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**POLITICS, LABOR, AND REBELLIONS REAL AND IMAGINED:
SLAVES, FREE PEOPLE OF COLOR, AND FIREARMS IN
NORTH CAROLINA, 1729-1865**

A Dissertation in

History

by

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ABSTRACT

For much of North Carolina's history its General Assembly sought to strike a balance between the undeniable utility of black people's armed labor and the threat that gun-toting black people were thought to pose. Masters equipped their slaves with firearms much like many other tools and many citizens turned to the Assembly to undertake measures to ensure that this armed labor did not compromise white people's safety or property. The state's legislature dictated the terms under which masters could arm their slaves and while some slaveholders defiantly used armed African-descended laborers as they wished most white people believed that armed slaves should be kept under a responsible white person's control. Further, many white people harnessed free people of color's subordinate armed labor. Since free people of color used firearms to feed themselves much as many white people did the legislature regulated free people of color's gun use, in effect claiming mastery over them.

The Assembly gave white people wide discretion through their county courts to manage the armed slaves and free black people in their communities. Slaveholders, court officials, and petitioners all played roles in the decision making processes about which free or enslaved black people could be entrusted to legally bear arms. More important than the ways that white people harnessed black North Carolinians' armed labor, free and enslaved black people's firearm use was incredibly valuable to their own families and communities. People of color's armed labor provided a means through which they could more easily provide for and protect themselves and other members of their respective communities. Armed black laborers held a great deal of labor potential that was

incredibly valuable for whomever controlled their labor whether that was themselves, their slaveholders or employers, or even municipal authorities. Armed black people's utility coupled with the latent threat that some people believed that it held and this delicate situation ensured that people of color's firearm use would remain a contentious topic for North Carolinians and their competing personal and public interests from the colonial era through to the end of the Civil War.

TABLE OF CONTENTS

List of Tables	vi
Acknowledgements	vii
Introduction: A Reconsideration of Black North Carolinians' Firearm Use from the Colonial Era to the Civil War.....	1
Chapter 1 North Carolina's Race-Based Firearm Laws in Theory and Practice	12
Chapter 2 Unfree Black People, Firearms, and the Violation of Law	52
Chapter 3 Black North Carolinians' Armed Labor.....	100
Chapter 4 Free North Carolinians of Color, Their Communities, and the State	132
Chapter 5 Confederate North Carolina and Armed Black Men's Wartime Labor.....	169
Conclusion	216
Appendix White North Carolinians' Petitions to the General Assembly	221
Bibliography	232

LIST OF TABLES

Table I-1. <i>The Population of Select North Carolina Towns and Their Respective Counties</i> ..	8
Table 4-1. <i>White Craven County Residents Connected to the Pettiford and Moore Families' Indictments and Trials (1849-1850)</i>	147
Table 4-2. <i>Craven County Firearm Licensees, 1850-1854</i>	154
Table A-1. <i>The 1828 Craven County Petitioners Against Black People's Gun Use</i>	225
Table A-2. <i>The 1835 Craven County Petitioners Against Black People's Gun Use</i>	228
Table A-3. <i>Select Population Statistics from the 1840 Craven County Census</i>	230

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Introduction:
**A Reconsideration of Black North Carolinians' Firearm Use from the
Colonial Era to the Civil War**

Many white North Carolinians in the colonial and antebellum eras believed that armed slaves presented challenges to public safety but they also recognized that these subordinate laborers could provide invaluable labor if equipped with firearms. The North Carolina General Assembly extended its blessings for the state's local communities' mediation of the tensions between the utility and danger of black peoples' gun use. Firearms were imbued with a great deal of social weight and violent potential but this did not change the fact that the weapons were on a very basic level simply tools. As such these black Southerners' firearm use cannot be understood outside of the labor potential that they embodied. Enslaved laborers used firearms to destroy the vermin and predatory birds that plagued their masters' crops and domesticated animals. They also guarded slaveholders' property from black and white trespassers, and hunted wild game to provide food for both their masters' families as well as their own. These critical services that helped to keep the Old North State's farms and plantations productive.

Both the Assembly and North Carolina's local communities used legal mechanisms and local customs to maintain a balance between protecting white people from potential black violence and allowing citizens to use and profit from subordinated black people's armed labor. White North Carolinians' concerns about armed slaves were also extended onto the state's free black population. Free people of color did not have masters and many white North Carolinians were uncomfortable with this but the

Assembly nevertheless sought to ensure that white people managed free black people's gun use as well. In this regard the state's legislators treated free black people in much the same manner as they did the slave population. This stood in stark contrast with white people's firearm use, which was virtually unrestricted during this period.

This project examines how North Carolinians of different races and socio-economic statuses understood African-descended peoples' access to, possession of, and use of firearms during the late colonial and antebellum periods. North Carolina and other slave states attempted to strike a balance between curtailing black peoples' use of guns and securing the benefits that it offered. Despite the persistent threat of slave violence and the alleged negative influences that free black persons had on slaves. White Southerners saw armed black people in several different and often conflicting ways-- as a threat to white people's physical safety, as a threat to the security of white people's property, and also as a means for black people to provide materially for themselves and a tool through which black people could provide labor for white people. Black North Carolinians also often took advantage of white peoples' reliance on armed black labor to access firearms for their own purposes.

The Assembly began regulating black North Carolinians' firearm use in 1715 and while other legislation was passed well into the nineteenth century the core of this early policy remained consistent through the Civil War. Historians have cited a 1680 statute that Virginia's House of Burgesses passed in the aftermath of Nathaniel Bacon's Rebellion as the basis for North Carolina's restrictive laws. The Virginian legislators declared that "no Negro or slave may carry arms, such as any club, staff, gun, sword, nor other weapon..." This was the first law in British North America that regulated black

people's firearm use and as such it became the "model of repression throughout the South for the next 180 years" not solely for guns but for social, economic, and political issues as well.¹ In 1715 North Carolina's Assembly sought to keep armed slaves firmly under white people's supervision by restricting armed slaves' mobility. The legislators applied these same principles to the free black North Carolinians in the middle of the nineteenth century when the Assembly assumed control over their gun use as well. These laws governing black peoples' gun use were the nation's first firearm laws.²

Free and enslaved black North Carolinians' struggles for firearm access took place in localized arenas. The Colonial Assembly empowered local white communities to manage black people's access to weapons through their respective county courts. This continued to the Civil War for free people of color even though slaves were completely barred from accessing guns in the early 1830s. This local oversight meant that after 1741 masters could only arm their slaves with their respective county court's permission. This regulation was part of white North Carolinians' singular and longstanding effort to limit armed black people's contact with white people's persons and property. White North Carolinians were concerned about physical violence but they also lost livestock to armed black people, especially maroons and runaways. Despite these persistent and popular concerns about armed black North Carolinians many white people viewed gun use as

¹ A. Leon Higginbotham, *In the Matter of Color: Race and the American Legal Process: the Colonial Period* (New York: Oxford University Press, 1978), 39. Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Cambridge, MA: The Belknap Press of Harvard University Press, 2003), 55.

² Eight other states, mostly Southern, passed laws regulating carrying concealed weapons during the antebellum era but these were not exclusively applied to people of color. These laws, coupled with the criminalization of dueling, were instead intended to reduce public violence (Clayton E. Cramer *Concealed Weapons Laws of the Early Republic: Dueling, Southern Violence, and Moral Reform* [Westport, CT: Praeger Publishers, 1999], 2-3, 6, 116, 139-140).

another venue through which they might appropriate black people's labor and the Assembly made allowances for this until Nat Turner's 1831 rebellion encouraged North Carolina's legislators to ban slaves' firearm use.³

Enslaved black North Carolinians took pragmatic approaches to the Assembly's firearm laws and their masters' controls, both of which curbed the slaves' ability to provide for themselves or defend their communities from the brutal slave system. Many slaves used firearms, which they acquired from a range of sources, to their own ends regardless of the law and thereby created tensions in their neighborhoods. Some slaves killed white people's livestock and if they fled their masters' authority the bondmen's firearms could fend off the patrollers and slave catchers who came after them. Further, some slaveholders took self-interested approaches to using their slaves' armed labor and they deployed their bondpeople in ways that the General Assembly and other white people disapproved of.

Free people of color's firearm use was also at the pleasure of their local communities after the Assembly passed an 1840 law that required them to acquire licenses from their county court before they could bear arms.⁴ Free black people's families and kin were important sources of the social credit that they needed in order to be licensed. Free people of color lived their lives in a measured response to the state's demands, however. Many of them broke the gun laws because the Assembly's dictates infringed upon black people's ability to feed their families, threatened their economic independence, or otherwise impeded their ability to live as free people. In these instances

³ *Session Laws, 1831-1832*, (Ch. XLIV, Sec. 1), 34.

⁴ *Session Laws of North Carolina, 1840-1841*, (Ch. XXX, Sec. I), 61-62.

black North Carolinians familial networks extended financial support when an individual violated the gun laws and could also be used to define his or her racial heritage. A multiracial network of social and professional relationships supplemented the assistance that free people of color gained from their family and kin.

White people's use of armed black people's labor continued into the Civil War despite a ban on free black people's gun use.⁵ White North Carolinians used vital armed black laborers on the home front and unarmed labor in military camps. Indeed, slaves' armed labor on North Carolina's plantations was even more important while many white men were away with the Confederate Army. Nevertheless, the antebellum precedents for military service being white males' domain lead many white North Carolinians to reject the notion of enlisting black men. This resistance to creating black soldiers occurred despite white peoples' numerous antebellum experiences with armed black men's labor in other capacities. Some North Carolina slaveholders were adverse to the idea because they were afraid they might lose their slaves' labor and the Confederate government had already put many of their slaves to work on coastal fortifications. Additionally, many white people were uneasy with the idea of black soldiers and their society's connections between military service and citizenship and freedom.⁶

Methodologically, this dissertation approaches several traditional source bases with new questions in order to understand how both black and white North Carolinians

⁵ *Session Laws, 1860-1861* (Ch. 34 Secs. 1 and 2).

⁶ Citizenship was a fluid concept prior to the United States' Civil War. Antebellum people expected and received different rights from their local, state, and national governments. As Eric Foner points out, voting and militia service were often understood as the markers of citizenship, although white women could do neither of these but were still citizens. In the North Carolina context, as in most of the rest of the nation, people of color were not citizens (Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* [New York: W.W. Norton & Company, 2010], 93-94).

viewed black people's firearm use in their communities and how those views informed their depictions of and interactions with armed people of color.⁷ The work relies on newspapers, manuscript collections, municipal records, session laws, congressional debates, legislative petitions, slave narratives, and a range of county and superior court records. It uses these various sources to tease out differing perspectives on black people's firearm use and to reveal the struggles between black and white and free and enslaved people on the issue and how these various groups related to the Assembly's legislation on the issue.

This work incorporates Laura Edwards' view of the centrality of local individuals and neighborhoods to the creation of antebellum law and legal processes. North Carolina's antebellum legal system was flexible and the state sought to maintain the peace which sometimes superseded slaveholders' individual rights. Under these circumstances both free people of color and slaves had "direct access" to the localized legal processes. Some people of color used the court or other means to resist their masters' and the county and state authorities' claims to their armed labor. Further, this project relies on Max Weber's theory that the state "successfully claims a monopoly over the legitimate physical coercion necessary for the implementation of its laws and decrees..." His deduction that all violence within a given territory was "ascribed to

⁷ Through the dissertation I use the term "black" and "free person of color" interchangeably and to denote all North Carolinians with some African-descent. This is problematic for a range of reasons. Many of these people were in fact bi-racial and some of them self-identified in other ways. By 1860 some 70% of the North Carolina's free people of color were biracial. To further complicate things the term "free people of color" was also applied to the multiracial Lumbees and perhaps other Indigenous Americans (John Hope Franklin, *The Free Negro in North Carolina, 1790-1860* [Chapel Hill, NC: North Carolina University Press, 1943], 35. Karen I. Blu, *The Lumbee Problem: The Making of an American Indian People* [New York: Cambridge University Press, 1980], 45-48). Also, broad terminology risks transposing an ahistorical class awareness onto people that they themselves may not have had. At some points the broader term "African-descended" is used in lieu of "black" or "person of color" in the hopes that the focus shifts from the nebulous terrain of color and self-identification to the usually undisputed ancestral heritage.

individuals only to the extent to which the state permits it” has also been useful for this project in considering the General Assembly’s racially specific firearm laws and the county court’s responses to the black people who transgressed those laws.⁸

North Carolina offers a worthy venue through which to view the subject of black firearm use for several reasons. First, the state maintained large numbers of both slaves and free blacks during the years that this project cover. The slave population remained at about a third of the Old North State’s population (averaging about 31% for the decades between 1800 and 1860) despite the total population doubling. This slave population ranked third in the South through the 1830s but dropped into fifth and sixth place with the slavery’s rapid expansion into the lucrative cotton fields of Mississippi, Alabama, and Louisiana. The Old North State also had a relatively high free black population. By 1850 the state ranked third among the Southern states which meant that both free and enslaved black people provided abundant samples from which to draw a more complete look at black Southerners experiences with firearms.⁹

Additionally, North Carolina was an exceedingly rural state even by nineteenth century standards. Some contemporaries referred to it as “the Rip Van Winkle State” as if it had fallen asleep while the rest of the nation continued to develop and advance. This idea that North Carolina was a uniquely backward state was not lost on Northerners who relocated to the South or on native Southerners. New Yorker Sarah Hicks married a North Carolinian and relocated to Greene County. She wrote back to her parents in 1853

⁸ Max Weber, “The State, its Basic Functions, and Economic Foundations of Imperialism” in *Max Weber: Readings and Commentary on Modernity*, ed. Stephen Kalberg (Malden, MA: Blackwell Publishing, Ltd., 2005), 230-231. Max Weber “Politics as a Vocation” in *From Max Weber: Essays in Sociology.*, eds. H. H. Gerth and C. Wright Mills (Abingdon, U.K; Routledge, 1991), 78.

⁹ Historical Census Browser, from the University of Virginia Geospatial and Statistical Data Center: <http://mapserver.lib.virginia.edu/> (accessed October 10, 2012).

that “if you call Long Island behind the times, I don’t know what you would call North Carolina.”¹⁰ Further, in the early 1850s the famous Southern editor J. D. B. De Bow

Table I-1. *The Population of Select North Carolina Towns and Their Respective Counties*¹¹

	1820	1830	1840	1850	1860
Fayetteville	3,532	2,868	4,285	4,646	4,790
Cumberland County	14,446	14,834	15,284	20,610	16,369
Raleigh	2,674	1,700	2,244	4,518	4,780
Wake County	20,102	20,398	21,118	24,888	28,627
New Bern	3,663	3,795	3,690	4,681	5,432
Craven County	13,394	13,734	13,438	14,709	16,268
Wilmington	2,633	3,000	4,268	7,264	9,552
New Hanover County	10,866	10,959	13,312	17,668	15,429

derisively noted that the Old North State of had “no large towns, and no good seaports.”

His point was exaggerated but North Carolina did lack any true urban centers and most of the state’s people lived in small towns or the countryside.¹² An examination of black people’s firearm use through the lens of urban space would provide an engaging study but

¹⁰ *Commercial Bulletin and Missouri Literary Register* (St. Louis, MO) May 29, 1835. *Emancipator & Republican* (Boston, MA) January 26, 1849. *The Raleigh Register* (Raleigh, NC) September 8, 1849. *Plain Dealer* (Cleveland, OH) August 23, 1853. *The Charleston Mercury* (Charleston, SC) July 26, 1859. Nancy Cott *et al*, eds., *Root of Bitterness: Documents of the Social History of American Women*, 2nd Ed. (Boston: Northeastern University Press, 1996), 170.

¹¹ United States Department of Commerce, *Fifteenth Census of the United States: 1830. Population*, vol. I, *Number and Distribution of Inhabitants* (Washington, DC: Government Printing Office, 1931), 780-781. Wilmington’s populations for 1830 and 1840 are absent from the Department of Commerce’s compilation but appear in an 1840 newspaper article (*Fayetteville Observer*, December, 9 1840). The county level data comes from the University of Virginia’s Historical Census Browser (Historical Census Browser, <http://mapserver.lib.virginia.edu/> [accessed December 28, 2012]).

¹² James Dunwoody Brownson De Bow, *The Industrial Resources, etc., of the Southern and Western States*, vol. II. (New Orleans, LA: De Bow’s Review, 1852), 175. North Carolina did have a modest system of railroads as well as gold, lead, silver, and copper mines; saw mills; cotton factories; and other industries (Charles C. Bolton, *Poor Whites of the Antebellum South: Tenants and Laborers in Central North Carolina and Northeast Mississippi* [Durham, NC: Duke University Press, 1994]), 16-19, 35-36, 39-40.

the majority of black North Carolinians' firearm use took place in the hinterlands and can be broadly characterized as having rested upon armed labor protecting crops and livestock, hunting, self-defense, or sustaining marronage.

Much of the existing scholarship on antebellum black people's possession and use of firearms has focused on the role that hunting played in black communities, black peoples' historic access to firearms under the larger debate around Second Amendment rights, or has otherwise given the issue only cursory attention. Studies on hunting demonstrate that the activity supplemented slaves' oftentimes meager diets but it was also a community building and masculinity affirming activity. Nonetheless firearm use is not central to these works because black men in the antebellum South hunted through a variety of alternative methods. Firearms were a much rarer although not altogether uncommon instrument.¹³ The bulk of the work on the Second Amendment gun rights discussion have examined restrictive laws on slaves and free blacks as part of a larger pattern of government firearm control.¹⁴ Additionally, the issue of slave firearm possession is briefly mentioned in some comprehensive works on American slavery like Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made* or Ira Berlin's *Generations of Captivity*.

African-descended peoples' firearm use was also closely connected to resistance.

¹³ Stuart A. Marks, *Southern Hunting in Black and White: Nature, History, and Ritual in a Carolina Community* (Princeton, NJ: Princeton University Press, 1991) and Nicolas Proctor, *Bathed in Blood: Hunting and Mastery in the Old South* (Charlottesville, VA: The University Press of Virginia, 2002).

¹⁴For further reading on this Second Rights discussion see Robert J. Cottrol and Raymond T. Diamond, "The Second Amendment: Toward an Afro-Americanist Reconsideration" *Georgetown Law Journal* no. 80, 309-361 (1991); Robert J. Cottrol, "Public Safety and the Right to Bear Arms" in David J. Bodenhamer and James W. Ely, Jr. eds., *The Bill of Rights in Modern America* (Bloomington, IN: Indiana University Press, 2008); and Stephen P. Halbrook, *That Every Man Be Armed: The Evolution of a Constitutional Right* (Albuquerque, NM: University of New Mexico Press, 1984).

Surprisingly, black people's firearm use was not examined in works that have otherwise made strong historiographical contributions to that area. Some of the earliest treatments of slave resistance like Herbert Aptheker's *American Negro Slave Revolts* centered on slaves' rebellion against the slave system. Kenneth Stampp's *The Peculiar Institution* demonstrated slavery to be an inhumane system that enslaved people actively resisted in contrast to the then dominant interpretations which suggested that slaves benefited from their enslavement and Stanley Elkins' interesting but ultimately unsatisfactory look at slave personalities presented a people so broken by slavery that resistance was not a major factor but neither classic work deals with armed slaves at any length.

John Hope Franklin and Loren Schweninger looked to slave runaways as the "rebels on the plantation" in their work and this project takes a similar but more nuanced approach to armed runaways and maroons. Other historians have argued that slaves' small scale resistant acts were essentially a "safety valve" against more dramatic attempts to overthrow the slave system.¹⁵ North Carolina slaves used their firearms to defend and feed themselves and to create space which may have ameliorated their condition enough to prevent larger acts of resistance but this resistance also provided safer options for the enslaved people themselves. This dissertation argues that black North Carolinians' firearm based resistance, particularly those actions that fell short of outright armed rebellion, improved their lives forced individual white people and the General Assembly to take a cautious and balanced approach to using black labor.

The story of black firearm use in the South is very much centered on the

¹⁵ Robert L. Paquette, "Social History Update: Slave Resistance and Social History" *Journal of Social History* 24, no. 3 (Spring 1991), 684.

relationships between black and white people and their shared communities and as such this project highlights the importance of black people's armed labors at both the individual and community level. While the racist society in which these African-descended people lived severely limited their abilities to pursue fulfilling lives their armed labor often helped to mitigate some of the harshness and in some instances it helped them to maintain a semblance of freedom. Black North Carolinians' access to firearms and their armed labor materially improved their lives, enabled them to better protect themselves, and in some cases, assisted them in carving out independent lives in the Old North State's otherwise unpopulated swamps.

Chapter 1

North Carolina's Race-Based Firearm Laws in Theory and Practice

North Carolina's antebellum county courts interpreted and enforced the General Assembly's laws at the local level. This was in part by design as the Assembly often gave the counties wide discretion to apply the law within their specific circumstances. Also consider that many white people believed that the Assembly's laws did not "control local practice, define the needs of the peace in local areas, or constitute a definitive body of law uniformly applicable throughout the state." In their view Raleigh's dictates were simply "laws generated in a different place- the state level..." which they did not understand to be a necessarily superior system.¹⁶ In this respect the values of a particular community and the relationships among its residents influenced the way the county courts' enforced the law. This locally centered governance managed free and enslaved African-descended North Carolinians' firearm use, which was both bolstered and challenged by local white people.

The Assembly, the county courts, and individual white North Carolinians searched for a balance between the potential dangers of black firearm use and the benefits that it could provide. Some North Carolinians believed that their legislators barred slaves from "going armed, or hunting with a gun" in order to "to secure subordination amongst

¹⁶ Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill, NC: The University of North Carolina Press, 2009), 13.

our slave population...”¹⁷ The Assembly struggled to limit armed black people’s contact with white people and white people’s property while still recognizing that armed black people’s labor was useful to both black and white North Carolinians. The legislators relied on the county courts, which interpreted and enforced the law according to their own communities’ needs and concerns. North Carolina residents-- whether black or white, free or enslaved, male or female-- did not always agree with the Assembly or their local county officials on the best course of action on any given issue and this local disagreement allowed the legal code to be locally dynamic yet thematically consistent throughout the Old North State.

The Colonial Assembly facilitated localized firearm regulation in the mid-eighteenth century when it empowered the county courts to manage their jurisdictions’ slaves’ firearm use. The colonial legislators mandated that all slaveholders receive permission from their respective county court before they could make use of their slaves’ armed labor. This process also relied on other community members’ support-- generally white men-- who cosigned slaveholders’ bonds for their armed slaves’ good behavior.¹⁸

¹⁷ *Raleigh Register, and North-Carolina Gazette* (Raleigh, NC), September 6, 1842.

¹⁸ *Session Laws of North Carolina, 1741*, 64. The North Carolina Department of Archives and History has many of these bonds in its collections. See Henry Watters’ bond (February Term 1795); Ed Spearman’s bond (September Term 1797); John F. Burgwin’s bond (March Term 1805); John Poisson’s bond (September Term 1805); Thomas Snead’s bond (May Term 1809); William Cutlar’s bond (May Term 1814); Ezekiel Lane’s bond (May Term 1820); William Watts Jones’ bond (May Term 1820); John R. London’s bonds (both July Term 1821); Thomas Cowan’s bond (July Term 1821); William Reston’s bond (December Term 1822); Archibald Maclaine Hooper’s bond (June Term 1825); William C. Lord’s bond (April Term 1826); Frederick J. Swann’s bond (June Term 1826); Archibald M. Hooper’s bond (January Term 1826); Thomas J. Davis’ bond (January Term 1829); Edward Pigford’s bond (June Term 1830); William L. Ashe’s bond (June Term 1841); all in folder- Permission for Slaves to Carry Guns, 1795-1841, Records of Slaves and Free Persons of Color, 1786-1888, New Hanover County Records, North Carolina Department of Archives and History [hereafter NCDAH]). See also Northampton County residents William B. Lockhart’s petition and bond (both June Term 1827); Robert H. Weston’s bond (June Term 1829); all in folder- bonds for slaves to carry firearms, 1827, 1829, 1857, Miscellaneous Slave Records (1785-1861), Northampton County Records, NCDAH. Also, see Chowan County residents Henderson Standin’s bond (December Term 1797) in folder- 1797; Benjamin Brown’s bond (March Term 1798) in

One hundred years later the Assembly mandated that free people of color would thereafter need the county court's authorization to carry arms as well and those free black applicants were similarly supported by white neighbors who could vouch for the applicants' good character.¹⁹ This county court oversight meant that the local white populations' perceptions of their black neighbors' character were crucial to both free and enslaved people of color's legal access to firearms.

White North Carolinians' policing of black people's firearm use was rooted in their concerns about people of color engaging in violence. Slave rebellions and conspiracies in neighboring states and rumors of domestic revolts precipitated the increasing restriction of black North Carolinians' firearm access. During the colonial period the Assembly empowered individual slaveholders to control their armed slaves but this measure proved insufficient to soothe public concerns and the legislators soon authorized the county courts to play a more active role in deciding which black people could procure and use firearms. The Assembly's limits on when and where a master could arm his slaves were an important part of the slave law but individual people were central to this process. Masters sought to harness their slaves' armed labor and their efforts were hampered by both the slaves' own decision making and the General Assembly's laws.

North Carolina's comparatively small slave population meant that the colony had

folder- 1798; James Hathaway's petition and bond (both in March Term 1804) in folder- 1804; Henderson Standin's bond (September Term 1806) in folder- 1806; Samuel Treadwell's bond (June Term 1807) in folder- 1807; William Wright's petition (March Term 1830) in folder- 1830; Elisha Copeland's petition, (undated December Term) in folder- No date; all folders in Miscellaneous Slave Records (1730-1861), Chowan County Records, NCDAH.

¹⁹ *Session Laws of North Carolina, 1840-1841*, (Ch. XXX, Sec. I), 61-62.

little need for expansive slave laws until 1715.²⁰ The slave code adopted in that year criminalized North Carolina slaves' unauthorized and unsupervised possession of firearms or other weapons. This approach would set the precedent for North Carolina's antebellum era race-based gun laws. The 1715 "act concerning Servants and Slaves" decreed that "all persons shall use their utmost endeavours" to capture any slave or servant who was "seen off his Master's ground Arm'd with any Gun, Sword or any other weapon of defence or offence." The law classified all such slaves and servants as rebels unless they had their master's permission to be carrying weapons and travelling.²¹ It essentially sought to enforce masters' oversight on their armed servants and slaves whether on or off of the masters' property and it relied on local communities to help control these laborers if their masters failed in that regard. This call on the public to assist hearkened back to the "hue and cry" of English Common Law and also reiterated to white adult males that they had a responsibility to help maintain the law in their local communities.²²

The Colonial Assembly strengthened the 1715 law through additional legislation

²⁰ Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, MA: Harvard University Press, 2001), 33.

²¹ *Session Laws of North Carolina, 1715-1716*, (Ch. XLVI, Sec. IX), 63. The law also applied to indentured servants, many of whom were white. This was a remnant from the earlier colonial period where race had not yet overtaken class as a primary measure of fitness for inclusion in the body politic. For further reading see Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton & Company, 1975).

²² Henry Potter, *The Office and Duty of a Justice of the Peace, and a Guide to Sheriffs, Coroners, Clerks, and Constables, and other Civil Officers. According to the Laws of North-Carolina*, 2nd ed. (Raleigh, NC: J. Gales & Son, 1828), 167-168. The General Assembly understood that white North Carolinian men sometimes took up arms and went out to suppress armed slaves in their neighborhoods and in at least one instance the legislators compensated some of these private white citizens who had been injured while pursuing armed slaves. The Assembly compensated these injured men under the militia law despite the fact that they were not serving at the time and that they were shot by other white men in a case of mistaken identity. As one historian notes these actions demonstrated a "recognition that the safety of all Whites in the county required such a reaction from the White population..." (John James Kaiser, "'Masters Determined to be Masters': The Insurrectionary Scare in Eastern North Carolina" [master's thesis, North Carolina State University, Raleigh, 2006], 22-23).

in 1729 but the legislators persisted in their concerns about armed and mobile slaves. This theme continued well into the nineteenth century. In 1729 the Assembly declared that as “great damages are frequently done, by slaves being permitted to hunt or range with dogs and guns” it would no longer be lawful for them to hunt with either of these on anyone other than their master’s land unless they were accompanied by a white man. The law threatened a twenty shillings fine against the slave’s master and paid to the person upon whose land the armed and unmonitored slave was found. Also, slaves could only travel by the “most usual and accustomed Road” and any landowner who caught another person’s slave on his or her property was authorized to give the black trespasser a “severe whipping, not exceeding Forty Lashes.”²³ This legislation was not intended to prevent slaves from accessing firearms but to confine and supervise those slaves whose masters allowed them gun privileges.

In 1741 the Assembly took an even greater role in the restriction of enslaved black people’s gun use and empowered the county courts to certify which local slaveholders could arm a specified slave. Individual masters were no longer able to arm their bondpeople at their own discretion but they would thereafter have to gain local officials’ consent first. The legislators declared that thereafter “no slave shall go armed with gun, sword, club or other weapon, or shall keep any such weapon, or shall hunt or range with a gun in the woods, upon any pretence(*sic*) whatsoever” unless his or her master had a certificate from the county court to that effect. This law was in reaction to the 1739 Stono Rebellion in neighboring South Carolina where sixty slaves, many of whom had

²³ *Session Laws of North Carolina, 1729*, (Ch. 5, Sec. 7), 35-36.

firearms, killed more than twenty white people before the militia crushed their uprising.²⁴

The Assembly appropriated part of North Carolina slaveholders' mastery in order to maximize security for all of the colony's residents.

The colony's legislators explicitly stated that they did not intend for the county court's to use the 1741 law to prevent slaveholders from using armed slave labor to hunt or protect livestock on the slaveholders' lands. It was instead meant to encourage masters to keep their armed slaves on their property where the bondpeople would be under the slaveholders' supervision and therefore pose less of a threat to other white people's interests. The masters of offending slaves had to pay the "taker-up" at least seven shillings and six pence, which was also the base reward for capturing a runaway.²⁵ This fine was a motivation for slaveholders to follow the law but it also encouraged otherwise disinterested parties to risk personal injury and assist in the enforcement of the Assembly's laws.

Some white North Carolinians thought that the 1741 legislation had failed to improve public safety and that further measures were necessary, specifically laws that would make the policing of black gun use a community effort. In 1753 the Assembly determined that the existing laws had "proved ineffectual to restrain many Slaves in divers Parts...from going armed" and therefore invested the county courts and local communities with greater police powers in the hopes of averting a "a dangerous

²⁴ Alan D. Watson, "Impulse Toward Independence: Resistance and Rebellion Among North Carolina Slaves, 1750-1775," *The Journal of Negro History*, 63, no. 4 (October 1978): 318, 323. Hadden, *Slave Patrols*, 34. Nicholas Halasz, *The Rattling Chains: Slave Unrest and Revolt in the Antebellum South* (New York: The David McKay Company, Inc., 1966), 19-20.

²⁵ Halasz, *The Rattling Chains*, 19-20. *Session Laws, 1729*, 35-36; *Session Laws of North Carolina, 1741*, 64.

Consequence.”²⁶ The Assembly redoubled its efforts to enable the county courts to take more direct control of the process by which slaves could bear arms. The legislators declared that before any masters could arm their slaves they would need to enter bond with the local court “for the good and honest Behavior” of said slave. This law further specified that slaveholders could arm one of their slaves per plantation while their crops were being tended but that the privilege was to be withdrawn after the harvest. Those masters whose bondmen violated the law were fined twenty shillings unless they could “by their Oath, or other Proof, make appear that such Slave carrying a Gun, Sword, or other Weapon was without their Consent of Knowledge.”²⁷

This bond requirement embodied the county court’s growing involvement in the master-slave relationship in the arena of black people’s firearm use. Enslaved people’s mobility was a motivating factor because armed slaves who travelled off their master’s lands came into contact with other white people’s property more frequently than those who did not and therefore had much greater opportunity to become public nuisances.²⁸

²⁶ *Session Laws of North Carolina, 1753*, (Ch. 6, Sec. 1), 103-104.

²⁷ *Ibid.* The New Hanover County records show that between 1795 and 1841 the court bonded slaveholders for more than eighteen slaves (Ed Spearman’s bond; John F. Burgwin’s bond; John Poisson’s bond; Thomas Snead’s bond; William Cutlar’s bond; Ezekiel Lane’s bond; William Watts Jones’ bond; John R. London’s two bonds; Thomas Cowan’s bond; William Reston’s bond; Archibald Maclaine Hooper’s bond; William C. Lord’s bond; Frederick J. Swann’s bond; Archibald M. Hooper’s bond; Thomas J. Davis’ bond; Edward Pigford’s bond; William L. Ashe’s bond; all in folder- Permission for Slaves to Carry Guns, 1795-1841, Records of Slaves and Free Persons of Color, 1786-1888, New Hanover County Records, NCDAH). This may seem like a statistically low number but two points should be emphasized. First, these bonds represent the extant records which are almost certainly incomplete. Further, this sample only represents the New Hanover slaveholders who followed the law before arming their slaves. North Carolina slaveholders “sometimes winked at” the slave laws and broke them without consequence—as Lunsford Lane’s mistress did by allowing him to hire himself out-- and others likely did so with North Carolina’s firearm laws (Lunsford Lane, *The Narrative of Lunsford Lane, Formerly of Raleigh, N.C. Embracing an Account of His Early Life, the Redemption, by Purchase of Himself and Family From Slavery, and His Banishment From the Place of His Birth for the Crime of Wearing a Colored Skin*. 4th ed. [Boston: Lunsford Lane, 1848], 14-15).

²⁸ *Ibid.* Loren Schweninger, ed., *Race, Slavery, and Free Blacks: Series I, Petitions to Southern Legislatures, 1777-1867* microfilm (Bethesda, MD: University Publications of America, 1999), date, year,

The required bonds ensured that slaveholders and their cosigners would be financially responsible for the armed slave's good behavior and thereby pressured slaveholders to only arm slaves whom they trusted to not commit violent crimes against other people or their property.²⁹ The 1753 law's mandated bonds created greater incentive for slaveholder responsibility and also assuaged public concerns about the safety of the local households' property.

The Assembly's 1753 law also created the colony's first slave patrols. The colonial government wanted the county courts to use these patrols to address the connected problems of slaves' mobility and gun use. The law dictated that each county court could appoint three freeholders as "Searchers" who would scour their district's slave quarters and "other Places where Negroes resort" for illegal weapons "when and where they found it necessary."³⁰ The appointees were required to conduct at least four searches each year and could be subjected to a forty shillings fine if they failed to execute their duties. The collected fees would then be paid to the negligent searcher's successor. In order to encourage their diligent labor the Assembly mandated that the searchers could confiscate any contraband weapons that they found for their own use.³¹

The searchers' responsibilities could put the appointees into conflict with local slaveholders, the wealthiest of whom were their neighborhood's social and political elites. The searchers provided a valuable service to their communities but they also

reel 7, frame 00020-00023 (hereafter *Race, Slavery, and Free Blacks*).

²⁹ These bonds were often for \$100.00 or \$200.00 but they could reach \$400.00 or \$500.00 in some instances (for examples of expensive bonds, see William B. Lockhart's \$500.00 bond in folder- bonds for slaves to carry firearms, 1827, 1829, 1857, Miscellaneous Slave Records [1785-1861], Northampton County Records, NCDAH. Frederick J. Swann's \$400.00 bond in the Records of Slaves and Free Persons of Color, 1786-1888, Miscellaneous Records, New Hanover County Records, NCDAH).

³⁰ *Session Laws, 1753*, 103-104.

³¹ *Ibid.*

embodied the Assembly's intrusion upon slaveholders' mastery and influential slaveholders could make life difficult for any searchers who crossed them. For instance, in 1761 William Dry, Esq. filed a complaint with the county court against searcher David Smeeth and the court removed the searcher from his office without even the courtesy of a formal hearing.³² The searchers were also sometimes targeted by contemptuous slaves who attacked some of the white men, killed their cattle and horses, and set fire to their cotton gins, outhouses, fodder stacks, and homes.³³

As the political unrest between Britain and the American colonies grew more tumultuous in the 1770s both patriot and royalist forces sought to use armed black laborers for military purposes while trying to balance the threat that these laborers embodied. Black North Carolinians pragmatically navigated through this tense political situation and deployed their armed labor to achieve their own means. The deteriorating political situation intensified shared British and patriot fears about black violence but these concerns were carryovers from the earlier colonial period. Patriot and British officials sought to control the specific threat that they perceived in black North Carolinians' firearm use in both civilian and military contexts by regulating their black subordinates' access to weapons.

³² Hadden, *Slave Patrols*, 37. William Dry, Esq. had a great deal of social cachet in his community. His grandfather had been a prominent planter in South Carolina and his father had been a justice of the peace and militia captain in Brunswick Town. Dry, as young militia captain himself, led a daring counterattack to liberate the town from Spanish raiders who had captured it in 1748. He rose to a militia colonelcy by 1754, was appointed collector of the port at Brunswick Town in 1761, owned a large plantation, and served in the legislature from 1760 to 1762 (Janet Schaw, *Journal of a Lady of Quality: Being the Narrative of a Journey from Scotland, to the West Indies, North Carolina, and Portugal, in the years 1774 to 1776*, eds. Evaline W. Andrews and Charles M. Andrews [New Haven: Yale University Press, 1922], 314-315 and John L. Cheney, Jr. ed., *North Carolina Government, 1585-1979: A Narrative and Statistical History* [Raleigh, NC: North Carolina Department of the Secretary of State, 1981] 46-48).

³³ Benjamin F. Callahan, "The North Carolina Slave Patrol" (master's thesis, The University of North Carolina, Chapel Hill, 1973), 49-50. John Hope Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York: Oxford University Press, 1999), 92.

As colonial politics became increasingly tumultuous in the summer of 1774 North Carolina's patriots usurped the royal government's authority and this power rapidly expanded to cover black people's firearm use, which the revolutionaries framed as a potential danger to public safety. Royal Governor Josiah Martin refused to call the Assembly into session, which was a measured tactic to prevent the legislators from sending representatives to an upcoming pan-colonial congress. Nevertheless, the North Carolina patriots held a Provincial Congress in August without Martin's approval and sent delegates on to the First Continental Congress. The unified congress' Continental Association advised every county and municipality to elect a Committee of Safety to "observe the conduct" of its residents and to publish the trespasses of those the committees believed to be "foes to the rights of British-America" so that they could be shunned.³⁴ The committees were intended to coerce support for the Congress' boycott of British trade goods but in North Carolina they soon assumed executive, judicial, and legislative authority to the point that their powers "soon became practically unlimited." They decided which "acts and opinions" made a North Carolinian an "enemy of his country," determined suspects' guilt, and doled out punishments.³⁵

Additionally, some of North Carolina's Committees of Safety set out to disarm their jurisdictions' black populations as a precautionary measure. A combined meeting of the Bladen, Brunswick, Duplin, and Wilmington-New Hanover Committees of Safety "unanimously agreed" to appoint patrols in New Hanover County "to search for, and take

³⁴ Hugh F. Rankin, *The North Carolina Continentals* (Chapel Hill, NC: The University of North Carolina Press, 1971), 8-9. Larry Bowman, "The Virginia County Committees of Safety, 1774-1776," *The Virginia Magazine of History and Biography*, 79, no. 3 (July, 1971): 322.

³⁵ William L. Saunders, ed. *The Colonial Records of North Carolina*, vol. IX. (1890; repr., Wilmington, NC: Broadfoot Publishing Company, 1993), xxxii.

from Negroes, all kinds of arms whatsoever.” Further, these committees declared that the confiscated weapons were to be distributed to local patriot militiamen who were unable to purchase their own firearms.³⁶ Through this seizure of black North Carolinians’ weapons the colonial patriot authorities tried to eliminate the potential threat they saw in the local black population and simultaneously bolster the patriots’ means to defend themselves against the British.

This drive to remove the black population's guns at the same time that the relationship between Britain and her American colonies was deteriorating into a state of armed conflict reflects North Carolina’s cautiousness toward the question of black people’s firearm use. Conspicuously, the Bladen, Brunswick, Duplin, and Wilmington-New Hanover Committees of Safety’s ordinance was not geared specifically towards their respective slave populations but broadly targeted all of the “Negroes” in the region. These patriots had concerns about all African-descended people and saw their continued firearm use as too much of a risk during the conflict with Britain. Ironically, the committees that decided on this disarmament were appointed by the Provincial Congress which had probably been elected in part by free black men. The colony’s black male freeholders may have been enfranchised but that did not prevent some Committees of Safety from disarming them.³⁷

³⁶ Benjamin Quarles, *The Negro in the American Revolution* (1961; repr., New York: W.W. Norton & Company, Inc., 1973), 124. Minutes of the Bladen, Brunswick, Duplin, and Wilmington-New Hanover County Committees of Safety, May 20 to May 21, 1775, in Saunders, ed., *Colonial Records*, 25.

³⁷ Black male freeholders could vote from the mid-1700s until a constitutional change in 1835. White politicians were divided on the issue and some free black men continued to vote after 1835, particularly in local elections. White supporters of black suffrage hoped it would maintain a gulf between free black people and slaves. Some opponents argued that black suffrage would lead to black justices, sheriffs, et cetera or that it might encourage slaves’ desire for liberty. Finally, some white people took a purely partisan stance because black voters often favored the Federalists (Franklin, *The Free Negro*, 13, 105-113, 120. *Journal of the Convention, Called by the Freemen of North-Carolina, to Amend the*

The Assembly furthered the Committees of Safety's efforts against black firearm use by increasing the frequency of searches, strengthening the penalties for negligent searchers, and improving the rewards for faithfully executed service. These changes would undergird North Carolina's slave patrols through the antebellum period. After 1779 the forty shillings fine for dereliction of duty ballooned upward to a costly £100.³⁸ Additionally, the searchers' quarterly rounds were increased to a minimum of once per month. Further, the Assembly was invested in attracting quality men to the position who would faithfully carry out their duties. Thereafter the searchers were paid "out of the county tax as the court shall think necessary." In addition to this publically funded allowance these men were excused from serving as constables, on public works, in the militia, or on juries during their tenure. They were additionally exempted from paying any "Provincial, County, or Parish Tax."³⁹ As a result of this attractive compensation and benefits the searchers were thereafter required to "make return on oath" for any arms they confiscated and the weapons would then be "applied to the use of the county, or returned to the owner, as the court may direct."⁴⁰ These regulations were not strictly followed by

Constitution of the State, Which Assembled in the City of Raleigh [Raleigh, NC: J. Gales & Son, 1835], Art. I, Sec. 3, § 3. Guion Griffis Johnson, *Ante-Bellum North Carolina: A Social History* [Chapel Hill, NC: The University of North Carolina Press, 1937], 603-604. Alan D. Watson, *A History of New Bern and Craven County* [New Bern, NC: Tryon Palace Commission, 1987], 207-208).

³⁸ *Session Laws of North Carolina, 1779*, (Ch. 7, Sec. I-IV), 280-281. The severity of the fines varied by locality and time. In 1825 Lenoir County's patrollers who failed to act were fined \$1.50 "for every such failure or neglect." Rutherfordton, Rutherford County patrollers were fined \$5.00 in 1833, which was increased to \$10.00 in 1840. After the session of 1840-1841 Murfreesboro, Hertford County punished patrollers with a \$20.00 fine. In Raleigh, however, lax town watchmen and patrollers faced \$1.00 penalty in 1856 (*Session Laws of North Carolina, 1825*, [Ch. LVII, Sec. IV], 40. *Session Laws of North Carolina, 1832-1833*, [Ch. XLVIII, Sec. VIII], 48. *Session Laws of North Carolina, 1840-1841*, [Ch. LVII, Sec. IV], 196-197. *Ibid.*, [Ch. LV, Sec. XI], 193. *Session Laws of North Carolina, Private Laws, 1856-1857*, [Ch. 98, Sec. 37], 107).

³⁹ Hadden, *Slave Patrols*, 72-73. *Session Laws, 1779*, (Ch. 7, Sec. II).

⁴⁰ *Ibid.*, (Ch. 7., Secs. III, and II). These benefits were not always enough to make the position attractive. In 1828, eighty-three Lincoln County men petitioned the Assembly that anyone "who dos[sic] not own any, nor wish to have any thing to do as respects the government or Discipline of the Negroes"

the counties both because they were wartime measures and because of inconsistent local enforcement of the Assembly's laws.⁴¹

During the conflict concerns about armed black men in military contexts became a pressing concern. This was especially the case for North Carolina's white patriots who worried that British authorities might turn the colony's slaves against the patriot cause. In the summer of 1775 rumors swirled through the colony that Governor Martin "had formed a design of Arming the Negroes" in order to better defend the Crown's interests. It was alleged that he had promised freedom to slaves who would "resort to the King's Standard."⁴² This rumor predated Virginia's royal governor John Murray, 4th Earl Dunmore's actual proclamation in November, 1775 that promised freedom for any of the patriots' slaves who joined his Royal Regiment of Ethiopians.⁴³

The rumors about Martin's provocative plan were particularly alarming to North Carolina's patriots because by that summer their counterparts in some northeastern colonies had already met the King's troops in battle. They recognized that if Martin's plan were true it could be devastating if the fighting spread to their colony. The royal governor avowed that he had "never conceived a thought" of giving "encouragement to the negroes to revolt against their masters" but he then provocatively added that such a move would only be warranted by "the actual and declared rebellion of the King's

should be exempt from patrol duties (*Race, Slavery, and Free Blacks*, North Carolina, 1825, reel 6, frame 00084.

⁴¹ The counties followed their own interpretation of the patrol law for decades afterward. In 1830 the Craven County court empowered two searchers to fine offending slaves' masters and to seize any illegal firearms and "retain the said fire arms to their own proper use" (Folder- Carron and Slade commissioned to seize firearms found in possession of slaves- 1830, Slaves and Free Negroes Bonds – Petitions, 1775-1861, Craven County Records, NCDAH).

⁴² Rankin, *Continentials*, 10; Josiah Martin. Letter to William Legge, June 30, 1775 in Saunders, ed., *Colonial Records*, 43.

⁴³ Rankin, *Continentials*, 23-24.

subjects, and the failure of all other means to maintain the King's Government.” North Carolina’s patriot leaders saw Martin’s lukewarm defense as a threat “in plain English” and they blasted the governor as having openly “manifested himself an enemy to American liberty.”⁴⁴

The summer of 1775 also bore witness to whispered reports that British officials had promised that any slave who killed his or her patriot master could then have the rebel’s plantation.⁴⁵ This rumor was intended to bolster support for the patriot cause but the kernel of truth in it was that that British General Thomas Gage had inquired about forming a black regiment in Massachusetts, but he had received little support for the project. Englishmen who sympathized with the patriot cause protested against any such course of action and complained to King George III that the thought of “slaves incited to insurrection... filled the minds of your Majesty’s faithful subjects with indignation and horror.”⁴⁶ The rumor was nevertheless dangerous and a visitor to North Carolina remarked that those who spread this story might end up paying dearly for it. She believed that “the Negroes have got it amongst them and believe it to be true. Tis ten to one they may try the experiment, and in that case friends and foes [white loyalists and white patriots] will be all one.”⁴⁷ The fear of uncontrolled black violence sometimes trumped white peoples’ political differences, even during periods of intense political conflict and war.

⁴⁴ Minutes of the New Bern Committee of Safety, August 2, 1775 in Saunders, ed., *Colonial Records*, 138.

⁴⁵ Quarles, *Negro in the... Revolution*, 14.

⁴⁶ *Ibid.*, 111-112. “Several of the Gentlemen, Merchants, and Traders of the City of London” to King George III in J. Dodsley, *The Annual Register, or a View of the History, Politics, and Literature, for the Year 1775* (London: Edmund Burke, 1776), 267-268.

⁴⁷ Schaw, *Journal of a Lady*, 199, 200-201.

North Carolina's patriots and civilians did eventually have to face British-armed black men in their midst, Governor Martin and General Gage's rumors notwithstanding. Charles Cornwallis, 1st Marquess Cornwallis commanded the main British force in the South. He used enslaved camp followers as foragers while his army marched across North Carolina in 1781, much to the chagrin of the colony's white residents. Cornwallis' black auxiliaries were ostensibly engaged in less aggressive actions than Dunmore's combat-ready "Ethiopians" but this was not always the case. These foraging parties sometimes contained hundreds of black men and as was commonly the case in early modern warfare "these foraging expeditions were often nothing more than plundering expeditions that resulted in the illegal seizure of civilian produce and livestock."⁴⁸ The British commander discovered that using these enslaved people as an extension of His Majesty's army could prove to be an embarrassing liability. While headquartered in Salisbury, Rowan County in early February he was forced to respond to "the most Shocking Complaints of the Excesses Committed by the Troops." White North Carolinians protested that there were "Negroes Stragling from the Line of March, plundr^g & Using Violence" against the people in the countryside.

Lord Cornwallis ordered his brigade commanders to put a stop to these disorderly black laborers because he feared that they would "Inevitably bring Disgrace & Ruin on his Majesty Service." He ordered that thereafter "no Negroe shall be Suffred to Carry Arms on any pretence" and that all of his officers who had black people under their commands were to notify the black hangers-on that the provost marshal had orders to

⁴⁸ Joseph C. Morton, *The American Revolution* (Westport, CT: Greenwood Press, 2003), 80. Edward G. Gray and Jane Kamensky, eds. *The Oxford Handbook of the American Revolution* (New York: Oxford University Press, 2013), 185-186.

“Seize & punish on the Spot any Negroe foll^s the Army who may Offend against this regulation.”⁴⁹ Cornwallis’ disarming his black foragers would have limited their overall effectiveness but the entire group had become unreliable in the officer’s estimation. Both the British and patriot armies recognized the utility of armed black people’s labor but were also concerned that black auxiliaries could prove difficult to control. Cornwallis soon thereafter left North Carolina for Yorktown, Virginia but the tensions between safely harnessing black people’s armed labor and protecting white people’s lives and property from unsupervised armed black people would plague white North Carolinians in both civilian and military contexts until the Confederacy’s defeat in the Civil War.

Some black North Carolinians used their government-sanctioned armed labor during the American Revolution to carve a path toward freedom. An Edgecombe County slave named Ned Griffin was enlisted as a substitute for his master, William Kitchen, after the white man had been caught trying to desert. After the war the Assembly declared that as a result of Griffin’s twelve months of “meritorious service” in a North Carolina unit he would be “forever hereafter be in every respect declared to be a freeman; and he shall be, and he is hereby enfranchised and forever delivered and discharged from the yoke of slavery.” Griffin was re-enslaved after his discharge but the Assembly intervened and again granted the black veteran his hard earned liberty.⁵⁰ Ned Griffin’s musket and the latent violence within it secured his path to a liberty that the white soldiers in North Carolina regiments could only attempt to match through hyperbolic

⁴⁹ A.R. Newsome, ed. “A British Orderly Book, 1780-1781: III” *The North Carolina Historical Review*, 9, no. 3 (July 1932), 296. Quarles, *Negro in the... Revolution*, 140-141.

⁵⁰ Quarles, *Negro in the... Revolution*, 59-60, 183-184. Minutes of the North Carolina House of Commons, April 19 – June 03, 1784 in Walter Clark, ed. *The Colonial Records of North Carolina*, vol. 19. (Goldsboro, NC: Nash Brothers, Book and Job Printers, 1901), 507, 552, 609, 641, and 661.

rhetoric.

