

Fighting for Freedom Pre-Civil War:

How enslaved people used Washington D.C.'s vague legal structure in freedom petitions

Introduction

The institution of slavery in America was a system upheld by specific laws and public support throughout the country. Slave states relied heavily upon their slave labor to fuel the economy of their land and to ensure the prosperity of their communities. As most states had their own legal framework to support slavery, there is one specific city where lines were blurred. The nation's capital, Washington D.C, was an unusual place for slaves. It was a city made up of land from two different states, Maryland and Virginia, and thus was a space that became ambiguity personified, leaving room for slaves to navigate their own freedom. However, it also protected the institution of slavery allowing slave owners to strengthen their dominion.

Congressional debates over slavery allowed abolitionists to dissent against the institution of slavery while slaves were openly sold. Washington D.C became a complicated city that found itself caught in political and economic wars. The political and social history of Washington D.C is integral to understanding how fragile the institution of slavery was in America. The legal framework of the city's territory questioned the laws of Maryland and Virginia and explored the gaps in those systems. This paper will use freedom petitions submitted by slaves in Washington D.C in order to understand how the vague nature of the legal system of the district, prior to 1850, allowed slaves to use the laws of Maryland and Virginia to gain their freedom despite how they were used in each state. Yet, this paper will also keep in mind that this system simultaneously allowed slave owners to manipulate those laws that may have benefited slaves, so they could protect their interests and the institution of slavery.

Different laws taken from Maryland and Virginia shaped how slaves approached their suits for freedom while also trying to survive in a legally vague space where navigating life was not as black and white as it was for many in the North or in the South. This paper will primarily focus on the events taking place in late 18th century and early 19th century right before the Civil War specifically from 1790 to 1841. The histories of Washington D.C, Virginia and Maryland are explored in order to provide historical and legal context for the freedom petitions submitted by slaves. This will aid in connecting the different dots that comprised the incomplete legal system in the district.

There has been substantive work done in the arena of slavery, slavery law and the experiences of slaves in the United States, but this research will tie together the complicated nature of politics, historical and social context of the two states whose land the nation's capital was built upon and freedom petitions of the slaves who attempted to navigate this terrain.

Historical Context of Early 19th Century Washington D.C

The Land upon which they built

Before we delve into cases, it is essential to recognize that Washington D.C's legally ambiguous environment was directly connected to its territorial makeup. The land upon which the federal government would be seated was composed of territory taken partially from Virginia and Maryland. Prior to the issues that came out of the legal shortcomings of the district, Congress had been working tirelessly to choose a location for the nation's capital. Americans had been waiting for this city because for them it signified a "permanent seat of the empire"

which meant that hopefully in this nation's capital, a new commercial center would pave the way for stability.¹

The founding of Washington D.C came out of years of debates that carefully examined how the capital had to be in a neutral location and not in any one specific state. Historians describe that “to place a permanent capital within the jurisdiction of one state was to imperil the influence of every other”.² After months of political bargaining in 1790, Congress used the legislatures of Maryland and Virginia along with the ceded territory from these two states for the foundation of the District of Columbia. From Virginia, Alexandria County became a part of the capital while Maryland handed over their Washington County which is also referred to as Georgetown today. Congress did not want to create a completely new set of laws to govern the district because it proved too tedious of a process to start and complete. So, instead the Act of 1801 established that Congress would be “provided authority in all matters of general government and allowing the laws of Maryland to remain in force in the County north, and those of Virginia in the County south, of the Potomac.”³

In theory, the concept was that Virginia and Maryland law will operate in their respective territories within the city without a problem. In the rush to finalize a city and take into consideration all the concerns of the American public at the time, there were many gaps that Congress had not even considered when signing laws like the Act of 1801. They moved hastily to create some form of legal structure for Washington D.C. but in their efforts, they did not take into consideration the political rights of civilians in the area and ignored the local tensions

¹ Constance McLaughlin Green. *Washington: A History of the Capital, 1800-1950*, (Princeton, New Jersey: Princeton University Press, 1962), 7.

² *Ibid*, 9.

