Slave women, county courts and the law in the United States South: a comparative perspective

By: Loren Schweninger

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Abstract
This article provides an analysis of how slave women, during the period from the American Revolution to the Civil War, filed civil suits for their freedom in the county courts. The cases occurred primarily in the Upper South. It is argued in this article that it was only as property - being part of an estate, cited in an deed of indenture, freed in a last will and testament, being imported into a state against the law, living with their owners or their owners' knowledge in free territory - that slaves were permitted to file such suits; but when they did, they were often successful, in large measure due to talented lawyers. This article also compares the legal process of manumission in the United States South with emancipation in other slave societies in the Americas, suggesting that the experience in the United States was in many ways unique. The article concludes with a brief comparison of the suits for freedom brought by women and those brought by men, offering data to reveal that there were more similarities than differences between the genders.
Keywords: slavery; courts; freedom suits; women; United States

Article:

Introduction

In 1835, 19-year-old Polly Anderson, a slave, filed a suit in the Chesterfield County, Virginia, Chancery Court. Accompanied by James Burnett, a white man acting as her guardian, she traced her ancestry back to 1815, when her grandmother Amey and her mother Letty were freed under the 1805 will of Jordan Anderson Sr and registered as free persons of colour. Polly Anderson then explained that, despite the fact that Amey and Letty had legally gained their freedom and registered at the county courthouse as free women of colour, she was turned over, when a young girl, to Edward Elam and held by him as a slave. Elam knew very well that she was born free and 'not in law bound to serve him a day', yet he sold her to William Watts, who took her to Hanover County and turned her over to his uncle, Robert White, a slave trader well known for 'purchasing negroes in Virginia & transporting them to Louisiana & Mississippi for sale in those states, on speculation'. She did not know if 'she was sold as a slave absolutely, or only until she should attain her age of twenty one years'. Fearing it would be 'extremely difficult, if not impossible, for her ever to assert her right to freedom with success' if she were sent to 'some distant part of the United States', Polly Anderson sued Edward Elam, William Watts and Robert White, asking the court to restrain any one of them or anyone else from taking her out of the state. She asked the sheriff of Hanover County to take her into custody and hire her out until 'her right to freedom shall be finally decreed'.1

In recent years, historians have examined many aspects of slavery in the Americas, including the unique role of slave women. In the anthology titled *Women and Slavery: The Modern Atlantic*, Claire Robertson and Marsha Robinson urge readers 'not simply to add women to the mixture in order to achieve mainstream status' but to put

the female slave experience at centre stage. A number of the volume's essays do exactly that. In studies of slavery in Brazil, Jamaica, Barbados, the French Caribbean and the United States South, historians have examined how slave women, as mothers, care givers, objects of an owners' lust, and labourers, confronted unique problems. In an article titled 'Slave women and Reproduction in Jamaica', Kenneth Morgan shows how the onerous demands imposed on mothers working on sugar plantations and the lack of a proper diet caused heavy infant mortality. In his article on Louisiana slave women, Richard Follett presents an interpretation of the various ways in which black women reclaimed their own bodies, frustrated the planters' efforts to encourage reproduction, and 'defied white male construction of their sexuality'. Other recent historians have focused on the unique experiences of slave women in legal matters. Camillia Cowling explores the preponderance of individual court appeals that were presented by slave women in Havana, Cuba, to gain free status or achieve better working conditions. In her article on enslaved women in the post-Revolutionary Carolinas, Laura Edwards argues that 'enslaved women occupied acknowledged spaces within southern law and even shaped its application and content'. Focusing on court cases between 1787 and 1840, Edwards emphasises how, at the local level, the personalised nature of the legal process gave black women 'influence and presence in law'.2

This essay tests whether placing 'the female slave experience at center stage' is indeed the most useful way of understanding the slave experience, at least with regard to women, slavery and the law. It does so by examining freedom suits, such as the one presented by Polly Anderson, in order to understand the role and operation of the law in the American South and to compare it with other slave societies in the Americas. How could an illiterate teenage female slave know about her family's genealogy, obtain a white guardian and secure counsel? How did her suit differ from the suits brought by male slaves? And how did the legal structure in the United States differ from the structure in other slave societies? Drawn from a new body of evidence - local court records - this essay analyses how, when and why slave women brought legal action against their owners and other whites, how they argued their cases before judges and juries, and what these actions tell us about the South's peculiar institution and slavery in the Americas.3

Residing primarily in the Upper South and Louisiana, the black women who filed freedom suits relied on lawyers - variously termed attorneys, solicitors, counsel - to prepare complaints, file petitions and request subpoenas. They obtained legal counsel in a variety of ways. In some states, when a will that included a grant or promise of freedom was probated or an emancipation deed was entered in the court records, a local judge appointed a lawyer to represent the black people involved. Slaves seeking to gain freedom also found support among members of their owners' families, or whites in the neighbourhood who knew about an owner's wish to manumit certain slaves. It is reasonable to assume that those slaves who knew of their late owner's intention to free them would complain to anyone who would listen about remaining enslaved after their owner had legally manumitted them, or their term of servitude had expired. Still others somehow got word of their illegal enslavement to lawyers who were known to be sympathetic to the plight of black people or entertained anti-slavery sentiments. A few slaves contacted solicitors themselves, especially if they lived in towns and cities or in areas where it was known that certain lawyers were willing to take on such cases as a matter of principle.4

Some of those lawyers espoused anti-slavery, even abolitionist, sentiments. In Delaware, Richard Bassett, an abolitionist who introduced the state law to prohibit the sale of African-Americans to the Carolinas, Georgia or the West Indies, filed nine law suits on behalf of female slave clients.5 During the 1820s, while serving on the Supreme Court of Missouri, Mathias McGirk served as legal counsel for several black women and their children and grandchildren, and his firm of Farris, Gamble, and McGirk represented a number of other coloured women.6 During the late 1840s and early 1850s, Jean Charles David, an anti-slavery lawyer in New Orleans, argued cases before the Orleans Parish District Court on behalf of a number of slave women who had travelled with their owners to France.7

