

*Children Bound to Labor*

The Pauper Apprentice System in Early America

*Edited by*

RUTH WALLIS HERNDON AND JOHN E. MURRAY

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To Jack—RWH

To Rose and Sarah—JEM

educated, were underpaid. In addition, CFS orphans served particularly long terms—almost a half-year longer than other boys, all else being equal.<sup>30</sup>

Thus while indentures of domestic orphans with family resembled those for the general run of boys, those without family relied more on masters for room and board—for who else would provide these necessities? Immigrant orphans themselves differed in their characteristics from domestic orphans, and the terms in the indentures reflected these differences. Accounting for the value of all benefits, though, led to the conclusion that the system treated immigrant orphans no worse than boys with families or tutors nearby.

Since the system that determined the fates of the Montreal orphans developed by custom and civil law, it implies roles for the state and the family by way of contrast. Here, the state stood back and let parents in intact marriages, widows and extended kin, and unrelated sponsors negotiate indenture terms with masters. The most remarkable result was the general equality of treatment of all children, no matter the identity of their sponsor, once qualitative differences in remuneration are recognized. Taking into account the different needs of orphans from overseas compared to boys bound into a trade by their fathers as well as quantitative differences in the value of pay and the duration of the contract, the various groups of boys worked under indentures that extracted similar costs and provided similar benefits. It appears that in the case of Montreal at least, the least the state had to do to order the lives of orphaned children was to enforce these contracts. A specific municipal office to oversee such children would have been superfluous.

## CHAPTER TWELVE

*Apprenticeship Policy in Virginia*

## From Patriarchal to Republican Policies of Social Welfare

HOLLY BREWER

In February 1751 the churchwardens of Frederick County, Virginia, bound Hester Ryan, a month-old infant, to the man her mother had declared to be her father—Joseph Roberts. Her mother of the same name was already indentured to Roberts. Hester was apprenticed to him in lieu of his providing a guarantee to the parish that he would reimburse them if they had to pay for her nursing and care in her first few years of life. The churchwardens bound Hester without her mother's consent. Instead of custody of her daughter, Hester's mother received 25 lashes on her bare back. While Roberts could have paid a fine to let Hester avoid that lashing, he refused to help. When she finished her indenture, she had to leave her daughter behind.<sup>1</sup> In fact, the courts left few illegitimate children with their mothers or even with their fathers unless, like Roberts, they were masters themselves. Masters often assumed custody of the illegitimate children born to their servants. The vestry book of Frederick County also gives numerous examples of infant bastard children supported by unrelated families, and the court records reveal that illegitimate children were bound as apprentices at an average age of barely four (4.4) years during the 1750s. Children whose fathers died with little property, if their mother had no broader family to rely on, were also bound soon after their father's deaths. "Poor" children, when their families turned to the county or vestry for relief, were quickly apprenticed, at an average age of 6.6 years during the same decade. All in all, 7.3 percent of all children were bound as apprentices in Frederick County during the 1750s, many at a very young age.

Apprenticeship in colonial Virginia, and especially in Frederick County, was both a way of accessing and controlling children's labor, at the same time that it was the main welfare policy. While it was exploitative—indeed, in its treatment of the poor, it bears some resemblance to hereditary slavery—it was not simply the thirst for labor in early Virginia that shaped this institution. Taking apprenticeship seriously means taking hereditary status seriously in early Virginia, but it also means understanding how patriarchal ideas about family structure shaped the household in the colonial period, such that masters often replaced parents, even for white children. The years after the Revolutionary War marked a decline in masters' patriarchal authority—at least over white children—and a new emphasis both on educating children and parental custody. These new emphases on education and parental custody (for both fathers and mothers) reveal the influence of republican political ideology, which challenged the patriarchal household just as it challenged the patriarchal power of kings. Likewise, children's education—rather than their training and work—became seen as more important in opening avenues for their future equality. It became less acceptable to see white children born to a permanent lowly status. Thus the percentage of white children apprenticed declined sharply.

