

THE EIGHTEENTH-CENTURY ORIGINS OF ANTEBELLUM PREJUDICES AGAINST OVERSEERS

DR. TRISTAN STUBBS[†]

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I. INTRODUCTION

Teri McMurtry-Chubb’s *Race Unequals: Overseer Contracts, White Masculinities, and the Formation of Managerial Identity in the Plantation Economy* (hereinafter, *Race Unequals*) is a *tour de force* of legal history, which expertly summarizes how economic, social, and cultural forces in the antebellum South were brought together in the codification of expectations about plantation overseers’ contractual duties, agricultural output, moral bearing, and treatment of enslaved people.¹ Drawing on my work, *Masters of Violence: the Plantation Overseers of Eighteenth-Century Virginia, Carolina and Georgia*, this paper considers the eighteenth-century wellspring of many of these ideas, and investigates overseers in different but related contexts. It proposes that an understanding of the political economy of eighteenth-century southern plantations may act as a useful and complementary framework against which nineteenth-century developments in oversight can be analyzed. The hope is to develop a conversation between the two periods which will improve our understanding of how the institution of slavery changed over time.

For two important reasons, absenteeism was the foundation of nineteenth-century ideas about overseers. Firstly, the demands of managing distant plantations required slaveholders to promote an understanding of the plantation that drew on current ideas about political economy to advocate balance and order on the plantation. Secondly, devolving the responsibility for violent punishment to overseers permitted planters, the so-called “paternalists,” to believe that

[†] Tristan Stubbs is an Associate Faculty Member of the Carolina Lowcountry and Atlantic World Program at the College of Charleston.

1. TERI A. MCMURTRY-CHUBB, *RACE UNEQUALS: OVERSEER CONTRACTS, WHITE MASCULINITIES, AND THE FORMATION OF MANAGERIAL IDENTITY IN THE PLANTATION ECONOMY* 71-72 (Lexington Books 2021).

they had their captives' best interests at heart. Some even convinced themselves that they loved the men and women whom they held in slavery, and that this emotion was reciprocated. But such self-delusion became possible only when absenteeism and the oversight system enabled "paternalists" to avoid the violent reality of racial slavery. The paper considers each of these dynamics in turn, before assessing broader eighteenth-century criticisms of overseers, the echoes of which were heard up to the Civil War.

II. THE PLANTATION AS POLITICAL METAPHOR

In Philip D. Morgan's words, eighteenth-century North America was a "remarkably underinstitutionalized world."² State and federal government bureaucracies were yet to come; in this context much political and moral authority derived, argued Morgan, from the "idealized figure" of the plantation owner, the owner and employer of the serried ranks of Black and White people who worked southern plantations.³ Given this political power, slave owners had a tendency to view themselves "like the Patriarchs of old," to quote the South Carolinian planter, George Lockey.⁴ They told themselves that the responsibility for providing for "their" people weighed heavily on their shoulders. As part of a Lockean social contract that they imagined they had established with enslaved people and servants, planters expected dutiful loyalty in return.

Because only one party in the social contract between captor and the enslaved had entered into this putative agreement voluntarily, real or threatened violence was always deemed necessary to the maintenance of plantation stability. As the eighteenth century wore on, the owners of larger plantations expanded their holdings by investing in land often many miles from their home quarters, or from the coastal cities like Savannah or Charleston from where they were able to manage their absentee holdings in comfortable isolation. These absentee planters yielded responsibility to overseers for the "correct" use of violence—employed frequently enough to ensure compliance, but not so much as to engender unprofitable discontent or, worse still, outright rebellion.

Many of the great planters of the slaveholding colonies of the South fought in the Revolution against the British that secured the future of slavery for over one hundred years; many were involved in

2. PHILIP D. MORGAN, *SLAVE COUNTERPOINT: BLACK CULTURE IN THE EIGHTEENTH-CENTURY CHESAPEAKE AND LOW COUNTRY* 275 (Univ. of N.C. Press 1998).