Yet, most solicitors defending women of colour were not abolitionists nor were they opposed to slavery. Indeed, a number were themselves slave owners. They took the cases to enforce the law and in defence of legal principles. When they learned that an owner or heirs to an estate reneged on a promise of freedom, they felt it was their duty to bring such matters to the attention of the court.8 When they learned that a free black had been

arrested as a runaway and incarcerated, they felt it was their duty to help with the defence. In Maryland and the District of Columbia, Francis Scott Key and John Boucher Morris represented a number of black clients, including Mary Queen of Charles County in her suit against Father Charles Neal of the Roman Catholic Church. Key defended slaves *pro bono* but he also defended the rights of slave owners and, on one occasion, prosecuted an abolitionist agitator.9 In Virginia, slaveholding lawyers Richard Bird, Richard Chambliss Sr, David May and Richard Logan defended black clients. May, who owned between 12 and 17 slaves, pleaded the case of Jane, a slave who had been freed under the 1831 will of her late owner Edward Lanier but was kept in bondage for five years to pay for her owner's debts. Several judgments were levied against Jane, May explained, and she was held in the county jail. The proceedings against her were 'harsh & oppressive'. Logan, who owned 113 slaves, argued for the release of six blacks - four adults, including Mary, Patsey, Jacob and Samuel, and two children, Matilda and Meriweather, as specified by the last will and testament of Philip E. Vass. 'I have examined the facts and Circumstances on which the petitioners claim the right to freedom which are Correctly stated in the forgoing petition', Logan informed the Judge of the Superior court in Halifax County.10

Whether slave owners or not, lawyers were guided in their arguments by statute law. In Delaware, Maryland and Virginia, laws prohibited the importation or exportation of slaves by slave traders and non-slave owners, and required the imposition of heavy penalties upon violators. The laws were passed less for humanitarian reasons than out of fear that outside slaves might disrupt the slave system. If any person or persons shall bring any 'Negro or Mulatto slave into this state for sale or otherwise', an 1787 Delaware law read, 'the said Negro or Mulatto slave is there by declared free'. In addition, the violator would be subject to a fine of 20 pounds, with half that sum going to the informant.11 Another law, passed in 1795 in Virginia, allowed persons illegally detained as slaves, including those freed by wills or deeds, the right to sue and be assigned counsel, and subsequent laws detailed how these suits should be presented to the courts: magistrates would issue a warrant summoning the presumed owner to court; defendants were required to answer the allegations, post security bonds 'equal at least to the full value of such complainant', and appear at the next session of the superior, county or corporation court. Plaintiffs without funds could sue *in forma pauperis*, and the same strictness 'as to *form*', as one judicial decision explained, 'is not required in actions for freedom as in other cases'.12 In 1786, Maryland courts began permitting oral evidence of slave petitioners' white ancestry in freedom suits; seven years later lawmakers transferred manumission cases from the general court to the county courts and required owners to provide proof of ownership. Solicitors were aware of the criminal proceedings that could be brought against anyone kidnapping and selling free blacks into bondage, although they could only bring civil cases on behalf of their enslaved clients caught up in such a situation.13

Besides state statutes, lawyers cited the final article of the 1787 Northwest Ordinance: 'There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted'. Although provisions were made for the return of slaves who had fled to the Territory, those who were brought by their owners to what later became Ohio, Indiana, Illinois, Michigan and Wisconsin, and resided there, came under the Ordinance's original prohibition. Those who were born of free mothers but held in bondage came under colonial statutes and precedents established by *partus sequitur ventrem*, which meant that the child inherited the condition of the mother, rather than that of the father as would have been the case under common law. In Louisiana, lawyers argued that free coloured immigrants from the Caribbean should retain their status in the United States. Thus, lawyers cited state laws, federal statutes and legal precedent to defend their black clients.14

Although most slave women were not familiar with these laws and precedents, they contributed a great deal to aid their own causes. In their suits, some female slaves offered detailed genealogical information to support their claim to freedom, be it a right earned at the end of their term of servitude or acquired in compliance with the terms of their owners' will or deed of emancipation. Considering the short life span of slaves (those who reached age of 21 lived another 17 years on average), information such as when children were born and the status of the mother at the time of birth could be vitally important. Indeed, knowledge about family history could mean the difference between remaining in slavery and gaining freedom. In a typical case, a Maryland slaveholder executed a deed of manumission in 1787 for Hannah and six other slaves, freeing them at various

times in the future. The deed stipulated that the children and grandchildren of the slaves were to be granted their freedom when they reached age 23. Many years later, Hannah's daughter Grace, born in 1792, obtained her freedom under the will, but her granddaughter Lemman, born about 1816, remained in bondage. In her civil suit, filed in St Louis, Missouri, in 1834, the granddaughter explained that her mother was 23 in 1815 and when she, Lemman, was born, in June 1816, she was therefore born of a free mother and should be declared a free woman of colour.15

There were a number of petitions which, as did the one presented by Lemman, traced families back a generation or two, and a few that told of mothers, grandmothers, even great grandmothers who were free. Women cited names, places, dates, owners, wills, deeds, marriage contracts, and, on occasion, referred to court records to prove how and when their ancestors had gained their freedom. 'Pleas', or 'causes', as civil suits were called, were filed by women belonging to three groups: women whose term of servitude had expired and were thus entitled to be legally free, women who were kept in bondage after they had been legally manumitted, and free black women who were kidnapped and held as slaves. Despite the different circumstances of their enslavement, the women presented similar arguments: their owners or others violated state laws; their owners or others disregarded the Northwest Ordinance; the wishes of owners who, in wills, deeds, indentures and other legal documents, had set them or their ancestors free were ignored or foiled.

For a variety of reasons - loyalty, intelligence, special skills, industry, 'meritorious service', sexual relationships with owners or other white males, giving birth to an owner's child - some slave women were promised their freedom in the future. Becoming what was known as a 'term slave', that is a slave entitled to freedom after serving a number of years or when reaching a certain age, was rare in the Lower South but fairly common in Delaware, Maryland, the District of Columbia, and in some towns and cities of the Upper South. Both slaves and owners benefited from such an arrangement: slaves gained the promise of liberty for themselves and possibly for their children; owners gained a certain measure of loyalty from those they promised to release from bondage. Most often these arrangements were set down in legal documents specifying that the women so named would gain their freedom after an owner's death, or following the death of his widow, or when they attained a certain age. In 1806, Maryland slave owner Joshua Morris executed a deed of manumission for Patience, Rhoda and several other slaves; they should be freed, he said, when they turned 21 years of age. In 1819, in his will, he reiterated his intent to emancipate the slaves, now including Patience and her three children (Juliet, Levin and George), David, and Rhoda and her three children (Arthur, Nathan and Peggy). Meanwhile, he permitted them 'to go at large and enjoy their freedom from the time limited in said deed of manumission to the time of his death'.16 One Missouri owner stipulated in a bill of sale that his 11-year-old slave Malinda as well as her brothers and sisters, who were being sold to Joseph Smith of Nashville, Tennessee, should be freed when they arrived 'at the age of twenty-five or twenty-eight years'.17 Other owners not only freed female slaves when they reached a certain age but also their children. One Tennessee man, who arranged for the future manumission of a favourite female slave, said that her children should also be manumitted: the females when they reached age 27, the males when they reached age 30.18 Of course, such arrangements were often in the distant future. Owners died, widows died, even slave owners' children died while the slaves who were to be freed remained legally enslaved. As the years passed and these black families expanded, they often became a significant part of an owner's estate. Term slaves discovered that their owners' heirs and family members sought to keep them enslaved rather than give up such valuable property. As a consequence, administrators of estates, executors of wills, widows, heirs, children, creditors, business partners and others used various means to subvert the original intentions of a slave owner. Although most of the slave women knew about the promise of freedom for themselves and their children, an owner's family members sometimes 'lost', hid or destroyed the legal documents - last will and testaments, bills of sale, deeds, act of indenture - that contained information about freeing the slaves at some time in the future.