Richard Morris and William Rorabaugh, among others, have linked the declining use of apprenticeship in the early nineteenth century—both poor apprenticeship and trade apprenticeship—to a declining demand for bound labor in general, and children's labor in particular, as a result of industrialization.<sup>2</sup> There are several problems with applying their argument to this case. First, in Virginia, the demand for bound labor continued to be strong through the mid-nineteenth century. The argument for a general decline in interest in bound labor applies better in the North. Second, Frederick County between 1750 and 1820 was mostly rural and had no direct industrialization yet experienced a sharp decline in poor apprenticeship. Third, the argument that demand for children's labor was declining has been challenged by broad studies that show continuing demand for children's labor throughout the industrial period.<sup>3</sup>

Instead, I suggest that changed attitudes about who should have custody of children, how wealth should be distributed, and when and how it was appropriate for children to be put to work facilitated changes in social welfare policy in the years following the Revolution. One of the changes that accompanied the Revolution was an increased idealization of the bonds between children and their natural parents, particularly their mothers. Thus, more effort was made to keep children with their natural parents, mostly through transfer payments. A second change was the republican emphasis on equality, an emphasis exemplified in the reform of inheritance policy, a shift that led to a somewhat more equitable division of wealth, particularly by the second generation. This meant that more parents could afford to keep their children. A third change was the growing sentiment against the labor of young children, and even the labor

of older white girls, such that childhood became perceived as a more distinct phase of life. I argue that this change in attitude toward children's labor grew out of the Enlightenment emphasis on reason—and on an age of reason—that distinguished childhood from adulthood and emphasized formal education. The Enlightenment emphasis on reason was deeply embedded in republican political theory, both in its espousal of formal education and in its assertion that those who consent should be those who exercise reason. It demarcated childhood from adulthood and held that childhood was a distinct period of life and that children had specific needs for education that were on some level different from and opposed to their ability to labor, especially while under the age of about ten. There was a connection between this shift in ideas about childhood and the sharp increase in the average age at which poor apprenticeships began in the years after the American Revolution, the same period that the rate of children apprenticed fell. There were, however, differing gender, class, and race dimensions to this shift.

While this study focuses on only one county, the historical pattern is borne out by other, more general data. First, apprenticeship was the main welfare policy for whites, not only in Frederick County but also in colonial Virginia as a whole: one count of apprenticeship contracts formed by the churchwardens of colonial Virginia, by John Nelson in his massive study of the Virginia Vestry, found that a very large number of white children were routinely bound during the eighteenth century. The surviving records of thirty-one counties between 1690 and 1776 show at least 7,470 such bindings. Given the missing records in so many counties, and that almost half the county records for Virginia were completely burned in the Civil War, this count represents at most half of the actual number of bindings during the period only after 1690. Putting the earlier years, the missing records, and the missing counties back in, it is likely that tens of thousands of poor white children were placed into apprenticeships in colonial Virginia. Translating this number into a rate for white children bound is extraordinarily difficult, given the poor population data we have for Virginia overall, but these numbers suggest that the churchwardens were binding children at a rate similar to Frederick County's rate of 7 percent during the eighteenth century as a whole.<sup>4</sup>

While Frederick County was settled only shortly before the period examined here, that probably had little to do with the broad pattern traced here; the changes in policy that shifted its apprenticeship policy were largely initiated on the state level. Settlers came from a mixed cast—of Virginia tidewater gentry and their African-American slaves in the Eastern half and men and women from Pennsylvania and other northern colonies who practiced small subsistence farming on the Western half; as it lies on the northern border of what is now the boundary between West Virginia and Virginia, it is representative in that sense as well. It was relatively rural and contained seven small towns as well as

one bigger town, Winchester, which was a minor trading center and situated on the "great wagon road from Philadelphia" to destinations west. This may have contributed somewhat to the general decline in apprenticeship rates, since the relative wealth of all in the community may have increased.<sup>5</sup> I studied three ten-year periods intensively: 1751-60, 1781-90, and 1811-20—three windows in time from which to gauge changes in practice.

Apprenticeships were the major form of social welfare with regard to white children and free children of color in eighteenth-century rural Virginia. The origins of this policy lie in the English Statute of Artificers of 1562, an example that was followed closely, and elaborated upon, in many colonies/states. This policy reflects what modern lawyers would call the legal doctrine of *parens patriae*, a doctrine that posits that the state is the ultimate parent of the child when parents do not fulfill their parental obligations, either because they will not or, more often in the eighteenth century, because they could not. Many "poor" children and many "orphans" (defined as those whose fathers had died—usually their mothers were alive) and many bastard children were taken from their parents and bound out as apprentices, girls until they were eighteen and boys until they were twenty-one, by the churchwardens, called Overseers of the Poor after 1780 with the separation of church and state in Virginia. The majority of these children were from what could be termed female-headed households.<sup>6</sup> Dozens of children were also explicitly removed from parents for negligence in supplying clothing, food, or education where the parents were not poor.<sup>7</sup>