During the revolutionary era thousands of slaves were able to attain freedom as a result of the period's popular liberal ideologies but as Ira Berlin noted "slavery in the Upper South did not crack under the blows of revolutionary republicanism and evangelical egalitarianism" as it did in the northern states.⁵¹ Despite a wave of manumissions North Carolina's slave system remained intact. This was not the only continuation into the early republic, but the unstable relationship between armed black men and the particular government that projected its power over them would continue well into the next century. The Assembly and many white North Carolinians would continue to see armed black people as a cause for concern, although one that had many redeeming qualities as well.

During the War of 1812 the Assembly extended its reach into its free black residents' firearm use much as it had during the Revolution but with a much greater emphasis on harnessing their armed labor for selective militia service. Nevertheless, many white North Carolinians remained uncomfortable with armed black men in a military context as they had been in the colonial period. North Carolina's militia laws ambiguously ordered the enrollment of "all freemen and indentured servants, citizens of this State or of the United States" who were between the ages of eighteen and forty-five.⁵² This broad inclusion was not without opposition, however. In 1809 the militia's adjutant general requested that the Assembly prevent black men from enrolling because he believed that "it lessens the respectability of a military company to have men of colour

⁵¹ Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Cambridge, MA: The Belknap Press of Harvard University Press, 2003), 111.

⁵² *Session Laws of North Carolina, 1800* (Ch. 28., Sec. 1), 159.

in the ranks, and prevents many persons from mustering, who would otherwise do so.” Despite his reservations the adjutant general did not want to completely part with black men’s labor. He argued that free men of color “ought to form Pioneer Corps, and be mustered separately, without arms.”⁵³ North Carolina amended the militia laws during this second war with Britain in order to prevent officers from enrolling free men of color in any capacity except as musicians. This exclusion was reversed in 1814 when another amendment declared that militia officers could again enroll free black men as long as they were sure to “designate by proper columns the free persons of colour from the rest of the militia...”⁵⁴

The Assembly passed the 1814 act during the heightened pressures brought on by the war but by 1823 free black militiamen were no longer a necessity and the legislators again decided to ban them with the repeated exception for musicians.⁵⁵ The adjutant general’s 1809 complaints about free men of color serving in the militia were not merely a concern about their broad participation but the officer also sought to preserve *armed* state service for white militiamen and relegate any black men to auxiliary positions. The complication of free black quasi-citizens’ participation in what North Carolinians considered to be a “civic duty” and perhaps militiamen’s prevalence on slave patrols had ultimately rendered the idea of black militiamen distasteful to many of the state’s white residents.⁵⁶

⁵³ Johnson, *A Social History*, 600.

⁵⁴ *Session Laws of North Carolina, 1812*, (Ch. 1, Sec. I), 1. *Session Laws of North Carolina, 1814*, (Ch. 1, Sec. VI), 3.

⁵⁵ John L. Taylor, *A Revisal of the Laws of the State of North Carolina, Passed from 1821 to 1825 (both years inclusive) with Marginal Notes and References* (Raleigh, NC: J. Gales & Son, 1827), Ch. 1219, Sec. 1.

⁵⁶ Hadden, *Slave Patrols*, 47.

Enslaved black men were no longer permitted to serve in the North Carolina militia by the 1820s although some may have done so up until the War of 1812. The Assembly believed that unsupervised slaves' attendance at militia musters was part of the larger problem of slaves' proximity and potential access to firearms.⁵⁷ North Carolina lawmakers passed a law to prevent slaves in fifteen eastern counties from going to militia musters or election grounds unless they were escorted by their master or had his or her consent. Any white person at a muster or polling place could seize an unauthorized slave and bring him or her to a justice of the peace to be punished with thirty-nine lashes.⁵⁸ The sentiment behind this law was undoubtedly similar to that voiced by several South Carolinians who petitioned their legislature to keep their own state's black residents away from military reviews and musters in 1820. These South Carolinians worried that black people would not only familiarize themselves with firearms but that the "martial music, and the warlike movement of troops" would also "fire their bosoms with feelings, which, at an evil hour, may burst forth with destructive[sic] fury, and distroy[sic] the peace and lives of our fellow citizens." Unlike their northern neighbors these South Carolinians believed that any link between black people and the militia was problematic and further

⁵⁷ Clayton Cramer, *Armed America: The Remarkable Story of How and Why Guns Became as American as Apple Pie* (Nashville, TN: Nelson Current, 2006), 36-37. Some historians argue that militia duty was a tax on one's labor because with few exceptions all white men in their physically productive years were enrolled. Further, some of them label slaves' exemption as a regressive tax and argue that slaves were barred not only for security reasons but also to prevent the slaveholding elite from losing their slaves' labor for the nearly two weeks of duty each year. Militia duty called skilled workers, laborers, and small farmers away from their work but the elites' exempted slaves continued to produce (Marvin L. Michael Kay and Lorin Lee Cary, *Slavery in North Carolina, 1748-1775* [Chapel Hill, NC: The University of North Carolina Press, 1995], 60 and Robert Dunkerly, *Redcoats on the Cape Fear: The Revolutionary War in Southeastern North Carolina* [Jefferson, NC: McFarland & Company, Inc., 2012], 19).

⁵⁸ *Session Laws of North Carolina, 1830-1831*, (Ch. CLVI, Sec. I and II), 130-131. This regulation applied to Brunswick, Camden, Carteret, Craven, Currituck, Duplin, Hyde, Johnston, Jones, Lenoir, New Hanover, Onslow, Sampson, Tyrell, and Wayne Counties (*Ibid.*).

argued that neither free nor enslaved black people should be accepted as company musicians.⁵⁹

The Assembly's concern about North Carolina slaves' familiarity with the militia mirrored some of the anxieties around free black men's militia service and their firearm use in their everyday lives. In January, 1841 the legislators greatly circumscribed North Carolina's free black population's ability to use firearms and other weapons. This restrictive legislation was not unique and several other Southern states passed similar laws during the first half of the nineteenth century. North Carolina's iteration of these restrictive laws declared that free people of color had to obtain an annual license from their county court before keeping any "Shot-gun, Musket, Rifle, Pistol, Sword, Dagger, of Bowie-knife" or risk indictment for a misdemeanor.⁶⁰

The Assembly used this 1840 law to regulate the process by which free men and women of color could be armed but it empowered the county courts to specify which free black people should be permitted to carry arms much as the courts oversaw slaves' gun use. Thereafter free black people's firearm use would be dependent on white people's good graces. Before 1840 the only county court regulations or state laws that restricted free black people's ability to carry arms were with the constraints on their militia service. After 1840 free black North Carolinians would have to rely on white neighbors, business associates, and friends to support their arms requests and vouch for the black applicant's

⁵⁹ Kershaw District residents' petition (ca. 1820) via the Digital Library on American Slavery (hereafter DLAS), Race, Slavery, and Free Blacks, Series II, Part D (Greensboro, NC: University Libraries, University of North Carolina at Greensboro, 1993), Petition Analysis Record (hereafter PAR): 11382014, accessed July 5, 2015. <https://library.uncg.edu/slavery/petitions/details.aspx?pid=1339>.

⁶⁰ *Session Laws of North Carolina, 1840-1841*, (Ch. XXX, Sec. I), 61-62.

“good moral and peaceable character.”⁶¹ The restrictive licensing law was the last major piece of legislation targeting black North Carolinians’ firearm use until the coming of the Civil War.

The license provision marked a period of transition for free black North Carolinians. Many of them had enjoyed unregulated gun use for decades prior to the law’s passage, but thereafter white people decided whether or not free people of color could bear arms. In accordance with the law a free man of color named “Free Willis” requested the Wayne County Court’s permission in August, 1841 to continue using a shotgun and to keep the weapon in his home. Willis stated that he had never been accused of any mischief and that he had even voluntarily turned his gun over to a white farmer during a “Negro rising.” Another white farmer named Benajah Herring wrote in support of Willis’ letter. The white man voiced confidence in Willis and noted that the former slave lived “at one end of [his] plantation” and that Willis’ firearm use was beneficial to them both just as it would have been if Willis was one of Herring’s slaves. The white farmer explained to the court that “as he does me some benefit by destroying the Vermin around my fields I would rather he could retain his gun.”⁶²

⁶¹ *Race, Slavery, and Free Blacks*, North Carolina, 1835, reel 7, frame 00022.

⁶² Willis Herring’s petition (August Term 1841) in folder- Petition of Willis, a free man of color, to use a gun, 1841, Slaves and Free People of Color, no date, 1783-1869, Wayne County Records, NCDAH. 1840 U.S. Census, population schedule, Newhope District, Wayne County, North Carolina, page 207, image 904, Benajah Herring, digital image, via ancestry.com, accessed July 1, 2015, <http://ancestry.com>. The white supporters’ vouching for the free black applicant’s character was formulaic. Consider the four white men who backed Wayne County’s Stephen Evans’ legal quest for a gun in 1854. They noted that they had known him for two years and knew nothing against his character. Similarly, the five white men who signed William Calvin’s undated Randolph County petition noted he was “a very inoffensive man, of good moral character, + sober industrious habits” (Letter of support for Stephen Evans [May Term 1854], in Folder- Petition of Stephen Evans, a free man of color, to hunt with a gun, 1854, Slaves and Free People of Color, no date, 1783-1869, Wayne County Records, NCDAH. Letter in support of William Calvin [no date], in Folder- Permits to Carry Guns, no date, 1855, Records of Slaves and Free Persons of Color, Criminal Acts, 1788-1869, Randolph County Records, NCDAH).

Free Willis and Benajah Herring were not simply amicable neighbors but their relationship had previously been that of master and slave. Eighteen years earlier the county court permitted Herring to emancipate his slave Willis. Willis had “from his infancy” been “distinguished by his sobriety industry and faithfulness” and he had also paid the Herring family for his freedom.⁶³ Willis’ experiences highlight the centrality of white people’s supervision to free black North Carolinian’s firearm use. The freedman was no longer the Herring family’s property but the white family’s continued oversight was vital to his gun use. Willis took the Herring family’s surname and had lived on a plot adjacent to their plantation since gaining his freedom.⁶⁴ This was as close white supervision of a free black person that white North Carolinians might reasonably expect. Further, while “Free” Willis may have been otherwise able to acquire a gun, Benajah Herring’s support certainly helped his cause.

Despite the Assembly’s efforts to regulate free and enslaved black people’s firearm use white opponents continued to seek legislative remedies to what they saw as a continuing issue. After 1840 local white people’s approval was a key factor in free black people’s access to firearms but local white people had clamored for the Assembly to more strictly control black people’s firearm access for decades prior and they continued to do so. Free and enslaved black people’s continued use of guns for their own benefit and the

⁶³ Willis Herring’s petition (August Term 1841) in folder- Petition of Willis, a free man of color, to use a gun, 1841, Slaves and Free People of Color, no date, 1783-1869, Wayne County Records, NCDAH. Benajah Herring’s petition (April Term 1823) via the DLAS, Race, Slavery, and Free Blacks, Series II, Part D (Greensboro, NC: University Libraries, University of North Carolina at Greensboro, 1993), PAR: 11382014, accessed June 30, 2015. <https://library.uncg.edu/slavery/petitions/details.aspx?pid=10028>.

⁶⁴ 1840 U.S. Census, population schedule, Newhope District, Wayne County, North Carolina, page 207, image 904, Willis Herring, digital image, via ancestry.com, accessed July 1, 2015, <http://ancestry.com>.

threat of black violence in neighboring states ensured that white opposition to armed black people would not be pacified by the Assembly's attempts at controlling the situation.

In the 1820s white petitioners argued that the threat of errant black gun use emanated from free people of color as well as the slaves and that the General Assembly needed to take action to rectify the situation. In December, 1828 white men in Craven County petitioned the legislature to voice their concerns about the "constant and growing practice of Persons of Colour hunting with dogs and guns whereby under the pretence[sic] of seeking game, they commit numberless depredations upon the farms by killing stock of every description." The Craven County petitioners further argued that the current laws designed to regulate slaves' hunting with firearms were being "evaded through the agency and assistance" of free black people and that the Assembly should amend the laws to apply to both free and enslaved black people.⁶⁵

The petitioners' intentionally omitted any condition of servitude for the "Persons of Color" who were allegedly killing white people's livestock which served to broadly indict both the free and enslaved black people in their neighborhood. White North Carolinians had long suspected that free and enslaved people of color were in collusion and that their union and lax morality posed a threat to white people's property. These white Craven County petitioners believed that their free black neighbors were both encouraging and enabling slave disobedience and creating economic turmoil in the county by preying on white people's livestock and they looked to the Assembly to put a

⁶⁵ *Race, Slavery, and Free Blacks*, North Carolina, 1828, reel 6, frame 00241. See the Appendix for an assessment of Craven County's demographics in 1828 and a statistical analysis of the petitioners.

stop to the lawlessness.

Some white North Carolinians' complaints about the interactions between slaves and free people of color revolved around the idea that free people of color provided the slaves with illegal firearms. The 1828-1829 session of the Assembly added firearms to the state's official policy on trading with slaves in order to counter this perceived threat. This was a response to the spirit of the 1828 Craven County petition if not a direct response to that document. The new iteration of the law declared outright that no one could sell or trade "fire-arms, powder or shot, or lead" to any slave without his or her master's permission.⁶⁶ White people who violated this law could be subjected to a \$100.00 fine per individual offense and the money would be paid to whomever discovered the illegal sale. The perpetrator could also face up to three months imprisonment and up to \$50.00 in additional fines. Free black North Carolinians who were convicted of selling firearms to slaves could be punished with up to thirty-nine lashes as if they were enslaved people but they would not have been fined or sentenced to jail.⁶⁷

These tighter restrictions on slaves' ability to purchase guns and ammunition did not preserve white North Carolinians' peace of mind for very long and more extreme measures were soon needed. Within a short span in the early 1830s David Walker's *Appeal in Four Articles* arrived in North Carolina's ports; Nat Turner made his bloody

⁶⁶ The Assembly had used commercial regulations to prevent free people from trading with slaves since the colonial era but firearms were not a specific concern in the previous laws. A 1715 law focused on preventing subordinate laborers from selling their masters' goods for their own benefit as did another passed in 1826. The latter again made no mention of firearms in an otherwise exhaustive list of banned crops, raw materials, tools, and liquor (*Session Laws, 1715-1716*, and *Session Laws of North Carolina, 1826*, [Ch. XIII, Sec. I], 7).

⁶⁷ *Session Laws of North Carolina, 1828-29*, (Ch. XXXII, Secs. I, II, and III), 19.

march across Southampton County, Virginia; and rumors of a massive homegrown slave rebellion shocked the Old North State itself. White North Carolinians responded quickly to these three events but their fears would have long lasting ramifications on free and enslaved black people's firearm use. White people took measures to protect themselves from the possibility of black violence and the Assembly enacted a complete ban on slaves' firearm use. No longer would individual slaveholders or the local county courts decide which enslaved African-descended people could bear arms.⁶⁸

Walker was a Wilmington native with an enslaved father and free mother who was living in Boston, Massachusetts in the fall of 1829 when he wrote his *Appeal*. The work criticized slaveholders for their barbarous treatment of African-descended peoples, advocated that free and enslaved black men offer manly resistance to the oppressive slave system, and proclaimed that black men had a God-given right to protect their families and communities. In August, 1830 Wilmington's officials notified Governor John Owen that a "well-disposed" free black man had alerted them that copies of Walker's *Appeal* had appeared in their town. One enslaved tavern keeper reportedly had two hundred copies in his possession. He and several others were arrested. The town authorities also began to fear that black Wilmingtonians were plotting a revolt and Fayetteville's officials raised similar concerns about their own black population.⁶⁹ In response to these fears Owen advised North Carolina's local authorities to undertake "the most vigilant execution of your police laws and the laws of the state" and to keep watch for "agents" spreading the *Appeal*. For its part the Assembly tried to restrict free black people's movements and

⁶⁸ *Session Laws of North Carolina, 1831-1832*, (Ch. XLIV, Sec. 1), 34. Johnson, *A Social History*, 555.

⁶⁹ David S. Cecelski, *The Fire of Freedom: Abraham Galloway & the Slaves' Civil War* (Chapel Hill, NC: The University of North Carolina Press, 2012), 10-11. Franklin, *The Free Negro*, 66-67.

limit their interactions with the black sailors passing through the state's ports.⁷⁰ In Washington, Beaufort County officials disarmed free people of color, increased their town's night watch, curtailed free black people's ability to assemble, called out the militia, and requested additional weapons from the state arsenal.⁷¹ This situational disarmament of the free black population was more extensive than the 1840 license law would later be but consider that it was only a temporary measure that was born out of the fears of an imminent Walker-induced slave uprising.

Only about a year later Nat Turner's rebellion served as a brutal reminder of slavery's latent but potentially destructive violence. In August, 1831 the literate enslaved preacher led an army of about seventy slaves across Southampton County, Virginia in a bloody but ultimately unsuccessful bid for freedom. The rebels killed nearly sixty white men, women, and children and white Virginians responded by killing over a hundred black people, mostly in the orgy of revenge that took place after the rebellion had been quelled.⁷² The rebellion's high level of violence and its close proximity to North Carolina contributed to spreading panic through parts of the Old North State. Southampton County, Virginia, shares a border with Northampton County, North Carolina and Halifax, Hertford, and Gates Counties are also close by. Some North Carolina militiamen were even called out to assist their neighbors and several black North Carolinians who were also suspected of conspiracy were arrested and some of

⁷⁰ *Ibid.*, 67-70.

⁷¹ Johnson, *A Social History*, 516.

⁷² Herbert Aptheker, *Negro Slave Revolts in the United States, 1526-1860* (New York: International Publishers Co., Inc., 1939), 50. Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Vintage Books, 1976), 593-595.

them were killed.⁷³

As North Carolina reeled from Turner's revolt in mid-September word spread that a free mulatto named "Mr. Usher" had alerted white authorities of an extensive slave conspiracy in Sampson, Duplin, and New Hanover Counties. The initial reports were distressing and came from even the most reliable of sources, like a major general in the militia. *Rampaging black people had sacked Wilmington—they had slaughtered many of the white people, burned the town to the ground, and were heading for Fayetteville. Seventeen white families had been massacred in Sampson and Duplin Counties and the courthouse in Sampson County had been razed. An army of fifteen hundred slaves had killed several white people in Sampson County and were on the march toward Duplin County.*⁷⁴ In some neighborhoods the terrified white women and children took to hiding in swamps. Others frantically crowded into neighborhood homes that were more defensible than their own. Wilmington's officials declared martial law after hearing that a horde of two hundred slaves was within two miles of town. New Bern's authorities requested and received support from a company of United States artillerymen from nearby Fortress Monroe in Virginia.⁷⁵

These inflated reports and patently false stories travelled quickly and many white

⁷³ Derris Lea Raper, "The Effects of David Walker's Appeal and Nat Turner's Insurrection on North Carolina" (master's thesis, The University of North Carolina, Chapel Hill, 1969), 49, 54-56. *Daily National Journal*, September 10, 1831.

⁷⁴ Colonel S. Whitaker to Governor Montford Stokes, September 15, 1831, #296; Carter Jones to Stokes, September 17, 1831, #309; both in Governor Montford Stokes Letter Book, NCDAH. *Richmond Enquirer*, September 20, 1831. *Daily National Intelligencer*, September 19, 1831. *Vermont Chronicle*, September 30, 1831. Raper, "The Effects of David Walker's Appeal", 64. *Republican Citizen and State Advertiser*, September 23, 1831. Lynn Veach Sadler "Dr. Stephen Graham's Narration of the 'Duplin Insurrection': Additional Evidence of the Impact of Nat Turner" *Journal of American Studies*, 12, no. 3 (1978): 364.

⁷⁵ Sadler, "Dr. Stephen Graham's Narration", 364. J. Borland to Governor Montford Stokes, September 18, 1831, #313-315 in Governor Montford Stokes Letter Book, NCDAH. *Vermont Chronicle*, September 30, 1831. *United States' Telegraph*, September 19, 1831.

North Carolinians in the eastern portions of the state expected mobs of gun-toting black people to suddenly appear raping and pillaging their way through white communities. Eventually most white North Carolinians concluded that “no overt act of rebellion has taken place, and that the alarming reports now circulating through the country, about the burning of property and massacres of several white families, are entirely erroneous” but there were still some worries that a real plot had been discovered parts of Duplin, Sampson, Wayne, New Hanover, and Lenoir Counties.⁷⁶ In response to this series of events the Assembly zealously repealed the law that authorized the county courts to “grant certificates” for slaves to “carry guns in certain cases.”⁷⁷ Masters had previously been allowed to arm one of their slaves to hunt or eliminate agricultural pests but thereafter any slave caught with a gun would receive twenty lashes and their masters would be fined.⁷⁸

Nat Turner and the Sampson-Duplin-New Hanover scare caused many white North Carolinians to question their local militia units’ preparedness to suppress large slave rebellions and these doubts amplified the danger that they saw in armed black people. White people’s desires to more strictly control black firearm use takes on greater urgency in this light. After Turner and the Sampson-Duplin-New Hanover affair many county and municipal officials and militia officers sent frantic appeals to Governor

⁷⁶ *Richmond Enquirer*, September 20, 1831. *Raleigh Register*, and *North-Carolina Gazette*, September 22, 1831. *Observer and Telegraph*, 29 September 1831. *The United States’ Telegraph*, September 19, 1831. In step with white Southerners’ typical response to slave rebellions, once they had regained control they jailed dozens of suspected free and enslaved black people—between forty and fifty in Sampson and Duplin Counties alone. Some black people were executed after trials of varying degrees of dubiousness and others were lynched by mobs who could not be bothered with even the semblance of a fair legal process (*Republican Citizen and State Advertiser* [Frederick, MD], September 23, 1831 and Raper, “The Effects of David Walker’s Appeal”, 66-68, 70, 72).

⁷⁷ *Session Laws, 1831-1832*, (Ch. XLIV, Sec. 1), 34.

⁷⁸ *Ibid.* Johnson, *A Social History*, 555.

Montfort Stokes for weapons from the state arsenals. Over an eight week span both existing and newly formed volunteer militia companies inundated Stokes and the Adjutant General of the North Carolina Militia, Beverly Daniel, with no fewer than thirty-five appeals for new arms.⁷⁹ These white North Carolinian men were concerned that the militia units were ill-equipped for the possibility of servile war.

Even accepting that fear and anxiety could have drawn an overreaction the volume of these requests suggests that great numbers of white men were familiar with firearms via hunting, serving on slave patrols, and their militia service but that many North Carolinians were deeply worried about their access to functional military-grade weaponry. Many of them feared that the personal firearms they used for hunting and farm labor were inadequate to combat armed slaves. Also, while the militias embodied

⁷⁹ Raper, "The Effects of David Walker's Appeal", 59-61. The president of the University of North Carolina at Chapel Hill requested firearms from Raleigh, as did sixty-six of the students who had organized themselves into a volunteer militia company (University of North Carolina President Joseph Caldwell to Stokes, September 17, 1831, #306; and University of North Carolina Students to Stokes, September 17, 1831, #307; both in Governor Montford Stokes Letter Book, NCDAH). The white people in the towns of Colerain, Edenton, Elizabeth City, Enfield, Fayetteville, Elizabeth City, Greensboro, Louisburg, Murfreesborough, Oxford, Scots Neck, Tarborough, Wadesboro, Warrenton, Williamsborough, and Wilmington sought arms, as did the white residents of Bertie, Gates, Halifax, Hyde, Johnston, Martin, Nash, New Hanover, Northampton, and Pitt Counties. See (among others): John B. Baker to Governor Montford Stokes, August 23, 1831, #250; Colonel S. Whitaker to Stokes, August 26, 1831, #259; Fayetteville Magistrate of Police J. W. Wright to Stokes, August 26, 1831, #261; Major General M. T. Hawkins to Stokes, August 26, 1831, #263; Commissioners of the Town of Wilmington to Stokes, September 14, 1831, #292; Commissioners of Louisburg to Stokes, September 15, 1831, #294; Bertie County Citizens' Committee to Stokes, August 31, 1831, #267, and again on September 16, 1831, #299; Halifax Magistrate of Police Edward B. Freeman and Captain Jesse A. Simmons, to Stokes September 16, 1831, #302; Captain Jesse A. Simmons to Stokes, September 16, 1831, #303; J. Borland to Stokes, September 18, 1831, #313-315; Judge R. Strange to Stokes, September 19, 1831, #321; Major R. J. Yancey, Jr. to Stokes, September 20, 1831, #328; Captain M. T. Waddill, Jr. to Stokes, September 20, 1831, #331; Thomas L. Singleton to Stokes, September 21, 1831, #332; Captain Edward Morecock to Stokes, September 21, 1831, #334; Thomas Cox to Stokes, September 22, 1831, #336; Officers of the Williamsboro Greys to Stokes, September 25, 1831, #338; Colonel Benjamin Watson to Stokes, September 25, 1831, #340; H. Blount to Stokes, September 27, 1831, #342; Seth Peebles and others to Adjutant General of the North Carolina Militia, Beverly V. Daniel, September 27, 1831, #344; Robert Williams to Stokes, September 29, 1831, #346; General McDonald to Daniel, October 1, 1831, #350; B. H. Stammers to Stokes, October 3, 1831, #353; General William Gregory to Daniel, October 5, 1831, #359; New Hanover Citizens' Committee to Stokes, October 14, 1831, #370; Captain William W. Cherry to Stokes, October 15, 1831, #374; and Captain John S. Smallwood to Stokes, October 10, 1831, #378; all in Governor Montford Stokes Letter Book, NCDAH).

the state government's strength and were essential for organizing local defense efforts many company commanders and even some regimental leaders doubted that their men would be able to suppress a large slave revolt without timely material aid from the state government in Raleigh.⁸⁰

Despite these concerns nearly a decade passed before the Assembly required free people of color to apply for firearm licenses and their gun use would not be banned for another twenty years. This was in part because some white people believed that the existing "Free Negro Code" was a sufficient check on free black people. Additionally, other white people hoped that if they were able to successfully manage free people of color then white people could use the good will to effectually ally themselves with the free black population against the slaves.⁸¹ North Carolina was not alone in its heightened concerns about free people of color's firearm use in Nat Turner's wake. Both Virginia and Georgia's legislatures banned their free black residents from keeping firearms and Maryland and Delaware enacted licensing provisions for their free residents of color shortly after Turner's uprising.⁸² Nevertheless, while North Carolina's post-Turner

⁸⁰ White North Carolinians' concerns about their militia's preparedness were exacerbated by these threats but this anxiety extended into the 1840s and 1850s as well (Officers of the Raleigh Guards to Governor John Motley Morehead, May 29, 1844, in folder- Correspondence, Petitions, etc., May 1, 1844-May 30, 1844; and William H. Bayne to Morehead, December 3, 1844, in folder- Correspondence, Petitions, etc., December 1, 1844-December 30, 1844; both boxes in Governor John M. Morehead Papers, NCDAH. Colonel Robert G. Rankin to Governor David Settle Reid, August 15, 1856, Correspondence, Petitions, etc., August 1, 1851-August 31, 1851, Governor David Settle Reid Papers, NCDAH. New Bern citizens to Governor Thomas Bragg, December 15, 1856; and New Bern Committee of Conference to Bragg, December 19, 1856; both manuscripts in folder- Correspondence, Petitions, etc., December 1, 1856-December 27, 1856, Governor Thomas Bragg Papers, NCDAH).

⁸¹ Alan D. Watson, *Wilmington, North Carolina, to 1861* (Jefferson, NC: McFarland & Company, Inc., Publishers, 2003), 128-129. Franklin, *The Free Negro*, 73.

⁸² Johnson, *A Social History*, 601. Virginia passed a complete gun ban for black Virginians five months after Turner's rebellion. The justices of the peace lost the power to permit masters to arm their slaves and the county courts could no longer license free black people (*Session Laws of Virginia, 1831* [Ch. XXII, Secs. 4], 21). In December, 1831 Maryland legislated that free black people obtain firearm licenses. The state also banned the sale of "ardent spirits, gunpowder, shot, or lead" to any black person unless he or

legislative repression of its free black population was far less enthusiastic than that of many neighboring states Eugene Genovese's admonition against using the intensity of the written law as a reliable measure of lived conditions should be remembered: "if harsh laws did not mean equally harsh practice, neither did mild laws mean equally mild practice."⁸³ This was the case for North Carolina's locally interpreted and enforced firearm laws.

White North Carolinians' sentiments on black people's gun use cannot be understood solely through fears of slave violence or through the Assembly's laws. The anti-slavery movement's radical elements also encouraged white North Carolinians' efforts to restrict free black people's firearm use. This was especially so after the early 1830s when the American Antislavery Society supplanted the earlier efforts by the Quakers' and the American Colonization Society, the latter of which the AAS dismissed

she had a license if free or "written authority" from an overseer if enslaved (Clayton E. Cramer, *For the Defense of Themselves and the State: The Original Intent and Judicial Interpretation of the Right to Keep and Bear Arms* [Westport, CT: Praeger Publishers, 1994], 74. *Session Laws of Maryland, 1831*, Ch. 323, Sec. 6). Delaware restricted its free black population's gun use in 1832 after a heavy petition campaign by white people. Thereafter the Delaware Assembly required free people of color to apply for licenses that relied on the applicant producing at least five white men as character witnesses (*Session Laws of Delaware, 1833* [Ch. CLXXVI, Secs. 1, 2, 3, and 4], 180-182). *Race, Slavery, and Free Blacks*, Delaware, 1831, reel 2, frames 0280-0282; Delaware, 1832, reel 2, frames 0283-0285; frames 0286-0288; frames 0289-0291; frames 0292-0295; frames 0296-0298; frames 0299-0301; frames 0302-0304; frames 0305-0307; and frames 0308-0311. In 1833 Georgia followed Virginia's model and made it illegal for free black people "to own, use, or carry fire arms of any description whatever" (*Session Laws of Georgia, 1833*, [Ch. "Persons of Colour," Secs. 7 and 8], 228). In 1834 Tennessee abolished its free black residents' firearm rights via constitutional reform. Since 1796 the state's constitution had broadly acknowledged that the state's "freemen" could keep arms "for their common defence" but this was constricted to "free white men" in 1834 (Cramer, *For the Defense*, 59-60). In contrast North Carolina's 1835 constitutional convention did not change black people's gun rights even though it disenfranchised free black men (*Journal of the Convention...to Amend the Constitution of the State, Art. I, Sec. 3, § 3*). Despite this post-Turner ripple of anti-black gun laws there is some evidence that the trend may have started earlier. Florida repealed an 1828 license law and removed free black firearm rights six months before Turner's revolt (*Acts of the Legislative Council of the Territory of Florida, 1828, "An Act Relating to crimes and misdemeanors committed by slaves, free negroes and mulattoes."*, Secs. 9, 10, and 11 [1828] and *Acts of the Legislative Council of the Territory of Florida, 1831, "An ACT to Amend an act relating to Crimes and Misdemeanors committed by slaves, free negroes and mulattoes."*, Sec. 1).

⁸³ Genovese, *Roll, Jordan, Roll*, 31.

as an “opiate to the consciousness” of people who might otherwise react more strongly against slavery.⁸⁴ In 1832 William Lloyd Garrison aggressively declared that the nation had a “sacred duty” to not only abolish slavery but to also welcome people of color as “brethren and countrymen” and as constituent parts of a multiracial nation. Garrison and his associates argued that slavery was essentially a state of war which had to be brought to an end before the nation could address its mounting sectional tensions.⁸⁵ Some of North Carolina’s newspapers reported that Garrison’s newspaper, the *Liberator*, was circulating “openly among the free blacks” and believed that a thorough search would produce copies from among the slave population as well.⁸⁶

Garrison’s brand of reform was provocative but he was eclipsed by another passionate Northern abolitionist. John Brown was one of the most militant of the antislavery reformers and he agreed with Garrison that slavery was a state of war, but he took this position to an extreme conclusion. He maintained that violence was not only permissible in the fight against slavery but that it was perhaps even indispensable to the institution’s destruction. In later years Frederick Douglass wrote about how Brown had once told him that “the practice of carrying arms would be a good one for the colored people to adopt, as it would give them a sense of their manhood. No people... could have self-respect, or be respected, who would not fight for their freedom.” This was not

⁸⁴ James Brewer Stewart, *Holy Warriors: The Abolitionists and American Slavery*, rev. ed. (New York: Hill and Wang, 1996), 22-23, 45.

⁸⁵ Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill, NC: The University of North Carolina Press, 2007), 113. William Lloyd Garrison, *Thoughts on African Colonization: Or an Impartial Exhibition of the Doctrines, Principles and Purposes of the American Colonization Society. Together with the Resolutions, Addresses and Remonstrances of the Free People of Color* (Boston: Garrison and Knapp, 1832), iv. Genovese, *Roll, Jordan, Roll*, 84. John Stauffer, *The Black Hearts of Men: Radical Abolitionists and the Transformation of Race* (Cambridge, MA: Harvard University Press, 2001), 27.

⁸⁶ *Elizabeth-City Star and North Carolina Eastern Intelligencer* (Elizabeth City, NC) September 29, 1831, NCC.

simply radical rhetoric for Brown but the way he lived the last several years of his life. He had been baptized in the blood and fire of Bleeding Kansas and then later launched an ill-fated attack on the federal armory at Harpers Ferry, Virginia with plans to secure firearms for a slave uprising and subsequent guerilla war. Two men of color with roots in North Carolina accompanied John Brown on his 1859 Harpers Ferry raid.⁸⁷

Garrison and Brown's work exasperated white North Carolinians' concerns about armed people of color. Attorney General Romulus Mitchell Saunders was so infuriated by the *Liberator* that in October, 1831 he indicted both Garrison and his publisher Isaac Knapp for circulating "seditious publications." This was a crime punishable by whipping and imprisonment for the first offence and death for the second but the *Raleigh Register* speculated that Massachusetts' governor would probably not turn the newspapermen over.⁸⁸ Brown's Harpers Ferry raid may have been the impetus behind an 1859 North Carolina bill that would have abolished the license provision and thereby end free people of color's legal gun access. The Assembly did not ultimately pass the bill, which appears to have originated and died in the House of Commons.⁸⁹ The legislators did however order the county courts to record the names of free black people whose gun applications

⁸⁷ Frederick Douglass, *The Life and Times of Frederick Douglass, from 1817 to 1882, written by Himself*, ed. John Lobb (London: *The Christian Age*, 1882), 238. John Anthony Copeland, Jr. and his uncle Lewis Sheridan Leary were from North Carolina but had relocated to Oberlin, Ohio. Leary was killed in the fighting during the Harper's Ferry raid and Copeland was captured by the authorities and later executed. Their family was of mixed-race Melungeon ancestry (James Oliver Horton and Lois E. Horton, *Slavery and the Making of America* [New York: Oxford University Press, 2005], 163, 165. Tim Hashaw, *Children of Perdition: Melungeons and the Struggle of Mixed America* [Macon, GA: Mercer University Press, 2006], 47-48).

⁸⁸ *Raleigh Register, and North-Carolina Gazette* (Raleigh, NC) October 13, 1831. Samuel A'Court Ashe, *Biographical History of North Carolina from Colonial Times to the Present*, vol. III (Greensboro, NC: Charles L. Van Noppen, 1906), 387.

⁸⁹ Franklin, *The Free Negro*, 78. North Carolina, *Journal of the Senate of the General Assembly of the State of North-Carolina at its Session of 1858-'59* (Raleigh, NC: Holden & Wilson, Printers to the State, 1859).

had been rejected and declared that those individuals could not be granted a license on reapplication during the same court term unless a majority of the justices who denied the initial application were present and consented. In February, 1861 the pressures of sectional conflict finally pushed the General Assembly to ban free black North Carolinian's gun use.⁹⁰

White North Carolinians' fears of slave rebellions and aggressive abolitionism were exacerbated by their concerns about the relationship between free and enslaved people of color and they demanded that their lawmakers take action. Just a few short years after Nat Turner and the related fears of homegrown insurrections some of Craven County's white residents echoed the pleas from their county's 1828 petition to restrict free black people's gun use. On the 31st of October, 1835 they explained to the Assembly that their county contained many free black people of "of evil and bad habits" and who led "dissolute and immoral lives." These white petitioners feared that in the event of a slave revolt their free black neighbors "might be expected to join in with heart and hand" and assist the rebels. These Craven County residents' largest complaint however was rooted in their belief that armed slaves and free people of color were destroying white people's property and that this problem needed a legislative solution. The white men professed that their county's free black residents:

...sustain themselves in a great measure by hunting or pretending to hunt, to the great nuisance of the good citizens of the State residing near them. From the the[sic] character which they set up as freemen, they claim license to roam about and acquire guns and ammunition; and so much have they used this privilege that many of them are the owners of many guns, by which they can, not only themselves commit depredations upon the property of the white citizens... but

⁹⁰ *Public Laws of the State of North-Carolina, 1858-'59* (Ch. 10). *Session Laws of North Carolina, 1860-1861* (Ch. 34 Secs. 1 and 2).

may furnish the means to others, as well free as slaves, to do likewise. Your petitioners respectfully present their vagrant habits and roaming lives as a nuisance requiring correction; and the facility which the said free negroes... have to distribute guns... among the slaves for purpose of rebellion and insurrection, as dangerous and an evil demanding the consideration of the Legislature... especially in times like these, when many of the citizens of the Northern states are disseminating among our slaves the firebrands of insurrection... Your petitioners will with due deference[sic] suggest that a law requiring every free negro...to obtain a license from the county court before he could have or use a gun or ammunition, which license he should only obtain upon satisfactory proof to said court of his good moral and peaceable character, and upon entering into bonds with good security for his good behavior and honest deportment, might perhaps remedy the evil...”⁹¹

The petitioners were willing to concede that Craven County’s free black people needed firearms to feed themselves, but they also believed that black people were a threat to white people’s property and that free black people were problematically linked to the area’s slaves. The specter of a partnership between Craven County’s free and enslaved black residents, replete with their “many guns” and indoctrinated with the abolitionists’ “firebrands of destruction,” was an incredibly provocative image. The 1828 petition demonstrated that some Craven County men had deep concerns about their free and enslaved black neighbors’ firearm use. Many white North Carolinians believed that their need to protect themselves and their property superseded their black neighbors’ need to provide for their own families as they wished.

In December, 1840 Halifax County’s residents joined the chorus of advocates for tougher racially specific firearm laws. Fifty-one men petitioned the General Assembly to completely “prohibit Free Negroes and and[sic] Mulatoes[sic] from carrying or using fire

⁹¹ See the Appendix for an assessment of Craven County’s demographics in 1835 and a statistical analysis of the petitioners. *Race, Slavery, and Free Blacks*, North Carolina, 1835, reel 7, frames 00021-00022. Johnson, *A Social History*, 519.

arms under any circumstances what ever[sic].”⁹² This effort differed from the earlier Craven County petitions in that the men from Halifax made no effort to justify or rationalize the proposed disarmament. The 1840 Halifax petition’s call for a complete ban on black firearm use was also far more aggressive than the 1835 Craven petition, which had sought a license provision. A segment of the white community used this elimination of free black gun rights as a vehicle through which they could express their collective apprehension about armed black people. Much like some earlier petitions these Halifax County residents loudly reiterated to their belief that although white people were a demographic minority in these counties they held the supreme position in the political and socio-economic life of their local communities and the state.

The 1840 Halifax petition was submitted just weeks before the Assembly passed the license law and the citizens’ concerns likely had a direct impact on the legislature’s debates on the issue. The legislators did not ultimately endorse the Halifax County petitioners’ complete ban on free black people’s firearm use but the final law did express a concern that the state’s free people of color could not be trusted with weapons and it therefore empowered the local communities, via their county courts, to determine which free people of color should be licensed. This legislative response was similar to the Assembly’s earlier actions that authorized the county courts to regulate slaves’ firearm use and not the slaves’ masters.

In 1851, thirty-nine Beaufort County residents complained that the ten year old licensing law had proved to be ineffective. They reportedly knew of many a free black

⁹² *Race, Slavery, and Free Blacks*, North Carolina, 1840, reel 7, frame 0121. See the Appendix for a brief commentary on Halifax County’s demographics in 1840.

man who was able to “prove his character to be good altho[sic] he was the meanest villan[sic] in the whole county.” Further, these petitioners suggested that some free black people acquired licenses and then flouted the law by not renewing them each year. Finally, after declaring that firearms encouraged free people of color's “slothfull[sic] and idle habits” these Beaufort County men argued that the weapons also provided their free black neighbors with the “opportunity which they make use of to kill a good many of our cattle and sheep And to corrupt the morals of our slave population by loaning them guns and hunting with them on the Sabbath.”⁹³ Even if these allegations were true one cannot help but wonder how much damage this miniscule free black population could have done. Slaves made up roughly 38 percent of Beaufort County's 1850 population, but free people of color comprised a paltry 6.5 percent.⁹⁴ It was Beaufort County's slaves that raised the 1851 petitioners' ire.

Beaufort County's white residents were not the only white North Carolinians with little faith in the 1840 licensing law. In 1856 ten white men from Robeson County also petitioned the Assembly to request that the government prevent free people of color carrying weapons unless the black gun owners were freeholders “who could give bond with good security.” The Robeson petitioners also feared damage to their property so they wanted the law to keep black freeholders confined to their own property while they were armed. The Robeson County petitioners also suggested that the Assembly bar free

⁹³ *Race, Slavery, and Free Blacks*, North Carolina, 1851, reel 7, frame 0374. The 1851 petitioners' argument that guns encouraged “slothful and idle habits” in Beaufort County's free people of color is inseparable from white North Carolinians' concerns about armed and unsupervised black people living in the state's swamps. These black could not do much farming and relied more heavily on the bounty of the wilderness. More problematically, maroons sometimes helped themselves to their neighbors' farms and smokehouses, and white North Carolinians were greatly concerned about this, especially if the black trespassers had firearms.

⁹⁴ Historical Census Browser, (accessed April 4, 2013).

people of color from owning multiple dogs, prevent them from filing suit in the county or superior courts, and ensure that county officials could forcibly hire out any free person of color who could not pay off his or her debts.⁹⁵

When these several petitions are considered together they highlight that white North Carolinians were continuously concerned about armed black people from the 1820s through to the eve of the Civil War. The Assembly sought legislative remedies to address these concerns after specific threats like the Stono Rebellion, the American Revolution, Nat Turner's Rebellion, and the American Civil War exacerbated these conditions but many white individuals inevitably found these measures to be insufficient. This was the case with other laws pertaining to the Old North State's black population as well. For example the Commissioners of the City of Raleigh assigned a committee to investigate "the so frequent assembling of the slaves and free colored population" in the capital city. This committee reported back that "the laws in relation to our slave and free negro population, are considered by most of our best citizens as defective..." The members of the committee recommended that the city commissioners look to the Assembly to address the problem via legislation.⁹⁶

White North Carolinians grew increasingly wary of the potential for black violence and in this mood of heightened vigilance few preemptive measures that were taken in the name of public safety were considered to be excessive. The Old North State reacted proactively to the refreshed threat of slave rebellion and the additional dangers that the abolition movement posed but it was unexceptional in this regard. In fact the

⁹⁵ Franklin, *The Free Negro, 78 Race, Slavery, and Free Blacks*, North Carolina, 1856, reel 7, frames 0493-0497. Seven of the ten petitioners shared either the Baxley or Brown surname.

⁹⁶ *Raleigh Register, and North-Carolina Gazette* (Raleigh, NC), September 6, 1842.

General Assembly's legislative responses were often less forceful than those of many other slaveholding states but these restrictions nevertheless had a very real impact on the lives and labors of free and black North Carolinians.

Through much of the antebellum period white North Carolinians believed that while armed black people's labor could be useful it was also potentially dangerous and needed to be regulated and supervised by white people. Some of these sentiments were fueled by the perception that free black people and slaves collaborated with each other at white people's expense, by the aggressive and sometimes militant anti-slavery sentiment that increasingly found its way into the South, and by slaves' flight and resistance to their masters. The Assembly's efforts to mediate these issues illustrates that while the state government initially trusted individual slaveholders to police their slaves, the legislators came to believe that the county courts were better suited to regulating this contentious community concern. The Assembly therefore entrusted each county court to oversee the free and enslaved armed black people's firearm use within its jurisdiction and this local focus made interpersonal relationships vitally important to the process.

North Carolina's development of firearm laws cannot be understood apart from white North Carolinians persistent fears of black violence against white people's bodies and property. White people were far more likely to lose their property to black people's criminality than their lives but they were killed or injured often enough frequency to make black gun violence, or at least the threat of it, quite real. Despite this broad attitude of caution individual black and white North Carolinians lived their everyday lives in a personal space where interpersonal relationships and a particular county courts' interpretation and implementation of the Assembly's laws were of great importance to the

sustainment of local black people's firearm use.

Chapter 2

Unfree Black People, Firearms, and the Violation of Law

Through the colonial and antebellum eras the General Assembly recognized that black people's armed labor was useful to both black and white people and the state's legislators took steps to ensure that this labor was used safely. The Assembly passed laws that permitted its black residents to carry firearms if they were supervised by white people or their county court. The state's efforts to supervise enslaved black North Carolinians' gun use were insufficient, however. The arrangement rested on the premise that slaveholders and other white people would oversee armed slaves' behavior and that the bondpeople themselves would adhere to the law. In their everyday lives however both black and white North Carolinians took practical approaches to black people's armed labor. They often looked to their own needs first, even when those needs were in violation of the law.

Many black North Carolinians disobeyed the state's firearm laws because guns allowed them to live more comfortably. To circumvent the Assembly's restrictions they acquired their firearms from unapproved and illegal sources. Slaves stole weapons and were also consumers in an illegal interracial arms trade that flourished in some areas. Additionally, some white people took pragmatic approaches to slaves' labor and armed bondmen to work for them on a wide variety of legitimate and criminal endeavors despite the directives from the Assembly and the county courts. This could prove problematic for slaves. When masters ordered their bondpeople to illegally use firearms the slaves

were put into a dilemma where the Assembly's law became secondary to their master's will, but the courts might nevertheless hold the slaves accountable and punish them accordingly.

Armed slaves' productive labor was useful but illegal black firearm use threatened other people's lives and property. Antebellum legislators were deeply concerned with mobile and unsupervised armed slaves compromising white people's property and safety and some of their concerns were justified. Slaves' armed crimes ranged from illegal gun possession to well-coordinated murders. They killed other people's livestock and created disorder in their neighborhoods. They also robbed homes and smokehouses and sometimes injured or killed the people who dared to interfere with them. Runaways and maroons also used their weapons to feed themselves, to defend their illegal camps, and to thwart the local authorities' efforts to capture them. Further, slaves' guns allowed them to force dialogue with white people who opposed them. Their weapons gave them leverage that was otherwise difficult to come by. Essentially, armed slaves used their firearms as a counterweight to white North Carolinians' oppressive and state-legitimated authority.

Colonial and antebellum slaves' armed labor on North Carolinian farms was often vital to agricultural production. However slaveholders also directed their bondpeople's armed labor for criminal purposes. In early December, 1791 John G. Scull, Esq. and an unspecified number of other farmers on the New Hanover side of the Cape Fear River petitioned the Assembly that their neighbors who farmed adjacent lands in New Hanover County but lived across the river in Brunswick County were not fencing in their fields. This created problems when the petitioners' livestock wandered into those unfenced

fields and trampled or ate the crops. A 1777 law to maintain “the peace and harmony of every neighbourhood[sic]” ordered every North Carolina planter to erect “a sufficient fence” around his cultivated fields. The law also protected the owners of any livestock that destroyed unfenced crops from liability. Further, it stated that farmers who did not fence in their crops could not then “with guns, dogs, or otherwise unreasonably chase, worry, maim or kill” any livestock that entered the unfenced fields and they could not otherwise “cause the same to be done.”⁹⁷

Scull’s fenceless neighbors were in clear violation of the 1777 law and they escalated the situation by giving their slaves “ammunition and fire arms[sic]” and instructing the bondmen “to distroy[sic] the Cattle + Hoggs[sic]...” if the animals returned to the unfenced fields. The petitioners’ livestock returned and the armed slaves proceeded to shoot them. Scull and his fellow petitioners lamented that these slaves’ illegal armed actions had nearly depleted their livestock herds. The aggrieved New Hanover planters requested that the government “compel the owners of cultivated grounds to keep the same fenced” and that the legislators undertake some measure to prevent “Negroes” from committing “depredations with fire arms and other instruments of distruction[sic] to Cattle.”⁹⁸

The slaves in Scull’s neighborhood killed his livestock on their masters’ orders but some white people found that the commonness and broad scope of slaves’ gun use made it convenient to blame armed enslaved laborers for white people’s crimes. In December, 1824 a white Bladen County resident named Alexander Lammon was

⁹⁷ *Race, Slavery, and Free Blacks*, North Carolina, 1791, reel 4, frames 00183-00187. *Session Laws of North Carolina, 1777*, (Ch. 22, Secs. II, III, and IV), 245.

⁹⁸ *Race, Slavery, and Free Blacks*, North Carolina, 1791, reel 4, frames 00185.

executed for what the *Carolina Observer* called “one of the most cold-blooded, deliberate, and atrocious murders” in recent memory. The previous August he had shot and killed a young white man named James McMillan while the victim was out late one night hunting raccoons with his brother Colin and two of their family’s slaves. Colin was uninjured and became the prosecution’s primary witness.⁹⁹

The condemned man’s last words were read by a minister from the hangman’s scaffold. The statement was far from a *mea culpa*; Lammon maintained that he was innocent of the charges and that it was one of his slaves who had shot and killed McMillan. He declared that someone had been raiding his watermelon patch and that he suspected that a local runaway known as “McRee’s Sam” was the culprit. Lammon maintained that he had given his slave a firearm and then instructed him to stand watch for whoever was stealing the watermelons “but not to use the Gun, except in his own defence[*sic*].” The slaveholder remarked that his bondman returned late that night and confessed that he had shot and killed James McMillan, ostensibly after mistaking him for the thieving Sam.¹⁰⁰

Colin McMillan’s testimony overwhelmingly pointed to Lammon as the killer and there is very little that the convicted man could have offered to sway the jurors or public opinion. Nevertheless the jury would not have found Lammon arming a slave to guard his property to be out of the ordinary and this lent him a credible defense, Colin’s testimony notwithstanding. White North Carolinians’ familiarity with slaves providing armed agricultural labor provided Lammon with an opportunity to try and evade

⁹⁹ *Carolina Observer* (Fayetteville, NC) December 9, 1824.

¹⁰⁰ *Ibid.*

punishment for his own crime at one of his slave's expense. Alexander Lammon's final statement from the hangman's scaffold proclaimed his innocence but even further it served as a testament to the pervasiveness and unexceptional nature of armed slaves' agricultural labor in North Carolina.

White people could order their armed slaves to perform destructive tasks-- or simply blame the bondpeople for them-- but despite these appropriations of black labor firearms provided enslaved black people with a means to gain some degree of autonomy which they sometimes used to destroy white farmers' property. Slaves ran away from their masters and made lives for themselves in North Carolina's swamps and forests where they could be free from white people's direct supervision. There the black outlaws lived off the land and problematically stole crops and hunted free-ranging livestock in the neighborhood. White critics of black firearm use often blamed this property damage on both slaves and free black people, and they used it to bolster their arguments for stricter racial gun laws.¹⁰¹ This was not a wholly irrational concern but the property loss was probably mostly the work of maroons who were already living outside of the law and were therefore disinclined to follow the Assembly's dictates.