3. TRISTAN STUBBS, *MASTERS OF VIOLENCE: THE PLANTATION OVERSEERS OF EIGHTEENTH-CENTURY VIRGINIA, SOUTH CAROLINA, AND GEORGIA* 10 (Univ. of S.C. Press 2018).

4. MORGAN, *supra* note 2, at 274.

drafting the Constitution that sought to do the same. On their plantations, as in the new country that they had established, order and balance were the Enlightenment key words according to which they tried to organize their lands. John Adams, by then president, wrote to a group of young Georgians in 1798 that it was

a gratification to my pride to see you boast of a well-balanced republic—the essence of a free republic is in the balance—the security of Liberty, property, Character, and Life depends every moment upon its preservation, and. . . America will be scourged by the Rods of Vengeance if they will not study and preserve Balance, as the only ark of Safety.⁵

Where the desired balance was upset—when, for example, an overseer resorted to what planters deemed to be “excessive” violence—slaveholders nominated themselves the ultimate arbiters of plantation justice. Presaging the role of antebellum judges and juries in determining the limits of overseer violence, as Professor McMurtry-Chubb ably describes in Chapter Three, eighteenth-century planters insisted on their legally mandated rights and duties to intervene in punishment where they deemed necessary.⁶ The Virginian planter, Robert Carter III, wrote to overseer Thomas Olive during the Revolutionary War:

[S]ir—When you undertook the management of my plantation . . . I submitted the conduct of the negroes, there, to your consideration & empowered you to rebuke and inflict corporal punishment as you might Judge necessary—and the same authority has been continued till now—but I do herein take from you part of the aforesaid power and I do forbid you to correct, in any manner what ever, either old or young negro belonging to me.⁷

Robert Carter never used the word “Judge” lightly. Judicious dominance apparently had proved too challenging for Olive: a practiced social contractarian, Carter reset the delicate hierarchical balance by reclaiming some of the authority that wartime absenteeism had required him to cede.

III. “PATERNALISM” AND OVERSIGHT

In *Race Unequals*, the author cites Eugene D. Genovese and Elizabeth Fox-Genovese’s contention that “from colonial times to emancipation, southern planters [blamed] overseers for cruelty to slaves and

5. Letter from Young Men of Augusta, Georgia to President Adams (July 2, 1798) (on file with the Georgia Historical Society in the Colonial Dames Collection).

6. McMURTRY-CHUBB, *supra* note 1, at ch. 3.

7. Letter from Robert Carter to Thomas Olive (May 8, 1781) (on file with the Colonial Williamsburg Foundation in the Chauvenet Collection).

projecting themselves as caring father figures.”⁸ “Paternalist” slaveholders insisted on their right to intervene on behalf of their bondpeople in mediating overseer violence because to do so represented a performative act. By presenting the overseer as the source of unjust punishment, captors sought to encourage enslaved people’s loyalty and discourage those who might wish to flee the plantation or resist their oppression in other ways. For the same reason, many owners acquiesced when enslaved people brought their grievances about overseers directly to them.

But slave owners put on a performance for their fellow “paternalists” as much as they did for their supposedly loving enslaved workforce. They burnished their gentle “paternalist” credentials by setting themselves against violent overseers. This tactic gained the force of law in the nineteenth century, as “[p]lanters were able to perpetuate the myth of paternalism, because overseers took on statutory and contractual obligations that allowed them to be punished for the maltreatment of the enslaved.”⁹ The dynamic created fertile ground for the notion that overseers were incorrigibly brutal and cruel, one which, as McMurtry-Chubb points out in the Epilogue, is still very current today.¹⁰

