

¹⁵Charles Carter to Leila Tucker, Jan. 18, 1813, T-C Mss.

¹⁶St. George Tucker to Leila Tucker (memo), Jan. 19, 1813, ibid.

encounter every hardship that poverty, ignorance, a want of friends, and a complexion indicative of a State of Slavery could expose them to.¹⁷

The possibility that they might be arrested and sold as runaway slaves by the overseers of the poor was no better an alternative. If sold to an inhumane master, the slaves would "experience a Lot an Hundred times harder than that which they have been for more than twenty years accustomed, and in which they probably are, and will continue as happy, as they are capable of being."¹⁸

So Tucker remained a slaveowner and as such he faced many problems typical of that position. Toward the end of the American Revolution, when the British campaign was centered in the South, Tucker was not exempt from losing some of his slaves to the enemy.¹⁹ Nor did his plantations fare any better during the War of 1812, when the British carried off forty-three Negroes, "the flower of our people," from the Corrotoman plantation.²⁰ For these slaves, Tucker hoped "to obtain Restitution, or at least a Certificate from the Captain of

¹⁷ Ibid. Tucker was referring to the state law passed in 1806, which required manumitted slaves to leave Virginia within twelve months of the time they were granted their freedom. Henning, ed., The Statutes at Large, XVI, 252.

¹⁸ St. George Tucker to Leila Tucker, Jan. 19, 1813, T-C Mss.

¹⁹ William Withers to St. George Tucker, Aug. 10, 1781, ibid.

²⁰ Joseph C. Cabell to J. H. Cocke, Apr. 28, 1814, Cabell Papers; St. George Tucker to John Richerson, Apr. 24, 1814, ibid.; St. George Tucker to Joseph C. Cabell, Sept. 14, 1814, ibid. Table 4 shows the drop in the number of slaves at Corrotoman, although information for 1815 is scarce.

the Ship on Board of which they are, that they are on board."²¹

As an absentee owner, many of the problems Tucker had to deal with concerned the supervision of overseers, some of whom were prone to "extreme and repeated cruelty" toward the slaves.²² The Corrotoman plantation was sometimes the scene of such cruelties. Tucker was astonished and dismayed at the "intemperate" conduct of the overseer, Mr. Robertson:

To strip a poor woman for overstaying her time with her Child a few minutes, was a piece of barbarianism.... And if this young Brute at Corrotoman is not check'd I shall not wonder if he is [murdered by the Negroes]. I had almost said that I should not lament it: in such abhorrence do I hold Conduct of this Kind.²³

Another time he despaired:

Two young men, runaways from thence, made their appearance last week. One had been partly whipped and made his escape by the rope by which he was tied, breaking: the other says he was drawn up to be whipped, because he had been to see his wife.... Five others, they say were in the Woods. This is an abominable state of things, and I almost wish I were dead that I might hear nor see any more such.²⁴

²¹St. George Tucker to Joseph C. Cabell, Apr. 24, 1814, Cabell Papers.

²²Frances Bland Tucker to St. George Tucker, Nov. 1787[?], T-C Mss.

²³St. George Tucker to Joseph C. Cabell, Feb. 12, 1808, Bryan Papers.

²⁴St. George Tucker to Joseph C. Cabell, Aug. 12, 1812, ibid.

Robertson's actions led Tucker to conclude, "I am by no means satisfied that that intemperate young man should remain there, unless Mr. Robertson takes upon himself to control his Conduct more than he has done."²⁵

Some form of punishment was necessary, however, for those slaves who misbehaved or ran away and Tucker was not adverse to using severe punishment when he felt it was needed. Although "overseers were the greatest Brutes of Creation,"²⁶ they fulfilled a necessary function on the plantation "as instruments of oppression...over slaves."²⁷ In at least one case, Tucker had a man hired to flog a violent and insubordinate runaway slave²⁸ and the same treatment was probably used on Joseph Cabell's slave, Billy, who robbed the Tucker's Williamsburg house. Tucker wrote to Cabell, "Bring Billy down with you--as I am determined to send him back, with a memento against thieving."²⁹ Another runaway was punished in a different manner. "We must make an example of him," Tucker wrote, "by sending him off the plantation as soon as

²⁵ Ibid.

²⁶ Ibid.

²⁷ "They were in all other respects outcasts of Society." St. George Tucker to William Wirt, Sept. 25, 1815, "William Wirt's Life of Patrick Henry," William and Mary Quarterly, 1st Ser., XXII (Apr. 1914), 254.

²⁸ Henry Richerson to St. George Tucker, Jan. 23, 1817, T-C Mss.; John Richerson to St. George Tucker, Feb. 22, 1818, ibid.

²⁹ St. George Tucker to Joseph C. Cabell, May 27, 1807, Bryan Papers; St. George Tucker to Joseph C. Cabell, Feb. 12, 1808, ibid.

it can be done with convenience."³⁰

On the whole, Tucker was a concerned and understanding master, because he believed that "good Servants may be ranked among the very best of our Friends, and we should evince to them that we consider them such, by friendly conduct, and an interest in their every comfort."³¹ He fed, clothed, and worried about the health and happiness of his slaves,³² but was practical about the extent of such care. After having sent a mulatto servant to his stepson, Theodorick Bland, Tucker offered the following fatherly advice: "It is that you will not run into any Expense in the article of Cloaths [sic] for him, beyond what is barely necessary. Your own, or Johnny's cast cloaths may be made to fit him: should you aim at a Servant in Livery, it will be the means of running you into many unnecessary disbursements."³³

Tucker's slaves appreciated their master's concern for their welfare and turned to him for succor in their old age. One slave, Phillis, wrote:

³⁰St. George Tucker to Joseph C. Cabell, Feb. 8, 1808, ibid.

³¹St. George Tucker to Joseph C. Cabell, May 10, 1811, ibid.