White people believed that these maroons threatened local property and lives and that public safety required that they be forcibly eliminated. Scores of newspaper reports demonstrated that these predations happened with enough frequency to cause significant problems in some areas, particularly in the eastern parts of the state. Many white people

¹⁰¹ This emphasis on white North Carolinians' property is a reflection of the source material and there is no reason to believe that black farmers did not also have problems with predatory outlaws. All of the petitioners were white men and many of the documents specifically state that white people were being victimized. This may be the result of free black people's marginal political positions but more research is needed.

believed that their local communities needed to address this issue. For instance in December, 1816 a newspaper advertisement sought to rally “old and young, rich and poor” white men for a concerted sweep through the pocosin or swamp that covered parts of Chowan and Perquimans Counties “for the purpose of destroying the wild Vermin that infest them; and breaking up, if possible, the numerous camps of runaway Negroes, who outrage the peace and quiet of the neighborhood. And destroy the stock of the industrious Yeoman.”¹⁰² The newspaper editors and many white men recognized this labor as their responsibility.

These local white volunteers were sometimes brutally efficient at their work, as was demonstrated by a similar group effort in 1811 against a group of runaways in a swampy area near Edenton known as Cabarrus’ Pocosin. The party of white men stumbled onto the armed maroon camp that was inhabited by two women and three men and shot and killed two of the black men, Arthur and Solomon. The third male runaway managed to make his escape despite getting shot in the arm, but he accidentally drowned a few weeks later while trying to steal fish from some shad nets in the Chowan River. It is unclear whether or not the two fugitive women were carrying firearms during the raid or if they otherwise resisted the white volunteers, but they were both taken into custody without injury.¹⁰³

The local authorities could also be harsh when they apprehended runaways and maroons and the prospect of severe punishment or even execution encouraged some

¹⁰² *Albany Advertiser* (Albany, NY) December 11, 1816.

¹⁰³ Jean Fagan Yellin, “Incidents Abroad: Harriet Jacobs and the Transatlantic Movement,” in *Women’s Rights and Transatlantic Antislavery in the Era of Emancipation*, eds. Kathryn Kish Sklar and James Brewer Stewart (New Haven, CT: Yale University Press, 2007), 159. *Raleigh Register*; and *North-Carolina Weekly Advertiser* (Raleigh, NC) April 26, 1811.

armed fugitives to violently resist capture instead. The newspapers reported that when the white men approached the maroon camp in Cabarrus' Pocosin each of the black men had "stood with his musket pointed watching for a favorable opportunity." The report gives no indication as to who fired the first shots of the fatal encounter but evidence suggests the maroons might have used their firearms at earlier points. Their camp contained "a vast deal of plunder...together with a great number of keys" taken from Edenton. The newspaper celebrated the community's efforts to capture the small band who had "nightly infested" the town and who were "encouraged, it is believed, by some of the dram shop gentry on the wharf, that are suffered to vend their articles at an unseasonable hour of the night, and on the Sabbath."¹⁰⁴

Further, in 1788 a gang of outlaws near Wilmington who had the "audacity to carry fire-arms" and were "continually committing depredations" on white people's property experienced the authorities' treatment of armed and violent maroons first hand. One of the fugitives, a man "commonly known by the description of burnt mouth Peter," stole some poultry from a white man named Kenon. The white man was not keen on losing his property and he tracked the thief to another plantation and confronted him. Peter had a loaded musket and threatened to shoot Kenon but the white man wrestled the gun away and after a brief scuffle he and an apprentice overcame and captured the thieving runaway. Peter's "infamous character" was reportedly well known and he was convicted and executed. Aside from the robbery and his attempt to kill Kenon the jury was moved to sentence Peter to death because the slave had fled from his master several

¹⁰⁴ *Albany Advertiser* (Albany, NY) December 11, 1816. *Raleigh Register, and North-Carolina Weekly Advertiser* (Raleigh, NC) March 28, 1811.

times prior and because he also belonged to a notorious armed gang.¹⁰⁵ The authorities intended for Peter's execution to dissuade other slaves from resorting to a similar armed and unsupervised lifestyle.

Local authorities sought to bring illegally armed and unsupervised black people like "burnt mouth Peter" to account in order to deter potential future transgressors but these black outlaws' firearms allowed them to aggressively defend their rough-hewn and deeply valued independence. Maroons used their weapons to feed themselves but the illegal firearms also endangered the safety of those local white people who sought to regain control of or kill the fugitives. Runaways who broke into houses or smokehouses and carried off their white neighbors valuables could not be easily apprehended and corrected if they were carrying firearms. Their gun possession assisted them in remaining at liberty.

As a result of armed fugitives' defensive power North Carolina's county level authorities did not always immediately use force in response to the threat posed by unsupervised and armed black people. The "scouring parties" and executions were part of a range of responses that relied on local white people's support. In the spring of 1829 an enslaved man named Tom armed himself and fled his master's plantation. He then roamed Craven County's neighborhoods where he killed white people's hogs and committed other crimes much to the "terror of the citizens." Justices of the peace Charles J. Nelson and William S. Blackledge, both of whom were slaveholders, responded to Tom's "terror" by placing an announcement in the newspaper that commanded in the name of the state that the destructive fugitive "surrender himself and return home to his

¹⁰⁵ Watson, *Wilmington*, 35. *Wilmington Centinel* (Wilmington, NC) August 13, 1788.

owner.”¹⁰⁶

The justices of the peace also ordered Sheriff Elijah Clark to “take with him such power of this County as he may think necessary” to apprehend Tom if the slave refused to surrender himself.¹⁰⁷ The justices did not place all of the responsibility on the sheriff however because they understood the preservation of the peace to be a community concern. They reminded the public that because the unsupervised slave had been outlawed anyone could “kill and destroy the said slave Tom... without accusation or impeachment of any crime or offence for so doing...”¹⁰⁸ Fugitive slaves’ masters also appealed to the community for assistance in reining the runaways in. They sometimes called attention to their slaves’ potential destructiveness by going before the justices of the peace and swearing an oath that the slave had run away and was “killing hogs” and “committing depredations” in the neighborhood which threatened the peace.¹⁰⁹

Through these actions the Craven County justices of the peace marshalled out the community to stop Tom. They believed that the problems posed by the wayward slave’s mobility and unsupervised gun use would be remedied if he returned to his master. If Tom refused to cooperate then the public good required that he be forcibly returned or killed. To achieve these goals Blackledge and Nelson’s proclamation sought to pressure Tom through three different venues—the slave himself, the state’s authority and power,

¹⁰⁶ *North Carolina Sentinel* (New Bern, NC) May 2, 1829. 1830 U.S. Census, population schedule, Craven County, North Carolina, page 149, no image number, Ch. J. Nelson; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 120, no image number, William S. Blackledge’ both digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>.

¹⁰⁷ *North Carolina Sentinel* (New Bern, NC) May 2, 1829.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Carolina Federal Republican* (New Bern, NC) April 26, 1817. *North Carolina Sentinel* (New Bern, NC) March 3, 1827. *Carolina Sentinel* (New Bern, NC) August 18, 1827. *North Carolina Sentinel* (New Bern, NC) May 2, 1829. *Fayetteville Observer* (Fayetteville, NC) February 23, 1860. *Fayetteville Observer* (Fayetteville, NC) January 27, 1862. *Fayetteville Observer* (Fayetteville, NC) December 12, 1864.

and the local community. First and foremost they tried to persuade Tom to return to his master on his own. This was safe, inexpensive, and it would have signaled his acquiescence to the rule of law. Next, Sheriff Clark embodied the state's coercive power and demonstrated the local government's resolve to prevent Tom from harassing its citizenry. Finally, justices Blackledge and Nelson resorted to the "hue and cry" and encouraged the local people themselves to capture or kill Tom.¹¹⁰ This reiterated to white adult males maintaining the law was a collective and community endeavor and that they each had a stake in it.

White North Carolinians did not always need their local authorities' encouragement to take action against the unsupervised and armed slaves in their neighborhoods. They recognized that armed black outlaws threatened white people's property and lives but they further recognized that the white community's state-legitimized violence could eliminate these threats. In 1821 planter Durant Hatch wrote a letter to his friend Ebenezer Pettigrew to relate an encounter with some armed runaways who had been "lurking" on Hatch's plantation. They had been plaguing his neighborhood and killing his hogs for about a year. Hatch, who had about sixty slaves of his own, stumbled onto the three armed fugitives' camp while he was out hunting on his own lands. He immediately tried to take control of the situation and as he later explained to Pettigrew via letter he demanded that the armed squatters "Drop their Guns or I would kill one on the Spot." The black men quickly took cover behind the trees and explained to Pettigrew that "we cannot Drop our guns but if you will not Kill us we will lower their mussels[sic] & come to you if you will give your word you will not kill nor try to take

¹¹⁰ Potter, *The Office and Duty of a Justice of the Peace*, 153.

us.” Hatch agreed to these terms and two of the fugitives who the planter recognized as Pettigrew’s slaves approached him although they kept their firearms “in good order to defend them selves[sic].”¹¹¹

These fugitives’ muskets created a situation wherein the slaveholder had to have a discussion with them. Hatch tried to convince the pair to return to Pettigrew but only one of the runaways would even speak to him. That “yellow” slave, who was only about twenty years old, “Bitterly refused” Hatch’s entreaties and declared that he would rather die as a fugitive than return to slavery. He told Hatch that even if Pettigrew was present as well and “had as good a gun as yours appear to be & I had nothing to Defend myself I wou’d[sic] not be Taken alive by you.” The runaway resisted Hatch’s efforts even after the planter tried to convince the young slave that his illegal lifestyle would get him killed. The young enslaved man did not need Hatch’s lecture about the dangers of marronage; he had already been shot at in an earlier encounter with another white person.¹¹² Hatch realized that he could not convince the runaways to return to their masters so he ordered them to gather up their things and leave his neighborhood by the end of the day. This was a ploy, however. He explained to Pettigrew that he wanted to rush home “and get some of my Friends & take them before they left their Camp,” but by the time the planter returned with reinforcements the slaves were already gone.¹¹³

It is not difficult to imagine that if the three fugitives had been unarmed or if Hatch had been out hunting with a few other white men this encounter would probably

¹¹¹ Durant Hatch to Ebenezer Pettigrew in Sarah McCulloh Lemmon, ed. *The Pettigrew Papers, Volume II, 1819-1843* (Raleigh, NC: State Department of Archives and History, 1988), 26. 1820 U.S. Census, population schedule, Craven County, North Carolina, page 145, no image number, Durant Hatch, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>.

¹¹² *Ibid.*

¹¹³ *Ibid.*

have ended very differently. Hatch offered to mediate the runaways' return to their masters but he clearly had no intention of allowing them to continue living armed and unsupervised, especially on his land. White North Carolinians understood that fugitives posed a threat to white people's property and lives but armed black outlaws were also an affront to the peace because they rejected the white power structure's monopoly on violence.¹¹⁴ The fugitives' guns created space for a dialogue with Hatch and this ultimately allowed them to escape. Consider that when a "posse" of white men raided a camp of a gang of maroons who had been "committing thefts on an extensive scale" in 1828 the white men caught four of the outlaws. Three of these fugitives were shot and wounded during the attack. The runaways were unarmed at the time because some other members of their camp had taken the shared firearms off on some other business.¹¹⁵ Those fugitives might have been able to force a different outcome if they had been armed when the posse arrived.

Antebellum Southern morality played an important role in how white people understood fugitive slaves. Many Christians in the period understood crime much as they did moral sin. They believed that any morally upright person could lapse into crime just as easily as one might slip into sin, but they maintained that in either case the fallen individual could be accepted back into the fold if he or she repented.¹¹⁶ In this socio-religious framework both moral sinners and criminals had to acknowledge their wayward acts and atone, at which point the transgressor could reconnect with the church and the local community. Under such a construction these maroons were essentially living in an

¹¹⁴ Weber, "Politics as a Vocation", 78.

¹¹⁵ *Raleigh Register, and North-Carolina Gazette* (Raleigh, NC) October 24, 1828.

¹¹⁶ Edwards, *The People and Their Peace*, 83.

unrepentant state because their crime could not be completed until they remorsefully returned to their masters' service and authority. White North Carolinians who ascribed to this religious doctrine would have seen these unapologetic armed black outlaws' firearm use as a sign of their continued bad behavior that required correction.

Some white people used armed black maroons' perpetually unrepentant state and their longstanding illegal activity to cast a shadow of general lawlessness over the outlaws' firearm use. In an audacious incident in the spring of 1824 six armed runaways attacked two slave traders named Whitfield and Tompkins in Hertford County as the white men neared the Chowan River with their slave coffle. The armed black men emerged from the woods "presenting and snapping their guns" and forcefully demanded that the traders surrender their slave. The white men had set out from Elizabeth City with eleven slaves, had taken on six others at the Gates County jail, and were then on the way back to their home state of Georgia. They were allegedly unarmed and were therefore "compelled to fly for their lives, leaving their negroes, wagon, and baggage, in the possession of the robbers." The *Star* reported that the armed black bandits could only convince two of the coffle's slaves to join them, whom they then unshackled and armed before fleeing the scene together.¹¹⁷ One of the robbers, a slave named Jim, had a brother in Whitfield and Tompkins' coffle whom the maroons rescued. Jim's brother had been

¹¹⁷ *Trenton Federalist* (Trenton, NJ) May 24, 1824. *Daily National Intelligencer* (Washington, D.C.) May 21, 1824. *Carolina Observer* (Fayetteville, NC) June 17, 1824. *Star, And North Carolina State Gazette* (Raleigh, NC) May 14, 1824. Another newspaper reported that there was only one trader and that "being unarmed, he and a part of his negroes fled for their lives" (*Western Carolinian* [Salisbury, NC] May 18, 1824).

banished from the Old North State for a gruesome murder he had committed a few months prior.¹¹⁸

It seems highly doubtful that two white slave traders had planned to purchase and march at least seventeen slaves whom they did not know across three states without a firearm to protect themselves or enforce discipline.¹¹⁹ It seems far more plausible that the bandits took Whitfield and Tomkins by surprise and that when the white men found themselves outnumbered and outgunned they decided to surrender their slaves rather than risk their lives in a shootout. Raids like this were extremely rare but this Hertford County attack nevertheless reflected how firearms could level the playing field for some enslaved black people. It would have been much more difficult and probably a much bloodier affair for the outlaws to have attempted their raid without their firearms, especially if Whitfield and Tomkins were in fact carrying weapons themselves. Also consider that the newspaper coverage of such an audacious raid reiterated to many white North Carolinians that while unsupervised and armed black people threatened white people's property and could revolt they also presented a specter of dangerously unpredictable violence and general disorder.

The Hertford County coffle raid was not the first time that some of these particular armed outlaws had committed a well-planned violent crime, however. Jim was in a gang that murdered planter Elisha Cross in neighboring Gates County in January, 1824. Some of the other men who raided the coffle were likely involved, as was Jim's brother who had been banished. Runaways had plagued Cross' neighborhood and "no

¹¹⁸ *Star, And North Carolina State Gazette*, (Raleigh, NC) May 14, 1824. *Trenton Federalist*, (Trenton, NJ) May 24, 1824.

¹¹⁹ *Spectator* (New York, NY) June 18, 1824. *Raleigh Register, and North Carolina State Gazette* (Raleigh, NC) November 16, 1824. *Carolina Observer* (Fayetteville, NC) June 17, 1824.

one was more active” than he had in the efforts to stop their depredations. Cross’ efforts against the fugitives “had so excited their resentment” that they threatened to kill the planter at the first opportunity.¹²⁰ Three black men-- Elisha, Jack, and Jim-- were caught robbing neighborhood smokehouses and were locked up in the county jail. Soon after they “broke out and armed themselves” and the court declared them to be outlaws. At some point Cross spotted Jim trying to steal bacon and he shot the runaway but was unable to capture the injured slave. It is unclear whether this shooting took place before or after Elisha, Jack, and Jim were initially arrested and outlawed but it is clear that the fugitives were angered by Cross’ efforts to capture them and the shooting served to heighten their personal animosity toward the planter.¹²¹

The black men had their chance for revenge the night of January 23, 1824 as Cross walked home from an auction. Their firearms enabled them to set an ambush similar to the one they would later spring on the slave traders. Cross had been traveling with several neighbors but he left the group and walked the last half-mile home alone.¹²² The conspirators must have been watching Cross and waylaid him when he was only four hundred yards from the relative safety of his house. Jim, Jack, Elisha, and perhaps some other people shot the planter twice: once in the back with a large ball and goose shot and then with another ball in the chest. Cross’ wife heard the gunshots and his screams and when she came down the road she discovered a horrific scene. The planter was sprawled out in the road and in addition to the gunshots the runaways had expressed their personal

¹²⁰ *Raleigh Register, and North-Carolina State Gazette*, (Raleigh, NC) February 13, 1824.

¹²¹ *Carolina Observer* (Fayetteville, NC) February 19, 1824. *Carolina Observer* (Fayetteville, NC) June 17, 1824.

¹²² *The Raleigh Register, and North-Carolina State Gazette*, (Raleigh, NC) February 10, 1824. *Evening Post* (New York, NY) February 9, 1824.

contempt for him by mutilating his body. Cross' wife found that "one of his thumbs was also nearly cut off" and that he had "diverse stabs and cuts on many other parts of his body." Further, he had "his throat cut nearly from ear to ear, and his mouth cut on both sides as far as the jaw bones would suffer the knife to penetrate." The murder was so horrendous that local tavern owner Henry Gilliam offered a \$600.00 reward for the dead or alive capture of the killers.¹²³

The fugitives who killed Cross were narrowly captured that following June in Petersburg, Virginia while trying to make their escape to the North. Jim, Jack, and two other men named Willis and Sam posed as free men and tried to book passage on a ship headed for New York City. The vessel's captain was skeptical of the black men and after he checked their papers he knew that something was amiss. The captain allowed them to board the ship but once they were below deck he locked them in and called for the authorities. When the runaways were taken into custody the authorities discovered that they were armed, "one with a very large gun, the barrel of which had been broken in two, about half way; it was loaded with shot, slugs, old buttons, &c.- Another had a pistol, and a third a most dangerous knife..."¹²⁴ The shotgun was an unconventional but fearsome weapon as the modification rendered it useless for hunting but well-suited against people

¹²³ *Ibid.* *Raleigh Register, and North-Carolina State Gazette* (Raleigh, NC) June 11, 1824. *Star, And North Carolina State Gazette*, (Raleigh, NC) May 14, 1824. *City Gazette and Commercial Daily Advertiser* (Charleston, SC) February 10, 1824. *Raleigh Register, and North-Carolina State Gazette* (Raleigh, NC) February 10, 1824. *Hampden Journal and Advertiser* (Springfield, MA) June 23, 1824. Gilliam owned thirty-nine slaves. Willis was likely one until Gilliam sold him to Whitfield and Tomkins. Willis may have been Jim's brother and if he had been connected to Cross' murder that would have been sufficient reason for him to be sold away from North Carolina (*The Carolina Observer* [Fayetteville, NC] June 17, 1824. *The New York Spectator* [New York, NY] June 18, 1824. 1830 U.S. Census, population schedule, Gates County, North Carolina, page 86, no image number, Henry Gillam, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>).

¹²⁴ *Hampden Journal and Advertiser* (Springfield, MA) June 23, 1824. Jack and Jim had both belonged to Miles Parker of Gates County (*The Raleigh Register, and North Carolina State Gazette* [Raleigh, NC] November 16, 1824).

at close range. When the fugitives were interrogated Jack declared that Jim had murdered Elisha Cross. Jim was executed on November 12, 1824 for shooting and “barbarously mangling” the planter and reportedly confessed his guilt at the gallows.¹²⁵

Slaves’ criminal firearm use was often a point of conflict between black and white North Carolinians. The slave society was structured to keep black people in subordinate positions and if they stepped outside of the society’s bounds white people often saw them as a threat and this increased the chances that their interactions might become violent. Still, despite these tensions black and white people sometimes cooperated on criminal endeavors. For instance, one late summer night in 1814 four men-- a free man of color, a slave, and two white men-- “inhumanly murdered” Colonel John Clayton in Tyrrell County.¹²⁶ The attackers shot Clayton from the cover of a cornfield outside of his house. One of the white men fired the ball and eight large pieces of shot that tore into the victim’s chest but all four of the attackers were armed. Clayton had previously served in the Assembly but at the time of his murder he was a “respectable and vigilant[sic] Magistrate.” Some people believed that his “inflexible discharge” of his duties in that office had “rendered Col. Clayton obnoxious to a lawless set of beings ... in his neighborhood” and provoked them to commit the “horrid murder.”¹²⁷

Many white North Carolinians would have been particularly disturbed by this episode because it highlighted the inadequacies in the Assembly and county court’s regulation of armed black people. Aside from the problem of the interracial cooperation

¹²⁵ *Carolina Observer* (Fayetteville, NC) June 17, 1824.

¹²⁶ Ebenezer Pettigrew to William Shepard, *The Pettigrew Papers*, 466-467. *Newburyport Herald* (Newburyport, MA) September 27, 1814.

¹²⁷ *New England Palladium* (Boston, MA) September 27, 1814. Ebenezer Pettigrew to William Shepard, *Pettigrew Papers*, 467. *Weekly Visiter* (Kennebunk, ME) October 12, 1814.

in this armed lawlessness this quartet had channeled their armed violence to kill a representative of the state and local government. The Assembly's laws sought to keep free black people and slaves away from white people and to protect white people from black violence. Although they were not conscious of it themselves this multiracial "lawless set of beings" shattered that arrangement and at the same time struck a blow at the personal embodiment of the law's power in their local community.

The men who killed Colonel Clayton were outlaws but white people sometimes hired slaves for criminal endeavors. These collaborations required a degree of trust between the involved parties but the specter of armed black men could sometimes overshadow the interracial plot behind it. In 1823 Camden County storekeeper Henry Culpepper was killed at his home on the Great Dismal Swamp Canal. He was the victim of an interstate plot that relied in part on armed black men's labors. His assailants made two attempts, the first of which occurred on June 26th. The newspapers reported that "several negroes" knocked on Culpepper's door and fired through it when they heard him approaching from the other side. The bullet passed harmlessly through the door but Culpepper dropped loudly to the ground as if he had been hit. The attackers fired twice more through the closed door and then fled. Fortunately for Culpepper, neither he nor any of his five dependents were injured during the attack.¹²⁸

The danger had not passed, however. Culpepper was assaulted again about two months later. Just before daylight he was "called upon by a negro man, who had slept in the house that night, to furnish some liquor." Culpepper left the house to get the drink

¹²⁸ *Raleigh Register, and North Carolina State Gazette* (Raleigh, NC) June 27, 1823. 1820 U.S. Census, population schedule, Camden County, North Carolina, page 34, image 38, Henry Culpepper, digital image, via ancestry.com, accessed November 8, 2012, <http://ancestry.com>.

from his store but two gunshots blasted out of the darkness and cut him down before he got there. More than a dozen pieces of lead hit a post that he was passing behind but seven others found their mark. A doctor was summoned but Culpepper had sustained massive damage to his thigh and succumbed to the injuries after four days of “much suffering.”¹²⁹ The boarder who asked for the drink made himself scarce immediately after the shooting and the newspapers reported that he was “strongly suspected of being connected” with the killers.¹³⁰

The newspapers suggested that Henry Culpepper had been targeted by a group of black men, presumably local runaways living in the Great Dismal Swamp. The truth was not nearly as black and white, however. At the time of the shooting the Culpepper family was involved in a land dispute with a white man named Willoughby Foreman who lived across the state line in Virginia.¹³¹ Foreman was a problem on the North Carolina side of the border and he intimidated Camden County’s authorities by being “continually under Arms so that no officer” would confront him or his associates. Whenever Foreman thought the North Carolina authorities had steeled their nerves to move against him he would “fly back” to Virginia. He had probably shot and killed Culpepper himself but he had also paid two enslaved black men to do it.¹³²

An individual who was familiar with the murder and whom Foreman had threatened wrote a letter to North Carolina Governor Gabriel Holmes to recount the

¹²⁹ *Baltimore Patriot & Mercantile Advertiser* (Baltimore, MD) August 29, 1823. *State v. Willoughby Foreman et als*, unsigned petitioner to Governor Gabriel Holmes, August 1, 1824, General Assembly Session Records, Nov., 1824 – Jan., 1825, NCDAH. Many thanks to Chris Meekins at the NCDAH for pointing me toward the *State v. Foreman* documents.

¹³⁰ *Raleigh Register, and North Carolina State Gazette* (Raleigh, NC) August 29, 1823.

¹³¹ Johnson, *A Social History*, 46.

¹³² *State v. Willoughby Foreman et als*, jury presentment (Fall Term 1823), General Assembly Session Records, NCDAH.

conspiracy behind Culpepper's death. Foreman had apparently organized seven white men to help him secure the disputed tract of land "by the force of arms" and he had promised them each a share of the property in return.¹³³ The source declared that Foreman gathered his men at his house "with arms and ammunition" and told them how he had "struck Henry Culpepper with a stick + thrown him Down and flogged him well and tuck[sic] his gun away from him." One of Foreman's accomplices proposed that the group should swear to never betray each other and then shoot Culpepper but Foreman presented a more cautious plan. He told his accomplices that he would pay fifty dollars to have Culpepper killed. Foreman had kept Culpepper's firearm after he beat up the storekeeper and one night he gave the weapon "to a nigro[sic]" to kill the white North Carolinian. This resulted in the initial failed murder attempt which had used Culpepper's own gun.¹³⁴

Foreman recovered Culpepper's firearm from the unsuccessful shooter and reloaded it with both balls and buckshot. He then gave it to a slave named Tony Wordins who belonged to slaveholder "Jessy Moris." The unnamed source told Governor Holmes that Foreman had paid both Wordins and another slave named Willoughby Corpy to kill Culpepper. Corpy might have been the shooter in the first attack or he might have participated in the successful second attempt. When suspicions about the Culpepper murder turned to Foreman he deflected them by saying "it was not him But he new[sic] very well who it was." Nonetheless the jury charged Willoughby Foreman with the murder and his white associates with aiding and abetting him. The presentment made no

¹³³ *Ibid.*

¹³⁴ *State v. Willoughby Foreman et als*, jury presentment (Fall Term 1823), General Assembly Session Records, NCDAH.

mention of Foreman's black associates despite the source's letter to the North Carolina's governor which unmistakably claimed that the Virginian had paid and armed the slaves to kill Henry Culpepper.¹³⁵

The newspapers' focus on the black men in the attacks on Culpepper highlight white North Carolinians' suspicions and fears of armed black people. This was heightened by Culpepper's close proximity to the Great Dismal Swamp. Some historians estimate that there were thousands of black fugitives living in the Great Dismal Swamp at some points.¹³⁶ There were enough armed black men in those otherwise uninhabited spaces for the newspapers' readers to believe Culpepper could have been attacked by unsupervised armed black men from the swamps. Additionally, Foreman saw these black men's armed labor as personally useful, even for illegal purposes. He both provided the firearm and paid them for their labor. At least one of Foreman's armed black accomplices belonged to another slaveholder even though the conspiring Virginian had over thirty slaves of his own he might have thusly employed.¹³⁷ Foreman likely had a social or business relationship with Tony Wordins, Willoughby Corpy, and the others and they might have even worked together on previous criminal acts. Whatever the nature of their relationship Willoughby Forman trusted these slaves enough to include them in his conspiracy to murder Henry Culpepper.

The year before Culpepper's murder the General Assembly had passed a law to "encourage the apprehension of runaway slaves in the Great Dismal Swamp." The legislation specifically targeted those slaves who had been hiding out in the swamp for

¹³⁵ *Ibid.*

¹³⁶ Franklin and Schweninger, *Runaway Slaves*, 86.

¹³⁷ 1830 U.S. Census, population schedule, Norfolk, Virginia, page 122, image 133, Willoughby Foreman, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>.

longer than three months. This legislation relied on community-based law enforcement and offered incentive for men in the neighborhood to take on the job; any captured fugitives' masters were required to pay the capturers one quarter of the slaves' assessed value as a reward. This law was repealed in December, 1823 but the swamp continued to provide a home for many fugitives.¹³⁸ Under these worrying circumstances Culpepper's murder would have stoked white North Carolinians' concerns about armed black strangers in those neighborhoods, even though it was initiated by a white man.

Many of North Carolina's fugitive slaves carried firearms and would sometimes use deadly resistance to maintain their precarious independence which made tracking runaways and maroons a dangerous endeavor for everyone involved. The armed slaves were more likely to get killed in the process but so were the white men who chose to pursue them. The slave hunters had to be willing to risk their lives and at times they lost that wager. In 1824 three men on a Bladen County slave patrol went out to "put an end to a negro carousal four or five nights since" when they came across and confronted three fugitives. A fight broke out when the patrollers tried to take the black men into custody and one of the patrolmen seized a fugitive named Jack, which prompted the runaway to draw a large knife to defend himself. The two men fought and Jack cut the patrolman before the white man wrested the knife away and mortally wounded him with it. One of Jack's comrades then shot and killed the patroller, who perhaps did not realize that at least one of the other runaways had a firearm. The two surviving black men then

¹³⁸ Taylor, *Revisal of the Laws*, Ch. 1164, Sec. 2, 3, and 4. The sections in this law are mislabeled--there are two Section 2s. The one referenced here is the second of these. *Ibid.*, Ch. 1230.

successfully made their escape.¹³⁹

Also consider that in 1856 a group of white citizens sought to clear a swampy area between Robeson and Bladen Counties of the many “runaways of bad and daring character” who inhabited it. The band of maroons had been killing “all kinds of stock” and some white people believed that they were “dangerous to all persons” living nearby. The white men also did not know these fugitives’ masters, which suggests that the maroons were not originally from the neighborhood. When the patrol entered the swamp the maroons opened fire on them and mortally wounded a Bladen County resident. The runaways then taunted the disoriented patrol by “cursing + swearing and telling [the white men] to come on they were ready for them again.” The patrollers had no desire to continue their expedition after the armed fugitives’ resolute demonstration of force and withdrew. The deceased man’s father and several others later pleaded with the governor to offer “a sufficient reward” to “induce persons to spend their time in hunting said negroes.”¹⁴⁰ The white men still saw these maroons as a problem but they were afraid that they could not resolve it on their own.

During the late antebellum era some white people were worried that the armed fugitives in their neighborhoods had been both supplied and encouraged by meddling abolitionists. In 1851 the *Fayetteville Observer* printed R. F. Murphy’s letter to the editor that addressed the national repercussions of “the great question now agitating the North and the South, viz: slavery.” Murphy was representing J. Buchanan, a former Wake County resident who had since relocated to Mississippi, and through his letter he related

¹³⁹ *Raleigh Register, and North-Carolina State Gazette*, (Raleigh, NC) July 20, 1824.

¹⁴⁰ Richard M. Lewis and other Bladen County residents to Governor Thomas Bragg, August 25, 1856, in Correspondence, Petitions, etc., August 1, 1856-August 31, 1856, Bragg Papers, NCDAH.

his efforts to recover two of Buchanan's North Carolina slaves who had run away and framed this effort in the context of abolitionists' presence in the Old North State. Murphy explained that he hired a slave catcher named Bryan from Moore County and that they picked up the runaway slaves' trail with the aid of Bryan's "four powerful bloodhounds." The fugitives were still laid out in the neighborhood and the well-trained dogs overtook them after a "hard run of several miles." One of the slaves fired a load of buckshot at Bryan but missed and the slave hunters took them into custody.¹⁴¹

Murphy explained that once the slaves were captured they confessed that they had been aided by white people and "supplied with arms, wherewith to defend themselves." He declared that the identities of these slaves' white supporters were known and that "the punishment they are deserving of" would soon be meted out. Murphy's avowal that "those pretended philanthropists- the abolitionists" had armed Buchanan's slaves fueled white North Carolinians' anxieties about meddling anti-slavery advocates and unsupervised black firearm use in their neighborhoods.¹⁴² Armed fugitives were a constant problem but those runaways who had been supplied by anti-slavery white people (or were perceived to have been) were even more so. This politicization of slave flight and marronage was even more salient after Turner's rebellion and the increasingly radical abolitionism in the decades after 1830.

In the spring of 1859 a "party of gentlemen" pursuing an armed maroon through Halifax County also had a violent confrontation with their quarry. The fugitive was one of the fifty slaves owned by John Reeves Jones Daniel, a wealthy planter, lawyer, and

¹⁴¹ *Fayetteville Observer* (Fayetteville, NC) October 28, 1851.

¹⁴² *Ibid.* For further reading on white Southerners' equation of abolitionism and emancipation with slave rebellion see Edward B. Rugemer's "The Black Atlantic and the Coming of the Civil War" in the *Journal of the Civil War Era* 2, no. 2 (June 2012), 179-195.

former six-term United States congressman and had been laid out for an astounding two or three years before this party went after him.¹⁴³ This armed outlaw defiantly opened fire on his pursuers with a high quality shotgun when they got close and he managed to kill one of his pursuers' dogs. A man named John H. Ponton, Esq. rode ahead of the other slave hunters to cut the fugitive off and then found himself face to face with the defiant black man, whose shotgun reportedly misfired three times before Ponton shot and killed him.¹⁴⁴

In these incidents the armed fugitive slaves used their firearms to resist capture with varying degrees of success. In some instances the chase turned deadly for the white pursuers and in others the runaways themselves paid the ultimate price. The fact that both parties could be carrying weapons raised the stakes and made both running away and slave hunting dangerous endeavors for everyone involved. The potentially heightened risk of violence notwithstanding, armed runaways' firearms also provided them with an effective means to resist if they were cornered by slave catchers. These armed fugitive North Carolinians threatened white people's property but they also posed a very serious threat to anyone who sought to force them back into submission.

The threat of violence did not emanate solely from armed fugitives but at times it came from bondmen who remained within their master's households and ostensibly under their control. The county courts scrutinized which slaveholders could arm specific slaves but these regulations could not prevent bondpeople from accessing firearms

¹⁴³ *Weekly Raleigh Register* (Raleigh, NC) May 18, 1859. 1860 U.S. Census, population schedule, Eastern Division, Halifax County, North Carolina, page 404, image 189, J. R. J. Daniel, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>. 1860 U.S. Census, slave schedule, Eastern Division, Halifax County, North Carolina, page 42, J. R. J. Daniel, digital image, via ancestry.com, accessed July 9, 2015, <http://ancestry.com>.

¹⁴⁴ *The Weekly Raleigh Register*, May 18, 1859.

without their masters' consent. Many slaveholders and other people in the antebellum era did not regularly secure their firearms under lock and key and slaves could sometimes access these weapons with little difficulty. Also, some slaveholders were at ease with their own vetted slaves' access to firearms. In order for masters to feel safe in their households and neighborhoods where they were often outnumbered by enslaved people they needed to believe that either their control over their bondpeople or the slaves' faithfulness would keep the white members of the household safe from harm. As a result of these sentiments firearms were more readily available in North Carolina households than might be immediately apparent. Situations like these could nonetheless have grave consequences for other black and white people.

One evening in May 1850, Samuel R. Potter, Esq. and his family were startled by the loud sound of a gunshot from the second floor of their Wilmington mansion. The wealthy planter rushed upstairs to investigate the disturbance and found his slave Annette "lying dead upon the floor, a large charge of buckshot having passed into her brain."¹⁴⁵ Her assailant had fled but Potter could see that his own shotgun had been used to kill her; someone had taken the weapon from its usual place and put in another corner after the shooting. Circumstances implicated a slave named Dick who belonged to Joshua G. Wright Esq., and he was taken into custody and examined by the magistrates.¹⁴⁶ After a

¹⁴⁵ *Fayetteville Observer*, (Fayetteville, NC) June 4, 1850. *Raleigh Register*, (Raleigh, NC) June 5, 1850. *State v. Dick, a slave*, jury presentment and coroner's inquests (both Spring Term 1850) in Folder-Criminal Actions Concerning Slaves, 1816, 1824, 1838-1856, Records of Slaves and Free Persons of Color, 1786-1888, New Hanover County Records, NCDAH. 1850 U.S. Census, population schedule, Wilmington, New Hanover County, North Carolina, page 426B, image 527, Sam'l R. Potter, digital image, via ancestry.com, accessed June 19, 2012, <http://ancestry.com>.

¹⁴⁶ The records are somewhat unclear on the particulars of Annette and Dick's relationship but the shooting may have been the result of a domestic dispute. Historians have argued that Southern society had a high level of interpersonal violence that was visible in its domestic spaces (Wyatt-Brown, *Southern Honor*, 366-367). In 1849 a Fayetteville slave named Sam tried to shoot both his wife and mother-in-law.

three day investigation the court acknowledged that “many suspicious facts were proven” but that there was insufficient evidence to bring Dick to trial, so he was released. Wright nevertheless “sent his slave off.” This spoke volumes about his confidence in Dick’s innocence and some newspaper editors cheered the move.¹⁴⁷

Whether Dick was actually guilty is of little consequence to the larger discussion of firearm security and availability. Potter did not believe that his household’s safety required him to keep his gun or ammunition locked away and he simply stored it in the corner of an upstairs room. The planter trusted his black and white dependents but his insecure storage of the loaded shotgun allowed an outsider to access it and turn it against his household. Also, while Wright probably could not have anticipated Dick’s murderous actions he had interestingly been supportive of slaves’ supervised firearm use several years prior to Annette’s murder. In 1841 he and James T. Miller signed William L. Ashe’s bond to arm one of Ashe’s slaves.¹⁴⁸ It is unclear whether any of Potter’s slaves were licensed to use a firearm but the casual manner in which he stored his gun illustrates why the Assembly wanted the county courts to manage masters’ control of their armed slaves. The legislators believed that the maintenance of the public peace required far more strenuous oversight than many slaveholders were willing or able to provide.

Raleigh offers another example of the problem of white people’s casual gun

He fired two shots at his wife, which both missed, but then shot and wounded his mother-in-law. After this failed double murder attempt Sam loaded his shotgun a final time and “putting the muzzle against the side of his own head, pushed the trigger with his toe, and killed himself instantly.” The newspaper did not speculate about Sam’s motive but his forceful outburst speaks to the breadth of antebellum gun violence (*Fayetteville Observer* [Fayetteville, NC] July 24, 1849. Deborah Gray White’s *Ar’n’t I a Woman?: Female Slaves in the Plantation South* further highlights some of the violence against black women during the era but slaves’ domestic strife needs more focus.

¹⁴⁷ *Fayetteville Observer*, (Fayetteville, NC) June 11, 1850.

¹⁴⁸ William L. Ashe’s bond, New Hanover County Records, NCDAH.

storage. Thomas Jenkins' young slave Ellen was alleged to have shot and killed a young white woman who was visiting his household in the fall of 1855. Seventeen year old Virginia Frost's father was one of Jenkins' co-workers on the Petersburg and Weldon Railroad.¹⁴⁹ At the time of the shooting Frost was alone in the backyard and Ellen was scouring floors in the house's back rooms while the rest of the white people were in the front rooms. The white people suspected that Ellen had killed the visitor for "reproving her for insolent language." Ellen climbed over the Jenkins' back fence and tried to escape into Raleigh's streets after Frost was killed, but she was soon captured.¹⁵⁰ She explained to the jury of inquest that she was "going out of the house with the gun" and tripped over a dog which caused her to accidentally discharge the weapon. In another statement she noted that she had tripped over a piece of wood.¹⁵¹ Despite these inconsistencies in Ellen's story the Raleigh authorities and newspapers did not find her possession of the shotgun to be noteworthy enough for comment.

The *Fayetteville Observer* reported that the "medical men in attendance" examined the massive damage done to the victim and determined that the weapon had been only about a foot away from Frost's head when it was fired. The instantly fatal shot had taken off "nearly the whole of the back part of the head" with so much force that Frost's "brains lay strewn all over that part of the yard."¹⁵² The court did not prosecute Ellen for murder despite the medical men's opinions and the young enslaved woman's shifting story. The grand jury at Wake County's Superior Court "ignored the bill of

¹⁴⁹ Frederick Law Olmsted, *The Cotton Kingdom: A Traveller's Observations on Cotton and Slavery in the American Slave States*, ed. Arthur M. Schlesinger (New York: Alfred A. Knopf, 1962), 97.

¹⁵⁰ *Alexandria Gazette* (Alexandria, VA) September 20, 1855. *Columbian Register* (New Haven, CT) October 6, 1855.

¹⁵¹ *Fayetteville Observer* (Fayetteville, NC) September 24, 1855.

¹⁵² *Ibid.*

Indictment” a few weeks after the shooting. The newspapers speculated that it “must have appeared that the shooting was accidental.”¹⁵³

The court’s decision was not in and of itself unusual. In the antebellum era both free and enslaved black people were sometimes acquitted or had charges dropped-- even for violent crimes against white people-- if the evidence was lacking or if the court perceived them to have greater social credit than the white plaintiff.¹⁵⁴ Dick benefited from the former after he killed Annette. However, the newspapers offered no reason as to why Ellen might have been carrying the firearm out of the house without supervision or consent. This silence suggests that both Jenkins and the newspapers’ readership would not have found her carrying the shotgun to be particularly remarkable and that Jenkins probably did not keep his shotgun securely locked up. Ellen’s story about the accidental discharge was accepted by the assembled jury as another one of the “dreadful accidents resulting from the careless use of fire-arms, which so often cut short human life and carry distress into the bosom of families” which some people in the antebellum era believed were all too common.¹⁵⁵

These incidents where black people gained access to a firearm through white people’s lackadaisical storage relied in part on the slaveholders’ trust in their slaves’ judgment but it meant that slaves who wanted a firearm could potentially acquire one without much trouble, regardless of what their intentions were. Of course there were other venues through which they could acquire firearms. Enslaved North Carolinians could also access firearms through well-organized clandestine markets and more casual

¹⁵³ *Daily Register* (Raleigh, NC) October 6, 1855. *The Fayetteville Observer* (Fayetteville, NC) October 8, 1855.

¹⁵⁴ Edwards, *The People and Their Peace*, 129-131. Genovese, *Roll, Jordan, Roll*, 33-34.

¹⁵⁵ *Raleigh Register, and North-Carolina Gazette* (Raleigh, NC) September 5, 1843.

personal business connections and these venues further problematized the county courts' mostly master-slave centered regulation of black people's firearm use. Those slaves who could bypass their masters had broader and more discrete access to firearms, although their illegal gun use made them vulnerable to criminal prosecution.

Interracial illegal commerce extended far beyond firearms but the weapons stand out from the various agricultural products, liquor, or other items that were commonly traded because of the extensive rhetoric and legislative action around firearms' destructive potential. While some of the black and white people who sold illegal weapons to slaves did so purely for financial gain these merchants were not all blind opportunists. The parties to such sales were sometimes well acquainted with each other and that familiarity could inculcate a sense of trust despite the General Assembly, the county courts, or individual white peoples' views on the matter.¹⁵⁶ Finally many white North Carolinians were infuriated by the fact that maroons and other black people could acquire arms from these illegal black and white dealers which helped some people of color to raid white people's property.

However white people felt about illegal arms dealers on a day to day basis these trade-related crises could trigger public contempt and sometimes even violence directed toward the dealers. Many white people saw the control of black people's access to

¹⁵⁶ For further reading on the illegal trade between slaves and poor white people see Jeff Forret's *Race Relations at the Margins: Slaves and Poor Whites in the Antebellum Countryside* (Baton Rouge, LA: Louisiana State University Press, 2006). Of course slaves also gave each other firearms to protect themselves, much to the chagrin of slaveholders. In 1858 Beaufort County's General William A. Blount wrote an angry letter to another slaveholder named Stanly to notify him that Stanly's slave Clarence had "harbored" and "concealed" Blount's runaway slave David. To make matters worse Clarence had given David a "six barrel, revolver pistol, and ammunition + advised him to use it to prevent his being taken" (W. A. Blount, Sr. to E. Stanly, March, 1858; and Jonathan A. Stanley to General W. A. Blount, March 10, 1858; both letters in Correspondence, 1837-1858, James Gray Blount Papers, NCDAH. 1860 U.S. Census, population schedule, Chocowinity, Beaufort County, North Carolina, page 439, image 438, W. A. Blount, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>).

firearms as a crucial line of defense for the public safety. In February, 1844 a fourteen or fifteen year-old Wilmington slave named Charles had an argument with his brother Adonis and the next day Charles shot and killed him with a pistol that was loaded with two balls. When a third brother attempted to catch Charles the teen pulled out a second pistol and tried to shoot that brother as well. Both Charles and Adonis belonged to the wealthy P. K. Dickinson and Adonis was noted to have been “a slave of great value” who earned his master some \$250.00 per year through “his industry and labour.” The *Raleigh Register* reported that during the investigation into the murder the authorities discovered that “a number of small black boys about town had pistols in their possession, which they have been in the habit of sporting with, firing at marks, &c, in retired places.”¹⁵⁷ The “small black boys” confessed that they had purchased their pistols from “certain men in the town” who apparently had no scruples about selling firearms to slaves. The term “boy” was broadly applied to black males in the antebellum period and far beyond in order to diminish their manhood but it was not unheard of for boys under ten years of age to use firearms without direct adult supervision. These pistol-toting black sportsmen may very well have been actual children.¹⁵⁸

¹⁵⁷ 1840 U.S. Census, population schedule, Wilmington, New Hanover County, North Carolina, page 7, image 20, P. K. Dickinson, digital image, via ancestry.com, accessed June 9, 2015, <http://ancestry.com>. 1840 U.S. Census, population schedule, Wilmington, New Hanover County, North Carolina, page 25, P. K. Dickinson, digital image, via ancestry.com, accessed July 9, 2015, <http://ancestry.com>. *Raleigh Register, and North-Carolina Gazette* (Raleigh, NC) February 13, 1844.

¹⁵⁸ *Ibid.* Children enjoyed recreational gun use through the colonial and antebellum eras. In 1773 the Assembly passed a law to prevent “idle and disorderly Persons, as well as Slaves, and Children under Age” from firing guns in New Bern’s streets. In 1841 the *Wilmington Chronicle*’s editors watched as three boys who all appeared to be under ten years of age walked past the *Chronicle*’s office carrying guns. The newspapermen criticized the boys’ parents for not heeding “the hundred[sic] and hundreds of warnings of fatal accidents from the use of fire-arms by children.” During the Civil War Beaufort County’s William Tripp made plans to buy his son Josephus a gun when the boy was also ten years old (*Session Laws of North Carolina, 1773*, [Ch. 19, Secs. 11 and 12], 918. *Fayetteville Observer* [Fayetteville, NC] June 30, 1841, North Carolina Collection, University of North Carolina, Chapel Hill. William Tripp to Araminta

These young pistol-wielding black men may have had the means to purchase their own weapons. Any slaves who were able to hire their own time or otherwise accumulate a little money could afford to buy a gun in antebellum North Carolina. They only needed to find a willing vendor.¹⁵⁹ The *Register's* editors declared that public sentiment ran against these merchants and disparagingly labeled them as “violators of the law, and disturbers of the peace.” The *Register* also reported that “one of the largest public meetings...that we ever witnessed” was convened on short notice to discuss the illegal firearms trade and to make plans to “visit justice upon the offenders.”¹⁶⁰ The newspaper reflected the local outrage at Charles’ troubling crime, but the town’s recreationally armed youth certainly could not have been a very well-kept secret if they habitually fired their pistols within or near town. For many white Wilmingtonians these “small black boys’” recreational gun use was only a theoretical problem until the moment of crisis brought on by Charles’ fratricide.

The uproar over the “certain men” in Wilmington who sold guns to slaves does not appear to have turned violent despite the threat to “visit justice” on the arms dealers but white people did sometimes responded forcefully to these transgressions. One February evening in 1858 William D. Davenport, “a wealthy citizen” of Washington County, was shot and killed at his home by three of his slaves: Gansey, “Yellow George,”

Tripp, January 30, 1863, William Henry Tripp and Araminta Guilford Tripp Papers, Southern Historical Collection, University of North Carolina, Chapel Hill [hereafter SHC]).

¹⁵⁹ Court records often valued the firearms that slaves used in crimes at five shillings, which would have been worth less than two dollars in the 1850s, although this may not have reflected the weapons actual value. Also consider that in 1860 the Montgomery County Court appraised a stolen pistol at \$1.00. These may seem inexpensive but consider that in 1850 one could buy a new single barreled shotgun for as little as \$3.50 (*The Mississippian* [Jackson, MS] January 19, 1849. *Evening Post* [New York, NY] June 11, 1860. *State v. Malcolm B. Stuart*, jury presentment (Fall Term 1860), Montgomery County Criminal Action Papers, 1860-1863, NCDAH. H.F. Clark & Company, *Clark's Illustrated Treatise on the Rifle, Shot-Gun and Pistol* [Memphis, TN: H. F. Clark & Company, 1850], 52).

¹⁶⁰ *Raleigh Register, and North-Carolina Gazette* (Raleigh, NC) February 13, 1844.

and Aaron. The slaves “had obtained a gun for that purpose of a young man in the neighborhood” named William Goodman and the local authorities took all four of the men into custody.¹⁶¹ The bondmen had killed Davenport to prevent him from testifying against Gansey’s father, who was also named Gansey and was on trial for murdering a white man some twenty-five years prior. The elder Gansey had been long suspected but insufficient evidence prevented his prosecution until he was overheard talking about the crime around 1856 and essentially incriminated himself.

Davenport’s murder generated a great deal of outrage in Washington County and the three slaves and their white associate were locked in the county jail. Hundreds of white men descended on the building and would have lynched all four of the prisoners if the authorities had not prevented them from doing so.¹⁶² Much of the details surrounding Davenport’s murder are unclear. Goodman was probably an eighteen year old laborer but it is unclear how well he knew the three slaves or whether he sold or loaned them the weapon. It is also unclear if he knew that Gansey, “Yellow George,” and Aaron were going to shoot Davenport or whether that knowledge would have ultimately influenced his decision to provide the weapon. Once Goodman provided the enslaved men with the weapon his initial intentions no longer mattered. Gansey was eventually executed, as was his father, but “Yellow George,” Aaron, and William Goodman appear to have been acquitted.¹⁶³

¹⁶¹ *Massachusetts Spy* (Worcester, MA) February 24, 1858.

¹⁶² *Ibid. Weekly Raleigh Register* (Raleigh, NC) September 29, 1858. *Lowell Daily Citizen and News* (Lowell, MA) October 12, 1858.

¹⁶³ 1860 U.S. Census, population schedule, Washington County, North Carolina, page 309, image 11, William Goodman, digital image, via ancestry.com, accessed June 20, 2012, <http://ancestry.com>. *Weekly Raleigh Register* (Raleigh, NC), September 29, 1858. *Lowell Daily Citizen and News* (Lowell, MA), October 12, 1858.

The General Assembly and local courts had a vested interest in preventing these illegal firearm sales which circumvented the official processes for slaves' firearm possession. Some white North Carolinians believed that they needed to control slaves' access to firearms in order to reduce black people's destructive potential. These men who sold weapons to slaves were operating contrary to the General Assembly's laws and public safety, and they were an integral part of black North Carolinians' unauthorized firearm use. It is difficult to obtain much more than a glimpse of the dealers in the historical records but a few of these businessmen can be identified and some of their amicable or financial motivations are discernible.