While the doctrine of *parens patriae* still exists, the meaning of it began to change significantly with the American Revolution. The Revolution initiated a move toward separating the state-as-parent from the natural parent, a shift precipitated by republican political theory. John Locke and Algernon Sydney, whose writings on political theory were widely read and referenced during the American Revolution, and Thomas Jefferson—who rewrote Virginia's entire code of laws during the Revolution—argued forcefully that parental power was very different than state power and that parents should naturally have custody of their children because of the unique bonds between them.<sup>8</sup> Many parents who would have had their children removed from their custody and apprenticed merely because of poverty during the 1750s were enabled to keep their children through the use of state-administered transfer payments by the 1780s and 1810s.

Many people today, when they think of poor apprenticeship, envision the scenes in Charles Dickens's stories that depict children exploited by factory labor. Historians have largely agreed with this scenario. Mason Thomas described the system of apprenticeship as merely exploitative. Walter Trattner, in his summary of the work on social welfare in America, concludes that the system was "full of abuses."<sup>9</sup> Trattner argues that apprenticeship was used for four

reasons, three of them associated with social control: the belief that "all people should be attached to a family"; discipline; a desire to minimize public expenditures; and its tendency in reducing "idleness or unemployment."<sup>10</sup> However, apprenticeship was not merely an evil, exploitative, or even "controlling" system. The story is more complicated than that. The law directed magistrates to place children in "fit" homes and stipulated that children receive necessities and not be physically abused.<sup>11</sup> These statutes were enforced: children complained on their own behalf about inadequate diet, excessive punishment, or a failure to educate them. Neighbors, relatives, and the churchwardens themselves also initiated complaints—and the complaints were often heeded. Many children as a result of these complaints were transferred to new masters or, occasionally, returned to their parents or released from their apprenticeships.<sup>12</sup>

Apprenticeship thus resembles modern foster care in that children were supervised and transferred if there were problems. In other ways apprenticeship resembles modern adoption since children were cared for long-term, until they became adults. Adoption itself had been legally prohibited under the Catholic Church in England and had remained illegal after the Protestant Reformation and in the colonies/states, until Massachusetts set a precedent by legalizing it in 1851.<sup>13</sup> That apprenticeship should be seen as a custody arrangement granting rights that in some ways were similar to adoption rights is clear when it is noted that the *average* age of apprenticeship was 7.9 years of age in Frederick County between 1751 and 1760; some children were apprenticed as young as a few months of age or, more often, at two or three, clearly before they could work (see table 12.1). Older children, especially, were given extensive educational guarantees, and accepting an apprenticed child meant a long-term investment, with a loss of the child's labor at precisely the point where the child would have been giving substantial returns—at young adulthood. All poor apprentices were bound in a personal contract to a master and/or mistress, a contract that could not be transferred without the consent of the court.<sup>14</sup> In some cases, apprenticed children could not be removed from the region.<sup>15</sup> Also, the laws—which

TABLE 12.1.  
Average age of children apprenticed by Frederick County overseers of the poor

	1751-60	1781-90	1811-20
Bastards	4.4	9.1	9.3
Orphans (fatherless)	10.2	11.6	12.6
Poor/other	6.6	11.0	11.5
Black/Mulatto	5.6	6.8	10.2
Males (white)	8.4	12.0	12.3
Females (white)	7.4	8.9	8.8
White	8.0	11.2	11.6
All	7.9	10.9	11.4

were enforced—required that the master's investment be substantial. Masters were usually bound to teach their apprentices to read and in addition to a trade and to give them freedom dues at the expiration of their terms.

Such restraints on masters to provide education, food, and clothing, to teach a trade, and to refrain from abusing their apprentices indicate that Colonial Virginia society was consciously trying to shape these young people whom they regarded as needing help. This interpretation does not undermine ideas of class-related exploitation or even of social control. Indeed, the whole idea of custody and of directed education embodied patriarchalism and was performed usually without the child's (or parents') explicit consent. But the state did not establish a merely controlling relationship between the master and apprentice. There were careful limitations on the master's power that were intended for the apprentice's good, as that was then conceived. Obviously, it would have been far easier to let the children starve or to hang them for stealing. In allowing such protections for the mostly white children in apprenticeship, Virginia distinguished between their status and those of enslaved children.

