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978-0-521-15505-2 - Industrial Violence and the Legal Origins of Child Labor

James D. Schmidt

Excerpt

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I

Big Enough to Work

I never told Williams when he was talking to me about playing with the machine, that it was none of his damn business. I don't use that sort of language. (Jimmie Taylor, 1894)

Jim Kendrick was late for work. Truth be told, the whole family had overslept. Now, the household hurried to make it to their places on time. J.P. Butler, Jim's stepfather, ran a blacksmith shop in the mill town connected to High Shoals Manufacturing Company in Walton County, North Carolina. The rest of the Butler clan, including Jim, a son from Mrs. Butler's previous marriage, worked in the mills and knew they would be in trouble if they showed up late. Jim's brothers and sisters headed for work without eating breakfast, but he stayed behind. "Mama had got breakfast and the whistle blowed and I was hungry and I waited and she fixed me a lunch," Jim, age thirteen, later recalled. Biscuit in hand, Jim hightailed it for the mill, passing his father's shop on the way.¹

Perhaps Joe Pettit liked trains. At age eleven, Joe tried several odd jobs in and around South Rocky Mount, North Carolina, but he kept coming back to the rail yards of the Atlantic Coast Line, dodging locomotives to ferry messages between the men working in the depot. The work was arduous: twelve-hour shifts, seven days a week. But Joe liked to work. He had helped out at Clarence Miller's bakery as an order boy, clearly meeting the man's approval. "I knew the boy and learned to love him,"

¹ *Record in Kendrick*, 51, 61, 89. In order to save space and needless repetition in notes to the archival record of cases, I have adopted a shortened form throughout. For an explanation and the full citations, see "Note on Sources" following the Epilogue.

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Miller remembered. “When I told him to do anything it was a pleasure for him to do it.” When Joe met J.R. Jones, another boy who had been working as a messenger, J.R. recruited Joe to work in the yards. J.R. described their negotiations: “I was working night and day and I couldn’t get anybody to help me out and I asked him if he would help me, and if he would come back I would give him the day job and I would take the night job.” Joe agreed, collecting his wages and bringing them home to his mother Sallie: a poor, illiterate, widowed mother of eight, who was wholly unaware of what Joe was doing. “He told me he was a messenger boy, but I didn’t know anything about it,” she disclosed.²

Jim Kendrick and Joe Pettit present two quite different faces of youthful labor in the industrializing South. Kendrick embodies the family labor system. Common in textile manufacturing but also present in many other industries, family labor dominated the mill villages that dotted the Southern landscape after the Civil War. Male-headed households took their broods to the mills to find work when crops and fortunes failed. For several decades, these mill villages and the culture they fostered formed a vital center of Southern working life. Joe Pettit’s brief life, however, paints a different picture. Although Sallie Pettit later remarried, when Joe worked for the Atlantic Coast Line, he lived in a female-headed household on the margins of the Southern economy. Partially due to this fact, he possessed a great deal of autonomy to come and go as he pleased, making his own work arrangements and receiving his own pay. Yet, he also acted as the man of the house, bringing wages back to the family purse.³

A century later, people know that Jim and Joe should not have been at work. This understanding of young people’s work derives from a middle-class rendition of childhood that triumphed over the course of the nineteenth century. Centered on involuntary schooling and voluntary play, this lexicon imagined wage work for young people below a statutorily regulated age as fundamentally illegitimate. Its traditions about youthful

² *Record in Pettit 1911*, 9–10; *Record in Pettit 1923*, 22, 25–26.

³ Jacquelyn Down Hall et al., *Like a Family: The Making of a Southern Cotton Mill World* (Chapel Hill, 1987); Douglass Flammig, *Creating the Modern South: Millhands and Managers in Dalton, Georgia, 1884–1984* (Chapel Hill, 1992), esp. Ch. 5; Cathy L. McHugh, *Mill Family: The Labor System in the Southern Cotton Textile Industry, 1880–1915* (New York, 1988). Perhaps the best treatment of young workers in the New South can be found in I.A. Newby, *Plain Folk in the New South: Social Change and Cultural Resistance, 1880–1915* (Baton Rouge, 1989), 132–140. My evidence confirms much of Newby’s analysis of textile mill children and extends that analysis to other areas of work.