³²John Woodson to St. George Tucker, passim, T-C Mss.; Frances Bland Tucker to St. George Tucker, Nov. 1787, ibid. Joseph C. Cabell to St. George Tucker, July 3, 1818, Cabell Papers; St. George Tucker to Joseph C. Cabell, June 8, 1814, ibid.

³³St. George Tucker to Theodorick Bland, Aug. 30, 1789, Bryan Papers.

Loveing Master and Mistriss I take the
 Lebbertis of informing you of my present
 wishes of which I hope you will not Be
 displeas'd at nor think that I am not
 Satisfis'd with my Situation of Life--So
 far from that it gave me pleasure to say
 that you Boath have discharged your duty
 to me as any Servant have any Right to
 Expect or wish for--But old Age and
 infirmity Begains to follow me which Cause
 me to think that my Business in Life are
 nealy to an End--tho I know From my heart
 that you and Mistress would never See me
 Suffer as long as my Body Lives and you
 Live But I am going down fast to my grave
 and if you please By your Premonitions
 Boath you and Mistres I would go and
 Live those other few dais with master
 Beverley and my Children.³⁴

Unlike most Virginians, Tucker had the opportunity to change the conditions of slavery by more than just the humane treatment of his own servants. As judge of the General Court of Virginia, Tucker was able to interpret the laws he had so often criticized. Significantly, his judicial decisions point to a moderate, slightly more conservative than liberal, interpretation of Virginia's slave laws.

Judge Tucker recorded his distaste for the frequent acquittals of white men who murdered Negro slaves,³⁵ but his most important opinions and decisions were expressed in cases dealing with slaves as a form of property. Most of these

³⁴ Phillis to St. George Tucker, n. d., in Mary Haldane Coleman, ed., Virginia Silhouettes, Contemporary Letters Concerning Negro Slavery in the State of Virginia (Richmond, 1934), 28. "master Beverley" was Tucker's son, Nathaniel Beverley Tucker. See also Cyfax Brown to St. George Tucker, May 15, 1822, T-C Mss.

³⁵ Thomas Sorrell Case, Helen T. Catterall, ed., Judicial Cases Concerning Slavery and the Negro (Washington, 1926), I, 93-94.

cases dealt with emancipated slaves who were being reenslaved and sold to pay off their former owners' debts. In 1805 the court permitted such reenslavement and sale, but Tucker dissented:

The existence of this very suit corroborates the opinion I have conceived, that a person de facto free, either by birth, as in the case of children, or by actual emancipation in due form of law, as in the case of parents, cannot be taken in execution to satisfy any judgment, or decree in any suit to which he is not a party.³⁶

Two years later, Tucker heard a case in which emancipated slaves were suing to maintain their freedom, while the administrator of their former owner's will demanded that they be sold to pay off the deceased's debts (even though the deceased had asked that her land be sold for this purpose). Tucker decided that if the sale of the land could pay off all of the debts, then the Negroes were to keep their freedom. However, if all of the debts were not covered by the land sale, the previously emancipated slaves were to "be sold for such a term of years as may be sufficient to raise the adequate fund."³⁷ The duality of the slave as a person and as a piece of property was taken into account. This recognition of slaves as personal property was the conservative element in many of Tucker's judicial decisions.

³⁶Woodley v. Abby and other paupers, *ibid.*, 94. Tucker's "opinion" refers to his belief that slavery "cannot extend to those not in being," that is, unborn children of slaves. Tucker, *Dissertation*, 97.

³⁷Patty and others (paupers) v. Colin, Catterall, ed., *Judicial Cases*, I, 115.

Hudgins v. Wrights (1806) was Tucker's most important, precedent-setting case dealing with slaves. In a former suit, Hannah and other Indians v. Davis (1787), the General Court had declared that "no Indians brought into Virginia since the passing [of the act of 1705 authorizing a free trade with the Indians,] nor their descendants, can be slaves in this commonwealth."³⁸ In 1806 a number of individuals brought suit for their freedom, because their ancestry could be traced back to Indians. At a hearing on the case, Hudgins v. Wrights, George Wythe concluded that

the appellees were entitled to their freedom; and, moreover, on the ground that freedom is the birthright of every human being, which sentiment is strongly inculcated by the first article of our 'political catechism,' the bill of rights--he laid it down as a general position, that whenever one person claims to hold another in slavery, the onus probandi lies on the claimant.³⁹

When the case was appealed, Judge Tucker concurred with Wythe's decision that the Wrights were free (based on the case of Hannah and others v. Davis), but he did not agree with Wythe's interpretation of the Bill of Rights. Tucker argued that the Bill of Rights

³⁸Hannah and other Indians v. Davis, ibid., 94-95. This decision was upheld in 1808 in Pallas, Bridget, James, Tabb, Hannah, Sam and others (Indians and paupers) v. Hill and others, ibid., 116-117. Although Tucker was not involved in the Hannah and others v. Davis case, he was intellectually interested in its outcome. Cullen, "St. George Tucker and Law in Virginia," 94-95.

³⁹Hudgins v. Wrights, Catterall, ed., Judicial Cases, I, 112.

was meant to embrace the case of free citizens or aliens only; and not by a side wind to overcome the rights of property, and give freedom to those very people who we have been compelled from imperious circumstances to retain, generally, in the same state of bondage that they were in at the revolution, in which they had no concern, agency, or interest.⁴⁰

Wythe's decision was affirmed, but with restrictive qualifications:

This Court, not approving of the Chancellor's principles and reasoning in his decree... except so far as the same relates to white persons and native American Indians, but entirely disapproving thereof, so far as the same relates to native Africans and their descendants, who have been and are now held as slaves by the citizens of this state, and discovering no other error in the said decree, affirms the same.⁴¹

⁴⁰ Ibid., 112.