³ Mary Tremain, *Slavery in the District of Columbia: The Policy of Congress and the Struggle for Abolition* (New York: G.P. Putnam's Sons, 1892), 13.

between the states of Maryland and Virginia. This incomplete framework and lack of structure in the governing institutions was the driving force behind the ambiguous atmosphere of the capital.

Subsequently, as the territories taken from Maryland and Virginia merged into the capital, the people had little idea about how to navigate this new city. Maryland and Virginia had years of animosity driving their local conflicts due to the interconnected nature of their economic interests. These tensions found themselves heightened in the political realm where neither state wanted to cede parts of their territory to compile the nation's capital in the first place. Historian Mary Tremain describes that "if Washington County wished for a change in certain laws, Alexandria County was nearly certain from jealousy or for local interests, to oppose it, or to want some slightly different measure".⁴ Many issues, which this paper will delve into later, rose to the surface when the laws of Maryland and Virginia stood in conflict with each other during hearings causing the courts and Congress infinite confusion when it came to finding solutions for legal issues. Congress was burdened with matters of national importance at the time but the local jealousies and conflicts between the two counties made it nearly impossible to pass any legislation addressing local or national issues.

Various resolutions advocating for the reconciliation of laws that governed both counties were proposed to Congress on multiple occasions but many of those suggestions went ignored. Scholars have speculated that this may have been the case because of the lack of experience that many Congressmen at the time had in terms of governing a new city while also trying to balance addressing issues of national interest.⁵ The neglect in crafting legislation in the early 1800s that

⁴ Mary Tremain, *Slavery in the District of Columbia: The Policy of Congress and the Struggle for Abolition* (New York: G.P. Putnam's Sons, 1892), 14.

⁵ Paul Finkelman, and Donald R. Kennon. *In the Shadow of Freedom: The Politics of Slavery in the National Capital* (Athens: Ohio University Press, 2011), 32.

addressed the needs of the district was acknowledged by members of Congress themselves. Members of Congress like Archibald Van Horne urged in 1811 “the establishment of a territorial government in the District [but] said that it had been proved by experience that Congress either could not or would not attend to the District”.⁶

The nation’s capital in the early 1800s operated in a legal environment where delegates hesitated when proposing legislation to Congress due to the fact that they would take the longest time addressing even the smallest of issues. Since the laws of Maryland and Virginia were only in place in Alexandria and Washington County and only applied to those residents, the residents that settled in the District had no laws that granted them their political rights.

The capital was supposed to a city that the states could look towards for guidance in matters they could not resolve on their own.⁷ Yet, in its early years, this city was divided in three where Washington and Alexandria County fought for their political rights as the citizens of the district also continued to advocate for themselves but Congress had difficulty merging the various issues into one cohesive system that could address them all. A quote from the January 13, 1827, from the *Intelligencer*, a newspaper circulating in the District of Columbia, said “The city as well as the District at large suffers much from the want of a Code of Laws applicable to the whole. It is now almost impossible for any citizen to say what is the law of the place”.⁸ In order to clear any confusion, there were Maryland and Virginia laws in place in their respective counties which were Alexandria and Washington County. Washington County should also not be mistaken with Washington city which is the part of the district where Congress resided. In this

⁶ Mary Tremain, *Slavery in the District of Columbia: The Policy of Congress and the Struggle for Abolition* (New York: G.P. Putnams Sons, 1892), 15.

⁷ Constance McLaughlin Green. *Washington: A History of the Capital, 1800-1950*.(Princeton, New Jersey: Princeton University Press, 1962), 7.

⁸ Mary Tremain, *Slavery in the District of Columbia: The Policy of Congress and the Struggle for Abolition* (New York: G.P. Putnams Sons, 1892), 22.

space, many slaves chose to take matters in their own hands working to use the law to their advantage while slave owners attempted to evade the law in multiple occasions.

