

The Vass Slaves: County Courts, State Laws, and Slavery in Virginia, 1831-1861

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Abstract:

In the name of God Amen, Philip E. Vass of Halifax County, Virginia, wrote on 8 August 1831, being of sound mind and disposing Memory, Calling to reflection the Mortality of my body & being desirous to dispose of My Earthly possessions; do ordain this to be my Last Will and Testament. Historians have analyzed many aspects of slavery and the law, including manumissions at various times in different locations, the attitudes of southern appellate judges toward slaves as people as well as property, the statutory protections of slaves' "rights" in criminal cases, and even the ability of slaves to manipulate the legal system for their own benefit and to enlist the assistance of whites.⁵ But less has been done to investigate these questions at the county court level, especially concerning a single group of blacks over an extended period of time.

Article:

In the name of God Amen," Philip E. Vass of Halifax County, Virginia, wrote on 8 August 1831, "being of sound mind and disposing Memory, Calling to reflection the Mortality of my body & being desirous to dispose of My Earthly possessions; do ordain this to be my Last Will and Testament." Unmarried and without children, Vass left his land-including his interest in a farm owned by his late father, Philip Vass the Elder, in Rockingham County, North Carolina-and personal items to his nieces, nephews, sisters, and brother. "My Wish and desire is that my two Servants, Mary and Jacob," he continued, "and all my Interest in the undivided Servants belonging to my fathers Estate, be Emancipated and that the Sum of Two thousand dollars, be appropriated out of any Moneys, belonging to my Estate to purchase in the State of North Carolina a tract of land." It should be of good quality, worth at least four or five dollars per acre, and not less than 250 acres nor more than 300 acres in size. "My wish and desire is for them to build out of Good Oak logs, three logs above joist, with Cabbin Rough well covered with Good Slabs," a dwelling house; if it were necessary to construct a second dwelling, it should be situated not less than between two and three hundred yards from the original building. "My Wish & desire is that my Negroes be furnished with Two Good Work horses and the Necessary plantation tools to Make a Crop with, & two good Milk Cows, Meat & corn for the first year." If either of his slaves became "Roguish," or a nuisance in the community, he or she should escheat to the Commonwealth of Virginia and be transported out of the country to Liberia. It was also his wish that none of the freed slaves should ever have the right to sell or dispose of the land.¹

Vass felt especially close to this small group of slaves who had served his father and him for a number of years. He appointed his father's long-time friend, Halifax tobacco planter Isaac Medley, Sr., as executor of his estate; and he asked Medley to designate thirty-nine-year-old James Young, a close friend, to supervise the relocation of the freed slaves. Following his death, Vass directed, Young should hire a "White Man Workman" to accompany his freed male slaves to North Carolina. Together they would build the dwelling described in his will. The women and children should be hired out, and the proceeds from their hires should be turned over to the estate. In the year following Vass's death, Young should settle all of the manumitted slaves in North Carolina.²

Two weeks after Vass wrote his will, and less than one hundred miles to the east, the largest slave revolt in United States history erupted. Nat Turner, leading a small band of slaves, moved across the countryside in Southampton County, Virginia, killing men, women, and children. Although the revolt was quickly suppressed and Turner and most of his followers hanged, the South would never be the same. By the time Vass died the next year, the atmosphere was charged with fear, anxiety, and suspicion. The events that unfolded for the Vass slaves during the next nearly three decades need to be placed in a context of what might be called the postTurner era.³

Historians have for many years considered the Nat Turner revolt a watershed in southern and indeed American history. Following the revolt, whites in Virginia and elsewhere looked upon their slaves differently than they had before, believing that even the most seemingly loyal blacks might in fact be plotting an insurrection. Slaveholders tightened plantation rules, increased patrols, strengthened surveillance in towns and cities, and enacted a series of laws to ensure better control of their black charges. Although they had viewed "outsiders" from the North with suspicion before the revolt, afterward Yankees became even more suspect. During the 1840s and 1850s, as sectional hostility increased to a fever pitch, whites felt that greater control should be exerted over the slave population. There were, of course, divisions within Virginia on a number of issues relating to economic, political, and cultural matters, but most whites in the state were of one mind when it came to the peculiar institution and the place of blacks in southern society. They opposed the growth of a free black population and supported the southern position in defense of slavery on such political issues as the Wilmot Proviso in 1846, the Kansas-Nebraska Act of 1854, and John Brown's raid at Harpers Ferry in 1859.⁴

What happened to a small group of slaves in a Southside county during the post-Turner era in one sense tells us only about a unique set of circumstances. At the same time, the narrative that follows offers an opportunity to understand better the workings of the local court system with regard to slavery. Historians have analyzed many aspects of slavery and the law, including manumissions at various times in different locations, the attitudes of southern appellate judges toward slaves as people as well as property, the statutory protections of slaves' "rights" in criminal cases, and even the ability of slaves to manipulate the legal system for their own benefit and to enlist the assistance of whites.⁵ But less has been done to investigate these questions at the county court level, especially concerning a single group of blacks over an extended period of time. Did the superior court judge in Halifax County adhere to a commitment to "fairness and formalism" that was apparent among appellate judges? Were the whites who supported the Vass slaves motivated by feelings of humanity and concern for their well being? What were the

attitudes of the slaves toward their situation, how did they present their views, and what were the results of their judicial pleadings?⁶ The essay that follows offers a narrative of what happened to the Vass slaves over a period of nearly three decades and an analysis of the meaning of that narrative.

The slaves freed by Philip E. Vass's will included his two personal servants, Jacob, age about twenty-one, Mary, age about forty-five, and four others cited only as the undivided servants in his father's estate—Patsey or Patty, also about forty-five; Meriweather, described as a "Negro Boy" worth \$300, age about eleven; and Sam and Matilda. The ages of Sam and Matilda can only be approximated from an 1832 inventory. Judging from their appraised values, Sam, cited as a "Negro Man" worth \$525, was probably in his late twenties or early thirties; Matilda, listed as a "Negro Girl" worth \$175, was probably about five or six. Despite their age difference, Jacob and Mary were brother and sister. All six slaves were at one time owned by Vass's father, Philip Vass the Elder.⁷

Philip E. Vass was relatively young when he died in 1832, only about forty, but he had already accumulated a comfortable estate. In 1830, as reported in the census, he possessed sixteen slaves, all of whom were under the age of twenty-four. Thus, the slaves Vass mentioned in his will were only a relatively small portion of his holdings at the time of his death. Besides his own land and slaves, his father, who died in 1825, left him a good deal of property, and his mother, who died about 1830, bequeathed him \$3,000 due her from a civil suit. "I give and bequeath all the balance of my Estate of whatever nature or kind it be both real and personal," Elizabeth Vass wrote in 1828, "unto my well beloved Son Philip E. Vass and unto his heirs and assigns forever." As his mother's executor, Vass posted a \$12,000 bond.⁸

Shortly after Philip E. Vass died, the heirs of Philip Vass the Elder filed suit against his executor for a division of his slaves, including those designated to be freed in the Philip E. Vass will. In 1832, the court ordered that fourteen of the elder Vass's former slaves be divided into four lots worth \$1,181 each. A lot went to each of the elder Vass's two daughters, Affiah Ewing, and her husband George B. Ewing, and Sarah Womack, and her husband Edward Womack, and to the estate of his late son James Vass, who had died unexpectedly a short time before. The fourth lot went into the estate of Philip E. Vass, deceased, to be managed by Isaac Medley, who had previously become executor of the estates of both Philip Vass the Elder and Philip E. Vass. The fourth lot included Sam, Meriweather, Patsey, whose appraised value stood at only \$200, and Matilda.⁹ Thus, within months after Philip E. Vass's death, the four slaves mentioned in his will as "undivided Servants" belonging to his father's estate were in fact "divided" and placed in his own estate.¹⁰

To make matters more complicated, the executor of the estate of James Vass filed suit to have Philip E. Vass's will declared null and void. In such an event, the slaves to be freed would become the residual property of the estate and go to various heirs, including the estate of James Vass. The will was a fake and a fraud, James's executor declared at a session of the Halifax County Superior Court of Law and Chancery, and it should not be accepted by the probate court. "This day came the parties by their attorneys," the court record read, arguing back and forth, questioning and cross-examining "Sundry Witnesses," seeking to advance their particular cause.