Besides apprenticeship, other social welfare policies for children were scanty, although there were a few cases where the state facilitated support payments to female-headed households. If the husband/father were still alive and had money but refused to support his family, wives or churchwardens might bring suit against him to enforce his support.<sup>16</sup> In most cases, however, the few support payments facilitated by the churchwardens aimed not to keep a family together but rather to support an infant being cared for by non-family members. Bastard children, as mentioned above, were often apprenticed at the age of a few months, and while a member of the community might be paid to nurture them for the first year or two of their lives, this payment did not include support for the mother, nor was it paid to the mother. For example, Walter Davidson was given 4 pounds for "supporting a bastard child." Reputed fathers sometimes had to post bond that they would repay the parish for any poor relief it might have to expend on the children, but I found only the case of Hester Ryan, detailed at the beginning of this chapter, in which a father was clearly granted custody, and "reputed" fathers gave no financial support to the mother either.<sup>17</sup> Poor children, if very young, might also be monetarily supported. So William Stewart was given five pounds five shillings for "nursing Ann Nielson a poor child of this Parish." These payments, however, would generally only be given for less than a year, perhaps while the court was making arrangements to apprentice the child, and generally were not given to the natural parent. Apprenticeships of children between younger than six years of age sometimes involved a monetary reimbursement to the new master of amounts up to 15 pounds.<sup>18</sup>

Parental consent to the binding of children, if the courts had decided in favor, was irrelevant. Indeed, parental consent was routinely dismissed during the 1750s.<sup>19</sup> A Virginia law of 1646, still in force a century later, held that

the decision to bind children into apprenticeships should rest solely in the hands of judges, who would act for the good of the children and society by teaching them to labor "in honest and profitable trades and manufactures, as also to avoyd sloath and idlenesse wherewith such young children are easily corrupted." Parental preferences about their children's labor were secondary to the needs of society as parents "through fond indulgence, or perverse obstinacy, are most averse and unwilling to parte with their children." Almost more revealing than this law, however, or the dismissed complaints of parents is a case in which an apparently impoverished father pleaded for the return of his son "praying leave of the court that he may take him under his own care." Although the boy's former master had died, the father, in order to have his son returned to his custody, had to have friends post bond on his behalf that the child and he would never again have to rely on poor relief.<sup>20</sup> Similarly, Margaret Finnichan, whose illegitimate son was bound to her master when he was three, only recovered custody of her son after two complaints that he had been mistreated and a special plea to the court that she and her husband should have custody of William instead of another master, to whom he was initially transferred. He was then twelve, and he had lived separately from his mother since he was about five.<sup>21</sup>

Many more children were affected by these laws than historians have realized. Frederick County, and indeed the whole of Virginia, used apprenticeship extensively during the colonial period (see table 12.2). As noted above, it is likely that some tens of thousands of white children were forcibly bound into apprenticeship—we know now about more than 7,000. During the 1750s, 7.3 percent of children were bound in Frederick County, with disproportionate numbers of girls and boys: 8.2 percent of boys but only 5 percent of girls; if "mulatto bastards," which were a special case, are excluded, along with two free blacks, the percentages were less: 8 percent of white boys and 4.9 percent of white girls.<sup>22</sup>

TABLE 12.2.  
Percentage of children apprenticed by Frederick County overseers of the poor

	1750s	1780s	1810s
All children	7.3	3.9	4.5
White children	7.0	3.7	3.3
White males	8.0	5.3	4.7
White females	4.9	2.1	1.4
Black males	n/a*	39	32.1
Black females	n/a*	22	6.4

\*In the 1750s, two black children were bound, as well as five mulattos. These numbers probably comprised almost 100 percent of free and mulatto children, since almost none were free in that decade.

The 1780s, however, marked a significant drop in the percentage of children bound in Frederick County. The total number of children bound fell from 7.3 percent to 3.9 percent. Why?

Three new legal policies that began during the 1780s influenced these patterns. The first was dramatically expanded pensions for soldiers and their families when they could show financial need. Previous pensions in Virginia had only been given to the men themselves, and for disabilities only. The various pension laws passed in Virginia between 1775 and 1782, however, consistently equated patriotic service and provision for the family of the soldier, especially where financial need was an issue, marking a broad expansion in pension policy with the biggest changes passed in 1779 under the governorship of Thomas Jefferson.<sup>23</sup> In Frederick County, twenty-three different children of soldiers fighting in the Continental Army were given food and supplies between 1781 and 1783, compared to 151 children apprenticed over the whole decade of the 1780s. During the same decade, eighteen women applied for pensions based on their financial need and the fact that their husbands had died while serving in the Continental Army. Fifteen men applied for pensions based on disability and financial need. Although children were named only when payments were given to the families of living soldiers on the basis of mouths to feed, undoubtedly many of the eighteen wives of dead soldiers were also mothers, and many of the fifteen disabled soldiers were also fathers: and these pensions allowed them to support their families.<sup>24</sup> Otherwise some of these children would have fallen into the categories of "poor orphan" (which, as we recall, meant fatherless) or simply "poor" and would have been bound as apprentices by the Overseers of the Poor.

