

Partus Sequitur Ventrem:
Slavery, Property Rights, and the Language of Republicanism in Virginia's
House of Delegates, 1831-1832

The 1832 Virginia slavery debate presents a rare opportunity to examine a candid historical discussion of property. In an essay summarizing the recent events of the 1831-32 legislative session, Benjamin Watkins Leigh wrote that the effort to abolish slavery had constituted the beginnings of “a direct attack” upon the very principle of property itself. Leigh, an eminent legal theorist and social commentator argued that this assault, if successful, signaled an end to republican government in Virginia.¹ Subsequent historians of the Virginia slavery debate have struggled to reconcile their interpretations with Leigh’s contemporary analysis and thus largely discounted his critique as a mere proslavery jeremiad.² Yet, his defense of slavery notwithstanding, an examination of the speeches made during the legislative debate supports Leigh’s basic premise that an effort was being made to re-conceptualize property. During the legislative debate, antislavery delegates rejected the traditional conception of absolute property upon which government in Virginia had been based. Adopting the language of Rousseau, they rejected the notion of a natural right to property and spoke of property deriving merely from societal consent. This antislavery rhetoric suggests a fundamental movement away from the

¹ Benjamin Watkins Leigh, *A Letter from Appomattox to the People of Virginia* (Richmond: T. H. White, 1832). This pamphlet was a publication of two letters to the editor written by Leigh to the *Richmond Enquirer* and printed on February 4 and 28, 1832. The letter of the 28th was a response to two rebuttals to his initial letter published in the February 16 edition.

² Alison Goodyear Freehling, *Drift Toward Dissolution: The 1832 Virginia Slavery Debate* (Chapel Hill: 1982); Joseph Clarke Robert, *The Road From Monticello* (Durham: 1941); see important depictions of the debate and Leigh as well in: William Shade, *Democratizing the Old Dominion* (Charlottesville: 1997); William Freehling, *The Road to Dissunion: Volume I: Secessionist at Bay, 1776-1854* (New York: 1990); Dickson Bruce, *Rhetoric of Conservatism* (San Marino: 1982). Bruce offers a much less eccentric characterization of Leigh.

ideological orthodoxy of liberal republicanism, and instead, signaled the advancement of an alternative liberal vision where the constitutive principle of political equality trumped that of civil liberty.³

In 1831, Virginia was the largest slaveholding state in the Union. While the largest portion of the slave population was involved in the production or distribution of tobacco, the institution extended far beyond the tobacco fields. Virginians in every region of the state benefited, either directly or indirectly, from the produce of slave labor. But in August of that year, a horrific slave insurrection led by Nat Turner shattered public confidence, undermined the myth of the “contented slave,” and raised questions about the