It was under such circumstances that term slaves presented arguments to the county courts. It will never be known how many women were promised their freedom and never obtained it. Indeed, a few probably never knew that they were to be freed. But of those who were aware of the promise of freedom, most knew exactly how long they were to remain in bondage. In their petitions, they told of broken promises, greedy heirs, fears of

being sold, the sale of their children, being taken away by slave traders; they told about deceit, treachery and avarice. A 19-year-old District of Columbia woman named Helen was promised her freedom after 12 years of service. When her owner made arrangements to sell her unexpired term for 140 dollars, she protested; but trusting the potential purchaser's 'promises of good treatment, & his solemn declaration in the presence of a number of witnesses, that he did not buy her for the purpose of selling her again', she agreed to work until the end of her term. No sooner had the deal been struck than her new owner, Henry Drain, whom she described as a near-penniless Irishman, took her aboard a steamboat, transported her to Fredericksburg, Virginia, and offered to sell her for 300 dollars. At this point, Helen broke loose, dived into the river, and began to swim away only to be overtaken by Drain and dragged to the shore, not to prevent 'the destruction of her life', she said, but to protect his investment. Observing this confrontation, the woman who had agreed to buy Helen, 'touched either with fear or compassion', refused to complete the transaction. When they returned to the District of Columbia, Helen was able to get away from Drain, contact a lawyer and file a civil suit, seeking an injunction to prevent him from removing her from the District while her suit was pending. She also asked for a decree prohibiting him from selling her for more years than she was required to serve.19 Other term slaves related similar experiences and presented similar remonstrances, as the petitions were sometimes called, to protect themselves and their children.20

The efforts of female term slaves to force their owners, estate heirs, slave traders and others to abide by various legal documents mirrored the struggles of manumitted slaves who sought to secure and maintain their freedom after being emancipated. They, too, were forced to file suits to validate a will, deed, covenant, contract or verbal promise. They, too, fought against greedy heirs, antagonistic widows and hostile family members. They, too, suffered as the prices for slaves outside the north-eastern corner of the upper South - Delaware, Maryland and the District of Columbia - rose sharply and made the illegal transportation and sale of black people from that area to other sections of the South extremely profitable. It was probably more difficult for manumitted slaves than for term slaves to prove their free legal status since they often had less opportunity to know what had been written in wills and deeds than to know what was written in contracts of indentures. In any event, many women who should have been freed were kept in bondage. Although the precise number is not known, the observation of Mariah Cole, a literate Delaware slave who signed her name and added next to her signature, in parentheses, 'almost white', suggests that it was significant. She commented in 1800 that the 'sending to foreign parts Coloured people entitled to their Liberty is become somewhat fashionable in the Lower parts of this state'.21

Other manumitted female slaves told of the ways they and their children were deceived, defrauded, jailed and sold; how years passed while they and their children remained in bondage despite the expressed wishes of their owners; how they were hired out over extended periods. It was often difficult for these women to resist, to run away or to defy their owners, as the punishments meted to them would also be inflicted upon their children. If they were fortunate enough to gain the ear of whites who might help them bring their cause to court, they still faced the possibility of their children being sold, of brutal retaliation by a presumed owner, or of themselves being sold out of the district before any action could be taken. Following her owner's death in Georgia, the slave Mary was transported by an heir to East Baton Rouge, Louisiana. In 1822 Mary learned that her original owner had directed in his 1809 will that she should be manumitted in 1815. An heir of the estate, Marian Morris, and her husband, Gerald Morris, never informed Mary of her 'rights' and kept her in slavery. Later, Mary and her two children, Judy and William, were sold to Jerry Morris, another family member. Seven years after she should have been freed Mary somehow discovered the contents of her former owner's will. Her two children had been 'lost' to her, they were either sold or had died, but she had five other children, who had been born after the date set for her emancipation and who therefore should be free. When Jerry Morris died and the curator for the absent heirs to his estate made plans to 'carry her & her five children out the Jurisdiction' of the court, Mary filed a suit for her freedom and that of her children.22

Many similar cases could be summarised that would reveal the remarkable efforts and struggles of slave women to secure for themselves and their children the freedom that had been promised to them. Sometimes many years passed before the women filed their suits, despite knowledge that they were being illegally held; at other times they did so as soon as they discovered they and their children should be freed. In some cases they said that their

owners had always been attached to them and their children, and that they had served their masters faithfully and 'meritoriously'; in other cases they told about the specific provisions in wills and deeds that promised them or their children freedom: they should be freed and then taken to a free state, or, as slave owner Sally Mahan had stipulated concerning her slave Nancy and Nancy's six children, they should be taken to a free state and then freed, or they should be freed and transported to Liberia. Following the death of her owner, Kentucky slave Rachel Bell told the court that her owner had instructed his executor to free his slaves when they reached age 21. Each one of them, according to the will, should be given the opportunity of 'going to Liberia or Some place of freedom out of the bounds of these United States'. At age 21, Rachel Bell said that she and her new baby named French were denied such an opportunity. The owner's son had sold them at a private sale. In her freedom suit, Rachel Bell asked for a restraining order to prevent the whites who now held her from taking her and French to some distant location.23

Free women of colour who were illegally held as slaves also presented their petitions to the county courts. In some instances their arguments were similar to those of the first two groups, but with one difference: they claimed an inherent right to freedom, rather than a right based on a promise contained in an owner's indenture, emancipation deed or last will and testament. Some claimed that they were born of free mothers, others that they had been born in free states or free territories, others that they had been kidnapped and sold into bondage, others that they were taken away from their loved ones and held by their captors, and still others that they were arrested and incarcerated as runaway slaves. Many women who found themselves in these situations could not prove their free status. Who would believe the assertions of a woman jailed as a runaway slave that she was in fact free and entitled to the status of a free woman? For the few who, by good fortune or fortuitous circumstances, were able to contact sympathetic whites and seek redress in the courts, it was necessary to prove the reverse of what appeared to be true. By the colour of their skin they were deemed to be slaves. In legal terms and in their standing before the court, they were 'guilty' until proven innocent.24