In the end, the court ruled that the will was authentic and ordered James's executor to pay the court costs.¹¹

Although Philip E. Vass had gone to great lengths to ensure that the slaves referred to in his will would be emancipated to live independent lives in a new setting, when James Young attempted to free them and set them up as independent farmers in North Carolina, he discovered he could not do so because that state prohibited free blacks from entering.¹² If he attempted to send them, each freed person would face a fine of \$500 and, if it were not paid, be "held in servitude not more than 10 years."¹³

The Vass slaves, who were thus legally blocked from settling in North Carolina, were now under the control of one of the wealthiest and most successful tobacco planters in Southside Virginia. Executor of the Vass estate, Isaac Medley owned thousands of acres of land along the rivers and streams of Halifax County-including Difficult, Terrible, Birch, Miry, and Polecat creeks, and on both sides of the Dan River.¹⁴ In 1830, he possessed about seventy-five slaves, nearly half of them either too young (under age ten) or too old (over age fifty-five) to labor as full hands.¹⁵ During the 1830s, he increased his acreage under cultivation and added to his slave labor force. Still, among the 106 slaves he owned in 1840, a large percentage (nearly 52 percent) were either too young or too old for arduous field labor. Such age groupings suggest that Medley was anxious to maintain a stable work force and keep black families together rather than stocking his plantation with "prime field hands" to produce a maximum profit.¹⁶

With all of the legal wrangling among various Vass heirs for a portion of the property, it was difficult for Medley to stay out of court. Not only did he have to answer to the heirs of Philip Vass the Elder, but he also had to come up with some plan concerning the slaves designated by Philip E. Vass to be freed. His decision concerning Mary, Jacob, Patsey, Sam, Meriweather, and Matilda was to monitor their activities and keep them in slavery until the matter of their relocation could be resolved. He also decided to hold the two thousand dollars in abeyance and give it to them when the court determined what should be done. Despite his substantial wealth, Medley fretted about losing the substantial security bonds he had put up as executor and the liability he might face for the market value of the slaves if he made a decision that was later rescinded by the courts. Some years later, Medley noted that he had been a "near neighbor" and friend of the elder Vass for "upward of thirty years." He was well acquainted with the slaves in question. Over the years, he said, he had "never heard any charge against them of dishonesty or bad behavior," and Jacob, who lived on his plantation for some eight years, was an extremely "honest Man orderly and well behaved."¹⁷

Although Jacob and Mary lived on the Medley plantation, some of the other slaves were periodically hired out to various farmers and planters in the area. In 1832, for example, Robert Hurt hired Sam for part of the year. Medley paid the Vass estate \$114 in the same year for his own hire of Jacob and Mary. The record does not reveal exactly where the slaves lived after Philip E. Vass's death, but it is clear that they remained in Halifax County.¹⁸ It is also clear that a number of years passed before they were able to assert their rights under Virginia law.

Finally, in 1840, with the assistance of Richard Logan, a lawyer who had done work for the Vass family as administrator without payment of the will of Elizabeth Vass, the six slaves petitioned

the Halifax County Superior Court of Law and Chancery for permission to sue for their freedom. The slaves said they were entitled to their freedom under the last will and testament of Philip E. Vass, who mentioned two of them by name and specified the other four as "Slaves belonging to the estate of Philip Vass the Elder deed (the father of the said Philip E. Vass)." They argued that Isaac Medley illegally held them in bondage and refused to permit them to register as free persons. "Your petitioners being poor and unable to pay the Costs of prosecuting a suit for the recovery of their freedom," the slaves concluded, "pray that your honor will permit them to sue in forma pauperis [and] will assign them counsel and do whatever may be necessary to enable them to initiate and Carry on their suit against the said Isaac Medley for the recovery of their freedom."

"I have examined the facts and Circumstances on which the petitioners claim the right to freedom which are Correctly Stated in the foregoing petition," Logan explained to William Leigh, the superior court judge hearing the case, "and I am clearly of the opinion from these facts that the Said petitioners are of right free persons and not slaves."¹⁹ Judge Leigh not only granted the slaves permission to sue in forma pauperis but also assigned Logan as their permanent counsel. The judge then outlined how they would proceed. The slaves would be permitted to travel unhindered to the court clerk's office, file papers for the issuance of subpoenas, call witnesses to offer testimony on their behalf, attend the depositions of those called before the court, and be present at the trial to be held to decide their fate. In addition, Leigh added, "it is ordered that their said Master [Medley] do not presume to beat or misuse them upon this account."²⁰ As a final act, Leigh instructed the clerk of the court to issue a subpoena. "The Commonwealth of Virginia to the Sheriff of Halifax County Greeting," it began; "You are hereby commanded to summon Isaac Medley exor of Philip E. Vass deed to appear before the Judge of our Circuit Superior Court of Law and Chancery."²¹

In late April 1840, with Medley in the courtroom, the slaves brought their case before Judge Leigh, arguing that they were entitled to their freedom and that they should receive the \$2,000 set aside for their resettlement in North Carolina. They explained that several cases concerning the estates of Philip Vass the Elder and Philip E. Vass had proceeded through the court. In 1839, the court had ruled that both estates were debt free. It would therefore not be necessary to sell any of them in order to pay creditors. They asked that they immediately be released from bondage.²²

It took Isaac Medley more than six weeks to respond. In June 1840, now in his late sixties, Medley appeared once again before the Halifax County Superior Court of Law and Chancery. He admitted that he was the executor of the wills of both Philip E. Vass and his old friend Philip Vass the Elder, he admitted that in his will the elder Vass assigned some of the slaves in question to his son, and he admitted that neither estate was encumbered by debt. Indeed, he continued, he was more than willing to liberate the plaintiffs "provided that under a fair construction of the will and all the specifications and provisional Conditions thereof" the slaves were entitled to their freedom. According to members of the white Vass family, Medley reported, they were not, and if he were to free them he would be liable for payment to the heirs as the six blacks would be part of a residual legacy. He pointed out that four of the slaves were not mentioned by name in either will and argued that Philip E. Vass died before a division could be made of his fathers estate. It was not clear who should benefit from the provisions in the wills. He also noted that the laws of

North Carolina prohibited the entry of free blacks into that state. Consequently, he refused to release the plaintiffs from servitude without "the sanction of some tribunal Competent to decide upon their right to freedom."²³

The laws under which the Vass slaves brought their "cause," as civil suits were called, stretched back nearly half a century. In 1795, the Virginia General Assembly passed a statute giving persons illegally detained as slaves the right to bring suit and be assigned counsel. In 1798, another law prohibited persons belonging to emancipation societies from serving on juries in such cases and stipulated that all such suits be tried immediately. The most comprehensive code on the subject, entitled "Act of January 17, 1818-January 1, 1820," allowed any persons believing themselves illegally detained as slaves to file a complaint against the person who assumed ownership. Magistrates were required to issue a warrant summoning the presumed owner to court so that he or she could answer the accusation. Defendants were commanded to post security bonds "equal at least to the full value of such complainant" and were required to appear before the next session of the superior, county, or corporation court. Plaintiffs without funds could sue in forma pauperis, and the same strictness "as to form," one judicial decision explained, "is not required in actions for freedom as in other cases." This meant that when such an action was brought by a person for himself or herself as well as his or her children, the criminal declaration of trespass and assault could be set aside.²⁴ These were important statutes, providing due process and protection for slaves suing for their freedom.²⁵

It is true that the laws were designed to ensure the inviolability of property and to protect the rights of slave owners, even in death, to dispose of their property as they saw fit. But the laws also benefited the slaves. In the case of the Vass bondpeople, despite the arguments of Medley and various Vass heirs, the slaves won a resounding victory. "This cause came on this day to be heard on the bill answer & exhibits and was argued by Counsel on consideration whereof the Court is of opinion that the plaintiffs were emancipated by the will of Philip E. Vass deed," Judge Leigh ruled on 12 April 1841, having considered the case for more than a year, "and doth adjudge order and decree that the defendant do forthwith deliver to each of them a copy of the will of the said Philip E. Vass deed, the instrument by which they are emancipated certified by the Clerk of the Court of the County of Halifax and that he do cease any act of ownership or authority over them."²⁶

Seven and a half months later, in November 1841, three of the emancipated slaves-Jacob, Mary, and Patsey-petitioned the Virginia General Assembly to become residents of the state. They had been informed, they said, that emancipated slaves could not remain in Virginia more than one year without a special act of the legislature permitting them to do so.²⁷ Jacob, now about thirty-three, explained that his wife and three children were slaves. They were "endeared to him by the most tender ties of affection," and he could not bear the thought of parting with them, even if it meant losing his freedom. Mary, now fifty-five, said that she had "many near relations" in slavery and was "verry desirous to remain with them the balance of the time she has to live." Patsey, also in her mid-fifties, said she was "verry unwilling" to leave her husband, "who was tender and kind to her." She, too, had slave children and slave relatives.²⁸

The newly freed blacks even asked Isaac Medley to write them a recommendation. His response revealed that despite their suit against him, he sympathized with their plight. In fact, in his

answer to their "bill of complaint," as their freedom suit was called, he went out of his way to say that he had "no interest in the matter in Controversy" except as an executor. Consequently, he consented to write the assembly on their behalf and commended them as persons of integrity and good behavior. With Medley's recommendation attached to the petition, Jacob, Mary, and Patsey asked for the passage of a private act exempting them from the 1806 law requiring emancipated blacks to leave the state or face being seized by the sheriff and sold at public auction.²⁹

Not even the recommendation of a well-known slave owner swayed members of the General Assembly, however. Five days after it was referred to the Committee on the Judiciary by Thomas Watkins, the representative from Halifax County, the petition was rejected.³⁰ It now appeared that the Vass slaves had only one option if they wished to enjoy the fruits of freedom: they would have to leave the land of their birth and journey to the North. Patsey, for one, however, could not bear the thought of leaving her husband and slave children. She had lived with her husband, free black shoemaker Terry Daniel, for many years. Their children, now adults, lived in the neighborhood. Moreover, her husband made a good living mending and fashioning boots and shoes; he was well thought of by his customers and had a good reputation.³¹ Reciting these facts, she presented her own petition:

To the General Assembly of Virginia: Respectfully sheweth your Petitioner, Patty Daniel, residing at Halifax Court-House, Virginia; That she is a woman of color and was formerly a slave, the property of Philip E. Vass of the said County, who died ... some twelve years ago, having emancipated her, with several other slaves, in his will; that the validity of the will was contested in a suit brought in the Superior Court of Chancery for the said county, which suit remained undecided until last October twelve months, when a decree was made, pronouncing the will valid & the slaves free; that all the slaves included in such decree have since obtained their free-papers & removed out of the state, but except your petitioner, who has continued to reside where she did when the decree was made.