³ The literature on republicanism is vast. My understanding of Virginia’s modern liberal republic, founded upon the constitutive principle of negative liberty, has been influenced most by the following: J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: 1975); Bernard Bailyn, *The Ideological Origins of the American Revolution* (Harvard: 1967); Gordon Wood, *The Creation of the American Republic* (Chapel Hill: 1969); Steven Kautz, *Liberalism and Community* (Ithaca: 1995); Paul Rahe, *Republics Ancient and Modern* (Chapel Hill); Lance Banning, *The Jeffersonian Persuasion* (Ithaca: 1978); and Robert E. Shalhope, “Thomas Jefferson’s Republicanism and Antebellum Southern Thought” *Journal of Southern History* (November 1976), 529-536. On conceptions of property see: Richard Schlatter, *Private Property: The History of an Idea* (London: 1951); C. B. Macpherson, *Property* (Toronto: 1978) and *The Political Theory of Possessive Individualism* (Oxford: 1962); William B. Scott, *In Pursuit of Happiness: American Conceptions of Property from the Seventeenth to the Twentieth Century* (Bloomington: 1977); Jennifer Nedelsky, *Private Property and the Limits of American Constitutionalism* (Chicago: 1990); and Gregory S. Alexander, *Commodity and Propriety: Competing Visions of Property in American Legal Thought, 1776-1970* (Chicago: 1997). Editions used for Locke and Rousseau are: Jean-Jacques Rousseau, *Discours sur l’origine et les fondements de l’inégalité parmi les hommes (Second Discourse)*, (Amsterdam: 1755; republished by Aubier Montaigne, Paris: 1973); John Locke, *Two Treatises on Government*, edited by Peter Laslett (Cambridge: 1960). Absolute property often has been synonymous with Lockean property theory, and since Macpherson, representative of the possessive individualism indicative of liberalism/capitalism. The complexities of both liberalism and capitalism, and the sophistication of Locke’s political theory require a less reductive reading. In speaking of the Lockean influence on Virginia’s slaveholders most resonant was the point that property was pre-political and its corollary that “individuals” formed civil governments to ensure their property. Thus the primary purpose of government was to protect such property. Significantly, Locke also considered slavery pre-political and thus reconciled it with republican government. An excellent critique of Macpherson along similar lines is found in Laura Brace, *The Idea of Property in Seventeenth Century England: Tithes and the Individual* (Manchester: 1998). An example of the tensions manifested by a simultaneous commitment to absolute property and an unfree labor system similar to the ones depicted here is found in Elizabeth Fox-Genovese, *The Origins of Physiocracy* (Ithaca: 1976); and “Physiocracy and Propertied Individualism” in *Fruits of Merchant Capital* with Eugene D. Genovese (New York: 1983), 272-298.

future of slavery.⁴ Discussion culminated that winter in the House of Delegates where, in January, Thomas Jefferson Randolph, the grandson of his namesake, proposed a motion calling for the abolition of slavery in Virginia. In so doing, Randolph resurrected his grandfather's concept of emancipation *post nati*; a plan of gradual emancipation that Jefferson himself had contemplated but never acted upon. Randolph's proposal sparked two weeks of intensive debate, after which, a majority of delegates were unable to endorse either a proslavery or an emancipationist course of action.⁵ Instead, the indecisive legislature passed a resolution that condemned slavery yet declared abolition inexpedient. In the months following the legislative debate, public discussion of slavery and abolition continued in essays published in newspapers and journals. These essays complemented the rhetorical themes presented in the legislature, and thus taken together comprise the 1832 Virginia slavery debate.⁶

⁴ U.S. Census Office, *Fifth Census*, Tables [10]-[13]. The 1830 census list Virginia's slave population at 469, 755. This was 38.7 percent of the state's total population. On nineteenth century slavery in Virginia see: Joseph Clarke Robert, *Tobacco Kingdom: Plantation, Market, and Factory in Virginia and North Carolina, 1800-1860* (Durham: 1938); Robert McColley, *Slavery in Jeffersonian Virginia* (Urbana: second edition, 1964); Ronald L. Lewis, *Coal, Iron, and Slaves: Industrial Slavery in Maryland and Virginia, 1715-1865* (Westport, Conn: 1979); Charles B. Dew, *Bond of Iron: Master and Slave at Buffalo Forge* (New York: 1994); and Lynda J. Morgan, *Emancipation in Virginia's Tobacco Belt, 1850-1870* (Athens: 1992). On Nat Turner's insurrection: *The Confessions of Nat Turner* (Richmond: 1832); Hebert Aptheker, *Nat Turner's Slave Rebellion* (New York: 1966); and Stephen B. Oates, *The Fires of Jubilee* (New York: 1976). Expressions of anxiety, panic, and pessimism proliferated throughout the Old Dominion. In counties throughout the state, Virginians petitioned for the upcoming meeting of the General Assembly to enact more strident restrictions on the black population. Some petitions called for the removal of the entire free black population from the state, and a few petitions even suggested the abolition of slavery itself.