As we understand the different units that made up the district, it's important to keep in mind that slavery continued simultaneously as these debates took place. Slavery was almost always protected by Congress in the district since Maryland and Virginia laws provided the framework that supported the slave trade due to each state also being a slave society. American legal historian Paul Finkelman affirms that "slaves were after all whipped, jailed, and chastised in public. More important, they were sold and sent south. Washington was never a large slave market, but the city was an important depot in the interstate slave trade, as local slaves were purchased and others, from Maryland or Virginia, were marched across the District of Columbia in chains on their way to southern markets".⁹

As slave owners used the different laws of Maryland and Virginia to exercise control over their slaves, slaves filed for their freedom by using the two sets of laws in the district. As we move forward in understanding how slaves fit into this picture, we must examine how the slave laws in Virginia and Maryland differed that were in place in the early 1800s in Alexandria and Washington County. The lack of a uniform set of laws gave many slaves more room to create a case that would sway the court in their favor since Maryland laws were not as definitive as Virginia slave laws. On the other hand, the definitive nature of Virginia laws was able to work in the favor of slaves when it came to manumission in contrast to the culture of manumission in Virginia during the early 1800s. We also understand that while there were laws that in most instances benefited slaves, they were also exploited by slave owners.

⁹ Paul Finkelman, and Donald R. Kennon. *In the Shadow of Freedom: The Politics of Slavery in the National Capital* (Athens: Ohio University Press, 2011), 4.

Historical & Legal context of Maryland and Virginia Slave laws in 19th century Washington D.C

Many of the laws taken from the two states in the act of 1801 were outdated. Chief-Justice William Cranch of Circuit Court for the District wrote to Congress in 1818 stating that “The laws thus adopted [by the act of 1801] consisted of so much of the common law of England as was applicable to this country; of bill of rights, constitution, and statutes of Virginia and Maryland, modified by the Constitution and laws of the United States, and also (in regard to that part of the District which was ceded by the State of Maryland) of such of the English statutes as existed at the time of the first emigration to Maryland”.¹⁰ It’s integral to note that laws in the state constitutions of Maryland and Virginia that went into effect in Alexandria and Washington County had not been revised since their inception. Congressional records highlight that many of these laws were passed as early as 1715 but were used in Washington D.C up until 1862.¹¹ This part of the paper gives a short glimpse into the histories of both states in order to provide us with historical context behind what dictated slave laws in both states and how laws regarding manumission and importation of slaves differed in each state.

Brief Histories of Maryland and Virginia & how their economies dictated their slave laws

Throughout the research, laws regarding slaves in Virginia were more definitive due to the state’s strong relationship with slavery. On the other hand, the laws in Maryland regarding slaves may have been severe during the colonial era but were not as definitive in Washington County.¹² Although both states had similarities in their laws pertaining to slavery due to their

¹⁰ Mary Tremain, *Slavery in the District of Columbia: The Policy of Congress and the Struggle for Abolition* (New York: G.P. Putnams Sons, 1892), 12.

¹¹ District Of Columbia, Maryland, Virginia, and United States. *The Slavery Code of the District of Columbia, Together with Notes and Judicial Decisions Explanatory of the Same*. Washington, L. Towers & Co., Printers, 1862.

¹² William E Nelson. "The Law of Colonial Maryland: Virginia Without Its Grandeur." The

economic interests, the creation of the slavery codes was unique to each state's experience with slavery. Slaves are rarely mentioned in both Maryland and Virginia law written during the colonial period of both states due to the large population of indentured white servants. But historians note that "in both counties, then, laws concerning indentured servants were applied to slaves, probably until the latter became the more numerous class".¹³

Subsequently, the legal systems of Maryland and Virginia were very similar to each other because of their similar economic interests and geographical locations. Both states sat close to the Mason Dixon line that divided the north and the south. Since the colonial period, both Maryland and Virginia's economy relied heavily on the export of tobacco and other agricultural means of production¹⁴. Both states relied heavily on slaves to cultivate their economies and became slave societies in the mid 17th century. Maryland and Virginia continued to function as slave societies up until the 19th century when tensions leading up to the Civil war forced both states to grapple with their relationship with slavery. Maryland's internal circumstances with the creation of Baltimore city forced it to go down a path very different from Virginia's heavily agricultural economy.

Maryland's economy began transforming in the early 1800s as it moved into the industrial revolution like much of the northern states that were moving towards industrializing their means of production¹⁵. This is not to infer that industrial slavery in Maryland did not exist but highlights how the changing environment of the state emboldened slaves to file for their

American Journal of Legal History 54, no. 2 (2014): 168-99, p. 173.