Claiming free lineage from whites was one line of argument in support of the claim to liberty. So, too, was arguing that a female ancestor could be traced back to Native Americans, or that either they or their parents had lived in a free territory, a free state or a free country. Those who made these claims did so by tracing family histories back over many years, sometimes several generations (six being the most) in order to explain when and where they were born, who had held them in bondage at various times, how they had come to be taken to regions where slavery was outlawed, how long they had remained in those areas before being taken back into the slave states. Thus, decades before the Harriett and Dred Scott cases, slaves argued that they had lived in areas where slavery was outlawed and should therefore be granted their freedom.25

In the Upper South and Louisiana, free black women told stories of how they and their children had been abducted and sold as slaves. Women were more vulnerable than men to being kidnapped and sold into bondage, or subdued and held as slaves, for not only was it harder for them, physically, to resist capture, but it was virtually impossible for them to abandon their children. Once they had been taken away they found it difficult to call on whites to vouch for them, or to prove their status. Free-born Phillis Thomas and her 12 children were overpowered one night in St Mary's County, Maryland, put in a wagon, and 'brought by a circuitous route to avoid pursuit and detection to the State of Kentucky'. Living in 'a state of involuntary servitude', Thomas feared that her abductor, James Burks, planned to move them again, to yet another state, and sell them as slaves for life.26 Henrietta Bell, the daughter 'of a free white woman and of a coloured father', was forcibly 'run off' from her mother in Virginia and sold as a slave. She commenced a suit for her freedom in Nashville, but her pretended owner, James Cummins, took her to Louisville, Kentucky, and now, she feared, planned to remove her again and take her 'to strange places' where she would never be able to prove her status as a free woman. She also believed that any extended journey would endanger the life of her unborn child.27 Others argued that their mothers, grandmothers, and more distant descendants on the female side, were free-born women of colour. They asserted that they were 'born of a free woman', 'the daughter of a free woman of colour', the granddaughter of a free white woman, or that they 'descended on the female line from a free woman'.

A mother's residency in free territory could have a profound effect on the status of her children. Winney said that her owners, Phebe and John Whitesides, took her from Kentucky to the Indiana Territory in 1795; several years later, they moved to Missouri. After arriving in Missouri, Winney gave birth to nine children. She contended that her residency in Indiana entitled her and her children to their freedom under the Northwest Ordinance. However, Phebe Whitesides claimed ownership of Winney and three of her children, Hannah, Lewis and Malinda; John Whitesides claimed ownership of her son Daniel; representatives of the late Thomas Whitesides's estate claimed ownership of Winney's son Jerry; Robert Musick claimed ownership of Winney's daughter Jenny; Isaac Votean claimed ownership of her daughter Nancy; John Butler claimed ownership of her daughter Lydia; and Michael Hutton claimed ownership of her daughter Sarah. In her suit, Winney asked for an order 'to enable her to sue for her freedom and as next friend to each of her said children to sue for their freedom'.28

A number of cases filed in Louisiana concerned slaves who asserted their right to freedom for having set foot on French soil. During the years after the Louisiana Purchase in 1803 and statehood in 1812, many French Creoles (people of French descent born in the Americas) travelled to France for extended stays, often taking trusted servants along as cooks, maids, waiters and housekeepers. Upon their return to Louisiana, some of the slaves filed suits arguing that they had lived in a country where slavery was not permitted. Indeed, French law declared that any slave who set foot on French soil should be immediately freed.29 Another strain of slave complaints peculiar to Louisiana concerned free people of colour who arrived in New Orleans from islands of the Caribbean during and following the slave revolt led by Toussaint L'Ouverture. Although free born or freed at a young age, some of them fled without proof of their status and were taken up as slaves. They found it virtually impossible to prove their former status. The women and children were especially vulnerable. The prices they could bring at the auction block were higher than anywhere else.30 Unique to Louisiana also were complaints demanding monetary damages for being illegally detained in slavery. As one group of black people, 'unjustly, illegally & forcibly kidnapped', asserted, not only should they be 'exempt from all obligations of service' but the person who held them should be required to pay them for their past 'work & labor'.31 Harriett Scott of St Landry Parish, arrested as a fugitive slave, not only sued for a writ of habeas corpus but demanded that the Sheriff of St Landry Parish pay her 350 dollars for false imprisonment. Other women asked for up to 10 dollars a month for the time they were illegally held in bondage.32

How slave women fared in the county and parish courts is one of the most remarkable aspects of the freedom suits. A statistical analysis of decrees handed down by courts in freedom suits filed by female slaves in the 15 slaveholding states and the District of Columbia in this study reveals a climate surprisingly favourable to slave petitioners. It is true that this finding must be interpreted with a measure of caution as not all petitioners sought a final decree on their free status - some requested permission to file suit and to secure protection during the judicial process; others asked for the appointment of a lawyer *in forma pauperis* or an injunction against their owners or the heirs of an estate. Nonetheless the numbers do reveal that not only were the courts sympathetic to the plight of slaves who filed suits and ready to hear their cases, but that the plaintiffs were successful in their quest for freedom far more often than not from one decade to the next in the different states. Among the approximately 546 civil suits filed by individual women, women with children, groups of women, groups of women and men with children and without, in those states where such civil suits were allowed, the overwhelming majority were partly granted or fully granted whereas relatively few were dismissed or denied (see Appendix 1). Some of those that were dismissed were done so at the request of the plaintiffs or their attorneys. In a few instances the plaintiffs appealed judicial decrees, as did defendants, and though an examination of suits on appeal is outside the focus of this paper, it can nevertheless be stated that more appeals were decided in favour of the slave women than in favour of owners, heirs and other defendants. Among the 125 Delaware suits, 83 were decided favourably for slave plaintiffs whereas only three were dismissed or denied. In the District of Columbia, 36 of 40 petitions were granted whereas in Maryland 36 were decided favourably and 28 were dismissed or denied. In Kentucky, the numbers were 25 granted and 15 dismissed or denied, and in Tennessee 15 granted and one dismissed. The same general proportion of favourable decrees can be seen in the other states where suits were brought. Although most of the petitions in Missouri were filed to begin the legal process rather than to ask for a final decree on freedom, 115 out of 116 pleas were granted,

suggesting that the courts saw enough merit in those cases to allow them to go forward. Virginia cases resulted in 21 favourable decisions and four unfavourable decisions. In Louisiana, the state with many petitions dismissed or denied, those granted still outnumbered those rejected: 28 to 23. Even considering that the available data are incomplete in terms of final results, the favourable results outstrip the unfavourable ones by a large margin, suggesting that in most states, as in Missouri, courts were well disposed to hear cases for freedom, if not necessarily granting it in all instances. If the 'no order or decree' and 'other' entries are excluded from the total number of petitions, the petitioners' requests were granted or partly granted in 371 cases as compared with 75 cases where the requests were denied. Consequently, 83% of the suits or partial suits were decided favourably, a remarkable percentage considering southern racial attitudes, the power of white families arguing against the plaintiffs, fears in the wake of the Nat Turner insurrection, and the growing sectional conflict. Even if the cases with no outcomes are included in the total, the margin is still weighted in favour of the plaintiffs.