The second change in policy was not a change in the law of Virginia: but it was a change in legal practice. Judges began to force "reputed" fathers of bastard children to support their offspring by providing payments to the mother. The spirit behind this shift in practice can be glimpsed in Thomas Jefferson's argument for abolishing a law that assumed that the mothers of bastard children had evil intentions toward them. Women who bore bastard children should be seen as their children's best caretakers because of the very strength of the parental bond. Jefferson argued that the mothers of illegitimate children would be unlikely to kill them, and that an earlier law that had assumed that unwed mothers had killed their newborn babies who were found dead should be repealed. "If shame be a powerful affection of the mind, is not parental love also? Is it not the strongest affection known? Is it not greater than even that of self-preservation? While we draw presumptions from shame, one affection of the mind, . . . should we not give some weight to presumptions from parental love, an affection at least as strong. . . ?"<sup>25</sup>

Indeed, the shift in official policy was dramatic toward unwed mothers and their children. Instead of men providing surety to the churchwardens (later

called Overseers of the Poor) that they would refund the parish/county for expenses incurred in the maintenance of their bastard children, by the 1780s the courts began to order fathers to give money directly to the mothers of the bastard children they had fathered, in quarterly payments.<sup>26</sup> Mothers of "base-born" children, who would have been whipped or fined in the 1750s, ceased to be whipped in 1769 and by the 1780s began instead to receive financial support to keep their children.<sup>27</sup> Although the numbers of paternity suits prosecuted are roughly the same for the 1750s and 1780s (four in each decade), the shift from possible payments to reimburse churchwardens to required payments to the mothers of the children themselves was dramatic. The fathers pledged to make these payments until the children were two or three, under threat of losing a greater sum of money, their bond, by renegeing.

These policies were expanded during the 1810s. Further pensions were introduced for soldiers who fought in the War of 1812 and their families, and in 1818 the federal government began offering pensions to all who had served in the Revolutionary War and had financial need.<sup>28</sup> Bastardy suits became much more vigorously prosecuted, with twenty-one fathers having to post bond to provide quarterly payments, and median years for support increased to four years. These suits probably show only a portion of actual paternal support for bastard children: many suits were likely settled out of court.<sup>29</sup>

Thus we should not be surprised that the 1811-20 decade illustrates a relatively stable percentage of children bound, compared to the data for the 1780s. If one excludes free blacks, since binding free black children was a new issue after 1780 and was increasing in proportion to the number of white children bound, only 3.8 percent of white children were bound in the 1810s (see table 12.1). That the drop in the rate of children apprenticed fell from 7.3 percent (or 7.0 percent of white children) in the 1750s to 3.8 percent (of white children) in the 1810s arguably reflects an increased desire to keep children with their natural parents. Bastardy suits and pension plans are examples of these broader shifts in attitudes.<sup>30</sup> This theory is complemented by an examination of the average ages at which children were bound in Frederick County: the age increased from 7.9 years in the 1750s to 11.4 years in the 1810s. Within the different subgroups of bastards and poor children, the ages at which the children were bound show an even more significant increase: the average age at which bastard children were apprenticed increased from 4.4 years in the 1750s to 9.3 years in the 1810s. The average age at which poor children were apprenticed rose from 6.6 years in the 1750s to 11.5 years in the 1810s (see table 12.1).

The significant decline in the apprenticeship rate indicates a shift in policy that placed a higher value on parent/child bonds and sought to provide societal support to enable parents who might lose their children through poverty to keep them for a longer period. In many cases, families didn't have to resort to formal poor relief and thus never fell into the trap of forced apprenticeships. Unwed

mothers in particular became perceived as proper parents by 1820, where in 1750 the mere fact that a child was born outside of marriage was construed as reason enough to remove him or her from maternal custody.