⁴¹ Ibid., 113. To be fair to Tucker, Wythe's decision was out of step with contemporary judicial philosophy. A century would go by before the type of judicial discretion which Wythe showed in his decree (the adaptation of law to changing social needs and the relaxation of the force of precedent) would be in vogue. (See Wilfrid E. Rumble, Jr., American Legal Realism: Skepticism, Reform, and the Judicial Process [New York, 1968], passim.) During the nineteenth century, most jurists based their decisions on the theory of natural law, "a body of ideal legal precepts by which, so far as possible, they are made to conform." (Roscoe Pound, The Formative Era of American Law [Boston, 1938], 15.) Attempting to organize and stabilize the American legal system following the Revolution, judges saw the formation of "clear precedents," "sound, logically consistent and abstractly just rules for the future," as their most important duty. (Ibid., 102, 103.) Furthermore, it was assumed that a rigid separation of powers left little room for judicial "creativity." (Ibid., 111.) Tucker's decision in the case of Hudgins v. Wrights was based on these legal theories. He showed an acute concern for the important precedent which would be set by the case and his professional conscience must have led him to render his strict interpretation of the law. This analysis of legal theory does not mean that Tucker's conservative decision may be excused. Judge Wythe had used his public office to denounce the slave system and, if his decision had been fully upheld, slavery would have been declared unconstitutional in Virginia. Tucker's professional reluctance to follow Wythe's lead certainly has a bearing on the degree of his personal conviction concerning the abolition of slavery.

Conservative decisions such as this lead one to ask whether there were discrepancies between Tucker's ideas and his actions? In his Dissertation on Slavery Tucker had chastised Virginians for not living up to the natural law principles of liberty and equality for which they had fought the American Revolution; yet, in his court decisions he implied that slaves did not have to reap the benefits of the war, since they had "no concern, agency, or interest" in it. Moreover, if equality was his goal, why did he devise emancipation and colonization plans which restricted Negro civil rights? If liberty was his goal, why did he make excuses for not emancipating his own slaves?

When Tucker expressed his desire for liberty, he meant only freedom from chattel slavery. Ideally civil equality would have been desirable, but Tucker was aware of the prejudices to which he and his society were subject. Fearing the possibility of a stain upon the white population should the Negroes intermarry into it, fearing the possible starvation and lawlessness which might result if Negroes were ill-prepared for freedom, Tucker opted for rigid restrictions upon a free black population. Furthermore, Tucker's refusal to emancipate his own slaves was not totally inconsistent with his desire for the abolition of slavery. His plans for gradual abolition and territorial colonization had taken into account what he felt was the special status and character of the Negro slaves. The plans had confronted the status of the slave as a piece of property. They had dealt with the

possible mental inferiority of the Negro race. They had taken into account the slaves' lack of preparation for independent existence. They had provided for gradual abolitionism with restrictions upon free Negroes only because Tucker believed there were dangers, as well as assets, in emancipation. Considering this attitude, it would have been more surprising if Tucker had freed his slaves. For any slaveowner to free individual slaves without special preparation and without a means to regulate their questionable behavior was contrary to all his hopes.

Conservatism also structured Tucker's relationship with his slaves. Benevolent behavior was mixed with the recognition of a master's superiority. Tucker's proprietary attitude was at once paternalistic and practical. He worried about his slaves' health and well-being, but was enough of a businessman to treat them as pieces of property which could be bought, sold, and separated from their families when necessary.

An analysis of Tucker's personal and judicial treatment of slaves greatly adds to any understanding of that Virginian's complicated feelings about the institution of slavery. Legally, slaves were chattel; ideally, they should have been free. Tucker reconciled these two alternatives in his own behavior. As a concession to the institution of slavery, he accepted the legal status of enslaved blacks as the personal property of their masters. Defiance of the institution was expressed in his kindly concern for those human beings

who were under his supervision. Still, Tucker was more reconciled to the slave system than his writings have suggested. This behavioral acceptance of slavery as a way of life makes Tucker's theories on abolition even more interesting.

CHAPTER V

THE COMPLEXITIES OF TUCKER'S COMMITMENT TO THE ANTISLAVERY CAUSE

Were southern antislavery advocates, such as St. George Tucker, truly liberal or were they so enmeshed in the prejudicial atmosphere of their time and area that they were never completely dedicated to the abolition cause? Some historians have seen early southern emancipationists as sincere practitioners of the Enlightenment, natural rights philosophy. Others have suggested that these emancipationists were never completely committed to total abolitionism, because they modified their scheme to account for what they believed to be the inferiority of the Negro race. According to this view of history, anything short of advocating general and immediate emancipation, concurrent with the granting of equal civil rights, is a mockery of the true meaning of "antislavery."

Clement Eaton has characterized eighteenth-century southern aristocrats as "amateur philosophers," who enthusiastically subscribed to liberal, European Enlightenment thinking on slavery, religion, and politics. Theories of natural rights and social compacts, which presupposed basic freedoms for all individuals, were popular and the aristocrats of the South recognized the necessity of living up to

these ideals by eradicating slavery.¹ St. George Tucker was one of the men who shared in this era of liberalism, according to Eaton, Charles G. Sellers, Mary S. Locke, and Richard Beale Davis,² and it is to Tucker and "these colonial-bred aristocrats [that] one must look for the catholic point of view which makes for tolerance."³

To be a Southerner in support of the abolition of slavery took a special kind of commitment and understanding. Richard Beale Davis has called Tucker "an extreme liberal," because he acknowledged the necessity to rebel against the existing social order,⁴ for that is what abolitionism was to the South--a rebellion against the foundation of the whole society, economic, social, and political. Because of the intense feeling of security which accompanies any adherence to the status quo, early abolitionists had to apply tactics which would arouse the least fears and the most participation from their contemporaries. Their approach, therefore, tended to be "soft-sell." Mary S. Locke has defended this tactic:

Abolitionists of the earlier day had seen the truth as clearly and spoken it as boldly as any of the later generation. If their

¹Eaton, Freedom of Thought, 10-23.

