

## TEACHING WITH ONLINE PRIMARY SOURCES: DOCUMENTS FROM THE NATIONAL ARCHIVES

### “TO LABOUR DILIGENTLY” SEARCHING FOR ECONOMIC INDEPENDENCE IN THE POST-CIVIL WAR SOUTH

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On December 30, 1865, landowner John Taylor and nine freedman signed a labor contract in Mecklenburg County, Virginia. Under the terms of this contract, Taylor agreed to pay the freedmen “one third (1/3) part of the entire crop made by them on his plantation in the year 1866.” Taylor would not provide food or clothing but would furnish lodging and firewood. In return, the freedmen “obligate[d] themselves ... to labour diligently and faithfully and to perform all duties required of them ... and be obedient and respectful to their employer and the head man appointed over them ... They also agree to work after night (if necessary) ...”<sup>1</sup>

With the end of the Civil War and the passage of the Thirteenth Amendment, slavery had come to an end as a legal institution in the United States. However, landowners’ need for agricultural labor and freed men and women’s need for income continued. It was not to be a peaceful transition. As historian Eric Foner has argued, “Between the planters’ need for a disciplined labor force and the freedmen’s quest for autonomy, conflict was inevitable.”<sup>2</sup> Accustomed to near-absolute control over a slave workforce, former slave owners faced a new reality in which, at least to some degree, freedpeople were able to exercise some control over their working lives.

Interposed between white landowners and the recently freed slaves was the Bureau of Refugees, Freedmen, and Abandoned Lands (Freedmen’s Bureau), established in March 1865. Charged with providing rations, education, and legal protection to former slaves, the bureau also served as an intermediary in the formation of a new labor system to replace slavery. Specifically, the bureau placed great faith in

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<sup>1</sup>This labor agreement is available online at the Family Search website. Specifically, go to the following page: <https://familysearch.org/search/collection/show#uri=http://familysearch.org/searchapi/search/collection/1596147>. Once on that page, select the Browse option. Then select DGS Film Number 4151177, type 1105 into the image number field and click GO. These documents are from Records of the Bureau of Refugees, Freedmen, and Abandoned Lands (Record Group [RG] 105), National Archives Building, Washington, DC (NAB). This document was also reproduced in National Archives Microfilm Publication M1913, Records of the Field Offices for the State of Virginia, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872 (hereinafter, NARA Microfilm Publication M1913), roll 60.

<sup>2</sup>Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (New York: Harper & Row, 2002), 134-5.

the ability of labor contracts—such as the one referenced above—to ease racial tension and to restore southern agricultural productivity.<sup>3</sup> Indeed, the Bureau all but required freedmen and women to accept work. According to General O.O. Howard, the Bureau's Commissioner, freedmen and women "should be encouraged, and if necessary, compelled to labor for their own support."<sup>4</sup> Orlando Brown, the Virginia Freedmen's Bureau assistant commissioner, instructed his subordinates that:

*Your duties will be to protect the negroes in their rights as freemen, to see that ... they are not oppressed or injured by their former masters by false charges, unjust punishment or otherwise.*

*You will aid them, by your advice, in making contracts for their services.*

*You will also let them understand, that when their contracts for services are made with the whites, they are under obligations to and must fulfill the same. You will annul all contracts that may have been made with the freedmen, that are injurious and unconscionable.*

*You will not issue rations to any person able to work, for whom employment can be found.<sup>5</sup>*

It remained to be seen to what extent the labor contracts negotiated by the Freedmen's Bureau would differ from work formerly compelled by masters of their slaves. One Louisiana contract, for example, required a freedwoman to behave "myself as when I was owned by him as a slave."<sup>6</sup> Other landowners used more subtle language in an attempt to reassert the authority they had held as slaveowners.<sup>7</sup> Landowner John Taylor, for example, required that the freedmen contracting with him "labour diligently and faithfully and to perform all duties required of them." This language is broad

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<sup>3</sup>Steve Hahn, Steven F. Miller, et al., eds., *Freedom: A Documentary History of Emancipation, 1861-67; Series 3: Volume I; Land and Labor, 1865* (Chapel Hill: University of North Carolina Press, 2008), 309-310. Hereafter referred to as *Freedom: Land and Labor*.

<sup>4</sup>See: Freedmen's Bureau Circular 2 (May 19, 1865) issued by General O.O. Howard, the Bureau's head. Cited in *Freedom: Land and Labor*, 313.

<sup>5</sup>*Ibid.*, 223-224.

<sup>6</sup>*Ibid.*, 321.

<sup>7</sup>*Ibid.*

enough that Taylor might have assumed that his new employees were little different from the slaves he once owned.