She had always lived in Halifax County, she concluded, and wished to remain "where she has lived so long and where she enjoys the society of her husband and her children."³² Although almost all the facts she presented in her petition were true and accurate, Patsey Daniel lied when she said the other manumitted slaves had "removed out of the state." Indeed, like Patsey, they had remained in Halifax County, subject to possible arrest and reenslavement. Instead of seeking the endorsement of a single slave owner, Daniel solicited the support of fourteen whites, including James Young and several others from Halifax County. "We the undersigned do certify that we are well acquainted with the petitioner and her husband and that all the facts stated in the above petition are true to the best of our knowledge and belief; and consequently, we do heartily unite in petitioning your honorable body, in her behalf, to grant her the liberty desired." It seems doubtful that some of those who endorsed her petition did not know that the other former Vass slaves were still living in the area in defiance of the law. They felt little compunction about signing a document to the legislature containing such a falsehood. But neither Patsey Daniel's heartfelt plea nor the support of local whites made any difference. The request was rejected in exactly the same manner as the previous plea she and the others had submitted. It too was sent to the Committee on the Judiciary and within a few days rejected, almost exactly one year after their original petition had met a similar fate.³³

Meanwhile, several heirs of the estate of Philip E. Vass, including three of his sisters-Apphia Ewing, Mary Boyd, and Elizabeth Shepherd-along with two of their husbands, sued Isaac Medley for his failure to pay them interest on the funds he held belonging to the estate. It was their brother's wish that the funds that belonged to his estate, after the final settlement of his debts, should be put out at lawful interest for the benefit of the legatees. The funds included the two thousand dollars designated for the resettlement of the freed slaves. Now that it was clear that the blacks could not immigrate to North Carolina, they said, "the appropriations before referred to, for the settlement of said emancipated slaves are nugatory & void & cannot be carried into effect and the said appropriations must fall into the residuum of the said estate." In short, they demanded the two thousand dollars as well as "past and accruing interest on the same."

Again, Judge William Leigh listened attentively to the different arguments. There was little doubt, he thought, that the women should receive the interest on a portion of the funds held by Vass's executor. Indeed, Leigh ordered that Medley pay the Ewings nearly \$140, including an additional sum of \$36 "being one fourth of the amount of interest which has accrued upon the funds" during a one-year period. But he refused to accept their argument about the two thousand dollars. It was not clear to him that this money should not go to the emancipated slaves, even though they could not move to North Carolina. In the interim, Leigh ordered a commissioner to investigate a number of issues concerning the Vass slaves and report back to the court. How much money did Medley receive from the hire of the slaves between the time the testator died and the emancipation of the slaves? What did Medley do with the slaves who were not hired out during this period? Did he permit some of the slaves to live with whites without requesting hiring contracts? Did he permit some of the slaves "to have the benefit of their own labor"? These questions should be answered, Leigh surmised, before Medley could submit an accurate account of the estate's cash on hand.³⁴

The former slaves, of course, were in a quandary. If they remained in Halifax County much longer, they faced the possibility of reenslavement, despite their white allies; if they attempted to enter North Carolina, they would most likely be captured and cast back into slavery; if they migrated to the North, they would be forced to leave their loved ones and probably never see them again. One solution might have been to seek special permission to enter North Carolina. If a special license were issued allowing them to enter that state, they could use the two thousand dollars to purchase farmland and build a farmhouse. Their plan was to move to Rockingham County, North Carolina, just across the state line and about fifty miles southwest of Halifax Court House. The two counties nearly touched, each on the border of their respective states and separated by only a few miles east to west. In short, they would be only one county away from loved ones and friends. Although it would be dangerous and illegal, they planned to move back and forth across the state line to visit those they left behind.

Consequently, in December 1844, with the assistance of lawyer Richard Logan and their old friend James Young, five of the former Vass slaves-Jacob, Mary, Patsey, Meriweather, and Matilda-petitioned the North Carolina General Assembly for permission to enter the state and claim their inheritance. By this time, the sixth slave, Sam, had died. "They therefore cast themselves on the indulgence of your Honourable body," they explained, "and humbly entreat

that the benevolent intentions of their former master towards them may be suffered to be carried into execution by removing the restrictions which now prevent their availing themselves of all the benefits of the provision made for them by his will."³⁵ The members of the North Carolina General Assembly Committee on Propositions and Grievances had a thick packet of documents to sift through: copies of trial transcripts, court orders, judge's decrees, along with a copy of Philip E. Vass's will. It quickly became apparent to them that they had neither the time nor inclination to evaluate this "strange and unprecedented" request. The committee chairman soon asked that they be released from considering the matter. Thus, as was the case with their pleas to the Virginia lawmakers, the former Vass slaves' request fell on deaf ears.³⁶

While the former Vass slaves were struggling to secure their freedom and obtain their inheritance, members of the white Vass family fell on hard times. The property from the two estates, although substantial in the whole, had been distributed among many relatives. Each recipient received modest amounts of cash (from the sale of lands) and a few personal items, and Philip E. Vass's three sisters received only a few slaves each, some of them children. The suit that the three sisters filed against Isaac Medley to secure the modest interest payments from estate funds revealed a measure of desperation. In addition, losing the freedom suit deprived the estate of a potentially large sum of money. Even after Sam's death, the appraised value of the five remaining slaves, considering the appreciation in prices during the 1830s, would have been considerable. To make matters worse, the heirs were forced to pay court costs and lawyers' fees.³⁷

Among those who suffered the most was Sarah L. Womack, Philip E. Vass's sister, who lost most of her land and slaves to her husband. At the time of her marriage in 1827 she lived "in easy and Comfortable Circumstances having property real and personal of considerable value." She owned fourteen "likely and Valuable slaves," a tract of land in Halifax County, and some lots in the town of Danville. Upon taking her marriage vows, however, this property went to her husband, Edward Womack, who soon began selling off her land and slaves.³⁸ "Mr Womack Sold my little yellow girl [Elvira] Friday Morning" to New Orleans slave trader Thomas McCargo for eight hundred dollars, Sarah wrote in 1836, "which Almost broke my poor heart."³⁹ Her husband furthered her misery when he "Commenced a System of harsh Cruel & abusive treatment."⁴⁰ On a number of occasions, he whipped and beat her and on another threatened to take her life. He also brought another woman into their home and lived with her "in open adultery." About 1836, he drove her out of the house and told her never to return. For the next several years, she wandered about from place to place, living with neighbors and friends and making out as best she could.⁴¹ When Sarah arrived at the Medley plantation in 1840 for an extended stay, Medley said she was "in a delicate state of health and destitute of almost every comfort." In 1841, she filed for divorce.⁴²

Sarah's plight symbolized the decline of the white Vass family. Ironically, the five former Vass slaves were achieving their major goal of remaining with loved ones. Despite the constant possibility of reenslavement, they remained in Halifax County. It was common knowledge among whites that they did not have special permission from the legislature to stay in Virginia, yet they were able to go about their business with little interference from local residents. They lived with their slave families-husbands, wives, children, other kin-and were not listed in the United States Census among the few hundred free persons of color in the county (compared with

more than 14,000 slaves and nearly 20,000 whites).⁴³ Nor were they listed, as required by law, in the county's register of free blacks.⁴⁴

It would have been extremely difficult for them to have remained as illegal residents without the acquiescence and protection of whites. Their staunchest advocate and supporter was James Young, who accepted his responsibilities, as outlined by Philip E. Vass, with dedication and loyalty. By 1850, the fifty-eight-year-old Young was a prosperous merchant who owned real estate valued at \$6,000 and possessed twenty-eight slaves, although their value was lessened by the fact that half of them were children under twelve. He also owned a 610-acre farm and produced 2,000 pounds of tobacco. Unlike earlier times, when he lived alone with his slaves, he now resided with four other whites, including fourteen-year-old John Young, who was attending school, and a twenty-one-year-old overseer.⁴⁵