⁵ A note on definitions is in order here since the words proslavery, antislavery, emancipationists, and abolition are subject to misunderstanding. My definition of a proslavery position includes those who zealously defended slavery as well as those delegates who placed primacy on the slaveholder's property rights and thus implicitly protected slavery as well. This applies even if they supported private manumissions and efforts at colonization. Antislavery is used here as a broad term to describe those delegates and those motions which attempted to effect the abolition of slavery in Virginia. Delegates who voted in favor of the Preston amendment are considered antislavery (see Shade, Appendix 2 for a detailed and accurate breakdown of ideological position by voting). Make no mistake, Virginia's effort at abolition was in no way connected to the simultaneous efforts of the Garrisonians. Their antislavery objective, however, was abolition.

Randolph proposed his plan of abolition as a substitute amendment to an unexpected proslavery motion to dismiss the special committee charged with discussing colonization and emancipation.⁷ His antithetical amendment mandated that the Select Committee on the Colored Population “inquire into the expediency of submitting to the . . . voters” a plan of emancipation *post nati*. Under this plan, “the children of all female slaves . . . born . . . on or after the 4th day of July, 1840, [would] become the property of the Commonwealth;” males when they turned twenty-one, and females at the age of eighteen. If these offspring were detained in Virginia until they came of age, they would “be hired out until” they raised enough funds “to defray the expense of their removal.” Randolph believed that his emancipation plan allowed abolition to occur on grounds favorable to slaveholders. Slaveholders would not forfeit any of their existing slaves. Nor

⁶ *Journal of the House of Delegates in the Virginia Legislature, 1831-1832*, 99. In the interests of clarity and brevity, extensive commentary on the legislative maneuvering is not made here. These aspects are more thoroughly treated in my Master’s thesis, “Can These be the Sons of Their Fathers? The Defense of Slavery in Virginia, 1831-1832” (Va. Tech, 1997); Freehling, *Drift Toward Dissolution*; and Robert, *Road From Monticello* (Durham, 1941). The proslavery motion voted upon was the report from the Select Committee on the Coloured Population, the abolitionist motion was the antithetical Preston Amendment to the report. The Bryce Compromise motion (described above) was approved by a vote of 65 delegates in favor and 58 opposed. Of course by upholding the *status quo* the compromise was a victory for the proslavery faction. In addition to Leigh, the most significant essays were Thomas Roderick Dew, *Review of the Debate in the Virginia Legislature of 1831-32* (Richmond: 1832); and the antislavery rebuttal to Dew by Jesse Burton Harrison, “The Slavery Question in Virginia,” *American Quarterly Review* (December, 1832).

⁷ *House Journal*, 1831-32, 9-14. Proslavery delegates initially feared that any legislative discussion of slavery would only encourage further insurrections. They thus attempted to confine any debate to within the closed-door sessions of the Select Committee on the Coloured Population, a specially appointed committee that was dominated by proslavery delegates. The chairman of the committee, William Brodnax, was himself a slaveholder, as were eleven of the twelve initial members. Brodnax, like most other delegates, believed that the removal of free blacks was an essential precondition to any plan of abolition. Accordingly, the Select Committee secretly discussed the removal of the free black population while tabling any discussion of abolition. *Speech of William Brodnax, In the House of Delegates of Virginia on the Policy of the State with Respect to the Colored Population* (Richmond: 1832), 4-5. Yet events seemed to conspire against them. During the first week in January, while rumors of abolition schemes reached a crescendo in the newspapers, word of another attempted slave insurrection reached Richmond. Under these circumstances, proslavery spokesman, Goode moved to discharge the select committee “from the consideration of all petitions” pertaining to emancipation. Ambler, *Diary*, 174. John B. Floyd, Executive Papers, January 9, 1832, Library of Virginia. Council Journal, January 11, 1832, Library of Virginia. *Richmond Enquirer*, January 19, 1832 and the *House Journal*, 93.

would they lose any slaves born within the next eight years. Additionally, the proposal encouraged slaveholders to transfer or sell their slaves out of state prior to the mandated emancipation date.⁸