The third change was the dramatic revision of Virginia's inheritance laws in 1785, a change that abolished entail (forced primogeniture) and changed the rules such that all children inherited equally where a father left no will, rather than only the oldest son. Thomas Jefferson, who was the author of the two bills that made these revisions, regarded these as two cornerstones of republican government. The effect of this revision of law was probably gradual, since earlier policies, while disproportionate, had rarely completely disinherited all but the eldest son. In one case in the 1750s, John Hog was assigned a guardian to manage the money and property received from his father while his eleven-year-old sister Mary, who received no money or property, was bound to the trade of a mantua-maker. Such extreme cases—where one young child inherited enough to need a guardian while his sibling was so poor that she had to be bound out—were rare, even in the earlier period. The new equal distribution among children is probably best measured by the impact on the second or later generations. Another measure of the impact of these reforms is the dramatic increase in the number of children appointed guardians after their fathers died in comparison to the number bound. In the 1750s, more children whose fathers died were bound out than were assigned guardians, a ratio that shifted dramatically between the 1750s and 1810s. While only fifty-seven children whose fathers had died (and so were called orphans) had guardians and, presumably, could stay with their mother (or a guardian or family member) if they chose, seventy-four orphans were bound out by the churchwardens. Five of the fifty-seven, despite having guardians, were also ordered to be bound out. Thus only 79 of 131 (or 60 percent) were bound. While this ratio does not capture other children who were neither bound nor had guardians, it shows that the rate of children bound was high. Unless the mother remarried, had a trade, or the father/husband left a substantial amount of property, the children were normally apprenticed. This pattern was reversed by the 1810s, when only 33 fatherless children were apprenticed, compared to 185 who were given guardians (185 out of 218, or 15 percent). So the rate of those apprenticed compared to those given guardians dropped from 60% to only 15%. These calculations overstate the actual change since it was more likely, generally, for children to receive guardians by the 1810s because of the changing inheritance laws and norms about custody (in the 1750s, only heirs received guardians). Still, they exemplify the remarkable shift in attitudes.

Opposition to white girls' labor in poor apprenticeships grew more quickly than that of boys. Boys were more likely to be bound than girls in the 1750s, but this gender difference increased dramatically by the 1810s. Between 1751 and 1760, 4.9 percent of white girls were bound, compared to 8 percent of white

boys. Girls were also less likely to be taught a trade, were never taught to cypher (while boys were), and by the 1781–90 period in Virginia, there were many cases in which, quite startlingly, girls did not even have to be taught to read and write (although by the 1810s all white girls were taught to read and write) while boys almost always had to be taught a trade and be given a rudimentary education in reading, writing, and arithmetic. The difference in proportions of girls and boys bound is probably explained by two factors. Boys were easier to bind because they served longer (they were bound until twenty-one instead of eighteen), and Virginian authorities were more concerned about boys learning a respectable trade. Still, it is important to note that white boys were bound in smaller percentages and at later ages than earlier.

Black boys, on the other hand, were bound at much higher rates in the wake of the Revolution, when a significant free black population began to emerge. Indeed, the high rates at which black children were bound—and the decreased options within those apprenticeships—reveals it to be both a more exploitative institution for them at the same time that it shows that the ideals of parental custody did not apply to black families. The free black community itself originated with the Revolution, when some white masters freed their slaves. A few blacks and mulattos were apprenticed even during the 1750s. However, the only two free blacks apprenticed between 1751 and 1760 were brothers apprenticed at their mother's request. Under Virginia law until 1765, mulatto children of white mothers could receive very different treatment than white children, since both sexes could be bound until they reached the age of thirty-one.<sup>31</sup> For the free black and mulatto children bound both before and after the Revolution, apprenticeship was not merely some exploitative relationship; they were protected under the same laws as were white children and could (and did) complain that they were improperly treated.<sup>32</sup> They were apprenticed for exactly the same length of time: until age eighteen for girls and until age twenty-one for boys, as is clear from the binding agreements recorded in the Frederick County Minute Books. Like white children, as well, they usually learned a trade, including the trade of a blacksmith, tanner, or barber, albeit many were to learn only "farming."<sup>33</sup> The biggest difference, however, is that in the 1750s and 1780s, the apprenticeship contracts of free black children specified that, like white children, they be taught to read and write. In the 1780s, six out of eleven court orders contained such provisions.<sup>34</sup> However, by the 1810s, there was a conscious exclusion of black children from such skills. The indentures used by the Overseers of the Poor to apprentice children during the 1810s always included reading and writing for white children but never when the contract was for a black child. Such requirements were actually crossed out on the pre-printed apprenticeship contracts, indicating the purposeful and systematic way that these children were excluded.<sup>35</sup> It is almost as though there was a sincere attempt at equality during the 1780s that was largely abandoned by the 1810s,



perhaps partly in response to Gabriel's Rebellion of 1800, which led to a harsh crackdown on the liberties and opportunities for free blacks.<sup>36</sup>