In 1850, with James Young as a court-appointed trustee to look after their interests, Jacob, Patsey, Meriweather, Mary, and Matilda filed a new suit to obtain their legacy of two thousand dollars. When the Halifax County Superior Court of Law and Chancery finally ruled against them, again with Young and lawyer Richard Logan offering assistance, they appealed to "a special court of Appeals in the State Courthouse in Richmond." They argued that the legacy should not become part of the residuary estate, thus going to the white Vass heirs, because it was designated specifically to pay for the relocation of the freed slaves. It was nearly five years before the case was decided. On 16 January 1855, Judge Lucas Powell Thompson, known for his erudition and "purity as a judge," agreed.⁴⁶ He said he had carefully read the transcript and reviewed the arguments of counsel for both sides. He believed the judge of the lower court erred and that his decision should be "reversed and annulled." He ordered the appellee, Medley, to pay the appellants' court costs and remanded the case to the lower court for final disposition. Thompson admonished the judge of the Superior Court in Halifax County to make sure the inheritance went to the former slaves.⁴⁷

By the early 1850s, the seventy-eight-year-old Medley had become one of the richest slave owners in the entire state of Virginia, owning 120 blacks and plantation lands and other real estate worth \$42,000, a huge sum at the time. Among the 55,063 slaveholders in Virginia, only 116 owned more than one hundred blacks, putting Medley in the top two-tenths of one percent among Virginia owners. In addition, he had already begun to give away some of his slaves as gifts to future heirs. As a member of the planter aristocracy, he hired his own private physician, who lived with him on his plantation. Also living with him was his forty-year-old son, Isaac Medley, Jr., who owned fifteen slaves in his own right and acted as his father's overseer.⁴⁸ It was now nearly a quarter century since Philip E. Vass's death and more than a decade since the Vass slaves had obtained their freedom. During this period, Jacob, Mary, Sam (before his death), Patsey, Matilda, and Meriweather presented their arguments to two state legislatures, the Halifax County Superior Court, and the Court of Appeals in Richmond. Their single goal was to remain with loved ones in the region of their birth.

In this endeavor, they were remarkably successful. With the assistance of two white men, they used the legal system to their advantage again and again, filing suits against one of the richest slave owners in the state and appealing lower court verdicts all the way to the state's highest courts. There is no evidence that either Logan or Young had any special grievance against Isaac

Medley, Sr., nor is there any evidence that Medley felt any hostility toward the Vass slaves. Indeed, the evidence suggests just the opposite, that he sympathized with their plight and even assisted them during the eight years he held them in slavery.

Of course, the Vass slaves could not have remained with their families or maintained their residency in Virginia without the assistance of whites. Nor could they have accomplished their goal without using the laws designed to protect how slave owners could dispose of their human chattel. But whatever the means, as slaves, and later as free blacks without residency status, they remained with their loved ones. Two of the former slaves, Mary and Patsey, were now approaching seventy, while Jacob was in his mid-forties, and Meriweather and Matilda were in their thirties. The kinship and friendship ties they had established among slaves and free blacks in Halifax County had only deepened over the years.

It was ironic that the victory of the former Vass slaves in the Richmond appeals court brought about their final defeat. In providing a blueprint for the circuit court to follow in disposing of the case, Judge Thompson ordered the lower court to appoint a group of commissioners to decide whether the blacks should "be removed to and settled in some of the states of the Union or emigrate from the United States and settle in the Colony or Commonwealth of Liberia." The sum of two thousand dollars, with interest, should be turned over to James Young, or a newly appointed trustee, for the "use and benefit of the legatees or such of them as may elect to leave the state in defraying all necessary expenses including extra costs of suits in county and circuit courts or court of appeals and the expenses of their removal to the place of their election." The fears the former Vass slaves had dealt with for so many years had finally come to fruition. If they elected to remain in Virginia, they would be put on the auction block and sold. True, they might be sold to area residents, but more profit could be derived if they were auctioned off to slave traders and transported to sugar and cotton plantations of the Lower Mississippi River Valley.⁴⁹

Even under these circumstances, they were able to linger in the county for some time. In 1855, James Medley, who, following his father's death became the administrator of the Estate of Philip E. Vass, reported that on 1 October 1855 he had \$4,783.52 cash on hand, including \$2,000 "willed for Emancipation of Slaves," \$2,700 "Interest to date on \$2000," \$47 interest to be paid on \$4,700 between October 1855 and December 1855, and interest on the \$2,747 between 5 December 1855 and 27 February 1856, amounting to \$36.52 for a total of \$4,783.52. In December 1856, as directed by the court, Medley turned over the \$4,783.52 (minus \$44.35 due the estate) to trustee James Young for the benefit of the emancipated slaves.⁵⁰ In 1858, the court issued an order for the "Vass P. E Slaves" to register as free persons of color as required by law. Four of the original six slaves—Jacob, Mary, Meriweather, and Matilda—along with two others, Harriet Matilda and Peter, did in fact register as directed along with five whites who acted as their "protectors."⁵¹ It was not until the following year that the former Vass slaves remaining in Halifax, fearful of the atmosphere of violence as the sectional crisis reached its peak, reluctantly gathered their meager belongings together and departed for the North. They also received the \$2,000 promised them so many years before, although the trustee kept the large amount of interest in his hands for their benefit in the future.⁵²

In some ways the Vass case was unique, spanning nearly three decades before the Civil War and containing a half-dozen petitions and other important documents. But the Vass slaves were by no

means the only African Americans who tested the local court system in Virginia. As a recent study of Prince Edward County reveals, slaves and free persons of color filed petitions on a number of occasions.⁵³

By the late 1850s it appeared as though the Vass case had finally come to an end. The freed slaves, more rooted than ever in Virginia, were forced to leave the place they had called home for so many decades. But the case was not over. On the eve of the Civil War, in 1860, Philip P. Vass and Emiley B. Haden, a nephew and niece of Phillip E. Vass, petitioned the state legislature. Many years before, they wrote, their uncle had "emancipated a large number of Slaves and directed that his real estate Should be Sold and the proceeds to be vested in other lands in an other state for the use and bennifit of the aforesaid emancipated slaves." The nephew and niece traced the history of the legal dispute, the various conflicts over Vass's will, the final judgment of the appeals court, and noted that, as a result, "the Negroes were carried to the state of Ohio."⁵⁴ "One of these said Negroes, whose name is Meriweather, has returned to Halifax County," they argued, and by so doing he has forfeited his claims to freedom. As they were in indigent circumstances, and lawful heirs of Philip E. Vass, they asked that Meriweather be turned over to them as their slave.⁵⁵

Having returned to visit his slave wife Nicey and their eleven-year-old daughter Sophia, Meriweather Vass escaped reenslavement with the assistance of James Young, who loaned him a small amount of money, and Richard Logan, who kept him out of jail.⁵⁶ Within a few years, of course, such cases would become moot, as the Civil War would end the system of slavery in the South. But the Vass case is instructive for a number of reasons. It reminds us of the fragile nature of freedom, even for those designated as "free persons of color." Even under the best circumstances, freed slaves stood on the edge of an abyss with a very real possibility of being pulled back into bondage. The case also shows us once again that some slaves were able to avoid this fate by taking laws and regulations designed to control them and using them to obtain certain rights and privileges. It emphasizes as well that for most slave-owning families, the loss of slave property through emancipation could mean the loss of a substantial portion of an inheritance. Heirs were often willing to wage lengthy legal battles to regain possession of manumitted slaves. And the case confirms what historians have known for many years: family ties among African Americans were so strong that some were willing to sacrifice their freedom to be with loved ones.

The struggles of the Vass slaves is suggestive of other themes that are less obvious. Although it cannot be denied that the attitudes and fears of whites in Virginia and the South changed following the Nat Turner revolt and that by the 1850s the bitter sectional controversy had hardened racial attitudes, the Vass slaves continued to press their cause in the local court of Halifax County with successful results. In this way they were not unlike many other manumitted slaves, both before and after the Turner revolt, who brought their cases to local courts in Virginia. Indeed, one student of the question suggests that by the eve of the Civil War about one out of four free blacks in the state was either manumitted after 1806, or was the descendant of such freed slaves, and thus, like the Vass slaves, an illegal resident.⁵⁷ These free blacks also relied on the assistance of sympathetic whites, obtaining white protectors in order to remain in their communities against the law.⁵⁸ The continuation, even growth, of this group stands in contrast to the prevailing political and sectional conflicts and the publically expressed anti-free

black sentiments. The Vass case thus demonstrates that the personal loyalty or sympathy some whites felt toward privileged slaves remained largely unaffected by the political and sectional turmoil.

But perhaps more importantly, the case affirms that what occurred at the appellate level in the southern court system was also occurring at the county court level. Legal scholars, including A. E. Keir Nash, Daniel Flanigan, Thomas D. Morris, Timothy Huebner, and Andrew Fede, have noted how appellate judges upheld statutory protections of slaves' "rights." There is, however, very little local examination of this subject. Ironically, the motives of the whites involved in this case are more obscure than the motives of the slaves, but it is clear that the willingness of Circuit Superior Court Judge William Leigh to adhere to the principles of justice and equity, and what might be termed "legal formalism," was striking. He was elected by the people of the Third Judicial District and the legislature and served more than a quarter century. He sought to protect the rights of the Vass slaves while considering the property grievances of various heirs. His decrees were certainly not in harmony with the attitudes of various members of either the Virginia or the North Carolina general assemblies, as both bodies rejected petitions presented by the Vass slaves after they became free. Indeed, Leigh's decrees were more favorable to the slaves and former slaves than they were to the members of a once-prosperous white family.