Yet, despite invoking his grandfather's legacy, Randolph's proposal diverged significantly from Jefferson's ruminations in ways that reflected a sharp discontinuity from previous antislavery sentiments.⁹ These diverse aspects of the plan were recognized immediately by proslavery delegates. William Brodnax contended that "were Mr. Jefferson now alive, I cannot for a moment believe, that he would approve . . . such a proposition as this." Brodnax argued that Jefferson's plan "contained features essentially different from this," and explained that he did not understand it "to recommend that the off-spring of slaves should be torn from their owners without compensation." Randolph's plan was "fraught . . . with incalculable mischiefs" that would "subvert principles . . . and break down every barrier with which [the] constitution and laws have fenced the security of private property." James Gholson called the proposal a "monstrous and

⁸ *House Journal*, 93. *The Speech of Thomas Jefferson Randolph, in the House of Delegates, on the Abolition of Slavery* (Richmond; 1832).

⁹ Most significantly, Randolph circumvented Jefferson's problem of funding emancipation and removal by forgoing any consideration of compensatory payments to slaveholders. Another difference was the manner in which emancipated slaves would be disposed while pending removal. Jefferson had simply spoken of slaves being raised "at the public expense. Under Randolph's plan, emancipated slaves would work as the state's property until sufficient funds for their removal were raised. The state government would become an active agent in the emancipation process. It would serve as an intermediary between slavery and freedom. For discussion of Jefferson and slavery see: Winthrop Jordan, *White Over Black* (Chapel Hill: 1968); David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1776-1823* (Ithaca: 1976); and Thomas Miller, *The Wolf by Its Ears* (Charlottesville: 1975). Jefferson discussed emancipation *post nati* three times: in 1783 Draft Constitution for Virginia, *Notes on the State of Virginia*, and an 1824 letter to Jared Sparks. In his letter to Jared Sparks, February 4, 1824, Jefferson comments that the money for removal should come from the money paid by the Federal Government for the ceding of Virginia's western land claims.

unconstitutional” violation of property rights while James Bruce declared it “the most extraordinary doctrine that has ever broached this Hall.”¹⁰

Proslavery delegates decried Randolph’s emancipation proposal because it failed to recognize the future progeny of slaves as vested property. They contended that the scheme of emancipation *post nati* ignored the common law dictum of *partus sequitur ventrem*, which, as it applied in Virginia, referred to the condition of the offspring following the condition of the mother. James Gholson, paraphrasing Blackstone, explained the proslavery position simply and harshly. “The owner of land had a reasonable right to its annual profits; the owner of orchards, to their annual fruits; the owner of brood mares, to their product; and the owner of female slaves, to their *increase*.” James Bruce added that this “probability of increase [was] an essential constituent in the value of the female slave” and he reminded the assembly that from that increase the state derived much of its wealth. Furthermore, defenders of slavery argued that if *partus sequitur ventrem* was not a rule of law and they had “no property in the future increase” of their slaves, than they certainly had no claim to those now living because “the property in both must necessarily be derived the same way.”¹¹

Proslavery delegates also charged that Randolph’s proposal flagrantly violated property rights explicated in statutory and constitutional laws. They explained that “the charter” by which they held their slaves was “founded on the immutable principles of

¹⁰ *Speech of Brodnax*, 6, 17; *Richmond Enquirer*, January 21, 1832 [Gholson] and January 26, 1832 [Bruce].

¹¹ *Richmond Enquirer*, January 21, 1832 and January 26, 1832. *Speech of Brodnax*, 22. *Partus sequitur ventrem* literally means the parts naturally follow the trunk, here it refers to the condition of the offspring naturally following the condition of the progenitor. For the origins of this dictum and its application to slavery see: Thomas Morris, *Southern Slavery and the Law* (Chapel Hill: 1996), 43-49. Blackstone, *Commentaries* 2:94.