Many of the white people who sold firearms to slaves did so casually, like William Goodman. They did not manage extensive trade networks or sell a large number of firearms. Many of them were simply providing weapons to black people they knew, although the Wilmington arms vendors in Charles and Adonis' story appear to have been an exception. Consider that in the autumn of 1854 Angus Campbell was indicted by the Richmond County Superior Court's grand jury for selling a firearm to a slave named Will. Campbell does not immediately evoke the image of a well-connected and unprincipled member of the "dram shop gentry" that antebellum newspaper reports often complained about. At the time of the illegal sale Campbell was only about fourteen years old and he and Will were certainly acquainted, as Angus' mother Isabella Campbell owned the enslaved man.¹⁶⁴

Also consider German immigrant Charles Hamburg, who catered to a racially

¹⁶⁴ *State v. Angus Campbell*, jury presentment (Fall Term 1854), in Criminal Action Papers Concerning Slaves, Slave Records, Richmond County Records, NCDAH. 1860 U.S. Census, population schedule, Richmond County, North Carolina, page 194, image 386, Angus Campbell, digital image, via ancestry.com, accessed June 20, 2012, <http://ancestry.com>.

diverse clientele in his Wilmington store and maintained enduring trade relationships with some slaves in the area. Dianah Bohnstedt regularly shopped at Hamburg's store and she swore to the New Hanover County Court that one Saturday night in 1854 she watched the shopkeeper sell a pistol and a half-pound of shot to Ned Quince, one of Parker Quince's slaves.¹⁶⁵ The white woman swore that she overheard Ned tell Hamburg that he wanted to buy a pistol, to which the storekeeper replied "I can sell you one" before placing a weapon on the counter. The enslaved man examined the pistol and after determining that it was to his liking, he told Hamburg that he would take it. Hamburg then poured Ned a quantity of gunpowder and shot as well. Bohnstedt admitted that she did not actually see the slave pay for these items, but she watched him as he put the pistol, powder, and shot into his pocket and then left the store.¹⁶⁶

Angus Campbell and Charles Hamburg's firearm sales were probably motivated by similar factors. Campbell and Will's familiarity with each other certainly played a role in their trade. Will's intentions are unclear in the records but the young teenager trusted the slave enough to provide him with the weapon. Hamburg in contrast had been involved in several other illegal transaction with the slaves in his neighborhood. The immigrant storekeeper also sold them liquor and had on multiple occasions bought rice from Ned and at least one of Parker Quince's other slaves. Hamburg also did not try to keep these illegal transactions secret and Dianah Bohnstedt witnessed several of them. Ned and Hamburg's frequent trades probably explain why Bohnstedt did not see the slave

¹⁶⁵ *State v. Charles Hamburg*, Dianah Bohnstedt's affidavit, (June Term 1854), in Criminal Action Papers, New Hanover County Records, NCDAH. Jeff Forret, *Race Relations at the Margins: Slaves and Poor Whites in the Antebellum Southern Countryside* (Baton Rouge, LA: Louisiana State University Press, 2006), 100-101.

¹⁶⁶ *State v. Charles Hamburg*, Bohnstedt's affidavit, NCDAH.

pay for the pistol. The two men had a comfortable business relationship and did not always require immediate payment. On at least one other occasion Ned sent a quantity of rice to Hamburg and came to see him and collect payment a few days later. Charles Hamburg was certainly engaged in more illegal commerce than Bohnstedt witnessed and his familiarity with his black customers undoubtedly played a role in these sales as well.¹⁶⁷

Additionally, some white people provided fugitive slaves with firearms. Whether rooted in amicability or economic opportunism this trade undermined the rule of law. Runaways were inherently unsupervised and often thought to be a menace to white people's property. Still, some white North Carolinians' financial decisions trumped the law's broad condemnation of unsupervised and armed slaves. Consider the unnamed poor white man who traded a firearm to fugitive William Kinnegay in exchange for a pig, which the black man had likely stolen. This was not an isolated sale. Kinnegay later gave his trade partner a cowhide which was also probably stolen in exchange for a measure of gunpowder and shot. These two marginalized men trusted each other enough to leave their trade items in a predetermined place and thereby avoided meeting in person and having their illegal transactions witnessed.¹⁶⁸ Their arrangement seems to have been a relatively equal and mutually beneficial trade partnership, although this should not overshadow the potential frictions between their respective groups. Economic

¹⁶⁷ Forret, *Race Relations*, 100.

¹⁶⁸ *Ibid.*, 89.

competition between low income white North Carolinians and their black neighbors sometimes lead to racial animosity as well.¹⁶⁹

Both Charles Hamburg and Kinnegay traded firearms to slaves but for many white North Carolinians the substance of these business transactions was far less important than the trade itself. Some white people worried that any trade with slaves was a threat to bondpeople's discipline and they were so opposed to it that they advocated that any white people caught selling or buying any items from a slave should be punished "not only with fine and imprisonment; but, by one or more whippings on the bare back at the whipping post."¹⁷⁰ This proposed punishment was about far more than physical pain—whipping was a punishment associated with slavery and many white people saw it as a particularly egregious corrective measure for free people. This sentiment was true even in the maritime industry where flogging was a common punishment for all sailors.¹⁷¹ These petitioners' advocacy for punishment by public whipping shows the

¹⁶⁹ Bill Cecil-Fronsman, *Common Whites: Class and Culture in Antebellum North Carolina* (Lexington, KY: The University Press of Kentucky, 1992), 80-81, 82. These economic and social interactions between lower class black and white North Carolinians were common enough that they continued to draw comments from historians at the turn of the century. Some late nineteenth century historians, although writing from a very different social and racial position, argued that free people of color in the "country districts" were "usually... on terms of friendship with that other class of incompetents, the 'poor whites...'" and that these groups sometimes "lived on terms of sexual intimacy." (John Spencer Bassett, *Slavery in the State of North Carolina* [Baltimore, MD: The Johns Hopkins Press, 1899], 43).

¹⁷⁰ *Race, Slavery, and Free Blacks*, North Carolina, 1851, reel 7, frame 0382.

¹⁷¹ Abolitionist and reformer Richard Henry Dana, Jr. linked flogging to slavery in his retelling of his earlier life at sea. When Dana's captain threatened to whip another sailor the man protested that he was "no negro slave." The captain responded with "...I'll make you one...I'll teach you all who is master aboard!" In another incident the captain beat a sailor and taunted the rest of the crew by yelling "you see your condition! ...you didn't know what I was! Now you know what I am! I'll make you toe the mark, every soul of you, or I'll flog you all, fore and aft, from the boy up! You've got a driver over you! Yes, *a slave-driver,- a nigger-driver!* I'll see who'll tell me he isn't a NIGGER slave!" (Richard Henry Dana, Jr. *Two Years Before the Mast and Twenty-Four Years After: A Personal Narrative* [London, England: Sampson Low, Son, and Marston, 1869], 102-106). Dana's story was undoubtedly colored by his many years in the abolition movement but it nevertheless reflected many antebellum white sailors' sentiments.

disdain with which some white North Carolinians viewed these illegal and potentially dangerous transactions with slaves.

Despite these criticisms some white people also sometimes provided weapons to slaves who were known to be plotting insurrection. There was a class component to this; the social and economic lines blurred between slaves and poor white people and this sometimes helped to foster an “interracial subculture.”¹⁷² In 1845 a Davidson County slave wrote about a planned insurrection and listed two white men, poor landless farmer William Taylor and struggling merchant Eli Penry, as accomplices. The slave wrote a letter to his coconspirators in which he outlined that they intended to shoot every man that would not accompany them and that they would then seize “all the powder and shot in sailsbury[sic] and all the guns and mony[sic] there too.” The enslaved writer noted that Taylor had agreed to serve as a captain in the insurrection and that Penry would sell the conspirators “all his powder and shot for haf[sic] the mony[sic]” that other vendors charged. Penry’s business would eventually prosper but at the time of the insurrection he was willing to provide material aid to the would-be rebels and at a bargain price.¹⁷³ One cannot help but wonder what other business endeavors Penry undertook to turn his fortunes around.

The disdain that some white people heaped upon individual weapons vendors in their neighborhood highlighted white North Carolinians’ collective dissatisfaction with this shady business, but some white people were willing to illegally sell firearms to enslaved black buyers regardless of the General Assembly’s views on black people’s

¹⁷² Victoria E. Bynum, *Unruly Women: The Politics of Social and Sexual Control in the Old South* (Chapel Hill, NC: The University of North Carolina Press, 1992), 47.

¹⁷³ Bolton, *Poor Whites of the Antebellum South*, 65, 50-51.

firearm use or the potential for violence it held. These white men who found customers among slaves in both the Old North State's towns and countryside engaged in this trade on their own terms and for their own reasons. Some of these salesmen were primarily concerned with making money but others were also motivated by their personal relationships with individual slaves whom they presumably trusted to use the weapons responsibly.

North Carolina slaves were not merely the passive consumers in these unlawful firearm transactions but they sometimes played a central role in acquiring the weapons and distributing them to other enslaved black people. This business could be profitable but those thusly engaged risked punishment. Additionally, some of the weapons on this illegal market had been stolen from state arsenals. These presented both real and symbolic threats to North Carolina's entrenched race-based power structure and gave many white people reason to question their own security. In 1816 the Chowan County grand jury issued a presentment against two enslaved black men—Dick and Pompey-- for providing weapons and ammunition to the fugitive slaves in and around Edenton and reprimanded another slave named Jack for similar behavior.

The jury indicted Jack's master, a small slaveholder named Michael Wilder, for allowing his slave to live alone in Edenton where the business oriented Jack had become a "frequent purchaser of powder" for the area's fugitives. Wilder had six slaves in 1810 and five in 1820—if he had similar trouble keeping the others disciplined to the county court's standard his neighbors and the court could have come to see his household as a

nuisance.¹⁷⁴ The Chowan jurors believed that “the scoundrel” Jack would probably not have been involved in this illegal trade if Wilder had done a better job of looking after and disciplining his slaves. Jack had also received “plunder” from fugitives in the area which he had probably received in exchange for the contraband gunpowder. Jack was both enabling and profiting from runaway slaves’ depredations in the neighborhood through these arms transactions which would have been a great annoyance to Chowan County’s white residents.¹⁷⁵

Dick was charged with “purchasing and attempting to purchase” gunpowder and lead for the black outlaws living in and around Edenton. He had also received stolen goods from the fugitives which he then sold and traded in order to buy them ammunition and other necessary supplies. The jury presentment suggested that Dick had been caught red-handed in the middle of an illegal transaction and one of the witnesses against him was a local runaway named “Negro Jack.” Jack was unsurprisingly one of these enslaved firearm dealers’ patrons.¹⁷⁶

The final presentment was against Pompey for stealing five or six firearms which the jury presentment listed as “United States Muskets.” The federal government supplied each of the states with an annual allotment of weapons per an 1808 law and Pompey had stolen several of these. The muskets probably belonged to a Chowan County militia unit

¹⁷⁴ 1810 U.S. Census, population schedule, Chowan County, North Carolina, page 226, image 00420, Michel Wilder, digital image, via ancestry.com, accessed July 8, 2015, <http://ancestry.com>. 1820 U.S. Census, population schedule, Chowan County, North Carolina, page 111, image 72, Michel Wilder, digital image, via ancestry.com, accessed July 8, 2015, <http://ancestry.com>.

¹⁷⁵ *State v. Michael Wilder*; *State v. Dick*, *State v. Pompey*; all on jury presentment, December Term 1860, in folder- 1816, Criminal Actions Concerning Slaves, 1767-1829, Chowan County Records, NCDAH. It appears as if Jack was not actually charged on this presentment but that the court was more concerned with Wilder’s lax and inefficient control as a slaveholder.

¹⁷⁶ *Ibid.*

and were stored in the county courthouse. It is unclear how the daring slave was able to gain possession of these weapons but consider that some North Carolina militiamen could be appallingly careless with the state's weapons. In 1819 the state's adjutant general complained that "more than half of the public arms have either been lost or destroyed, by the negligence of the officers or soldiers in whose hands they were confided."¹⁷⁷ Black and white North Carolinians stole firearms much as they did other types of property but Pompey's theft was significant both with regard to the quantity and source. He then traded these state-owned military firearms-- powerful symbols of the state government's power-- to some of the area's runaway slaves.

Pompey, Dick, and Jack's trade networks with other enslaved people around Edenton provided them with a reliable customer base but it also increased their vulnerability to the force of the law. If the Edenton authorities could apprehend one of these firearm vendors' enslaved patrons or fellow traders, then the authorities could use several different threats to coerce that person into turning against the others in the network. At least some of Pompey's stolen militia muskets were later recovered when the authorities caught "Negro Jack" with them. Jack became Chowan County's witness against both Pompey and Dick, probably after he himself had been caught with the stolen firearms in his possession.¹⁷⁸ His testimony against these enslaved black businessmen

¹⁷⁷ Kaiser, "Masters Determined to be Masters", 37. These weapons allotments from the federal government could be substantial and were probably needed because of some militiamen's alleged carelessness. Consider that in 1840 the United States Army's Ordnance Office notified North Carolina's governor that it was planning to send "about 650 Muskets" to the Old North State for the upcoming year (Lieutenant Colonel G. Talcott to Governor Edward B. Dudley, December 8, 1840, in folder-Correspondence, Petitions, etc., December 1, 1840-December 31, 1840, in Edward B. Dudley Papers, NCDAH). These "United States Muskets" were spread around the state. Some of the militia companies in Sampson County had similar weapons at their disposal (John C. Latta to Robert C. Caldwell, September 14 1831, in folder 1, the David Franklin Caldwell Papers, SHC).

¹⁷⁸ *State v. Michael Wilder*; *State v. Dick*, *State v. Pompey*; all on jury presentment, December

highlights how precarious their clandestine weapons trade was.

Even though these enslaved black arms dealers had a great deal of control over their trade they were not completely self-sufficient. Jack and Dick were essentially serving as the middlemen in an illegal business enterprise that had some other persons at its source. The records are silent as to who that other party was. Perhaps another slave had provided them with their arms, or perhaps some white person did. Regardless of the source these two slaves purchased or otherwise acquired the gunpowder and shot from other people in the Edenton area and then made these goods available to their fugitive slave patrons. This was an important facet to this elaborate illegal trade which relied on multiple people's labor and had black and white participants in both North Carolina's towns and countryside.

Illegal gun dealers like Pompey, Jack, and Dick ensured that many black people who were barred by North Carolina law or their slaveholders from accessing firearms, shot, or gunpowder could still obtain these goods for the right price. These three slaves were certainly not the only group engaged in this business. Anyone looking to sell firearms or ammunition could have found willing customers in North Carolina's larger towns of Elizabeth City, Fayetteville, New Bern, Raleigh, and Wilmington. In 1855 New Bern Intendant of Police John D. Whitford petitioned Governor Thomas Bragg "by request of a number of our citizens" for a more secure arsenal to keep the town's state-issued arms in. "Slaves and free negroes" often stole these weapons and in consequence

Term 1860, in folder- 1816, Criminal Actions Concerning Slaves, 1767-1829, Chowan County Records, NCDAH.

the firearms often ended up “...in the camps of runaways”¹⁷⁹ Some unauthorized persons, whom Whitford identified as free and enslaved people of African-descent, had gained access to the militia’s weapon store much as Pompey had done forty years earlier in Edenton. This was an ironic problem as Whitford noted that “the people and property of this section of the State are put in jeopardy from the fact that [the militia firearms] fall into the hands of negroes and lawless white persons.” The Intendent of Police continued on to tell the governor about a slave who had been shot and killed a few years prior and who was discovered to inexplicably have had a state-owned pistol in his possession at the time.¹⁸⁰

R. W. Haywood, the Adjutant General of the North Carolina Militia, had a different opinion on how local slaves acquired militia weapons, but he did not dispute that these firearms did indeed end up in these black men’s hands. He argued that these firearms “at the disposal of the slaves and free negroes and others” had not in fact been stolen from Edenton’s arsenal but that they had been issued to volunteer militia companies whose officers did not ensure that the weapons were returned when the units were disbanded.¹⁸¹ Despite their disagreement over who was at fault both Whitford and Haywood agreed that state-owned militia weapons were problematically ending up in the hands of unauthorized black North Carolinians.

These concerns that many white New Bern residents had about their safety were considered at the highest levels of state government. Governor Bragg explained the

¹⁷⁹ John D. Whitford to Governor Thomas Bragg, January 15, 1855, Governor Thomas Bragg Letter Book, January 1, 1855-February 28, 1857, pp. 24-25, NCDAH.

¹⁸⁰ *Ibid.*

¹⁸¹ R. W. Haywood to Governor Thomas Bragg, January 23, 1855, Bragg Letter Book, January 1, 1855-February 28, 1857, pp. 25-26, NCDAH.

deplorable condition of the state's arsenals to the Assembly and urged the legislators to address the situation. He warned them that in the present condition of the storage facilities "the arms are scattered about, frequently falling into the hands of slaves, free negroes, and dissipated white people."¹⁸² Many white North Carolinians wanted far greater supervision of the state's slave population but even if the legislature completely banned slaves' access to firearms it could never be a complete solution because of the wide range of black and white actors who stood to benefit from the clandestine firearms market.

Once free and enslaved people of color were armed, whether or not they had their respective county court's permission, there was no guarantee that they would use their firearms for what either many white North Carolinians or the government in Raleigh considered to be constructive ends. This problematic black firearm use was not exclusively the result of mischievous slaves who defied their masters' authority but it was at times directly attributable to the judgment and decision making of slaveholders and other white people. Slaveholders claimed complete control over their bondpeople and they sometimes decided to use their slaves as they saw fit regardless of how their individual desires fit in with North Carolina law. White people's use of their armed black subordinates' labor relied on a degree of trust between a slaveholder and the particular

¹⁸² Governor Thomas Bragg to the North Carolina General Assembly, January 24, 1855, Bragg Letter Book, January 1, 1855-February 28, 1857, pp. 26-27, NCDAH. Interestingly, Governor Bragg was not only concerned with slaves accessing these weapons but wanted to keep them away from all sorts of subordinate and unsavory people including "dissipated white people." The New Bern Intendent of Police had similar concerns about "lawless white persons" acquiring the weapons stolen from the state arsenal. These concerns might point toward the problematic theft and sale of state property more than the buyers' intentions to commit crimes with the weapons because white people who wanted to commit a violent crime had the legitimate means to acquire one, price notwithstanding (*Ibid.*; John D. Whitford to Governor Thomas Bragg, January 15, 1855, Governor Thomas Bragg Letter Book, January 1, 1855-February 28, 1857, pp. 24-25, NCDAH.)

slaves that he or she chose to arm more so than it did the slaveholder's relationship with the General Assembly or respective county court.

Masters who trusted their slaves to provide armed labor could be at odds with the General Assembly's dictates and this sometimes caused friction between the slaveholders, their bondpeople, and state or county authorities. In the late 1850s Bladen County's John T. Councill armed his slaves Hannibal and Ned so that they could guard his rural shop at night. One of the slaves slept in a room adjacent to the business' storeroom and the other slept in a nearby house. Councill had both of them keep their firearms in their respective dwelling.¹⁸³ Someone discovered that Ned and Hannibal had guns and reported them to the authorities. A justice of the peace ordered that the two slaves get twenty lashes each and then be locked in jail. Councill was also fined a total of \$10.00 for arming the pair. The slaveholder disagreed with the justice of the peace's actions and unsuccessfully appealed to the Bladen County Court. Councill sought relief from the county's superior court and while state solicitor to have the case dismissed, the higher court decided in his favor. The superior court declared that Hannibal and Ned had not violated the law because they were only carrying the firearms on Councill's orders and not "willfully, and of their own head."¹⁸⁴

Not to be outdone the county successfully appealed the Bladen Superior Court's decision to the Supreme Court of North Carolina, which reversed it. The Supreme Court took a very strict interpretation of the General Assembly's firearm laws and declared that

¹⁸³ Hamilton C. Jones, *Reports of Cases at Law Argued and Determined in the Supreme Court of North Carolina From December Term, 1858, to August Term, 1859, Inclusive*. Vol. VI. (Salisbury, NC: J. J. Bruner, 1859), 57-58. William L. Saunders, ed. *The Colonial Records of North Carolina*, vol. IX. (1890; repr., Wilmington, NC: Broadfoot Publishing Company, 1993), xxxii.

¹⁸⁴ *Ibid.*, 58.

in this law “the prohibition is expressed in the strongest and broadest terms, and rendered emphatical by the concluding words, ‘*upon any pretense whatsoever*’ and the policy of the provision is so obvious as to require no observations.” North Carolina’s highest court declared in no uncertain terms that Ned and Hannibal could not carry firearms of their own volition and that their master could also not legally order them to do so. The Supreme Court also ruled that Councilll had been unfairly fined, but Ned and Hannibal had broken the law and therefore the magistrate’s decision to have them whipped was appropriate.¹⁸⁵

By the eve of the Civil War the state’s highest court rested more heavily on the letter of the law instead of its faith in individual slaveholders’ decision making. The Supreme Court’s decision to uphold Ned and Hannibal’s punishment was a departure from Justice Edmund Ruffin’s ruling in 1830’s *State v. Mann* which declared that a master’s power should never be usurped by the state because that action could undermine the slave system.¹⁸⁶ Masters like Councilll struggled against the Assembly’s dictates on the appropriate uses of their slaves’ labor. Slaveholders’ wanted to use their bondpeople’s armed labor in personally profitable ways but this could be directly oppositional to the state and local authorities’ interests and could therefore become a source of conflict. The Supreme Court of North Carolina settled the issue via on the state’s behalf and declared in *State v. Hannibal and Ned* that slaveholders could not legally arm their slaves “for any

¹⁸⁵ *Ibid.*

¹⁸⁶ Mark V. Tushnet, *Slave Law in the American South: State v. Mann in History and Literature* (Lawrence, KS: The University of Kansas Press, 2003), 33-34. Ruffin’s point was that if slaves had some recourse to their masters’ orders or punishments then the slaveholders authority would be constantly eroded.

purpose.”¹⁸⁷

Hannibal and Ned’s experience demonstrated how unstable and contentious enslaved black people’s firearm use could be for both black and white people. The two black men followed Council’s orders but the Supreme Court determined that their backs should bear the marks of the state’s displeasure at their master’s decision to arm them.¹⁸⁸ Also, in a justice system that rested heavily upon local prerogatives, slaveholders like Council could sometimes use their slaves’ armed labor contrary to the General Assembly’s laws without problems. The notion of what constituted a crime was unstable and it was generally enslaved people who bore the brunt of the difficulties that arose from that problem.

Finally, while Hannibal, Ned, and the New Hanoverian slaves who killed John Scull’s livestock were operating under their respective masters’ instructions they were employed in labor that was harmful to white people’s property and personal safety. Many white people continued to believe that the threat of armed black people hung precariously over the Slave South like the sword of Damocles, regardless of the Assembly’s efforts to create safeguards. The fact of the matter was that slave laws could never fully protect white North Carolinians from errant slaves because black people themselves resisted these biased and debilitating laws, and because some slaveholders took an individualistic approach to using their slaves’ armed labor despite the disapproval of their peers or the county courts. The Old North State’s communities broadly favored laws that mandated supervision for armed slaves but these laws only worked when slaveholders were

¹⁸⁷ Jones, *Reports of Cases, 1858-1859*, 71.

¹⁸⁸ Genovese, *Roll, Jordan, Roll*, 48.

committed to enforcing them. White people's noncompliance with the law complicated the county court's regulation of black people's firearm use, and when slaveholders deployed their bondpeoples' gun use either selfishly or recklessly they had the potential to threaten the peace in local communities.

Enslaved North Carolinians' legal and illegal firearm use was common in the antebellum period. Firearms were accessible through a variety of both formal and casual venues and enslaved people took up arms for a range of reasons as they sought to make meaningful lives on their own terms. Black North Carolinians' collective experience acquiring and using firearms was often categorized as criminal because it violated the slave society's constraints on their lives. Nevertheless fugitives' armed defiance made it difficult for local white communities to subjugate them and in that process it put both black and white people's lives in danger. On a very basic level these rebels oftentimes broke the General Assembly's firearm laws in an attempt to live more autonomous lives and their resistance forcefully challenged the slave society's lie that people could be property.

Chapter 3

Black North Carolinians' Armed Labor

From the colonial era to the Civil War the General Assembly recognized that armed black laborers were very useful to the state's citizens and started regulating the process by which slaveholders could use their bondpeople's armed labor in an effort to mitigate perceived threats to public safety. The Assembly's increasing regulation of armed black laborers lead to a complete ban on slaves' gun use in 1831, county court oversight of free black people's gun use in 1840, and then the complete elimination of free black people's firearm use in 1861.¹⁸⁹ These measures impacted black North Carolinians' personal lives and restricted how freely they could use their armed labor as well as how others might use it. Firearms held a great deal of symbolic and cultural power in the antebellum South but on a very basic level these weapons were simply tools that could bolster laborers' effectiveness and efficiency. North Carolinians, both male and female, black and white, used firearms for work both within and outside of their households.

Slaveholders in the Old North State used their bondpeople to hunt game for both the master's table and for the slave community. Additionally, free and enslaved workers provided their masters and employers with an armed security presence that countered the threats unwelcome animals and people posed to agricultural fields and other property. Many people believed that slaves' purpose was to unflinchingly provide their masters

¹⁸⁹ *Session Laws of North Carolina, 1831-1832*, (Ch. XLIV, Sec. 1), 34. *Session Laws of North Carolina, 1840-1841*, (Ch. XXX, Sec. I), 61-62. *Session Laws of North Carolina, 1860-1861* (Ch. 34 Secs. 1 and 2).

with labor and consequently, some North Carolinians harnessed this potentially destructive yet subordinate labor for criminal purposes. Armed people of color served in a range of legal and illegal work capacities. Far more important than these benefits that others accrued, African-descended people's armed labor was advantageous to themselves. Through this self-service black North Carolinians claimed control over their own labor even while their firearm use ostensibly remained under white people's oversight. Both free and enslaved people of color used their armed labor to physically protect themselves and other members of their communities from outside threats. Some women of color understood their gender in pragmatic terms that sometimes encompassed firearm use despite the antebellum social views suggesting that firearm use was a male prerogative. Free and enslaved black North Carolinians' armed labor allowed them to improve their lives in myriad ways and further gave them another venue through which they offered social, familial, and economic resistance to a racist and overbearing slave society.

Like their counterparts in other parts of the South, North Carolina's slaveholders put their slaves to work in a number of capacities some of which necessitated the slaves using firearms. This broad application of slave labor reflected the popular views that the General Assembly's guidelines for slaveholders, slaves, and free people of color, could provide appropriate safeguards to prevent armed labor from spiraling into armed rebellion when the guidelines were coupled with local supervision by responsible white people. These labor arrangements for armed black workers were often very useful for slaveholders as thusly equipped workers could complete projects that unarmed laborers would have had far greater difficulty with. For example, New Hanover County's John F. Burgwin petitioned his country court for permission to arm "a negro man slave by the

name of Marcus,” who would then be permitted to carry a gun and hunt wild game on Burgwin’s land.¹⁹⁰ Other slaveholders used slave hunters in order to secure a great deal of their plantation’s meat from the wild which could spare them from needing to butcher their own livestock to feed their bondpeople.¹⁹¹ Burgwin and Woods’ slaves’ armed labor could have greatly reduced their respective masters’ expenses in this regard. Slaves hunted with a range of tools when they could not get firearms but a gun increased the variety of game they could easily kill and this was potentially important for slaveholders with discerning palates and preferences for specific wild species.¹⁹²

Burgwin’s 1805 petition to the New Hanover County Court specified that Marcus’ armed labor would be directed toward hunting but other slaveholders sought and received much broader discretion with regard to how they might employ their armed slaves. Firearms were incredibly versatile tools in agricultural settings and black laborers who were thusly equipped were able to kill agricultural pests that threatened their masters’ fields. Around the turn of the century several North Carolina slaveholders petitioned their county courts for this broad permission to allow an individual slave to “carry a gun” on their lands.¹⁹³ Further, free people of color’s armed labor was also useful and desirable on North Carolina’s farms. A white farmer in Wayne County benefited from a former family slave’s armed labor during the 1830s and 1840s. “Free Willis” lived on an adjacent tract of land and appears to have subsisted on the animals he shot, which would

¹⁹⁰ Burgwin’s bond, New Hanover County Records, NCDAH.

¹⁹¹ Federal Writers’ Project, *Born in Slavery: Slave Narratives from the Federal Writers’ Project, 1936-1938*, North Carolina Narratives, Vol. XI, pt. 2, (United States Works Progress Administration, Manuscript Division, Library of Congress), 418, accessed July 9, 2015, <http://memory.loc.gov/ammem/snhtml/snhome.html> (Alex Woods).

¹⁹² Proctor, *Bathed in Blood*, 149.

¹⁹³ Burgwin’s bond, New Hanover County Records, NCDAH.

have otherwise been left unchecked to eat his employer's crops. The white man wrote a letter of support for Willis' license application, and he did so at least in part because of the personal benefits that he gained from Willis' labor.¹⁹⁴

North Carolina slaveholders armed their bondpeople to protect their standing crops from hungry wild animals, but they also used their slaves' armed labor to protect their agricultural holdings from any roaming domestic livestock and encroaching people in their neighborhoods.¹⁹⁵ This labor was particularly useful because livestock was customarily left unpenned in the antebellum era so that the animals could graze on wild vegetation and therefore not require feed. Armed slaves were further useful because plundering maroons and runaways presented a considerable problem in some parts of North Carolina with sizeable tracts of undeveloped swampy wilderness where the outlaws could live clandestinely.

These black people living on the fringes of society often raided nearby plantations and created a problem that was exacerbated by the tumultuous Civil War but they had a much longer history. Consider that they were so problematic in some eastern counties that during the 1820s the General Assembly was forced to "encourage" citizens' efforts to forcibly eject them from their hiding places in the Great Dismal Swamp.¹⁹⁶ These black outlaws threatened the planters and farmers living in the areas around the swamp and preyed on their agricultural fields, crop stores, livestock, and smokehouses. North

¹⁹⁴ Willis Herring's petition (August Term 1841) in folder- petition of Willis, a free man of color, to use a gun, 1841, Slaves and Free People of Color, no date, 1783-1869, Wayne County Records, NCDAH. 1840 U.S. Census, population schedule, Newhope District, Wayne County, North Carolina, page 207, image 904, Benajah Herring, Willis Herring, digital image, via ancestry.com, accessed July 1, 2015, <http://ancestry.com>.

¹⁹⁵ *Ibid.* *Race, Slavery, and Free Blacks*, North Carolina, 1791, reel 4, frames 00183-00187.

¹⁹⁶ Taylor, *Revisal of the Laws*, Ch. 1164, Sec. 2, 3, and 4, Ch. 1164, Sec. 2, 3, and 4.

Carolina masters put their slaves to work on a variety of projects and it was an obvious decision for some of them to arm their slaves and set them to work defending the slaveholders' valuable crops and livestock, the bulk of which had been produced by enslaved black laborers in the first place.

Bladen County slaveholder Alexander Lammon demonstrated how commonplace this armed defensive labor was when he was on trial for the murder of a young white man in the mid-1820s. Lammon swore that he had armed one of his slaves to protect his watermelon patch from a thieving runaway and that it was this slave who shot and killed the victim. While the slaveholder had almost certainly concocted this story to cover his own role in what appears to have been a cold-blooded murder, Lammon's defense rested upon the premise that it was perfectly reasonable for him to use his slave's armed labor to guard his fields.¹⁹⁷ Lammon's neighbors would not have found this particular application of armed black agricultural labor to be a problem, notwithstanding his slave's alleged shooting of a white man.

North Carolina was a very rural and heavily agricultural state but there were other ways to make a living and slaveholders also used their bondmen's armed labor to protect their nonagricultural interests. During the late 1850s Bladen County slaveholder John T. Councill armed two of his male slaves, Ned and Hannibal, and put them to work guarding his country store.¹⁹⁸ Councill found himself in legal trouble because the General

¹⁹⁷ *Carolina Observer* (Fayetteville, NC) December 9, 1824.

¹⁹⁸ Jones, *Reports of Cases, 1858-1859*, 71. Some enslaved men created a personal code of ethics that was rooted in honor but tailored to function under slavery. Slaves were dissatisfied with their position but historians have argued that some bondpeople nevertheless felt "obliged by their condition to labor for their owner" and that "...given their predicament, there was an honorable way of surviving it, and it was their duty to find that way and live it." Nathan Huggins explains that this was not the slave's adherence to the biblical charge that they obey their masters but was the slaves' inward focus on the performance of

Assembly had banned slaves' firearm nearly three decades prior. The storekeeper fought the justice of the peace's decision and won the favor of the Bladen County Superior Court. The higher court agreed that slaves could not take up firearms on their own accord, but the judges appeared reluctant to limit the ways that Councilll could use his bondmen's armed labor for his own benefit. Ultimately the Supreme Court of North Carolina determined that the slaveholder was wrong to arm his slaves and that Hannibal and Ned had been appropriately punished because the 1832 law meant that "a master cannot now arm his slave for *any* purpose."¹⁹⁹

The previous examples highlight that white North Carolinians were able to use black subordinates' armed labor because many of the state's legislators and white residents understood that slaves could be entrusted with firearms as long as they were appropriately supervised. This situation was complicated after the Assembly banned slaves' firearm use in response to Nat Turner's violent freedom struggle in neighboring Virginia. Nevertheless, armed black laborers' sheer utility ensured that some North Carolina slaveholders would use them even when the use of such labor transgressed social and legal boundaries. Hillsborough slaveholder Alex Mebane described his runaway slave Harry as a "good gun-smith" and offered a \$20.00 reward for the fugitive's capture.²⁰⁰ While Harry was not necessarily using the weapons he had access to them and was very good knowledge about both their function and repair. His

one's duty regardless of what that duty was. At times enslaved people protected their masters' property or passed up opportunities to flee. This decisions were pragmatic. Huggins might have given greater consideration to the threats that slaves faced for failing to meet their masters' expectations but his point is nevertheless compelling. (Nathan Irvin Huggins, *Black Odyssey: The African-American Ordeal in Slavery* [New York: Vintage Books, 1990], 234-235, 236-237).

¹⁹⁹ Jones, *Reports of Cases, 1858-1859*, 59. The emphasis is my own.

²⁰⁰ *Carolina Watchman* (Salisbury, NC) August 17, 1844.

particular skillset would have been invaluable to any maroons and other runaways he encountered and chose to assist.

John T. Council was able to avoid any significant legal penalty, but he had made the choice to flout the law when he armed his slaves and put them to work guarding his store. Other slaveholders similarly sidestepped the General Assembly's dictates. When Beaufort County planter William Tripp left home during the Civil War to serve with a coastal artillery battery, he entrusted his slave Roden to look after the plantation's operations. Tripp valued Roden's armed labor and chose to violate North Carolina law in order to use it. Nevertheless, Roden managed the plantation's daily operations during Tripp's absences and in a sense he became the *de facto* head (at least as far as labor was concerned) of the household where his master's wife and their young children remained. The artillery officer relied on Roden's decision making and armed labor to protect the plantation's production from thieving black and white people in the neighborhood, much as Tripp himself had done before he left to fight for the Confederacy.

Despite Roden's increased responsibilities his relationship with Tripp remained rooted in a fundamental imbalance of power. His experiences as an armed laborer were similar to Free Willis' hired work, in this regard. Both black men-- one free and the other a slave albeit during extraordinary circumstances-- enjoyed a modicum of personal freedom and other benefits on account of their armed labor, but their work ultimately served to bolster white men's social and economic endeavors and was further dependent upon white men's permission. Tripp had faith in Roden, but he ultimately understood as a slave who was subordinate by his very definition and who only operated under his master's orders, however broad they might have been.

Many slaveholders illegally armed their bondpeople to put them to work on a variety of otherwise legitimate tasks. For instance, both John Councill and William Tripp wanted their respective slaves to guard property in what was otherwise a perfectly suitable use of slave labor. These slaveholders only broke the law when they decided to arm their bondmen in order to better complete these tasks. These actions stand in stark contrast however with the white people who took a broad view of armed black laborers' applicability, and who therefore chose to put armed black laborers to work on far more destructive criminal endeavors. Despite antebellum Southerners' concerns about unchecked black violence some white people pushed the utility of armed black labor to the extreme. Recall for instance John G. Scull's agricultural dispute with his neighbors over his roaming livestock in New Hanover County. Scull's absentee neighbors armed their slaves to shoot his cattle and hogs when the animals trampled the neighbors' standing crops, which they had not fenced in as the law required.

These neighbors illegally deployed their slaves' armed labor. The enclosure law specifically prohibited farmers who did not fence their fields from making any effort to "unreasonably chase, worry, main or kill" roaming livestock that damaged their crops or from allowing their laborers to do so.²⁰¹ Also consider Virginia's Willoughby Foreman's hiring of two enslaved men to kill Camden County shopkeeper Henry Culpepper over a land dispute in 1823. Foreman had no qualms about providing the slaves with a loaded shotgun specifically for this purpose.²⁰² These examples of blatant crimes highlight the

²⁰¹ *Session Laws of North Carolina, 1777*, (Ch. 22, Secs. II, III, and IV), 245.

²⁰² *State v. Willoughby Foreman et als*, unsigned petitioner to Governor Gabriel Holmes, August 1, 1824, in folder- Miscellaneous Correspondence (Nov., 1824-Jan., 1825), General Assembly Session Records, Nov., 1824 – Jan., 1825, NCDAH.

broad utility of black people's armed labor and the dubious intentions with which some white North Carolinians approached it.

White people found armed black laborers to be highly useful for both legal and illegal work but black North Carolinians' also used firearms for work that benefited themselves and their broader communities. Remember that Free Willis' armed labor provided his white neighbor with a service but it alternatively allowed Willis to hunt for his own subsistence. Further, some slaves could direct their armed labor in a similar fashion and thereby bypass cheap slaveholders and keep food on their tables. This armed labor provided crucial support for some enslaved families and communities and it allowed some bondpeople to address what was a very real problem on some of the Old North State's plantations. Harriet Jacobs noted that in the mid-1830s on the Chowan County plantation where she was raised each of the male slaves received a weekly allowance of only three pounds of meat, about eight quarts of corn, and "perhaps" a dozen herring. She added that enslaved women received a similar allotment but with only a pound and a half of meat and that all of the children under the age of twelve received half of the women's allotment. Enslaved men and women in this situation would have been forced to look elsewhere for food. Jacobs was fortunate in that when she was a child her free grandmother was able to provide her with additional food and a "scanty wardrobe." Enslaved black people's armed labor would have been invaluable under circumstances such as these.²⁰³

Additionally, North Carolina slaveholders sometimes withheld even these meager provisions from slaves whom they believed were no longer productive. Jacobs noted that

²⁰³ Jacobs, *Incidents in the Life*, 7-8, 104.

at a ration distribution one week “a very old slave” who had faithfully served three successive generations of their master’s family “...hobbled up to get his bit of meat” and their mistress frankly told him that “he was too old to have any allowance.” She firmly believed that “...when niggers were too old to work, they ought to be fed on grass.”²⁰⁴ In their mistress’ estimation this elderly slave was no longer worth the food needed to keep his aging body alive, despite his previous years of service. Jacobs does not elaborate on this incident but consider that if their master even occasionally denied this aged slave his food allotment he would likely have had to rely upon the slave community’s good graces in order to survive.

Of course other North Carolina slaveholders were more attentive to their slaves’ dietary needs. Catawba County slave W. L. Bost was much more fortunately situated than the slaves on Jacobs’ plantation. He recalled that “Ole Massa always see that we get plenty to eat. O’ course it was no fancy rashions. Jes corn bread, milk, fat meat, and ‘lasses.” Bost explained that he was very grateful for this routine allowance because “the Lord knows that was lots more than other pore niggers got. Some of them had such bad masters.”²⁰⁵ Nevertheless, the slaves on plantations like the one W. L. Bost grew up on could have used firearms to reclaim some of their labor potential from their masters, and they could also have added variety to the otherwise repetitive and mundane rations received.

Slaveholders who deliberately underfed their bondmen were not merely a problem

²⁰⁴ *Ibid.*, 104.

²⁰⁵ Federal Writers’ Project, *Born in Slavery: Slave Narratives from the Federal Writers’ Project, 1936-1938*, North Carolina Narratives, Vol. XI, pt. 1, (United States Works Progress Administration, Manuscript Division, Library of Congress), 141, accessed July 9, 2015, <http://memory.loc.gov/ammem/snhtml/snhome.html> (W. L. Bost).

on North Carolina's farms and plantations, but tightfisted masters could be found in urban spaces as well. Lunsford Lane noted that he provided much of his family's needs himself. His wife Martha was a domestic slave in Benjamin Smith's Raleigh household and she worked under terrible conditions. Lane recalled that Smith, a merchant and leader in the Methodist Church, "withheld from her and her children, the needful food and clothing, while he exacted from them to the uttermost all the labor they were able to perform." The cheap slaveholder begrudgingly provided Lane's family with food that "amounted to less than a meal a day, and that of the coarser kind."²⁰⁶ Lane was fortunate in that he had a highly marketable skill. His father had taught him a particularly appealing way to prepare smoking tobacco and Lane also crafted specialty pipes to smoke it. He kept up a very lucrative business selling his specialized products and counted several members of the General Assembly among his patrons. Though these business relationships Lane became well known "in many parts of the State, as a tobacconist" and earned an impressive income.²⁰⁷ Lane could afford to purchase the additional food and clothing that his family needed but he was quite exceptional in this regard.

Unlike the inventive Lunsford Lane most enslaved North Carolinians would have needed to take more direct action to acquire supplemental food, whether with or without

²⁰⁶ Lane, *Narrative of Lunsford Lane*, 10-13. Frederick Douglass' experiences in Baltimore taught him that the scrutinizing eyes of neighbors encouraged slaveholders in towns to take better care of their slaves. He noted that "every city slaveholder is anxious to have it known of him, that he feeds his slaves well; and it is due to them to say, that most of them do give their slaves enough to eat. There are, however, some painful exceptions to this rule" (Frederick Douglass, *Narrative of the Life of Frederick Douglass, an American Slave* [1845; repr., New York: Signet Classic, Inc., 1968], 35). If Raleigh's slaveholders operated under the same guidelines as those in Baltimore one can assume that Smith's callousness was probably exceptional.

²⁰⁷ *Ibid.*, 9-10, 15-16.

their masters' consent. Alex Woods' father, Major Woods, hunted with a firearm on their master's Orange County plantation. The elder Woods "was a good hunter an' he brought a lot o' game to de plantation..." Alex proudly remembered his father's hunting prowess and recounted that Major "killed deer and turkey. All had plenty o' rabbits, possums, coons, an' squirrels" to eat.²⁰⁸ Major's quarries were cooked in the plantation's "great house" and were then divided among all of the slaves and perhaps the white Woods family as well. The elder Woods was hunting with his master's permission but this did not lessen his labor's impact on the plantation community.

The food that Major acquired for his fellow laborers was also important to him for a more personal reason. It allowed him to assume the "patriarchal mantle of provider" and thereby affirmed his manhood, which the institution of slavery and his master had otherwise deeply circumscribed. The Woods' master had sold Major's first wife away from the plantation, perhaps making him a victim of one of the over 300,000 interstate slave sales that divided a nuclear family.²⁰⁹ Their master saw Major Woods' hunting as another means to extract productive labor from his slave and by which the slaveholder saved money and livestock he would otherwise need to put toward his slaves' diets but it was worth far more than that to Major and the enslaved people in his community.

Other slaveholders were less amenable to their slaves' hunting than the Woods' master was. Their slaves would sometimes take the initiative and use their armed labor to provide for their communities regardless of the slaveholder's feelings on the issue. Wake

²⁰⁸ Woods, *Born in Slavery*, 418.

²⁰⁹ Proctor, *Bathed in Blood*, 157. Woods, *Born in Slavery*, 418. Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge, MA: Harvard University Press, 1999), 19. It is not clear that Major Woods' wife was sold out of state but she was very clearly no longer a fixture in Major's life. Alex recalled that his father's first wife "wus sold from him" and the he remarried. Alex Woods was born of this second marriage (Woods, *Born in Slavery*, 418).

County's George Rogers told a Works Progress Administration interviewer that the slaves on his childhood plantation went out to shoot "squirrels, turkeys, an' wild game" without bothering to get their master's explicit permission to do so. They would wait for their master to leave the plantation and then some of the slaves "stole de guns" and then "went to de woods huntin'." The chronology in Rogers' interview is difficult to follow but these secretive hunting trips appear to have taken place during the Civil War.

The enslaved men on this Wake County plantation had an easier time borrowing their master's firearms than many other slaves would have had because their master "would come back drunk" at times and "would not know, an' he did not care nuther, about we huntin' game."²¹⁰ Rogers stated that his master did not care that his slaves had unsupervised access to his guns but this might not have been completely true. After all, Rogers admitted that his peers were discrete about their hunting excursions. Whatever his master's actual opinion of the slaves' hunting trips many of the other white people in their neighborhood would have been troubled by this situation. Armed slaves and lenient slaveholders caused some consternation in many neighborhoods. Consider for instance that former Johnston County slave Maggie Mials' master, Tom Demaye, "allowed his slaves to visit, have prayer meetings, hunt, fish, an' sing and have a good time when de work was done" and that she remembered these privileges prompting some white neighbors to scornfully refer to the Demaye slaves as "Old Man Demayes damn free

²¹⁰ Federal Writers' Project, *Born in Slavery: Slave Narratives from the Federal Writers' Project, 1936-1938*, North Carolina Narratives, Vol. XI, pt. 2, (United States Works Progress Administration, Manuscript Division, Library of Congress), 225, accessed July 9, 2015, <http://memory.loc.gov/ammem/snhtml/snhome.html> (George Rogers).

niggers.”²¹¹ This would have been particularly irksome to many of the white people in George Rogers’ neighborhood if it had indeed occurred during the war.

North Carolina slaveholders legally and illegally used free and enslaved black North Carolinians’ armed labor for the benefit of individual white people and their families. Some of the state’s towns also recognized armed black laborers’ utility and employed gun-toting free black people for some menial public labor projects. Consider the work performed by Claiborne Wiggins in Raleigh. Constable Frederick Moore hired this “colored man” in 1828 to assist him in keeping the town’s dog population under control.²¹² Moore and Wiggins’ job was very straightforward-- find the unlicensed dogs that roamed the streets of the state’s capital and shoot them.²¹³ The large numbers of roving and semi-domesticated dogs were a real concern and Wiggins had been at it for at least several days. In some locations three-fourths of them were alleged to be owned “by the negroes” and one newspaper derisively remarked that “very few... are of any value.” The dogs killed people’s livestock and also spread rabies in both the state’s incorporated towns and in the countryside.²¹⁴

²¹¹ Federal Writers’ Project, *Born in Slavery: Slave Narratives from the Federal Writers’ Project, 1936-1938*, North Carolina Narratives, Vol. XI, pt. 2, (United States Works Progress Administration, Manuscript Division, Library of Congress), 110, accessed July 9, 2015, <http://memory.loc.gov/ammem/snhtml/snhome.html> (Maggie Mials).

²¹² *Raleigh Register, and North-Carolina Gazette* (Raleigh, NC), July 29, 1828. The *Raleigh Register* listed his names as “Cooley Wiggins” but this was likely a nickname. The census recorded a free man of color named Claiborne Wiggins living with his wife and four young dependents in area (1830 U.S. Census, population schedule, Bufalloe District, Wake County, North Carolina, page 424, no image number, Claiborne Wiggins, digital image, via ancestry.com, accessed June 9, 2015, <http://ancestry.com>).

²¹³ The job killing these unlicensed dogs had been initially permitted by an 1817 state law. The General Assembly believed that “the number of dogs kept in the towns... as well by slaves as by free persons, have so increased as to render them a nuisance, and greatly increase the danger of the dreadful malady Hydrophobia [rabies].” This Assembly therefore empowered the town commissioners to impose an annual tax on dogs and to either sue dog owners who did not pay it or to “order [the dogs’] destruction as they may think fit.” (*Laws of the State of North-Carolina, Enacted in the Year 1817*, [Chap. XXVI. Secs. I and II], 25. *Newbern Sentinel* [New Bern, NC], June 8, 1828).

²¹⁴ *Newbern Sentinel* (New Bern, NC) May 31, 1828. *Carolina Federal Republican* (New Bern,

Wiggins' employment shooting Raleigh's stray dogs was certainly useful and perhaps even nominally important but it nevertheless paled in comparison to the militia's practical and symbolic importance, which helped to enshrine militia duty as a constitutive element of white men's exclusionary masculine identity. Many white North Carolinians were averse to actually carrying out this gruesome and dirty work that Wiggins was hired to do. The *Newbern Sentinel* commented that hunting down and killing stray dogs was "a duty that few like to undertake."²¹⁵ Wiggins' armed labor was completely subordinate to Raleigh's constable and also undesirable to many people with better employment options but it was also unremarkable and only appeared in the newspapers because of an unfortunate accident. While on the job one day Wiggins fired at an unlicensed dog but missed. His shot ricocheted off of a post and then struck a white woman in a nearby yard who Wiggins' apparently did not see when he fired. The bystander's wounds presented a "distressing appearance" but were not life threatening.²¹⁶ Claiborne Wiggins' armed public labor was not otherwise noteworthy to white North Carolinians. He was simply one of many black people whose marketable armed labor allowed them to provide for their families.

The Assembly and many white North Carolinians believed that African-descended people's armed labor was different and subordinate to white men's idealized form, which was rooted in their gendered defense of their social and political communities. The Assembly removed free black North Carolinian men from the militia by 1823, officially

NC) February 22, 1817. *Raleigh Register*, and *North-Carolina Gazette* (Raleigh, NC) July 29, 1828. *The Star*, and *North-Carolina Gazette* (Raleigh, NC) July 30, 1819.

²¹⁵ *Newbern Sentinel* (New Bern, NC) May 31, 1828.

²¹⁶ *The Carolina Federal Republican* (New Bern, NC) February 22, 1817. *Raleigh Register*, and *North-Carolina Gazette* (Raleigh, NC) July 29, 1828.

disenfranchised them in 1835, and thereby denied them the full mantle of citizenship that white men claimed for themselves.²¹⁷ This constructed inequality of each group's armed labor was manifested on North Carolina's farms and in menial armed labor in the public sector. Returning to the example of Free Willis and his employer, both men benefited from the free black man's vermin hunting, but Willis held the subordinate position in their transactional relationship. Additionally the free black man understood that his firearm use was only possible at white people's pleasure. Not only did Willis apply for a license in accordance with North Carolina law but he also voluntarily surrendered his weapon to a white neighbor during a "Negro rising" and the white man retained possession of the firearm until the perceived danger passed.²¹⁸ Free Willis' gun allowed him to feed himself but that did not mitigate his subordinate and ultimately dependent position. This was not lost on him or anyone else in his community.

George Rogers' fellow slaves took their master's firearms and hunted game to provide for their community but slaveholders also harnessed their black subordinates' labor for their own sport hunting excursions and on these trips the white hunters maintained a racially stratified and hierarchical division of labor. Hunting was one of Southern men's quintessential gendered performances. This was especially true for leisurely men of means. They did not see hunting as labor but as a sport and a venue through which they might display their manly skills. These hunters were financially

²¹⁷ Taylor, *A Revisal of the Laws*, Ch. 1219, Sec. 1. *Journal of the Convention...to Amend the Constitution of the State, Art. I, Sec. 3, § 3*. Franklin, *The Free Negro*, 120. My focus is on the antebellum era but colonial constructions of black manhood need more work. Some colonial black men voted, served in their local militia companies, and hunted without need of a license. These men were not completely unfettered but they had far greater opportunities than their sons and grandsons would later enjoy.

