

**“A Great Deal of Mischief”:  
Black Resistance in Colonial North Carolina, 1712-1763**

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## Introduction

“The *Negroes* that most commonly rebel, are those brought from *Guinea*, who have been inured to War and Hardship all their lives,” wrote John Brickell in 1737 on his observations of the dispositions of North Carolina’s slaves.<sup>1</sup> Black resistance to slavery throughout the Carolinas in the first half of the eighteenth century is significant yet notably under-recognized considering the larger rebellions to come. History books often cover only one major incident from this region of colonial America - South Carolina’s Stono Rebellion of 1739. However, rebellion took many more subtle, and often less aggressive, forms, though a resignation to violent action was never entirely disregarded as an option among slaves.<sup>2</sup>

When the larger colony of Carolina split in 1712, two relatively different approaches to resistance emerged. With its burgeoning slave economy well established, South Carolina proactively began reforming legislation into “a pattern of controls intended to define with increasing clarity and bluntness the social, economic, and even physical ‘place’” of their Black population.<sup>3</sup> North Carolina, by contrast, “had neither ports, towns, good roads, nor any semblance or place of government.”<sup>4</sup> Such conditions forced the northern of the two colonies into a reactive position with legislation being introduced largely in response to resistance. North Carolina’s lack of abundant resources referencing colonial slavery has left its history of reactionary legislation largely neglected.

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<sup>1</sup> John Brickell, *The Natural History of North Carolina* (Dublin, 1737), 274, Google Books.

<sup>2</sup> Alan D. Watson, “Impulse Toward Independence: Resistance and Rebellion Among North Carolina Slaves, 1750-1775,” *The Journal of Negro History* 63, no. 4 (October 1978): 319, <https://www.jstor.org/stable/2716849>.

<sup>3</sup> Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 to the Stono Rebellion* (New York: Alfred A. Knopf, 1974), 271, <https://www-fulcrum-org.ezproxy.snhu.edu/concern/monographs/vt150j35q>.

<sup>4</sup> Milton Ready, *The Tarheel State: A History of North Carolina* (Columbia: University of South Carolina Press, 2005), 50.

Application of the social lens highlights the significance of traditionally marginalized Blacks within the history of the Carolinas. Furthermore, this lens explores how society may have influenced acts of rebellion among the oppressed and examines how society responded to such acts. A political lens is applied to specifically demonstrate North Carolina's reactive response to resistance by referencing the colony's frequently altered legislation.

Unlike its neighbor to the south, "colonial North Carolina did not become a slave society but rather a culture where slavery became significant but not institutionally dominant."<sup>5</sup> Because of this, modern historians have mostly overlooked slavery in North Carolina during the colonial period, preferring to focus attention and research into South Carolina's planter-driven society with its abundant resources. In the 1970s and 80s, Alan Watson, Marvin Kay and Lorin Cary emphasized resistance in North Carolina's slave community, alluding to this oversight among historians in their respective articles.<sup>6</sup> Newer research into the resistance or rebellion of Carolina slaves, particularly those of North Carolina, is lacking, and existing scholarship has largely ignored the direct impacts of these actions on colonial legislation.

As Milton Ready points out in his general history of North Carolina, a "look at the slave codes of 1715 and 1741 marks the shift [...] to a more punitive and obdurate institution" from one that was far more flexible and less structured.<sup>7</sup> However, neither he nor historians of North Carolina's colonial period have ventured to illustrate the direct correlation between the actions of the slaves and the resulting establishment or amendment of laws. Though existing literature on the topic does not neglect these resources, none proceed to the conclusion that a seemingly

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<sup>5</sup> Ready, 68.

<sup>6</sup> Watson, "Impulse Toward Independence," 318; Marvin L. Michael Kay and Lorin Lee Cary, "Slave Runaways in Colonial North Carolina, 1748-1775," *North Carolina Historical Review* 63, no. 1 (January 1986): 1-2, <https://www.jstor.org/stable/23518609>.

<sup>7</sup> Ready, 73.

powerless group was able to, through various actions of rebellion and resistance, alter the course of North Carolina's legislation. Acknowledging the ability of the enslaved to influence the creation and revision of laws during this early period of Carolina history provides the opportunity for further discussion concerning the true impact of this presumably silenced group on the colony.