²Ibid., 23; Charles G. Sellers, Jr., "The Travail of Southern Slavery," The Southerner as American, ed. Charles G. Sellers, Jr. (Chapel Hill, 1960), 44; Locke, Anti-Slavery, 129; Davis, Intellectual Life in Jefferson's Virginia, 259, 391.

³Eaton, Freedom of Thought, 31.

⁴Davis, Intellectual Life in Jefferson's Virginia, 259.

language was usually more temperate it was not from timidity or indifference, but because they believed that persuasion was more effective than provocation.⁵

Other historians of the southern antislavery movement have been less impressed with that movement's sincerity. While most of these historians have conceded that the philo-

⁵Locke, Anti-Slavery, 196. Various pieces of historical evidence back up the point of view that temperate southern "aristocrats" presented persuasive antislavery arguments. As tensions between the North and South mounted in the 1850s and early 1860s, many persons hoped that the problem of slavery could be solved by bringing out areas of agreement in the thinking of both sections. Some abolition arguments were bolstered by references to eighteenth- and early nineteenth-century southern sympathizers and early southern proposals for abolition were offered as possible compromise measures. In 1858 Daniel R. Goodloe quoted from Tucker's Dissertation, along with writings by Washington, Jefferson, Madison, and others, in order to prove that southern revolutionary leaders "were not less impressed with the evils of Slavery--moral, economical, and political--than those of the North" and that these Southerners were "almost unanimous against the institution" of slavery. Goodloe wrote, "My object in making this publication is not to produce sectional feeling, but to awaken in Southern minds those noble and generous sentiments of freedom which animated their ancestors." (Daniel R. Goodloe, The Southern Platform: Or, Manual of Southern Sentiment on the Subject of Slavery [Boston, 1858], 2.) Furthermore, Tucker's Dissertation was republished in 1861 in "response to the deep interest that is now felt in all parts of the United States on the subject of slavery." In the introductory note, the publisher wrote, "It [the republication] is not intended to favor the schemes of any of the present political parties of the country, but simply to show what were the opinions of a distinguished professor and jurist of the Old Dominion sixty-five years ago." (St. George Tucker, A Dissertation on Slavery: With a Proposal for the Gradual Abolition of It in the State of Virginia [New York, 1861], [2].) Still, the strategic timing of the publication must lead one to question its significance to the early Civil War setting. Perhaps it was seen as a means to solve the quarrel over slavery. As a proposal by a distinguished Southerner to gradually abolish the evil which northern abolitionists had so vehemently condemned, the plan offered a compromise which might have served as a basis for reconciliation. All one can do is speculate as to any such deeper motives on the part of the publisher, however, the publisher was conscious of "the importance of the views entertained" within the pamphlet. (Ibid., [2].)

sophy of natural rights did persuade some Southerners to voice antislavery protests, they have assumed that such protests lacked the kind of commitment which could mark them as genuine expressions of abolitionist sentiment. Robert McColley, one of the major proponents of this view, has discussed the "difference between cautious and theoretical antislavery as opposed to a practical and immediate concern for the rights of the Negroes."⁶ In doing so he has presented a complex opinion of St. George Tucker's part in the antislavery movement in Virginia. McColley has written:

From their frequent statements in this vein, these Virginia statesmen have caused their constituents to enjoy the reputation of being antislavery, as if the statesmen were voicing the convictions of their society and class. But if one looks closely, it appears that attacks on slavery usually occurred in the relations of Virginia with the outside world.... But among the class of wealthy planters whom they chiefly represented not one Virginia statesman of the Jeffersonian era ever advanced a practical proposal for the elimination of slavery, or for the systematic amelioration of the Negro's condition, with the single exception of St. George Tucker....Schemes were, indeed, discussed in private. But, Tucker excepted, no politically prominent man came forward to advocate the end of slavery.⁷

In spite of this initial praise for Tucker's Dissertation, McColley has qualified his opinion of the jurist by lumping him with all those racist Virginians who believed "emancipation must be accompanied with immediate removal, [because]... a mongrelization of the races was to be feared."⁸ Winthrop

⁶McColley, Slavery and Jeffersonian Virginia, 158.

⁷Ibid., 115-116.

⁸Ibid., 157-158.

Jordan, Dwight Lowell Dumond, and Keith M. Bailor have joined with McColley in his analysis of Tucker's antislavery proposal of 1796. Each of these historians has seen this racist point of view as detrimental to the cause of abolition. Tucker's supreme commitment, according to these historians, was to a white America: "The unvarnished aim of Tucker's plan was the complete removal of all Negroes from Virginia and from the rest of the nation as well."⁹

The opinions of McColley, Jordan, and Dumond have been shaped by similar concerns. Present day racial injustices have led each of these historians to question the forces which "have kept the American Negro in a subordinate position throughout our national history."¹⁰ Moreover, they have all been able to trace the tragedy of Negro subordination to the indecisiveness of many early emancipationists, particularly those from the South. The negative attitudes of these historians leads one to question whether they have been writing "latter day abolitionist tract[s]" instead of history. McColley, although he has insisted otherwise, does lean toward "latter day" abolitionism and has vigorously criticized the "tragic and vicious system which warped to some

⁹Keith M. Bailor, "John Taylor of Caroline: Continuity, Change, and Discontinuity in Virginia's Sentiments toward Slavery, 1790-1820," Virginia Magazine of History and Biography, LXXV (July 1967), 292. See also Jordan, White over Black, 557-560; and Dumond, Antislavery, 79.

