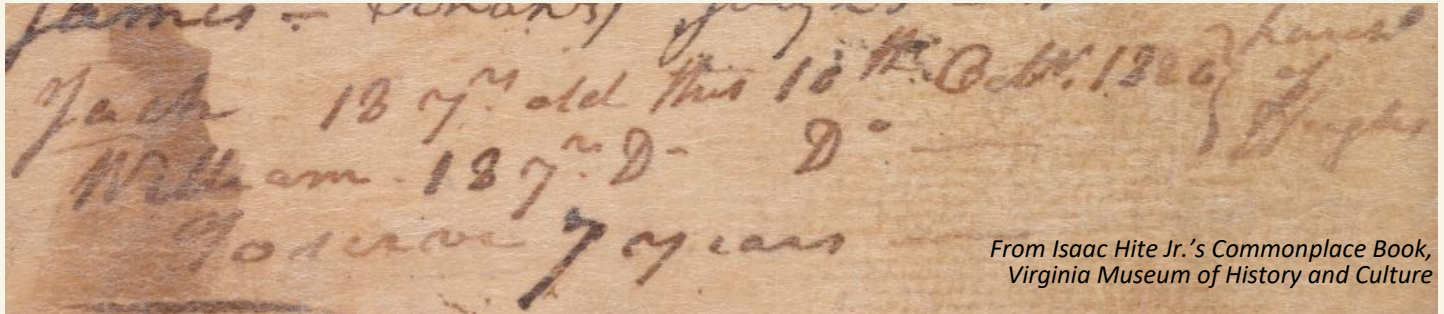


JACK & WILLIAM

BORN c. 1802

August 2022



From Isaac Hite Jr.'s Commonplace Book, Virginia Museum of History and Culture

Jack and William are two 18-year-olds whose stories reveal a gradual movement occurring in laws controlling enslaved people from 1623 to 1858. Bracketed by data on other Belle Grove enslaved people, on page 23a of Isaac Hite Jr.'s Commonplace Book they are entered, one above the other, with the phrases, "18 years old this 10th October 1820" and then "to serve seven years." Isaac Hite Jr. noted their purchase from "Hughes," an unknown man who could have been anyone. They could have been twins, but likely listing them together was just a convenience when recording their names. They had no family ties at Belle Grove, and we do not know their state of birth, which could matter.

We also do not have the actual contract, which would tell us if this was an apprenticeship, an indenture, or a directive from an enslaver's will. Was there any chance they would be freed after their term of service? It would be nice to think they might be, so let us see what clues we can find in the known practices and laws of the period.

WHAT WERE THE MOST COMMON LABOR ARRANGEMENTS?

The legal basis of white service was contract. Ordinarily, white laborers had indentures that specified that their labor would be the property of their master for a particular period of time. Most Africans, however, having arrived as involuntary immigrants, were not parties to any contract limiting their term of service, nor were their services regulated by the law.¹

Wages: a worker does specified tasks and receives financial compensation from an employer.

Indentured Servant: A scheme of the British Government and ship owners to empty Georgian-era prisons, jails, and poorhouses by commuting the sentences of men, women, and children for a fixed period of labor in America, normally 7-14 years, extendable for bad behavior. Died out with the Revolutionary War in 1776, and the practice shifted to Australia.

Apprenticeship: A Medieval-era tradition continued in America, in which a child was part of a fixed-labor contract with an adult to learn a

specifically defined set of trade skills, until the age of majority, when they were released with a stipend and a new set of clothes. Shoemaking is an example. It was often a disguise for free labor, but at least apprentices gained employable skills. Rural areas lacked orphanages, so orphans could be bound out in this manner.

Enslavement: Lifetime servitude to the owner, without payment of wages, unlimited hours, poor quality of food and board, and no rights. Enslaved mothers who bore children conveyed that status to them. Owner sold and bought people as needed.

Leased: A person holding another in enslavement may loan them for a fixed period as part of a labor contract, with proceeds accruing to the owner. This allows the lessee to acquire the labor of people suited to the nature of the work on hand, use them only in their prime years, and release them without responsibility for care in later years. In a minority of cases, this might lead to legal

emancipation, and might require payments by the worker to the lessee. Emancipation was normally recorded in the home county of the lessee. Robert E Lee leased many of his wife's enslaved people to positions in D.C while away in the army.²

Loaned: Typically, a nearby, short-term loan of specifically skilled enslaved persons to cover the harvest or special events where extra hours of help were needed. Payment was made to owner and sometimes there were tips to the workers.

¹ Welch, Ashton Wesley, "Law and the Making of Slavery in Colonial Virginia," *Ethnic Studies Review*, Vol. 27, Issue 1, 2004, pp. 1-22.

² Pryor, Elizabeth Brown, *Reading the Man, A Portrait of Robert E. Lee Through His Original Letters*. Penguin Books, 2008, pp. 125 - 7.