Alan Watson's article, "Impulse Toward Independence: Resistance and Rebellion Among North Carolina Slaves, 1750-1775," offers an excellent overview of the methods employed by North Carolina's slave population during the late colonial period. Watson's research provides insight into often elusive county documented incidents. "Slave Runaways in Colonial North Carolina, 1748-1775," by Marvin Kay and Lorin Cary, supplies a more in-depth analysis of the most often utilized method mentioned by Watson. Kay and Lee's collective research presents a unique perspective on runaway patterns in North Carolina by delving into the distinctive characteristics and motivations behind escape. This acknowledges the cultural significance of resistance among the enslaved. Additionally, a chronological examination of the 1715 and 1741 slave codes and other legislation enacted by the North Carolina General Assembly, as well as numerous runaway slave advertisements, demonstrate the shifting course of colonial law in response to either real or perceived rebellion.

Ready's *The Tarheel State: A History of North Carolina* employs numerous lenses throughout the examination of slavery during the colonial period. The economic lens demonstrates how North Carolina's "lack of a commercial staple crop" inhibited the expansion and strength of the colony thereby limiting the slave population during the colonial period.<sup>8</sup> This limiting factor meant that the fragile government was ill-prepared to establish a commanding

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<sup>8</sup> Ibid., 68.

presence over their Black population. Therefore, North Carolina's initial laws against offenders of resistance were either nonexistent or far more lenient than those of its economically solvent neighbors. Ready also utilizes the military lens to demonstrate the role that the Tuscarora war and its employment of runaway slaves had in further altering those laws.<sup>9</sup>

### **Historiography**

John Spencer Bassett, James Padgett, Marvin Kay and Lorin Cary, and Milton Ready each provide a sweeping overview of the status of slavery in colonial North Carolina. Bassett's *Slavery and Servitude in the Colony of North Carolina* offers a comprehensive look at various topics, including sections on runaways and slave insurrections. His account, however, lacks sufficient evidence, which he does address by acknowledging the "very unsatisfactory materials" available for research.<sup>10</sup> With no clear lens, Bassett presents only the most basic knowledge. This, however, did not discourage Padgett from relying extensively on Bassett's book for his article, "The Status of Slaves in Colonial North Carolina." Padgett explores the idea of resistance by examining the colonial situation through a predominantly political lens. Much of his article centers on state records of laws pertaining to slave actions.<sup>11</sup> Though he does add some knowledge to Bassett's general account, Padgett too suffers from a lack of evidence and misses the opportunity to directly connect the development of the laws to real slave rebellion.

Kay and Cary take a cultural approach to slavery in colonial North Carolina with much of their account, *Slavery in North Carolina, 1748-1775*, exploring ideas of language, kinship, and religion. However, similar to Bassett, there are several chapters dedicated to slave resistance.

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<sup>9</sup> Ibid., 75.

<sup>10</sup> John Spencer Bassett, *Slavery and Servitude in the Colony of North Carolina* (Baltimore: The Johns Hopkins Press, 1896), 7, <https://docsouth.unc.edu/nc/bassett96/bassett96.html>.

<sup>11</sup> James A. Padgett, "The Status of Slaves in Colonial North Carolina," *The Journal of Negro History* 14, no. 3 (July 1929): 300-327, <https://www.jstor.org/stable/2713855>.

They argue that slaves borrowed from their “complex cultural world” to support “both overt and covert methods of resistance.”<sup>12</sup> Employing a vast array of county and state resources, Kay and Cary present an effective perspective on the role of culture in the actions of the enslaved community.

As mentioned previously, Ready’s approach utilizes a variety of perspectives. Like Bassett, his account is mostly a general overview. However, there are cultural elements reflective of Kay and Cary’s explorations scattered throughout as well. Though he does not spend considerable time referencing resistance or rebellion, Ready provides an excellent foundation for understanding the conditions of the colony during the period and is the only author to reflect on the role of economic conditions in influencing both slave actions and colonial responses.<sup>13</sup>

Alan Watson and Marvin Kay and Lorin Cary take a deeper look into the role of resistance and rebellion in colonial North Carolina in their respective articles. Watson’s “Impulse Toward Independence: Resistance and Rebellion Among North Carolina Slaves, 1750-1775” considers various methods of slave resistance and explores how those methods shifted as the enslaved population increased across the colony. Watson applies the social lens to his research by examining the relationship between slave rebellion and social conditions. As he argues, “slaves persisted in activities which not only aimed to improve their circumstances but also covertly and openly attacked the repressive society in which they lived.”<sup>14</sup> By utilizing numerous sources, from detailed state records to obscure colonial observations, Watson presents an effective account of resistance.

