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SLAVERY EXACTS AN IMPOSSIBLE PRICE: JOHN QUINCY ADAMS AND THE  
DORCAS ALLEN CASE, WASHINGTON, D.C.

BY

ALISON T. MANN

Bachelor of Arts, Rutgers University, 1991  
Master of Arts, University of New Hampshire, 2003

DISSERTATION

Submitted to the University of New Hampshire  
In Partial Fulfillment of  
The Requirements for the Degree of

Doctor of Philosophy  
in  
History

September, 2010

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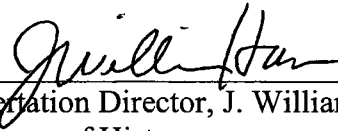
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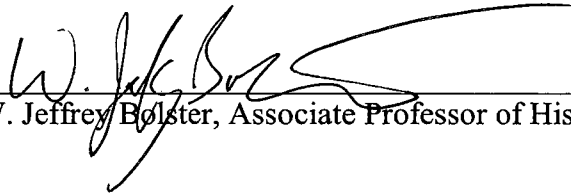
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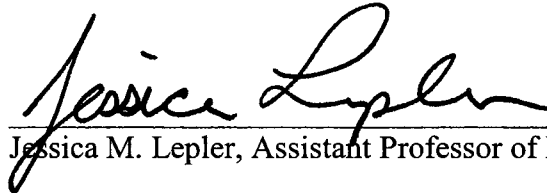
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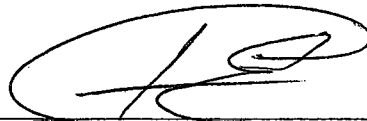
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Date August 22, 2010

*For Tony*

## ACKNOWLEDGEMENTS

As a Masters student in late April, 2002, I had just finished presenting a seminar paper before fellow students and the instructor of the course, Professor J. William Harris. The paper's topic was John Quincy Adams and his lifelong views on slavery. I had included in the paper a brief run-down of the 1837 Dorcas Allen affair and Adams's involvement in it, not giving it particular attention or making any serious attempt to analyze it. As a junior scholar, I explained to the class, I thought that since all the multitudes of Adams biographers had neglected to include it in their works it couldn't possibly be that important in the big scheme of the topic and that I had decided to put it in the paper because I found the event rather interesting. Bill Harris looked me square in the eye and said, "That's the most important part of your paper." And so it began.

Without the steadfast encouragement from my advisor and mentor, Bill Harris, this dissertation would never have come to fruition. I have benefitted from his sage advice and expert editing skills throughout the scope of this project, and I cannot find adequate words to describe how much his support, patience, kindness, and gracious demeanor has meant to me. Bill's steady confidence in my abilities never wavered, and for that I will be forever grateful. Jeff Bolster has been equally supportive of my work, and his knowledge of the early Republic has been invaluable. I must also thank him for his sense of humor when I faltered; it was often his handwritten notes on chapter drafts—such as "Good Job!! Give us more!!" that gave me the boost I needed to carry on to the next chapter. I also wish to thank Lucy Salyer for her advice regarding legal history, Jessica Lepler for sharing her incredible expertise on the Panic of 1837, and John Ernest,

who taught me to read deeply when working with African American primary sources. Eliga Gould has also supported my efforts in graduate school, and I am indebted to him for all he has taught me. Thanks, too, to Lu Yan, Kurk Dorsey, Molly Girard, Jeff Diefendorf, Ellen Fitzpatrick, Nicky Gullace, and Greg McMahon for lending moral support throughout the ponderous writing years. A special thank you goes to Ted Andrews, who read Chapter Three and supplied me with helpful comments. Fellow graduate students Jen Mandel, Venetia Guerrasio, Mary Sheehan, Keri Lewis, and Mandy Chalou listened to my various rants on several occasions, and I will always treasure their friendship. I also wish to thank my friends Bernadette and Gokhan Yucel for generously opening their Williamsburg, Virginia home to me when I needed to escape the hustle and bustle of Washington, D.C., and use it as a base of operations for my Richmond research. Tim Evans, too, has helped me enormously by pushing me to continue working throughout the years, and his jovial spirit and congenial company made many a long research day less tiresome.