As shown in table 12.2, during the same decade of the 1780s that the proportion of white children apprenticed dropped, the proportion of free black children soared in comparison to the proportion of whites. This shift did not merely replace white children's labor with that of black children, as the total numbers in table 12.3 show; by far the majority of those bound were still white. The percentages given in table 12.2 make it appear otherwise because the population of free blacks was very small compared to that of free whites.<sup>37</sup> They still reveal, however, that an astounding 39 percent of the population of free black boys were apprenticed after the Revolution, a number that decreased only slightly to 32.1 percent by the 1810s.

A variety of explanations could be offered for such high apprenticeship rates for black boys. As free black children were often born to female-headed households (given that the status of the child was determined by the status of the mother, and slave men, with whom many free black women might form a relationship, could not legally marry), free black children were uniquely vulnerable to the laws that allowed the binding of bastards and of the fatherless. In addition, their relative poverty may have left them more likely than the majority of white families to look to poor relief.

On a deeper level, however, it is clear that Virginia authorities did not idealize the black family in the same way as they did the white. While they apprenticed many fewer girls by the 1810s (see table 12.2), a fact that illustrates that there were some consistencies across racial lines, the shocking difference in the rate of black boys to white boys apprenticed indicates a deeper basis of cultural attitudes. The fact that most black children in Virginia were slaves who belonged not to their parents but to their masters undoubtedly contributed to this devaluation of the black family. Needless to say, any idea that slave parents had custody rights in their children would have interfered dramatically with the slave market. In upholding the idea that slave parents had no legal custody of their children, the Virginia Court probably sympathized with the South

TABLE 12.3.  
Net numbers of children bound

	1750s	1780s	1810s
All children	174	203	190
All boys	114	147	151
All girls	57	53	37
White males	110	140	116
White females	54	49	31
Black/mul males	4	7	35
Black/mul females	3	4	6

Carolina Supreme Court, which held in 1809 that "the young of slaves . . . stand on the same footing as other animals."<sup>38</sup>

Although black children were generally excluded from these broad shifts, the pattern of these changes hint at a shift in attitude toward children's labor, especially that of whites and girls. Not only were children being apprenticed later in life and for shorter periods of time, but apprentices became clearly distinguished from servants in their treatment by the courts, where earlier they had received similar treatment. Christopher Tomlins, who has observed the growing distinction between apprentices and servants at the end of the eighteenth century, a change that is clear in the records of Frederick County, speculates that in the earlier period almost all servants were children, while in the later period many adults were servants.<sup>39</sup> However, many adults were servants in the earlier period too.<sup>40</sup> Instead, I would argue that childhood became a distinct status and that children's labor became perceived as deserving special treatment. In the earlier period, servants and apprentices were lumped together and had a very similar status.

The hypothesis that new attitudes toward children's labor account for some of the changes in apprentice policy in post-1780 Virginia is complemented by shifts in educational policy. Did the new emphasis on formal education (in Virginia as well as the rest of the Republic), an emphasis that in 1788 resulted in the formation of a school in Winchester that was partly supported by public funds, indicate a different attitude toward childhood?<sup>41</sup> That it was a time of play and learning, not primarily of labor? Perhaps more speculatively—and I lay out the groundwork for this argument in detail in my book *By Birth or Consent*—a shift in the place of children in political and legal theory, a shift that emphasized the difference between children and adults and gave great importance to the unique and important place of childhood, also changed attitudes toward children.<sup>42</sup> Clearly, there was a long-term shift in attitudes toward children's labor that relates closely to attitudes about children's education. Michael Katz has explored the simultaneous growth of public education in nineteenth-century America and the decline in apprenticeship, attributing both changes to the growth of merchant-capitalism and ultimately to industrialization. While the connection he draws between the decline of the one institution and the rise of the other is interesting, his hypothesis that public education was started in response to an increasing dislike of bound labor that accompanied industrialization and constituted an effort to control children in alternative ways is unsatisfactory.<sup>43</sup> Comparison with the British policy reveals that while Britain preceded America in industrializing, Britain had no public education system until 1891, while most American states had public education systems a mere thirty years after the Revolution. While Virginia, along with other southern states, did not introduce the universal free public education of the northern states, successive attempts to supply such universal education repeatedly passed the lower house

in Virginia, and many counties, such as Frederick County, provided subsidized primary education in the years after the Revolution.<sup>44</sup> Instead of linking both public education and the decrease in apprenticeship of the young simply to industrialization, I would suggest that both the rise of public education and the decline in apprenticeship reflected a shift in attitudes about childhood.