¹³ Mary Tremain, *Slavery in the District of Columbia: The Policy of Congress and the Struggle for Abolition* (New York: G.P. Putnams Sons, 1892), 54.

¹⁴ William E Nelson. "The Law of Colonial Maryland: Virginia Without Its Grandeur." *The American Journal of Legal History* 54, no. 2 (2014): 168-99, p. 169.

¹⁵ Barbara Jeanne Fields. *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven: Yale University Press, 1985), 57.

freedom especially if they lived in the district of Columbia's Washington County. Historians like Barbara Jean Fields describe that "like the United States as a whole, Maryland was a society divided against itself. There were, in effect, two Marylands by 1850: one founded upon slavery and the other upon free labor".¹⁶ One must keep in mind that despite the anti-slavery sentiments brewing in Maryland, it still functioned as a slave society especially in the 1800s. The importation of slaves into Maryland directly benefited the economies of counties in southern Maryland like Prince George's that heavily relied on slave labor since it was an agricultural region devoted to tobacco and wheat production.¹⁷ Yet, even with this being the reality in Maryland during the 1800s, slaves were manumitted by their master's often. Historical research describes that "relatively low rates of manumission in most of Maryland's rural counties kept slavery viable there but Marylanders manumitted thousands of slaves by individual voluntary acts recorded in deeds or wills. Here, Maryland's path diverged from its neighboring state".¹⁸ Further in this paper, the freedom petitions out of Maryland law will show how the division around slavery in the state created opportunity for slaves to petition for their freedom. But, matters around slave law which most Maryland courts left unsettled simultaneously nudged the district courts to rule in favor of the slave owners as well.

On the other hand, Virginia was not divided in its sentiments that focused on protecting slavery since it was integral to economy of the entire state. It was not split into two different parts like Maryland was, so slave law in Virginia's constitution made sure to protect the interests of the slave owners first. Professor of history, Glenn Crothers, clarifies that "left behind by

¹⁶ Barbara Jeanne Fields. *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven: Yale University Press, 1985), 6.

¹⁷ *Ibid*, 8.

¹⁸ Stephen T. Whitman. *The Price of Freedom: Slavery and Manumission in Baltimore and Early National Maryland* (Lexington: The University Press of Kentucky, 2015), 94.

northern economic development. Alexandria and northern Virginia re-trenched and turned to more economic practices- particularly slavery and the slave trade. In the years after 1820, northern Virginia turned south, and the port of Alexandria stood at the center of this economic and cultural transformation”.¹⁹ This port of Alexandria became part of the District of Columbia when the capital was founded in 1790. Virginia laws worked to ensure that slaves contributed to the commonwealth’s economic growth and served the interests of slave owners. Slave owners used their slaves as agents through which they could further their financial interests.

Various codes regarding manumission and importation of slaves gave slave owners more power if their slaves attempted to use the legal framework to petition for their freedom. For example, an act passed in 1782 allowed owners of slaves to emancipate them by last will or any other testaments.²⁰ Yet, a law passed in 1806 “provided that any slave manumitted could lawfully remain in the state only twelve months after such emancipation and if failed to observe such law meant that the Negro in question might be apprehended and sold back into slavery”.²¹ Virginia’s constitution provided perfunctory standards designed to hinder slaves from obtaining their freedom. Many of the slave laws created and revised focused on limiting the grounds upon which slaves were petitioning for their freedom in Virginia courts.

These limitations were put into place to give more legal power so slave owners could maintain control over their slaves. Virginia legislators also took these measures to make sure that the importation of slaves in the commonwealth was not disturbed since slave labor played a large

¹⁹ Paul Finkelman, and Donald R. Kennon. *In the Shadow of Freedom: The Politics of Slavery in the National Capital* (Athens: Ohio University Press, 2011), 147.

²⁰ Mary Tremain, *Slavery in the District of Columbia: The Policy of Congress and the Struggle for Abolition* (New York: G.P. Putnam's Sons, 1892), 34.

²¹ Luther P Jackson. "Manumission in Certain Virginia Cities." *The Journal of Negro History* 15, no. 3 (1930): 288.

role in the state's economic stability.²² These slave laws were the same ones that were implemented in Alexandria County and remained in force in the district until the retrocession of Alexandria in 1846. As legislators in Virginia narrowed the grounds on which slaves in the state could petition for their freedom, slaves looked to the complex nature of Washington D.C.'s courts to file a petition which offered them broader legal grounds upon which they could make their claims.