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SOME NOTABLE VIRGINIA LAWS CONCERNING ENSLAVEMENT

From Guild, Jane P., *Black Laws of Virginia*, Heritage Books, Inc., 2012.

In the 150 years of exploitation of Black labor in Colonial America, laws normally tightened control:

1662 Extension of indenture contracts for misbehavior. Children are slave or free according to the condition of the mother.

1669 Killing a slave is not a felony.

1682 Intermarriage between races is prohibited. Penalties alter over the years.

1705 All non-Christian imported servants are “held to be real estate” and inheritable. Slaves need written permission to leave the plantation.

1765 All illegitimate mixed-race children are bound out for a term of 31 years, later cut to 18 years for females and 21 for males.

1780 Pennsylvania Gradual Emancipation Act. While all persons currently held in slavery continue in enslavement, anyone born after this date shall serve for only 27 years and be registered with the court as freed by 28th birthday.

1782 Slaves may be emancipated by owners by deed, will, or another written document.

1792 Freedmen must carry certificate of freedom; slaves change from “real estate” to “personal property.”

1793 Counties must create registers of all free Negroes therein.

1806 All emancipated slaves must leave the state within one year or be re-enslaved.

1837 Besieged by petitions, the legislature devolved authority to grant permission for freedmen to remain in Virginia to the counties.

1832 Free people of color could not acquire ownership of any slave except through inheritance, other than his own spouse and children. In **1858**, family was eliminated and inheritance—an unlikely situation—was made the only mechanism. This dramatizes how fortunate it was for Emanuel Jackson Sr. to rescue his children by purchasing them from the Hites.

WHAT HAPPENED TO

JACK & WILLIAM?



Determining exactly how they became seven-year contract laborers has not proved possible. Their situation, in Virginia, fits no category precisely. Possibly they were orphans whose term of bondage expired, or situationally ruptured, and with no prospects, they were bound out for further, but not permanent, servitude. In October of 1827, they should have stopped laboring for Isaac Hite—whatever their tasks—but at age 25 were three years short of the 28th birthday liberation status of Pennsylvania—if they were from there, or if their owner had chosen to follow that example.

It is difficult to get in touch with their humanity with only nine words and no cross references. Their names do not appear on any tallies at Belle Grove after the mid-1820s, so their destiny remains a puzzle. At least we have published their names. Perhaps one day a modern descendant can back into an ancestor's tale of seven years enslaved at Belle Grove.

HOW DID ENSLAVED PEOPLE GAIN FREEDOM IN VIRGINIA?

By running toward it. Freedom seekers faced high odds of being recaptured after leaving, but younger, fit men had the best chances of enduring the chase, to step onto the free soil of Pennsylvania, where they still had to evade slave catchers. Less than ½% of people enslaved by Isaac Hite Jr. attempted it.

Manumission in an owner's will. The 1780 Pennsylvania law introduced the idea of freeing people held in bondage gradually, lessening the economic impact on the enslavers. Virginians whose consciences were troubled began freeing all or some of their enslaved people, sometimes during the enslaver's lifetime, but more often in their wills. Overall, the impact of this

was small. The only other Frederick County Hites who did were Isaac's cousin John Jr. and Isaac Hite Jr. himself, when he freed his probable nanny after age 60,¹ and sold the Jackson children to their father.

Fixed-Term bondage. Details on this are not readily come by. Orphans could be bound out for 21 years to provide a mechanism to raise them in the absence of rural orphanages. Cross-state marriages might bring enslaved people in Pennsylvania into Virginia, with legal guarantees of freedom.

1863 Emancipation Proclamation of President Abraham Lincoln. This had little practical effect in Virginia during the Civil War except for areas of active

battle, where enslaved people could flee to the protection of the Union lines. Only after the end of the war in April 1865 was it implemented statewide. In 1866, all slave laws were repealed.

Purchase. Enslaved workers in a situation of earning personal money might negotiate with a willing owner for their own purchase and that of their family, normally later. A father or mother buying their children out of slavery might not immediately emancipate them, but wait until the whole family could leave the state together, or the children were older. It was necessary to evade the laws of the state, which were stacked against them remaining free.

1 September 2021 feature on Molly

NEXT MONTH WE WILL HONOR

Ben born 1786 &

Young Truelove born 1783

Research is ongoing about the 276 men, women, and children enslaved by the Hite family at Belle Grove Plantation in Middletown (Frederick County), Virginia. Enslaved individuals made the plantation a success. Since 1967, Belle Grove has been a 501c3, nonprofit historic site and museum. [Understanding and uplifting the contributions of the enslaved community is an ongoing effort and priority.](#) To read all the newsletters in this series, visit virtual.bellegrove.org. If you wish to help, consider volunteering with or donating to Belle Grove, Inc. at the address below or online at www.bellegrove.org/support/donate.

Belle Grove Plantation

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