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work have come down to us as “child labor.” This convention refashioned a wide range of day-to-day experiences into the unitary construction of the child, a powerful image that obscures the ways in which young workers and their families thought about what they were doing.⁴

For much of the period of industrialization, working people articulated their own outlook for young persons in industrial society, a vision of industrial childhood that put them at odds with the middle-class project. Young workers like Joe Pettit entered the workforce with a degree of autonomy, whereas those like Jim Kendrick began their working lives under the guidance of parents. In both instances, however, young people expected to abide by a common set of values, a worldview that historians usually call producer ideology. Drawing on roots in agrarian life, young workers and their families brought producer values from the countryside into the mills, mines, and shops. Those values placed a premium on the physical production of the world’s goods and asserted that those who made them comprised the true citizenry of a republic. As such, working people envisioned childhood not as a special time devoted to education and leisure, but as a slow transition into an adult identity bound up in the world’s work. This commitment to a useable industrial childhood did not preclude time for merriment. Tinkering with technology often ended tragically, but it did not originate in the uncontrollable impulses of childhood, the view taken by outside observers. In fact, play on the shop floor

⁴ On the rise of middle-class childhood, see among many others, Harvey Graff, *Conflicting Paths: Growing Up in America* (Cambridge, 1995); Steven Mintz, *Huck’s Raft: A History of American Childhood* (Cambridge, 2004), esp. Ch. 5.; and Daniel Thomas Cook, *The Commodification of Childhood: The Children’s Clothing Industry and the Rise of the Child Consumer* (Durham, 2004). For a critique, see Olga Nieuwenhuys, “Child Labor and the Paradox of Anthropology,” *Annual Review of Anthropology*, 25 (1996): 237–251.

My argument here and throughout proceeds from the assumption that we can and should use age as a category of analysis. On this matter, the best introduction to date is the inaugural edition of *Journal of the History of Childhood and Youth*, 1 (2008). In particular, see articles by Peter Stearns, “Challenges in the History of Childhood” (35–42); Joseph Hawes and N. Ray Hiner, “Hidden in Plain View, The History of Children and Childhood in the Twenty-First Century” (43–49); and Steven Mintz, “Reflections on Age as a Category of Historical Analysis” (91–94). Howard Chudacoff pioneered the subject of age analysis as opposed to the history of childhood. See *How Old Are You? Age Consciousness in American Culture* (Princeton, 1989). For the concept in practice, see Mintz, *Huck’s Raft*; Stephen Robertson, *Crimes against Children: Sexual Violence and Legal Culture in New York City, 1880–1960* (Chapel Hill, 2005); Stephen Lasseonde, *Learning to Forget: Schooling and Family Life in New Haven’s Working Class, 1870–1940* (New Haven, 2005); Holly Brewer, *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority* (Chapel Hill, 2005); and Karen Sanchez-Eppler, *Dependent States: The Child’s Part in Nineteenth-Century American Culture* (Chicago, 2005).

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formed a vital part of growing up as a worker. In one of the central conflicts of the progressive era, it was this vision of childhood that reformers sought to eradicate.⁵

HELP WANTED

Young Southerners who embarked on industrial labor hailed from a wide variety of backgrounds. They spanned a range of ages, from children as young as eight to incipient adults in their late teens, but the prototypical younger worker was between twelve and sixteen. Some were from failing yeoman families migrating to the mills. Others came from single-parent abodes or from households under stress for a range of reasons. Some found work with their parents or with siblings, but many joined the workforce on their own accord, often without their parents' consent or knowledge, sometimes in open defiance. Moreover, they often demonstrated keen knowledge of how the labor market functioned, contradicting notions that they were simple-minded innocents abroad.