¹⁰McColley, Slavery and Jeffersonian Virginia, 5.

extent everyone having occasion to become involved with it."¹¹ But it is Dumond's Antislavery which is most blatantly abolitionist. Condemnation awaits any antislavery plan short of immediate and total incorporation of Negroes into society as the legal and social equals of all other Americans. It is not surprising, therefore, that Dumond has offered the most severe criticism of Tucker's 1796 plan:

Was this an anti-slavery document? The answer is a qualified no! Tucker could not deny or excuse the evils of the foreign slave trade; they were too well known. He could not repudiate the natural rights of man; they were too universally endorsed. He could not contemplate slavery in perpetuity; it stood condemned. He could not bring himself to suggest the slaves be killed off, or public funds be used to rehabilitate them in Africa; but he could and did present a system of oppression and diabolical cruelty worse than slavery--worse because designed deliberately to drive them out of the land.¹²

The historians who have condemned Tucker and many other southern antislavery advocates for a less than genuine desire to see slavery ended have based their conclusion on the racist biases of these emancipationists, biases which inevitably led the Southerners to become gradual abolitionists and colonizationists. Each of these historians, McColley, Jordan, Bailor, and Dumond, has considered Tucker's Dissertation suggestion that Negroes be coerced to migrate voluntarily from Virginia to such areas as Spanish Louisiana

¹¹Ibid., 6.

¹²Dumond, Antislavery, 79.

or Florida as an indication of his personal commitment to a white-dominated American society and, therefore, his lack of devotion to true abolitionism. This line of reasoning suffers from many defects. The most obvious is the presupposition that a sincere desire to end chattel slavery was always accompanied by a willingness to accept and treat Negroes as equals. Tucker was sincerely against chattel slavery and his commitment to the principles of Enlightenment philosophy caused him to devise a plan which would have ultimately ended the cruelties of that institution in Virginia. The publication of A Dissertation on Slavery and its presentation to the Virginia General Assembly show what even McColley must call an exceptional devotion to the cause of abolitionism. Yet, St. George Tucker was a racist. He was not fully convinced that Negroes had physical and mental capabilities that were equal to those of whites and he regarded intermarriage between the races as taboo.¹³ His

¹³George Fredrickson's analysis of the colonization movement has raised the question of whether biological or environmental racism shaped the goals of that movement. Early nineteenth century colonizationists, according to Fredrickson, saw the "American racial environment as intractable;" they believed that the Negroes' threat to the social and economic order of society was due to the Negroes' degradation under slavery rather than to their inherent inferiority. Whites could see no way to end their prejudice against blacks except by the transportation of the Negroes away from the United States. (George M. Fredrickson, The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914 [New York, 1971], 11-12, 17, 20.) Winthrop Jordan, on the other hand, provides evidence that environmentalism had declined in popularity by 1812 and that colonizationists were motivated by an irrational distaste for black skins, a belief in the innate inferiority of the Negro race, and the fear of a biological mixture between whites and blacks. (Jordan, White over Black, 533-538, 568-569.) Tucker's motivation pattern is best described in Jordan's terms. Tucker's territorial asylums were styled to alleviate "biological," not "environmental," racist concerns. Restricted geographically, socially, politically, and economically, the tenants of Negro asylums would not escape the environmental degradation which had oppressed them as slaves.

abolition and postabolition proposals were shaped by the prejudices which he shared with a majority of late eighteenth- and early nineteenth-century Virginians. His plan for gradual abolition shows how clearly he understood these prejudices, but it also shows how determined he was to bring about the end of slavery in spite of them.

Previous historical analyses have presented a static picture of Tucker's views. Jordan and Bailor, for instance, use Tucker's Dissertation to indicate contemporary parallels to Thomas Jefferson's racist thinking in Notes on the State of Virginia.¹⁴ Tucker was not Jefferson and the constant equation of their ways of thinking has led to a misunderstanding of Tucker's point of view. By singling out a few lines and footnotes from Tucker's Dissertation, historians have failed to note that Tucker did not fully develop his ideas on the treatment of free Negroes until twenty-five years after that pamphlet's publication, and at that time Tucker bucked the trend toward African colonization and was prepared to offer American soil to emancipated Negroes. This scheme indicates how different Tucker was from early southern antislavery advocates, like Jefferson, who considered emancipation secondary to keeping America white. The revolutionary heritage was more deeply engrained in Tucker's mind and conscience than it was in the minds and consciences of Jefferson, Monroe, Madison, or any of the other colonization-

¹⁴Ibid., 558-560; Bailor, "John Taylor of Caroline," 292.

ists whose racist fears caused them to desire a postponement of abolition until African colonization was feasible. In contrast, Tucker desired the immediate commencement of his gradual abolition program, even though this necessitated sharing territorial lands, lands which were slowly becoming states, with freed blacks. Significantly, civil equality for Negroes might have been possible, too, because Tucker's scheme provided for modification of the restrictions on freed blacks if experience showed them capable of productive, peaceful existence.¹⁵

¹⁵It is difficult to equate Tucker with his contemporaries in the antislavery movement, particularly when analyzing the movement's inertia. Edmund S. Morgan has suggested that Virginia's antislavery advocates were unable to carry out their program (put into practice their "republican" ideas) because of their "deep distrust of the landless workman." Fear of the idle poor, rather than racial prejudice, is seen as the foundation for programs such as African colonization, and St. George Tucker is noted as one of many Virginians who wished to force free Negroes to work if they did not do so voluntarily. ("Slavery and Freedom," 9, 12-13.) Morgan makes a good point here, because fear of a vagabond class was certainly in Tucker's mind when he proposed both gradual abolitionism and strictly controlled territorial colonization. However, he fails to see that Tucker had satisfactorily reconciled his fears and his revolutionary heritage in his plan for territorial colonization.