²¹⁸ Willis Herring's petition (August Term 1841) in folder- Petition of Willis, a free man of color, to use a gun, 1841, Slaves and Free People of Color, no date, 1783-1869, Wayne County Records, NCDARH.

comfortable and unmotivated by subsistence. Some of them even gave their quarry away to less fortunate members of their community, which both affirmed and publically displayed their own elite status.

Both black and white men of means focused on the sporting and social aspect of hunting. This performance of independence and manhood was probably of even greater importance to the free black men who chose to embrace it than it was for white men of similar socioeconomic standing because the General Assembly's laws and local social customs harshly circumscribed black men's ability to live as white men did.²¹⁹ This was wholly dissimilar from the "entirely uneducated, poverty-stricken vagabonds" in North Carolina's turpentine forests whom Frederick Law Olmsted noted raised "a little corn, and possibly a few roods of potatoes, cow-peas, and coleworts...own a few swine... and pretty certainly, also, a rifle and dogs; and the men, ostensibly, occupy most of their time in hunting."²²⁰ White Olmsted painted an extreme picture of North Carolinians living on the margins both black and white people in lower socioeconomic positions hunted out of necessity.

Hunting trips offer insight into how many white men understood black people's firearm related labor as separate and ultimately subordinate to their own. Historian Nicolas Proctor's work demonstrates that white hunters brought subordinates along on hunting trips in order to bolster their own manhood and to serve as witnesses for their

²¹⁹ A free man of color in Natchez, Mississippi named William Johnson was an avid hunter who owned an impressive collection of firearms and who enjoyed taking hunting trips with both his black and white friends, his sons, and his apprentices (Edwin Adams Davis and William Ransom Hogan, *The Barber of Natchez* [Baton Rouge, LA: Louisiana State University Press, 1954], 69-72, 76).

²²⁰ Proctor, *Bathed in Blood*, 55-57. Frederick Law Olmsted, *A Journey in the Seaboard Slave States; with Remarks on Their Economy* (New York: Dix and Edwards, 1856), 348-349.

prowess and skill, which were inseparably both masculine and white.²²¹ In 1833 a white hunter who boldly styled himself “Natty Bumpo” shared a hunting trip in Brunswick County to the readership of *American Turf Register and Sporting Magazine*. This particular hunting party consisted of “five gentlemen and a youth” and the writer very briefly noted that there was at least one other person present: a “servant” who looked after the white men’s horses while they mounted their hunting stands.²²² Wake County farmer Alonza Hodge similarly used subordinate black labor on his leisure hunting trips. When Hodge went squirrel hunting he would bring along both his young son and a similarly aged young slave who belonged to Hodge’s wealthy father-in-law. He would shoot the squirrels and then amuse himself in watching as the two boys raced each other to retrieve his kills.²²³

White women sometimes accompanied social hunting parties albeit generally when they were young and unmarried. These young women were still “poised on the brink of womanhood” and serving a mostly social function and they therefore did not pose a threat to the otherwise masculine enterprise.²²⁴ Similarly, the enslaved black auxiliaries who attended their masters on hunts were there as outsiders. They were brought along to perform labor and managed the parties’ horses and dogs, prepared refreshments, carried equipment, retrieved the hunters’ kills, et cetera. These white

²²¹ Proctor, *Bathed in Blood*, 53-54.

²²² J. S. Skinner, ed., *American Turf Register and Sporting Magazine*, vol. IV., no. 4. (Baltimore, MD: J.S. Skinner, 1833), 305-306.

²²³ Federal Writers’ Project, *Born in Slavery: Slave Narratives from the Federal Writers’ Project, 1936-1938*, North Carolina Narratives, Vol. XI, pt. 1, (United States Works Progress Administration, Manuscript Division, Library of Congress), 242, accessed July 9, 2015, <http://memory.loc.gov/ammem/snhtml/snhome.html> (W. Solomon Debnam). 1850 U.S. Census, population schedule, Cross Roads, Wake County, North Carolina, page 148A, image 300, Thomas R. Debnam; 1860 U.S. Census, population schedule, North Eastern Division, Wake County, North Carolina, page 437, image 441, A. R. Hodge, both digital images via ancestry.com, accessed June 9, 2015, <http://ancestry.com>.

²²⁴ Proctor, *Bathed in Blood*, 52-53.

women and black men may have served different roles, but they were all merely accessories to the white hunters' manliness.

Many slaveholders had no qualms about deploying their bondpeople's armed labor in supporting roles on hunting trips or taking individual slaves target shooting because they were able to downplay those slaves' actions. Those bondpeople were not acting on their own accord but much like the laborers who accompanied hunting trips, they were merely present as extensions of their masters' wills.²²⁵ These subordinates' owners employed them to demonstrate the slaveholders' wealth, to provide labor, and sometimes company but they were not necessarily meant to enjoy the labor as sport. The armed bondmen were also supervised on these hunts as a precaution that many white North Carolinians expected from both the slaveholders in their neighborhoods and the county courts and the Assembly.

Slaveholders deployed their slaves' armed labor for a variety of jobs including the defense of white people's property and alternatively both free and enslaved people of color used their defensive labor for their own purposes. George Rogers' plantation mates and Major Woods used their firearms to hunt for their families and communities and while this masculine provider role was a common aspect of antebellum manhood some black people also deployed a "heroic masculinity" to protect themselves and others from

²²⁵ The commonplace occurrence of these hunting and target shooting trips make them difficult to trace. For instance, a seventeen year old white Virginian named George Walker took a slave on a target shooting trip that was only noteworthy because Walker stepped in front of his companion while "the negro boy" was firing at a target. Walker "received the contents of the gun in the back of his head" and later succumbed to the injuries. If the target shooting trip had not become "another of those dreadful accidents resulting from the careless use of fire-arms" it would have passed unrecorded (*Raleigh Register; and North-Carolina Gazette* [Raleigh, NC], September 5, 1843).

white people's intrusions into their lives.²²⁶ Many different forms of resistance were central to enslaved peoples' lived experiences and they could turn their armed labor into a defensive force that could discourage white people from hunting them down, which could provide them with some practical autonomy.

Patrollers and slave catchers were on dangerous ground when they pursued these armed black fugitives. The defiant slaves used their firearms to foil their pursuers' plans and sometimes killed them. Consider the white men who attempted to flush a band of runaways out of the descriptively named "Big Swamp" between Robeson and Bladen Counties in the summer of 1856. The runaways were unimpressed with the patrol's efforts and decided to fight for their homes instead of fleeing. They shot down one of the white men and the others quickly retreated. The wounded man succumbed to his wounds the next day and his community later called on the governor to provide state assistance to drive the runaways out of Big Swamp.²²⁷ That maroon community's armed labor created their illegal homes and it was only through their continued diligent labor that they were able to maintain them.

Physical resistance was a calculated risk for enslaved people and an impractical option for most of them. This was especially the case for those who remained on their master's plantation and within his or her disciplinary reach because both the government and individual white citizens responded to violent slave resistance with swift, broad reaching, and often heavily disproportional brutality. Nevertheless, some North

²²⁶ Rebecca Fraser, "Negotiating Their Manhood: Masculinity Amongst the Enslaved in the Upper South, 1830-1861" in *Black and White Masculinity in the American South, 1800-2000*, eds. Lydia Plath and Sergio Lussana (Newcastle, United Kingdom: Cambridge Scholars Publishing, 2009), 76.

²²⁷ Richard M. Lewis and other Bladen County residents to Governor Thomas Bragg, August 25, 1856, in folder- Correspondence, Petitions, etc., August 1, 1856-August 31, 1856, Bragg Papers, NCDAH. *Fayetteville Observer* (Fayetteville, NC), August 18, 1856.

Carolinian slaves deployed their armed labor to protect their families and communities from outside threats. Black people's defensive labor was very practical in this sense but it was also intractably intertwined with notions of honor, especially for black men who had difficulty maintaining honor in the antebellum Southern context. White men were devoted to maintaining their own personal honor, which was only accessible to those people who were able to defend it from challengers.²²⁸ This was incredibly difficult for all antebellum black men and especially so for slaves. As Kentucky runaway-turned-abolitionist Lewis Clarke noted in 1842 "A SLAVE CAN'T BE A MAN. He must be made a brute; but he an't a brute, neither, if he had a chance to act himself out." Clarke also advocated for a "heroic masculinity" that was rooted in resistance to enslavement and mistreatment, much in the spirit of black abolitionists David Walker and Frederick Douglass.²²⁹

The defense of honor was necessarily public and performative. While men of different socioeconomic statuses often embraced their own methods through which to maintain their honor these formulaic rituals were simply different means to the same ends. As such, elite white men's polished duels served the same purpose as "Tennessee hog-drivers'" eye-gouging brawls and as young Frederick Douglass' epic fistfight with the "nigger-breaker" Edward Covey.²³⁰ Men's honor was rooted in the public perception

²²⁸ Sylvia D. Hoffert, *A History of Gender in America* (Upper Saddle, NJ: Pearson Education, Inc., 2003), 169-170. Greenberg, *Honor & Slavery*, 25.

²²⁹ Lewis Clarke, "Leaves from a Slave's Journal of Life" in *Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies*, ed. John W. Blassingame (Baton Rouge: Louisiana State University Press, 1977), 158. Fraser, "Negotiating Their Manhood", 76.

²³⁰ Bertram Wyatt-Brown, *Southern Honor: Ethics & Behavior in the Old South* (New York: Oxford University Press, 1982), 34-35, and 350. The North Carolina legislature outlawed dueling in 1802 after former governor Richard Dobbs Spaight was shot and killed in one but the practice continued sporadically until at least the 1850s (Johnson, *A Social History*, 43-46).

of how well they performed their socially constructed gender role. Those men who wished to be seen as honorable had to both display and defend meticulously crafted public versions of themselves. These displays were one of the central pillars of Southern white manhood.²³¹

Honorable men's self-fashioned personas, or "masks," had to be maintained beyond reproach but this was not always an easy feat for most black men who chose to embrace this particular gendered construction because even free men of color could be forcibly subjected to white people's whims. The North Carolina Supreme Court decided that a free black man could strike a white man to protect himself from "great bodily harm or grievous oppression" but that he could not "return blow for blow, and engage in a fight with a white man, under ordinary circumstances, as one white man may do with another, or one free negro with another..."²³² Historian Kenneth Greenberg noted that in Southern society:

...the difference between having and not having honor was the difference between having and not having power. The man of honor was the man who had the power to prevent his being unmasked. Anyone could unmask the dishonored. For those who aspired to honor, what you wore mattered less than whether you could and would risk your life to repel any man who tried to remove what you wore.²³³

An honorable man was expected to take offense when anyone questioned the mask that he created for himself. Many men who felt that they had been slighted or unjustly treated would risk injury or even death in an attempt to force their detractors to make amends.

²³¹ Kenneth S. Greenberg, *Honor & Slavery: Lies, Duels, Noses, Masks, Dressing as a Woman, Gifts, Strangers, Humanitarianism, Death, Slave Rebellions, the Proslavery Argument, Baseball, Hunting, and Gambling in the Old South* (Princeton, NJ: Princeton University Press, 1996), 25.

²³² Franklin, *The Free Negro*, 93-94. Hamilton C. Jones, *Reports of Cases at Law Argued and Determined in the Supreme Court of North Carolina From December Term, 1859, to August Term, 1860, Inclusive*. Vol. VII (Salisbury, NC: J. J. Bruner, 1860), 53.

²³³ Greenberg, *Honor & Slavery*, 25.

White men had much easier access to this honorific posturing and the prerequisite recourse to defensive labor that undergirded it than black men did.

Generally, black North Carolinians could be easily unmasked but some of them nevertheless resisted encroachment and used their armed labor to defend their honor. A fifteen year old Wilmington slave named Charles killed his brother Adonis over just such an offense in 1844. The teenaged slave's story rests on second and third hand accounts, but his crime can nevertheless be understood as an affair of honor wherein Charles used his armed labor to protect his mask from his brother's encroachment. When the Wilmington authorities took Charles into custody he told them that he "could not help" but shoot Adonis because his nearly thirty year old brother "had beat him." The records are silent as to why Adonis disciplined Charles but it might have been related to the younger brother's known involvement with a gang of "boys" who robbed stores and houses around town. Their slaveholder testified that neither he, his wife, nor his daughters had ever harshly disciplined the fratricidal slave.²³⁴ Perhaps Charles rejected his older brother's authority to do so and was willing to deploy his armed labor to prevent his being unmasked.

This application of armed labor to defend honor was not solely a male prerogative although many antebellum men would likely have understood it as such. Black women also took up firearms in defense of themselves and their families. Society gave men, especially white men, wide discretion with regard to how they treated their subordinates

²³⁴ Wilmington Town Commissioners' Resolution, May 16, 1844; and Platt K. Dickinson to Governor John M. Morehead, May 10, 1844; both in folder- Correspondence, Petitions, etc., May 1, 1844-May 30, 1844, Morehead Papers, NCDAH. 1840 U.S. Census, population schedule, Wilmington, New Hanover County, North Carolina, page 7, image 20, P. K. Dickinson, digital image, via ancestry.com, accessed June 9, 2015, <http://ancestry.com>.

and they physically and sexually assaulted black women who had little or no legal recourse to the abuse. At times black women used their armed labor to resist this harsh treatment. Consider that Harriet Jacobs' grandmother Molly Horniblow had a reputation for fiercely defending her relatives.²³⁵ She was known to be a "woman of a high spirit" and once used a loaded pistol to chase off a white man who had "insulted" one of Jacobs' aunts. Jacobs related this story in the context of her own master making unwanted sexual advances toward her while she was in her mid-teenaged years and thereby suggested that a similar incident sparked this pistol-wielding incident. Horniblow had assumed a protective role over the family and this was particularly important for Jacobs because both her mother and father were deceased.²³⁶

Molly Horniblow is one of the most prominent examples of a woman of color using armed labor to her benefit but she was not alone. Enslaved women were subjected to a range of physical, sexual, and mental abuses from their masters and other people and some of them responded to the mistreatment with force. Further, enslaved peoples' relationships with each other were oftentimes as complicated as their relationships with their masters. Slaveholders often forced their slaves into "marriages" with reproduction and financial gain in mind and not their bondspeople's desires. These unwanted partnerships were sometimes sites of violence as "both husband and wife must have taken out some of their frustration on a spouse or child."²³⁷ An enslaved woman named Charity attempted to shoot her master in 1822. When Charity was taken into custody she

²³⁵ Jacobs, *Incidents in the Life*, 7-8.

²³⁶ *Ibid.*, 3, 6-7, 29. Greenberg, *Honor & Slavery*, 38.

²³⁷ Sally G. McMillen, *Southern Women: Black and White in the Old South* (Arlington Heights, IL: Harlan Davidson, Inc., 1992), 34.

admitted to the authorities that she broke into William Patterson's Randolph County house after dark, took his gun, loaded it, and then hid under his bed. Patterson returned home and crawled into bed and his slave waited for him to fall asleep. Charity then emerged from her hiding place and opened fire but despite her careful planning Patterson managed to survive the attack.²³⁸

White men posed a multifaceted threat to black women's lives but black men infringed upon them as well and women of color consequently directed their armed defensive labor against black men as well. The year after Charity's failed murder attempt Lenoir County resident William Gaston, Esq.'s slave Eliza was alleged to have shot one of his male slaves in the back of the head and thereby killed him instantly. The slaveholder sought to have the trial moved to a neighboring county because he believed that the victim was "much esteemed" by other people in the neighborhood and that Eliza was "almost as much disliked." Finally, Gaston swore that "many stories have been put into circulation, the truth of which is at least questionable, calculated to prejudice the public mind against the prisoner."²³⁹ The historical records are silent as to why Charity and Eliza assaulted their victims but their doubly disadvantaged positions as black women in the antebellum South leave much room for reasonable speculation as to why they might have felt the need to deploy their armed labor against some of the male members of their communities.

²³⁸ *State v. Charity, a slave*, jury presentment (October Term 1822); Charles Patterson's affidavit (October 2, 1822); and Lytle Johnson's affidavit (October 3, 1822), all in folder- Criminal Actions Concerning Slaves and Free People of Color 1822-1838, Records of Slaves and Free Persons of Color, Criminal Action Papers, 1788-1869, Randolph County Records, NCDAH.

²³⁹ *State v. Negro Lizzy/State v. Negro Eliza*, jury presentment (March Term 1823); William Gaston's affidavit (April 15, 1823); both in folder- Criminal Actions Concerning Slaves and Free People of Color, 1823-1826, Criminal Actions Concerning Slaves and Free Persons of Color, 1781-1839, NCDAH.

In the antebellum period labor was often performed along heavily gendered lines. There was some flexibility in this for those people who lived under challenging economic conditions or outside of the dominant social constructions. White male hunters expected white women to be casual subordinates on hunts but women from economically struggling families would have made far more practical decisions in their personal lives about what types of labor they undertook. The Assembly recognized that women of color labored differently than many white women did and it therefore explicitly framed the 1840 firearm licensing law to apply to both men and women of color. This was a deliberate move by the legislators; consider that the other laws passed during this session did not use such gender inclusive language.²⁴⁰

The members of the Assembly included black women in the 1840 law because they recognized that black women's armed labor was common enough to necessitate white people's supervision. Black women's firearm use is difficult to track through antebellum records but there is no reason to believe that they did not also use their armed labor to feed their families. On the contrary, one can nevertheless form a few hypotheses based on the antebellum era's racial and socioeconomic based stratification of labor. First, consider that slaveholders put their male and female slaves to work on many of the same physical tasks and did not generally shield enslaved women from tough agricultural

²⁴⁰ *Session Laws of North Carolina, 1840-1841*, (Ch. XXX, Sec. I), 61-62. The laws addressing the state's agent to the Cherokee Nation and the chairman of the board of superintendents for the state's common schools exclusively referred to potential officeholders in the masculine. There was no law that a man fill the office of Cherokee agent but societal expectations and the patriarchal society in which few women commanded the resources for the required \$100,000 bond, essentially assured that this would be so. The same was true for the chairman of the board of superintendents. Public school legislation dictated that "three men" need be elected for the district level "school committee" but the superintendent position was not gender specific (*Ibid.*, [Ch. IV., Secs. I.-V.], 7-9; and [Ch. VII, Secs. II, VI, and VIII], 11 and 13). The firearm law was exceptional in its inclusion of both men and women.

labor. Also, free women of color likely labored similarly to their enslaved counterparts and their socially marginalized status relegated them to a place outside of the dominant society's gender expectations. Women of color found employment in some skilled trades like spinning, weaving, and dressmaking but many of them also worked on their families' farms.

Many common and poor white women performed arduous physical labor including that which elite white people would have understood to be outside of the bounds of respectable womanhood. In fact their poverty "violated norms of white femininity" in and of itself.²⁴¹ Nonetheless, Hinton Rowan Helper noted that poor white people, both male and female, undertook difficult work under the Southern sun. He declared that "time and time again, in different counties of North Carolina, have we seen the poor white wife of the poor white husband, following him in the harvest field from morning till night..." Even those common white women whose households owned a few slaves could still find themselves working in the fields, although the elites often ignored this practice because it problematized the racial hierarchy that they had painstakingly built. Helper made this point to argue that the abolishment of slavery would bring industry to the state and allow white women to find "far more profitable and congenial" employment. He believed that this grueling agricultural labor degraded white women and wanted "to see no more plowing, or hoeing, or raking, or grain-binding" by these "poor toiling white women."²⁴² North Carolina women made practical decisions about

²⁴¹ Bynum, *Unruly Women*, 7.

²⁴² McCurry, *Masters of Small Worlds*, 80-81. Hinton Rowan Helper, *Compendium of the Impending Crisis of the South*. (New York: A.B. Burdick, Publisher, 1860), 181-182. Some historians' work demonstrates that the county level criminal justice system in North Carolina's central piedmont region punished unmarried and landless women at a much higher rate than their married and landed peers

their labor.

Women of color in North Carolina understood their womanhood in a very pragmatic manner as well, and they did not shy away from using their armed labor to the benefit of themselves and their communities. Firearms were just as practical for black women as they were for black men and the North Carolina legislature understood this. The Assembly's 1840 license law included both men and women of color because the state's lawmakers recognized that free black men and women used firearms in their productive labor, whether hunting for their families or laboring in an agricultural capacity.

Black women themselves recognized their ability to labor as arduously as men did but this did not conflict with the ways that they understood their womanhood. At a women's rights convention in 1851 Sojourner Truth refuted the popular arguments that women were fragile creatures who needed men's protection and further underscored how many white Americans viewed black women and their labor very differently than they did most white women and their work. She emphatically called to the audience "Look at me! Look at my arm! I have plowed, and planted, and gathered into barns, and no man could head me- and ar'n't I a woman? I could work as much and eat as much as a man (when I could get it), and bear de lash as well- and ar'n't I a woman?"²⁴³ In her claim for equal

because the court believed that these women were pushing the bounds of traditional gender roles (Bolton, *Poor Whites of the Antebellum South*, 62).

²⁴³ Deborah Gray White, *Ar'n't I a Woman?: Female Slaves in the Plantation South* (New York: W. W. Norton & Company, Inc., 1985), 13-14. Philip S. Foner and Robert James Branham, eds. *Lift Every Voice: African American Oratory, 1787-1900* (Tuscaloosa, AL: The University of Alabama Press, 1998), 227-228. This hard physical labor continued after the war. William George Hinton noted that he and his sister worked for the white farmer whose land Hinton's family lived on after the war. Hinton did not specify what work he did but he nevertheless remembered that his sister "plowed like a man" for the white farmer (Federal Writers' Project, *Born in Slavery: Slave Narratives from the Federal Writers' Project*,

rights Truth argued that her gender did not preclude her from performing the same arduous work that her male counterparts did. The North Carolina General Assembly recognized this same equal labor potential in the 1840 gun licensing law.

Sojourner Truth did not believe that her grueling work experiences diminished her womanhood because she understood her gender identity differently than many white women did. Even though they were not enslaved themselves, free black women's social positions were devalued because they lived in a society that saw slavery as black people's default condition. As such, many African-descended women pragmatically embraced a separate female culture in which armed labor was unremarkable. Some Southerners understood armed labor to be a masculine domain but this does not mean that women who worked in this manner were performing manhood. Women of color's constructed culture included activities that some antebellum people would have considered to be manly.²⁴⁴ As one historian points out every member of enslaved black households was "expected to contribute to the household economy."²⁴⁵ This was no less true for free

1936-1938, North Carolina Narratives, Vol. XI, pt. 1, [United States Works Progress Administration, Manuscript Division, Library of Congress], 439, accessed July 9, 2015, <http://memory.loc.gov/ammem/snhtml/snhome.html> [Robert Hinton]).

²⁴⁴ Gender historians have highlighted the problems with examining women as part of a domestic sphere and have argued that it would be useful to consider multiple female cultures which shared some similarities but also differed in some regards. For further reading see Christine Stansell *City of Women: Sex and Class in New York, 1789-1860* (Urbana, IL: University of Illinois Press, 1987); Jeanne Boydston *Home & Work: Housework, Wages, and the Ideology of Labor in the Early Republic* (New York: Oxford University Press, 1990); Lori D. Ginzberg *Women and the Work of Benevolence: Morality, Politics, and Class in the Nineteenth-Century United States* (New Haven, CT: Yale University Press, 1992); and Anne M. Boylan *The Origins of Women's Activism: New York and Boston, 1797-1840* (Chapel Hill, NC: The University of North Carolina Press, 2002). For additional reading on the differences in black and white women's cultures in the Slave South specifically, see Thavolia Glymph's *Out of the House of Bondage: The Transformation of the Plantation Household* (New York: Cambridge University Press, 2008). Glymph emphasizes white women's roles in the violent enforcement of the slave system's racial hierarchy and the ways that white women in the slaveholding class relied on black women's labor to maintain their elite image.

²⁴⁵ Larry E. Hudson, Jr., *To Have and to Hold: Slave Work and Family Life in Antebellum South Carolina* (Athens, GA: The University of Georgia Press, 1997), 33.

people of color. If these black women's families were living in rural North Carolina they might have engaged in subsistence hunting. This was especially likely for those women of color who were the heads of their households or who lived in one wherein the male head did not hunt.

The county court records have not divulged any female applicants for firearm licenses and Craven County's Rose Pettiford appears to have been the only woman who was indicted for violating the state's license law. Pettiford was certainly not the only woman of color who used or carried a weapon without a license from her county court. Consider that many free black North Carolinian men did not apply for firearm licenses either. Nevertheless, the nearly seventy year old Rose Pettiford's 1849 indictment was exceptional and her family's financial situation and its apparently strained relationships with some white families in the neighborhood might explain why she was thusly singled out.

First, the Pettiford family might have been feuding with one or two white households in their neighborhood. Rose was one of four Pettiford family members indicted for firearm violations in December, 1849 and the members of two white families in their neighborhood initiated all of the charges.²⁴⁶ Additionally, the 1850 census shows Rose's eighty year old husband Richard as possessing \$300.00 worth of real estate which put their household in a much more comfortable financial position than many of their

²⁴⁶ 1850 U.S. Census, population schedule, Craven County, North Carolina, page 362A, image 288, Rose Pettiford, digital image, via ancestry.com, accessed June 15, 2012, <http://ancestry.com>. *Session Laws of North Carolina, 1840-1841*, (Ch. XXX, Sec. I), 61-62. See *State v. Frank Pettiford*, jury presentment (December 1849); *State v. Israel Pettiford*, jury presentment (December 1849); *State v. Rose Pettiford*, jury presentment (September 1849); and *State v. Wright Pettiford*, jury presentment (December 1849); all in folder- Criminal Actions Concerning Slaves and free Persons of Color, 1840-1849 (broken series), Criminal Actions Concerning Slaves and Free Persons of Color, 1840-1868, Craven County Records, NCDAH.

neighbors. The Pettiford family did not command nearly as much wealth as the elite white farmers in the county but they were nevertheless among the upper echelon of free African-descended people.²⁴⁷ Only eight of Craven County's fifty-three free black farming households possessed more than \$200.00 worth of property. Willis Lewis owned \$1000.00 in property, another black farmer had half of that, and Richard Pettiford's \$300.00 put his household in a three way tie for third place with two other free black households. The Pettiford family's unique social and economic situations may have made Rose a target for the enforcement of the state's firearm law whereas other armed black women may have been left undisturbed.

African-descended North Carolinian's armed labor benefited both themselves and others in separate and sometimes conflicting ways. For most of the antebellum period the General Assembly and individual white people agreed that black people's armed labor potential was far too important to allow their complete disarmament despite firearms' racially charged social and cultural value. Armed black workers could hunt for themselves and others and they also provided valuable labor protecting agricultural fields and other property. Many white men saw black people's armed labor as subordinate to their own and their employment of armed black subordinates for both legal and illegal work reflected this. Slaveholders decided on an individual basis which of their slaves

²⁴⁷ 1850 U.S. Census, population schedule, Craven County, North Carolina, page 362A, image 288, Richard Pettiford, digital image, via ancestry.com, accessed June 15, 2012, <http://ancestry.com>. For comparisons with some of Craven County's elite white households consider planter Alfred Chapman's thirty-four slaves and \$12,000.00 worth of real estate or former governor Richard Dobbs Spaight, Jr.'s \$8,000.00 worth of land and no less than one hundred and seven slaves. These men commanded far greater assets than the Pettifords and were among the wealthiest Craven County residents (1850 U.S. Census, population schedule, Craven County, North Carolina, page 319A, image 200, Rich'd D. Speight; 1850 U.S. Census, population schedule, Craven County, North Carolina, page 371A, image 306, Alfred Chapman; both digital images, via ancestry.com, accessed July 2, 2015, <http://ancestry.com>).

they trusted to perform armed labor in the same way that masters did with any other jobs. Not every slave on a plantation was trusted to drive a team of prized horses, or take produce to a distant market, or cook the master's food, for instance.

North Carolina's African-descended men and women used firearms for their own benefit and this was far more important than the ways that white people sought to harness their black subordinates' armed labor. People of color sometimes labored with little regard for the state legislators or other white peoples' demands on their labor. Many free people of color who lived in rural areas of the state relied on wild game to feed themselves. Additionally, enslaved people were able to use firearms to supplement the sometimes meager food allotments that their masters provided and to protect their families and communities from the constant encroachment of slaveholders and other outsiders. This armed labor allowed some of North Carolina's black residents to carve out more independent and fulfilling lives for themselves and their communities in the face of unrelenting oppression.

Chapter 4

Free North Carolinians of Color, Their Communities, and the State

North Carolina's free people of color were able to make comfortable lives for themselves and a few free black families managed to acquire considerable wealth that sometimes included slave property but most of them were in tenuous socioeconomic positions. North Carolina's laws and social customs locked free black people into a highly restrictive intermediary position that lay in between the severe constraints placed on slaves and the bountiful liberties that white male citizens possessed. These conditions led one historian in the 1920s to declare that "the most pathetic figure in North Carolina prior to the Civil War was the free negro. Hedged about with social and legal restrictions, he ever remained an anomaly in the social and political life of the State."²⁴⁸ This point was exaggerated—free people of color played a minor but active role in politics prior to 1835 and continued to foster political discussions through the Civil War—but they were indeed heavily constrained by the potent combination of North Carolina law and white people's prejudice.

The Old North State's free black residents were legally and customarily discouraged from having social relationships with either white people or slaves. They often broke the laws governing their relationships with slaves but "in such violations of the legal restrictions of the State and the mores of their communities, the free Negroes displayed no untoward inclinations to criminality. They were merely struggling to find

²⁴⁸ Rosser H. Taylor, *The Free Negro in North Carolina* (Chapel Hill, NC: University of North Carolina Press, 1920) Documenting the American South, 5.

an outlet for their pent-up emotions and natural sociability.”²⁴⁹ Free people of color’s interactions with the slave community were an unsurprising outcome of the restrictive life the white power structure forced them into. It comes as no surprise that the General Assembly and many white people believed by 1840 that restrictions on free black people’s gun use were an indispensable security measure. Much like many other Southerners these white North Carolinians feared that they were essentially “living above a loaded mine, in which the negro slaves were the powder, the abolitionists the spark, and the free negroes the fuse.”²⁵⁰

White people’s wary attitudes were fueled by the growth of the state’s free black population. In addition to the population’s natural increase the Assembly permitted slaveholders to manumit their slaves as a reward for “meritorious service” during most of the antebellum period. The county courts did not often require an explanation for this vague term, even in cases involving the manumission of children. Consider that the free black population grew more rapidly than both North Carolina’s white and enslaved populations until the 1850s, and this despite an 1830 law requiring masters to post \$1000.00 bonds for their freed slaves’ good behavior and mandating that the freedpeople leave the state. On the eve of the Civil War Maryland and Virginia were the only slaveholding states with more free black residents than North Carolina.²⁵¹ As a result of this population growth some white tradesmen even began to worry that increased numbers of skilled free black laborers would threaten white workers’ financial security

²⁴⁹ Franklin, *The Free Negro*, 224-225.

²⁵⁰ Genovese, *Roll, Jordan, Roll*, 398-399.

²⁵¹ Franklin, *The Free Negro*, 28. The 1830 law still allowed slaveholders to manumit their slaves in their wills. Historical Census Browser, <http://mapserver.lib.virginia.edu/> (accessed December 28, 2012). Franklin, *The Free Negro*, 222.

and force them to compete for jobs.²⁵² White North Carolinians' anxiety about the numbers of free black people within their state helps to explain why many white people wanted the Assembly and their respective county courts to maintain strong checks on the free people of color in their neighborhoods.

The local enforcement of the firearm laws meant that white people's opinions on black firearm use had a very real impact on how free black people could legally access and use arms. White men's support for people of color's efforts to use firearms was an important part of this process and some white people even challenged their county's application of the gun law. For instance, in 1841 a Craven County patrol came across mulatto Benjamin Morgan and his son George when both men were carrying firearms without the proper licenses. The white men in the patrol seized the Morgans' guns on the spot as they would have done with slaves. White people in the community who knew the Morgans stepped forward to support them and petitioned the county court on the pair's behalf. William Simmons, John Harris, John Ferrand, Obid Palmer, Burton Carmon, and James M. Beasley protested that the Morgans' guns were "taken away by Patrols arguably to an Act of the General Assembly." The six white men testified that they had known the Morgans for fifteen years and that while the father and son had hunted "with Dog and Gun" neither had ever "done any Injury to any person for and by reson[sic] of their having been privileged to hunt." The white petitioners therefore requested that the county court return the Morgans' weapons and permit them to carry them in the future.²⁵³

²⁵² There was a great deal of hostility towards free black laborers in some trades, notably mechanics. White mechanics wrote a few petitions to the Assembly during the antebellum era seeking to limit black participation in the trade (*Ibid.*, 138-139).

²⁵³ Petition in support of Benjamin and George Morgan in (November Term 1841) folder-Petitioners Request that Guns be Returned to Benjamin and George Morgan, 1841, Slaves and Free

The six supportive petitioners did not merely seek to have the Morgans' guns returned but went so far as to question whether this seizure was even warranted. They wrote that the Morgans' weapons were taken "arguably" in accordance with the law. The father and son were both unlicensed and in the wrong per the letter of the law but their sympathetic neighbors saw the Morgans as nonthreatening and believed that there was no need for the court to enforce the gun law and punish the father and son. The petitioners' desire for a localized application of the law was a hallmark of the antebellum legal system and since the armed Morgans remained in the neighborhood these white advocates' support should be taken seriously. The white men were declaring that the Morgans were not a threat to their neighbors' lives or property. Finally, while these white male supporters benefited the Morgans they were also reminiscent of the supervision placed over armed slaves. Benjamin and George Morgan were vetted and approved by the white community in much the same way that a slave would have been if he or she were legally armed.

In addition to challenging the county's application of the firearm law white advocates were instrumental in black people's successful applications for licenses. The mandated licenses provided a buffer against the interference of patrollers and other white

Negroes Bonds – Petitions, 1775-1861, Craven County Records, NCDAH. All of the signatories lived in the South Side District of the Craven County, as did the Morgans. Four of the white men were slaveholders: Beasley had two slaves, Carmon had three, Harris had forty-three, and Simmons had fifteen. There are two John Harrises on the census, one being the planter and the other a free black man. The planter was almost certainly the petitioner as no other black people offered support in this manner. Palmer does not appear on the 1840 census as it only recorded the heads of households by name. He was about twenty years old in 1840 and probably still lived with family or an employer (*Ibid.* 1840 U.S. Census, population schedule, South Side Neuse River, Craven County, North Carolina, page 75, image 786, Benjamin Morgan, John Ferrand, John Harris, Burton Carmon, digital image, via ancestry.com, accessed July 2, 2015, <http://ancestry.com>. 1840 U.S. Census, population schedule, South Side Neuse River, Craven County, North Carolina, page 81, image 798, William Simmons, James. M. Beasley, digital image, via ancestry.com, accessed July 2, 2015, <http://ancestry.com>).

people but a free black person's acquiring one was not a foregone conclusion. Some of these applicants were unsuccessful because the application rested in part on the support of credible white neighbors or associates and not every free person of color would have had access to this support. Some of those people of color who did not have white advocates would have avoided this process entirely and might have simply chosen to carry their firearms illegally. White sponsors vouched for black associates and their support indicated that the black petitioners were established and trustworthy members of the community. These white advocates were exclusively male and some of them had high standing in their communities. White men's testimony "supposedly captured and conveyed truth precisely because they were independent, not subject to the pressure of superiors, landlords, or employers, and therefore free to think and speak for themselves."²⁵⁴ It would have been virtually impossible for a person of color or a white woman to fill these roles.

White men's support for armed black individuals could continue over the span of several years. Benjamin Morgan relied on a few white men's continued support on multiple occasions over a ten year span. The Craven County jury issued a presentment against Morgan for carrying a firearm without a license in June, 1850. Morgan had initially appeared in the records after he and his son had their weapons seized by a patrol in 1841. In September, 1850 Morgan entered into \$100.00 recognizance bond to ensure that he would answer the indictment against him and he was matched by a co-signer named Obid Palmer. Palmer had also stepped forward to endorse the 1841 petition to

²⁵⁴ Edwards, *The People and Their Peace*, 113.

have the Morgans' firearms returned from the patrol.²⁵⁵

Despite examples of white people's support for individual free people of color's firearm use large segments of the white population called for limitations and some white people were in outright opposition. North Carolina's free people of color had little political influence after they were disenfranchised in 1835 so white people were instrumental in both the maintenance and restriction of free black people's gun use. In 1835 several white Craven County residents petitioned the Assembly for a law that would require every free person of color to "...obtain a license from the county court before he could have or use a gun or ammunition, which license he should only obtain upon satisfactory proof to said court of his good moral and peaceable character, and upon entering into bonds with good security for his good behavior and honest deportment." A similar petition effort from Halifax County in 1840 wanted to keep free black people from "carrying or using fire arms under any circumstances whatever."²⁵⁶ White North Carolinians were divided on the issue of free black firearm use but there were vocal contingents in favor of restrictions and outright bans.

Many black North Carolinians relied on white neighbors, associates, and friends for aid during the license process. These supportive interracial relationships were important but white men's influence did not negate the role that black people themselves played in this process. An individual's reputation-based credit was related to their honor but more applicable to marginalized individuals like free people of color who were

²⁵⁵ *State v. Ben Morgan*, jury presentment (June Term 1850); Morgan's recognizance bond (September Term 1850); writ of *capias* (September Term 1850); all in Folder- Criminal Actions Concerning Slaves and Free Persons of Color, 1850-1852, Criminal Actions Concerning Slaves and Free Persons of Color, 1840-1868, Craven County Records, NCDAH.

²⁵⁶ *Race, Slavery, and Free Blacks*, North Carolina, 1835, reel 7, frame 00022. *Race, Slavery, and Free Blacks*, North Carolina, 1840, reel 7, frame 00121.

unable to deploy honor in the same ways that white men did.²⁵⁷ They “could acquire credibility, negating elements of their subordinate status through their own actions and others’ assessment of them” at the local level. Subordinate people gained credit by meeting society’s expectations and that credit offered them social cachet in their community.²⁵⁸ Family support was integral for marshalling resources when an individual broke the firearm laws but consider that families were able to occasionally provide credit as well. This credit was secondary to that which white men possessed but free black applicants relied on the way that their wider black and white communities perceived the character of free black families. Free people of color could sometimes convert this credit into white people’s support.

Individuals who possessed little social clout could use their family’s credit to present themselves as honorable members of their neighborhood. In February, 1842 five members of the Walden family petitioned the Randolph County Court for licenses on the condition that they made “it appear to the satisfaction of [the] Worshipful Court that they be of good moral character.”²⁵⁹ Sixty-eight year old William Walden and four of his sons-- forty year old William D., forty-two year old Anderson, thirty-five year old John C., and fourteen year old Stanford B.—jointly submitted an application for firearm privileges. Stanford still lived under their father’s roof but his three brothers each headed their own household.²⁶⁰ The Walden’s collective effort allowed the sons to rely on their

²⁵⁷ Edwards, *The People and Their Peace*, 112-113.

²⁵⁸ *Ibid.*, 101-102.

²⁵⁹ Petition of Wm Walden and Sons and Recommendation of Wm Walden + Sons, both documents in Folder- Mulattoes (Waldens) Petition to Use Firearms, 1842, Records of Slaves and Free Persons of Color, Crim Act, 1788-1869, Randolph County Records.

²⁶⁰ 1840 U.S. Census, population schedule, South Division, Randolph County, North Carolina, page 57, image 120, Anderson Walden, John C. Walden, digital image, via ancestry.com, accessed June 19,

father's social credit in order to reinforce their own positions within the community. This paternal connection was most important for the youngest Walden son but all of them benefited. William Walden *père* had lived in the neighborhood for about three decades and had acquired personal and business relationships over that period. The four Walden sons probably did not have similar levels of community connectedness. Their father was a farmer and the Walden sons had continued the practice. Many of their social and business connections had probably come through the years they spent laboring in their father's agricultural fields.

William Walden *père*'s social credit manifested itself in broad community support for all of the petitioning Walden men. Sixteen white men who described themselves as "citizens living in the immediate vicinity" wrote that William Walden had "lived in our neighborhood at least thirty years, + has raised his family in the same." These white supporters continued to explain that during the time they lived near the Waldens "so far as our Knowledge Extends Neither... William Walden Sen nor any of his family has Ever been charged with the least immoral conduct Whatever. And they have always bourn an honest Character..." The citizens' "recommendation" also acknowledged that the Walden men supported their families by farming and this point reiterated to the country court that free black men needed their firearms to protect their crops and livestock and for their

2012, <http://ancestry.com>. 1840 U.S. Census, population schedule, Northern Division, Randolph County, North Carolina, page 117, image 240, William Walden (*fls*), digital image, via ancestry.com, accessed June 19, 2012, <http://ancestry.com>. 1840 U.S. Census, population schedule, South Division, Randolph County, North Carolina, page 56, image 118, William Walden (*pere*), digital image, via ancestry.com, accessed June 19, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Southern Division, Randolph County, North Carolina, page 88B, image 182, Stanford Waldon, digital image, via ancestry.com, accessed June 19, 2012, <http://ancestry.com>.

families' subsistence.²⁶¹

The majority of the Walden family's supporters were non-slaveholders or small slaveholders who lived in the South Division of Randolph County, which is where William Walden, Sr. lived as well. These white advocates believed that the Waldens were honest and industrious and that the free black family had not previously posed a threat with their firearms and would not do so in the future. These white men's supportive letter was not simply an exercise in benevolence but a statement of confidence. If the petitioners believed that there was a chance that the armed Walden family would have created a dangerous situation in Randolph County then the petitioners' lives and property would have been at risk.

The Walden men's license application was not entirely proactive, however. It was predated by at least two of them having been caught with a weapon but without a firearm license. During the autumn of 1841 one of the William Waldens, probably the father, was charged with being "in the habit of keeping, using and carrying about with him, firearms...contrary to [the] act of assembly..." In February, 1842 Anderson Walden was

²⁶¹ Recommendation of Wm Walden + Sons, 1842, Randolph County Records. Thirteen of the sixteen men who recommended the Waldens can be found in the census records. At least seven of them were slaveholders. (1840 U.S. Census, population schedule, South Division, Randolph County, North Carolina, page 81, image 168, William Macon, Thomas Moffitt, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>. 1840 U.S. Census, population schedule, Northern Division, Randolph County, North Carolina, page 95, image 196, John R. Brown, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>. 1840 U.S. Census, population schedule, Northern Division, Randolph County, North Carolina, page 57, image 120, Thomas Macon, William Brown (Jr. and Sr.); John Brady (Jr. and Sr.); William Brady; John D. Brown, Esq.; Levi B. Branson; digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>. 1840 U.S. Census, population schedule, South Division, Randolph County, North Carolina, page 56, image 118, John Rains, Jeremiah Bray, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>. 1840 U.S. Census, population schedule, Northern Division, Randolph County, North Carolina, page 101, image 208, Tidance Lane, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>. 1840 U.S. Census, population schedule, Northern Division, Randolph County, North Carolina, page 105, image 216, Matthias Bray, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>.)

also indicted for “disregarding the laws” and carrying a rifle the previous September “and on divers other days and times both before and after that day... to the evil example of all other free negroes, Mulattoes and free persons of color...”²⁶² Unsurprisingly, these two indictments encouraged the Waldens to apply for licenses. All of the Waldens except William *Walden* lived in the South Division of the county and the two Waldens who had been indicted were likely among the first free black people in the county to be thusly charged. After all, in 1840 free people of color only comprised 2.8% of Randolph County’s population.²⁶³ It would have been more surprising if the Walden men continued to carry their firearms without applying for licenses in the wake of two indictments against their family. The court and the larger black and white community considered people of color’s personal and family credit to be secondary to white men’s honor but black people’s character was important in gaining white allies.

In addition to white people’s support, the free black community played a major role in its own firearm license acquisition and the protection of its members’ gun use. Support from within the black community was equally important to that provided by white people, and perhaps even more important. This internal reliance made black people’s gun use both a family and community affair and set it apart from white people’s relationship to firearms. Free North Carolinians of color did not passively accept the Assembly’s mandates. The government in Raleigh and the county courts dictated the process by which free people of color could use firearms but free black North Carolinians

²⁶² *State v. William Walden*, 1841, and *State v. Anderson Walden*, 1842, all documents in Folder-Criminal Actions Concerning Slaves and Free People of Color, 1841-1858, Records of Slaves and Free Persons of Color, Crim Act, 1788-1869, Randolph County Records.

²⁶³ Historical Census Browser, (accessed April 15, 2015).

exerted their own wills on this matter as well.

Moreover, while white men's credit was far more instrumental in free people of color's application processes black North Carolinians oftentimes relied on their family members and black friends and associates for help when they were brought into court for breaking the gun laws. This was no small matter for the often cash-strapped free black households. Consider that in December, 1849 thirty-seven year old Wright Pettiford was indicted for carrying a firearm without a license. Rose Pettiford joined Wright on his recognizance bond, matching his \$100.00. Sixty-nine year old Rose and her eighty year old husband Richard were probably Wright's parents and they lived on a farm in the same neighborhood.²⁶⁴ Additionally, in 1851 fifty-one year old Thomas Fenner was indicted for violating the license law. John Fenner, likely Thomas' older brother, was co-bound for Thomas' court appearance. This pair of Fenners were both men of modest means and they lived on adjacent plots in a neighborhood that contained other free black Fenner households.²⁶⁵

People of color sometimes found themselves in firearm-related legal trouble

²⁶⁴ 1850 U.S. Census, population schedule, Craven County, North Carolina, page 362A, image 288, Right Pettiford, digital image, via ancestry.com, accessed June 15, 2012, <http://ancestry.com>. Rose Pettiford and her husband also each put up \$50.00 to ensure that Israel Pettiford would appear in court to answer his indictment. Israel added \$100.00 on his own (*State v. Wright Pettiford*, jury presentment (December Term 1849); and recognizance bond (February 1850); both in folder- Criminal Actions Concerning Slaves and Free People of Color, 1840-1849, Criminal Actions Concerning Slaves and Free Persons of Color, 1840-1868, Craven County Records, NCDAH).

²⁶⁵ *State v. Thomas Fenner*, jury presentment (June Term 1851); and Thomas Fenner's bond (December Term 1851); both in folder- Criminal Actions Concerning Slaves and Free Persons of Color, 1851-1856, Criminal Actions Concerning Slaves and Free Persons of Color, 1840-1868, Craven County Records, NCDAH. Nearby Fenner households included those headed by the twenty-five year old farmer Jacob, thirty year old Samuel, and fifty-five year old farmer Joseph (1850 U.S. Census, population schedule, Craven County, North Carolina, page 317A, image 196, Thomas Fenner; John Fenner; Jacob Fenner; 1850 U.S. Census, population schedule, Craven County, North Carolina, page 317A, image 196, digital images, via ancestry.com, accessed June 13, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 316B, image 195, Joseph Fenner; 1850 U.S. Census, population schedule, Craven County, North Carolina, page 317A, image 196, Samuel Fenner; both digital images, via ancestry.com, accessed July 2, 2015, <http://ancestry.com>).

alongside of family members. Benjamin and George Morgan provide one example but also consider that John, William, and James Godette were all indicted for unlicensed gun possession during the Craven County Court's June, 1851 term. William and John signed a recognizance bond for \$50.00 to ensure that the former would answer his indictment. William was a nineteen year old laborer living in George Godette Jr.'s household and John was likely a nineteen year old blacksmith living with and apprenticed to or working for a mulatto blacksmith in New Bern.²⁶⁶ Seventy-one year old James was also indicted for keeping a shotgun without a license twice over a short period of several months. The aging farmer with \$50.00 worth of property entered a \$100.00 recognizance bond to ensure that he would answer the indictment and a white farmer in the neighborhood with nearly \$500.00 worth of property matched Godette on the bond. James Godette put another \$50.00 up for a separate recognizance bond and John Godette supported him with a matching commitment much as he had earlier done for William.²⁶⁷

The support for family members' legal trouble was not unique to antebellum North Carolina's free black community but it nevertheless illustrated how big an impact

²⁶⁶ *State v. John Godette*, jury presentment (June Term, 1851); *State v. Will Godette*, jury presentment against William Godette (June Term 1851); *State v. James Gaudet*, jury presentment (Fall Term 1851); *State v. William Godette*, recognizance bond (August 1851); all in folder- Criminal Actions Concerning Slaves and Free Persons of Color, 1851-1856, Criminal Actions Concerning Slaves and Free Persons of Color, 1840-1868, Craven County Records, NCDAH. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 307B, image 177, John Godet, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 311A, image 184, William Godett; George Godett; digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>.

²⁶⁷ *State v. James Godette*, recognizance bonds (April 1852 and no date); jury presentment (Fall Term 1851); writs of *capias* (June 1851 and Spring Term 1852); all in Criminal Actions Concerning Slaves and Free Persons of Color, 1840-1868, Craven County Records, NCDAH. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 311A, image 184, James Godett, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 311B, image 185, Joshua Taylor, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>.

illegal firearm use could potentially have on a free family of color. Individuals made the decision to carry firearms without licenses for a variety of reasons but when they did so they were drawn into the legal system where their family's financial resources could be put in jeopardy. The recognizance bonds sometimes ran into the hundreds of dollars and the indicted free black persons generally had at least one family member or friend as a co-signer. This support was particularly important when one considers that most free black households had very modest economic resources.

Free black people who violated the firearm laws often relied on their family members for assistance but they turned to friends and other associates in the free black community as well. When sixteen year old mulatto George Bragg was initially indicted for unlawful firearm possession he put up a \$100.00 recognizance bond to ensure that he would answer the indictment at the Craven County courthouse. Bragg was supported on the bond by a twenty-nine year old mulatto tailor named Charles Stanly. George Bragg still lived with his father John who also made his living as a tailor and who had \$350.00 worth of real estate.²⁶⁸ It is not difficult to imagine that John Bragg might have been Stanly's business associate. Perhaps Bragg had even employed the much younger man as an apprentice or assistant.

Considering Stanly's support George Bragg may have relied on his father's professional networks after this firearm related indictment. Bragg pleaded guilty in

²⁶⁸ *State v. George Bragg*, jury presentment (December Term 1854); recognizance bond (March 1855); both in Criminal Actions Concerning Slaves and Free Persons of Color, 1840-1868, Craven County Records, NCDAH. 1850 U.S. Census, population schedule, New Bern, Craven County, North Carolina, page 277B, image 177, John Bragg, George Bragg; digital image, via ancestry.com, accessed July 2, 2015, <http://ancestry.com>. 1850 U.S. Census, population schedule, New Bern, Craven County, North Carolina, page 295A, image 152, Charles Stanley, digital image, via ancestry.com, accessed July 2, 2015, <http://ancestry.com>.

March, 1855 and was ordered to appear for his sentencing on a \$100.00 recognizance bond. A thirty-six year old propertyless white tailor named Lewis Phelps joined Bragg's bond for another \$100.00.²⁶⁹ These three tailors—Bragg's father, Stanly, and Phelps--comprised George Bragg's web of legal support. Further, Stanly and Phelps' assistance demonstrated their confidence in Bragg's character. The former's race and the latter's low socioeconomic status would have greatly limited their effectiveness as court petitioners-- such a course of action was far better suited to white men who had much better socio-political standing. These subordinate actors nevertheless offered George Bragg what support they could.