Of course not every working family left the countryside in the late nineteenth century. In fact, the majority remained, and young people in these households continued to do productive labor, sometimes within the family economy and sometimes outside of it. Up and down the eastern seaboard, young people worked in truck gardening and berry farming. On the Gulf Coast, they did stints in canneries and other food processing

⁵ The history of "child labor" has most often been written from the reform tradition and from reformers' sources. With the exception of a few industry or job-specific treatments, the lives of young workers are practically unstudied in labor history. They occupy the place that women and people of color once did: relegated to a place "outside" of the field. I think that can be explained by the hegemony of the cultural trope I seek to deconstruct in this book: child labor. The best recent example of this approach to the topic is Hugh D. Hindman, *Child Labor: An American History* (Armonk, 2002). The issue of child labor reform sometimes populates stories of the labor movement. See Gary M. Fink, *The Fulton Bag and Cotton Mill Strike of 1914-1915: Espionage Labor, Conflict, and New South Industrial Relations* (Ithaca, 1993), esp. 51-58 and Shelley Sallee, *The Whiteness of Child Labor Reform in the New South* (Athens, 2004), esp. Ch. 2. Only occasionally have historians placed age at the center of that story. For examples, see Ava Baron, "An 'Other' Side of Gender Antagonism at Work: Men, Boys, and the Remasculinization of Printers' Work, 1830-1920," in *Work Engendered: Toward a New History of American Labor*, ed. Ava Baron (Ithaca, 1991): 47-69; and Jacquelyn Dowd Hall, "Disorderly Women: Gender and Labor Militancy in the Appalachian South," *Journal of American History* 73 (1986): 354-382. Perhaps, the single best account of young workers involves the coal industry in Canada. See Robert McIntosh, *Boys in the Pits: Child Labour in the Coal Mines* (Montreal, 2000). McIntosh's sensitive and subtle account of young colliers aligns with much of what I argue here.

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concerns. For freed families, the place of young people's labor became a central hallmark of liberty, as parents and other family members gained the authority to direct young workers. Still, young freedpeople themselves often asserted control over the fruits of their labors. In most agrarian families, whatever their regional location, young people participated in productive households early on, taking over small chores in gardens and farmyards. In doing so, they helped reproduce the economic culture of country life.⁶

For all of this work on the farm, agricultural labor for young people was something different from work in the industrial world to come. It is important to bear in mind that much of "child farm labor" in both the past and present is nothing of the sort. It is actually industrial labor for agricultural production. Nonetheless, such labor in the progressive era was largely handwork, not tied to the dangers of mechanization that took center stage in textiles, woodshops, and mines. For actual work in the fields, the industrial relationships of factory work did not apply. Young people in these situations had both more and less autonomy: more in the sense of not being under an unrelated boss, less in the sense of being more thoroughly under the watchful eye of their parents. Moreover, farm mechanization in the late nineteenth and early twentieth centuries did not produce the harrowing threats presented by the behemoths of twentieth-century farm technology. Nor did it rival the forces unleashed by industrial mechanization. A horse-drawn hay rake could hurt somebody, but it simply did not have the destructive power of a woodworking machine. Working families would encounter industrial life primarily in factories, not on farms.⁷

Although the family labor system was by no means the only way that young Southern workers entered the labor market, it nonetheless held sway in large parts of the South. As the agricultural crisis of the late nineteenth century swept across the region, dislocated Southern families sought work in burgeoning mill towns, often on the fall line where mountains and hills gave way to more gentle coastal plains. In this region,

⁶ Hindman, *Child Labor*, 248–290; Cindy Hahamovitch, *The Fruits of Their Labors: Atlantic Coast Farmworkers and the Making of Migrant Poverty, 1870–1945* (Chapel Hill, 1997), 39–45, 51–52; Dylan C. Penningroth, *The Claims of the Kinfolk: African American Property and Community in the Nineteenth-Century South* (Chapel Hill, 2003), 164–170; Jane Addams, *The Transformation of Rural Life: Southern Illinois, 1890–1990* (Chapel Hill, 1994), 100–105.