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Davis and the Ormes with me, patiently explained the ins-and-outs of Methodism in the District of Columbia, read Chapter Four scrupulously, and gave me extensive feedback. This work could not have been accomplished without her help or unflagging support. Thanks to Paul Finkelman, who listened with great interest to my topic and connected me with the United States Capitol Historical Society. That institution provided me with a summer research fellowship for a USCHS project on women in the Capitol, which enabled me to live in D.C. for three months to compile the research for this dissertation. Thank you to Don Kennon, Felicia Bell, and Lauren Borchard at the Society, for their support and ideas.

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in the District. Additionally, the staff and librarians at the Historical Society of Washington, The Alexandria Public Library, the National Archives in Washington, D.C., the Library of Congress, Decatur House, and the Architect of the Capitol have all contributed to the success of this work—I thank them all.

My only regret is that my mother-in-law, Eve Hanke, did not live to see the completion of this dissertation. A woman who yearned to, but never finished her Associates degree, she loved to brag to her friends about her “smarty” daughter-in-law, and spent hours on the phone with me listening to the evolution of the story. In many ways, the manuscript is a testimonial to her positive attitude and tenacious spirit. To my husband, Tony Mann, possibly the most patient and understanding person I have ever known, your boundless enthusiasm over the years has navigated me through many a dark storm. I love you with all my heart.

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## **ABSTRACT**

### **SLAVERY EXACTS AN IMPOSSIBLE PRICE: JOHN QUINCY ADAMS AND THE DORCAS ALLEN CASE, WASHINGTON, D.C.**

by

Alison T. Mann

University of New Hampshire, September, 2010

On August 22, 1837, a Georgetown resident sold Dorcas Allen and her four children to James H. Birch, a District of Columbia slave trader. He transported them across the Potomac to Alexandria, Virginia to hold them in the largest slave pen in the District. They faced, most likely, passage on a slave coffer to Natchez or New Orleans. That same evening Allen, who had married and been living unofficially in the District as a “free Negro” for a number of years, killed the two youngest children and was restrained from harming the others, after their terrified shrieks alerted someone nearby. On October 8, 1837, she appeared before the District Circuit Court in Alexandria and pleaded not guilty by reason of insanity. At her trial the following day, her attorneys called several witnesses who testified on her behalf and the jury found her not guilty. James Birch reclaimed his now near valueless property and promptly advertised Allen and her two surviving children for sale at an auction house in downtown Washington.

Seventy-year-old John Quincy Adams, then serving his fourth term as a Massachusetts congressman, noticed the advertisement and attended the auction. For the first time in his life, Adams witnessed the utter misery of a slave auction, and, after

learning that Allen's husband, Nathan, wished to purchase his wife and children, he pledged fifty dollars in aid. During the next few days, Adams became disturbed as he discovered the details of Allen's trial and the questionable circumstances behind her sale to Birch. Already in the public limelight as the congressman who insisted on presenting abolitionist petitions to Congress despite the "gag rule" forbidding it, Adams agonized that his entanglements with the fate of a slave might cause his political ruin.

*Slavery Exacts An Impossible Price* argues that the Allen case illustrates the tensions in the District of Columbia between the moral law and the codified law within the context of the antislavery and abolitionist petitions presented to Congress. It argues that her predicament connects directly to the ideological, legal, and moral questions which arose from the abolitionist petition campaign and the presence of the slave trade in the District. Every twist and complicated turn of Allen's case, and its participants, shows how abstract political arguments about the legalities of slavery eventually became inseparable from moral and religious objections.