When seeking a figure to blame for the violence inherent in racial slavery, slaveholders told themselves that plantation overseers fit the bill. As dependent employees, often without land or slaves of their own, overseers were deemed not to possess the rationality which was accorded to independent white men. As such, they were preternaturally incapable of the reasoned, political governance of enslaved people that slaveholders desired. Criticisms of overseers’ irrational brutality found their clearest expression when towards the end of the century planters began to upbraid supervisors for their perceived “inhumanity” towards bondpeople. Presenting overseers in this light enabled “paternalists” to underline the “humanity” with which they themselves claimed to treat their captives. The Virginian, Hugh Washington asserted in 1788 that “very few of the common Overseers . . . have the least feeling of humanity for Slaves.”¹¹ Having warned his supervisor that “the Woman with Child shou’d never be hard worked or oppressed in any manner,” William Lee played the loving, dutiful master when explaining how he wished “them all to be

8. McMURTRY-CHUBB, *supra* note 1, at 56.

9. *Id.* at 36.

10. *Id.* at 103.

11. James Baird, *Between Slavery and Independence: Power Relations Between Dependent White Men and Their Superiors in Late Colonial and Early National Virginia with Particular Reference to the Overseer-Employer Relationship* 117 (1999) (Ph.D. dissertation, Johns Hopkins University).

treated as human Beings, whom Heaven has placed under my Care, not only to minister to my Luxury, but also to contribute to their happiness, in return for which, I have a right to expect their fruitful, honest & diligent service.”¹² However self-serving it may have been, the durability of such language is reflected in *Race Unequals*.¹³ In 1857, the Mississippi Legislature stipulated that “if any owner, hirer, or employer of slaves . . . shall have treated them with inhumanity, the person so offending may be indicted therefor [sic].”¹⁴

Slaveholders underlined in particular the cruelty of overseer violence against women and put emphasis on the sanctity of enslaved women’s bodies. Partly this derived from their desire to protect women’s reproductive capabilities, as demonstrated by the South Carolinian, Henry Laurens’s condemnation of the overseer who “whip[ped] Wenches till they miscarr[ied].”¹⁵ But it also allowed planters to fashion themselves to their slaveholding counterparts, as they did to their workforce, as bondwomen’s defenders against the sexual violence of slavery. This could well have influenced a Virginian planter’s advert seeking the return of the runaway, Betty, “[who] had a Scar on a Breast occasioned by a Stroke from her Overseer.”¹⁶ Planters also defended enslaved people’s right to conduct a family life without interference. Against this background should be viewed slaveholder Robert Carter of Nomini Hall’s advice to the Virginian overseer who had whipped two boys. Carter counseled not only “moderate correction in every case,” but to “make proper allowance for the feelings of the mother.”¹⁷ We hear echoes of such language in the case brought against an overseer in antebellum Louisiana, who was accused of “conduct with the women of the plantation [that] was grossly and openly immoral.”¹⁸ As in the eighteenth-century, overseers’ sexual relations with enslaved women were forbidden for practical as much as moral reasons, since they were likely to “make a good deal of jealousy and disquiet” among male bondspeople.¹⁹

While they sanctioned a degree of violence to keep order and maintain discipline on the plantation, planters also set limits on its use. Eighteenth-century owners prefigured those antebellum southern

12. STUBBS, *supra* note 3, at 151.

13. McMURTRY-CHUBB, *supra* note 1, at 35.

14. *Id.*

15. HENRY LAURENS, PAPERS OF HENRY LAURENS 5:96 (D.R. Chesnutt & G.L. Rogers eds., Univ. of S.C. Press 1976) (citing a letter from Henry Laurens to John Jackson (Apr. 2, 1766)).

16. VIRGINIA GAZETTE, Aug. 6, 1772.

17. GERALD W. MULLIN, FLIGHT AND REBELLION: SLAVE RESISTANCE IN EIGHTEENTH-CENTURY VIRGINIA 71 (Oxford Univ. Press 1972).