⁷ Canneries present a prime example of industrialized agricultural processing. See Hindman, *Child Labor*, 263–274. On the power of industrial machines and a further discussion of farm mechanization, see Chapter 3.

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often called the Piedmont, Southern entrepreneurs financed the erection of cotton factories, woodworking plants, and a wide variety of other small manufacturing concerns. In other parts of the South, iron and coal production dominated local economies. Outside of these core industries, growing Southern mercantile towns hosted small metal shops; canneries, confectionaries, bottling plants, and other food production facilities; steam laundries; and, of course, hotels, restaurants, and other small businesses. Across the region, the expanding rail network required ever more labor. In the communities that grew around these centers of production, Southern families found a place to earn cash in the increasingly market-driven Southern economy.⁸

The transition to industrial work took a considerable amount of time, often leaving parents back on the farm with little idea about what their children were doing at work. Families came to mills and mines only to return a season later, as hope remained that next year would bring the good crop that would guarantee life in the countryside. Southern farmers such as William Starnes brought wives and children to the mills in an attempt to escape the vagaries of the Southern economy. Starnes confided to a fellow worker that “he was working his chaps now, and he was going to try to come out of debt.” Poverty clearly played a role in the Starnes family’s decision to move. “Mr. Starnes came to pick my cotton and then went to the mill,” a neighbor reported. “He had nowhere else to go.” Going back and forth between farm and industry was not confined to textiles. A West Virginia mine foreman maintained that Charley Daniels hired his son in the mines, saying that “I am trying to make a crop and I need all me and the boy can make.” All of this moving around meant that parents often remained in the dark about what went on in mills, mines, and factories. G.W. Harris, whose son Jim worked for Union Cotton Mills in Georgia, put the matter simply: “I do not know anything about cotton mill work, I never worked in one.”⁹

Family labor normally meant that fathers found work for their children, either singly or as a group. Columbus Barnes wrote to the Augusta Company in 1881, seeking work for his children. Receiving a request “to bring them on,” he sent Anna Elizabeth, his oldest daughter, to the factory with a family associate two weeks before he moved the rest of

⁸ For introductions to Southern economic change in this era, see Gavin Wright, *Old South, New South: Revolutions in the Southern Economy Since the Civil War* (New York, 1986); and Edward L. Ayers, *The Promise of the New South: Life After Reconstruction* (New York, 1992), Chs. 1–5.

⁹ *Record in Starnes*, 33, 26; *Record in Harris*, n.p.; *Record in Daniels*, 127.

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the Barnes clan. More often, negotiations took place face to face. Walter Affleck, fifteen, and his brother William, sixteen, worked for Powhatan Lime, one of several lime manufacturing firms near Strasburg, Virginia. “Me and papa went down there and we seen Mr. Richards, and he told him that he would like to get us a job, and he said all right,” Walter relayed. The elder Affleck then inquired about what sort of work the boys would be doing. “Well I can give them a job nailing barrels,” their prospective employer replied. If they did not do that, they would unload coal or “pick up a little lime.” Negotiations might be this straightforward, or hiring might simply evolve out of informal arrangements. A fellow worker at Lynchburg Cotton Mills recalled that Tom McDaniel “used to come with his father, and then he came all the time after he could work.” Such evolutions might grow out of something closer to daycare than to child labor. Eight-year-old Willie McGowan accompanied his parents to work at Ivanhoe Manufacturing so they could keep an eye on him. “My father and mother were both working in the mill and there was no one left at home,” Willie remembered. Tagging along with Mom and Dad, he found himself doing “various little jobs” with “free access to mill and machinery.”¹⁰