David Brion Davis has suggested that Jefferson's "immense silence" about slavery after 1790 was due to his membership in the planter class and not his racism. (Was Thomas Jefferson an Authentic Enemy of Slavery? [Oxford, 1970], 13, 7.) This argument is as unacceptable as is racism for a pat explanation of Tucker's plans and actions. Tucker's reputation was based on his legal knowledge and position, not the size of his plantations. Moreover, Davis has suggested that Jefferson's identification with the planter class caused him to desire "the preservation of a social order based on slavery." (Ibid., 17.) As already mentioned, Tucker was a rebel against what D. B. Davis had called the existing "social universe" of late eighteenth- and early nineteenth-century Virginia. (Ibid., 17. See R. B. Davis, Intellectual Life in Jefferson's Virginia, 259.) He was appalled by wealth and status gained at the expense of black slaves. His sensitivity to property rights was more a product of his legalistic training than his membership in a planter aristocracy.

Tucker sincerely desired the emancipation of all slaves. In practice, however, he did not even manumit his own chattels. While this may appear to be hypocritical behavior, Tucker's thoughts and actions actually fall into a relatively cohesive pattern. Tucker was neither an extreme liberal nor a conservative. He was not an abolitionist, if "abolitionist" is defined as one who wants immediate, total emancipation without compensation for slaveholders. He was merely dedicated to a liberal cause, but limited in his ability to support an extreme abolition program by his own fears, by his judicial respect for property ownership, and by the inertia of the proslavery majority which controlled Virginia's politics.

In spite of the gradualness of his scheme to end slavery and in spite of the reservations he had about Negro capabilities, he was one of the most liberal southern antislavery advocates of his time. As the eighteenth century ended and the nineteenth century began, many southern emancipationists of the revolutionary era wavered in their dedication to the ultimate goal of freedom for all. Racial, economic, and political self-interest diverted their early abolitionist enthusiasm to such programs as African colonization. Tucker's interest was never diverted; instead, it was strengthened. His original plan to remove the moral stigma of slavery from Virginia was broadened in later life to include a system of territorial colonization for all freed blacks from all the states of America. By 1820, Tucker's continual commitment to the natural rights philosophy was the factor which

separated him from most of his sectional contemporaries.

It is this continuous devotion to the antislavery cause which makes Tucker an important individual in any study of the southern abolition movement. It is a devotion marred by racial prejudices and by the status of a slaveowner, but as a man of prejudices and a master of slaves, St. George Tucker only serves to clarify the complexity of antislavery advocacy in a society which had decided to support itself on the labor of black chattels. In 1796, combining a Southerner's awareness of the delicacy of the abolition issue with a sincere hope for the end of chattel slavery, Tucker predicted his lifelong fidelity to the antislavery cause:

Strenuously as I feel my mind opposed to a simultaneous emancipation, ...the abolition of slavery in the United States, and especially in that state, to which I am attached by every tie that nature and society form, is now my first, and will probably be my last, expiring wish.¹⁶

¹⁶Tucker, Dissertation, 82.

TABLE 1
 SLAVE PROPERTY AT BIZARRE PLANTATION,
 1782-1789¹

Date	Total Number	Over 16	Under 16	Over 12
1782	28			
1783		10	30	
1784		11	32	
1785		13	28	
1786				
1787		16	21	
1788				20
1789				22

¹Compiled from Cumberland County Personal Property Tax Records, 1782-1789, Virginia State Library, Richmond, Virginia. Records of slave property were tabulated differently at various times. Statistics for each year are placed in the columns which are appropriate to the tax records for that year. There is no record of slaves under the age of twelve. St. George Tucker married Frances Bland Randolph in 1778, but tax records are not available before 1782. In 1789 Richard Randolph got married and acquired control of Bizarre. Mary Haldane Coleman, St. George Tucker: Citizen of No Mean City (Richmond, 1938), 110.

TABLE 2
 SLAVE PROPERTY AT MATOAX PLANTATION,
 1782-1794¹

Date	Total Number	Over 16	12-16
1782			
1783			
1784			
1785			
1786	7		
1787			
1788			
1789			
1790			
1791			
1792		18	3
1793		11	5
1794			

¹Compiled from Chesterfield County Personal Property Tax Records, 1782-1794, Virginia State Library, Richmond, Virginia. Records of slave property were tabulated differently at various times. Statistics for each year are placed in the columns which are appropriate to the tax records for that year. There is no record of slaves under the age of twelve. St. George Tucker married Francis Bland Randolph in 1778, however, tax records are not available before 1782. In 1794 John Randolph, Tucker's stepson, came of age and sold Matoax. Coleman, St. George Tucker, 112. The information on the number of slaves at Matoax is scarce, therefore, the statistics provide an extremely rough estimate of slave ownership.

TABLE 3
 SLAVE PROPERTY AT ROANOKE PLANTATION,
 1782-1794¹

Date	Total Number	Over 16	Under 16	12-16
1782	36			
1783		12	23	
1784		10	30	
1785		18	25	
1786		24	26	
1787		36	52	
1788		67		15
1789		70		18
1790		78		16
1791		62		11
1792		62		10
1793		62		14
1794		65		9

¹Compiled from Charlotte County Personal Property Tax Records, 1782-1794, Virginia State Library, Richmond, Virginia. Records of slave property were tabulated differently at various times. Statistics for each year are placed in the columns which are appropriate to the tax records for that year. There is no record of slaves under the age of twelve. St. George Tucker married Frances Bland Randolph in 1778, but tax records are not available before 1782. In 1794 Tucker's stepson, John Randolph, came of age and acquired Roanoke plantation. Coleman, St. George Tucker, 112.