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<sup>12</sup> Marvin L. Michael Kay and Lorin Lee Cary, *Slavery in North Carolina, 1748-1755* (Chapel Hill: The University of North Carolina Press, 1995), 220, <https://search-ebSCOhost-com.ezproxy.snhu.edu/login.aspx?direct=true&db=nlebk&AN=1549&site=eds-live&scope=site>.

<sup>13</sup> Ready, 69.

<sup>14</sup> Watson, “Impulse Toward Independence,” 325.

Kay and Cary build on Watson's research by analyzing the single method of escape for their article, "Slave Runaways in Colonial North Carolina, 1748-1775." Unlike Watson, their approach is more cultural, and they even argue against his idea that there was a direct correlation "between ill treatment and runaway patterns."<sup>15</sup> Instead, they consider contributing factors such as the ability to speak fluent English and the nationality of the runaway in building their research.<sup>16</sup> Given the general lack of resources from the period for North Carolina specifically, Kay and Cary rely heavily on documents from the bordering states of Virginia and South Carolina to strengthen their stance.

Ernest Clark and Alan Watson both examined the laws established to quell slave resistance. Clark's article, "Aspects of the North Carolina Slave Code, 1715-1860," is much more in line with legal history. By exploring various laws and court documents surrounding slave actions, he illuminates the idea that the codes were "intended to be a police system for controlling the Negro population" and were a means "of establishing and maintaining a unique social standard in the community."<sup>17</sup> Watson builds upon Clark's research in "North Carolina Slave Courts, 1715-1785." Here he considers the role of the courts established by the slave codes. Like Clark, Watson also employs a legal approach by examining trial records to discover the connection between slave rebellion and severity of punishment. Both authors used this lens to their advantage creating compelling accounts of North Carolina's legislative and legal systems and their attempts to control the enslaved and "to define the status of bondsmen."<sup>18</sup>

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<sup>15</sup> Kay and Cary, "Slave Runaways," 38.

<sup>16</sup> *Ibid.*, 22.

<sup>17</sup> Ernest James Clark, Jr., "Aspects of the North Carolina Slave Code, 1715-1860," *The North Carolina Historical Review* 39, no. 2 (April 1962): 148, <https://www.jstor.org/stable/23517558>.

<sup>18</sup> Alan D. Watson, "North Carolina Slave Courts, 1715-1785," *The North Carolina Historical Review* 60, no. 1 (January 1983): 24, <https://www.jstor.org/stable/23534793>.

Though each of these sources adds value to the scholarship of the topic, none approach the idea of slave resistance and legislative response in a predominantly cause and effect manner. The authors provide unique insights employing a variety of relevant lenses, but no one source acknowledges the immense impact slave action had to shift and alter North Carolina legislation directly. Perhaps Kay and Cary come the closest to this claim in *Slavery in North Carolina, 1748-1775* by referring to escape “as an act of resistance with significant political implications” and by highlighting how slaveowners “recognized this in their obsessive reference to the problem in their laws, and slaves underscored it by their frequent escapes.”<sup>19</sup> However, they fall short of alluding to the power of the enslaved population to diametrically influence the course of lawmaking. By examining the chronological development of North Carolina laws with reference to slave resistance, an argument can be made that the enslaved population, though silenced by their oppressors, managed to directly modulate the development of legislation. Such determinations add to the existing knowledge of a traditionally marginalized group within North Carolina history and bring relevance to current struggles for justice and equality.

### **Black Resistance in Colonial North Carolina, 1712-1763**

In 1669, the Fundamental Constitutions and Laws established the institution of slavery throughout the Carolina province. The partition of the province in 1712 ushered in changes to the existing structure as North Carolina’s “new government began a ‘Great Revision’ of the laws to conform to its changed colonial status.”<sup>20</sup> Legislation pertaining to slaves was especially lenient during these early years given the sparse black population. North Carolina’s growth was hampered by numerous factors, including “the lack of a commercial staple crop,” such as Virginia’s tobacco and South Carolina’s indigo and rice, the “absence of a large port,” such as

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<sup>19</sup> Kay and Cary, *Slavery in North Carolina*, 121.

