

**The Problem of Slavery in Early Vermont, 1777-1810  
(Vermont Historical Society, 2014)**

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*Introduction to the Study of Vermont Slavery*

In 1786, the Vermont legislature proudly declared that “the Idea of Slavery is expressly and totally exploded from our free Government.” Yet the very same law being described actually undermined the notion that slavery had been “exploded” from Vermont.<sup>1</sup> The law itself demonstrates that black people were re-enslaved and sold to other areas after the promulgation of the 1777 Vermont Constitution, which granted freedom to slaves over ages 18 (women) and 21 (men) respectively.<sup>2</sup> The history of abolition in Vermont is often cited as a positive story about slavery during the Revolutionary era, standing alone as a monument to early American emancipation. But the facts demonstrate a far more nuanced story of slavery and freedom in Vermont.<sup>3</sup>

This study makes several points about the complex history of Vermont slavery. The 1777 constitutional abolition of adult slavery did not end slavery or establish meaningful freedom for African Americans.<sup>4</sup> The legal reality of abolishing slavery did not always reflect social reality. The end of Vermont slavery was contested, contingent, complicated, and messy. Vermont made steps toward abolition, but slaveholding, kidnapping of free blacks, and child slavery continued until the early nineteenth century. Those who continued to own slaves were among the most respectable inhabitants of the state, ranging from Supreme Court judge and member of the legislature Stephen Jacob to the prosperous leading citizen of North Bennington, Moses Sage. It is difficult to assess

the percentage or number of Vermonters who either owned slaves or supported slavery, but it is fair to state that they probably constituted a decreasing minority during the late eighteenth century. However, if the question is the percentage of Vermonters who supported fugitive slave laws or the exile of blacks out of individual towns for alleged misdeeds, then the numbers are higher, though probably still a minority. Two examples, discussed below, are the Bennington Friendly Society vote on returning slaves to their owners, and the failed 1791 Negro and Mulatto Act that garnered 31% of the legislative vote.<sup>5</sup>

The point of this work is not simply to show that Vermont had slavery and denied equality to free blacks. For it is quite clear that slavery persisted after 1777 and free blacks struggled for meaningful citizenship. Nor is the intention to argue that slavery and racism are the dominant themes of Afro-Vermont history. Instead, the point here is to advance a more nuanced interpretation of local black history and race relations by including the story of slavery within the overarching themes of emancipation and freedom. The end of slavery must be viewed as a long process that occurred over thirty years (1777-1806), during which time emancipation, slavery, freedom, racism, hopes for natural rights, reenslavement, *de facto* slavery, and fleeting notions of black citizenship existed simultaneously. This created a remarkable context for race relations whereby Afro-Vermonters could achieve freedom and some aspects of meaningful citizenship, but also faced the persistent threat of slavery, kidnapping, and the bondage of their children.

An examination of Vermont slavery elicits multiple questions about its nature, essence, and eventual abolition. How emancipatory was the abolition provision of 1777? Why did the framers write it in such vague terms? Why did Vermont forego enforcement

provisions? How and why did slavery persist? Historian Raymond Zirblis aptly argues that “Vermont slavery, such as it is, dies a slow death” in the early 1800s.<sup>6</sup> More significantly, he points out that “the precise nature of servitude after 1777 remains unclear.”<sup>7</sup> Therefore we need to understand the struggle between the forces of continued slavery and the movement toward freedom. These tensions in early Vermont beg for further study. Vermont historians can probe what the continuation of slavery in the state actually meant and how it affected free African Americans. Our understanding of the lives of free blacks in Vermont has benefited tremendously from the work of Gretchen Gerzina, Elise Guyette, John Saillant, Jane Williamson, and Kari Winter. Collectively, their work shows how Afro-Vermonters, such as Abijah and Lucy Prince, Jeffrey Brace, and Lemuel Haynes struggled and fought to enjoy the fruits of their freedom, but also did so within the shadow of slavery. They had triumphs and hardships, as exemplified by the Prince family, respectable farmers in Guilford, who used the court system to assert their rights, but also suffered from a mob attack on their property.<sup>8</sup> Black Vermonters always retained some agency in the making of their own lives and futures, but perhaps not under the most ideal circumstances.<sup>9</sup>

Without question, the Green Mountain State’s 1777 abolition provision provided an essential foundation for the end of slavery in Vermont and other Northern states. It stands as an important monument to the slow legislative strangling of slavery in the North. Yet we can recognize the wonderful antislavery stories that percolate throughout the state’s history while placing them alongside the story of slavery. In discussing slavery and its continuation, this need not deny the Bennington Church’s resistance to their slaveholding pastor David Avery, or the glowing significance of Ebenezer Allen’s

decision in 1777 to free Dinah Mattis and her daughter Nancy because “it is not Right in the Sight of god to Keep Slaves.”<sup>10</sup> These examples provided black people with room to negotiate and advance their own freedom. From the time of the 1777 abolition provision (if not earlier), Afro-Vermonters challenged discrimination and attempted to give their children better opportunities than they had themselves.