justice, which existed before the formation of political societies” and they asserted that this universal principle was specifically incorporated into the philosophy of the Revolution. Accordingly, under the laws of the Commonwealth, slavery had acquired exactly the same guarantee . . . as any other property,” and could not be regarded in any other light, “legally or morally.”¹² Defenders of slavery explained that Randolph’s plan “proposed . . . the appropriation of private property . . . *without just compensation.*” They acknowledged that government could assume private property in “but a single exception, and that was founded in absolute necessity When the public safety and prosperity, obviously required the deprivation of private property.” However, even then, such appropriation required just compensation. As an example, they noted that that very assembly had compensated slaveholders for slaves executed during the recent insurrection. They cited guarantees of just compensation not only in state law and custom, but in the Fifth Amendment of the Federal Constitution as well. Brodnax summarized their position, concluding “that whether the public necessities require the surrender of our property or not, it comes to the same conclusion. It cannot be taken against our consent, but on paying to us its value.” Professing their faith in the sanctity of the just compensation principle, proslavery delegates argued that they were not merely defending slavery, but defending the inviolability of absolute property and thus the principles of liberal republicanism upon which both the commonwealth and the nation had been founded.¹³

¹² *Speech of Brodnax*, 13. *Richmond Enquirer* January 21, 1832.

¹³ See both the *Speech of Brodnax*, 23, 13-14; and Gholson’s speech in the *Richmond Enquirer*, January 21, 1832.

Accordingly, Randolph's plan for abolition failed because it contradicted the traditional conception of property as a pre-political, natural right. If enacted, government imposed emancipation would have breached the absolute dominion of slaveholders by confiscating the children of slaves. Additionally, slaveholders would forfeit a portion of their property without compensation. Within the prevailing liberal republican conceptions of government, any public confiscation, without compensation, contradicted the very premises of government. In the words of Brodnax, spoken in the language of John Locke, property was "the very ligament which [bound] society together . . . once severed, society itself was no longer worth preservation - - a state of nature would be desirable Without this principle, there was no civilization - - no government." Delegate James Bruce eulogized Randolph's proposal by stating that "its glaring . . . defects serve to show us the difficulty, or rather the impossibility, of devising any scheme of emancipation which shall be practicable, and not at the same time" directly violate "the rights of property."¹⁴ If the Virginia legislature was going to abolish slavery, it would have to transgress the property rights of slaveholders.

Had antislavery delegates facing this predicament simply "sat down in silent despair," the slavery debate would have ended then and there. But they did not. Virginia's abolitionists understood that for slaveholders "to contend that *full value* shall be paid for slaves . . . [was] to deny all right of action upon this subject whatsoever."¹⁵ They thus attempted to subvert the property-based proslavery justification by adopting a

¹⁴ *Speech of Brodnax*, 13; *Richmond Enquirer*, January 26, 1832.

¹⁵ *The Speech of Charles Jas. Faulkner (of Berkeley) in the House of Delegates of Virginia on the Slave Question* (Richmond: T.W. White, 1832), 15.

new and more radical argument. Their new discourse emphasized the government's right of eminent domain and its inherent police powers. They argued that when a species of property became so harmful that it threatened the public safety, the state had a superior responsibility to confiscate or destroy that property. Instead of acknowledging that property was a natural and absolute right, abolitionist delegates declared that property rights were created only through positive laws and were sanctified through social convention. This assertion reflected the influence of Rousseauian notions of property, challenged the traditional Lockean conception of property, and, in the process, engendered a fundamental transformation in proslavery discourse.

Antislavery delegates proposed that an individual's right to property was subservient to societal consent. Charles Faulkner referred to property as a "creature of civil society," and explained that slaveholders held their slaves "not by any law of nature . . . but solely by . . . the acquiescence and consent of the society in which they live." Delegate James McDowell reaffirmed that both "the rights of private property and of personal security existed under every government, but they were not *equal*." He argued that "security [was] the primary purpose for which men entered into government; property . . . [was] only secondary." Both Faulkner and McDowell allowed that as long as a "property was not dangerous to the good order of society, it . . . would be tolerated." But if a property became pernicious and jeopardized the social tranquility then "the right by which [individuals] held their property was gone. Society ceased to give its consent." This was "the supreme law of society -- a law above and paramount to all other laws."