Two questions remain. First, how did the process of filing freedom suits in the Upper South and Louisiana compare with the path to freedom available in other slave societies in the Americas? Second, does an analysis of petitions filed by female slaves offer a special insight into and allow us to better understand the legal struggle for freedom in the United States? In other slave societies in the Americas, slave women and men used tradition and the law to acquire their freedom. In Brazil, slaves were permitted through longstanding customs to amass a *peculio* (savings) large enough to indemnify their price and obtain a 'letter of liberty', a custom that was eventually enacted into law in 1871. In addition, although they could not sue in their own right, they could and did petition the courts through their *curador*, a legal guardian or trustee, for their freedom, provided that either they had been promised free status by their owners or they had paid their purchase price. An owner, however, could revoke a slave's liberty after it was granted.33 In Cuba, and perhaps in other Spanish colonies, slaves possessed the customary right of *coartación*, purchasing themselves or their children by agreeing to pay an owner an initial fixed sum and the balance in instalments as determined by prevailing market values. They also possessed the customary right of *pedir papel* (request paper), that is the right to seek a new owner. In 1842 these customary rights were codified into law and accepted by many justices and jurists as true legal rights, to be respected even against the will of owners.34 In Martinique, Guadeloupe and French Guiana, three French colonies of the Caribbean, slave women and men became the beneficiaries of *rachet* (redemption) whereby they could purchase their freedom from their owners for a fixed sum, so long as they and their owners could agree upon an acceptable price.35 As these customs and laws evolved during the nineteenth century, increasing numbers of bondsmen and bondswomen in these and other slave societies in the Americas became part of a rapidly growing free coloured population.

There were no such trends towards facilitating the acquisition of freedom in the United States. In many ways just the opposite was true. In the Lower South, state laws severely restricted, even prohibited, manumissions, whereas in the Upper South it became increasingly difficult to move from slavery to freedom. Nowhere in the United States South did customs or laws require slave owners to accept the purchase price of a slave in exchange for freedom, allow slaves to use their savings to indemnify a purchase price, or permit those in bondage to pay for themselves or their children in instalments. Self-purchase did occur in the United States but it was only through a private agreement between slave and owner, not enforceable by custom or law. Owners could and sometimes did renege on such agreements, as did the owner of Virginia slave Fanny Smith who promised to free her and her two children if she paid him with her extra earnings over a period of 10 years. Shortly before the final payment was to be made, Fanny was sold.36 Another stark difference compared with other slave societies was the multitude of state and federal laws, including the laws regulating the exportation and importation of slaves, the procedures to file suits and obtain counsel, and the claims of freedom based on residency in free territory. Such 'local' laws contrasted with the national enactments governing slavery in the Caribbean and South America. Finally, in the United States, the arguments contained in freedom suits retraced what had occurred in the past and revolved around slaves as property; in other societies the custom and law revolved around future prospects such as self-purchase and around slaves as persons. It is ironic that, as the doors to freedom opened in many slave societies in the Americas and appeared to be closing in the United States South, slaves in the Upper South and Louisiana did gain access to county courts and through that process obtained favourable rulings. They used a wide range of arguments in their petitions, all staking their rights on

past circumstances and events that should determine the present: they had been born of free black or white or Indian mothers, their term of servitude had expired, their owner had freed them in a will, deed or act of manumission, or they had resided in a free state, free territory or free country.

As to the question of the value of freedom suits filed by female slaves to our understanding of the struggle for freedom in the United States, a comparison of petitions filed by female and male slaves reveals that, although there were some differences between them, there were also a number of similarities in the types of cases brought to court and the arguments presented. The major difference is in that a much larger number of women filed freedom suits with their children or the children of others than did men: 70 slave women, or 7% of the nearly 1000 cases in this study, as opposed to only one man. This probably reflects more the attitudes of masters, who connected mothers with children in deeds and wills, rather than the inclinations of the slaves themselves. Otherwise, the statistical evidence suggests that male slaves were as deeply involved as were women slaves in the process of seeking freedom through the local courts. Single males suing for freedom outnumber single females by a substantial margin (440 as compared with 368, or 55% to 45%). The small number of multiple males petitioning together exceeds those of females (14 as compared with eight). A total of 42 males and females filed suit together with children (about 5%) and 44 males and females filed suit together without children. Men were only slightly less apt to present extensive genealogical trees to prove their freedom; when they did, however, they were as likely to list members of their families two and three generations removed as were their female counterparts. Men also used many of the same legal arguments used by women, including residency, free ancestry, kidnapping and expired term of servitude. They also asked the courts to issue injunctions, subpoenas, writs of habeas corpus, bonds and protective arrest warrants.

It is evident that, in the growing body of scholarship on women and slavery, the discussions about many aspects of bondage are strengthened by including gender as one of the many ingredients of the larger picture. Indeed, it is hoped that this study will add to that scholarship by demonstrating how the very act of filing freedom suits placed enslaved women in a position where they could confront, react to and illuminate the slavery experience. For, by the very act of claiming their freedom, slave women transformed themselves from individuals who were relentlessly exploited by an institution to those who sought to forge their own future. Therefore, not only does this study add gender to the mixture in the understanding of slavery but it follows Claire Robertson's and Marsha Robinson's admonition to put the female slave experience at centre stage. In fact, it does so in a direct and immediate way by letting the women speak in their own voices and through the medium of their personal history. Yet this study does more than that; it expands its focus beyond the specific issues confronting female slaves filing for freedom into a comparative understanding of the legal environment in which enslaved individuals, men and women, operated to assert their right to freedom in both the United States and other parts of the Americas, and thereby broadens and deepens our understanding of the institution. The importance of conducting such broad, comparative analyses, in order to complement gender-centric studies, for our understanding of slavery applies not only to the study of slavery and the law, as revealed in the statistical evidence from the local courts in the United States South, but even to the examinations of infant mortality, infanticide, prolonged nursing practices, and taboos against the resumption of intercourse after birth. Kenneth Morgan's detailed analysis of 'Slave women and Reproduction in Jamaica', mentioned at the beginning of this study, emphasises the onerous work demands placed on slave women working on sugar plantations and the lack of proper nutrition, namely determining environmental factors, as the cause of heavy infant mortality rather than the 'agency' of slave women in resisting biological reproduction as a political statement against the system of slavery. Richard Follett's article about slave women in the sugar parishes of Louisiana reveals the same interpretation of the female slave experience. 37 Indeed, perhaps the best way to understand the dynamics and complexity of the human experience of bondage in the United States and elsewhere is to broaden rather than narrow our focus, and to examine the impact of the institution's environmental factors on enslaved individuals as well as how those individuals confronted that environment, and thereby to keep in mind the maxim that 'all history is comparative'.