The freedom of Afro-Vermonters as illustrated in the lives of free blacks in Hinesburgh (Guyette’s work) and the individual stories of the Princes, Brace, and Haynes provide insight into the complicated and sometimes outright contradictory experiences African Americans regularly faced in Vermont. The presence of runaway slave advertisements, the lack of enforcement of the abolition laws, and the state convention’s silence on joining a federal union that protected the slave trade, demanded the return of fugitive slaves, and gave the South extra representation for their slaves all expose the limitations and challenges to black freedom. Exploring Vermont slavery and its persistence allows us to fully consider the meanings of slavery, freedom, racism, and natural rights in the late eighteenth and early nineteenth centuries.<sup>11</sup> As James Wood Sweet argues, Northern abolition took place within the context of racist ideas and beliefs that remained ever present well after emancipation.<sup>12</sup> The problems facing free blacks throughout the Northern states confronted African-descended people in Vermont as well.

Although usually described by historians as an outlier or an exception to the broader trends of slavery in Revolutionary America, Vermont had some similarities to the troublesome history of abolition in other Northern states. This is not to deny some of the unique aspects of Vermont slavery, but from the use of Whig rhetoric about political enslavement to the support of the United States Constitution, the state’s history of slavery

and emancipation fits into the broader trends of Revolutionary history. Afro-Vermonters had opportunities not available in other parts of the Union. In theory, they could vote, serve in the militia, own property, and stand for election to state office. They could also give testimony in courts, bring lawsuits (sometimes winning these cases), and serve on juries. But, there was an important distinction between what blacks could legally do and the obstacles erected to block their exercise of citizenship rights. A crucial difference existed between the natural right as declared by the Constitution of 1777 not to be enslaved and the political rights of citizenship. In the 1790s, some in Vermont tried to further circumscribe black freedom, return fugitives to slavery, and ban blacks from service in the militia. At the same time that some African Americans owned property, raised families, and attended churches, others suffered continued enslavement, kidnapping, and in some cases reenslavement.

The situation of slavery and problematic freedom in Vermont presents an extraordinarily complicated mosaic of race relations. In his remarkable study about Lemuel Haynes, John Saillant shows that several Vermont newspapers printed anti-slave trade and antislavery articles. Generally they condemned poor treatment of slaves, greedy slaveholders, and the difficult condition of well-meaning bondsmen and women.<sup>13</sup> That would not last, Saillant argues, because “many Vermonters of repute retreated from a vision of racial equality after 1810.”<sup>14</sup> It seems clear that the advent of the Vermont Colonization Society in 1819 (the local auxiliary of the national American Colonization Society), the geographic and demographic expansion of slavery, and the evaporation of republican ideals and natural rights ideology resulted in increasing hostility toward African Americans.<sup>15</sup> The black population also increased in Vermont from 271 in 1790

to over 870 in 1830, years during which racism increased.<sup>16</sup> Saillant correctly states that hopes for racial equality became more remote after 1810, and that retreat can plausibly be connected to the persistence of slavery after 1777, the continued kidnapping and sale of black people, the implications of the attempted 1791 Negro and Mulatto Act, and the lack of protection offered to fugitive slaves. The “vision of racial equality” resided more in the realm of theoretical natural rights than in concrete ideas and actions for black/white cooperation and understanding. The persistence of slavery and the roots of local racism occurred alongside of the successes of Lemuel Haynes and the Prince family. Opportunities for both black freedom and the persistence of slavery existed in the messy world of early Vermont.

