

# *Interracial Rape Trials in North Carolina: 1790-1840*

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# Project Background and Goals

- Secondary scholarship, including Martha Hodes in her book, *White women, Black Men: Illicit Sex in 19<sup>th</sup> Century South* (1997) has argued that the 'black rape myth' that shadows the history of the post Civil War south was not in place in the antebellum period.
- The suggestion is that there was racial tolerance expressed in white communities as evidenced by the white communities' responses in the two preliminary North Carolina cases I looked at in *State v. Warrick*(1823) and *State v. Jim*(1826).
- Most notably sparking my interest was the acquittal of Warrick in which it is recorded that, “[The petitioners] fear that the verdict in Warrick’s case was not tempered with the indulgent principles of humanity which would have been exercised in the case of a white man.” thus expressing a respect and interest in Warrick as a man before and over a slave.
- Thus the first phase of my research was to find more trials, if possible, to expand on this notion of tolerance in order to understand the constant evolution of the color line in the South.
- Secondly I needed to find out more about the current historical dialogue involving rape, race, class and gender as well as how all of those aspects of antebellum social life played into the accusations, verdicts, and petitions reached in the rape trials I found.
- The final part of my project was to synthesize my own thesis for continued research and possible publication

# Results

- Part 1: an abbreviated timeline of rapes trials and pertinent legislation:
  - 1823: --rape of a white woman was a capital offense after 1823
    - State v. Warrick-Warrick found not guilty b/c the trial was racially motivated
  - 1826: Polly Lane v. Jim—woman pregnant so can't be a rape
  - 1828: State v. Jim(Martha Jenkins 7 yo).– not guilty because no evidence. Martha Jenkins(7yo)
  - 1830: officially illegal for whites and free blacks to marry
  - 1831-State v. Martin (Bransy Witherington)- Change in diction-black men are now inspired by the devil
  - 1837-state v. Jesse-(under 14 yo) too young to be convicted of raping Severla Harris,
- Part 2: Secondary Scholarship
  - Diane Miller Sommerville, *Rape and Race in the Nineteenth Century South*(2004)– this book focused on disproving the existence on the “black rape myth” and was instrumental in helping me understand the many angles of culture that rape trials expose
- Part 3: Synthesis and Thesis formation
  - Like Sommerville who analyzed the men involved in the trials, I chose to go more in depth with the females that were accusing the men of rape in order to understand their impetus.
  - My new thesis is to look at the specific women involved in the above trials since it seems to me, after reading their trials, that Mary, Polly and Martha were very improbably the victims of a rape. It is possible that the women were accusing the men of rape in order to satiate family as part of a class division of poor white and slave, personally save their reputation or out of racial fears and prejudices of their own. However, either way it appears that Antebellum North Carolina's communities' loyalties to race were anything but black and white.