While fathers frequently took the lead in finding work, mothers also served as labor agents. Sometimes they played this role well into their offsprings’ adulthood. In early 1907, Georgia Starnes traveled to Mountain Island, North Carolina, to get work for her married daughter. More commonly, mothers acted in ways similar to fathers, finding work for younger children entering the labor market. When the Ward family left the farm for the factory in the autumn of 1893, Mrs. Ward came to the mills first with children in tow. According to W.R. Odell, the mill’s secretary-treasurer, “she came in the office and told us what hands she had ... and I told her that she did not have a sufficient family to make a living. That her children were too young.” Mrs. Ward pressed the mill to employ her family, for she planned to rent the family farm and supplement her children’s income with sewing. If Odell is to be believed, Mrs. Ward slowly wore down the mill’s resistance. “She cried and seemed to be very much in earnest, and we finally consented to take them in the mill,” he averred. The exact cause of Mrs. Ward’s distress remains a mystery, but her husband, S.P., corroborated the notion that finding employment for eight-year-old Ebby and the others was her doing. “My wife put him

¹⁰ *Record in Augusta Factory*, 3; *Record in Powhatan Lime Co.*, 138; *Record in McDaniel*, 63; *Record in McGowan*, 14, 4.

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there,” S.P. stated bluntly. “He brought the money home, and we generally put the money in my wife’s care.”¹¹

Then as now, family connections proved important in getting work. Young workers often started their careers by accompanying older siblings. Willie Bartley, for example, went to work in a Kentucky mine to help out his older brother. Fitz Stanley assisted his older brother in a Virginia textile plant, receiving no wages for his tasks. Siblings also communicated vital information about open positions. Eleven-year-old Luther Green heard about an opening at Ornamental Iron and Wire in Chattanooga, Tennessee, from his brother. “My brother told me that they had a boy there that they was giving \$2.50 a week and that they would give me a job at 25 cents a day,” Luther reported, “and the Boss asked Will if I wanted a job of work.” Extended family connections worked equally well in small mill and mine communities. Sam Honaker’s uncle hired him to work in a West Virginia mine as a trapper and then as an assistant brakeman. Irene Davis described how her daughter, Kate, got work at The Augusta Factory, through a sister-in-law who planned to quit.¹²

Parental supervision, working with kinfolk, using family connections to find work all represent part of the family labor system. All were widespread practices in the industrializing South, but other young workers belonged to different kinds of households and entered the labor market in a variety of ways. Households or marriages under stress meant something different from fatherly control. Unemployment, criminality, and injury all changed the family dynamic when it came to younger members looking for and finding work. Single-parent households, especially those headed by women, pushed younger members, especially boys, into the labor market sooner than they probably would have done in two-parent settings. Finally, orphans and younger children who lived with relatives created a set of relationships that often pitted relatives against each other for influence, if not control, of a younger worker’s labor.¹³

Not surprisingly, the legendary patriarchal households of the New South were no more free of conflict than those of any other period. Intrafamily strife often played a role in the decision to work outside the household. Mattie Cooper relayed how fights between her two sons led

¹¹ *Record in Ward*, n.p. Mrs. Ward’s first name does not appear in the record.

¹² *Record in Bartley*, 14–16; *Record in Lynchburg Cotton Mills*, 2; *Record in Ornamental Iron and Wire Co.*, 18; *Record in Honaker*, 14; *Record in Davis*, n.p.

¹³ For a similar account of young workers seeking jobs on their own, see McIntosh, *Boys in the Pits*, 160–164.

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to one leaving. Her boys “had a fuss about work on the farm” that ended in a knife fight with biblical overtones. “I saw they couldn’t get along together, that the other one would kill Tom,” she disclosed, “so I took him to Mr. Bud Newton’s and got him to keep him.” Conflicts need not be this dramatic to push young workers into a job. J. B. Ensley secured a position for his son because the sixteen-year-old was thinking about leaving home and “his mother was very much troubled about it.”¹⁴

If internal pressures stressed Southern working families, external shocks weighed even heavier. Many Southern fathers were anything but upstanding role models. Luther Green’s father was in jail for counterfeiting when the lad got himself a job. With his mother home sick, Luther no doubt saw both the opportunity and responsibility to earn his keep. Unemployment also prompted families to put more reliance on the efforts of their younger members. Ralph Girvin ended up working at Georgia Veneer and Package Company after family fortunes tumbled. “Mr. Girvin was running a bicycle shop, but he failed a few months before that, and that is why we got a position for the boy,” Ralph’s mother, Kate, reported. “We could hardly live at that time.” Work accidents themselves also played a decisive role in the employment of young workers. “My mother sent me to see Mr. McArthur and try to get a job because my brother who is older than I am and had been working in the mines had his arm broke,” Johnnie Queen reported. When Elliot Smith got mashed up in a Kentucky coal mine, his young son Bentley took his father’s place. “He come to me and said to me, ‘Pa, I want to work in the mine, you are mashed up and our house rent is to pay and we have got to live,’” the elder Smith recalled.¹⁵