Washington D.C as the place for slaves to petition for freedom

Manumission, Importation of slaves & Freedom petitions in the capital

After understanding how Washington D.C had an incomplete legal structure in the early years of its creation and exploring how the different economies of Maryland and Virginia shaped their slave laws, this part of the paper uses freedom petitions to show why the capital offered more ways for slaves to obtain their freedom. This does not mean that legal ways of obtaining freedom through manumission or last will testaments were not practiced in Maryland or Virginia. But, the latter half of the 18th century moving into the early years of 19th century witnesses a rise in legislation aimed at controlling the liberation of slaves in both states. There has been speculation that this may be due to slave owners attempting to curb the rise of freed slaves in both states to ensure that their economic interests would be protected but this research cannot expand on that.

Furthermore, there are four freedom petitions included in this section, each that offer unique insight into how the district was used by slaves and slave owners simultaneously. While the first two explore slave laws regarding importation of slaves, the latter expand on

²² Michael L. Nicholls. "The Squint of Freedom": African American Freedom Suits in Post-Revolutionary Virginia." *Slavery & Abolition* 20, 2 (1999): 54.

manumission through last will testaments. In each section, this research will use a ruling in favor of a slave owner then expand upon a petition where similar laws were used to rule in favor of the slave. It's important to keep in mind that these petitions question the laws of Maryland and Virginia in the courts of Washington D.C in ways that they had not been previously questioned in either state. The simple existence of the district court system offered another place where slaves could go and use their voice to petition for their liberty.

Freedom Petitions on the basis of importation violations

With this in mind, slaves were openly imported and sold in Washington D.C despite the prohibitions against the importation of slaves that were listed in both Maryland and Virginia slave law. These prohibitions in both Maryland and Virginia slave law actually served to offer slaves more room to petition for their freedom for simply being brought to Washington D.C. The freedom petitions mentioned next not only affirm how laws were cherrypicked by the court in favor of the slave owners while concurrently benefiting slaves in their endeavor for freedom.

One example of how difficult it became for District courts to navigate this act when used by slaves in their petitions for freedom is evident in the petition filed by William Jordan in 1823 against U.S Representative Lemuel Sawyer of North Carolina. For the purpose of this research, this case illustrates how slave owners tried to not bring their slaves to Washington D.C. out of fear that they would use the district's ambiguous legal structure to petition for their freedom. Evidence in this case shows that Representative Sawyer purchased Jordan from a slaveholder in Virginia, Valentine Peyton, in Washington County. Peyton brought Jordan into Washington city

but was instructed by Sawyer to “immediately put Jordan on a steamboat bound for Virginia to prevent his claiming his freedom”.²³

This freedom petition is used to conclude that even the presence of slaves who were imported across state lines in Maryland or Virginia in the district threatened the fragile institution of slavery. This is not to negate the fact that slavery was an institution often protected even in the district where talks on freedom and liberty took place daily.²⁴ This freedom petition confirms this because the case was eventually dismissed in favor of the Congressmen. Statement of facts from the case dictate that the court was “split over how narrowly or expansively to interpret the *Maryland Act of 1796*”.²⁵ The court did not rule in favor of the plaintiff because by setting a precedent like that would have further restricted the movement and importation of slaves into Maryland and the capital. It would constrict the slave trade that both Maryland and Virginia so heavily relied upon. Here, we see how interests of states like mentioned previously in the paper heavily influence the slave law and are protected through the institutions of slavery even in the district.

Even though this is one case where the court rules in the favor of the defendant, many other cases using this same Maryland law along with Virginia laws allowed slaves who filed for their freedom on this basis of an importation violation to win their freedom. This is evident in the freedom petition filed by Thomas Butler against Gabriel Duvall. Butler filed a petition on behalf of himself and his family on the basis of an importation violation. The central claims of this case focused on the place of residence where Thomas Butler and his family were sold to Gabriel

²³ William Jordan v. Lemuel Sawyer. In *O Say Can You See: Early Washington, D.C., Law & Family*, edited by William G. Thomas III, et al. University of Nebraska-Lincoln. 2015.