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#### *The Slow Death of Slavery in Vermont*

Like its predecessors, the 1806 Act to Prevent Kidnapping specifically reveals the continuation of reenslavement and the problems that African Americans faced in Vermont. Legislators introduced this law because stealing and selling black people became so noticeable and embarrassing that the government felt pressured to initiate action. The law admitted that “there have been a number of instances of Negro persons, who were minors, having been transported by evil minded persons from this to the other States and [the] province of Canada, where slavery is established by law, and there disposed of as slaves.”<sup>17</sup> Several issues arise from this blunt statement about the realities of slavery in the early nineteenth century. The sale and transportation of slaves to other states and Canada continued from 1777 to at least 1806, and government attempts to stop

this nefarious traffic did not work. By 1806, Vermont's political leaders had realized that real enforcement was necessary to end slavery or prevent the sale of black people outside of the state. The Prevention of Kidnapping Act laid out harsh punishments, including a public whipping (up to 39 lashes), a fine, and imprisonment "not exceeding seven years." The criminal would also "be further liable to make good all damages" to the victim.<sup>18</sup> This bill finally gave teeth to the spirit of the 1777 abolition provision and the 1786 Sale and Transportation Act. The sale of an unknowable number of black people, especially young children, might have been prevented if the penalties adopted in 1806 had been adopted earlier to make the constitutional provision effective.

Despite the 1806 law, Vermont continued to allow "slave transit" and "slaveowner sojourns," which meant that masters could visit Vermont for extended time periods with their slaves without any pressure to free them.<sup>19</sup> Kevin Graffagnino shows that nineteenth-century Vermonters continued to hold various attitudes about slavery, and some fully supported the institution. Thus, it cannot be surprising that, as Marshall True points out, Burlington residents seem to have accepted slaveholding in their midst or remained blissfully and willfully ignorant of it.<sup>20</sup> In 1835, Ethan Allen's daughter Lucy Caroline Hitchcock migrated back to Burlington from Alabama along with two slaves, 35-year-old Lavinia Parker and her 12-year-old son Francis. For at least six years, she owned these people as slaves in Vermont before manumitting them after Lavinia's husband had paid her a sum of money.<sup>21</sup> For six years, during the growing height of antislavery fervor in the 1830s, Hitchcock did not feel the need to free her slaves. Perhaps local people did not pressure her to do so. The Hitchcock episode demonstrates that slavery continued to persist in a free state—even one with deep commitments to

antislavery ideology, especially by the late 1830s. For Lavinia and Francis Parker, the contingent and messy nature of Vermont attitudes toward slavery allowed the institution to persist.

*Reflections on the Meaning and Essence of Vermont Slavery*

In early Vermont, freedom was not easily defined and various levels of unfreedom or bondage were imposed on black people, including child slavery, indentured servitude, *de facto* slavery, and *de jure* slavery. The most basic understanding of legal slavery is that it attempts to make an individual human being into a piece of chattel property, but this basic and truthful definition has limitations. Even if the legality of slavery is eliminated, certain aspects of slavery can continue to exist. In his well-known study, sociologist Orlando Patterson's definition of slavery is based on the study of the institution across an array of societies and times. Patterson argues that slavery can be understood as "the permanent, violent domination of natively alienated and generally dishonored persons."<sup>22</sup> Slaves in Vermont fit this definition and even the 1777 abolition provision did not end the type of dishonoring that some free blacks suffered in the Green Mountain State. The most significant part of this definition of slavery is its emphasis on dishonor and the need of the master class to garner its own identity of superiority based on the alleged dishonor and inferiority of their slaves. As eminent historian David Brion Davis notes, there were "deep philosophic and psychological aspects to dishonoring, humiliating, or dehumanizing of slaves" that continued in the United States after emancipation in 1865, as illustrated by lynching and widespread racial hatred.<sup>23</sup> Davis makes the point that slaves were dehumanized because their "redeeming rational and



spiritual qualities” were denied or diminished, and their alleged animalistic traits exaggerated and used to justify their enslavement and post-emancipation subordination.<sup>24</sup>

As these definitions indicate, some of the hallmarks of slavery, such as dishonoring, humiliation, and dehumanization are present in the documentation about the status and treatment of black people in early Vermont. After 1777, Vermont had forms of *de facto* slavery that violated the spirit of the constitutional abolition provision and the intent of the 1786 law prohibiting the sale and transportation of blacks out of the state. However informal or mediated, slavery in Vermont, while perhaps not dehumanizing black people in the same way as bondage in the sugar plantations of Barbados or the cotton plantations of the American South, still dishonored black people and exploited their labor. The legal end of adult slavery in Vermont still left African American children in a position where they could be “naturally” alienated, and sometimes subjected to violence. The abolition provision of 1777 did not result in the establishment of meaningful freedom for many, perhaps the majority, of black people in Vermont. Instead, it allowed for the continued *de jure* exploitation of black children and the *de facto* persistence of slavery under the guise of terms such as “servant.” The 1777 Constitution marked a significant step in the direction of abolition, but it fell short of ending slavery in Vermont.