Injuries also diminished parental authority, leading to the disappearance of children into the world of work. Elliot Smith had tried to stop Bentley, but the boy sneaked off to the mine, purloined his old man’s check number, and went to work with his older brother, Pitman. “I was mashed up and he slipped off from me that morning and went ahead anyway,” Elliot noted. When Joseph Woodruff got hurt on the Central Railroad in Georgia, he, too, lost more than his ability to work. His boys fought with each other and, perhaps, with their new stepmother.

¹⁴ *Record in Newton*, 1–2; *Record in Ensley*, 14. In fact, Gary Freeze has argued that the decline of patriarchy helps explain mill village paternalism. Gary R. Freeze, “Patriarchy Lost: The Preconditions for Paternalism in the Odell Cotton Mills of North Carolina, 1882–1900,” in *Race, Class, and Community in Southern Labor History*, ed. Gary M. Fink and Merl E. Reed (Tuscaloosa, 1994), 27–40.

¹⁵ *Record in Ornamental Iron and Wire Co.*, 19; *Record in Girvin*, 9; *Record in Moore (Kentucky)*, 4; *Record in Queen*, 22–23.

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Then, William just got up and left, running away to work on the railroads in Alabama. His father guessed that William had headed for an uncle's place in Knoxville, but he could not hunt for him "on account of being crippled up." In fact, Joseph attributed William's desertion to his own injury and the loss of authority it caused. "He was a very dutiful boy ... until I got crippled up so," Joseph figured. "He went off after I got crippled up when he had no parent to look over him like other boys; they get wild mighty quick."¹⁶

Stressed families such as the Woodruffs reveal households where male-directed labor forces were not the norm. Another such family type was the single-parent household. Divorce, abandonment, and death took their toll on many marriages, leaving men and women to fend alone, often with many children. Such households were often headed by men. Charley Daniels looked after his children as well as he could after his wife's murder. Charley stuck it out on the farm in Kentucky, while his boys went across the Tug Fork of the Big Sandy River into West Virginia to live with a brother-in-law and work for Thacker Fuel in their coal mines. While Daniels's misfortune was dramatic, some Southern men really did live out the stereotype of the legendary ne'er-do-well. B.E. Raines fit the model so well as to almost be a caricature. B.E., a self-described "rambler," scratched out an existence however he could after his wife died, leaving him with six children. With a hint of pride, B.E. described his survival strategies: "I make a living the best way I can. Sometimes I work and make it, sometimes I peddle and make it, and sometimes I farm and make it." Even the farming was tenuous. B.E. owned about five and a half acres and "a little log cabbin." Although B.E. also farmed some rented land, the home place toted up to not more than fifty dollars. "It ain't worth what I can get out of it," he concluded. As a result, part of B.E.'s meager income came from the labor of his son Bub, on the rails. For B.E., though, this was nothing to be embarrassed about. He firmly denied that he "relied" on Bub for his support.¹⁷

While such male-headed households appeared frequently, families overseen by women were more common. If divorce was relatively rare, abandonment was rife. The penchant of Southern working men to

¹⁶ *Record in Moore (Kentucky)*, 4; *Record in Davis*, n.p.; *Record in Woodruff*, 7–9.

¹⁷ *Record in Raines*, 16; *Record in Daniels*, 92. B.E. Raines "dual tenancy" arrangement resembles the household economy that Sharon Ann Holt found among freedpeople in Granville County, North Carolina. *Making Freedom Pay: North Carolina Freedpeople Working for Themselves, 1865–1900* (Athens, 2000).