Thus, Virginia's abolitionists claimed that when property was "ascertained to be a positive wrong to society," there was no legal requirement for compensation.¹⁶

This more radical antislavery argument explicitly rejected the notion that property originated as a natural right, and instead, advanced the idea that property derived from positive law. When William Ballard Preston introduced a new legislative motion for abolition, he proclaimed that the power possessed by the Legislature in "declaring what *shall be* property, also enables it to declare what *shall not be* property." Preston rejected the argument that slave property was protected by the just compensation clause of the Fifth Amendment. He contended that the amendment applied only to cases in which the Federal Government confiscated property in the "exercise of her powers . . . within the sphere of her constitutional rights." In so arguing, Preston foreshadowed the Marshall Courts' opinion in *Barron v. Baltimore* (1833), that the Federal compensation clause was "a *rule of action* for that Government, not a *charter of rights* to citizens of the States." Preston further noted that neither did the Virginia Constitution specify slaves as property. He claimed that the constitutional provision that guaranteed property referred exclusively to the common law definition of property. Slaves, however, were an exception because they "were not property by common law but were made so by statutory enactments." As an example he furnished that "there is no statute by which your horse or your ox is declared to be property." He admitted that, in Virginia, slaves were property but that they were made so by statute and not by either constitutional authority or the common law.

¹⁶ *Speech of Faulkner*, 14. *Speech of James M'Dowell of Rockbridge in the House of Delegates of Virginia, on the Slave Question: January 21, 1832* (Richmond, 1832), 15.

Accordingly, he posited that slavery could be abolished during this very “session of the General Assembly simply by repealing the existing statutes that upheld slavery.”¹⁷

In the aftermath of the Southampton insurrection, the antislavery call for radical action held weight. They argued that “so great and overshadowing [were] the evils of slavery” that the immediate removal of the entire slave population was justified by “the great law of state necessity.” Consequently, antislavery delegates posited that Randolph’s emancipation *post nati* proposal represented the most reasonable compromise available to proslavery delegates. Delegates who defended slavery should willingly accept this compromise because it deferred emancipation and guaranteed slaveholders their current slave property. Charles Faulkner declared that Randolph’s plan did not “violate any such right of property, as is incumbent upon this body to respect under the existing pressure of public danger in this commonwealth. He posed the question that if slavery was “conceded to be an evil,” and he reminded the assembly that “no one had yet asserted otherwise,” then he asked, “can the *equity* of such a compromise be questioned?”¹⁸

Clearly the framework of the debate had changed. What began as a sincere attempt to discuss an emancipation *post nati*, had now mutated into a debate over foundational issues concerning property rights, the relationship between the public and private spheres, and concepts of liberal government. Antislavery arguments not only threatened slave property, but they subverted the very ideological principles upon which Virginia’s liberal republic had been established. Emphasizing the harmful and corrupting nature of slave property, Virginia’s abolitionists advocated a new conception of property

¹⁷ *Richmond Enquirer*, February 9, 1832. On *Barron v. Baltimore* see 7 Peters 243 (1833) and my forthcoming article “A Question of Great Importance:” Nullification, Slavery, and *Barron v. Baltimore*.

¹⁸ Preston Amendment, *House Journal*, 99. *Speech of Faulkner*, 15.

relations and a new understanding of government's role in society. For five decades, defenders of slavery had acknowledged, sometimes explicitly, that corrupting nature. Now, a new discourse was needed if proslavery delegates wished to defend slavery within their liberal republican ideology.

The day after Preston's antislavery speech, delegate Alexander Knox proclaimed that slavery, as it existed in Virginia, was not evil. "On the contrary," Knox argued, slavery "is indispensably requisite in order to preserve . . . Republican Government." He evoked the grandeur of classical Greece and Rome as examples of magnificent republics that had flourished by slave labor. Additionally, Knox asserted, "the slave in Virginia, reared as he is to the knowledge of moral principle, is in a more happy condition than the African, wandering as he does in ignorance and wretchedness." John Thompson Brown, who, at the outset of the session, had referred to slavery as the greatest evil of an "angry Providence" now argued that emancipation and colonization could only be considered a cruel alternative. He pleaded to let the slaves remain here since "they are happier than they would be in any other situation." Brown also emphasized the paternalistic qualities of the master-slave relation and, ironically, argued that only quixotic condemnations of slavery had caused the slaves to forsake their otherwise contented station and rise in rebellion.¹⁹