TABLE 4
 SLAVE PROPERTY AT CORROTOMAN PLANTATION,
 1791-1827¹

Date	Over 16			12-16			Over 12				9-12		
	GC	JC	CC	GC	JC	CC	GC	JC	CC	CCe	GC	JC	CC
1791	69			14									
1792	66			11									
1793	68			13									
1794	70			10									
1795	67			15									
1796	69			8									
1797	70			11									
1798	70			15									
1799	69			16									
1800	75			9									
1801	70			18									
1802	76			18									
1803	79			21									
1804	90			21									
1805	97			17									
1806	100			25									
1807	103			23									
1808													
1809	84			15									
1810	98			19									
1811	102			16									
1812	101			16									
1813		56	42		10	14							
1814		53	45		9	14							
1815			11										
1816									40	42			
1817									40	36			
1818									46	37			
1819									48	36			

(continued)

TABLE 4 (continued)

Date	Over 16			12-16			Over 12				9-12		
	GC	JC	CC	GC	JC	CC	GC	JC	CC	CCe	GC	JC	CC
1820									36	30			
1821									50	33			
1822									51	45			
1823									56	45			
1824									54	45			
1825									53	36			
1826									55		46		
1827									58		46		

Key

GC=George Carter estate
 JC=Joseph C. Cabell
 CC=Charles Carter
 CCe=Charles Carter estate

¹Compiled from Lancaster County Personal Property Tax Records, 1791-1827, Virginia State Library, Richmond, Virginia. Records of slave property were tabulated differently at various times. Statistics for each year are placed in the columns which are appropriate to the tax records for that year. There is no record of slaves under the age of twelve, except for the year 1820. St. George Tucker married Leila Skipwith Carter in 1791. Coleman, St. George Tucker, 104. Tucker died in 1827.

TABLE 5
 WILLIAMSBURG HOUSEHOLD SLAVE PROPERTY,
 1789-1827¹

Date	Over 12	12-16
1789	10	
1790	11	
1791	5 [?]	
1792	19	
1793	17	
1794	14	13 [?]
1795	17	
1796	16	
1797	16	
1798	15	
1799	15	
1800	14	
1801	14	
1802	14	
1803		
1804	13	
1805	13	
1806	13	
1807	14	
1808		
1809	12	
1810	11	
1811	12	
1812	15	
1813	12	
1814	12	
1815	12	
1816	13	
1817		
1818	13	
1819	13	

(continued)

TABLE 5 (continued)

Date	Over 12	12-16
1820	13	
1821	12	
1822	12	
1823	13	
1824	11	
1825	9	
1826	8	
1827	8	

¹Compiled from Williamsburg City Personal Property Tax Records, 1789-1861, Colonial Williamsburg Research Library, Williamsburg, Virginia. Microfilm M-1-47. Records of slave property were tabulated differently at various times. Statistics for each year are placed in the columns which are appropriate for that year. There is no record of slaves under the age of twelve. Tucker's tax records begin in 1789. He died in 1827.

BIBLIOGRAPHY

PRIMARY WORKS

African Repository and Colonial Journal. I-III. Washington, 1825-1827. Reprinted New York, 1967.

The Alexandria Gazette, Dec. 3-31, 1796.

American Gazette and General Advertiser (Norfolk), Dec. 6-30, 1796.

Bryan Family Papers. University of Virginia. Charlottesville, Virginia.

Cabell Family Papers. University of Virginia. Charlottesville, Virginia.

Catterall, Helen T., ed. Judicial Cases Concerning Slavery and the Negro. I. Washington, 1926.

Coleman, Mary Haldane, ed. Virginia Silhouettes, Contemporary Letters Concerning Negro Slavery in the State of Virginia. Richmond, 1934.

The Enquirer (Richmond), Dec. 22, 1810-Dec. 24, 1811, Jan. 2, 1813-Dec. 30, 1813. University of Virginia. Charlottesville, Virginia. Microfilm N 497 and 499.

Fairfax, Ferdinando. "Plan for liberating the Negroes within the united states." The American Museum, or, Universal Magazine, VIII (1790), 285-286.

Goodloe, Daniel R. The Southern Platform: Or Manual of Southern Sentiment on the Subject of Slavery. Boston, 1858.

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. XI, XVI. Richmond, 1823.

"James Madison's Attitude toward the Negro." Journal of Negro History, VI (1921), 74-102.

Jefferson, Thomas. Notes on the State of Virginia. Ed. William Peden. Chapel Hill, 1955.

_____. The Papers of Thomas Jefferson. Ed. Julian P. Boyd. II. Princeton, 1950.

_____. The Works of Thomas Jefferson. Ed. Paul Leicester Ford. IX-XII. New York, 1905.

_____. The Writings of Thomas Jefferson. Ed. Albert Ellery Bergh. XIX. Washington, 1907.

_____. The Writings of Thomas Jefferson. Ed. Andrew A. Lipscomb. IX. Washington, 1903.

Journal of the House of Delegates of the Commonwealth of Virginia. Richmond, 1796. Colonial Williamsburg Research Library. Williamsburg, Virginia. Microfilm 16-5.

Journal of the Senate. Richmond, 1776-1801. Colonial Williamsburg Research Library. Williamsburg, Virginia. Microfilm 16-1.

Madison, James. The Writings of James Madison. Ed. Gaillard Hunt. VII, IX. New York, 1908.

Monroe, James. The Writings of James Monroe. Ed. Stanilaus Murray Hamilton. III. New York, 1900.

The New World (Philadelphia), Dec. 17, 1796.

Pleasants, Robert. Letterbook. Valentine Museum. Richmond, Virginia.

"Queries relating to Slavery in Massachusetts." Belknap Papers. II. Massachusetts Historical Society Collections. 5th Ser., III. Boston, 1877. 378-423.

"Queries Respecting the Slavery and Emancipation of Negroes in Massachusetts, Proposed by the Hon. Judge Tucker of Virginia, and Answered by Rev. Dr. Belknap." Massachusetts Historical Society Collections. 1st Ser., IV. Boston, 1795. 191-211.

Tucker, St. George. A Dissertation on Slavery: With a Proposal for the Gradual Abolition of It in the State of Virginia. Philadelphia, 1796.