While free black families provided much needed support for members who legally or illegally carried guns they could also prove to be a liability as family connections could also bring undue pressure from neighborhood rivals. The Craven County authorities indicted at least twenty-five free black Craven County residents for gun license violations between 1849 and 1851 and in this flurry of law enforcement several free black families had multiple members indicted for carrying firearms without licenses at the nearly the same time.²⁷⁰ This surge in indictments was part of a larger wave of

²⁶⁹ *State v. George Bragg*, jury presentment (December Term 1854); recognizance bond (March 1855); writ of *capias* (September 1856); all in Criminal Actions Concerning Slaves and Free Persons of Color, 1840-1868, Craven County Records, NCDAH.

²⁷⁰ For further study of these family groups see *State v. Daniel Keese*, jury presentment (December Term 1849); *State v. William Keese*, jury presentment (December Term 1849); *State v. John Moore*, jury presentment (December Term 1849); *State v. Nathan Moore*, jury presentment (December Term 1849); *State v. Baker Moore*, jury presentment (December Term 1849); *State v. Stephen Moore*, jury presentment (December Term 1849); *State v. Alfred Moore*, jury presentment (December Term 1849); *State v. Banton Moore*, jury presentment (December Term 1849); *State v. Frank Pettiford*, jury presentment (December Term 1849); *State v. Israel Pettiford*, jury presentment (December Term 1849); *State v. Rose Pettiford*, jury presentment (September Term 1849); and *State v. Wright Pettiford*, jury presentment (December Term 1849); all in folder Criminal Actions Concerning Slaves and Free Persons of Color 1840-1849 (broken series). *State v. William Mitchell*, jury presentment (December Term 1850); *State v. Jesse Mitchell*, jury presentment (December Term 1850); both in folder- Criminal Actions Concerning Slaves and Free Persons

anti-free black sentiment that swept through North Carolina in the late 1840s and early 1850s in response to the steadily increasing free black population.²⁷¹ The county authorities charged several members of the Pettiford and Moore families: Wright, Rose, Frank, and Israel Pettiford; and John, Nathan, Baker, Stephen, Alfred, and Banon Moore. A couple of conclusions can be drawn from this occurrence. First, there is the possibility that someone was targeting a specific family for reasons that are not discernible from the judicial records. Additionally, these family based indictments suggest that some families were more inclined to break the law than others.

When Wright, Rose, Frank, and Israel Pettiford were indicted for violating the firearms law they were antagonized by a few members of two white families who lived in their neighborhood. This common thread in the Pettiford family's legal struggles suggests some prior conflict between the two extended families. Arthur Gaskins and Edward Spock initiated Wright's case and were called as witnesses along with James G. Gaskins and Joseph Gaskins. Arthur Spock and John P. Spock brought suit against Rose and served as witnesses against her. Edward Spock and Daniel Simmons were the complainants against Frank and the court called both of them and Arthur Gaskins as

of Color, 1850-1852. *State v. William Cully, Jr*, jury presentment (Fall Term 1851); *State v. William Cully, Sr*, jury presentment (Fall Term 1851); *State v. John Godette*, jury presentment (June Term, 1851); *State v. Will Godette*, jury presentment (June Term 1851); *State v. James Gaudet*, jury presentment (Fall Term 1851); all in folder- Criminal Actions Concerning Slaves and Free People of Color, 1851-1856; all three folders in Criminal Actions Concerning Slaves and Free Persons of Color, 1840-1868, Craven County Records, NCDAH.

²⁷¹ White people petitioned the Assembly for several anti-black measures in this era. These demonstrated many white North Carolinians' desire to restrict free people of color through various methods, including taxes on "negro mechanics" to discourage competition with white men (*Race, Slavery, and Free Blacks*, North Carolina, 1850, reel 7, frames 0336-0340) and colonization to Liberia, "the Abolition and Free Soil States," or "the far West." Others complained that the licensing were ineffective and that free black people were a threat to white peoples' livestock and a bad influence on the slaves (*Race, Slavery, and Free Blacks*, North Carolina, 1850, reel 7, frames 0327-0331; 1851, reel 7, frames 0371-0374; 1852, reel 7, frames 0404-0410).

witnesses. Edward Spock initiated the indictment against Israel Pettiford and was also the only witness summoned against him.²⁷²

These Spock and Gaskins complainants all lived in the Pettifords' neighborhood or else had family members who did. A sixty-four year old white man named Lazarus

Table 4-1. *White Craven County Residents Connected to the Pettiford and Moore Families' Indictments and Trials (1849-1850)*

Charge Initiator or Witness	Indicted Free Persons of Color	
Arthur Gaskins	Wright Pettiford Frank Pettiford	
James G. Gaskins	Wright Pettiford	
Joseph Gaskins	Wright Pettiford	
Arthur Spock	Rose Pettiford	
Edward Spock	Wright Pettiford Frank Pettiford Israel Pettiford	
John P. Spock	Rose Pettiford	
Daniel Simmons	Frank Pettiford	
James Harrington	John Moore Nathan Moore Stephen Moore	Baker Moore Banon Moore Alfred Moore
James Toler, Jr.	John Moore Nathan Moore Stephen Moore	Baker Moore Banon Moore Alfred Moore

Spock lived in between Rose Pettiford and Wright Pettiford's households. Thirty-six year old farmer James G. Gaskins lived on the other side of Rose's home. Thirty-four year old farmer Joseph Gaskins lived farther away but near thirty-seven year old Arthur Gaskins

²⁷² *State v. Wright Pettiford, scire facias* for James G. Gaskins and Joseph Gaskins (December 1849); *State v. Rose Pettiford, scire facias* for Arthur Spock and John P. Spock (December 1849); *State v. Frank Pettiford, scire facias* for Edward Spock, Arthur Gaskins, and Daniel Simmons (December 1849); *State v. Israel Pettiford, scire facias* for Edward Spock (December 1849); all in folder Criminal Actions Concerning Slaves and Free Persons of Color 1840-1849 (broken series), Criminal Actions Concerning Slaves and Free Persons of Color, 1840-1868, Craven County Records, NCDAH.

and in a part of Craven County where their surname was quite common. Frank Pettiford and Israel Pettiford lived adjacent to each other and Arthur Spock also lived in their neighborhood.²⁷³

The Pettifords were not the only family to experience this drama. The Craven County Court indicted John, Nathan, and Stephen Moore for unlicensed firearm possession late in 1849 and summoned both James Harrington and James Toler, Jr. as witnesses in each of the cases. Further, Toler and Harrington had initiated all three of those Moores' indictments as well as the charges against Alfred, Baker, and Banton Moore.²⁷⁴ Many of the Moores' detractors lived in close proximity to them or had family members who did. Sixty-eight year old James Toler, Sr. and William Toler, who was likely James Toler, Jr.'s brother, lived near one of a few different free black Craven County residents named John Moore. The two Tolers and Moore were all farmers and

²⁷³ 1850 U.S. Census, population schedule, Craven County, North Carolina, page 362A, image 288, Rose Pettiford; Right Pettiford; Lazarus Spock; James G. Gaskins; digital image, via ancestry.com, accessed June 15, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 377B, image 319, Joseph Gaskins, digital image, via ancestry.com, accessed June 13, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 378A, image 320, Arthur Gaskins, digital image, via ancestry.com, accessed June 13, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 346B, image 257, Israel Pettiford; Francis Pettiford; digital image, via ancestry.com, accessed June 15, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 347A, image 258, Arthur Spock, digital image, via ancestry.com, accessed July 7, 2015, <http://ancestry.com>. A word on my methods is in order. Residential location is difficult to discern solely by the census records but I have read the census with an understanding that the order in which the households were recorded roughly reflects the neighborhood's geographic layout. The distance between the houses is impossible to discern from the census alone—consider that in some rural sections of North Carolina's counties the houses might have been some distance apart.

²⁷⁴ *State v. John Moore*, jury presentment (December Term 1849) and *scire facias* for James Harrington and James Toler, Jr (December 1849); *State v. Nathan Moore*, jury presentment (December Term 1849) and *scire facias* for James Harrington and James Toler, Jr (December 1849); *State v. Baker Moore*, jury presentment (December Term 1849); *State v. Stephen Moore*, jury presentment (December Term 1849) and *scire facias* for James Harrington and James Toler, Jr (December 1849); *State v. Alfred Moore*, jury presentment (December Term 1849); *State v. Banton Moore*, jury presentment (December Term 1849); all in folder Criminal Actions Concerning Slaves and Free Persons of Color 1840-1849 (broken series), Criminal Actions Concerning Slaves and Free Persons of Color 1840-1868, Craven County Records, NCDAH.

their fields were undoubtedly adjacent. Stephen Moore and thirty-four year old farmer James Harrington also lived nearby.²⁷⁵ The location of these individuals' households suggests that their families were at least casually acquainted and it was no coincidence that James Toler, Jr. and James Harrington were involved with each of the Moores' indictments.

Whether these white family groups maliciously ferreted out the Pettifords and Moores or if they witnessed them hunting in a group and believed that they had a responsibility to notify the authorities, they took an active role in enforcing the law against the free black families. The close proximity of these households and the multiple connections between the family groups in the judicial records suggests that something more than arms violations were at stake between these families. Further, only a small percentage of Craven County's free black people were licensed which suggests that numerous unlicensed people of color evaded criminal charges. This makes the many indictments within singular family groups all the more conspicuous.

These family-wide indictments also suggest that some free black families were more inclined than others to resist or ignore the firearm laws and to be punished for doing so. This may have been particularly true for those North Carolinian families with diverse racial heritages. For instance, Bertie County's Whitmel Dempsey did not acquiesce to the licensing law because he did not identify as a free person of color despite his undisputed African heritage. The 1850 census listed the seventy year old Dempsey and the only

²⁷⁵ 1850 U.S. Census, population schedule, Craven County, North Carolina, page 376A, image 316, Stephen Moore. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 377A, image 318, James Harrington. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 376B, image 317, James Toler, Sr; William Toler; John Moore; all digital images, via ancestry.com, accessed July 2, 2015, <http://ancestry.com>.

other member of his household (who was probably his son) as mulattos. Dempsey rejected this categorization however and defined himself as a white man with trace amounts of “negro blood.” Some of his relatives probably held similar views about their family’s racial identity.²⁷⁶ The father and son likely hunted together and openly carried their firearms. They would have continued to do so after the Assembly passed the firearm license law because they did not believe that racially specific legislation applied to them. Nonetheless, someone else in the neighborhood was aware of Whitmel Dempsey’s gun use and did not agree with his self-identification.

These interfamily contests over black people’s firearm use highlighted the localized nature of law enforcement to the licensing process and stood in stark contrast with the interracial community support for black people’s gun use. Many white North Carolinians recognized how useful firearms were to their black neighbors and associates. Even further, some of them recognized that free black people’s armed labor could be harnessed and used for white people’s benefit. The Old North State’s slaveholders armed their slaves in order to extract specialized labor from them and many white people also understood free black people’s public and private firearm use from a similarly utilitarian perspective.

White people sometimes used free black North Carolinians’ armed labor illegally and the courts sometimes accepted the labor on the grounds that the armed free black people were white people’s subordinates. In 1848 a free black man from Perquimans County named Ephraim Lane was indicted for carrying a pistol without a license and the

²⁷⁶ James Iredell, *Reports of Cases at Law Argued and Determined in the Supreme Court of North Carolina, from December Term, 1848, to June Term, 1849, both inclusive*. Vol. IX (Raleigh, NC: Seaton Gales, 1849), 384, 385.

state's Supreme Court defended his right to do so because he carried the weapon under his employer's direction and had no intention of using it himself. A white man named Barker had hired Lane to make shingles in neighboring Pasquotank County and as a part of this arrangement he requested that Lane transport several items to their worksite, including this pistol.²⁷⁷ Someone saw Lane with the weapon and reported him to the local authorities. The Perquimans County Superior Court pronounced Lane not guilty and although the prosecution appealed the decision the state's highest court upheld the verdict. Justice Frederic Nash declared that Lane carried the pistol to fulfil a contract that he had made "in good faith" and that his job was not a ruse intended to evade the Assembly's firearm laws.

Nash went even further. He maintained that Lane had not broken the license law because its goal was to prevent armed free black people from becoming "dangerous to the peace of the community and the safety of individuals" but it was never intended to be a total ban, or there would have been no need for a license provision. Nash stated that "degraded as are these individuals... among them are many, worthy of all confidence, and into whose hands these weapons can be safely trusted, either for their own protection or for the protection of the property of others confided to them." This affirmed that free black people had legitimate reasons to be armed and this point was emphasized by the context of Lane's hiring. The court decided that Lane "did carry with him a pistol, but it was not unlawfully carried. He was complying with a contract he had a right to make, the mere carrier of the pistol for hire, claiming no title to the instrument or right to use it,

²⁷⁷ James Iredell, *North Carolina Reports*, vol. 30, *Cases at Law Argued and Determined by the Supreme Court of North Carolina. December Term, 1847 to August Term, 1848, Inclusive*, ed. by Walter Clark (1848; repr., Raleigh, NC: E.M. Uzzell & Co., State Printers and Binders, 1909), 188-189.

and without any purpose or intent so to do.”²⁷⁸ In the eyes of the court Lane was essentially a mere extension of his employer’s will. Barker operated under the same presumption that John T. Councilll did when he illegally used his slaves’ armed labor to guard his store in the late 1850s.²⁷⁹ Barker and Councilll both used their armed black subordinate laborers as they wished and with no regard for the law. Slaves were controlled by their masters and overseers but free North Carolinians of color were managed by their local communities, employers, and local and state governments and under these tight regulations they provided reliable armed labor on both public and private ventures.

Justice Nash’s belief that some free black North Carolinians were “worthy of all confidence” put a great deal of faith in the local community’s perception of individual free people of color’s character. Presiding court justices, sheriffs, and justices of the peace assessed free black people’s behavior and then decided whether or not they passed muster. Despite the petitions that argued that free black people were “degraded” many white people believed that there were instances in which people of color could be safely entrusted with firearms. This was most often the case when the free black person was a subordinate laborer. In *State v. Ephraim Lane* the court essentially argued that free black people could be trusted when responsible white people vetted them and regulated their armed labor. This labor was not restricted to the private sector as the free “colored man” Claiborne Wiggins demonstrated when he was hired by the Raleigh constable in the late

²⁷⁸ Helen Tunnelcliff Catterall, *Judicial Cases Concerning American Slavery and the Negro*, vol. II (1929; repr., New York: Negro Universities Press, 1968), 123. Iredell, *North Carolina Reports, 1847-1848*, 189.

²⁷⁹ Jones, *Reports of Cases, 1858-1859*, 71.

1820s to shoot the unlicensed dogs that roamed the city's streets.²⁸⁰

White people subjectively embraced what they understood to be utilitarian black firearm use but many free people of color used their weapons as they wished and not as the law dictated. The legal system put black people at a disadvantage because it was “founded and built on inequality, fully equipped to discipline those on the margins, who were also unable to use it in their own right.”²⁸¹ Because the system was arrayed against them many people of color chose instead to operate outside of it. Free black people's firearms were multipurpose tools that they used for both productive and destructive purposes, although the difference between these was admittedly oftentimes a matter of perspective. John Hope Franklin argued that free black North Carolinians' “criminality” and “general backwardness” were the result of white people's “contempt, disdain, and reprehension.”²⁸² He was writing more generally about crime but Franklin's observations are also specifically applicable to firearm use. Some free black North Carolinians disregarded the license law because they believed that the people in their neighborhood would not prosecute them for violations but others probably chose to do so for reasons that ranged from the administrative costs to disdain for the new policy.

None of the extant court records explicitly listed associated costs but fees accompanied most county services and licenses and the cost could have discouraged some free black people from applying. After 1832 free black peddlers were required to have a license which cost them eighty cents each year.²⁸³ In the mid-1850s court clerks

²⁸⁰ *Raleigh Register, and North-Carolina Gazette* (Raleigh, NC), July 29, 1828.

²⁸¹ Edwards, *The People and Their Peace*, 102.

²⁸² Franklin, *The Free Negro*, 191.

²⁸³ *Ibid.*, 131. *Session Laws of North Carolina, 1830-1831* (Ch. VII, Secs. 1-2), 11. *Session Laws of North Carolina, 1831-1832* (Ch. XXVII, Sec 1), 24. The law also required at least seven justices to

were paid seventy-five cents for marriage licenses, sixty cents for guardianship bonds, eighty cents for bonds of administration, and sixty-five cents for any indenture or apprenticeship bonds that they issued. The applicants undoubtedly bore these administrative costs themselves.²⁸⁴ The firearm license fees were likely left to the discretion of the individual counties and this would explain why some free black people decided not to apply for one. Consider that their state-wide per capita wealth was only about \$34.00 in 1860.²⁸⁵ Many free black people chose instead to rely on their neighbors and other members of their communities to disregard their unlicensed gun use.

Some black North Carolinians rejected the notion that the Assembly even had the right to thusly regulate them, and they therefore refused to submit to the law. For instance Elijah Newsome believed that he was a citizen and as such he could not be subjected to exclusionary legislation. In Newsome's estimation the licensing law was a revocation of his previously enjoyed rights and he chose to continue using his firearm as he had before its passage. He and many other free people of color had hunted and otherwise used their guns for several decades before 1840. Their refusal to acquire licenses thereafter was an act of resistance consistent with the disregard that some free black people had for the Assembly's regulation of their commerce, their voting, and their

Table 4-2. *Craven County Firearm Licensees, 1850-1854*

Name	Occupation	Age in 1850	Race on census	Issued 1850	Issued 1851	Issued 1852	Issued 1853	Issued 1854
Ben. Banton	Farmer	30	Black	Sep		Sep		Sep
Richard Brown	Farmer	66	Mulatto	X		June		June

approve the evidence of the peddlers' good character, which could have been an insurmountable obstacle in itself (*Ibid.*). Additionally, of note, the state legislature came close to completely barring free people of color from peddling anywhere within the state in 1852 (Franklin, *The Free Negro*, 132).

²⁸⁴ *Session Laws of North Carolina, 1855* (Ch. 46, Sec. 17), 108.

²⁸⁵ Franklin, *The Free Negro*, 224.

Ezekiel Chance	Laborer	20	Black	X		June		June
Loftin Chance	Farmer	57	Black			June		June
Rufus Chance	Laborer	18	Black			Dec		Dec
William Cully ²⁸⁶	Farmer	50	Black			June		
Kelso Davis						Dec		Dec
John Fenner	None listed	55	Black				Mar	
Thomas Fenner	None listed	50	Black				Mar	
Sylvester Gaskins							Mar	
James Godette	Farmer	70	Black		Sep	Sep		Sep
John Godette	Laborer	28	Mulatto		Sep	Sep		Sep
William Godette	Laborer	18	Black		Sep	Sep		
Elijah George	Boatman	35	Black				Mar	
Theophilus George	None listed	13	Black			June		
George Lewis	Boatman	33	Black			June		
Willis Lewis	Farmer	65	Black	X		Mar		June
Stanly Moore								Sep
Benjamin Morgan	None listed	69	Mulatto	X				
Richard Morris ²⁸⁷	<u>Farmer</u> Laborer	<u>71</u> 35	<u>Black</u> Black	X		June		
Frank Pettiford	Laborer	30	Black	X				Sep
Israel Pettiford	Farmer	25	Black	X	Sep	Sep		Sep
Wright Pettiford	Farmer	38	Black	X	Sep	Sep		Sep
George Robeson	Farmer	50	Black			Sep		
Jacob Wiggins	Farmer	33	Black					June
John A. Wiggins					Sep	Sep		June
Jonathan Archibald Wiggins ²⁸⁸	Farmer	64	Black	X				Sep

sexual and social relationships with slaves and white people. The free people of color who deigned to follow all of the state's restrictions on their class would have found themselves neatly confined to an isolated and depressed caste.

Noncompliance with the firearm law was common. Indeed, an examination of Craven County licensees during first half of the 1850s shows that only a small percentage

²⁸⁶ Cully had a teenaged son with the same name but the license was presumably the father's.

²⁸⁷ There are two Richard Morris in the records and they are presumably father and son as the younger is listed as Richard Morris, Jr. (1850 U.S. Census, population schedule, Craven County, North Carolina, page 312A, image 186, Richd Morris, digital image, via ancestry.com, accessed June 13, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 315A, image 192, Richd Morris, Jr, digital image, via ancestry.com, accessed July 7, 2015, <http://ancestry.com>).

²⁸⁸ It seems the census taker recorded John Archibald Wiggins as "John R. Wiggins" (1850 U.S. Census, population schedule, Craven County, North Carolina, page 378A, image 320, John R. Wiggins, digital image, via ancestry.com, accessed July 2, 2015, <http://ancestry.com>).

of free black people bothered to apply for licenses. In 1850 there were 1,538 free black people in the county and 392 of them were males between the ages of fifteen and sixty-nine. As Table 4-2 demonstrates between 1850 and 1854 less than roughly 2% of the county's free black men in their physically fit years were granted firearm licenses.²⁸⁹

This list is not exhaustive but it nevertheless provides a glimpse at some free black people's decision making. The highest number of licenses during this period was granted in 1852 and those recipients comprised only about 3.3% of the group of fifteen to sixty-

²⁸⁹ Historical Census Browser, (accessed August 16, 2013). 1850 U.S. Census, population schedule, Craven County, North Carolina, page 362B, image 289, Benjamin Banton, digital images, via ancestry.com, accessed July 7, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 319B, image 201, Richd Brown, digital images, via ancestry.com, accessed July 5, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 308A, image 178, Ezekiel Chance; Loftin Chance; Rufus Chance; digital images, via ancestry.com, accessed June 19, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 311B, image 185, William Cully, digital image, via ancestry.com, accessed June 13, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 317A, image 196, John Fenner; Thomas Fenner; digital image, via ancestry.com, accessed June 13, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 311A, image 184, James Godett; William Godett; digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 307B, image 177, John Godet, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 318B, image 199, Elijah George; Theophilus George; digital image, via ancestry.com, accessed July 7, 2015, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 318A, image 198, George Lewis, digital images, via ancestry.com, accessed June 14, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 320A, image 202, Willis Lewis, digital images, via ancestry.com, accessed, June 14, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 327B, image 219, Benjamin Morgan, digital image, via ancestry.com, accessed July 5, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 312A, image 186, Richd Morris, digital image, via ancestry.com, accessed June 13, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 315A, image 192, Richd Morris, Jr, digital image, via ancestry.com, accessed July 7, 2015, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 346B, image 257, Francis Pettiford; Israel Pettiford; digital image, via ancestry.com, accessed June 15, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 362A, image 288, Right Pettiford, digital image, via ancestry.com, accessed June 15, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 315A, image 192, George Robeson, digital image, via ancestry.com, accessed June 15, 2012, <http://ancestry.com>. 1850 U.S. Census, population schedule, Craven County, North Carolina, page 378A, image 320, Jacob Wiggins; John R. Wiggins; digital image, via ancestry.com, accessed July 2, 2015, <http://ancestry.com>. List "Free Negroes licensed to Keep fire arms"; list "Free Negroes licensed to carry guns 12 Months"; and list "The licenses authorizing free Negroes to carry fire arms are for one year"; all in folder- Lists of Free Negroes licensed to keep guns, 1851-1854, Slaves and Free Negroes Bonds – Petitions, 1775-1861, Craven County Records, NCDAH. The italicized names could not be traced through the census.

nine year old men. This low percentage cannot accurately reflect the actual number of free black firearm users because about fifty-six percent of those within this age range lived in the rural parts of the county.²⁹⁰ They would have been more inclined to be farmers and need their guns than their peers in town. In fact, all of the licensees who can be traced through the census lived outside of New Bern. Further, the free people of color who did apply for licenses did so inconsistently. They might chose to do so in one year but not the next. Many other people of color would have chosen to disregard the law entirely.

North Carolina's license requirement for its free black residents was part of the state's effort to supervise people of color's arms use in the same manner that the Assembly required slaveholders to monitor their armed slaves. This was not the only similarity between free and enslaved black North Carolinians' firearm use, however. Consider that Craven County issued gun licenses with the expectation that the free black licensee would remain on his or her own land while carrying a weapon because it believed that while he or she would be less likely to threaten white people's lives or property while thusly confined. This was essentially the same restriction placed on armed slaves in earlier legislation and a sharp departure from white men's unregulated firearm use. In 1859 Jonathan Harriss violated this very specific interpretation of the law when he went hunting with a group of white men on someone else's land. The authorities discovered his transgression and judged that the free black man had indeed violated the

²⁹⁰ The average numbers of licensees were tabulated using the 392 free black men on the 1850 census who were between fifteen and sixty-nine years of age. The actual population varied each year but was stable enough over the period to be reliably used here.

terms of his license.²⁹¹

Harriss successfully appealed this judgment on the grounds that Craven County had no right to geographically limit his license but his celebration was short-lived. The county appealed the Superior Court's decision and the North Carolina Supreme Court reversed the earlier verdict. The highest court argued that if the county had the power to grant licenses that were valid anywhere within its jurisdiction then they could also "grant the less, provided the applicant be willing to accept it." The Supreme Court further argued that this restriction had not strayed from the spirit of the Assembly's license law. It declared that the county courts might take "a very prudent precaution" and limit armed free black people to their own land and the court could not "...discover any thing[sic], either in the language or spirit of the act to prevent the restriction from being imposed." Finally, the highest court reasoned that despite this restriction the licenses would still "operate in favor of the free negroes, who may thus be enabled to keep a gun, &c., for killing game on their own land, or for protecting their own premises, when they could not obtain a license extending to them greater privileges."²⁹² In this court's opinion it was better for free people of color to have limited firearm licenses than to not have any gun privileges at all.

These restrictive licenses continued the longstanding trend of North Carolina legislators restricting armed black people to white supervision. Although not every county issued these restricted licenses those that chose to do so had the same intentions.

²⁹¹ *State v. John Harriss*, Judge J. Shepherd's report (Spring Term 1859), in folder- Criminal Actions Concerning Slaves and Free Persons of Color, 1859, Criminal Actions Concerning Slaves and Free Persons of Color, 1840-1868, Craven County Records, NCDAH). Jones, *Reports of Cases, 1858-1859*, 448-449.

²⁹² *Ibid*, 449.

They sought to restrict armed free black people to their own land or put another way, to keep them off of other peoples' land where they would have been less of a potential hazard to white peoples' property. Of equal importance, many white North Carolinians believed that armed free people of color who could not leave their own property would also have had fewer opportunities to supply the state's slaves with weapons. The limited licenses would have been detrimental to free people of color if they did not own any land or if they possessed land that was not productive for hunting. Under those conditions the free black person would have been limited to the protection of their home and crops and that license would not really work "in his or her favor." White people had no such handicap on their firearm use, and they hunted on one another's property with enough regularity that a few individuals tried to protect their lands from what they considered to be trespassing. In 1832 seven residents of Cumberland County forbade "all persons from trespassing on our lands, for the purpose of hunting, gaming, or otherwise, with dogs or guns, by night or by day, under such penalties as the law directs" via a joint advertisement in the *Carolina Observer*.²⁹³

The hardships imposed by the Assembly's racially biased firearm laws meant that some mixed-race North Carolinians attempted to shed their identity as a person of color by emphasizing their whiteness. Free black people were not a phenotypically monolithic group but because the slave society was founded on a Eurocentric racial hierarchy the white power structure placed people with varying degrees of African-descent into the broad category regardless of how they may have self-identified. This categorization was

²⁹³ *Carolina Observer* (Fayetteville, NC) March 20, 1832. *Fayetteville Observer* (Fayetteville, NC) December 19, 1859.

important because it marked who could access the trappings of citizenship-- including unregulated firearm use-- and who could not. The construction of racial difference was also dependent on the public's perception of "external marks" which allowed some mixed-race people to influence how others perceived their ambiguous racial identity.²⁹⁴ The Old North State's racially tailored laws floundered on the terrain of firearm use because of the nebulousness of racial constructions.

North Carolina's courts prosecuted some firearm-centered cases that hinged on the free African-descended defendant's racial identity. The defendants in these cases used their indictments as a means to challenge the way the state assigned them a racial identity. Three of these court cases made their way before the North Carolina Supreme Court: *State v. Whitmel Dempsey* in 1849, *State v. William Chavers* in 1857, and *State v. Asa Jacobs* in 1859. When these cases are examined alongside 1844's *State v. Elijah Newsome* the group of antebellum courthouse struggles demonstrates that some free black people rejected outright the racial identity that the county and state courts ascribed onto their bodies. They instead tried to shape the public perception of their racial identity in order to thwart the courts' efforts to control their firearm use.

Bertie County's Whitmel Dempsey was brought before the court for carrying a firearm without a license and during his trial the court tried to determine whether he was a free man of color or a white man with some black ancestry.²⁹⁵ His unrestricted firearm use lay in the balance. The state's law treated blackness as a stain that followed a bloodline through to the fourth generation inclusive, even if the African-descended

²⁹⁴ Ariela Julie Gross, *What Blood Won't Tell: A History of Race on Trial in America* (Harvard University Press, 2009), 41.

²⁹⁵ Catterall, *Judicial Cases*, 132.

person in each generation was coupled with a white person. During the trial a witness stated that he had known an old man who had since died who told him that Dempsey's paternal great-grandfather Joseph Dempsey had been "a coal-black negro." Whitmel objected to this testimony but the court admitted it. The defendant maintained that his great-grandfather was "a reddish copper-colored man, with curly red hair and blue eyes" and who had a white mother. Further, he declared that Joseph Dempsey had married a white woman, as did his son. That son and his white wife had another son whom they named Whitmel. Whitmel also married a white woman and thereby became the defendant's father and namesake.²⁹⁶

Whitmel's counsel argued that the court had to instruct the jury that although Joseph Dempsey's father (the defendant's great-great-grandfather) "was a negro, the defendant nevertheless, was not a free person of color within the statute." The court rejected this argument and instead told the jury that if Joseph were "of half negro blood" then Whitmel would be in the fourth generation from "negro ancestors" and therefore legally a free person of color.²⁹⁷ Dempsey's unrestricted gun access was dependent upon whether his great-great-grandfather was "a negro" or a man of mixed race. The Supreme Court of North Carolina explained that Whitmel Dempsey had himself described his heritage in a manner that indicated he was within the four generations of "negro blood" and was therefore rightly subjected to the racially biased licensing law.

William Chavers appeared before the Brunswick County Superior Court on a license violation and the court also sought to define his racial identity in order to

²⁹⁶ Iredell, *Reports of Cases at Law, 1848-1849*, 384-385.

²⁹⁷ *Ibid.*

determine whether or not he was required to have a license.²⁹⁸ The court interrogated Chavers' parentage and he tried to alter the state's perception of his race. If he was a white man with some inconsequential amount of "negro blood" in his lineage then the 1840 law would have been inapplicable. During the trial a witness proved that Chavers' father was "a man of dark color and had kinky hair; that he was a shade darker than the defendant himself, and his hair was about as much kinked."²⁹⁹ Another witness testified that while Chavers was traveling on a steam-ship the man of color had identified himself as a man of color. The vessel charged white passengers one dollar but "colored persons" could travel for half price. The witness explained that Chavers paid a dollar for himself and his brother and told an attendant that he heard the fare was half price for people of color.³⁰⁰

These two testimonies were damaging to Chavers' case but his counsel still insisted that he was a white man. His ambiguous racial features allowed him to pass back and forth across the color line. He identified himself as a free man of color in the rare instances where that identity was beneficial and also claimed the privileges of whiteness when he could. Chavers used his ambiguous racial position to gain what advantages he could from the racist society he lived in, including the right to unregulated firearm use. Further, his lawyer called on the jurors to visually inspect Chavers and to determine his racial background for themselves. This was a common practice in antebellum

²⁹⁸ Catterall, *Judicial Cases*, 209-210.

²⁹⁹ Hamilton C. Jones, *North Carolina Reports*, vol. 50, *Cases at Law Argued and Determined in the Supreme Court of North Carolina From December Term, 1857, to August Term, 1858, Inclusive*, ed. Walter Clark (1859; repr., Raleigh, NC: E. M. Uzzell & Co., State Printer, 1905), 25.

³⁰⁰ *Ibid.*, 12.

courtrooms.³⁰¹ Superior Court Justice Samuel J. Person charged the jury that anyone whose heritage included at least one-sixteenth part of “negro blood” was a free negro and that only through a “purification” of that blood could they “become free white persons by law.” Person further declared that:

...no person in the fifth generation from a negro ancestor becomes a free white person, unless one ancestor in each generation was a white person; that is to say, unless there shall be such a purification of negro blood by the admixture of white blood as will reduce the quantity below the one-sixteenth part; and unless there is such purification it makes no difference how many generations you should have to go back to find a pure negro ancestor; even though it should be a hundred, still the person is a free negro.³⁰²

In Person’s view an individual remained a free person of color unless the African ancestry was washed out by whiteness at the tune of one full white ancestor per generation into the fifth generation.

The Brunswick Superior Court ruled that Chavers was indeed a “free negro” and he appealed the decision on the grounds that the court had insufficient evidence and that the judge’s instructions to the jury on determining racial status were misleading.³⁰³ Upon review the Supreme Court of North Carolina announced that the indictment against Chavers as a “free person of color” could apply to “persons colored by Indian blood, or persons descended from negro ancestors beyond the fourth degree” and not just a “free

³⁰¹ Gross, *What Blood Won’t Tell*, 41. The trial records noted that “a negro is almost entirely known by his external marks, for example, his colour, his kinky hair, his thick lips...the nearer the defendant approached the appearance of a negro in these marks he was consequently by so much the farther from a white person” (*Ibid.*, 41). In antebellum trials “evidence” was given on the defendants’ personal appearance, how they comported themselves, as well as how other people treated them. For further reading see Gross’ chapters, “The Common Sense of Race” and “Performing Whiteness” in *What Blood Won’t Tell*.

³⁰² John W. Moore, *History of North Carolina: From the Earliest Discoveries to the Present Time* (Raleigh, NC: Alfred Williams & Co., Publishers, 1880), 110-111. Jones, *North Carolina Reports, 1857-1858*, 26. If Justice Person had been sitting at Dempsey’s trial he might have ruled that Dempsey qualified as a white person if he believed that Dempsey had a white female ancestor in each previous generations back to his great-great-grandparents.

³⁰³ *Ibid.*, 14-15.

negro” as the 1840 law originally intended. The court therefore decided that the indictment could not be sustained and judgment was arrested.³⁰⁴ Chavers’ unfettered firearm use was preserved on a technicality.

In 1859 Asa Jacobs was charged with the unlicensed possession of a firearm and in his defense he admitted that he had mixed racial heritage but argued that he had enough white ancestry to avoid classification as a free person of color.³⁰⁵ During *State v. Jacobs* the defendant objected to the court’s request that the jurors be allowed to inspect his physical characteristics so that they “might see that he was within the prohibited degree [of African ancestry].” The attorney general argued that since Jacobs was legally required to be present at his trial “the jury must necessarily see him” and therefore submitting the defendant to an examination would not violate any of his rights. The Brunswick Superior Court overruled Jacobs’ objections to this visual inspection and it thereafter declared him to be a person of color. He was therefore guilty of violating the firearm license law. Jacobs appealed the court’s decision and its framing of his racial identity.³⁰⁶

The Supreme Court of North Carolina’s main consideration was whether or not Jacobs could be compelled by the lower court to exhibit himself before the jury “for the purpose of enabling them to decide upon his *status* as a free negro.” The Supreme Court

³⁰⁴ *Ibid.*, 28-29. The court noted that there was a difference between a “free negro” and a “free person of color” although these terms were often used interchangeably. All “free negroes” were “free people of color” but not every “free person of color” was a “free negro.” In this framework the laws directed at free black people did not necessarily apply to every “free person of color.” This tangle of the law and racial identity illustrates how convoluted racial constructions were. The popular and legal languages themselves often proved insufficient in maintaining the constructed racial hierarchy that the slave society was built on.

³⁰⁵ Catterall, *Judicial Cases*, 226. Jones, *North Carolina Reports, 1857-1858*, 256.

³⁰⁶ Jones, *North Carolina Reports, 1857-1858*, 257.

cited the aforementioned *State v. Chavers* wherein the defendant wanted the jury to physically examine him because he believed that his predominately European heritage would be unmistakable. Supreme Court Justice Matthias Manly declared that although Chavers had the right to present himself to the jury of his own volition Jacobs could not be compelled by the court to do so because that would essentially amount to the court forcing him to present evidence against himself. Asa Jacobs rejected the court's racial classification of his body and successfully prevented the court from closely scrutinizing his phenotypic traits. This tactic helped him to force another trial.³⁰⁷

Elijah Newsome's approach to beating his conviction was the inverse of Chavers' efforts. He did not present himself as a white man but instead claimed the right of citizens to bear arms. This challenged the very validity of the license law. The North Carolina Supreme Court heard Newsome's case on appeal from the Cumberland County Superior Court in 1844. He had been convicted of keeping a shotgun without a license "to the evil example of all others in like manner offending...and against the peace and dignity of the State." Newsome boldly appealed the judgment on the grounds that the 1840 law was unconstitutional and that the state could not thusly limit his *rights*. He had been born around 1780 and had probably used his firearm as he wished for over fifty years. He may have voted prior to 1835 and perhaps had continued to do so afterward.³⁰⁸

Under these conditions Newsome likely considered himself to be on equal footing with

³⁰⁷ Bynum, *Unruly Women*, 41. Jones, *North Carolina Reports, 1857-1858*, 258.

³⁰⁸ James Iredell, *Reports of Cases at Law Argued and Determined in the Supreme Court of North Carolina, from December Term, 1844, to June Term, 1845, both inclusive*. Vol. 6 (Raleigh, NC: Turner and Hughes, 1845), 251. The state constitution was amended in 1835 to disenfranchise black property holders who had been previously eligible to vote but historians have suggested that some of them continued to do so and others were "indignant" when their ballots were refused (Franklin, *The Free Negro*, 13, 105-113, 120. *Journal of the Convention...to Amend the Constitution of the State, Art. I, Sec. 3, § 3*. David Dodge, "The Free Negroes of North Carolina" in *the Atlantic Monthly* 57 [January 1886], 22).

his white neighbors in some regards. The state's Supreme Court upheld the lower court's decision however and Justice John Lancaster Bailey declared that "from the earlier period of our history, free people of color have been among us, as a separate and distinct class, requiring, from necessity, in many cases, separate and distinct legislation."³⁰⁹

The most salient aspect of *State v. Newsome* was the North Carolina Supreme Court's affirmation that the state's free black residents were not full citizens. In addition to justifying the racially specific firearm law as necessary to deal with the "separate and distinct class" of free black people the court declared that "the act of 1840 is one of police regulation..." and that it did not remove free black people's right to carry firearms. Instead the court argued that the firearm law allowed the county court to "say, in the exercise of a sound discretion, who, of this class of persons, shall have a right to the licence[sic], or whether any shall."³¹⁰ The court maintained that the free black people were "not to be considered as citizens, in the largest sense of the term, or, if they are, they occupy such a position in society, as justifies the legislature in adopting a course of policy in its acts peculiar to them- so that they do not violate those great principles of justice, which lie at the foundation of all laws."³¹¹ Uninhibited gun use may have been a right of North Carolina's citizens but the state's highest court overruled Newsome's claim to that same citizenship.

These Supreme Court cases highlight how potentially problematic the antebellum courts' use of race as a demographic category could be. They further demonstrate that

³⁰⁹ The court argued that the 1840 law was a legitimate use of the state's police power because it did not strip free black people of the right to carry arms but only placed the right under the "control" of the county courts (Iredell, *Reports of Cases, 1844-1845*, 252). Moore, *History of North Carolina*, 37, 110.

³¹⁰ Iredell, *Reports of Cases, 1844-1845*, 253.

³¹¹ *Ibid.*, 250.

North Carolina's interpretation of phenotypic difference and the consequent construction of race could have a major impact on the ways that some African-descended North Carolinians could access or use firearms. Appearances mattered and the variable interpretation of racial markers demonstrated the construction's inherent subjectivity. An individual's identity was sometimes dependent upon the public perception of their racial heritage for several past generations. Alternatively however the defendants in these cases attempted with variable success to construct their racial identity in a manner that could subvert the Assembly's race-based firearm regulations.

North Carolina's state government and county courts subjected its free black residents to a range of restrictions which were intended to safeguard white people from perceived threats that free black people posed. By 1840 the General Assembly was concerned about a growing free black population and nervous about that population's connections to North Carolina slaves so it legislated county-level oversight of free people of color's firearm use. This restriction borrowed some aspects of the slave code, namely the perception that armed free people of color needed to be supervised by white people. Nevertheless, free black people's gun use was a community endeavor that rested on the faith, advocacy, and economic backing of their black and white friends, neighbors, associates, and family. While a free black person's family connections might endanger his or her firearm use, their family and friends' support often proved vital to the state-mandated firearm licensing process.

North Carolina's racially specific firearm legislation was the manifestation of many white people's view that free people of color were a "perfect Nuisance, to civilized

Society.”³¹² Free black people pragmatically approached this restrictive firearm policy. They oftentimes did not follow it and did not fear punishment because of the localized interpretation and enforcement of laws; neighbors would have to be concerned enough about a specific armed black person to alert the authorities. While this negative response may have been more common with armed black strangers the many white North Carolinians who supported black community members suggests that many of them were apathetic about or even supportive of their free black associates, neighbors, and friends’ firearm use. Finally, some of the Old North State’s people of color with diverse racial heritages resisted the General Assembly’s firearm law by boldly claiming the privileges of whiteness and constitutional protections and in some cases they took their challenges all the way to the North Carolina Supreme Court. These legal challenges were a manifestation of free black people’s resistance against racially specific laws that would not be adequately addressed until after the Civil War.

³¹² *Race, Slavery, and Free Blacks*, North Carolina, 1852, reel 7, frames 0404-0410.

Chapter 5

Confederate North Carolina and Armed Black Men's Wartime Labor

The four years of the American Civil War had a profound impact on the lives of free and enslaved African-descended North Carolinians. Military service and related labors took many North Carolinians--black and white, free and enslaved, male and female--away from their daily routines and sent them off to new labors at the state's coastal forts or military camps throughout the region. Many white North Carolinians worried that this depletion of white male strength would embolden the slave population and compromise safety on the home front. In 1861 Emily Jenkins wrote a letter to Governor Henry Clark expressing just such a concern. She was afraid that "the negroes wile[sic] Kile[sic] ale[sic] we women and children if they take ale[sic] the men away."³¹³ In contrast however some slaveholders who served in the military relied on their slaves' armed labor all the more during deployments and some of them even trusted their bondpeople to protect white people's lives and property. This use of armed black laborers on the home front was in many regards a continuation of antebellum practices that were all the more crucial and potentially dangerous during the war.

Additionally, as the conflict became a war of attrition and casualties steadily mounted the Confederate government grappled with how it might utilize armed black men on the battlefield. Most white North Carolinians were opposed to the Confederate government arming slaves for military service because they considered black soldiers to

³¹³ Bynum, *Unruly Women*, 117.

be a unwelcome shift in their own limited and local use of armed black laborers. Of equal importance some slaveholders resisted their state's and national governments' appropriation of their slaves during the later years of the war because they simply did not want to lose additional labor to the war effort.³¹⁴ Slaveholder Calvin Cowles expressed relief at not having his bondpeople called into the war effort. He explained to an associate that in his neighborhood "20 slaves + all our Free negroes are ordered to Wilmington- the allotment has been made + does'nt[sic] touch me- I escape." Many white North Carolinian slaveholders detested Confederate impressment efforts because their national allegiance was rooted in a "desire to protect their property" and they saw impressment as a threat to that property.³¹⁵

The Confederacy's widespread resistance to armed black military labor lasted until nearly the end of the Civil War, and it distinguished the conflict from the nineteenth century Latin American wars of independence wherein both the royalist and nationalist recruited and armed African-descended men to fight for their respective cause. White North Carolinians' sought to continue the antebellum era's locally mediated regulation of free and enslaved black people's firearm practices. These concerns about the supervision of armed black subordinates were at the core of the wartime debates over the appropriate uses of black people's armed labor in both domestic and military contexts.

The state of North Carolina undertook greater safeguards to protect itself and its

³¹⁴ In October, 1861 General Daniel Harvey Hill called on Craven County slaveholders to provide one quarter of their male slaves for two weeks of labor on New Bern's defenses. The slaveholders were unenthusiastic about loaning their slaves and Hill's troops threatened to "enforce the requisition" if necessary. Edgecombe County residents were more amenable. "Though less exposed to invasion than Craven" they quickly replied to Hill and exceeded his quota (*Carolina Observer* [Fayetteville, NC] October 21, 1861).

³¹⁵ C. J. Cowles to Brother A., November 8, 1863, #654-55, Letter Book K, Calvin J. Cowles Papers, NCDAH. Oakes, *Freedom National*, 402.

citizens from violence emanating from within or outside of its borders as the secession crisis escalated. These plans included an intensification of the restrictions on free and enslaved black North Carolinians which included even greater control of black people's firearm use. In February, 1861 North Carolina cautiously remained in the Union but the General Assembly repealed all of the laws that had previously empowered the county courts to grant firearm licenses to free people of color which effectively prevented their legal access to firearms. Free black people who violated the law would have been fined "not less than fifty dollars" which was a steep price for their continued gun use when one considers that their average yearly income was only \$34.00 in 1860.³¹⁶ The slaves had been legally barred from carrying firearms since 1832 so by the time the Old North State seceded from the Union its entire black population had been disarmed, although the local communities did not always enforce these measures.³¹⁷

Additionally, in May of 1861 the Assembly strengthened the provisions for overseeing the slave population. The legislators empowered any three justices of the peace within a county to appoint patrollers within their district if the justices thought it was necessary. The convened county court had been responsible for appointing patrols under the previous guidelines but empowering the justices sped up this process.³¹⁸ The lawmakers also worked to define treason against the state of North Carolina. Thereafter any person who waged war against the state or assisted others to do so could be sentenced to death and anyone who was aware of a treasonous plot and did not report it to the

³¹⁶ *Session Laws of North Carolina, 1860-1861* (Ch. 34 Secs. 1 and 2). Franklin, *The Free Negro*, 224.

³¹⁷ *Session Laws of North Carolina, 1831-1832*, (Ch. XLIV, Sec. 1), 34.

³¹⁸ *Session Laws of North Carolina, First Extra Session 1861*, (Ch. 14, Sec. 1), 103-104. *Revised Code of North Carolina, Enacted by the General Assembly of 1854*, eds. Bartholomew F. Moore and Asa Biggs (Boston: Little, Brown and Company, 1855), 458.

authorities could be fined and jailed. Finally, any free people who encouraged or assisted slaves to rebel could be put to death.³¹⁹

Many counties and towns undertook additional measures to ensure their safety in anticipation of turmoil on the home front. Hillsborough, Orange County passed an ordinance in September, 1861 to limit the discharge of firearms within the town limits. Any “white person, free negro, or free mulatto” who violated the law would be fined between fifty cents and \$2.00. Slaves who were caught firing weapons within the town’s limits would be punished with between ten and twenty lashes “on his or her bare back.”³²⁰ According to North Carolina law the slaves and people of color in Hillsborough were not supposed to be carrying firearms at all and this town ordinance suggests that the General Assembly’s restrictive firearm laws had been casually enforced in the town. North Carolina’s communities also formed Vigilant Committees to increase their watch over individuals whom they deemed to be suspicious, much like the Revolutionary War’s Committees on Public Safety. Pro-Confederate newspapers warned the home front against complacency from the outset of the conflict and declared that instead “every good citizen should consider himself a committeeman.”³²¹

The committees focused on individuals in their district who were unemployed, suspected of “tampering with” or trading with slaves, had expressed “treasonable

³¹⁹ *Session Laws First Extra Session 1861*, (Ch. 18, Secs. 1, 2, and 3), 107-108.

³²⁰ *Hillsborough Recorder* (Hillsborough, NC) October 2, 1861. The ban on discharging firearms within town limits had earlier precedents. Firing weapons on “days of public rejoicing” was a regular practice during the antebellum period, so much in fact that it was noteworthy when merrymakers were not shooting. Greensboro resident David Franklin Caldwell wrote to his son in 1850 that “our Christmas has been more than usually silent, comparatively little firing of Guns or pistols.” As a result, other towns enacted similar bans in the antebellum period (David F. Caldwell to one of his sons, December 27, 1850, in folder 4, Caldwell Papers, SHC. *The Elizabeth-City Star and North Carolina Eastern Intelligencer* (Elizabeth City, NC) February 18, 1832).

³²¹ Rankin, *Continentials*, 8-9. Bowman, “The Virginia County Committees of Safety”, 322. *The Colonial Records of North Carolina*, vol. 9, pg. xxxii. *Carolina Watchman* (Salisbury, NC) July 4, 1861.

sentiments,” circulated incendiary documents, or had otherwise violated “the peace and security” of the jurisdiction’s citizens.³²² These citizens’ organizations sought to protect their communities from domestic threats and to coerce support for the war effort. In September, 1862 Lenoir County’s R. W. Moore was awarded \$4.50 for “delivering” nine free black people to the vigilant committee in the Mosely Hall district.³²³ It is not immediately clear what these free black people’s trespasses were but the state and local governments had scrutinized their black residents and curtailed their gun use during prior periods of unrest and continued to do so during the war. In 1864 a group of white men set out to conduct an “investigation of the conduct of the negroes of the neighborhood” during a recent Union raid. The group called on Dr. George W. Burwell to “bring any Negroes or evidence” that he thought might be important for the “trial.”³²⁴ Through the antebellum era both the General Assembly and many white people saw free black North Carolinians as a negative influence upon the slaves and tumultuous wartime conditions exacerbated these views.

White North Carolinians understood armed black people as a threat to their physical and economic security but they also recognized that other white people might encourage the black population to resist. White people were therefore suspicious of outsiders interfering with their state’s established and longstanding guidelines for the supervision of armed black labor which had become all the more crucial during the Civil War. In December of 1860 sixteen year old Solon Larkins and another young white man

³²² *The Daily Register* (Raleigh, NC) July 17, 1861.

³²³ Court payment receipt (January Term 1862), folder- Lenoir County Court Records 1849-1864, Box 2, Waite and Leone Hines Collection, NCDAH.

³²⁴ J.S.R. Burwell to George W. Burwell, August 12, 1864, Series 1, Folder 7, George W. Burwell Papers, SHC.

by the name of Taylor were arrested as traitors. Larkins came from a “highly respectable Family” and he and his accomplice had written a letter to “the President of the Abolition Society, Anthony” in which they requested both weapons and \$200.00 in cash to help plan an interracial insurrection. The young men lied to the abolitionist that they had “100 Negros 40 Whites and 40 Free Negros redy[sic] to march out into action.” In addition to raising this force Larkins and Taylor said that they had stockpiled forty muskets, forty broadswords, and some axes.³²⁵

Unfortunately for the two young men their plan quickly unraveled. Anthony did not send them any money or weapons, but he did forward their letter to North Carolina’s governor. The abolitionist explained to the executive that anyone who thought he would support inciting slaves to “murder and rebellion” was “very much mistaken.” When the authorities confronted Larkins the young man confessed that he had indeed written the letter, but he pleaded that he had only done so in order “to make mony[sic] out of the Abolitionists” and did not sincerely wish to foment a rebellion.³²⁶ Whatever these two young white men actually intended to accomplish with their letter the specter of a multiracial army--comprised of free and enslaved black people and supported by both Southern and Northern whites--was enough to raise white people’s anxieties.