The shift in policy between 1750 and 1820 did not represent, fundamentally, a decreased demand for labor. Most of the county was still rural, and it had not experienced an economic transformation significant enough to have caused the shift in apprenticeship policy. Nor should poor apprenticeship be perceived as merely a way for masters/landowners to maximize their access to cheap labor. It is clear that the policy existed for reasons other than mere exploitation. Significant care was expended on the welfare of children in the earlier period. This shift in policy should be seen as a manifestation of greater concern with keeping children with their natural parents and with giving them a childhood separate from adulthood.

These shifts foreshadowed nineteenth-century programs such as mothers' pensions and vastly expanded military pensions, along with twentieth-century programs such as Aid to Families with Dependent Children and child labor legislation.<sup>45</sup> The roots of both changes were bound up in republican ideology. On the one hand, republican political theory described children as needing a period of education/play such that they should not be forced to labor too young and needed intellectual development that trained them to be future citizens and gave them greater economic opportunities. On the other, republican thought held that there are unique bonds between natural parents and children that should be preserved. The changes in U.S. policy from poor apprenticeship to adoption, foster care, and family-friendly welfare payments and to explicit legal restrictions on children's labor and the provision of public education—should be seen as representing a complex shift in our attitudes toward the relations between the family and the state and toward children in particular. Keeping families together and fostering broad economic opportunity through access to education both democratize, if you will, the family itself, making equality more than an empty legalistic term. The question of what to do for poor children is a fundamental one for any democratic polity; how they are treated is perhaps a crucial measure of general societal mobility. The detailed map of the policy of apprenticeship that the court records of Frederick County reveal suggests that the boundaries between community and family were much more fluid in 1750 than they were in 1820, and the family much less of an inviolable unit in the eighteenth century than in the nineteenth. This implies that such scholars as Christopher Lasch have their progression backwards when they claim that "the history of modern society . . . is the assertion of social control over activities once left to individuals or their families" or that capitalism first extended its control over the workers and then over the "worker's private life," over his family.<sup>46</sup> Rather, the new

republic, with the revision of laws and policies that accompanied the Revolution, accelerated the acceptance of certain elements of Enlightenment thought and saw the implementation of policies that tended to keep families together. This pattern complements the conclusions of Nancy Cott, Linda Kerber, Michael Grossberg, and Ruth Bloch, who have argued that in the new republic, men and women began to be assigned separate spheres, that the community became more separated from the family, and that motherhood began to be idealized.<sup>47</sup>

Still, these new attitudes toward parental custody did not destroy the older system of apprenticeship, at least not initially. What Jefferson called his "republican" revision of the laws, much of which was passed by the Virginia legislature in the 1780s and 1790s, did not altogether dismember the old poor law. Indeed, that would have been an expensive step: for without apprenticeship, assuming that the state should not let these children starve, a system that let many children remain with their parents would have meant substantial transfer payments from the parish/county or the commonwealth of Virginia to each family. Jefferson, instead, supplemented and found substitutes for the older policy, adding provisions for all apprentices to be able to attend the public schools that he was proposing and adding the pension plan discussed above. He still, however, directed that every orphan who could not be maintained out of the estate they were to inherit should be bound out as well as mulattos and the children of those who received poor relief.<sup>48</sup> These legal guidelines were upheld in practice: the children of those who went into the Frederick County poor house during the 1810s, for example, were normally bound out if they were over three. If the family could not support its children and if it did not fall into one of the subgroups that the state decided to aid, children past nursing age were almost without exception (barring serious handicap) bound, probably because of the expense an expanded program would have entailed.<sup>49</sup> The pension plan, equitable inheritance, and paternal child support for bastard children did not completely reform the poor law, yet in providing avenues for children to remain with their natural parents, these shifts in policy were dramatic. They increased the separation between the powers of parents and the powers of the state, putting the responsibility for children ever more fully into the private familial domain at the same time as the state, through educational policy as well as welfare, worked to create broader economic opportunity for white children. These shifts also document the increasing racial divide in early national Virginia. While that divide softened briefly in the 1780s when free black children were also educated in their apprenticeships, that promise was literally crossed out (of the contracts) by the 1810s.