Additionally, some landowners opted not to honor labor agreements. For example, Alfred Goffney, a freedman, had been hired by a Virginia landowner, "Widow" Strange at \$8 per month. Without receiving any pay, he was ordered off her land, in August 1865. Indeed, she "threatened to shoot him if he did not leave...." However, the Bureau ordered Strange to pay \$5.20 in wages to Goffney.<sup>8</sup>

Those freedpeople who lacked a written contract were perhaps even more at risk of not receiving wages due to them. On September 21, 1866, W. MacNulty, an assistant superintendent with the Freedmen's Bureau in Virginia, wrote to James B. Kirk, a landowner in Mitchells Station, Virginia. MacNulty informed Kirk that "a colored boy by the name of Henry Clarke has a claim against you for services from Lee's surrender to Oct. 12<sup>th</sup> of 65, about 6 months." According to the recently freed Clarke, age 15, Kirk had promised to pay him for his work but then had refused. MacNulty estimated that Clarke was owed \$30 and closed his letter by stating, "You will give this your immediate attention and if possible come and see me personally at my office."<sup>9</sup>

Kirk denied that he owed Clarke any wages. Henry Clarke's former owner, E.M.D. Clark, argued that Kirk had agreed to pay his former slave. It appears that Clark had sent his then slave Henry Clarke to work on Kirk's farm. As Henry's owner, Clark would receive payment for that labor. With the end of the war, Clarke agreed, according to him and his former owner, to continue to work for James B. Kirk from April to October 1865. Kirk, however, insisted that, "I never did hire or agree to hire the Boy in controversy, but that said boy was furnished by said Clarke to work a

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<sup>8</sup>This document is available online at the Family Search website. Specifically, go to the following page: <https://familysearch.org/search/collection/show#uri=http://familysearch.org/searchapi/search/collection/1596147>. Once on that page, select the Browse option. Then select DGS Film Number 4151325, type 380 into the image number field, and click GO. This document is RG 105 at the NAB. This document was also reproduced in NARA Microfilm Publication M1913, roll 96. A transcription is available in *Freedom and Labor*, 525.

<sup>9</sup>This document is available online at the Family Search website. Specifically, go to the following page: <https://familysearch.org/search/collection/show#uri=http://familysearch.org/searchapi/search/collection/1596147>. Once on that page, select the Browse option. Then select DGS Film Number 4151191, type 860 into the image number field, and click GO. These records are from (RG 105) at NAB. This document was also reproduced in NARA microfilm publication M1913, roll 69.

partnership crop of corn.”<sup>10</sup> Ultimately, Kirk and Clark ended up in a Culpeper County, Virginia, court over the matter.

It is unclear from the Freedmen’s Bureau records whether Henry Clarke ever received any wages for his work. His story reflects the precarious position of newly freed men and women as they sought to establish some measure of economic independence in the immediate aftermath of the Civil War. Yet it also reveals that while the Freedmen’s Bureau existed (March 1865 through June 1872) freed slaves could challenge former slaveowners for wages owed and be supported in doing so by the Federal Government.

### Teaching Suggestions

- 1) Read segments of this article or share copies of some of the documents with your students. Review the following vocabulary words with your students: *Contract*, *Reconstruction*, *Freedmen*, *Freedwomen*, *Wage Labor*, and *Thirteenth Amendment*.
- 2) Lead a class discussion on the topic of freedom. How would students define the word freedom? How do they think that the former slaves mentioned in this article would define the word.
- 3) Ask students to imagine that they are the freedman Henry Clarke. Direct them to write a letter from Clarke to the Freedmen’s Bureau regarding the wages that he did not receive and his hopes for the future.

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The National Archive’s website, DocsTeach (<http://docsteach.org/>), contains a large, growing, but easily searchable database of hundreds of the Archives’ most teachable documents regarding the Civil War and Reconstruction and other topics. It also includes a dynamic set of interactive lesson-building tools. The primary sources contain the content of American history; the interactive tools offer a means of developing students’ historical and critical thinking skills. Below are three learning

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<sup>10</sup>This document is available online at the Family Search website. Specifically go to the following page: <https://familysearch.org/search/collection/show#uri=http://familysearch.org/searchapi/search/collection/1596147>. Once on that page, select the Browse option. Then select DGS Film Number 4151191, type 959 into the image field, and click GO. There seems to have been some confusion as to the freedman Clark’s name. He is referred to as Henry Clarke, Wm. H. Street, and Henry Street. These all appear from the records to be the same person. This document is from (RG 105) at NAB. It was also reproduced in NARA microfilm publication M1913, roll 69.

activities created by the education specialists at the National Archives. You might wish to use these or to create your own.

4) Direct your students to the following lesson on DocsTeach.org: <http://docsteach.org/activities/3131>. This page contains the activity titled "To What Extent was Reconstruction a Revolution (Part 1)?" Your class can conduct this activity all together, in small groups, or individually.

5) Direct your students to the following lesson on DocsTeach.org: <http://docsteach.org/activities/3709>. This activity titled "To What Extent was Reconstruction a Revolution (Part 2)?" can be conducted by the entire class together, in small groups, or individually. In this activity, students will examine the Voting Rights Act of 1965 and determine whether their analysis of this document changes their responses to the guiding question regarding the revolutionary nature of the Reconstruction era.

6) Direct your students to the following lesson on DocsTeach.org: <http://docsteach.org/activities/28> titled "How Effective Were the Efforts of the Freedmen's Bureau?" In this activity, students will analyze documents from the War Department's Bureau of Refugees, Freedmen, and Abandoned Lands, better known as the Freedmen's Bureau, and draw conclusions as to how effective they believe the Bureau was in assisting formerly enslaved but newly freed African-Americans.