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Appendix 1 Civil suits filed by female slaves in county courts*

State	Early period 1779-1829	Late period 1830-1861	Granted or partly granted	Dismissed or denied	No order or decree	Other**	Total
Alabama	-	5	1	4	-		5
Arkansas	-	-	-	-	-	-	-
Delaware	115	10	83	2	37	3	125
District of Columbia	12	28	36	1	3	-	40
Florida	-	1	1	-	-	-	1
Georgia	1	-	-	-	1	-	1
Kentucky	11	48	25	15	18	1	59
Louisiana	25	43	36	28	4	-	68
Maryland	40	29	32	22	15	-	69
Missouri	23	99	115	1	5	1	122
Mississippi	-	-	-	-	-	-	-
North Carolina	5	3	5	-	3	-	8
South Carolina	-	-	-	-	-	-	-
Tennessee	1	20	15	1	3	2	21
Texas	-	-	-	-	-	-	-
Virginia	*11*	*16*	*22*	*4*	*1*	-	*27*
	244	302	370	75	94	7	546

Notes: *Includes single females; multiple females; females with children; females and males with children; females and males without children. **'Other' includes 'annulled', 'abated' (due to the death of one of the parties), 'non-suit' (where the legal basis for bringing action was denied), 'agreement' between the parties, 'plaintiff not found in county'. Source: Computed from Race and Slavery Petitions Project Database. Occasionally female slaves sued with a white person as a 'next friend', or friend of the court, but this was rare. In all cases, the legal status of the petitioners was derived from the designation given them by the court. Thus, free blacks illegally enslaved were considered slaves until they could prove that they were free. The profiles above reveal a good deal about the availability of evidence - what local records have been preserved for posterity. The availability of early records in Delaware and later records in Missouri skews the numbers of those two states. Despite this, the cases do show how most freedom suits were filed in the Upper South or Louisiana. They are part of 14,512 county court petitions in the Slavery Petitions Project collection published on microfilm by Lexis Nexis in Bethesda, Maryland.

Notes

1. Petition of Polly Anderson and James Burnett to the Circuit Superior Court of Chesterfield County, Virginia, 22 October 1835, in Ended Chancery Court Causes, *Polly Anderson and James Burnett* v. *Edward B. Elam, William Watts, and Robert White*, Box/Drawer 446, Entry Folder A 1842, Library of Virginia, Richmond, Virginia [hereafter LVA]; Related Documents: Court Record, February 1836-18 January 1842; Injunction, 24 October 1835; Notice, James Burnett, 18 October 1836; Depositions, Jordan Martin, Elizabeth Johnson, Elizabeth J. Elam, 21 October 1836; Answer, Edward B. Elam, 21 October 1836; Order of Execution and Sheriff's Return, 20 April 1836; Subpoena, 5 April 1836, with ibid. Injunction granted. Petition Analysis Record [hereafter PAR] #21683503. The PAR number following each case in this essay points the reader to the location of the case in the Race and Slavery Petitions Project's 151-reel microfilm collection published by Lexis Nexis of Bethesda, Maryland. The microfilm edition has seven guide/indexes, totaling about 4000 pages, located in part or in total at a number of research libraries. In the interest of preserving space, subsequent citations from this collection will not include references to related documents as in note 1 (i.e. subpoenas, injunctions, depositions, sheriff's returns, deeds, wills, answers, indentures, etc.). The cases come from 120 counties in the states cited in the Appendix. The records are part of a larger collection of 14,512 county and parish civil suits in the Slavery Petitions Project files, selected to represent a topical and geographical diversity within each state. See: Schweinger, ed., Howell and Mazgaj, asst eds, *The Southern Debate Over Slavery, Vol. 2*, 357-59.

2. Robertson and Robinson, “Re-Modeling Slavery as if Women Mattered”, 253; Follett, “Gloomy Melancholy: Sexual Reproduction among Louisiana Slave Women, 1840-60,” 56; Cowling, “Negotiating Freedom: Women of Colour and the Transition to Free Labour in Cuba, 1870-1886,” 377-91; , “Enslaved Women and the Law,” 305. See also idem, “Status without Rights,” 365-93.

3. Many historians and legal scholars have touched on the issues raised in these petitions, primarily through an analysis of state slave codes and appellate/criminal cases. There is no study examining slave litigants in the county courts during the period under consideration. To cite even a small portion of the general literature would take many pages. See the works of T. Stephen Whitman, Judith Kelleher Schafer, Philip J. Schwarz, Christopher Waldrep and Donald G. Neiman, Thomas D. Morris, A. E. Keir Nash, Daniel Flanigan, Andrew Fede, and Charles B. Dew, among others.

4. In this study, the Upper South includes Delaware, Maryland, District of Columbia, Virginia, North Carolina, Kentucky, Tennessee and Missouri; the Lower South includes South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana and Texas.

5. Williams, *Slavery and Freedom in Delaware 1639-1865*, 150; Pattison, *The Life and Character of Richard Bassett*, 9.

6. Petition of Mary Queen, Charles Queen and Elizabeth Queen to the County Court of Charles County, Maryland, 1 May 1808, in Schweninger Collection [hereafter SC], *Mary Queen, et al*., v. *Charles Neale*, Microfilm M 11014, Frame 24, Volume #4239-3, Case #13, Maryland State Archives, Annapolis, Maryland [hereafter MSA]; Dismissed; appealed. PAR #20980806. For Virginia, see Schweninger, "The Vass Slaves," 465-97. For Missouri and McGirk, see Petition of Winney, Jerry, Daniel, Jenny, Nancy, Lydia, Sarah, Hannah, Lewis, and Malinda to the Superior Court of St Louis County, Missouri, June 1818, in Records of the Circuit Court, Civil Courts Building, St Louis, Missouri; Certified Copy of Petition and Related Documents found in Supreme Court Cases, Box 541, Case #18, Supreme Court Opinion, November 8, 1824, Missouri State Archives, Jefferson City, Missouri [hereafter MoSA]. Granted; plea of trespass filed, granted, appealed, affirmed. PAR #21181801.

7. Schafer, *Becoming Free, Remaining Free*, 15, 22.

8. Franklin and Schweninger, *In Search of the Promised Land*, 54, 91, 269.

9. For Francis Scott Key, see http://www.govtrack.us/congress/record.xpd?id = 110-h20070710-34, accessed January 28, 2008; United States Manuscript Population Census [hereafter USMSPC], Washington, DC, Georgetown, 1820, 7. The census return listed Key as possessing four slaves.