Taken together, what does the evidence considered in this study illuminate about slavery in Vermont? Historical documents including court cases, town histories, census records, legislative statutes, and other sources definitively establish the persistence of slavery between 1777 and 1806. The 1786 statute and the failed legislation of 1791 demonstrate that slavery and racial discrimination continued in certain parts of the state.

In acknowledging Vermont's meaningful abolitionist past, historians must also come to grips with the continuation of slavery. The history of Afro-Vermonters must be treated with nuance, because their experience in the Green Mountain State included encounters with slavery and freedom, bondage and emancipation, and opportunities for citizenship alongside the obstacles of racism in the late eighteenth and early nineteenth centuries.

Afro-Vermonters faced a broad spectrum of racial attitudes and various degrees of freedom and bondage. This study of slavery in Vermont is one small step, which follows the lead of earlier historians, in the process of reasserting the complexity of black history in the local context.

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#### NOTES

<sup>1</sup> John A. Williams, ed., *State Papers of Vermont*, vol. 14: *Laws of Vermont* (Montpelier, Vt.: Secretary of State, 1966), 100.

<sup>2</sup> E. P. Walton, ed., *Records of the Governor and Council of the State of Vermont*, 8 vols. (Montpelier, Vt.: Steam Press of J. & J. M. Poland, 1873-1880), 1: 92.

<sup>3</sup> George W. Van Cleve, *A Slaveholders' Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago: University of Chicago Press, 2010); Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson* (1996; second edition, Armonk: M. E. Sharpe, 2001); David Waldstreicher, *Slavery's Constitution: From Revolution to Ratification* (New York: Hill & Wang, 2009). On the issue of Northern emancipation and its problems and possibilities, see Paul Polgar, "To Raise Them to an Equal Participation: Early National Abolitionism, Gradual Emancipation, and the Promise of African American Citizenship," *Journal of the Early Republic* 31 (Summer 2011): 229-58; Paul Polgar, "Standard Bearers of Liberty and Equality: Reinterpreting the Origins of American Abolitionism" (Ph.D. Dissertation, CUNY Graduate Center, 2013). Polgar persuasively argues that before the advent of the American Colonization Society, gradual emancipation or early American abolitionism hoped to halt white racism and make African Americans eventual citizens of the republic. This innovative interpretation presents a challenge to traditional accounts of gradual emancipation. In the case of Vermont, the end of slavery was not accompanied by a push to end racism or make black people citizens. Some Afro-Vermonters did achieve citizenship and a measure of equality, but many others did not achieve meaningful freedom in the Green Mountain State after the slow and torturous end of slavery. Other good books on this topic include: Van Cleve, *Slaveholders' Union*; David Gellman, *Emancipating New York: The Politics of Slavery and Freedom, 1777-1827* (Baton Rouge: Louisiana State University Press, 2006); Joanne P. Melish, *Disowning Slavery: "Race"*

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and *Gradual Emancipation in New England* (Ithaca, N.Y.: Cornell University Press, 1998); Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991); Shane White, *Somewhat More Independent: The End of Slavery in New York City, 1770-1810* (Athens: University of Georgia Press, 1991); Arthur Zilversmit, *The First Emancipation: The Abolition of Slavery in the North* (Chicago: University of Chicago Press, 1967); Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago: University of Chicago Press, 1961).

<sup>4</sup> Kari Winter greatly helped me to consider this important issue.

<sup>5</sup> The 1791 act had different names, including: “An Act in addition to an Act intituled, An act providing for and ordering transient, idle, impotent and poor persons,”; see “Act Respecting Negr[oes] & Molattoes,” January 24, 1791, MsVtSP, vol. 3, p. 80, Vermont State Archives, Middlesex, Vermont; and “An act to enable the masters of slave or servants who escape from them, to apprehend such slaves or servants, and carry them out of this state and to enable the selectman of the several towns of this state to bind out to service such free negroes as appear to them indolent, vicious, or likely to become chargeable to the public,” in Walter H. Crockett, ed., *State Papers of Vermont*, vol. 3, part 4: *Journals and Proceedings of the State of Vermont* (Bellows Falls: The Wyndham Press, 1929), 225; Bennington Friendly Society, Minute Book, April 10, 1789, 57, Special Collections, Bailey/Howe Library, University of Vermont, Burlington.