18. McMURTRY-CHUBB, *supra* note 1, at 40.

19. STUBBS, *supra* note 3, at 110.

magistrates who determined the correct amount of force to be used against enslaved people and thereby established in case law a cultural understanding of the level of cruelty that was acceptable.²⁰ In the eighteenth-century, when recourse to courts in these matters was far less frequent, the slave owner was often the only figure with the authority to make such a decision. Fearful of resultant sanctions such as fines or dismissal, overseers often chafed under these quasi-judicial regimes. Particularly during the Revolution and its aftermath, they expressed attempts to curtail their ability to punish enslaved people as an affront to their rights as free white men. Robert Carter's overseer Thomas Olive felt that violence was an integral part of management, and the right to punish bondpeople a central plank of his authority. Carter continued to employ Olive for some years after the rebuke outlined above, but his relationships with enslaved men and women did not go smoothly. Carter recounted: "Mr Tho[ma]s Olive. . . informed me that he lately ordered Vincent to strip himself to be Scourged—Abraham, foreman, did not fall in with the propriety of the whipping intended, therefore he did not aid Mr Olive therein."²¹ Olive's petition to Carter suggests that he felt shame at his weakened position:

"the Overseer asked in the presence of Abraham if he had not full power & Authority to beat strip & whip all the Negroes at Billingsgate Q[uar]ter—I answered Mr Olive that I did not allow him to use his pleasure in such a manner—that I apprehended he was as violent, now, as formerly, when I took the power of Correction from him."²²

Thereafter, Carter began to insist that all violent punishment be reported to him so that he could "Interfere" if necessary; Olive left Carter's employ at the end of that year.

In 1853, slave owner James P. Tarry "expressly" forbade overseer Samuel O. Wood from punishing a bondman "further and commanded him to wait until he (Tarry) returned home to settle the matter."²³ On another occasion, Tarry accused Wood of "whipping my negroes more than I intend to allow any longer."²⁴ As McMurtry-Chubb has explained it, "overseer masculinity did not include the unlimited ability to discipline a plantation's dependents and its enslaved. Although white men, and therefore set above the enslaved by virtue of their station, overseers were not plantation patriarchs. The planter was . . .

20. *Id.* at ch. 3.

21. Entry from Robert Carter's Daybook 6:31 (Sept. 9, 1784) (on file with the Duke University Library in the Robert Carter Papers).

22. *Id.*

23. STUBBS, *supra* note 3, at 73.

24. *Id.*

imbued with the unfettered ability, duty, to enact and control the discipline of its dependents.”²⁵

IV. OTHER OVERSEER STEREOTYPES

Overseers were blamed for a litany of further abuses, which McMurtry-Chubb covers amply throughout her book. Many of these derived from aspects of the overseer-planter relationship that had their beginnings in the eighteenth-century and, like the notion that overseers were implacably violent, built on traditional prejudices about dependents. In Chapter Two, we learn that “the state of Louisiana had a cap of three years on the time that an overseer could work on a particular plantation.”²⁶ In the eighteenth-century, Southern slave owners often favored short contracts as a means of social control—they feared that overseers who stayed too long on their plantations might become indolent, and that, with enough time, the enslaved people would come to discover ways through which they might undermine their managers’ command. Yet in their newspapers and correspondence, the plantocracy bemoaned to each other the tendency of overseers to exhibit inconstancy and disloyalty towards their employers.

Short contracts underpinned an additional criticism of overseers: that they were incompetent agriculturists, or, as two antebellum agricultural reformers put it, that they had “inherited the slovenness that their fathers had inherited from the indented [sic] servants whom the colonists had brought over from the sodden mass of English laborers of the seventeenth century.”²⁷ Overseers were unable to gain significant knowledge of the crops under their management or of the enslaved people who cultivated them. Nor did they have sufficient time to master the techniques of the Agricultural Revolution—for instance, the rotation of nitrogen-fixing plants to maintain soil fertility—in which many planters had begun to invest large sums by the end of the eighteenth-century. By the 1800’s, the stereotype was fixed that most overseers were incapable farmers and must have lain behind the tendency for Southern courts to invite planters to allege overseer incompetence when defending themselves against overseers’ breach of contract suits. In 1840, for example, a planter claimed in a Louisianan courtroom that his overseer was “ignorant of the business of managing a plantation.”²⁸

Further obloquy centered on overseer behavior. The stereotype held that these men were likely to steal from their employers. After

25. McMURTRY-CHUBB, *supra* note 1, at 72.

26. *Id.* at 21.