Why did lawyer Richard Logan and trustee James Young remain so committed to assisting the six, then five slaves, as they struggled to gain their freedom and remain in Halifax County? Indeed, why were the slaves singled out in the first place to be manumitted? It appears that the adult slaves in question at the time of Philip E. Vass's death were industrious, hard working, and loyal, among the favorites of his deceased father and himself. The slaves were described in contemporary records as "Negro" rather than "mulatto" or "mixed." Though this designation did not preclude their being persons of mixed racial origin, and perhaps related to members of the white Vass family, the designation "Negro" usually meant black. In addition, Meriweather was listed in the census as black. Thus, it seems that they were manumitted because of their character rather than white ancestry. Once the will had been written, Logan and Young felt obliged to adhere to its instructions, as did Isaac Medley, who as executor remained determined to protect the estate. It seems doubtful they could have proceeded along the paths they did without a measure of admiration for the slaves involved. But they were mainly concerned about the wishes of the testator, Philip E. Vass, and how he wanted to dispose of his property.

Thus, in the midst of post-Turner fears and anxiety about possible slave revolts, the Vass slaves submitted their remonstrances, and their case wound its way through the local court in Halifax over a period of many years. The main issues were not the humanity of the slaves involved, their character, or their desire to remain in the South, but were ones of property and law. Those who supported the freedom of the Vass slaves did not adhere to any antislavery rhetoric or principles of abolitionism. Indeed, such views were abhorrent to the slaveholders who defended the rights of these slaves. It was the rule of law that triumphed in this case over the greed and acquisitiveness of a declining white family. The local judicial process, while fraught with pitfalls, was on the whole balanced and equitable. Of course, the rule of law did not harm the interests of slavery or slaveholders. Indeed, upholding such legal norms with regard to slaves might even have helped pro-slavery southerners defend the morality of their peculiar institution against the onslaught of virulent attacks from northern abolitionists.

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NOTES

1. Last will and testament of Philip E. Vass, 8 Aug. 1831, Will Book 16 (8 Aug. 1831), pp. 340-45 [sections of the will are illegible], Records of the County Court, Halifax Co., Va., Halifax County Courthouse [hereafter cited as HCC]. For a better copy (the one quoted here) see copy of last will and testament of Philip E. Vass, 8 Aug. 1831, in petition of Jacob, Mary, Patsey, Meriwether, and Matilda to the Legislature of North Carolina, 20 Dec. 1844, General Assembly, Session Records, Senate Committee Reports, Nov. 1844-Jan. 1845, box 4, North Carolina Division of Archives and History, Raleigh, N.C. [hereafter cited as NCDAH] [document hereafter cited as petition of Jacob, Mary, et al., 1844, NCDAH].

Vass's father migrated from North Carolina to Halifax County during the mid-1790s. He gradually acquired land, purchased a tobacco plantation, and acquired a slave labor force. At the time of his death in 1825, he possessed thirty-six slaves. The slaves were passed on as a life estate to his wife Elizabeth, who died about 1830 (United States Bureau of the Census, Department of Commerce and Labor, Heads of Families at the First Census of the United States Taken in the year 1790: North Carolina [Washington, D.C., 1908], p. 80; last will and testament of Philip Vass the Elder, 13 Dec. 1816, Will Book 14, pp. 185-87 [sections of the will are illegible], Records of the County Court, Halifax Co., Va., HCC). For better copies (the ones quoted here and henceforth), see copy of last will and testament of Philip Vass the Elder, 13 Dec. 1816, found in John and Elizabeth Shepard, formerly Elizabeth Vass, Richard and Mary E. Carter, formerly Mary E. Shepard, Samuel V. Shepard, Emily B. Sherard, Phillip P. Shaperd and Martha T. Shepard, children of Elizabeth Sheperd, by their next friend John Sheperdv. Isaac Medley, 23 Jan. 1832, case #1832-001, Chancery Causes, Records of the Circuit Superior Court, Halifax Co., Va., HCC [hereafter cited as Shephard, et al. v. Medley, 1832, HCC]; and in John Shepard and Elizabeth Sheapard his wife, formerly Elizabeth Vass, Richard Carter and his wife, Samuel V. Shapard, Joseph Haden and Emily B. Haden his wife, Philip P, Shapard and Martha Shapard, minors, by John Shapard, their next friend, all children of Elizabeth Shapard v. John C. Cabanis, Administrator of Samuel Carter, deceased, 5 Sept. 1839, case #1840-015, Chancery Causes, Records of the Circuit Superior Court, Halifax Co., Va., HCC [hereafter cited as Shepard, et al. v. Cabanis, 1839, HCC]. See also inventory and appraisement, estate of Philip Vass the Elder, 24 Feb. 1827, Will Book 14, pp. 243-47; account, estate of Philip Vass the Elder, 26 Feb. 1827, Will Book 14, pp. 221-22, both HCC; last will and testament of Elizabeth Vass, Widow of Philip Vass, 1 Dec. 1828, Will Book 15, pp. 123-24, Records of the County Court, Halifax County, Va., HCC; account, Will Book 16 (6 Oct. 1832), pp. 238-38, all in Records of the County Court, Halifax County, Va., HCC.

2. Last will and testament of Philip E. Vass, 8 Aug. 1831, HCC. In 1830, Vass was found guilty of "maliciously, feloniously and willfully" murdering long-time Halifax County resident Henry Polly "by stabbing and cutting him with a knife on the 21st day of Octo 1830 of which wounds the said Henry Polly died on the 24th day of October 1830." Vass was sentenced to the state penitentiary and died while in prison. The timing of his will suggests that he probably wrote it while an inmate at the penitentiary. See Minutes, Vol. 4 (Nov. 1830), pp. 276-77, 291, Records

of the County Court, Halifax Co., Va.; and *ibid.* (Aug. 1831), pp. 424-25, both HCC. At the time of his death, Polly owned no real estate but possessed a horse, saddle, rifle, shotgun, feather bed, and 1,700 pounds of tobacco, worth a total of about \$120 (inventory & appraisalment of the estate of Henry Polly, Will Book 15 [7 Dec. 1830], p. 431, *ibid.*).

3. See William Sidney Drewry, *The Southampton Insurrection* (1900; Murfreesboro, N.C., 1968); Thomas C. Parramore, *Southampton County, Virginia* (Charlottesville, 1978); and Herbert Aptheker, *Nat Turner's Slave Rebellion* (New York, 1966). Two recent studies have examined Turner's place in American memory: Kenneth S. Greenberg, ed., *Nat Turner: A Slave Rebellion in History and Memory* (New York, 2003); and Scot French, *The Rebellious Slave: Nat Turner in American Memory* (Boston, 2004).

4. The literature on the sectional conflict in Virginia includes a number of recent studies: Louis P. Masur, "Nat Turner and Sectional Crisis," in Greenberg, ed., *Nat Turner: A Slave Rebellion*, pp. 148-61; Philip J. Schwarz, *Migrants Against Slavery: Virginians and the Nation* (Charlottesville, 2001), p. 13; John David Bladek, "'Virginia Is Middle Ground': The Know Nothing Party and the Virginia Gubernatorial Election of 1855," *Virginia Magazine of History and Biography* [hereafter cited as VMHB] 106 (1998): 35-70; Daniel W. Crofts, *Old Southampton: Politics and Society in a Virginia County, 1834-1869* (Charlottesville, 1992); Charles Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War* (Charlottesville, 2001); William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill, 2003); Robert Paquette and Louis A. Ferleger, eds., *Slavery, Secession, and Southern History* (Charlottesville, 2000); Elizabeth R. Varon, *We Mean to be Counted: White Women and Politics in Antebellum Virginia* (Chapel Hill, 1998).

5. Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York, 1974); Luther Porter Jackson, *Free Negro Labor and Property Holding in Virginia, 1830-1860* (1942; Washington, D.C., 1971); John H. Russell, *The Free Negro in Virginia, 1619-1865* (Baltimore, 1913); Michael L. Nicholls, "The Squint of Freedom': African American Freedom Suits in Post-Revolutionary Virginia," *Slavery and Abolition: A Journal of 'Comparative Studies* 20 (1999): 47-62; T. Stephen Whitman, *The Price of Freedom: Slavery and Manumission in Baltimore and Early National Maryland* (Lexington, Ky., 1997); Judith Kelleher Schafer, *Becoming Free, Remaining Free: Manumission and Enslavement in New Orleans, 1846-1862* (Baton Rouge, 2003); Philip J. Schwarz, *Slave Laws in Virginia* (Athens, Ga., 1996); Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton, 2000).