10. USMSPC, Isle of Wight County, Virginia, 1810, p 26 [Richard Bird headed a household that included 48 slaves]; USMSPC, Greenville County, Virginia, 1860, 1 [Richard Chambliss also owned 48 slaves]; USMSPC, Dinwiddie County, Petersburg, Virginia, 1830, 85-6; USMSPC, Dinwiddie County, Virginia, 1840, 9-10; USMSPC, Petersburg (Independent Corporation), Virginia, 1850, 120-1; United States Manuscript Slave Census [hereafter USMSSC], Dinwiddie County, Virginia, Northern District, 1850, 15; USMSPC, Petersburg (Independent City), Virginia, West Ward, 1860, 88; USMSSC, Petersburg (Independent City), Virginia, West Ward, 1860, 9 [David May owned between 12 and 17 slaves]; USMSPC, Halifax County, Virginia, 1820, 8 l; ibid., Halifax County, Virginia, 1840, 35-6; ibid., 1850, 113; USMSSC, Halifax County, Virginia, Northern District, 1850, 71-2; USMSPC, Halifax County, Virginia, Northern District, 1860, 98 [in 1850 Richard Logan owned 113 slaves]. Petition of Jane to the Superior Court of Sussex County, Virginia, June 11, 1836, found in Records of the Circuit Superior Court of Chancery, Petersburg, *Jane v. Thomas Hunt, Jeremiah Cobbs, and Lewis Lanier*, Box/Drawer 38-40, Circuit Court Clerk's Office, Petersburg, Virginia. Granted. PAR #21683629. Schweninger, "The Vass Slaves," 471.

11. Farham, ed., *Chapters in the History of Social Legislation in the United States to 1860*, 214, 420-1 [Delaware], 363-4 [Maryland], 403 [Virginia] 420-1; *Laws of the State of Delaware, From the Fourteenth Day of October, One Thousand Seven Hundred, to the Eighth Day of August, one Thousand Seven Hundred and Ninety-Seven*, 2 vols. (New-Castle: Samuel and John Adams, 1797), 2:884-5.

12. *Acts Passed at a General Assembly of the Commonwealth of Virginia, Begun and Held at the Capitol, in the City of Richmond, on Tuesday, the Tenth Day of November, One Thousand Seven Hundred and Ninety-five*

(Richmond: Augustine Davis, 1796), 16-17; Hurd, John Codman. *The Law of Freedom and Bondage in the United States*, 2 vols (Boston: Little, Brown, 1862; Reprint, New York: Negro Universities Press, 1968): 2:6; *Acts Passed at a General Assembly of the Commonwealth of Virginia, Begun and Held at the Capitol, in the City of Richmond, on Monday the Fourth Day of December One Thousand Seven Hundred and Ninety-seven* (Richmond: Augustine Davis, 1798), 5; *Digest of the Laws of Virginia, Which Are of a Permanent Character and General Operation; Illustrated by Judicial Decisions* (Richmond: Smith and Palmer, 1841), 869-71. The lack of strictness "as to form" meant that when such an action was brought, the declaration of trespass and assault, formal in other cases, could in these instances be informal.

13. Phillips, *Freedom's Port*, 35-6. For laws regarding kidnapping free blacks, see Farham, ed., *Chapters in the History of Social Legislation*, 379 [North Carolina 1779 and 1800], 404 [Virginia, 1788], 421 [Delaware, 1793], 352 [Kentucky, 1823]; 394 [Tennessee, 1826]. The laws prescribed harsh penalties, including prison sentences, physical chastisements, and, during the early years in North Carolina and Virginia, the death penalty.

14. Farham, ed., 130 [Northwest Ordinance]. As early as 1662, Virginia passed a law concerning slave children taking the status of the mother. Hennings, William, ed., *The Statutes at Large Being a Collection of All the Laws of Virginia*, vol. 2 (Richmond: Samuel Pleasants, 1832), 170; Stampp, *The Peculiar Institution*, 193.

15. Petition of Lemman Dutton and Grace Dutton to the Circuit Court of St Louis County, Missouri, July 12, 1834, in Records of the Supreme Court, Case Files, *Lemman Dutton* and *Grace Dutton* v. *John Paca*, Box/Drawer 545, Document/Case #22, MoSA. Petition granted; plea of trespass filed, granted, appealed, reversed and remanded. PAR #21183406.

16. Petition of Patience, Juliet, Levin, George, Rhoda, Arthur, Nathan, Peggy, and David to the County Court of Somerset County, Maryland, April 23, 1825, in SC, *Patience, Juliet, Levin, et al.* v. *Isaac Morris, Joshua Morris, John Morris, Isaac Morris, John Laws, and Benjamin Vincent*, Microfilm M 11014, Frame 11, Volume #4239-1, Case #8, MSA. Granted; appealed; affirmed. PAR #20982503.

17. Petition of Malinda and her daughter Mary Ann to the Chancery Court of Davidson County, Tennessee, 9 July 1853, in Records of the Chancery Court, Case Files, *Malinda and Mary Ann* v. *Elizabeth Smith*, Box/Drawer 10, Document/Case #1048, Metropolitan Nashville-Davidson County Archives, Nashville, Tennessee. No decree with petition. PAR #21485324.

18. The will was dated 1821. Slaves sometimes ended up in distant locations. In this case the slaves' owner lived in Tennessee but the black people ended up in Alabama, a state, like others in the deep South, where slaves were not allowed to file suits except in a few anomalous instances. Petition of Harriett to the Circuit Court of Shelby County, Alabama, 24 January 1857, in Records of the Circuit Court, Estate Papers, *Harriett* v. *Alexander Nelson*, Box 31, Case #34, #34A, Shelby County Archives, Columbiana, Alabama. No decree with petition. PAR #20185722.

19. Petition of Helen to the Circuit Court of Washington County, Washington, DC, September 24, 1825, in Records of the United States Circuit Court, Chancery Dockets and Rule Case Files [hereafter RUSCC, CDRCF], *Helen* v. *Henry Drain*, Record Group 21, Rules #2, Box 31, Entry Folder 20, Case #130, National Archives [hereafter NA]. Granted. PAR #20482501.

20. See Petition of Catherine Henderson and Benjamin Henderson to the Circuit Court of Washington County, Washington, DC, December 9, 1833, in RUSCC, CDRCF, *Catherine Henderson and Benjamin Henderson* v. *Harriet Loyed and Mr. Freeman*, Record Group 21, Rules 3, Box 41, Entry Folder 20, Case #274, NA. Granted. PAR #20483302. Petition of Charity, Mary, and Kitty to the Equity Court of Montgomery County, Maryland, October 10, 1818, in SC, *Charity, Mary, and Kitty* v. *Adam Robb, Henry Lansdale, and Alexander Robb*, Microfilm M 11024, Frame/Pages 1, Volume #4239-25, MSA. Partially granted: subpoena and injunction issued. PAR #20981813.