²⁴ Paul Finkelman, and Donald R. Kennon. *In the Shadow of Freedom: The Politics of Slavery in the National Capital* (Athens: Ohio University Press, 2011), 9.

²⁵ William Jordan v. Lemuel Sawyer. In *O Say Can You See: Early Washington, D.C., Law & Family*, edited by William G. Thomas III, et al. University of Nebraska-Lincoln. 2015.

Duval. Duval claimed that he had always lived in only Prince George's County, Maryland yet evidence shows that he bought the Butlers from a man. John Dales, who moved around Virginia and Maryland.²⁶ The historical context throughout this research affirms that jurisdictional boundaries and laws regarding the importation of slave in D.C were complex, to say the least.

In this case, Dales hired the Butlers to work in Maryland, Virginia and D.C. Since he could have sold the Butlers in violation of the *1796 Maryland Act*, which was still in force in D.C.; the jury

“found that the Dales moved from Virginia to Washington D.C., with the Butlers held as slaves and then proceeded to sell them in D.C within three years of their arrival, then they were imported for the purpose of selling them, a violation of the Maryland Act, and the Butlers were entitled to their freedom. If they were sold to Duvall while he was a resident of D.C and while Dales lived as a resident in Virginia, they were imported illegally and entitled to their freedom”.²⁷

This case illustrates how the merging of Maryland and Virginia laws in D.C made matters of jurisdictional boundaries in D.C complex for the courts. This incomplete legal structure that consisted of outdated laws in the early 1800s in Washington D.C. paved the way for enslaved people like Thomas Butler and his family to win their petition for freedom.

Freedom Petitions made on the basis of manumission

²⁶ Thomas Butler, Sarah Butler, Matilda Butler, Airy Butler, Reason Butler, Sally Butler, Liddy Butler, & Eliza Butler v. George Kirby. In *O Say Can You See: Early Washington, D.C., Law & Family*, edited by William G. Thomas III, et al. University of Nebraska-Lincoln. 2015.

²⁷ Thomas Butler, Sarah Butler, Matilda Butler, Airy Butler, Reason Butler, Sally Butler, Liddy Butler, & Eliza Butler v. George Kirby. In *O Say Can You See: Early Washington, D.C., Law & Family*, edited by William G. Thomas III, et al. University of Nebraska-Lincoln. 2015.

Nevertheless, the next two freedom petitions are organized in a similar pattern like the ones made on the basis of importation violations. The difference in these is that the petitions were filed on the basis of manumission through last will testaments. The first freedom petition filed on the basis of manumission by last will was by multiple people. In this case petitioners, Adam Wigle, Rachel Wigle, Nace Johnson, Nancy Johnson, William Forest and Harry Wigle explained that they were entitled to their freedom under the last will of their deceased Master John Kirby.²⁸ They claimed that executor of John Kirby, George Kirby, was holding them unjustly. A key fact that swayed the case in the favor of the slave owner, George Kirby, was that some of the petitioners were over the age of forty-five at the death of John Kirby.

This case took place in Washington County, so it relied on Maryland laws to guide the verdict. The court ruled in the favor of the defendant citing that “slaves cannot be manumitted in Washington County, D.C., by last will, if over forty-five years old at the time the manumission is to take effect”.²⁹ Despite the fact that manumission by last will testaments was a very common practice in Maryland, the court ruled in the favor of the defendant. The Maryland law in question is the *Act of 1796* which we have seen in *Jordan v Sawyer* continued to become difficult to navigate in district courts. In this freedom petition, there were “different opinions in regard to this law, and the law was unsettled in Maryland”.³⁰

This is an example of how Maryland laws are cherrypicked in the district court and used to rule in the favor of the slave owner. Given that Congress did not revise the Maryland laws that went into force in Washington County through the Act of 1801, courts in the district also did not

²⁸ *Harry Wigle v. George Kirby*. In *O Say Can You See: Early Washington, D.C., Law & Family*, edited by William G. Thomas III, et al. University of Nebraska-Lincoln. 2015.

²⁹ *Ibid*, circuit report.