6. Most studies of slavery and the law emphasize the changes in statute law, outcomes of appellate court cases, criminal prosecutions, or how lawyers, judges, and slave owners dealt with blacks who got caught up in the legal system. In a recent article focusing on the trial of a North Carolina slave who murdered a drunken white man who had brutalized his friend, Timothy S. Huebner noted that the accused black man, Caesar, was afforded a number of important procedural guarantees, including right to counsel, trial by jury, testimony of blacks, and benefit of clergy (Timothy S. Huebner, "The Roots of Fairness: State v. Caesar and Slave Justice in Antebellum North Carolina," in Christopher Waldrep and Donald G. Neiman, eds., *Local Matters: Race, Crime, and Justice in the Nineteenth-Century South* [Athens, Ga., 2001], pp. 29-52). See also Sally Hadden, "Judging Slavery: Thomas Ruffin and State v. Mann," in *ibid.*, pp. 1-28; Judith Kelleher Schafer, "Slaves and Crime: New Orleans, 1846-1862," in *ibid.*, pp. 53-91; Ariela Gross, "The Law and the Culture of Slavery: Natchez, Mississippi," in *ibid.*, pp. 92-124; Judith Kelleher Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana* (Baton

Rouge, 1994); Thomas D. Morris, *Southern Slavery and the Law, 1619-1860* (Chapel Hill, 1996); A. E. Keir Nash, "Fairness and Formalism in the Trials of Blacks in the State Supreme Courts of the Old South," *Virginia Law Review* 56 (1970): 64-100; A. E. Keir Nash, "A More Equitable Past? Southern Supreme Courts and the Protection of the Antebellum Negro," *North Carolina Law Review* 48 (1969): 197-241; A. E. Keir Nash, "Reason of Slavery: Understanding the Judicial Role in the Peculiar Institution," *Vanderbilt Law Review* 32 (1979): 7-218; Daniel J. Flanigan, "Criminal Procedure in Slave Trials in the Antebellum South," *Journal of Southern History* 40 (1974): 537-64; and Andrew Fede, "Legitimized Violent Slave Abuse in the American South, 1619-1865: A Case Study of Law and Social Change in Six Southern States," *American Journal of Legal History* 29 (1985): 93-150.

7. Copy of commissioners' report, division of the slaves of Philip Vass the Elder, deceased, 29 Dec. 1832, found with petition of Jacob, Mary, et al., 1844, NCDAH. In various documents, Meriweather is spelled "Merriweather," "Merryweather," and "Mariwether." Before his death, Philip Vass the Elder owned all six slaves. He made special arrangements for only one of his slaves, Ann B. Rachel, and any children she might have in the future. He stipulated that she should not be sold or removed from the county without the consent of a majority of his heirs. If any attempt was made to sell or remove her, she should revert to the estate. He loaned Rachel to his daughter Mary Boyd and her husband Alexander Boyd during their lives. After their deaths, she was to revert to his estate (last will and testament of Philip Vass the Elder, 13 Dec. 1816, Will Book 14, pp. 185-87, Records of the County Court, Halifax Co., Va., HCC; inventory and appraisement, estate of Philip Vass the Elder, 24 Feb. 1827, Will Book 14, pp. 243-47, *ibid.*; account, estate of Philip Vass the Elder, 26 Feb. 1827, Will Book 14, pp. 221-22, *ibid.*). Vass's original will is illegible in some sections. The author relied on two different copies of the will found in *Shepard, et al. v. Medley*, 1832, HCC. Another copy can be found in *Shepard, et al. v. Cabanis*, 1839, HCC. Both copies are more legible than the one found in the will book.

8. U.S. Census Bureau, Fifth Census, 1830, Halifax County, Va., p. 446. Supplemental bill of complaint, *Henry Edmunds v. Isaac Medley, George Ewing, Elizabeth Ewing*, 4 Sept. 1833, included with *Vass, et al. v. Parker*, Case #1834-002, Records of the Circuit Superior Court, Halifax Co., Va., HCC. For Elizabeth Vass's will and estate, see Will Book 15 (1 Dec. 1828), pp. 123-24, Records of the County Court, Halifax Co., Va., HCC; and Account, Will Book 16 (6 Oct. 1832), pp. 237-38, *ibid.* The microfilm of the will in the above volume is illegible. For a legible copy, see copy of last will and testament of Elizabeth Vass, 1 Dec. 1828, Chancery Causes, Records of the Circuit Superior Court, Halifax Co., Va., HCC; and *George B. Ewing and Apphia Ewing, et al. v. Isaac Medley, administrator of Philip E. Vass, c. 1845*, Case #1858-016 [hereafter cited as *George B. Ewing and wife v. Isaac Medley, c. 1845*, HCC] and copy of bond, Philip E. Vass, 25 Jan. 1830, HCC.

9. *Shepard, et al. v. Medley*, 1832, HCC; answer, Isaac Medley, 5 Sept. 1832, and copy of the last will and testament of Philip Vass the Elder, 13 Dec. 1816, both with *ibid.*

10. Copy of Commissioners' Report, Division of the Slaves of Philip Vass the Elder, deceased, 29 Dec. 1832, found with petition of Jacob, Mary, et al., 1844, NCDAH.

11. William McCabaniss, Executor of James P. Vass, deceased v. Isaac Medley, Sr., Executor of Philip E. Vass, deceased, Apr. 1833, Records of the Halifax Circuit Superior Court, copy in Petition of Jacob, Mary, et al., 1844, NCDAH.

12. John Hope Franklin, *The Free Negro in North Carolina, 1790-1860* (1943; Chapel Hill, 1995), p. 43. The anti-free black immigration law was passed in 1827.

13. Acts Passed by the General Assembly of the State of North Carolina at its Session

Commencing the 25 of December 1825 (Raleigh, 1827), pp. 13-16.

14. Land deeds, bargain, and sale, Book 16 (26 Apr. 1796), p. 621, Records of the County Court, Halifax Co., Va., HCC; land deeds, bargain, and sale, Book 34 (4 Mar. 1827), pp. 291-92, *ibid.*; land deeds, bargain, and sale, Surveys (1 Apr. 1802), p. 299, *ibid.*; last will and testament of Isaac Medley, 15 May 1851, Will Book A1, pp. 175-82, *ibid.*; inventory of the estate of Isaac Medley, 14 July 1854, Will Book A1, pp. 183-91, *ibid.*; accounts, estate of Isaac Medley, 8 Dec. 1854, 1 May 1855, Will Book A1, pp. 202-12, 215-22, *ibid.* In 1856, Medley's son observed that his father, from "a very remote period down to his death," owned a ferry on the Dan River, crossing from his land on the north bank of the river to the public road on the opposite side (James Medley v. Oliver, 18 Jan. 1856, Case #1857-34, Chancery Causes, Records of the Circuit Superior Court, HCC).

15. Fifth Census, Halifax Co., Va., p. 418.

16. U.S. Census Bureau, Sixth Census, 1840, Halifax Co., Va., Southern District, p. 38. By 1840, forty-one of his slaves were under age ten, and fourteen were over the age of fifty-five.

17. Certificate, Isaac Medley the Elder, 23 Nov. 1841, found with legislative petitions, petition of Jacob, Mary, and Patsey to the Virginia House of Delegates, 15 Dec. 1841, Halifax Co., Library of Virginia, Richmond [hereafter cited as LVA].

18. Copy of "The Estate of Philip E. Vass deed in Account," 2 Sept. 1832 [Sam's hire for \$20] and 28 May 1832 [Jacob and Mary's hire], found in George B. Ewing and wife v. Isaac Medley, c. 1845, HCC. Also see legislative petition of Patty Daniel to the Virginia General Assembly, 14 Dec. 1842, Halifax Co., LVA; certificate, James Young, et al., 30 Nov. 1842, with *ibid.* For slave hiring, see Lynda J. Morgan, *Emancipation in Virginia's Tobacco Belt, 1850-1870* (Athens, Ga., 1992), chap. 3.

19. Jacob, Mary, Sam, Meriweather, Patty, Matilda v. Isaac Medley, administrator of the Estate of Philip E. Vass, 29 Apr. 1840, case #1841-010, Chancery Causes, Records of the Circuit Superior Court, Halifax Co., Va., HCC [hereafter cited as Jacob, Mary, et al. v. Isaac Medley, 1840, HCC]; answer, Isaac Medley, 17 June 1840, with *ibid.*; decree, 12 Apr. 1841, with *ibid.*; copy of court order [permitting slaves except Jacob to sue in forma pauperis], 3 Apr. 1840, with *ibid.*; summons, Isaac Medley, 25 Apr. 1840, with *ibid.* A copy of the court record can be found in petition of Jacob, Mary, et al., 1844, NCDAAH.

20. Court order, 3 Apr. 1840, with petition of Jacob, Mary, et al., 1844, NCDAAH.

21. Subpoena to Isaac Medley, 25 Apr. 1840, m Jacob, Mary, et al. v. Isaac Medley, 1840, HCC; Chancery Order Book 1 (3 Apr. 1840), p. 290, Records of the Circuit Superior Court, Halifax Co., Va., HCC.

22. Jacob, Mary, Sam, Meriweather, Patty, and Matilda v. Isaac Medley, Sr., 29 Apr. 1840, with petition of Jacob, Mary, et al., 1844, NCDAAH.