27. *Id.* at 66.

28. *Id.* at 21.

overseer Timothy Creamer had left Henry Laurens's Mepkin plantation in 1765, his former employer wondered what Creamer had done with "the Files that I . . . sent him from time to time unless he carried them along with him."²⁹ Overseers were also deemed prone to drunkenness. Interestingly, such criticisms intensified over the course of the eighteenth-century as overseers came to be seen increasingly as morally dissolute due to their growing status as landless, dependent employees. Large landholders bought up ever greater acreages, making land less affordable for others, and driving many of those with agricultural experience to work as overseers rather than attempting to purchase a quarter of their own. Planters therefore made increasing demands in South Carolinian recruitment adverts for overseers who could demonstrate "sobriety."³⁰ Considering how moral requirements of overseers changed over time provides useful context to their concretization in the nineteenth-century, by which point, argues McMurtry-Chubb,

[t]he definition of morality, at least between overseers and planters, was constructed by contractual terms, plantation management, manuals, and private law, which was designed and implemented by planters. These items 'created' negative social behavior attributable to overseers and served to set them apart as the social 'other' from their planter employers, and that the latter attempted to regulate.³¹

V. MILITIA SERVICE AND STATE FORMATION

A constant source of stigmatization arose inescapably from the nature of overseeing—that these men associated too closely, and too frequently, with the enslaved. The level of contact required by the job was deemed undesirable by many in elite white society. Yet, much as they did in the antebellum period, southern authorities imposed legal requirements that plantations of a certain size be managed by resident white people, in most cases overseers. Given the threat—real and imagined—of rebellion by enslaved during times of conflict, overseers in many places were forbidden from joining militias. However, as historian Kathleen Brown has convincingly shown, mustering for militias was an important part of creating white masculinities in eighteenth-century British America: it "rearticulated social hierarchies by assigning different roles to white men according to their actual position as laborers, masters of householders, property holders, or county of-

29. STUBBS, *supra* note 3, at 92.

30. *Id.* at 49.

31. McMURTRY-CHUBB, *supra* note 1, at 87.

ficers.”³² In the new United States mustering became an important part of state formation, as it enabled white men to demonstrate publicly and performatively their republican duties.

In 1863, the Confederacy granted overseers a similar exemption from military duty.³³ When this decision was appealed the following year, “[t]he court discussed the conflict brought about by exempting overseers of the wealthiest planters, at the expense of small-scale farmers who could not afford overseers, and had few options to manage their farms in their absence.”³⁴ Analogous criticisms were raised during the Revolution, when small farmers from Lunenburg County in Virginia’s southside frontier region identified class privilege in managerial exemptions: they grumbled that wealthy slaveholders “are become Overseers that otherways wou’d not, on purpose to Secure themselves from fighting.”³⁵

While these wartime measures were practically necessary, by creating resentment among overseers’ counterparts, such as the Lunenburg farmers, exemptions served to push maligned overseers further outside white society even as they were made responsible for defending that society against the threat of enslaved uprising. In upholding exemptions across both centuries, legislatures thereby codified the overseer’s liminal position, much as the lawsuits described in *Race Unequals* set in aspic many of the prejudices that southerners had held for decades. But, both in wartime and in peace, it was the pitiless violence that plantation overseers themselves devised and employed in seeking to guard slavery against bondspeople’s desires for freedom that would taint their reputations up to the present day.

32. KATHLEEN BROWN, *GOOD WIVES, NASTY WENCHES, AND ANXIOUS PATRIARCHS: GENDER, RACE, AND POWER IN COLONIAL VIRGINIA* 277 (Univ. of N.C. Press 1996).

33. McMURTRY-CHUBB, *supra* note 1, at 99.

34. *Id.* at 101.

35. STUBBS, *supra* note 3, at 135.