³⁰ *William Jordan v. Lemuel Sawyer*. In *O Say Can You See: Early Washington, D.C., Law & Family*, edited by William G. Thomas III, et al. University of Nebraska-Lincoln. 2015.

want to take on such a tedious task. As seen in this freedom petition, a law that has benefited slaves is also manipulated by slave owners to continue to exercise their control. Through the denial of the petitioner's freedom, who in their late master's will were set to be manumitted, the institution of slavery was protected in the city. This was not a reflection of the culture of manumission through last will testaments in Maryland or Virginia as previously stated in the brief histories.

On the contrary, freedom petitions filed on the basis of manumission proved rather successful outcomes for slaves. This is evident in the 1804 case of *Bazil Thomas v. James Kennedy Jr* where the outcome ruled in the favor of the plaintiff, Bazil Thomas. Bazil Thomas was a slave owned by Francis West who was set to be married to Charles Turner. In her separate will that she wrote prior to her marriage with Turner, West intended for Bazil to be set free once she died after completing eight years of service. Her husband, after her passing, suppressed the will and sold Thomas to the defendant, James Kennedy. In her will, Mrs. Turner said "I will that my slaves be sold by my executors, for the following terms: Bazil for eight years... I will that after the above slaves respectively arrive at the completion of the above terms, they shall be free at the age of thirty years".³¹

This case took place in Alexandria County where Virginia laws related to manumission through last will testaments were in place. Laws regarding manumission in Virginia, as previously discussed, did not allow much room for slaves to petition for their freedom because legislators passed laws to limit the grounds for freedom suits. While this case took place in 1801, we shortly see a drop in manumission in various Virginia counties throughout the 1800s with the

³¹ *Bazil Thomas v. James Kennedy Jr*. In *O Say Can You See: Early Washington, D.C., Law & Family*, edited by William G. Thomas III, et al. University of Nebraska-Lincoln. 2015.

passing of the law of 1806.³² Despite this theme of Virginia looking towards legislation that would preserve slavery, the verdict in this freedom petition ruled in favor of the plaintiff, who according to Washington D.C's court was entitled to his freedom.

In both freedom petitions filed on the basis of manumission, we see how Washington D.C's legal system is a unique forum during the 1800s. In one case, the court chose to focus on the age of the petitioners despite the will of their Master which manumitted them to be free after his death. This is uncommon especially since Maryland law legally granted various slaves their freedom through manumission which was actively practiced during the 1800s in the state. We see that the district becomes a forum for the slave owner to manipulate that law to further their own interest. On the other hand, the freedom petition of Bazil Thomas shows us how manumission codes under Virginia law were very specific and yet they still were able to work in the favor of the slave. Despite the fact that numbers of manumitted slaves in the Virginia continued to decline during the early 1800s.³³

Conclusion

The findings of this research indicate that in the early years of the United States capital's founding left gaps in its legal system that Congress was too overwhelmed to mend. This intricate legal framework provided broad grounds upon which slaves could petition for their freedom. They were not always given this opportunity as we see in the case of Virginia where laws were passed to curb the rates of manumission. In the freedom petitions examined, this research notes that there are a variety of other factors that may have influenced the decision which go beyond

³² Luther P Jackson. "Manumission in Certain Virginia Cities." *The Journal of Negro History* 15, no. 3 (1930): 278-314.

³³ Philip J. Schwarz. *Slave Laws in Virginia*, (Athens: University of Georgia Press, 2010), p. 33.

the scope of this paper. With that in mind, the conclusions drawn from these freedom petitions are a direct manifestation of the ambiguity that courts in Washington D.C. had to navigate.

A slave like Bazil Thomas who may not have won their suit for freedom in Virginia was able to use the district courts to win the freedom suit. Similarly, the Butler family that petitioned for their freedom won specifically due to the convoluted nature of importation laws that intersected throughout Maryland, Virginia and Washington D.C. As these freedom suits offer a short glimpse into how the capital was an intriguing legal place that benefited slaves, the victories of slave owners in the cases of *Jordan v Sawyer* and *Harry Wigle v George Kirby* teaches us a haunting lesson. The capital was a place that was supposed to be a reflection of the country and it was rightfully so since it embodied all the contradictions that America was in the 1800s.

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