¹⁹ *Richmond Enquirer*, February 11, 1832. Knox was the junior delegate from Mecklenburg County. *The Speech of John Thompson Brown, in the House of Delegates, on the Abolition of Slavery* (Richmond: T.W. White, 1832), 20-23, 30-31. The debate in the house, itself, concluded almost as rapidly as it had begun. Hostility between the proslavery and antislavery factions had increased significantly during the final days of the debate. After two weeks of legislative debate, Governor John Floyd expressed concern that the debate was "engendering bad . . . feelings. It must be checked in erratic tendencies." Under these increasingly belligerent conditions, continuation of legislative debate on slavery seemed to threaten the dissolution of government. On January 25, George Wilson called for a vote upon both the current proslavery and abolitionist motions. Neither the proslavery nor the abolitionist motion could attain a majority of votes to resolve the issue. Archibald Bryce proposed a new motion that condemned the institution of slavery and yet adopted the proslavery resolution that abolition was inexpedient. It passed the

The speeches of Brown and Knox revealed an emergent proslavery discourse founded upon an agonistic defense of a Lockean property relations. Following the legislative debate, the contents and themes of these speeches were incorporated into the proslavery essays of Benjamin Watkins Leigh and Thomas Roderick Dew.²⁰ Both of these writers championed Lockean principles of a natural, pre-political right to property and chastised antislavery delegates for advancing their heresies. Both Leigh and Dew spoke from a tradition that considered absolute property synonymous with the liberty and independence vital to republican government. Dew's essay also situated slavery within a progressive historical view that reflected the influence of Scottish historical materialism and, subsequently, it became identified as the seminal essay of proslavery ideology.

But Dew's *Review of the Debate* was largely just that and, it should be emphasized, that it was during the legislative debate that this threshold had been crossed. A new proslavery discourse became necessary when antislavery delegates diverged from the Lockean notions of property and government that characterized the Virginia Republic. This divergence signaled a rejection of the ideological orthodoxy that had prevailed since the American Revolution, and in which previous antislavery sentiments

House by a narrow seven vote margin. The remaining weeks of the legislative session were fraught with contentiousness and bickering. Talk about dividing the state continued. Eastern delegates rejected a proposed funding bill for internal improvements in retaliation for the debate on abolition. Still, the House of Delegates managed to pass a bill appropriating money for the removal of the free blacks of Virginia. The bill reflected a proposal made by William Brodnax during the slavery debate. This Removal bill would have appropriated money for the next two years but it was defeated in the Senate. Not surprisingly, the delegates were more successful in passing legislation that restricted the activities of free blacks. Black Virginians were restricted from attending night-time religious assemblies and black preachers were outlawed from practicing. The state militia was strengthened and authorized to conduct nightly patrols throughout the eastern counties. Charles Ambler, *The Life and Diary of John Floyd*, 174-75; *Constitutional Whig*, February 16, 1832; *House Journal*, 1831-32, 109. *House Journal*, Bill No. 7 amended as Bill No. 12. The Senate tabled this bill and never discussed or voted on it. *House Journal*, Bill No. 18, and Document No. 1.

²⁰ Leigh, *Letter of Appomattox*; Dew, *Review of the Debate in the Virginia Legislature*.

and democratic reform efforts had been expressed. Significantly, many antislavery delegates represented western districts of the state that had been frustrated by the failure of democratic reform in the recent Constitutional Convention. In that convention, property had triumphed over person as the constitutive principle of government. Two years later, during the Virginia slavery debate, abolitionists thus attempted to re-conceptualize property as a means of offering a new political vision. A vision of a democratic republic reflecting Rousseauian notions of property and society that were themselves premised explicitly upon a universal condition of freedom and thus incompatible with slavery.

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