_____. A Dissertation on Slavery: With a Proposal for the Gradual Abolition of It in the State of Virginia. New York, 1861.

_____. Essay on Benevolence. Tucker-Coleman Collection. Swem Library of the College of William and Mary. Williamsburg, Virginia.

_____. "On the State of Slavery in Virginia." In William Blackstone, Commentaries on the Laws of England. Ed. St. George Tucker. I, pt. 2. Philadelphia, 1803. 79-86.

_____. Reflections on the Cession of Louisiana to the United States. Washington, 1803.

_____. "Summary View of Laws concerning Slaves as Property in Virginia." In William Blackstone, Commentaries on the Laws of England. Ed. St. George Tucker. II. Philadelphia, 1803. 73-97.

_____. Supplement to Note H. Tucker-Coleman Collection. Swem Library of the College of William and Mary. Williamsburg, Virginia.

_____. "View of the Constitution of the United States." In William Blackstone, Commentaries on the Laws of England. Ed. St. George Tucker. I, pt. 1. Philadelphia, 1803. 140-377.

Tucker-Coleman Collection. Swem Library of the College of William and Mary. Williamsburg, Virginia.

Virginia Gazette, and General Advertiser (Richmond), Dec. 7-28, 1796.

Virginia Personal Property Tax Records. Virginia State Library. Richmond, Virginia.

Virginia State Legislative Petitions, 1796-1799. Accomack-York Counties. Virginia State Library. Richmond, Virginia.

"William Wirt's Life of Patrick Henry." William and Mary Quarterly, 1st Ser., XXII (Apr. 1914), 252-257.

Williamsburg Personal Property Tax Records, 1789-1827. Colonial Williamsburg Research Library. Williamsburg, Virginia. Microfilm M-1-47.

SECONDARY WORKS

Adams, Alice Dana. The Neglected Period of Anti-Slavery in America (1808-1831). Boston, 1908.

Alexander, Archibald. A History of Colonization on the Western Coast of Africa. Philadelphia, 1849.

Aptheker, Herbert. American Negro Slave Revolts. New York, 1943.

- Bailor, Keith M. "John Taylor of Caroline: Continuity, Change, and Discontinuity in Virginia's Sentiments toward Slavery, 1790-1820." Virginia Magazine of History and Biography, LXXV (July 1967), 290-304.
- Ballagh, James Curtis. A History of Slavery in Virginia. Baltimore, 1902.
- Barnhart, Clarence, ed. The New Century Cyclopedia of Names. I. New York, 1954.
- Carpenter, Jesse T. The South as a Conscious Minority. New York, 1930.
- Coleman, Mary Haldane. St. George Tucker: Citizen of No Mean City. Richmond, 1938.
- Cullen, Charles T. "St. George Tucker and Law in Virginia, 1772-1804." Unpublished Ph. D. dissertation, University of Virginia, 1971.
- Davis, David Brion. The Problem of Slavery in Western Culture. Ithaca, 1966.
- _____. Was Thomas Jefferson an Authentic Enemy of Slavery? Oxford, 1970.
- Davis, Richard Beale. Intellectual Life in Jefferson's Virginia. Chapel Hill, 1964.
- Dumond, Dwight Lowell. Antislavery: The Crusade for Freedom in America. Ann Arbor, 1961.
- Eaton, Clement. Freedom of Thought in the Old South. Durham, 1940.
- Fox, Early Lee. The American Colonization Society, 1817-1840. Baltimore, 1919.
- Fredrickson, George M. The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914. New York, 1971.
- Hickin, Patricia. "Antislavery in Virginia, 1831-1861." Unpublished Ph. D. dissertation, University of Virginia, 1968.
- Jenkins, William Sumner. Pro-Slavery Thought in the Old South. Chapel Hill, 1935.
- Johnson, Allen and Dumas Malone, eds. Dictionary of American Biography. II, XII, XVIII, XIX. New York, 1946.

Jordan, Winthrop. White over Black: American Attitudes toward the Negro, 1550-1812. Chapel Hill, 1968.

Locke, Mary Stoughton. Anti-Slavery in America from the Introduction of African Slaves to the Prohibition of the Slave Trade (1619-1808). Boston, 1901.

McColley, Robert. Slavery and Jeffersonian Virginia. Urbana, 1964.

Morgan, Edmund S. "Slavery and Freedom: The American Paradox." Journal of American History, LIX (June 1972), 5-29.

Phillips, Ulrich B. American Negro Slavery. New York, 1929.

Pound, Roscoe. The Formative Era of American Law. Boston, 1938.

Rumble, Wilfred E., Jr. American Legal Realism: Skepticism, Reform, and the Judicial Process. New York, 1968.

Russell, John H. The Free Negro in Virginia, 1619-1865. Baltimore, 1913.

Sellers, Charles, Jr. "The Travail of Southern Slavery." The Southerner as American. Ed. Charles G. Sellers, Jr. Chapel Hill, 1960.

Sherwood, H. N. "Early Negro Deportation Projects." Mississippi Valley Historical Review, II (Mar. 1916), 486-507.

Slaughter, Rev. Philip. The Virginian History of African Colonization. Richmond, 1855.

Staudenraus, P. J. The African Colonization Movement, 1816-1865. New York, 1961.

Tate, Thad W., Jr. The Negro in Eighteenth-Century Williamsburg. Charlottesville, 1965.

Zilversmit, Arthur. The First Emancipation: The Abolition of Slavery in the North. Chicago, 1967.

VITA

Donna Stillman Bryman

Born in Brooklyn, New York, April 25, 1947. Graduated East Meadow High School, June 1964. A. B. Syracuse University, June 1968. Received some graduate history training at Rutgers University, September 1968 to January 1969.

The author entered the M. A. history program at the College of William and Mary in September 1970.