<sup>20</sup> Ready, 75.

Charleston, and “the relative weakness of government.” In 1705, only about 1,000 blacks lived in the area that became North Carolina.<sup>21</sup> As that population increased, so too did slave resistance and, by association, laws in response to the action.

Prior to the division of the Carolina province, the English attempted to forcibly remove the Tuscarora Indians from eastern North Carolina. This set off a series of conflicts between the two groups and created a new fear among settlers. The diminutive slave population began to assert their independence by running away to join the Tuscarora against the white elites. With slaves growing in numbers and progressively showing signs of rebellion, the young government took action.<sup>22</sup>

In 1715, North Carolina passed a series of laws commonly referred to as the slave code. According to Alan Watson, the purpose of this legislation was “to minimize the freedom and mobility of slaves, to discourage commercial and social relations between slaves and whites, and to reduce the number of runaways and the possibility of slave violence.”<sup>23</sup> These acts set forward that “no Master nor Mistress Nor Overseer shall give leave to any Negro [...] to go out of their Plantations without a Ticket.”<sup>24</sup> Furthermore, the fears induced by runaway slaves’ involvement with the Tuscarora brought on harsher restrictions even for whites. If anyone was found harboring an escaped slave, he or she was required to “pay the sum of Tenn Shillings to the Master or Mistress” of the slave along with any “Costs, Losses & damages” sustained.<sup>25</sup> Instead, the people were implored to “use their utmost endeavours to apprehend all” escapees and were

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<sup>21</sup> Ibid., 68-69.

<sup>22</sup> Ibid., 75.

<sup>23</sup> Watson, “Slave Courts,” 24.

<sup>24</sup> North Carolina General Assembly, *Acts of the North Carolina General Assembly, 1715-1716*, ch. 46, VIII, <https://docsouth.unc.edu/csr/index.php/document/csr23-0001>.

<sup>25</sup> Ibid., VII.

granted a pass if they killed a slave who had been on the run for at least two months by simply swearing that the slave could not be apprehended.<sup>26</sup>

In addition to confronting the runaway situation, the 1715 code also established a slave court to deal “with slave criminality beyond the scope of ordinary police regulations.” A fair and balanced trial was not the objective, and the courts themselves were little more than reflections of “the standards of desired slave behavior as determined by whites.”<sup>27</sup> Trials would be overseen by three justices of the peace and “three Freeholders such as have Slaves in that Precinct” with the senior member having the authority to set the time and place of the proceeding. Only a simple majority was required “to pass Judgment for life [...] or any other Corporal Punishment.” One such punishment mentioned was public execution “to the Terror of other Slaves.”<sup>28</sup>

By 1720, the black population in North Carolina had grown to nearly 3,500. Less than a decade later, it doubled in size. In 1728, William Byrd was commissioned by Virginia to survey its shared boundary with North Carolina.<sup>29</sup> Throughout his journeys, Byrd recorded his observations of both the enslaved and the “free.” In his journal, dated the eleventh of March 1728, Byrd mentions “a family of mulattoes that called themselves free, though by the shyness of the master of the house, who took care to keep least in sight, their freedom seemed a little doubtful. It is certain many slaves shelter themselves in this obscure part of the world.”<sup>30</sup> A year later, new legislation placing greater restrictions on the mobility and individual freedom of slaves was enacted by the North Carolina General Assembly. These mandates aimed at discouraging

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<sup>26</sup> Ibid., IX.

<sup>27</sup> Watson, “Slave Courts,” 25.

<sup>28</sup> North Carolina General Assembly, *1715-1716*, XI.

<sup>29</sup> Ready, 50, 69.