23. Answer of Isaac Medley, Sr., to bill of complaint of Jacob, Mary, Sam, Patty, Meriwether, Matilda, 17 June 1840, with *ibid.*

24. Acts Passed at a General Assembly of the Commonwealth of Virginia, Begun and Held at the Capitol, in the City of Richmond, on Tuesday, the Tenth Day of November, One Thousand Seven Hundred and Ninety-five (Richmond, 1796), pp. 16-17; John Codman Hurd, *The Law of Freedom and Bondage in the United States* (1862; 2 vols.; New York, 1968), 2:6; Acts Passed at a General Assembly of the Commonwealth of Virginia, Begun and Held at the Capitol, in the City of Richmond, on Monday the Fourth Day of December One Thousand Seven Hundred and Ninety-seven (Richmond, 1798), p. 5; *Digest of the Laws of Virginia, Which Are of a Permanent Character and General Operation; Illustrated by Judicial Decisions* (Richmond, 1841), pp. 869-

71.

25. For how these statutes worked during an earlier period, see Michael L. Nicholls, "Strangers Setting Among Us: The Sources and Challenge of the Urban Free Black Population of Early Virginia," *VMHB* 108 (2000): 160-61.

26. Decree of Judge William Leigh, 12 Apr. 1841, with petition of Jacob, Mary, et al., 1844, NCDAAH; Chancery Order Book 1, Apr. 1841, n.p., Records of the Circuit Superior Court, Halifax Co., Va., HCC.

27. June Purcell Guild, ed., *Black Laws of Virginia: A Summary of the Legislative Acts of Virginia Concerning Negroes from Earliest Times to the Present* (1936; New York, 1969), pp. 72, 106. "And be it further enacted," the law read, "That if any slave hereafter emancipated, shall remain within this commonwealth more than twelve months after his or her right to freedom shall have accrued, he or she shall forfeit all such right, and may be apprehended and sold by the overseers of the poor of any county or corporation, in which he or she shall be found, for the benefit of the poor of such county or corporation" (*Acts Passed by the General Assembly of the Commonwealth of Virginia, Begun and Held at the Capitol, in the City of Richmond, on Monday the Second Day of December, One Thousand Eight Hundred and Five* [Richmond, 1806], p. 36). In 1831, it was added that free Negroes and mulattoes who remained in the commonwealth "contrary to law" were to be sold publicly (Guild, *Blacks Laws of Virginia*, p. 106). "Any person emancipated from slavery since May 1, 1806," an 1848 criminal code read, "or claiming his right to freedom under an ancestor emancipated since that day, who shall remain in the state more than one year after his freedom accrued, and more than one year after he arrives at the age of twenty-one, or more than one year after the revocation of any lawful permission to remain shall forfeit his right to freedom and be sold as a slave" (*ibid.*, p. 117). At various times, four other states (North Carolina, Kentucky, Tennessee, and Alabama), required freedpeople to leave the state within a short period or face reenslavement (Thomas D. Morris, *Southern Slavery and the Law, 1619-1860* [Chapel Hill, 1996], p. 372).

28. Petition of Jacob, Mary, and Patsy to the Virginia House of Delegates, Halifax Co., 15 Dec. 1841, Legislative Petitions, LVA [hereafter cited as petition of Jacob, et al., 1841, LVA]; certificate, Isaac Medley, Sr., 23 Nov. 1841, with *ibid.*; answer of Isaac Medley, Sr., to the bill of complaint of Jacob, et al., 17 June 1840, with petition of Jacob, Mary, et al., 1844, NCDAAH.

29. Petition of Jacob, et al., 1841, LVA; certificate, Isaac Medley, Sr., 23 Nov. 1841, with *ibid.*; answer of Isaac Medley, Sr., to the bill of complaint of Jacob, et al., 17 June 1840, with petition of Jacob, Mary, et al., 1844, NCDAAH.

30. Petition of Jacob, et al., 1841, LVA. The petition was written in November 1841, referred to the Committee of the Judiciary on 15 December, and rejected on 20 December, 1841 (certificate, Isaac Medley, Sr., 23 Nov. 1841, with *ibid.*; answer of Isaac Medley, Sr., to the bill of complaint of Jacob, et al., 17 June 1840, with petition of Jacob, Mary, et al., 1844, NCDAAH).

31. Terry Daniel's mother, Fanny Daniel, was freed at age seven in 1785 by her owner, William P. Martin. Terry was born in 1797 and was later described as a person of dark complexion and about five feet five inches tall. Fanny had a number of children, all born free, between the mid-1790s and the second decade of the nineteenth century. By the time Patsey presented her petition, she also had numerous grandchildren. She died in 1849. See "Register of Free Negroes No. 2 Commencing in 1831," Records of the Circuit Court, Halifax, Co., Va., HCC; "Register of Free Negroes No. 1 1802-1831," *ibid.*; U.S. Census Bureau, *Seventh Census, 1850*, Halifax Co., Va., printed p. 129; "Alphabetical List of the Negroes & Mulattoes within the District of Joseph Landford Commissr for the year 1802 Agreeable to an act of Assembly Passd the 21st day of

January 1801," Loose Papers, Records of the Chancery Court, Halifax Co., Va., HCC; "List of Free Negroes delinquent for the nonpayment of Taxes & Levies for the year 1862 in the County of Halifax Va duly advertised for Sale," in *ibid.*; petition of William Daniel, John Williams, Agnes Daniel, Hilliard Daniel, Nathaniel Daniel, Opha Daniel to the judge of the Circuit Court, 3 Oct. 1855, in *Andersen v. Miller et al.*, case #1866-008, Records of the Circuit Superior Court of Chancery, Halifax Co., Va., HCC. The author wishes to thank local historian Faye Royster Tuck for her assistance in uncovering the genealogy of the Daniel family.

32. Petition of Patty Daniel to the Virginia General Assembly, 14 Dec. 1842, Halifax County, Legislative Petitions, LVA; certificate, James Young, R. M. Guillard [?], Thomas H. Averett, William Easley, J. A. Easley, John Conner, et al., 30 Nov. 1842, with *ibid.*

33. Petition of Patty Daniel to the Virginia General Assembly, Halifax Co., 14 Dec. 1842, Legislative Petitions, LVA; certificate, James Young et al., 30 Nov. 1842, *ibid.* In the 1840 census, James Young was listed as a head-of-household, the only white person at the residence, with eleven slaves residing with him, including two males under two years of age, three males between ten and twenty-four, and with two females under ten, two between ten and twenty-four, and one between thirty-six and fifty-five. Also listed as heads of households with slaves at the same residence were Thomas H. Averett and John Conner (Sixth Census, Halifax Co., Va., Eastern District, printed p. 64 [Young]; *ibid.*, printed p. 81 [Averett]; *ibid.*, Southern District, printed p. 63 [Conner]).

34. Finals, George B. and Apphia Ewing, Mary Boyd, Elizabeth Shepherd and John Shepherd v. Isaac Medley, 16 Dec. 1843, box 27, Records of the Circuit Superior Court, Halifax Co., Va., HCC; decree of Judge William Leigh, 13 Sept. 1847, with *ibid.*

35. Petition of Jacob, Mary, et al., 1844, NCDAH.

36. Report of the Committee of Propositions and Grievances, 20 Dec. 1844, found in Senate Committee Reports, Nov. 1844-Jan. 1845, box 4, NCDAH. The House concurred on 26 December 1844.

37. For other suits concerning various members of the Vass family, see *Preston Parker v. Isaac Medley*, administrator of the estate of Philip Vass, James P. Vass, Edward Womack and Sarah L. Womack, his wife, George B. Ewing and Aphia, his wife formerly Aphia Vass, and Isaac Medley, trustee of Philip E. Vass, 28 Nov. 1832, case #1833-006, Chancery Causes, Records of the Circuit Superior Court, Halifax Co., Va., HCC; dismissed by plaintiff, 4 Sept. 1833, *ibid.*; *John Sheppard and Elizabeth his wife, formerly Elizabeth Vass, Richard Carter and Mary his wife, Samuel V. Sheppard, Emily B. Sheppard, Philip P. Sheppard and Sheppard children of Elizabeth Sheppard v. Isaac Medley in his own right and as administrator of Philip Vass, deceased, and Henry Edmunds*, 8 Sept. 1832, found with *Shepard, et al. v. Cabanis*, 1839, HCC.

38. Single women could, of course, obtain a prenuptial agreement placing their land and slaves in the hands of a trustee rather than turning property over to their husbands. Such agreements, however, were not common. Most women who possessed a comfortable estate before their marriage turned their property over to their husbands when they took their marital vows.