³²⁵ John W. Owen to Benson S. Owen, December 20, 1860, in folder –Letters (1859-1862), in A. G. Owen Collection, NCDAH. Watson, *Wilmington*, 135. Owen’s letter is not specific but Larkins’ had probably written his incendiary request to Daniel Read Anthony, Susan B. Anthony’s brother and a Free State settler in Kansas. Larkins likely believed Anthony’s “ferociously hostile” views on slavery, his “radical and uncompromising” free state politics, and his part in rescuing a fugitive slave from federal marshals meant that the abolitionists would be interested in funding and outfitting a slave insurrection (W. W. Admire, “An Early Kansas Pioneer” *Magazine of Western History*, vol. X [May, 1889-October, 1889], 690, 694, and 695). 1860 U.S. Census, population schedule, New Hanover County, North Carolina, page 904, image 406, Solon V. Larkins, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>.

³²⁶ John W. Owen to Benson S. Owen, December 20, 1860, in folder –Letters (1859-1862), in A. G. Owen Collection, NCDAH.

For white North Carolinians an internal threat like the one Larkins presented supplemented the concurrent real and imagined external threats posed by the United States government and by aggressive abolitionists. White people's concerns of vulnerability were not only rooted in incendiary political rhetoric and literature but some of them feared that Northerners could distribute firearms to the slave population under the harrowing conditions created by the secession crisis, much like Larkins' odd letter suggested. This stressful situation would have roused concerns similar to those about the inadequately stored militia weapons during the antebellum period in that white North Carolinians were concerned that these hypothetical Northern sponsored weapons could end up in the hands of fugitive slaves and other unsupervised black people just as so many of those militia weapons had.

White North Carolinians had been concerned about outside interference and improperly supervised armed black people since the colonial period. The Civil War brought thousands of Union soldiers to the Old North State and increased the opportunity for interlopers to meddle with the state's domestic institutions. David Blount grew up enslaved on Major William A. Blount, Jr's Beaufort County plantation with about sixty other bondpeople and he recalled that one day when he was about fifteen years old a party of white men came up the river and landed on the Major's property. These strangers approached the slaves in the fields and Blount remembered that "dey says dat our masters ain't treatin' us right" and that "we orter be paid fer our wuck, an' dat we hadn't ort ter hab passes ter go anywhar."³²⁷ Blount noted that the white visitors told the

³²⁷ 1860 U.S. Census, population schedule, Chocowinity, Beaufort County, North Carolina, page 439, image 437, W. A. Blount, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>.

slaves that they “ort ter be allowed ter tote guns if we wants ‘em” and warned them that “sometime our marsters was gwine ter kill us all.” The young slave left the conversation because he did not like the subject matter but he later learned “dat dese men gib de niggers some guns... an’ promised ter bring ‘em some more de nex’ week.” Blount reported these clandestine weapons to his master and recounted that the Major “sorta laughs” and told him that the slaves were “headed for trouble” before asking Blount to keep him apprised of the situation.³²⁸

The strangers returned to Major Blount’s plantation and brought more firearms as promised. The armed plantation’s slaves planned to meet in the Major’s pack house to determine a collective course of action. David Blount informed the Major and, on his master’s orders, he then nailed the pack house’s shutters shut before the meeting and hid in the loft to wait for the conspirators. Blount watched the armed slaves enter and listened as they plotted to “go up to ter de big house an’ kill de whole family” with their newly acquired firearms.³²⁹ He escaped from a small loft window and immediately warned his master. The Major, Blount, and one of the Major’s sons ran to the pack house and locked the door as “quick as lightnin’.” Once they had secured the armed conspirators the Major called out to them and threatened to burn the pack house down on

Major William A. Blount’s father and namesake also lived in Chocowinity, but was sometimes referred to without rank, although he had attained the rank of general and would have been remembered by that honorific, if any (Pulaski Cowper, “Sketch of the Life of Judge William B. Rodman” *North Carolina University Magazine*, 2nd ser., 13, no. 5 [February, 1894], 212. *Weekly Raleigh Register* [Raleigh, NC], June 24, 1857). Federal Writers’ Project, *Born in Slavery: Slave Narratives from the Federal Writers’ Project, 1936-1938*, North Carolina Narratives, Vol. XI, pt. 1, (United States Works Progress Administration, Manuscript Division, Library of Congress), 113, accessed July 9, 2015, <http://memory.loc.gov/ammem/snhtml/snhome.html> (David Blount).

³²⁸ David Blount remembered the Major as a kind man but apparently Blount’s family life did not factor into this. The Major did not permit any of his slaves to marry or to raise their own children but he instead tasked one older woman with raising all of the plantation’s children. As a result of this arrangement David Blount and his brother Johnnie “ain’t neber knowed who our folkses wuz” (*Ibid.*, 112-113).

³²⁹ *Ibid.*, 113-114.

top of them if they did not toss their firearms out of the loft window. The trapped slaves had no other viable option so they complied with their master's command. David Blount counted the guns to ensure they were all accounted for and then carried them up to the Major's house.

Blount was pleased with his role in suppressing what appears to have been an armed uprising in the making. He noted that afterwards "we keeps dem niggers shet up fer about a week on short rations; an' at de end of dat time dem niggers am kyored for good. When dey comes out dey had three oberseers 'stid of one, an' de rules am stricter dan eber before..." Shortly thereafter the Major left home to fight for the Confederacy and when he did he took Blount with him "fer his pusal servant an' body guard" and left "de rest of dem niggers in de fiel's ter wuck like de dickens."³³⁰

David Blount's interview did not divulge how many slaves were involved with the conspiracy was or who the plotters were. His recollections nevertheless demonstrate that during the war some of North Carolina's slaves only needed tools and encouragement to violently cast off the chains of bondage. This was certainly not lost on Major Blount or his white neighbors and incidents like these, even if infrequent, would have fueled their safety concerns. Blount also did not identify the white strangers who brought the firearms to the plantation but the Works Progress Administration interviewer's notes on the transcript include "Slaves make pact with Yankees" suggesting that part of their unrecorded conversation led her to believe that the riverine visitors were in fact federal soldiers. Union troops occupied eastern North Carolina in March, 1862 and used the state's many rivers to launch incursions and raids so they could very easily have visited

³³⁰ *Ibid.*, 114-115.

the Blount plantation.³³¹ Another Beaufort County planter lamented living on the river because Union troops often traveled by water where their boats made for easy travel and they could take advantage of their gunboats' mobile firepower.³³²

These unwelcomed visitors failed in their mission to stoke a slave insurrection on Major Blount's plantation but other white outsiders had greater success. White North Carolinians were not only concerned that these strangers would agitate the slaves but that they might recruit free people of color as well. During the summer of 1862 the *Carolina Observer* reported that Union soldiers induced nearly a hundred slaves and "a party of free negroes" to flee Pasquotank County and hide in the Great Dismal Swamp. This sizeable group of black people was allegedly encouraged by federal troops but led by a wealthy free black "dictator" who had property valued between four and five thousand dollars. North Carolina authorities broke up the black renegades' camp and were able to capture about fifty people and seize "a considerable quantity of ammunition." The next night three local patrollers ran into another thirty of the fugitives who were reportedly "led by white men; supposed to be Yankees" and who opened fire on the patrol. The newspaper reported that one of the patrollers and two fugitives were killed in the fight and another of the rebels was wounded and then captured.³³³

This printed account highlighted that these armed black North Carolinians were similar to the maroons and fugitive slaves who had threatened white people's livestock and safety since the colonial era. North Carolina's newspaper readership would have

³³¹ *Ibid.*, 110. J. G. de Roulhac Hamilton, *History of North Carolina*, vol. III, *North Carolina Since 1860* (Chicago: The Lewis Publishing Company, 1919), 21-22.

³³² William Tripp to Araminta Tripp, January 7, 1862, Tripp Papers, SHC.

³³³ *Carolina Observer* (Fayetteville, NC) August 4, 1862. This newspaper report also lamented the "stampede" of one hundred slaves from Camden County and another five hundred from Currituck who fled to the Union lines in Virginia where "the Yankees find plenty of dirty work" for them (*Ibid.*).

recognized the same themes of uncontrolled and menacing black people from several preceding decades. The difference was that these wartime raiders were alleged to have been directly encouraged by Union officials and then led by a prosperous free black man. The Old North State's free people of color were long suspected of being a negative influence on the slave population, as were abolition minded Northerners. The exigencies of war aside many white people would have seen this armed band of slaves, free people of color, and abolitionists as the manifestation of an antebellum nightmare.

White North Carolinians in the state's seaports and towns had long been concerned that the black people in their neighborhoods had unregulated access to illegal firearms and those worries persisted during the war and Union occupation. As early as the summer of 1862 white people expressed concern that some of the black sailors who entered North Carolina's Union controlled ports were armed and this added another layer of tension to the federal army's occupation of those towns.³³⁴ This added Union presence was the most significant difference between armed black people in the port towns before and during the war. The persistent threat of abolitionism and the problems presented by unsupervised armed black people became even more problematic with the onset of hostilities because the Union soldiers' presence emboldened many of the region's black residents.

Despite the formation of vigilant committees and many white people and the state government's shared concerns about white interlopers and black people's gun violence some white North Carolinians found that the state and national governments' wartime

³³⁴ Judkin Browning, *Shifting Loyalties: The Union Occupation of Eastern North Carolina* (Chapel Hill, NC: The University of North Carolina Press, 2011), 96.

policies on free black people's firearm use did not compliment their specific local conditions. In September, 1861 fifteen justices of the peace from Hertford County petitioned the Assembly for a "modification" of the 1860 law that had preemptively banned free black people from carrying firearms "irrespective of their character and good conduct." The justices instead wished to maintain the antebellum era's system in which the state balanced the perceived dangers and benefits of black people's firearm use via a licensing provision at the individual county courts' discretion. These Hertford County residents believed that this licensing was still useful to the free black population but that it also had a positive impact on the overall community. They stressed the utilitarian nature of black people's firearm use by specifically referencing shotguns which were tools for hunting and farm labor. The fifteen justices further argued that free black people who had proved that they could be "safely entrusted with the privilege" should have firearm access because the privilege would induce them "to maintain a good character and deport themselves properly."³³⁵

This petition demonstrates the Hertford County community's desire to preserve its free black residents' firearm access despite the wartime tensions. The justices were essentially arguing that their local court remained a competent judge on the matter as it had been since 1840 for free people of color and from 1741 to 1832 for the county's slaves. While the Assembly did not acquiesce to the Hertford County justices' request the petition nevertheless reflected some white North Carolinians' aspiration to continue the antebellum practice of the state legislature empowering the local communities to set the

³³⁵ *Race, Slavery, and Free Blacks*, North Carolina, 1861, reel 7, frames 0608-0610.

boundaries for their black residents' armed labor. Both the state government and local residents recognized this process as useful to black and white people. With the war's onset the Assembly reframed black firearm use as an unsustainable liability and believed that the risks greatly outweighed any benefits. At least some of Hertford County's local officials did not see their free black neighbors as an increased threat within the context of sectional war and tried to preserve North Carolina's longstanding practice of a localized interpretation and application of the law against the Assembly's decisions.

Despite these restrictions on free people of color they made important voluntary and coerced contributions to the state and national governments' war efforts. Free black North Carolinians' contributions can be understood as support for their communities' institutions or as pragmatic choices made by individuals who lived within a Confederate state. Public opinion could be strong enough to coerce white Unionists into supporting secession and the Confederacy and some free people of color were also thusly pressured or otherwise supported the cause. Some of these black North Carolinians aided the war effort through financial assistance. In April, 1861 some free black residents of Chapel Hill, Orange County "asked the privileged of contributing" funds to a military company comprised of students from the University of North Carolina, and these free people of color reportedly gave donations of between ten and fifteen dollars each.³³⁶ The majority of free and enslaved black North Carolinians however contributed to the war effort through their labor.

Armed black people labored in several capacities during the antebellum period and continued to do so during the Civil War, albeit some of them in far more important

³³⁶ *Carolina Observer* (Fayetteville, NC) April 29, 1861.

roles. Many Confederates believed that the Twenty Negro Law, which exempted one slaveholder or overseer from military service per every twenty slaves, was necessary to keep white men at home to oversee the slaves and ensure that they continued to work and did not revolt. Nevertheless, some slaves maintained their absent masters' plantations without this coercive presence. Armed black people protected North Carolina's plantations from outsiders and kept them productive during the war. This benefited both the farms' white and black residents and also had the potential to put those slaves into conflict with both black and white interlopers. This practice rested on antebellum precedents but the war provided some enslaved men with the opportunity for more independent armed labor.

Consider Captain William Tripp's slave Roden. Tripp served with the 40th North Carolina Regiment in the coastal forts defending Wilmington from Union troops for most of the war and he was rarely able to get leave and return home. Wilmington was one of the most important ports in all of the heavily blockaded Confederacy and its coastal forts were under constant threat of amphibious assault. These defensive installations also provided crucial cover for vital blockade runners. Finally, Tripp was the senior captain in his regiment and as such he assumed the colonel's regimental duties during the commander's absences.³³⁷ Tripp's \$3,500 worth of real estate and \$15,000 worth of personal property made him one of the wealthiest men in Beaufort County and Roden managed the Tripp plantation while his master was away. Captain Tripp would

³³⁷ John Gilchrist Barrett, *North Carolina as a Civil War Battleground, 1861-1865*. (Raleigh, NC: North Carolina Department of Cultural Resources, 1993), 78. William Tripp to Araminta Tripp, December 11, 1863, Tripp Papers, SHC. *Ibid.*, May 16, 1863. *Ibid.*, May 30, 1863. Chandra Manning, "The Order of Nature Would Be Reversed: Soldiers, Slavery, and the North Carolina Gubernatorial Election of 1864" in *North Carolinians in the Era of the Civil War and Reconstruction*, ed. Paul D. Escott (Chapel Hill, NC: The University of North Carolina Press, 2008), 110.

occasionally send instructions through his wife Araminta and she would relay them to Roden. William encouraged his Araminta to trust Roden. On several occasions he told her that “I think you can rely a great deal on Roden’s judgment at least I do” and also instructed her to “tell Roden to do what he thinks best” or to have the slave “do the best of his judgment in all things.”³³⁸ William relied on Roden’s labor and decision making to protect both the Tripp family and farm and to ensure that the agricultural fields continued to produce. After all, the Tripp plantation’s residents had to eat and Captain Tripp’s taxes had to be paid.

There were very real threats to plantations and farms during the war and slaves’ armed labor could be crucial to prevent outsiders from stealing. In late December, 1862 Araminta told her husband that plundering slaves had committed “outrages” on their farm, which William lamented that he was powerless to “prevent or avenge.”³³⁹ This feeling of ineffectiveness was familiar to many soldiers whose farms were raided by slaves, Union “strolling parties,” hungry Confederates, free people of color, and white civilians. The Union blockade coupled with North Carolina’s inadequate intrastate infrastructure to create and exacerbate a shortage of supplies in many places and this in turn helped to drive prices up and made many goods even more inaccessible for many struggling families.³⁴⁰

³³⁸ *Fayetteville Observer* (Fayetteville, NC) December 17, 1863. William Tripp to Araminta Tripp, October 9, 1861, Tripp Papers, SHC.

³³⁹ *Ibid.*, January 5, 1863.

³⁴⁰ The price of bacon rose from \$.33 per pound in 1862 to \$7.50 by 1865. A bushel of wheat rose in cost from \$3.00 to \$50.00, and a barrel of flour from \$18.00 to \$500.00. In 1865 salt could sell for \$70.00 a bushel and coffee for \$100.00 per pound (Hugh Talmage Lefler and Albert Ray Newsome, *North Carolina: The History of a Southern State* [Chapel Hill, NC: The University of North Carolina Press, 1954], 434).

Further, Union soldiers seized “everything of value that was movable” from some homes and farms and committed other depredations, sometimes with the assistance of local “tories.”³⁴¹ When the Union Army occupied Warrenton, Warren County in 1862 they proceeded to “steal whatever they can lay their hands upon in the shape of corn, bacon, silver, &c.” The Northerners also came to “...eat, without invitation, at every house they choose to call in at, and when called upon to pay have it charged to ‘Uncle Sam.’”³⁴² These conditions also exacerbated the food shortages for civilians in North Carolina’s countryside and in towns. William Tripp recognized that Roden’s armed labor could possibly prevent some of this stealing. In the fall of 1862 he asked Araminta to have Roden “keep a sharp look out for the ons[sic] that are taking my things and tell me when I get back home again and they will pay for it.”³⁴³

Tripp had faith in Roden to do far more than observe and report. He also trusted his slave to take action against the trespassers. Early in 1863 he wrote Araminta that “I could not sleep last night for thinking about those cursed negroes coming down to steal all that others by honest labor has made I wish Roden had of had my gun loaded with big shot and killed one or two they would not have disturbed you again in a hurry.”³⁴⁴ In closing his letter William asked his wife to “tell Roden to hide the gun in his house and

³⁴¹ J. G. de Roulhac Hamilton, *History of North Carolina*, 23. *Carolina Observer* (Fayetteville, NC) January 18, 1863. *Carolina Observer* (Fayetteville, NC) June 9, 1862.

³⁴² *Carolina Observer* (Fayetteville, NC) April 21, 1862. Union troops carried off or destroyed a wide range of items. In Jones County they relieved wealthy planter Richard Oldfield of all of his horses, mules, cows, sheep, and hogs and then “ransacked his house, unlocking every door, trunk and drawer, tearing every thing to pieces, carried off butter, sucked eggs, took the lock off his gun, scattered his powder and carried off his shot, and finally insulted his wife.” Oldfield had \$70,000 of real and personal property and nearly sixty slaves in 1860 (1860 U.S. Census, population schedule, Oak District, Jones County, North Carolina, page 482, image 413, R. Oldfield, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>. *Carolina Observer* [Fayetteville, NC] April 21, 1862).

³⁴³ William Tripp to Araminta Tripp, March 15, 1862, Tripp Papers, SHC. *Ibid.*, March 20, 1862. *Ibid.*, October 14, 1862. *Ibid.*, November, 13 1862.

³⁴⁴ *Ibid.*, January 5, 1863.

when the thieves come use her to the best of his judgment and fear not...”³⁴⁵ The rest of Tripp’s letter is unfortunately missing but his instructions suggested that Roden was familiar with the firearm and may have even used it previously. Tripp understood that his bondman’s armed labor could be deployed to preserve the slaveholder’s property from outsiders during the war.

Tripp’s use of Roden’s armed labor against other enslaved people in order to protect his property demonstrate how complex the relationships between black and white North Carolinians were, even under chaotic wartime conditions. Consider that the slaves raiding the Tripp plantation were not strangers to William and Araminta or likely to Roden and the other Tripp slaves. When Araminta told her husband about the raids he surmised that “it no doubt was negroes from our neighborhood with some of your fathers” who were responsible.³⁴⁶ This speaks volumes about his faith in Roden to potentially take action against these people of color from the neighborhood. Roden’s armed labor for the Tripp family complicates the trend in recent historiography to focus on the ways in which Southern slaves eroded the home front by running away, enlisting in the Union Army, and otherwise resisting Confederate claims on their labor.³⁴⁷ These works are important because African-descended peoples’ actions were instrumental to the Union Army’s military successes but they can also obscure how intricate and complicated black and white Southerners’ labor and social relationships were on the Confederate home front.

³⁴⁵ *Ibid.* Tripp probably preferred that Roden “hide the gun in his house” because it had been illegal since the 1830s for North Carolina slaves to keep firearms (*Session Laws of North Carolina, 1831-1832*, [Ch. XLIV, Sec. 1], 34).

³⁴⁶ William Tripp to Araminta Tripp, January 5, 1863, Tripp Papers, SHC.

³⁴⁷ See Chandra Manning, *What This Cruel War Was Over: Soldiers, Slavery, and the Civil War* (New York: Vintage Books, 2007).

Roden was probably the thirty-eight year old male slave listed on the 1860 census and he and Tripp might have spent several years together in order to build this clearly evidenced high degree of trust.³⁴⁸ Stephanie McCurry and others have stressed Southerners' concerns that their slaves might take advantage of the tumult of war and run away or revolt and how the Confederates were consequently prepared "to wage war on two fronts." At the same time however many enslaved people preferred to "bide their time, lacking confidence in Union motives or anticipating reversals that could turn deadly."³⁴⁹ Roden might also have had relatives on the Tripp plantation. William and Araminta's letters made several references to another slave called "little Roden." This would likely have influenced Roden's decision to remain laboring on the Tripp plantation instead of fleeing to the Union troops.³⁵⁰ Regardless of these other factors Roden's armed labor on Tripp's plantation was likely rooted in a similar pragmatic approach to his local community's circumstances.

By August, 1863 the planter admitted that errant slaves were not the only people helping themselves to his goods. He sent word to Roden to "keep a sharp look out for our things as I expect there will be a good deal of stealing this fall and it will be laid to the Yankees no doubt when other people done it Some of those free negroes will come around to kill beef and in fact steal all they can lay hands on also some of those mean low

³⁴⁸ 1860 U.S. Census, population schedule, Durham's Creek, Beaufort County, North Carolina, page 423, image 405, Wm. H. Tripp, digital image, via ancestry.com, accessed July 3, 2015, <http://ancestry.com>.

³⁴⁹ Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge, MA: Harvard University Press, 2010), 238, 239 and 250.

³⁵⁰ Both Rodens were men of military age. William warned Araminta to "tell Homer & the two Rodens to keep their eyes open as [Union General Benjamin] Butler is going to try to get all in his lines in the service Tell them to run away before doing it as they have seen no trouble to what they will see if they do get them in the army (William Tripp to Araminta Tripp, January 21, 1863, Tripp Papers, SHC)." The two enslaved men may have been merely parts of a more extensive kinship network.

lified[sic] white folks outback[sic] of us will be just as bad.”³⁵¹ Tripp did not explicitly order Roden to shoot these free black and white neighbors but he did expect his slave to keep an eye out for the pillagers and to use the firearm to protect the Tripp plantation.³⁵² The slaveholder’s broad directions to Roden could have been deeply troubling to many white people in Beaufort County.

Tripp relied on Roden’s labor at home but many other slaves and free people of color worked in military camps in both voluntary and coerced capacities. This labor precipitated the debate over enlisting armed black labor into the army. Many slaves, like the aforementioned David Blount, accompanied their masters to the front where they performed necessary camp duties like preparing meals, cleaning, taking care of horses and weapons, washing clothes, and other domestic and military chores. Soldiers from the slaveholding class in particular had long enjoyed the personal labor of enslaved people in their civilian lives and saw slaves’ continued services as indispensable in camp. As he prepared to head off to fight eighteen year old William Calder wrote his mother that “there is one thing that I want and must have, a servant. It is absolutely necessary...”³⁵³ Tempie Herndon Durham, a Chatham County slave, recorded that when her master’s son left home for military service he took her brother Sim with him “to look after his hoss an’ everything.” Unfortunately, these slaves who had little choice in the matter sometimes suffered a great deal in camp. Edgecombe County native William Dorsey Pender noted that while he commanded the Sixth North Carolina Infantry Regiment some of the camp

³⁵¹ William Tripp to Araminta Tripp, August 11, 1863, Tripp Papers, SHC.

³⁵² *Ibid.*, May 16, 1863.

³⁵³ Randall C. Jimerson, *The Private Civil War: Popular Thought During the Sectional Conflict* (Baton Rouge, LA: Louisiana State University Press, 1988), 56, 57n.

slaves were “allowed to die without any care on the part of those who are responsible for their well being[*sic*].”³⁵⁴

Free black North Carolinians were also swallowed by the voracious Confederate war machine. Many of them were pressed into labor in the salt industry or forced to provide unarmed labor for the army.³⁵⁵ Not all of the black men who labored for the Confederate military did so involuntarily, although one might argue that slaves lacked the free will to refuse to accompany their masters to war. Some black men sought out this service and some black subordinates’ cheerful acquiescence to white men’s wills was merely a calculated tactic within clearly defined power dynamics. Nevertheless some black men were clearly coerced into service. In October, 1861 the *Weekly Raleigh Register* reported that a free man of color had “murdered” a white man named Carrender in Wilkes County. The incident occurred when the deceased and several other white men attempted to “press a free negro by the name of Fletcher” into the service as their servant. Fletcher tried to escape but they cornered him and he then drew a pistol and shot Carrender. The white kidnapper died instantly and his compatriots quickly seized Fletcher and had him locked in the jail at Wilkesboro. The free black man sat in a cell for

³⁵⁴ Federal Writers’ Project, *Born in Slavery: Slave Narratives from the Federal Writers’ Project, 1936-1938*, North Carolina Narratives, Vol. XI, pt. 1, (United States Works Progress Administration, Manuscript Division, Library of Congress), 288, accessed July 9, 2015, <http://memory.loc.gov/ammem/snhtml/snhome.html> (Tempie Herndon Durham). Richard W. Iobst, *The Bloody Sixth: The Sixth North Carolina Regiment, Confederate States of America* (Durham, NC: North Carolina Confederate Centennial Commission, 1965), 29, 33, <http://digital.ncdcr.gov/cdm/compoundobject/collection/p249901coll22/id/285390/rec/3>.

³⁵⁵ *Ordinances and Resolutions passed by the State Convention of North Carolina, 1861-1862*, (No. 18, Secs. 1 and 3), 151 and 152. This labor was vital. The Assembly authorized the salt commissioner to give the recruited or impressed free men of color the “rations and pay of soldiers.” This policy of equal pay for white soldiers and free men of color who although civilians were laboring for the war effort is particularly poignant because of the Union military’s initially unequal pay for black and white soldiers. White men who labored at the salt works were exempted from military duty (*Ibid.*, 151 and 152). For further reading on the importance of salt to the Confederate war effort and home front, see Ella Lonn’s *Salt as a Factor in the Confederacy* (Tuscaloosa, AL: University of Alabama Press, 1965).

two days until “an excited crowd” decided to make an example of him and “took the negro out and hung him until he was dead.”³⁵⁶

The white men who tried to force Fletcher into servitude and the lynch mob that killed him both demonstrated how some white North Carolinians’ saw free black people’s labor as completely cooptable and resented black people’s efforts to retain control of their own labor. Fletcher’s assailants believed that his labor could be appropriated to support them in their fight against Union troops and this move foreshadowed the Confederate government’s later conscription of free black labor. The free black man’s pistol was his last option and it was a tool of practical resistance to a situation that he legally should not have been placed in. In the eyes of the lynch mob that assembled outside of the Wilkesboro jail however that was of little consequence. The mob believed that Fletcher’s recourse to self-defense was secondary to his position as a racial subordinate whose labor could be coopted, the law notwithstanding.

Carrender and his associates attempted to harness Fletcher’s labor for the war effort, albeit in a purely servile position. In this conflict over the preservation and extension of slavery Fletcher used his pistol to maintain his free status but thereby rejected the standing social order. Although he was nominally free he was treated much like a slave. The white men who sought to kidnap Fletcher treated him as if he lacked personal choice with regard to serving the Confederate cause and as if he was merely an extension of a superior person’s will. White conscripts lost their freedom as well but they were coerced by their government and not by other private citizens. The wartime mobilization created the conflict that cost Fletcher his life but his death reflected both

³⁵⁶ *Weekly Raleigh Register* (Raleigh, NC) October 16, 1861.

change and continuity. The camp chores that Fletcher would have performed for these Confederate soldiers were similar to kind of work that a free black person might otherwise have been hired to perform for white people in a civilian context but the war had raised the stakes for his subordinate position. The treatment that Fletcher endured from Carrender and his comrades was principally not much different from the state government's wartime view on the coercible nature of African-descended peoples' labor but these individual white men's coercion lacked the legitimating Weberian cloak of government authority.

Black men could pick up practical martial skills through their unarmed military labor and they sometimes then used these skills against the slave society. Craven County slave William Henry Singleton recorded in his memoirs that during the rising secession crisis his master permitted him to attend Samuel Hymans as a servant while Hymans drilled a company of soldiers. Hymans, a young white man in his twenties, had left the United States Military Academy and organized the Elm City Rifles in anticipation of the war.³⁵⁷ Singleton wrote that he learned to drill the white North Carolinian troops himself while he labored for Hymans and that he was entrusted with that responsibility when the white officer was otherwise occupied. Singleton later fled to the Union lines where he served as a scout and where he found another outlet for the skills Hymans taught him. The runaway raised and drilled a regiment of black men in New Bern for service with the Union Army. Perhaps anticipating that some of his readers might question his earlier

³⁵⁷ William Henry Singleton, *Recollection of My Slavery Days* (Peekskill, NY: Highland Democrat, 1922), 7-8, <http://docsouth.unc.edu/neh/singleton/singleton.html>. 1860 U.S. Census, population schedule, New Bern, Craven County, North Carolina, page 53, image 108, Samuel Hyman, digital image, via ancestry.com, accessed February 9, 2013, <http://ancestry.com>.

decision to help train Confederate soldiers Singleton explained that “the reason why I was so anxious to go with Hymans was because I wanted to learn how to drill.”³⁵⁸ He does not explain why this military skill was attractive to him before the war had even begun, but whatever his initial motivations William Henry Singleton used his experiences with the Confederate service to bolster the Union war effort in North Carolina.

Southern newspapers praised the service of black people who performed labor for the Confederacy as Singleton had done before he absconded. While these published stories are difficult to corroborate they demonstrate how some white North Carolinians framed the military labor of “trusted” armed black individuals in a narrow and specific manner. Despite this careful framing these stories admitted that armed black men’s labor was very similar to white men’s military service. The *Fayetteville Observer* reprinted the story “The Way a Darkey Bagged a Yankee” from a Virginia newspaper in which a slave named William was out foraging when he came across a straggling Union soldier. The Northerner immediately claimed the slave as a prisoner. William initially considered pouncing on his captor and killing the soldier with his own bayonet but he decided to play along. The slave feigned joy at being found and then tricked the Union soldier into following him back to the Confederate’s camp. The newspaper explained that William was celebrated when he returned with a prisoner in tow. The regimental commander extended “high commendations” and William’s master, who was a Confederate officer, rewarded him with a “fine pistol.”³⁵⁹

³⁵⁸ *Ibid.*, 7-8.

³⁵⁹ *Fayetteville Observer* (Fayetteville, NC) June 30, 1862.

William's award was not unlike the North Carolina Assembly's pre-Turner permissiveness of slaveholders' arming their trusted slaves for specific duties like hunting or guarding agricultural fields but frowning upon those slaves serving in the militia or performing any armed service for the state. The pistol reward was symbolic but was also practical. While it could be used offensively or defensively a pistol would be primarily used against people, whereas a shotgun or a rifle would also have been suitable for hunting and farm labor. The weapon must be understood in its military context; William could have carried it on future foraging trips and it demonstrated the faith that his master and the other white men in camp had in the enslaved man's labor. In these white soldiers' estimation William was a trusted and proven slave and as such he could provide armed labor for the Confederacy but he nevertheless could not do so by shouldering a musket and marching in the ranks.

The North Carolina newspapers published several similar stories which also highlighted the blurry line between black military labor and white military service. In August, 1861 an article in the *Semi-Weekly Standard* told the story of "a negro boy" who discovered a tired federal soldier resting against a tree with his rifle and the young black man "slipped up and seized the gun." He then used the bayoneted rifle to capture the Northerner and bring him to nearby Confederate troops. The newspaper matter-of-factly reported that "many cases" of such captures had been reported.³⁶⁰ Although the press praised this anonymous black man's armed labor the actions that these stories reported did not have any official sanction but were alleged to be born of the black protagonists' fealty to the South. The *Standard's* story also rested on happenstance and the Union

³⁶⁰ *Semi-Weekly Standard* (Raleigh, NC) August 10, 1861.

soldier's insufficient military skill. The rifle the "negro boy" used was not even his own. The story could be celebrated because it continued the antebellum expectations that armed labor be undertaken by those *individual* black men who were known to have good character and even though this black subordinate actor was unsupervised he immediately went to the proper authorities.

Despite these stories about black men who loyally provided armed labor for the Confederate cause a very clear aversion to the enlistment of black soldiers ran through many sectors of the South and North Carolina was no exception. The Confederate government refused to arm Southern black men because of white supremacist notions about who was fit to defend the nation and the related concern that freedom would have been a necessary reward for black men's service. As historian Gary Gallagher and others have argued this should not be understood as a lack of Confederate nationalism. Halifax County planter's wife Catherine Ann Devereux Edmondston declared that "slaveholders on principle, & those who hope one day to become slaveholders... will not tacitly yeild[sic] their property & their hope & allow a degraded race to be placed at one stroke on a level with them." Despite her aversion to the idea of enlisting black soldiers Edmondston went on to say that her "faith in the country" sustained her through the difficult war.³⁶¹

The Confederacy's resistance to arming its slaves stands out as a hemispheric anomaly. Free and enslaved African-descended people were important components of most of the colonial militias and revolutionary armies throughout the Americas. This was

³⁶¹ Gary W. Gallagher, *The Confederate War: How Popular Will, Nationalism, and Military Strategy Could Not Stave off Defeat* (Cambridge, MA: Harvard University Press, 1997), 83-85.

particularly true in the Spanish and Portuguese colonies but the French and British also engaged in similar practices, albeit to a lesser degree. For over three centuries the colonial European powers used both free and enslaved African-descended men's armed labor to subjugate indigenous populations, protect European colonists and property from pirates, wage war on imperial rivals, and fight under both the royalist and republican banners in the Latin American and United States' wars for independence.³⁶² The Confederacy was remarkable in its resistance to this longstanding trend that had been proven effective.

The South's issue of arming its black population was inseparable from the armed labor black people provided in the antebellum period. Joseph P. Reidy argues that the Confederacy hesitated because of its persistence in longstanding traditions despite the

³⁶² There is an extensive body work on African-descended men's military service in the Americas which spanned from the earliest colonial incursions until nearly the twentieth century. For more on the subject see: Herman Bennett, *Africans in Colonial Mexico: Absolutism, Christianity, and Afro-Creole Consciousness, 1570-1640* (Bloomington, IN: Indiana University Press, 2003); Peter Blanchard, *Under the Flags of Freedom: Slave Soldiers & the Wars of Independence in Spanish South America* (Pittsburgh, PA: University of Pittsburgh Press, 2008); Roger Buckley, *Slaves in Red Coats: The British West India Regiments, 1795-1815* (New Haven, CT: Yale University Press, 1979); Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution* (Cambridge, MA: The Belknap Press of Harvard University Press, 2004); Ada Ferrer, *Insurgent Cuba: Race Nation, and Revolution, 1868-1898* (Chapel Hill, NC: The University of North Carolina Press, 1999); John D. Garrigus, "Catalyst of Catastrophe? Saint-Domingue's Free Men of Color and the Battle of Savannah, 1779-1782" in *Revista/Review Interamericana* 22:1-2 (1992) pp. 109-125; Alejandro J. Gomez-del-Moral, "Florida Fallen: The Cuban Negro Militia and the Loss of Spanish East Florida, 1812-1821" in *Illes i Imperis* 12 (Jul 2009) pp. 19-47; Hendrik Kraay, *Race, State, and Armed Forces in Independence-Era Brazil: Bahia, 1790s-1840s* (Stanford, CA: Stanford University Press, 2001); Jane Landers, *Black Society in Spanish Florida* (Urbana, IL: University of Illinois Press, 1999); Philip D. Morgan and Andrew Jackson O'Shaughnessy, "Arming Slaves in the American Revolution" in Christopher Leslie Brown and Philip D. Morgan, eds., *Arming Slaves: From Classical Times to the Modern Age* (New Haven, CT: Yale University Press, 2006); Michele Reid, "Protesting Service: Free Black Response to Cuba's Reestablished Militia of Color" in the *Journal of Colonialism and Colonial History* 5, no. 2 (Fall 2004); Matthew Restall, "Black Conquistadors: Armed Africans in Early Spanish America" in *The Americas* 57, no. 2, (Oct 2000) pp. 171-205; David Sartorius, "My Vassals: Free-Colored Militias and the Ends of Spanish Empire" in *Journal of Colonialism and Colonial History* 5, no. 2 (Fall 2004); Ben Vinson III, *Bearing Arms for His Majesty: The Free-Colored Militia in Colonial Mexico* (Stanford, CA: Stanford University Press, 2001); and Peter M. Voelz, *Slave and Soldier: The Military Impact of Blacks in the Colonial Americas* (New York: Garland Publishing, Inc., 1993).

onset of war. The South's white citizens were marshalled to fight the nation's battles while free and enslaved black people were harnessed to produce goods and provide services much as they had before the war. Reidy notes that this racially divided labor arrangement supported "the political ideology and the material requirements" of the Confederate cause, which can be broadly understood as white supremacy and the longstanding reliance on black productive labor.³⁶³ Another point should be added however. Enslaved black people provided armed labor across the South before and during the war. This fact narrows the gulf between armed black people's military and domestic labor. Armed people of color were a firm reality of antebellum and wartime Southern life, albeit generally in civilian contexts.

In January, 1863 the Union Army began recruiting and arming black soldiers and the Confederate debate on using armed black people's labor in a military capacity intensified as a result. Because the Union military's use of black soldiers and sailors flew in the face of North Carolina's antebellum practices of locally vetted and trusted individual black men carrying arms the white people who opposed the federal practice could frame it as a stain upon white Union soldiers' manhood and as a means to question their military aptitude. In an effort to dissuade black men's interest in the Union Army some Southern critics also characterized black military enlistment as a coerced path to a violent death for the black soldiers themselves. Ultimately however the Confederate Congress began to consider this course of action as a desperate effort to save their nation despite broad opposition from North Carolina's representatives.

³⁶³ Joseph P. Reidy, "Armed Slaves and the Struggles for Republican Liberty in the U.S. Civil War" in Christopher Leslie Brown and Philip D. Morgan, eds., *Arming Slaves: From Classical Times to the Modern Age* (New Haven, CT: Yale University Press, 2006), 276.

While some white North Carolinians were steadfastly opposed to the “utterly inadmissible” idea of using black men as combat soldiers others continued to push for using black laborers in unarmed military capacities during the last several months of the war. Some advocates pointed out that there were thousands of Confederate soldiers employed in support positions, perhaps one for every ten soldiers who served in a combat role, and argued that the army should “have negroes for these employments, but not in the ranks.” These observers noted that the white soldiers who would be thereby relieved from support duties could bolster the Confederate Army’s combat strength but would not compromise its racial integrity and thereby not have an adverse effect on unit cohesion and morale. The *Fayetteville Observer* used this point to take a jab at the Lincoln administration’s deployment of black troops and exclaimed “to the Yankees let the *honor* belong exclusively, of making negroes fight their battles.”³⁶⁴

The Union forces began recruiting black North Carolinians in the towns of New Bern in February, 1863 and Beaufort in May, much to the chagrin of local white people. By the war’s end over five thousand black North Carolinians had enlisted in the federal service.³⁶⁵ Consider the disparaging newspaper coverage of the two black regiments that were part of the Union occupation force in Elizabeth City, Chowan County in December, 1863. The *Fayetteville Observer* depicted them as a threat to the standing social order and contended that the Northerners “not only permit this but encourage it.” The editors lamented that “the treatment to which the white people of that unfortunate town are subjected to is heartrending. The negroes compel white women of delicacy and

³⁶⁴ *Fayetteville Observer* (Fayetteville, NC) October 24, 1864.

³⁶⁵ Browning, *Shifting Loyalties*, 96, 99, 133.

refinement to cook and wash for them.” The black troops were alleged to have demanded food from white peoples’ homes and to have engaged in “the most loathsome ribaldry”: putting white women into sexually charged situations. The newspaper reported that one of the black soldiers flipped a white woman’s clothes “up over her back and shoulders whilst [his comrades] sent up loud peals of laughter!”³⁶⁶

Armed black Union soldiers sometimes posed an even more sexually provocative threat to white North Carolinians’ constructed racial hierarchy. Union chaplain Henry McNeal Turner wrote about how when the 1st United States Colored Troops approached the town of Smithfield in Johnston County the men discovered that they would have to wade across the river because the nearest bridge had been burned down. The soldiers stripped naked, held their clothes aloft with their bayoneted rifles, waded across the river, and then emerged on the other side to enter town as the white women of Smithfield “watched with the utmost intensity” and “thronged the windows, porticos and yards, in the finest attire imaginable.” David Blight described Turner’s depiction of this scene as capturing “a memory that haunted the white South for generations to come: naked black men with muskets, striding out of a river into a town’s streets with an audience of white women.”³⁶⁷

The scenes like these offered by the *Fayetteville Observer* and Henry McNeal

³⁶⁶ *Fayetteville Observer* (Fayetteville, NC) December 28, 1863.

³⁶⁷ Edwin S. Redkey, “Henry McNeal Turner: Black Chaplain in the Union Army” in *Black Soldiers in Blue: African American Troops in the Civil War Era*, ed. John David Smith (Chapel Hill, NC: The University of North Carolina Press, 2002), 338-339. David W. Blight, *Race and Reunion: the Civil War in American Memory* (Cambridge, MA: The Belknap Press of Harvard University, 2001), 147. Jim Cullen adds that in that moment the black Union soldiers crossed the river their manhood had become sexual power. He notes that they had “attained mastery over their bodies which they use for their own purposes, a mastery that compels white southerners to observe it in action (Jim Cullen, “I’s a Man Now” in *A Question of Manhood: A Reader in U.S. Black Men’s History and Masculinity*, vol. 1, “Manhood Rights”: *The Construction of Black Male History and Manhood, 1750-1870*, eds. Darlene Clark Hine and Earnestine Jenkins [Bloomington, IN: Indiana University Press, 1999], 496-497).”

Turner inflamed some white Southerners' racist anxieties about armed black men in powerful positions that would have been inconceivable in the antebellum era. Even if the newspaper's editors exaggerated the black occupation troops' behavior toward Elizabeth City's white women, the newspaper's underlying concerns about victorious armed black men's interactions with conquered white women would still have resonated deeply with the readership. Perhaps the story merely reiterated the *Observer* readership's standing prejudices. Reports like these offered very little reassurance to those white North Carolinians who contemplated arming the Confederacy's slaves.

The Union Army made much better use of armed black labor but when the federal government decided to open its ranks to black men there was no guarantee that black Southerners would flock to recruiting offices with an eagerness to fight for the Union's preservation. Black North Carolinians pragmatically looked to their own community's needs and the Union Army had to sell itself to many of them. When the federals began recruiting soldiers from among eastern North Carolina's black population community leader Abraham Galloway meet with Union official Edward Kinsley to discuss the details of any potential military service. The white Northerner was blindfolded and led to the meeting's location and when his covering was removed he found himself sitting in an attic and surrounded by a group of armed people of color. Galloway negotiated the terms under which the local men would be willing to enlist while pointing a pistol at Kinsley's head.³⁶⁸ These black New Bernians did not immediately place their trust in the federal

³⁶⁸ Browning, *Shifting Loyalties*, 97, 98. David S. Cecelski, *The Waterman's Song: Slavery and Freedom in Maritime North Carolina* (Chapel Hill, NC: The University of North Carolina Press, 2001), 180-181.

officials nor were they instantly and unconditionally willing to offer their armed labor for the Union's cause.

To Galloway and his compatriots Kinsley was merely another player in the wartime drama that was unfolding across coastal North Carolina, and these black men's firearm use and armed labor potential were important factors for them to try and maintain their agency in these matters. Their illegally possessed firearms helped them to leverage the terms under which they would offer their legal armed labor. They could deploy or withhold their armed labor potential at will. As Kinsley learned at his meeting with Galloway these black North Carolinians were organized, they were serious, they were going to have a voice in determining their community's future, and they were armed. As David Cecelski explains, Galloway represented a black community that would be willing to shoulder rifles for the Union Army if the federal government were willing to make the war "a crusade for black liberation." However if Lincoln simply planned to exploit their armed labor to preserve the Union, then he would have a difficult time finding many black recruits in New Bern.³⁶⁹ The Union officials were not going to coerce employment from them as the Confederate government had sought to do, but they would instead have to provide equal pay, support their families, educate their children, and assure that the Confederates would not be able to exact revenge.

The Old North State's newspapers were highly critical of the Union Army's use of armed black North Carolinians in its ranks and they portrayed these black men as having been forced into the service and then carelessly used by the federals with little regard for their lives. This description maligned the Union Army and sought to suppress

³⁶⁹ *Ibid.*, 180.

its recruiting efforts in the South. The newspapers suggested that black people would be foolish to enlist with the Yankees who would quickly usher them off to horrifically violent deaths on the battlefield. In the spring of 1864 the *Fayetteville Observer* covered the Battle of Olustee, during which black regiments were engaged. The editors declared that “if anything could exceed the yankee inhumanity to the negroes, as displayed through this war in separating husbands from wives, and both from their helpless children...it is this thrusting of the negroes in the front in battle, to save their own cowardly carcasses from Confederate bullets.”³⁷⁰ The *Observer* believed that the Union officers were only using the black troops as cannon fodder.

One of the black units fighting at Olustee had been formed in New Bern and the newspaper reported that those local black men had been “slaughtered without mercy, as was right.” The *Observer*’s staff printed a letter from a Lake City, Florida resident who explained that “there were but few black prisoners taken; but the ground is covered with them- have heard it stated as high as 800 It is having a good effect upon the blacks. They all understand they were put in front and made to fight.”³⁷¹ The writer believed that these black soldiers had received their just rewards for serving with Union generals who did not care for their welfare and bearing arms against their racial superiors and native region. The newspaper obliquely suggested that black men should keep out of the fighting but it ignored the thousands of free and enslaved people of color who had been coerced into the Confederate war effort. Consider that this reporting was not intended

³⁷⁰ *Fayetteville Observer* (Fayetteville, NC) March 7, 1864. The newspaper’s charge that the Union Army separated black families via conscription, even if true, amounts to little more than hypocritical propaganda when one considers the destruction that the antebellum interstate slave trade wrought on enslaved black families. Walter Johnson’s *Soul By Soul: Life in an Antebellum Slave Market* offers excellent coverage of this trade.

³⁷¹ *Fayetteville Observer* (Fayetteville, NC) March 7, 1864.

solely for white North Carolinians but for the state's slaves and free people of color as well. The *Observer* proclaimed that the black Southerners' service with the Union was dangerous and disloyal and that the federal troops had no qualms about using recruited black men to catch bullets in their stead.

William Tripp had predictably warned his slaves about such a scenario. Tripp's words were in some regard a tactic to preserve his own labor force but the planter had strong opinions about armed black men fighting for the Union Army. He wrote his wife about an earlier conversation with Roden wherein he told his bondman that the Southern slaves who sided with the Northerners in hopes of "Lincons[sic] proclamation" freeing them would "get the worst of it" but those who stayed with their masters would "keep out of the scrape and fare well and be free equally as soon and besides keep up their good character."³⁷² Tripp had a biased view of this situation; even if the slaves remained at home they would not necessarily be kept "out of the scrape" because the Confederate government might force them to work on fortifications and in military camps. Further, their masters might also bring them into the war. After all, Tripp himself took slaves to camp with him when he joined his own unit.³⁷³ The Beaufort County planter meant that the slaves' labor should only be used by the Confederacy and in a manner that continued the bondpeople's tightly controlled antebellum armed labors.

William Tripp also commented on the dangers that the slaves who fled to Union lines would face. He told Araminta that Union General David Hunter had conscripted "all the negroes able to bear arms" and had ordered the officers under his command to

³⁷² William Tripp to Araminta Tripp, March 1, 1863, Tripp Papers, SHC.

³⁷³ William Tripp to Araminta Tripp, November 16, 1864, Tripp Papers, SHC.

“kill all of them that attempt to run on the day of the battle...”³⁷⁴ In Tripp’s estimation the slaves who joined the Union troops were certain to be “killed up” and he believed that they would be far safer under their slaveholders’ care.³⁷⁵ Some of Tripp’s slaves fled despite his counsel and the planter tried to persuade his remaining bondmen that if they headed for the Union lines they would be coerced into the military, which as he had earlier argued, would prove to be fatal. William instructed Araminta to:

give my best respects to all Mother’s negroes that remain faithful and give my verry[sic] best respects to all my folks that are at home Tell them to remain at home it makes no difference what others may tell them of Yankee freedom and they will see in the end that they have done wisely Out of all those that have gone to the Yankees but few will die a natural death. Poor fools they are not satisfied to let well enough alone but must go they know not where nor what for They will rue it in tears and blood³⁷⁶

While William had written these words to Araminta he expected that his slaves would hear his warnings and even asked his wife to relay some of the information to them. Tripp’s praising of the slaves’ faithfulness and good character resounded with the antebellum conditions under which black people were armed. His “folks” who remained at home had proven themselves and could be trusted, especially Roden.

William Tripp was not only bothered by the loss of his fleeing slaves’ labor but he was also enraged at the thought of the ex-slaves wearing federal uniforms and carrying federal rifles as they met their former masters on the equal terrain of the battlefield. After hearing that the Union had raised a regiment of black men in New Bern in February, 1863 Tripp told Araminta that “I am willing to take my company and clear them out for my share of the war. We can whip them I am certain When you hear of our army

³⁷⁴ William Tripp to Araminta Tripp, March 1, 1863, Tripp Papers, SHC.

³⁷⁵ *Ibid.*

³⁷⁶ William Tripp to Araminta Tripp, March 5, 1863, Tripp Papers, SHC.

meeting negroes in fight you will hear of no quarter given and also hear of a great death among negroes”³⁷⁷ While some of Tripp’s words may be attributed to hyperbolic wartime bravado he believed that these black soldiers were fundamentally different from the white Union soldiers and sailors that Tripp had already been trading artillery fire with. The planter was not alone in this sentiment. When Confederate troops under native North Carolinian Brigadier Generals Robert F. Hoke and Matt Ransom recaptured Plymouth in Washington County in April, 1864 they gave no quarter to the black Union soldiers that they captured. Union sergeant Samuel Johnson, a black man, later testified that:

all the negroes found in blue uniform or with any outward marks of a Union soldier upon him was killed- I saw some taken into the woods and hung- Others I saw stripped of all their clothing...and then they were shot- Still others were killed by having their brains beaten out...All were not killed the day of the capture...the following morning...the remainder of the black soldiers were killed.³⁷⁸

Tripp and many other North Carolinians in the Confederate Army believed that the Union’s black soldiers were innately inferior. They had held these beliefs for their entire lives and the prospect of meeting armed black men as equals on the battlefield was infuriating. Judging from Union recruiting successes in the eastern parts of the state many black North Carolinians thought quite differently about the prospect of “colored folks soldiers in blue clothes.”³⁷⁹

As the war entered into its final years military desertions increased, recruitment

³⁷⁷ William Tripp to Araminta Tripp, February 8, 1863, Tripp Papers, SHC.

³⁷⁸ James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 793, 793n. Manning, *The Order of Nature*, 116.