<sup>30</sup> William Byrd, *The Westover Manuscripts: Containing the History of the Dividing Line Betwixt Virginia and North Carolina; A Journey to the Land of Eden, A. D. 1733; and A Progress to the Mines. Written from 1728 to 1736, and Now First Published* (Petersburg: Printed by Edmund and Julian C. Ruffin, 1841), 17, <https://docsouth.unc.edu/nc/byrd/byrd.html>.

runaways and preventing a constantly feared uprising by forbidding both travel at night and mass meetings of any form.<sup>31</sup>

Irish physician John Brickell published *The Natural History of North Carolina*, an account of his travels through the state, in 1737. In these memoirs, he recounted several observations of enslaved blacks and draws the conclusion that those born in America “prove more industrious, honest, and better Slaves than” those brought from Africa. Africans, he surmised, had “barbarous and stubborn Natures.” He records the laws made by the “Province to keep them in Subjection,” including public execution for injuring a white person. Despite these efforts to deter undesirable behavior, Brickell writes that the slaves often “Rebel against their Master and Planters, and do a great deal of mischief.”<sup>32</sup> Two years after Brickell published his account, a mass slave uprising in neighboring South Carolina, deepened the colony’s fear of their black population.

On September 9, 1739, twenty slaves, led by a man known as Jemmy, met near the Stono River in South Carolina before proceeding to a local store to execute the owners and arm themselves with guns and powder. The group then carried out a short-lived reign of “overt resistance” and “open violence.” By the end, more than sixty individuals were killed, twenty-five of them white.<sup>33</sup> Once again, the North Carolina General Assembly was poised to respond via legislation.

With the Stono Rebellion fresh on their minds, the 1741 General Assembly embarked on a mission to revise the existing laws in an effort to quell any similar uprisings or rebellious behavior in North Carolina. For stealing “any Horse, Cattle, or Hog,” a slave would “suffer both

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<sup>31</sup> North Carolina General Assembly, *Acts of the North Carolina General Assembly, 1729*, ch. 5, VII-VIII, <https://docsouth.unc.edu/csr/index.php/document/csr23-0006>.

<sup>32</sup> Brickell, 272-273.

<sup>33</sup> Wood, 308, 314-315.

his Ears to be Cut off, and be publickly whipt” for the first offense. The second offense meant “Death.”<sup>34</sup> Execution was also recommended for “Three or more” slaves who would “consult, advice or conspire to rebel, or to make insurrection.”<sup>35</sup> The slave court was also amended. The act now called for “two justices of the peace and four freeholders who possessed slaves” to meet “at the county courthouse to hear the case.”<sup>36</sup> All in all, the “legislation reiterated many of the provisions of the earlier law” but proved much less forgiving.<sup>37</sup>

With laws continually aimed at suppressing them further, slaves turned to their cultural heritage and survival techniques to support their resistance efforts. According to Watson’s findings, the “knowledge of plants and their powers derived from Africa and perpetuated in America” led poisoning “to be a recurring crime in the colony” as well as an effective one given “the difficulty of distinguishing its effects from those of various illnesses.” Arson was also common and equally “difficult to prove.”<sup>38</sup> Many other forms, “such as truancy, foot-dragging, work slowdowns, false compliance, feigned illness or ignorance, poor or sloppy work, sabotage, and theft” were common but often either “remained uncovered or if known went unrecorded.”<sup>39</sup> However, the mostly commonly documented method of resistance was attempted or successful escape from bondage.

Despite the Assembly’s sweeping legislation to deter runaways, it became increasingly difficult to do so as the black population swelled to nearly 20,000 in the 1750s.<sup>40</sup> The colony’s newspapers were filled with runaway slave advertisements. On November 11, 1751, the *North*

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<sup>34</sup> North Carolina General Assembly, *Acts of the North Carolina General Assembly, 1741*, ch. VIII, X, <https://docsouth.unc.edu/csr/index.php/document/csr23-0012>.

<sup>35</sup> *Ibid.*, XLVII.

<sup>36</sup> Clark, 150-151.

<sup>37</sup> Watson, “Impulse Toward Independence,” 318.

<sup>38</sup> *Ibid.*, 320.

<sup>39</sup> Kay and Cary, *Slavery in North Carolina*, 108.

<sup>40</sup> Ready, 69.