39. In 1836, she obtained a restraining order to prohibit him from selling or "conveying away" the slaves Caleb, Shadrack, Lucy, Amanda, Abednego, Griffin, Jacob, Jackson, John, Jefferson, and William (Sarah L. Womack by her next friend John Dunkerley v. Edward Womack, 15 Oct. 1836, case #1839-015, Chancery Causes, Records of the Circuit Superior Court, Halifax Co., Va., HCC; writ, 15 Oct. 1836; sheriffs return, 19 Oct. 1836, with *ibid.* See also "List of Negroes in Mr. Womack's Possession," c. 1836, with *ibid.*; "Negroes Sold by Womack," c. 1836, with *ibid.*; "Land and other Property sold by Mr. Womack," c. 1836, with *ibid.*; deposition of Julius

Hudson, 22 Apr. 1837, with *ibid.*; deposition of Beverly Flemming, 22 Apr. 1837, with *ibid.*; answer, Edward Womack, 28 Aug. 1837, with *ibid.*). On 4 Apr. 1839, the suit was dismissed by the plaintiff's counsel. Some years later, McCargo was sued in Kentucky (on his way to New Orleans) for fraudulently selling two babies who were sickly and probably would not live (*WiUa Viley v. Thomas McCargo*, 17 Nov. 1845, case files, cox 12, case #3169, Records of the Circuit Court, Scott Co., Kentucky Division of Libraries and Archives, Frankfort, Ky).

40. Sarah L. Womack by her next friend Daniel F. Morris v. Edward Womack, 7 Apr. 1841, Records of the County Court, Halifax Co., Va., found in Legislative Petitions, Halifax Co., Va., 1 Mar. 1848, LVA.

41. *Ibid.*

42. Deposition of Isaac Medley, 4 Sept. 1841, with Sarah L. Womack by her next friend Daniel F. Morris v. Edward Womack, 7 Apr. 1841, Records of the County Court, Halifax Co., Va., found in Legislative Petitions, Halifax Co., Va., 1 Mar. 1848, LVA.

43. In 1850, census takers counted 534 free blacks, 14,452 slaves, and 19,976 whites, for a total of 25,962 inhabitants in the county. Legally freed, the Vass blacks could best be described as "quasi" or "virtually" free (*The Seventh Census of the United States: 1850* [Washington, D.C., 1853], p. 256).

44. Register of Free Negroes No. 1, 1802-1831, in Records of the Circuit Court, Halifax, Co., Va., HCC; Register of Free Negroes, No. 2 Commencing in 1831, *ibid.*

45. Seventh Census, Halifax Co., Va., Southern District, holograph p. 264; U.S. Census Bureau, Seventh Census, 1850, Manuscript Slave Schedule, Halifax Co., Va., Southern District, holograph p. 995. See also Sixth Census, Halifax Co., Va., Eastern District, printed p. 54; U.S. Census Bureau, Seventh Census, 1850, Manuscript Agricultural Schedule, Halifax Co., Va., Southern District, printed p. 639. In 1840, Young was the only white person listed at his residence with ten slaves.

46. William Hamilton, *Legal Education in Virginia, 1779-1979* (Charlottesville, 1982), pp. 596-99; *Richmond Dispatch*, 25 Apr. 1866.

47. Finals, James Young, trustee and Jacob, Patsey, Meriwether, Mary, and Matilda, free persons of color v. Isaac Medley, executor of Philip E. Vass, deceased, copy of decree of Special Court of Appeals, Richmond, 16 Jan. 1855, box 22, Records of the Circuit Superior Court, Halifax Co., Va., Circuit Court Building, South Boston, Va. The original appeals court decree and most of the other appeals court records burned in the Confederate evacuation of Richmond in April 1865.

48. Finals, James Young, Jacob, Patsey, Meriweather, Mary and Matilda v. Isaac Medley, c. 1850, box 22-1855, Records of the Circuit Superior Court, Halifax Co., Va., Halifax District Court Building, South Boston, Va.; Seventh Census, Halifax Co., Va., Southern District, holograph p. 165; Seventh Census, Slave Schedule, Halifax Co., Va., Southern District, holograph pp. 881-83; J. D. B. DeBow, *Statistical View of the United States . . . Being a Compendium of the Seventh Census* (Washington, D.C., 1854), p. 95.

49. Finals, James Young, trustee and Jacob, Patsey, Meriwether, Mary, and Matilda, free persons of color v. Isaac Medley, executor of Philip E. Vass, deceased, copy of decree of Special Court of Appeals, Richmond, 16 Jan. 1855, box 22, Records of the Circuit Superior Court, Halifax Co., Va., Circuit Court Building, South Boston, Va.

50. Estate of Philip E. Vass, account, Book 1A (5 Dec. 1856), p. 264, Records of the County Court, Halifax Co., Va., HCC.

51. Minutes No. 18, Nov. Term 1858, p. 204, Records of the County Court, Halifax Co., Va., HCC.

52. The departure date could have been 15 Apr. 1859. In the estate of James Young, who died in 1864, there was an account of the interest due Mary, Matilda, Harriet Matilda, and Peter Vass; the account for each of them was similar to the one for Mary Vass: "1859 April 15 By amt due Mary Vass to date \$377.94[.] By Interest to 26 Dec. 1864 \$129.08[.] [Total] \$506.76" (estate of James Young, account, Will Book 29 [Mar. 1867], pp. 262-67, Records of the County Court, Halifax Co., Va., HCC). During the Civil War, Young paid taxes on the trust. He died with nearly \$142,000 in virtually worthless Confederate currency, thirty-five slaves, and a wheat, cotton, and tobacco crop planted (estate of James Young, inventory, Will Book 28 [15 July 1864], pp. 612-18, Records of the County Court, Halifax Co., Va., HCC; accounts, Will Book 28 [23 Oct. 1865], pp. 72-73, *ibid.*; Will Book 29 [28 May 1866], pp. 235-38, *ibid.*; Will Book 29 [24 Sept. 1866], pp. 307-8, *ibid.*; Will Book 29 [28 Jan. 1867], pp. 333-34, *ibid.*; Will Book 29 [28 Sept. 1868], pp. 603-4; Will Book 34 [24 Apr. 1886], pp. 388-90, *ibid.*).

53. Melvin Patrick Ely, *Israel on the Appoxmattox: A Southern Experiment in Black Freedom from the 1790s Through the Civil War* (New York, 2004).

54. Petition of Philip Vass and Emily B. Haden to the Virginia Senate and House of Delegates, 1860, Legislative Petitions, Halifax Co., LVA. Despite its black codes and anti-free black attitudes, Ohio was a popular destination for Virginia's black emigrants (Schwarz, *Migrants against Slavery*, p. 10, chaps. 6, 7).

55. Vass and Haden Petition, 1860, LVA. In 1850, Philip R Vass was listed as tailor who owned no real estate but possessed a single fifteen-year-old slave (Seventh Census, Halifax Co., Va., Southern District, holograph p. 234; Seventh Census, Slave Schedule, Halifax Co., Va., Southern District, holograph p. 594). Jacob Vass, a relative, was listed as a "ditcher" in 1850 with no real estate and no slaves (Seventh Census, Halifax Co., Va., Northern District, holograph p. 100).

56. Among the "List of Debts due" James Young at the time of his death in 1864 was \$2.00 borrowed 1 Mar. 1861 by Meriweather Vass and \$4.58 borrowed 1 Sept. 1861 by lawyer Richard Logan (inventory, estate of James Young, 15 July 1864, Will Book 28, pp. 617-18, Records of the County Court, Halifax Co., Va., HCC). Meriweather Vass remained in Halifax County during and after war. In 1870, he was listed in the census as a fifty-year-old black farm laborer living with his wife, age forty-five, and their twenty-one-year old daughter Sophia, also listed as a black farm laborer. They were illiterate (U.S. Census Bureau, Ninth Census, 1870, Halifax Co., Va., Bannister Township, printed p. 432). See also *L F. Deitrick v. Meriweather Vass*, judgments, Book 4 (27 Nov. 1885), p. 82, Records of the County Court, Halifax Co., Va., HCC.

57. Russell, *Free Negro in Virginia*, p. 156. See also Loren Schwenger, "The Underside of Slavery: The Internal Economy, Self-Hire, and Quasi-Freedom in Virginia," *Slavery and Abolition: A Journal of Comparative Studies* 12 (1991): 1-22.

58. For examples of similar cases in the state, see *Nanny, woman of color v. Samuel Blunt*, c. June 1835, Chancery Court Papers, Records of the County Court, Southampton Co., Va., LVA; answer, *Samuel Blunt, c. June 1835*; decree, June 1835; certification, *Thomas Ridley*, 19 June 1835; copy of decree, June 1835, all with *ibid.*; *Jane, woman of color v. Thomas Hunt, Jeremiah Cobbs [Cobb], Lewis Lanier*, c. 11 June 1836, Records of the Superior Court, Sussex Co., Va., found in Records of the Circuit Superior Court of Chancery, Clerk's Office, Petersburg, Va.; answer, *Lewis Lanier*, 11 June 1836; copy of last will and testament of *Buckner Lanier*, 18 May 1811; report, *Jordan Branch*, 1 June 1840; decree, Nov. 1840; receipt, *Jordan Branch to David May*, 17 Nov. 1840; statement of *Jordan Branch*, 24 Apr. 1841, with *ibid.*; *Edward Butts v. James D. Westbrook, et al.*, 24 Feb. 1846, Records of the Circuit Superior Court, Chancery Court Papers, Southampton Co., Va., LVA.