21. Petition of Mariah Cole by her next friend Warner Mifflin to the Common Pleas Court of Kent County, Delaware, 1800, in Records of the Court of Common Pleas, *Mariah Cole* v. *Silvia Sipple*, Microfilm Reel 1, Frames 286-87, DSA. Subpoena issued. PAR #20380016.

22. Petition of Mary to the District Court of East Baton Rouge Parish, Louisiana, June 5, 1832, in Records of the Third Judicial District Court, *Mary* v. *Leroy C. Morris and Jerry Morris*, Case #1,927, East Baton Rouge Parish, Clerk of Court Archives, Baton Rouge, Louisiana. Granted; appealed; reversed. PAR #20883220.

23. Petition of Nancy, James, Mahala, Emeline, Abraham, Elizabeth, Jessee, and Francis Rogan to the Chancery Court of Sumner County, Tennessee, March 10, 1843, in Records of the County Court, Loose Record Lawsuits, *Nancy, James, et al.* v. *James Mahan*, Case #393, TSLA; Related Documents: PAR #21484331; Oath, Nancy, 9 March 1843. No decree with petition. PAR #21484330. Petition of Rachel Bell to the Circuit Court of Woodford County, Kentucky, September 16, 1850, in Records of the Circuit Court, Case Files, *Rachel Bell* v. *Archibald Williams, William Bullock, Elenor Bullock, and Benjamin Luckett*, Box 128, Kentucky Division of Libraries and Archives, Frankfort, Kentucky [hereafter KDLA]. Granted. PAR #20785022.

24. Petition of Phillis Thomas, Mary Thomas, Sarah Thomas, Harry Thomas, Charles Thomas, Ann Thomas, Moses Thomas, William Thomas, George Thomas, John Thomas, Elizabeth Thomas, Ester Thomas, and Rachael Thomas to the Circuit Court of Jefferson County, Kentucky, March 27, 1822, in Records of the Circuit Court, Case Files, *Phillis Thomas, et al.* v. *James Burks*, Box 1-25, Case #1842, KDLA; Dismissed. PAR #20782204. Petition of Mary, Patsey, Thomas, and Joseph to the District Court of Concordia Parish, Louisiana, March 9, 1849, in Supreme Court of Louisiana Collection, *Mary, et al*. v. *Daniel L. Broom*, Book #1,640, Case #1,366, University of New Orleans. Granted; appealed; reversed on jurisdictional grounds. PAR #20884944.

25. Petition of Betty to the General Court of St Louis District, Missouri, October 4, 1810, in Records of the Supreme Court, Case Files, *Betty* v. *Joseph York*, Case #27, MoSA. Petition granted; plea of trespass filed. PAR #21181001. For residency in France, see: Petition of Priscilla Smith to the Parish Court of Orleans Parish, Louisiana, January 23, 1837, in Supreme Court of Louisiana Collection, *Priscilla Smith* v. *Mrs. Smith*, Book #3,314, University of New Orleans. Denied; appealed. PAR #20883742.

26. Petition of Phillis Thomas, Mary Thomas, Sarah Thomas, Harry Thomas, Charles Thomas, Ann Thomas, Moses Thomas, William Thomas, George Thomas, John Thomas, Elizabeth Thomas, Ester Thomas, and Rachael Thomas to the Circuit Court of Jefferson County, Kentucky, March 27, 1822, in Records of the Circuit Court, Case Files, *Phillis Thomas, et al.* v. *James Burks*, Box 1-25, Case #1,842, KDLA. Dismissed. PAR #20782204.

27. Petition of Henrietta Bell to the Circuit Court of Jefferson County, Kentucky, December 19, 1827, in Records of the Circuit Court, Case Files, *Henrietta Bell* v. *James Cummins*, Box 1-12, Case #900, KDLA. Dismissed. PAR #20782721.

28. Petition of Winney, Jerry, Daniel, Jenny, Nancy, Lydia, Sarah, Hannah, Lewis, and Malinda to the Superior Court of St. Louis County, Missouri, June 1818, in Records of the Circuit Court, *Winney, et al.* v. *Phebe Whitesides*, Representatives of Thomas Whitesides, John Whitesides, Robert Musick, Isaac Votean, John Butler, and Michael Hatton, Case #190, Civil Courts Building, St Louis, Missouri. Granted; plea of trespass filed, granted, appealed, affirmed. PAR #21181801.

29. Petition of Priscilla Smith to the Parish Court of Orleans Parish, Louisiana, January 23, 1837, in Supreme Court of Louisiana Collection, *Priscilla Smith* v. *Smith Mrs*., Book # 3,314, University of New Orleans. Denied; appealed. PAR #20883742. [Text is in English and French; French version incomplete]. See Peabody, "*There are no Slaves in France"*, 3-10; Peabody and Grinberg, *Slavery, Freedom, and the Law in the Atlantic World*.

30. Petition of Catherine to the Parish Court of Orleans Parish, Louisiana, April 24, 1819, in Records of the Parish Court, *Catherine* v. *Simon Gallien Preval*, Microfilm Reel #19, Louisiana Collection, Document/Case #2,129, New Orleans Public Library. Partially granted: complaint served on defendant. PAR #20881909. Petition of Delphine to the District Court of Orleans Parish, Louisiana, 17 December 1823, in Supreme Court of Louisiana Collection, *Delphine* v. *Raymond Deveze*, Book # 996, University of New Orleans. Granted; appealed. PAR #20882326.

31. Petition of Jack Butler, Mary Coti Butler, Julia Butler, Jean Baptiste Butler, Marie Elizabeth Butler, Genevieve Butler, Eleonore Butler, and Sarah Butler to the District Court of St. James Parish, Louisiana, November 20, 1823, in Records of the Second Judicial District Court, *Jack Butler, et al.* v. *Alexander Chapdue*, Case #109, St. James Parish Courthouse, Convent, Louisiana. Granted. PAR #20882321.

32. Petition of Harriett Scott to the District Court of St Landry Parish, Louisiana, May 16, 1829, in Records of the Fifth Judicial District Court, *Harriett Scott* v. *George Jackson*, Case #1,514, St Landry Parish Courthouse, Opelousas, Louisiana. Dismissed; revived; granted. PAR #20882912.

33. , "Slaves, Freedmen and the Politics of Freedom in Brazil," 65; idem, "The Politics of Silence: Race and Citizenship in Nineteenth-century Brazil," *Slavery and Abolition*, 27 (April 2006): 73-87; Grinberg, Keila, "Freedom Suits and Civil Law in Brazil and the United States," *Slavery and Abolition* 22 (December 2001): 66-82.

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