*Carolina Gazette* ran an advertisement placed by Samuel Johnston for a slave “named Frank” who was described as “an old Offender, and a great Thief.”<sup>41</sup> Another, posted four months later by Robert West and his son, advertised for the return of “Thomas Boman” who, unlike many of the enslaved, could “read, write and cypher.”<sup>42</sup> John Dickson, in 1753, requested the return of “Sam” who had been apprehended and “delivered to Mr. John Smith” but had once again “broke out of Custody.”<sup>43</sup> Though the reasons motivating these particular slaves to attempt escape are unknown and can only be supposed, Marvin Kay and Lorin Cary assert that “their actions compounded the burden of bondage felt by other slaves while heightening a sense of the possibility of escape.”<sup>44</sup> This growing impulse toward escape and ultimately freedom within the enslaved population undoubtedly created much uncertainty among those governing the colony.

In 1753, following an attempted slave rebellion, the General Assembly instituted “the search and patrol system.” This allowed county districts to “appoint searchers or patrollers to examine black habitations at least four times a year for guns, swords, and other weapons.”<sup>45</sup> At the same time, other laws shifted in response to the colony’s growing financial concerns from the French and Indian War, and it fell on the enslaved to bear the burden. By 1758, the North Carolina Assembly had altered punishment for enslaved male offenders “in capital cases other than rape and murder” from execution to castration for the first offense.<sup>46</sup> As Bassett pointed out, this idea “to relieve the government of paying for executed negroes did not, it seems, prove

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<sup>41</sup> Samuel Johnston, *North Carolina Gazette*, November 11, 1751, <http://libcdm1.uncg.edu/cdm/singleitem/collection/RAS/id/1523/rec/1>.

<sup>42</sup> Robert West, Sen. and Robert West, Jun., *North Carolina Gazette*, March 13, 1752, <http://libcdm1.uncg.edu/cdm/singleitem/collection/RAS/id/1544/rec/2>.

<sup>43</sup> John Dickson, *North Carolina Gazette*, June 25, 1753, <http://libcdm1.uncg.edu/cdm/singleitem/collection/RAS/id/1149/rec/3>.

<sup>44</sup> Kay and Cary, “Slave Runaways,” 29-30.

<sup>45</sup> Watson, “Impulse Toward Independence,” 323.

<sup>46</sup> Watson, “Slave Courts,” 32; North Carolina General Assembly, *Acts of the North Carolina General Assembly, 1758*, ch. VII, IV, <https://docsouth.unc.edu/csr/index.php/document/csr23-0035>.

successful.”<sup>47</sup> It was repealed in 1764 likely from the demands of offended slaveholders expecting to be compensated for the loss of rebellious slaves.

The black population continued its cycle of growth, reaching approximately 30,000 by 1764.<sup>48</sup> Those numbers would only increase as the nation rushed toward Revolution. With each successive upheaval of resistance among slaves, the Assembly would respond with revised laws in the attempt to control outright rebellion. Only after the Civil War did North Carolina’s slave codes cease to exist. These, however, were replaced during the Reconstruction era with equally discriminatory measures, known as black codes.<sup>49</sup>

## **Conclusion**

By chronologically examining methods of resistance among slaves along with the enactment of North Carolina laws, it is clear to see a correlation between the two. For each action by the enslaved, there was a prompt reaction by the Legislature. As new laws went into effect, slaves altered their course of resistance forcing their oppressors to shift their approach. This cause-and-effect method of research illuminates the powerful influence of a silenced people.

Existing research has shown how the colony used its legislative powers to keep an oppressed group even more subdued, but none have illustrated the direct impact the enslaved community had on the government during this period. North Carolina lawmakers were forced to consistently change their course of action in response to a constant threat believed to be ignorant. By exploring the actions of both groups simultaneously, the research has demonstrated that black

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<sup>47</sup> Bassett, 31-32.

<sup>48</sup> Padgett, 303.

<sup>49</sup> Ready, 252.

resistance regulated the course of colonial legislation, despite slaves having no actual role in the proceedings.

Though the struggles for equality and justice continue to the present day, the idea that slaves held much more influence, even among government, than commonly believed helps to guide future research. This is especially significant regarding colonial North Carolina in which Watson contended that “historians have almost ignored slavery.”<sup>50</sup> With this perspective, possibilities abound to further highlight the empowerment of marginalized groups throughout history and to encourage an exploration into less understood arenas of the past.

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<sup>50</sup> Watson, “Impulse Toward Independence,” 317.

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