³⁷⁹ Federal Writers’ Project, *Born in Slavery: Slave Narratives from the Federal Writers’ Project, 1936-1938*, North Carolina Narratives, Vol. XI, pt. 1, (United States Works Progress Administration, Manuscript Division, Library of Congress), 439, accessed July 9, 2015, <http://memory.loc.gov/ammem/snhtml/snhome.html> (Robert Hinton).

decreased, and economic problems mounted on the home front. Consequently, the Confederate authorities had to consider radical means to reinforce their dwindling army. Southern hopes for a negotiated peace quickly evaporated in November, 1864 with Lincoln's successful reelection bid against General George B. McClellan and the Northern Democrats. Even before the situation had progressed that far some Southerners had proposed using the region's multitudinous black laborers for combat duty. In early January, 1864 Major General Patrick Cleburne had outlined the potential benefits of mobilizing black soldiers for the Confederacy and in his argument he pointed to one of the project's biggest obstacles and the true cost of such a project. Speaking of the South's slaves the Irish-born Arkansan declared that:

If we arm and train him and make him fight for the country in her hour of dire distress, every consideration of principle and policy demand that we should set him and his whole race who side with us free. It is a first principle with mankind that he who offers his life in defense of the State should receive from her in return his freedom and his happiness...³⁸⁰

Cleburne further argued that the government would have to grant prospective black soldiers their freedom in order to ensure their reliability, but he also believed that this freedom could inspire the black men to martial valor. He believed that the Southern slave had "been dreaming of freedom, and... it has become the paradise of his hopes. To attain it he will tempt dangers and difficulties not exceeded by the bravest soldier in the field. The hope of freedom is, perhaps, the only moral incentive that can be applied to

³⁸⁰ Major General Patrick Cleburne to the Commanding General, Corps, Division, Brigade, and Regimental Commanders of the Army of Tennessee, January 2, 1864, in United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies, Series I, Volume LII, Part II*, eds. George W. Davis, Leslie J. Perry, and Joseph W. Kirkley (Washington, D.C.: Government Printing Office, 1898), 590-591.

him in his present condition...”³⁸¹

While the North could also offer freedom as a term of black enlistment Cleburne believed the South was in a position to make enslaved men a better offer because it could “give the negro not only his own freedom, but that of his wife and child, and can secure it to him in his old home.” Cleburne nevertheless knew that freedom would mean dramatic and far reaching social change. He recognized that the Confederate government would have to “immediately make his marriage and parental relations sacred in the eyes of the law...” Cleburne saw these steps as indispensable to guaranteeing the loyalty of hundreds of thousands of slaves, who would be “a thousandfold[*sic*] more dangerous” once organized, armed, and trained for combat.³⁸²

Some white Southerners saw Cleburne’s proposal as an alarming and unprecedented move by the government toward large scale emancipation. While some armed slaves used their “meritorious service” during the Revolutionary War to gain their freedom the Assembly had never created an official policy to this effect. Jefferson Davis recognized how much of a political liability Cleburne’s plan was and ordered that the letter be suppressed. He cited the document’s potential to create “discouragement, distraction, and dissension” both in the ranks and with civilians. Patrick Cleburne was ominously concerned that there was “a danger that this concession to common sense may come too late” because of popular opinion and his belief that the black soldiers would need extensive training to maximize their potential.³⁸³

³⁸¹ *Ibid.*

³⁸² *Ibid.*

³⁸³ Mark L. Bradley, “‘This Monstrous Proposition’: North Carolina and the Confederate Debate on Arming the Slaves,” *The North Carolina Historical Review* 80, no. 2 (April 2003), 153. General Joseph Eggleston Johnston to Lieutenant General William Hardee, Major Generals Benjamin Cheatham, Thomas

With the Old North State the campaign for the 1864 gubernatorial election primed white North Carolinians to resist anything resembling racial equality which included using armed black men in defense of their state. Incumbent Zebulon Vance managed to stave off challenger William Woods Holden and his peace platform in large part because Vance stoked North Carolinians' fears of racial equality and linked those fears to the war effort. Vance blasted the peace platform and declared that it would guide the state "into the arms of Lincoln" and abolitionism. He further argued that a separate peace would not mean an end to war but that North Carolina's white men would then be conscripted into Lincoln's army "to fight alongside of his Negro troops in exterminating the white men, women, and children of the South." North Carolina remained committed to the war through late 1864 in part because "the need to preserve slavery and white supremacy outweighed wartime material hardships."³⁸⁴

Other white people in the state dissented from the proposal to arm the nation's slaves because of labor concerns. North Carolina's congressmen voiced concerns about the control of their slaves' labor which they feared could lead to slavery's demise. The loss of labor was an important concern but many white people were especially concerned about legislation that could lead to the arming of slaves for military service. White North Carolinians resisted the Confederate government's reach onto their plantations, many of

Hindman, Patrick Cleburne, Alexander Stewart, William H. T. Walker, Brigadier Generals William Bate and Patton Anderson, January 31, 1864, in United States War Department, *The War of the Rebellion, Series I, Volume LII, Part II*, 608. J. H. Segars and Charles Kelly Barrow, eds. *Black Southerners in Confederate Armies: A Collection of Historical Accounts* (Gretna, LA: Pelican Publishing Company, 2007), 22. Jefferson Davis had the same thought albeit in hindsight. Newspapers noted that while the Confederate president awaited the bill to authorize black soldiers he was concerned that it would have been more effective if it had been passed at an earlier point in the war (*Hillsborough Recorder* [Hillsborough, NC] March 22, 1865).

³⁸⁴ Manning, *The Order of Nature*, 110-112, 118-119.

which had already lost bondpeople to labor conscription or to the slaves' flight to Union lines. During the Confederate Congress' debates over a bill to "provide for the employment of free negroes and slaves to work upon fortifications and perform other labor connected with the defences[sic] of the country" North Carolina's representatives were highly critical of the plans to use the Confederacy's slaves for the vaguely defined "other labor."³⁸⁵

William Nathan Harrell Smith from North Carolina's first congressional district expressed concern about the loss of control of black workers when a South Carolina congressman moved to strike out the stipulation that the army could use no more than thirty thousand slaves in the regions east of the Mississippi River and another ten thousand west of the river. Smith argued that without a clear limit "the whole slave population would be in the hands of the military authorities" but the limitation was removed on a vote of 46 to 28.³⁸⁶ Congress trusted Davis to responsibly appropriate black laborers without an imposed cap despite Smith's concerns. Fifth district congressman Josiah Turner, Jr. understood the bill as a potential move toward abolition, which in his view raised concerns about Davis' "soundness" for office. He declared that "the country had been too long and too often deluded and deceived by Presidential plans" none of which he believed had ever been successful. Turner feared that the plan could potentially put slaves in combat and he felt that the public would be opposed to any such plan. He therefore encouraged his fellow congressmen to dutifully "... stamp upon it the

³⁸⁵ *Hillsborough Recorder* (Hillsborough, NC) February 8, 1865.

³⁸⁶ *Ibid.*

indelible stigma of public abhorrence.”³⁸⁷

Congressman James T. Leach from the third district also “feared that if this bill passed the negroes... would be employed as soldiers.” He was “unalterably opposed to” such a course of action and argued that it might be the “death knell” of the Confederacy and could “make a San Domingo of our land.” The specter of Haiti’s victorious black armies and the black nation that they forged were still powerfully charged some sixty years after the fact. Also, Leach shared Josiah Turner’s belief that the central government in Richmond should allow the individual states to decide for themselves how their slaves’ labor could be used. Finally, Leach protested that there was already “too much of brass button and bayonet rule” in the Confederacy and that the country’s bureaucrats plagued the land “as thick as locusts in Egypt.”³⁸⁸

The eighth district’s James G. Ramsay echoed his fellow politicians’ sentiments. He believed that the bill’s vague labor provision needed to be improved and offered a compromise. Ramsay suggested an amendment to “relieve the matter of all doubt” and ensure that the Confederacy’s slaves “shall not be armed or used as soldiers.” The motion failed.³⁸⁹ James M. Leach from North Carolina’s seventh district proposed a similar amendment that would have clearly prevented the national government from arming any conscripted slaves or free people of color. This amendment was tabled on the motion of an Alabama congressman. Leach and the other frustrated North Carolina

³⁸⁷ *Ibid.* Clement Anselm Evans, ed., *Confederate Military History*. Vol. XII. (Atlanta: Confederate Publishing Company, 1899), 387, <https://archive.org/details/confedmilhist12evanrich>. *Hillsborough Recorder* (Hillsborough, NC) October 21, 1863.

³⁸⁸ *Hillsborough Recorder* (Hillsborough, NC) February 8, 1865. Evans, *Confederate Military History*, 387. *Hillsborough Recorder* (Hillsborough, NC) October 21, 1863.

³⁸⁹ *Hillsborough Recorder* (Hillsborough, NC) February 8, 1865. Evans, *Confederate Military History*, 387.

Congressmen were voicing concerns that many of their constituents had held for decades prior. The prospect of the national government appropriating slaveholders and the county courts' power to regulate black peoples' armed labor was too much for them to bear, even in the midst of a war for national survival.³⁹⁰

The North Carolina General Assembly shared the congressional delegation's vehement opposition to the national government's attempt to harness armed black people's labor for military service. The state legislators understood this congressional effort as an abrogation of the antebellum practices that had kept the state and its racial hierarchy relatively safe from domestic black violence. These local politicians believed that the Assembly ought to retain control over how North Carolina slaves' labor could be used by the national government. They insisted on local preeminence in this matter and butted heads with what it saw an increasingly overbearing national government on the issue. Most of the legislators were slaveholders themselves and had a direct interest in how the Confederate military used slave labor.³⁹¹

On February 3, 1865 the General Assembly passed a resolution "Against the

³⁹⁰*Hillsborough Recorder* (Hillsborough, NC) February 8, 1865. *Hillsborough Recorder* (Hillsborough, NC) October 21, 1863.

³⁹¹About 75% of North Carolinians did not own any slaves but the state's legislators were exceptional in this regard. Historian Marc W. Kruman notes that in 1850 the state had a higher percentage of slaveholders in its legislature than any of the other future Confederate states. This slaveholder dominance was nonpartisan: 81% of the Democrats and 84% of the Whigs were slaveholders. Further, while 22% of the Democrats and 31% of the Whigs were in the legal professions 63.5% of Democrats and 46.5% of the Whigs worked in agriculture which often depended on slave labor. Of these, 36% of the Democrats and 37.5% of the Whigs were planters with twenty or more slaves (Marc W. Kruman, *Parties and Politics in North Carolina, 1836-1865* [Baton Rouge, LA: Louisiana State University Press, 1983], 47, 49). The slaveholders' political dominance can also be seen in North Carolina's 1861 secession convention. One hundred of the one hundred and twenty-two delegates were slaveholders and the average delegate owned more than thirty slaves. That average is somewhat inflated by two of the delegates who each owned over two hundred bondpeople and another five delegates who held between one and two hundred slaves. Nevertheless the median number of slaves held by the convention's delegates was still a substantial twenty-one which set them apart from the vast majority of North Carolinians (Ralph A. Wooster, *The Secession Conventions of the South* [Westport, CT: Greenwood Press Publishers, 1976], 197-198).

Policy of Arming the Slaves” which asserted their belief that any such decision was a purely a state prerogative. The resolution was a direct response to Jefferson Davis’ comments from the previous autumn that armed black men could be used in dire circumstances and to the Confederate Congress’ debate on a bill for that purpose.³⁹² The resolution declared that it was firmly “against the arming of slaves by the Confederate government, in any emergency that can possibly arise” but that it would nevertheless “consent to their being taken and used as laborers in the public service, upon just compensation being made.”³⁹³ The state’s legislators further argued that the national government lacked the constitutional authority to undertake any such course of action “without the consent of the States being first freely given.” The Assembly’s resolution explicitly maintained that North Carolina was not inherently opposed to the central government using black military labor but it was nevertheless committed to state control over the decision to mobilize armed black laborers. This resolution reflected the continuing antebellum attitudes that local populations were better suited to make the decisions concerning armed black people.³⁹⁴

³⁹² In November, 1864 Jefferson Davis told Congress that “...I must dissent from those who advise a general levy and arming of slaves for the duty of soldiers” as he thought it “would scarcely be deemed wise or advantageous by any...” as long as there were enough white men to fight. He added however that “should the alternative ever be presented of subjugation or of the employment of the slave as a soldier, there seems no reason to doubt what should be our decision” (Bradley, “Debate on Arming the Slaves”, 159). Davis believed that white soldiers’ labor was preferential to that of armed black men but that the Confederate nation’s survival was paramount.

³⁹³ *Session Laws of North Carolina, 1865 Public Laws (adjourned session)*, (Ch. XIII, Sec. I), 33.

³⁹⁴ *Ibid.* Many North Carolinians were undoubtedly following the national discussion closely. Lewis Hanes loaned a copy of General Robert E. Lee’s letter “on the subject of arming and freeing the negroes” to a friend who had in turn let Jonathan Worth borrow it. Hanes wanted the letter back because yet another associate had asked to see it. It is not clear where Hanes initially acquired the letter but he explained to Worth that he was “forbidden” from publishing it and requested that those who borrowed it respect that (Lewis Hanes to Jonathan Worth, February 20, 1865, in J. G. de Roulhac Hamilton, ed., *The Correspondence of Jonathan Worth*. Vol I. (Raleigh, NC: Edwards & Broughton Printing Company, 1909), 353, <https://archive.org/details/correspondenceofworth>).

Ultimately the Confederate Congress passed the “Negro Soldier Bill” over the opposition of eight of North Carolina’s nine representatives.³⁹⁵ Despite Congress’ vote many North Carolinians wanted no part of the decision to use armed black men’s labor in the Confederate Army. The congressmen knew that African-descended Union soldiers were operating within their state and were undoubtedly also aware that white North Carolinians were so contemptuous of this that some of them preferred to kill the black men rather than take them prisoner.³⁹⁶ Senator William Alexander Graham had a great deal of experience in North Carolina politics and had served as governor in the 1840s. He believed that neither his state’s people nor its government should acquiesce to what he saw as an abrogation of the Old North State’s power. Graham lamented that “the bill to arm slaves has become law. It professes to take them only with the consent of their masters; and in the event of failure in this, to call on the State authorities to furnish. I trust no master in North-Carolina will volunteer or consent to begin this process of abolition, as I feel very confident the General Assembly will not.”³⁹⁷ Graham understood that if the slaves were armed they would need to be freed and he believed that white North Carolinians would be disgusted with any such project.

Senator Graham’s assessment of white North Carolinian’s sentiment was accurate.

³⁹⁵ *Fayetteville Observer* (Fayetteville, NC) March 9, 1865. U.S. War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies. Series. IV, Volume III*, eds. Fred C. Ainsworth and Joseph W. Kirkley (Washington, D.C.: Government Printing Office, 1900), 1191. North Carolina Congressmen Robert R. Bridgers, Thomas C. Fuller, John A. Gilmer, James M. Leach, James T. Leach, George W. Logan, James G. Ramsay, and William N. H. Smith opposed the legislation. Burgess S. Gaither was the only North Carolinian representative who voted for it, although he was a strong state’s rights advocate and worried about “consolidated military despotism” (Ezra J. Warner and W. Buck Years, *Biographical Register of the Confederate Congress* [Baton Rouge, LA: Louisiana State University Press, 1975], 93-94).

³⁹⁶ McPherson, *Battle Cry*, 793.

³⁹⁷ W. A. Graham to unknown recipient in Cornelia P. Spencer, *The Last Ninety Days of the War in North Carolina* (New York: Watchman Publishing Company, 1866), 129, <http://docsouth.unc.edu/true/spencer/spencer.html>.

Even as Union soldiers occupied the eastern portions of the state, William Tecumseh Sherman barreled down on Raleigh, and the “Negro Soldier Bill” had already become law, many white North Carolinians continued to hesitate at using black men’s armed labor because of the unpalatable change to antebellum practices. White people had strong convictions about the relationship between “manhood, military service, citizenship, and suffrage” and their beliefs “proved a powerful ground of opposition to the arming of slave men in the C.S.A.” They understood that those who defended the state earned the rights of citizenship and the prospect of equality with black men was profoundly upsetting.³⁹⁸ When he heard about the “Negro Soldier Bill” a North Carolina soldier named Daniel Boyd wrote to his father to express his displeasure. He wrote “i hear that they ar puting negras in the army it wont do to put them with the white men for they wont stand it. We are nie enough on a equality with them now.”³⁹⁹ Boyd’s sentiments were similar to those of Howell Cobb, Georgia’s outspoken politician and soldier. Cobb was perhaps one of the loudest critics of the plan to field black soldiers and during the congressional debate on the issue he railed that:

...the proposition to make soldiers of our slaves in the most pernicious idea that has been suggested since the war began... My first hour of despondency will be the one in which that policy shall be adopted. You cannot make soldiers of slaves, nor slaves of soldiers. The moment you resort to negro soldiers your white soldiers will be lost to you ...Use all the negroes you can get, for all the purposes for which you need them, but don’t arm them. The day you make soldiers of them is beginning of the end of the revolution. If slaves make good soldiers our whole theory of slavery is wrong- but they won’t make good soldiers. As a class they are wanting in every qualification of a soldier...⁴⁰⁰

³⁹⁸ McCurry, *Confederate Reckoning*, 347.

³⁹⁹ Jimerson, *The Private Civil War*, 118.

⁴⁰⁰ Howell Cobb to James A. Seddon, January 8, 1865 in U.S. War Department, *The War of the Rebellion Series. IV, Volume III*, 1009-1010.

White North Carolinians like Boyd were vehemently opposed to using armed black laborers in combat roles because they believed that there were fundamental differences between black and white men. As a part of this position they also refused to tolerate any manly posturing from the slaves, which was demonstrated in the brutal manner in which Confederate soldiers executed captured black Union soldiers.⁴⁰¹

Other Southerners expressed similar concerns about the tense nexus between race and manhood. The editors of the *Fayetteville Observer* proclaimed in October, 1864 that “every manly feeling, every *un-yankee* feeling, revolts against the idea of being indebted to slaves for our defence[*sic*], and against thrusting them forward to fight our battles and lose their lives to save ours.”⁴⁰² If the South’s slaves secured Confederate independence black men’s manhood would have been undeniable. This is what Daniel Boyd feared. In the end the Confederates’ opposition to armed black men’s military labor cost them dearly. In one fell swoop the Union Army’s acceptance of black soldiers deprived the Southern nation of these black men’s armed and unarmed labor and at the same time turned them into a destructive force against the South. This is a particularly important point when one considers that many free black Northerners joined the military but the majority of the Union’s black soldiers came from the Slave States.

The Civil War brought extensive changes to the social and political fabric of North Carolina as a state, to the South as a region, and to the United States as a fractured and then reconstructed nation. Nevertheless, the General Assembly, North Carolina’s congressmen, and the dominant class of white North Carolinians maintained their

⁴⁰¹ William Tripp to Araminta Tripp, February 8, 1863, Tripp Papers, SHC. McPherson, *Battle Cry*, 793, 793n. Manning, *The Order of Nature*, 116.

⁴⁰² *Fayetteville Observer* (Fayetteville, NC) October 31, 1864.

enduring beliefs that armed and unsupervised black men were a potential danger but that armed black laborers could nevertheless be useful in the right context, namely on the home front in supervised roles that had been tested and proven during the antebellum period. Enslaved black men's armed labor was vital to the maintenance of North Carolina's plantations prior to secession but could be even more so after the slaveholders marched off to battle.

By the last months of the war North Carolina was struggling with the Confederate government over the appropriate application of armed black labor. This pitted local traditions of black people's firearm use against the broader collective needs of the Confederate nation. Those national needs were not always the preeminent concerns for the Old North State as many white North Carolinians were not fighting solely to save slavery, or even to secure independence, but to preserve the constructed dominance of the white race.⁴⁰³ In February, 1865 soldier Joseph F. Maides wrote home to his mother that several of the men in his company had deserted at the prospect of fighting alongside black soldiers. While there were several other factors contributing to the mounting desertions in what would become the final months of the war Maides candidly expressed his thoughts on the matter to his mother. He explained to her that "I did not volunteer my services to fight for a free negroes country but to fight for a free white mans[sic] country & I do not think I love my country well enough to fight with black soldiers." The twenty-six year old Maides' views were shared by many white North Carolinians who simply could not accept the prospect of racial equality and the social upheaval it

⁴⁰³ Tracy Whittaker Schneider, "The Institution of Slavery in North Carolina, 1860-1865" (Ph.D. diss., Duke University, 1979), xii.

threatened. Even the Confederacy's military defeat and political death were preferable.⁴⁰⁴

⁴⁰⁴ James M. McPherson, *For Cause & Comrades: Why Men Fought in the Civil War* (New York: Oxford University Press, 1997), 171-172. 1860 U.S. Census, population schedule, White Oak, Jones County, North Carolina, digital image, via ancestry.com, accessed July 14, 2015, <http://ancestry.com>.

Conclusion

Black North Carolinians' firearm use was a terrain upon which the North Carolina General Assembly, the state's county courts, and different people—both black and white, and male and female—struggled with and against each other over questions about labor, freedom, and citizenship. Both individual white North Carolinians and the Assembly understood that subordinated black laborers could be put to work with firearms much as they were with other tools that could be used as deadly weapons. The white power structure consequently sought to ensure that black people's armed labor could be used with minimal threat to white people and their property. White people looked to determine which slaveholders in their local community could be trusted to arm his slaves. The Assembly continued to offer venues through which slaves' armed labor could be harnessed for most of slavery's existence and even after intensified concerns about violence in the wake of Nat Turner's rebellion brought this to an official end some white North Carolinians continued arming their slaves.

White North Carolinians and their state government often harnessed black people's armed labor but in this they were forced to contend with people of color's own aspirations and designs for their firearm use. Armed black North Carolinians, both male and female, made practical decisions about their firearm use and sought to improve their own lives regardless of what the Assembly, their county courts, or their masters dictated. African-descended people's armed labor provided them with a means to resist the oppressive, invasive, and systemically racist society in which they lived. It allowed them

to better feed and defend themselves and if they were runaways' their armed labor could further keep law enforcement at bay and thereby effectively create autonomy. The incongruity between white peoples' desire to harness armed black North Carolinians' labor in ways that were useful to white people and black people's determination to use guns in ways that benefited themselves, their families, and their communities undergirded the tensions in African-descended peoples' firearm use through the colonial and antebellum eras.

North Carolina's free people of color had much greater control of their own armed labor for most of the antebellum period but by 1841 their firearm use had also come to rely on white people's good graces and in this regard the white power structure treated free people of color quite similarly to the slave population. The Assembly granted the county courts regulatory power over the free black peoples' firearm use within their jurisdiction. The county courts granted licenses based on the applicants' good behavior and agricultural livelihood, the latter of which demonstrated a practical need for a firearm. This law explains North Carolina's delayed regulation of free people of color's firearm use—many of them lived in rural spaces and fed their families through agricultural pursuits and this livelihood ostensibly kept them out of their county's poorhouse.

During the Civil War many white North Carolinians continued to endorse the antebellum notion that black peoples' armed labor could be used for white people's profit even while Union soldiers and errant armed black people threatened security in some parts of the Old North State. The Confederate nation did not capitalize on black Southerners' armed labor potential but North Carolina slaves' nonmilitary firearm use

was nevertheless impactful on the home front. Some slaveholders trusted their armed slaves to function in their masters' stead and kept the plantations safe from both black and white plunderers. These actions did not diminish the efforts of the multitude of slaves who fled from their masters' service during the war but they nevertheless speak to enslaved peoples' varied experiences during the tumultuous war.

In the postwar period the black North Carolinians were also able to channel their armed labor into resistance against white people's intrusions. This was a continuation of earlier practices and black North Carolinians' desire to preserve their autonomous space was no less important after emancipation. Tempie Herndon Durham remembered that in the war's immediate aftermath some federal soldiers gave her mother's husband a gun and instructed him to shoot anyone that harassed their family.⁴⁰⁵ Other armed black North Carolinians directed their weapons against white peoples' intrusive actions and slights in the legal system. This dramatic deviation to the Old North State's markedly racist antebellum social and legal systems prompted some white newspapermen to predict that a full-blown race war was eminent.⁴⁰⁶

After slavery's collapse Carolina freedpeople had much greater control over their armed labor than ever before. Former slaveholders could no longer easily direct black people's firearm use and even though antebellum white people were never able to wholly control their black subordinates' actions their power ostensibly eroded with slavery's demise. White people often coerced freedpeople into unfavorable postwar labor arrangements but people of color's free status protected them from abuse, at least

⁴⁰⁵ Durham, *Born in Slavery*.

⁴⁰⁶ Kwando Mbiassi Kinshasa, *Black Resistance to the Ku Klux Klan in the Wake of the Civil War* (Jefferson, NC: McFarland & Company, Inc., Publishers, 2006), 146-147.

theoretically. White Southerners were even more concerned about unsupervised armed black people once their state and national governments no longer openly allied with white people to repress people of color.⁴⁰⁷

The federal government was prominently ensconced in North Carolina's postwar landscape. William A. Graham expressed his contempt for one of the most local embodiments of the Reconstruction era federal government—the Freedmen's Bureau. He grumbled that the Bureau was “to be fastened upon us for some time: and if so, there can be but little security to the white men in any asserted rights. Thefts are of daily and nightly occurrence in this vicinity, and negroes with arms are traversing the country under pretence of hunting but really for stealing.” Some other white North Carolinians complained that the locally garrisoned black troops were “committing depredations.”⁴⁰⁸ These threadbare complaints echoed white North Carolinian's colonial and antebellum era concerns that unsupervised armed black people were killing white people's livestock and thereby threatening white peoples' physical and economic security. The difference was that in the period immediately after the war the freedmen were no longer beholden to the same power structure that white North Carolinians had long trusted to oversee black people's firearm use.

If these alleged “depredations” had any truth to them they should be seen as part of a continuing pattern of black resistance. These purported black raiders had lived in an unequal antebellum economic system that continued after emancipation. These free

⁴⁰⁷ This is not to suggest that the antebellum white power structure crumbled after the Confederate surrender at Appomattox but black people did gain legally guaranteed rights. This was an important change but there were a number of methods white people undertook to mitigate black people's rights and racially biased laws would continue to plague the country for generations to come.

⁴⁰⁸ William A. Graham to Jonathan Worth, January 26, 1866, in Hamilton, ed., *The Correspondence of Jonathan Worth*. Vol I., 482. Kinshasa, *Black Resistance to the Ku Klux Klan*, 146.

black North Carolinians were generally unable to access land and other resources during Reconstruction. Free and enslaved black people used their firearms to create autonomous spaces for their community, to provide for their families, and to visit offensive and defensive violence upon others. All of these acts of resistance pushed back against the circumscribed lives that white people and North Carolina's racially biased governments had sought to confine people of color to.

This firearm based resistance was largely facilitated by the familiarity of black people's armed labor and the accessibility of guns. White people relied on their armed slaves' labor in certain capacities and were also deeply invested in free people of color's firearm use when they could keep it under their control. White people were able to use the legislative power of the General Assembly and the county courts to harness black people's armed labor for their own purposes and to protect themselves from the threat they perceived in people of color's firearm use. Nevertheless, the commonness of black North Carolinians' firearm use made it a useful tool of resistance for generations. This was true not only via violence and rebellion but also through resisting the slave system's encroachments on black laborers' families, communities, and institutions.

Appendix

White North Carolinians' Petitions to the General Assembly

Free black North Carolinians' antebellum firearm use was both approved and restricted on the local level and black and white people from the community's attitudes and their willingness to lend support mattered. White North Carolinians' support was instrumental to free people of color's licensing process. Scores of white people petitioned the General Assembly to voice their concerns about the dangers that they believed emanated from free and enslaved black people's firearm use. A close look at these petitions provides insight into the people in some of North Carolina's local communities who were concerned enough about black firearm use in their neighborhoods to voice their opinions to the legislature.

Craven County's 1828 and 1835 petitions were essentially produced in the same demographic milieu. Between the 1830 and 1840 censuses the county's white population grew from 48% to 49% of the total population, enslaved black people decreased slightly from 45% to 42%, and the free people of color increased from about 7% to 8% of the total.⁴⁰⁹ Additionally, while there is no record of any individual endorsing both the 1828 and 1835 petitions there were some similarities between the two groups.⁴¹⁰ In both years the petitioners were almost exclusively male heads of households in Craven County's

⁴⁰⁹ Historical Census Browser, (accessed January 9, 2013 and May 5, 2014).

⁴¹⁰ There is a David Dennis on 1828 petition and a David H. Dennis on the 1835 petition but they do not appear to be the same person. The two Dennis signatures from each petition look as they were written by two separate people with different handwriting styles (*Race, Slavery, and Free Blacks*, North Carolina, 1828, reel 6, frame 00241. *Race, Slavery, and Free Blacks*, North Carolina, 1835, reel 7, frame 00022). 1830 U.S. Census, population schedule, Craven County; 1840 U.S. Census, population schedule, New Bern, Craven County, North Carolina; all in digital images, via ancestry.com, accessed July 3, 2013, <http://ancestry.com>.

hinterland and they were also more likely to own slaves than the other people in the county. Finally, these petitioners generally hailed from areas of the county where high concentrations of black people lived.

A few words on my methods are in order. A total of 1,700 households can be isolated on the 1830 Craven County census and 494 of these were in New Bern and the remaining 1206 were in the surrounding countryside. 1,445 of the households were headed by a white person and the remaining 255 were headed by a free person of color. 762 of the households owned slaves and only five of these were headed by a person of color. I excluded the five black slaveholding households from the total used to determine the percentage of slaveholders in the general county population as there was a greater chance that those master-slave relationships were unconventional. The 1,445 white families were used as the total and the 757 white slaveholding families were used as the qualifying number. I also excluded the nonslaveholding free black families from the total number of households because I had excluded the black slaveholders and these decisions have focused this analysis on Craven County's white slaveholders. This is an imperfect method because there is no way to understand these master-slave relationships exclusively from the census records and some free black North Carolinians held too many slaves to suggest that the relationship was anything but economically driven. The master-slave relationship was always complex but was even more so without the convenient construct of racial difference.

The 1828 petition was endorsed by thirty-five men of which twenty-seven are

identifiable in the census records.⁴¹¹ See Table A-1 in this Appendix for details. More than half of the men who could be identified were in their late twenties or thirties and an

⁴¹¹ 1830 U.S. Census, population schedule, Craven County, North Carolina, page 149, no image number, Abner Hartley, digital image via ancestry.com, accessed January 8, 2013; 1840 U.S. Census, population schedule, New Bern, Craven County, North Carolina, page 65, image 766, Thomas Casey, digital images via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 112, no image number, Jesse Griffin, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 152, no image number, Jesse W. Pipkin, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 148, no image number, John Pollard, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 159, no image number, Adam Gaskins, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, Pitt County, North Carolina, page 76, no image number, Amos Joyner, digital image via ancestry.com, accessed January 9, 2013; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 144, no image number, Joseph Fulshure, digital image via ancestry.com, accessed January 9, 2013; 1840 U.S. Census, population schedule, Northside Neuse River, Craven County, North Carolina, page 29, image 693, James Daw, digital images via ancestry.com, accessed July 5, 2015; 1840 U.S. Census, population schedule, Craven County, North Carolina, page 36, image 707, Salomon Brawton, digital image via ancestry.com, accessed January 9, 2013; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 150, no image number, Church Barns, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 157, no image number, John Chapman, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 147, no image number, Levi Gaskins, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 110, no image number, Thomas W. Wadsworth, digital image via ancestry.com, accessed January 9, 2013; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 146, no image number, Eli W. Ward, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, New Bern, Craven County, North Carolina, page 135, no image number, Nathaniel Babcock; William I. Babcock; digital image via ancestry.com, accessed January 8, 2013; 1830 U.S. Census, population schedule, New Bern, Craven County, North Carolina, page 124, no image number, Thomas Hamilton, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 106, no image number, David Dennis, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, New Bern, Craven County, North Carolina, page 125, no image number, Thomas Brew, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 100, no image number, Benjamin Mason, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, New Bern, Craven County, North Carolina, page 109, no image number, Thomas G. Pasteur, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 107, no image number, George Wilson, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, New Bern, Craven County, North Carolina, page 130, no image number, William Tisdale, digital image via ancestry.com, accessed July 5, 2015; 1840 U.S. Census, population schedule, New Bern, Craven County, North Carolina, page 55, image 746, James Hayward, digital image via ancestry.com, accessed January 9, 2013; 1830 U.S. Census, population schedule, Craven County, North Carolina, page 165, no image number, Jonathan B. Dawson, digital image via ancestry.com, accessed July 5, 2015; 1830 U.S. Census, population schedule, New Bern, Craven County, North Carolina, page 129, no image number, Jesse Griffin, digital image via ancestry.com, accessed January 9, 2013, <http://ancestry.com>. The remaining signers had illegible signatures, had a name common to several people, could not be found on the census, or had other obstacles to prevent their clear identification. *Race, Slavery, and Free Blacks*, North Carolina, 1828, reel 6, frames 00241-00242.

additional 25% of them were in their fortieth decade. Again, they were established heads of households. The first fifteen signatories were county court jurors at the time and thusly noted on the petition and Abner Hartley served as foreman.⁴¹² Twenty of these twenty-seven petitioners were slaveholders and although they owned between one and thirty-four slaves the average petitioner owned ten or eleven bondpeople. This slave possession average is somewhat misleading, however. There are four planters on the list who owned disproportionately large numbers of slaves. John B. Dawson had thirty-four slaves, Thomas G. Pasteur had twenty-five, Eli W. Ward owned twenty-one, and George Wilson had thirty slaves. If these four petitioners and their combined one hundred and nine slaves are omitted then the average dramatically drops to about six slaves per petitioner.⁴¹³

Consider that while 74% of the 1828 petitioners were slaveholders only 45% of Craven County's white households had slaves in 1830. The petitioners were concerned that slaves-- perhaps even those whose labor they themselves or their neighbors claimed-- were destroying white people's livestock "through the agency and assistance of free Persons of Colour."⁴¹⁴ The overrepresentation of slaveholders on the petition can be understood as their having a greater inclination to fear slaves' errant behavior or perhaps as their having been more likely to possess larger and more susceptible livestock herds than some of their non-slaveholding neighbors.

⁴¹² *Race, Slavery, and Free Blacks*, North Carolina, 1828, reel 6, frame 00242

⁴¹³ *Race, Slavery, and Free Blacks*, North Carolina, 1828, reel 6, frames 00240-243. These slave holdings are fairly accurate but consider that the census records are from a few years before or after the petition. Further, the averages are calculated only with those men who could be located on the census.

⁴¹⁴ *Race, Slavery, and Free Blacks*, North Carolina, 1828, reel 6, frame 00241.

Table A-1. *The 1828 Craven County Petitioners Against Black People's Gun Use*⁴¹⁵

Name	Black Household Members	Age (1828)	White Household Members	Residence
Abner Hartley ⁴¹⁶	11 slaves	28-37	3 children, 1 woman	Craven Co.
Thomas Casay	1 slave	38-47	Single	New Bern
Jesse Griffin	3 slaves	28-37	3 children, 1 woman	Craven Co.
Jesse W. Pipkin	None	28-37	2 children, 1 woman	Craven Co.
John Pollard	None	28-37	4 children, 1 man, 1 woman, 1 older woman	Craven Co.
Adam Gaskins	10 slaves	48-57	2 children, 2 men, 1 woman	Craven Co.
Amos Joyner	15 slaves (Pitt Co.)	38-47	6 children, 1 man, 2 women	Craven Co.
Joseph Fulshure	None	38-47	1 woman, 1 older woman, 2 men	Craven Co.
James Daus ⁴¹⁷	None	8-17	2 women	Craven Co.
Salomon Brawton	3 slaves	38-47	3 children, 4 women, 2 men	Craven Co.
Churchill Barns	6 slaves	28-37	1 child, 2 women	Craven Co.
John Chapman	10 slaves	48-57	None	Craven Co.
Levi Gaskins	10 slaves	28-37	3 children, 1 woman	Craven Co.
Thomas M. Wadsworth	11 slaves	48-57	2 children, 3 men	Craven Co.
Eli W. Ward	21 slaves	28-37	2 children, 1 woman	Craven Co.
Nathaniel Babcock	None	58-67	3 women	New Bern
William I. Babcock	2 slaves	18-27	2 women	New Bern
Thomas Hamilton	None	28-37	1 child, 1 woman	New Bern
David Dennis	5 slaves	18-27	1 man, 1 woman	Craven Co.
Thomas Brew	None	48-57	2 children, 1 man, 1 woman	New Bern
Benjamin Mason	6 slaves	38-47	1 child, 2 men, 2 women	Craven Co.
Thomas G. Pasteur	24 slaves	38-47	2 children, 1 man, 1 woman	New Bern
George Wilson	30 slaves	38-47	5 children, 1 man, 1 woman	Craven Co.
William Tisdale	2 slaves	28-37	3 children, 1 woman	New Bern
James Hayward	3 slaves, 1 FPOC	18-27	3 children, 1 woman	New Bern
Jonathan B. Dawson	34 slaves	28-37	1 man	Craven Co.
F. Alexander	1 slave	28-37	4 children, 1 woman	New Bern

⁴¹⁵ *Race, Slavery, and Free Blacks*, North Carolina, 1828, reel 6, frames 00240-00243. The data comes from the 1830 census unless italicized to denote the 1840 census.

⁴¹⁶ The first thirteen men on this chart (and two others who are not included) were county court jurors at the time and thusly noted on the petition. Hartley served as foreman (*Race, Slavery, and Free Blacks*, North Carolina, 1828, reel 6, frame 00242).

⁴¹⁷ There are two "James Dows" on the census and despite some inconsistencies in each household-- the alternative Daus household had one woman and one child—they were in the same age group and might be the same person (1840 U.S. Census, population schedule, Northside Neuse River, Craven County, North Carolina, page 35, image 705, James Daw; page 29, image 693, James Daw; digital images via ancestry.com, accessed July 5, 2015, <http://ancestry.com>).

The 1828 signatories also primarily resided in the countryside around New Bern and not in the town itself. Only nine of the twenty-seven men lived within the town limits. This third of the 1828 signatories were a fairly accurate representation of the 40% of the county's total population that lived in New Bern. Also, while North Carolina's town were noted for urban slavery on the same scale that Richmond, Baltimore, or Charleston might have been a higher percentage of New Bern residents were slaveholders in 1830 than the rest of Craven County's residents. Further, the county's free black residents should be taken into account. They comprised roughly 15% of the county's total population but nearly two-thirds of their households were in the hinterland which is also where the bulk of the petitioners lived. Free people of color's presence in those neighborhoods intensified some white people's wariness about North Carolina's unsupervised slaves.

Most of the 1835 petitioners lived in the South Side Neuse River District which had large numbers of both free and enslaved black people. Twenty-eight of its thirty-nine signatories can be identified via the census and nineteen of these men (about two-thirds) were slaveholders.⁴¹⁸ They held between one and twenty-five slaves each and the

⁴¹⁸ 1840 U.S. Census, population schedule, South Side Neuse River, Craven County, North Carolina, page 73, image 782, David B. Gibson, digital image via ancestry.com, accessed January 9, 2013, <http://ancestry.com>. 1840 U.S. Census, population schedule, New Bern, Craven County, North Carolina, page 50, image 736, David H. Dennis, digital image via ancestry.com, accessed January 10, 2013, <http://ancestry.com>. 1840 U.S. Census, population schedule, South Side Neuse River, Craven County, North Carolina, page 84, image 804, Owen Chestnut; Lorenzo Whitford; Asa Hardison; Stephen Hardison; digital image via ancestry.com, accessed January 9, 2013, <http://ancestry.com>. 1840 U.S. Census, population schedule, South Side Neuse River, Craven County, North Carolina, page 78, image 792, Nathan White, digital image via ancestry.com, accessed January 9, 2013, <http://ancestry.com>. 1840 U.S. Census, population schedule, North Side Neuse River, Craven County, North Carolina, no page number, roll 358, image 688, Bryan Whitford, digital image via ancestry.com, accessed July 6, 2015, <http://ancestry.com>. 1840 U.S. Census, population schedule, South Side Neuse River, Craven County, North Carolina, page 83, image 802, William Bailly; Irving Eborn; Benjamin Williams; digital images via ancestry.com, accessed July 6, 2015, <http://ancestry.com>. 1840 U.S. Census, population schedule, South Side Neuse River, Craven

average was slightly under five and a half slaves each. This average was obtained by omitting Samuel Hyman's twenty-five slaves. The next largest slaveholding signatory had fifteen slaves and most of the others had far fewer. If Hyman and his slaves are included the average climbs to about six and a half bondpeople per petitioner. See Table A-2 for more details. This high percentage of slaveholding petitioners in 1835 was significant because much like in the previous decade by 1840 only 43% of Craven County's households owned slaves.⁴¹⁹

Twenty-seven of the twenty-eight petitioners' residential districts can be traced with varying degrees of certainty. In 1830 Craven County was divided into two districts, Craven County and New Bern, but in 1840 the hinterland was split into the North and South Side Districts. David H. Dennis and Samuel Hyman were the only two men who lived in the town of New Bern, and Hyman's attentions were divided because he also

County, North Carolina, page 85, image 806, Dennis Watson; William Holland; Samuel Hyman; Thomas Austin; Lewis Foscue; digital image via ancestry.com, accessed July 6, 2015, <http://ancestry.com>. 1840 U.S. Census, population schedule, South Side Neuse River, Craven County, North Carolina, page 83, image 802, Isaiah C. Dennis; Joseph R. Franklin; digital images via ancestry.com, accessed January 9, 2013, <http://ancestry.com>. 1840 U.S. Census, population schedule, South Side Neuse River, Craven County, North Carolina, page 73, image 782, Stephen Peartree, digital image via ancestry.com, accessed July 6, 2015, <http://ancestry.com>. 1830 U.S. Census, population schedule, South Side Neuse River, Craven County, North Carolina, page 107, no image number, George Tolson, digital image via ancestry.com, accessed March 18, 2013, <http://ancestry.com>. 1830 U.S. Census, population schedule, Craven County, North Carolina, page 106, no image number, Isaac Whitford; James Marshall; digital image via ancestry.com, accessed January 9, 2013, <http://ancestry.com>. 1830 U.S. Census, population schedule, Craven County, North Carolina, page 105, no image number, William Flybuss; Samuel Potter; William B. Physioc; digital images via ancestry.com, accessed January 9, 2013, <http://ancestry.com>. 1830 U.S. Census, population schedule, Craven County, North Carolina, page 107, no image number, Nathan Tolson, digital image via ancestry.com, accessed January 9, 2013, <http://ancestry.com>. 1840 U.S. Census, population schedule, South Side Neuse River, Craven County, North Carolina, page 72, image 780, Thomas J. Physioc, digital image via ancestry.com, accessed January 9, 2013, <http://ancestry.com>. 1840 U.S. Census, population schedule, South Side Neuse River, Craven County, North Carolina, page 83, image 802, Thomas Rowe, digital image via ancestry.com, accessed March 19, 2013, <http://ancestry.com>.

⁴¹⁹ About 2% of the slaveholders were free people of color. 1840 U.S. Census, population schedule, New Bern District; North Side Neuse River District; South Side Neuse River District; all Craven County, North Carolina, digital images, via ancestry.com, accessed July 2, 2013, <http://ancestry.com>.

Table A-2. *The 1835 Craven County Petitioners Against Black People's Gun Use*⁴²⁰

Name ⁴²¹	Black Household	Age (1835)	White Household	District of residence
David B. Gibson	9 slaves	35-44	4 children, 2 women, 1 man	South Side
David H. Dennis	2 slaves	25-34	4 children, 2 women	New Bern
Owen Chestnutt	1 slave	25-34	7 children, 1 woman	South Side
Nathan B. White	None	35-44	3 children, 1 woman, 1 man	South Side
Bryan W. Whitford	5 slaves, 1 FPOC	15-24	2 children, 1 woman, 1 man	North Side
Lorenzo Whitford	1 slave	15-24	2 women, 1 older woman	South Side
William Bailey	13 slaves	35-44	4 children, 2 women, 2 men	South Side
Irving C. Eborn	None	25-34	3 children, 1 woman	South Side
Dennis Watson	6 slaves	35-44	1 woman, 2 men	South Side
Isaiah C. Dennis	2 slaves	15-24	1 woman	South Side
Stephen Peartree	None	15-24	2 children, 2 women	South Side
George Tolson	2 slaves	25-34	1 child, 1 woman	Craven Co.
Asa M. Hardison	None	35-44	2 children, 1 woman	South Side
Lewis Foscue	None	40-49	1 child, 2 men, 3 women	South Side
Isaac Whitford	None	25-34	3 children, 1 woman	Craven Co.
James Marshall	11 slaves	55-64	5 children, 1 woman	Craven Co.
William H. Flibaus	None	25-34	None	Craven Co.
Nathan Tolson	None	25-34	None	Craven Co.
William Holland	7 slaves	55-64	3 children, 2 women, 2 men	South Side
Thomas Austin	15 slaves	25-34	1 child, 1 woman	South Side
Stephen F. Hardison	1 slave	15-24	2 children, 1 woman	South Side
Samuel Potter	10 slaves	55-64	3 children, 2 women, 1 man	Craven Co.
Joseph R. Franklin	4 slaves	15-24	3 children, 2 women	South Side
Samuel Hyman	4 slaves	30-39	6 children, 2 women	New Bern
	21 slaves	30-39	---	South Side
Thomas J. Physioc	1 slave, 2 FPOC	25-34	1 child, 1 women	South Side
William B. Physioc ⁴²²	1 slave	55-64	3 children, 3 women, 2 men	Craven Co.
Benjamin T. Williams	None	30-39	1 child, 1 woman	South Side
Thomas A. Rowe	12 slaves	55-64	1 woman, 1 man	South Side

owned a plantation and more than twenty slaves in the South Side Neuse River District.

Small slaveholder Bryan W. Whitford was the only positively identifiable resident of the

⁴²⁰ *Race, Slavery, and Free Blacks*, North Carolina, 1835, reel 7, frames 00020-00023. The data comes from the 1830 census unless italicized to denote the 1840 census.

⁴²¹ Seven petitioners have been excluded because they could not be positively identified on the census and two others had names that were too common on the 1830 census to include them.

⁴²² Physioc had relocated to Carteret County by 1840 and was no longer a slaveholder (1840 U.S. Census, population schedule, Carteret County, North Carolina, page 79, image 165, William Physioc, digital image, via ancestry.com, accessed January 9, 2013, <http://ancestry.com>).

North Side Neuse River District, and another seven of the petitioners did not live in New Bern, but could have been residents of either the North or South Side Districts.⁴²³ The seventeen remaining petitioners were from the South Side District, and even with the exclusion of the seven men whose homes can only be identified as outside of New Bern, the South Side was the most heavily represented district. The petition may have originated there.

A demographic examination of these three Craven County districts offer additional insight. The South Side held a disproportionately high number of African-descended residents which was similar to like that expressed by the 1828 petitioners' experiences. The South Side District contained 526 total households which were about a third of Craven County's total. One fifth of these Southside households were headed by a free person of color and this represented 43% of the county's total free black households. Another 46% of free black households were found in New Bern and 11% in the North Side District. Further, while New Bern had only a slightly greater share of the county's free black households than the South Side some 42% of the county's slaveholding households lived within the town limits. The South Side contained barely a quarter of slaveholding families and had a high percentage of free black families. On the other hand the North Side contained nearly a third of the county's slaves in 1840 but had few free people of color. A demographic examination of these districts suggests that the high numbers of black people living in the South Side Neuse River District helped to fuel an uncomfortable relationship between the area's white citizens and its free people of color and this was manifested through the petition for a licensure requirement.

⁴²³ I could not find these men on the 1840 census but the 1830 census lists them in the hinterland.

I used the following categories for Table A-1 and A-2 in order to work with the early census' age ranges: those individuals who were under sixteen years of age are considered to be children, those between sixteen and fifty-nine years old are adults, and those who were over the age of sixty are listed as "older." These distinctions are based on census categories and on North Carolina's militia laws, which mandated enrollment for all men between eighteen and forty-five years of age. Using military service as a marker of adulthood is an imperfect method with a heavy gender bias but it considers the ages during which the Assembly believed men were in their physically productive years.⁴²⁴

Table A-3. *Select Population Statistics from the 1840 Craven County Census*⁴²⁵

	New Bern District	North Side Neuse River District	South Side Neuse River District
Percentage of Total Households	32%	38%	30%
Percentage of Free Black Households	46%	11%	43%
Percentage of White Households	29%	43%	28%
Percentage of Slaveholding Households	42%	31%	27%

In December of 1840 fifty-one Halifax County residents requested that the Assembly "prohibit Free Negroes and and[sic] Mulatoes[sic] from carrying or using fire

⁴²⁴ *Session Laws of North Carolina, 1800*, 159 and *Public Laws of the State of North-Carolina, Passed by the General Assembly, at its Session of 1860-'61* (Raleigh, NC: John Spelman, 1861), 40. *Laws of the State of North-Carolina, Passed by the General Assembly, at the Session of 1836-37* (Raleigh, NC: Thos. J. LeMay, 1837), 169. *Public Laws of the State of North-Carolina, Passed by the General Assembly, at its Adjourned Session of 1862-'63* (Raleigh, NC: W. W. Holden, 1863), 19.

⁴²⁵ 1840 U.S. Census, population schedule, New Bern District; 1840 U.S. Census, population schedule, North Side Neuse River District; 1840 U.S. Census, population schedule, South Side Neuse River District; all Craven County, North Carolina, digital images, via ancestry.com, accessed July 3, 2013, <http://ancestry.com>

arms under any circumstances what ever[sic].”⁴²⁶ Very few of the 1840 Halifax petitioners can be traced via the census records and this prevented an in-depth analysis of that group but Halifax County’s overall demographic composition is worth a closer look. The patterns found in the Craven County petitions hold true. Slaves comprised a heavy 56% of the county’s total population, the 5,600 white people made up a mere 33% of the total population, and free people of color constituted the remaining 11%. White people in Halifax County were effectively outnumbered two to one by free and enslaved black people.⁴²⁷ This undoubtedly had a profound effect on these white North Carolinians’ concerns about armed people of color in their neighborhoods.

⁴²⁶ *Race, Slavery, and Free Blacks*, North Carolina, 1840, reel 7, frame 0121.

⁴²⁷ Historical Census Browser, (accessed January 8, 2013).

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Review of *On the Edge of Freedom: The Fugitive Slave Issue in South Central Pennsylvania, 1820-1870*, by David G. Smith, Civil War Book Review- Spring 2013 Issue (electronic)

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Humanities Dissertation Fellowship, the Africana Research Center, Penn State University (College-level fellowship), Spring 2014

Edwin Earle Sparks Fellowship in the Humanities, Penn State University (College-level fellowship), Fall 2013

Archie K. Davis Fellowship from the North Caroliniana Society, 2013

E-Tu Zen Sun Teaching Award, Penn State University History Department), 2011

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“African-American Firearm Use During the Civil War” concurrent paper session presentation, the 2014 Civil War Institute, the Gettysburg College Summer Conference, Summer 2014

“The Community Dynamics of Antebellum African-American Firearm Use” Research Presentation at the 29th Annual Graduate Exhibition, Penn State University, Spring 2014

“...they commit numberless depredations upon the farms by killing stock of every description’: Armed Black Peoples’ Mobility and the threat to White People’s Property in the Antebellum Era” presented at the Africana Research Center’s Public Lecture Series, Penn State University, Spring 2014

“Firearms and Black Manhood in Antebellum North Carolina” Works-in-Progress Series, hosted by the McNeil Center for Early American Studies at the University of Pennsylvania, Spring 2014

“...armed with a gun, to the terror of the citizens...’: The Threat of Armed Black Men in Antebellum North Carolina” paper presentation at the 98th Annual Association for the Study of African American Life and History National Convention, Fall 2013