<sup>6</sup> Barre-Montpelier *Times-Argus*, February 1, 2009, citing an uncatalogued pamphlet, “Negroes in Vermont,” Vermont Historical Society, Barre. Raymond P. Zirblis’s talk, “A Grain of Salt: Slavery in Vermont’s Colonial and Early Statehood Eras,” can be found at the Center for Research on Vermont, University of Vermont, Burlington, and online at: <http://www.retn.org/programs/grain-salt-slavery-vermonts-colonial-and-early-statehood-eras>.

<sup>7</sup> Raymond P. Zirblis, “Slavery in Vermont,” in John J. Duffy, Samuel B. Hand, and Ralph H. Orton, eds., *The Vermont Encyclopedia* (Hanover, N.H.: University Press of New England, 2003), 271.

<sup>8</sup> Gretchen H. Gerzina, *Mr. and Mrs. Prince: How an Extraordinary Eighteenth-Century Family Moved Out of Slavery and into Legend* (New York: Amistad, 2008), 145-88.

<sup>9</sup> On the opportunities and obstacles facing black people in early Vermont, see Kari J. Winter, “The Strange Career of Benjamin Franklin Prentiss, Antislavery Lawyer,” *Vermont History* 79 (Summer/Fall 2011): 121-40; Kari J. Winter, “Bordering Freedom but Unable to Cross into the Promised Land: Africans in Early Vermont,” *Historical Reflections* 32 (2006): 473-92; Elise A. Guyette, *Discovering Black Vermont: African American Farmers in Hinesburgh, 1790-1870* (Burlington: University of Vermont Press, 2010); Gerzina, *Mr. and Mrs. Prince*; Kari J. Winter, *The Blind African Slave: Or the Memoirs of Boyrereau Brinch Nicknamed Jeffrey Brace* (Madison: University of Wisconsin Press, 2005); John Saillant, *Black Puritan, Black Republican: The Life and Thought of Lemuel Haynes, 1753-1833* (Oxford: Oxford University Press, 2003); Jane Williamson, “Rowland T. Robinson, Rokeby, and the Underground Railroad in Vermont,” *Vermont History* 69 (Winter 2001): 19-31; John M. Lovejoy, “Racism in Antebellum Vermont,” *Vermont History* 69 (Winter 2001): 48-65.

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<sup>10</sup> Abby M. Hemenway, ed., *The Vermont Historical Gazetteer*, 5 vols. (vol. 1: Burlington, Vt.: Miss A. M. Hemenway, 1867; vol. 2: Burlington, Vt.: Miss A. M. Hemenway, 1871; vol. 3: Claremont, N.H.: The Claremont Manufacturing Company, 1877; vol. 4: Montpelier, Vt.: Vermont Watchman and State Journal Press, 1882; vol. 5: Brandon, Vt.: Mrs. Carrie E. H. Page, 1891), 1: 163; Walton, *Records of the Governor and Council*, 1: 93.

<sup>11</sup> “Prof Says Vermont’s Antislavery Reputation Is Not the Whole Truth,” *Seven Days*, February 4, 2009, accessed September 7, 2012, <http://www.7dvt.com/2009prof-says-vermonts-antislavery-reputation-not-whole-truth>. On the problem of freedom and opportunities for escape in the nineteenth century, see Raymond P. Zirblis, *Friends of Freedom: The Vermont Underground Railroad Survey Report* (Montpelier, Vt.: Division for Historic Preservation, 1996).

<sup>12</sup> John W. Sweet, *Bodies Politics: Negotiating Race in the American North, 1730-1830* (Baltimore: Johns Hopkins University Press, 2003).

<sup>13</sup> Saillant, *Black Puritan*, 71-72.

<sup>14</sup> *Ibid.*, 62.

<sup>15</sup> On the expansion of slavery and racism, see Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge, Mass.: Harvard University Press, 2005).

<sup>16</sup> Elise A. Guyette, “Black Lives and White Racism in Vermont, 1760-1870” (MA Thesis, University of Vermont, 1992), 148, 152.

<sup>17</sup> Walton, *Records of the Governor and Council*, 5: 131.

<sup>18</sup> *Acts and Laws Passed by the Legislature of the State of Vermont* (Bennington, Vt.: Anthony Haswell, 1806), 152.

<sup>19</sup> Van Cleve, *Slaveholders’ Union*, 61.

<sup>20</sup> Graffagnino, “Vermont Attitudes Toward Slavery,” 31-34; True, “Slavery in Burlington,” 227-230.

<sup>21</sup> True, “Slavery in Burlington,” 228-29.

<sup>22</sup> Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, Mass.: Harvard University Press, 1982), 13.

<sup>23</sup> Davis, *Inhuman Bondage*, 31.

<sup>24</sup> *Ibid.*, 32.