As evidence, this dissertation relies principally on the unpublished diaries and letters of John Quincy Adams, cases involving African Americans in the District Circuit Court, early Republic insanity cases, census, church, and demographic records from Maryland, Virginia, and the District of Columbia. As this case occurred a few years before the more commonly known *Amistad* controversy, it provides provocative insights into John Quincy Adams's struggles with the morality and legalities of slavery. It also demonstrates the human cost involved in the long process behind the eventual Congressional ban of the slave trade in the District of Columbia, in comparison with studies that concentrate on abstract political partisan wrangling over the issue.

## INTRODUCTION

On August 22, 1837, James H. Birch, a local District of Columbia slave trader, purchased Dorcas Allen, an African American woman in her late twenties, and her four young children from Rezin Orme, a Georgetown resident. He transported them across the Potomac to Alexandria, Virginia, confining them in a slave pen owned by George Kephart (formally owned famously by Isaac Franklin and John Armfield), the largest in the District.<sup>1</sup> Most slaves taken to the Alexandria pen were shipped to New Orleans and Natchez, where partners of the firm then sold them as field hands to the rapidly expanding plantations of Mississippi and Louisiana.<sup>2</sup> Perhaps knowing exactly that was what Birch intended to do with her family, that same evening, Allen, who had been living as a “free Negro” in the District for a number of years without manumission papers, killed her two youngest children.<sup>3</sup> According to the local newspaper, the *Alexandria*

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<sup>1</sup> Kephart had assumed ownership as early as March 14, 1837. “**CASH FOR NEGROES**,--I will give the highest cash price for likely NEGROES from 10 to 25 years of age. Myself or agent can at all times be found at the establishment formerly owned by Armfield, Franklin & Co. at the west end of Duke Street, Alexandria. Mar 14—tf GEORGE KEPHART.” *National Intelligencer*, 23 August 1837. Franklin & Armfield represented the class of wealthy, well educated, “respectable” slave owners, and many of the small traders worked as agents and/or independently traded with them. When Kephart purchased the business, traders, like Birch, presumably continued their association with the firm. Wendell Holmes Stephenson, *Isaac Franklin, Slave Trader and Planter of the Old South, with Plantation Records* (Baton Rouge: Louisiana State University Press, 1938); Michael Ridgeway, “A Peculiar Business: Slave Trading in Alexandria, VA, 1825-1861” (MA Thesis, Georgetown University, 1976).

<sup>2</sup> Edward E. Baptist, “‘Cuffy, ‘Fancy Maids,’ and ‘One-Eyed Men’: Rape, Commodification, and the Domestic Slave Trade in the United States,” *The American Historical Review*, Vol. 106, no. 5 (Dec., 2001): 1619.

<sup>3</sup> “Free Negro” was the official classification used in Washington, D.C. in 1837; I use the term free blacks or free African Americans throughout the dissertation to delineate between those legally manumitted or free born from those in bondage to avoid confusion; this does not, however, mean to suggest that free African Americans enjoyed the same civil liberties as whites. Like many of their northern counterparts, District free blacks were repeatedly denied basic rights of citizenship, fair and equitable treatment under the

*Gazette*, she attempted to kill the elder two “by beating them in the face and on the head with brick bats, &c,” leaving them “horribly mangled.” Awakened by the shrieks of the terrified children, someone intervened, calling the Night Watch to the scene.<sup>4</sup> Charged with murder, Allen appeared before the District Circuit Court in Alexandria on October 8, and, despite her own admission that she had indeed killed her children, pleaded “not guilty.” At her trial the following day, her attorneys pursued an insanity defense, summoning doctors and acquaintances of the accused to give testimony regarding Allen’s state of mind before the killings. The jury returned a verdict of not guilty by reason of insanity the next morning, releasing her to Birch, the person the Court believed to be her legal owner. He promptly advertised Allen and her two surviving children for sale at an auction house in downtown Washington, stating if Rezin Orme did not come to claim them and return payment, Birch would publicly sell the slaves to the highest bidder.<sup>5</sup>

Seventy-year-old John Quincy Adams, former president and then serving his fourth term as a Massachusetts congressman, noticed the advertisement and attended the auction. For the first time in his life, Adams witnessed in person the utter misery of a slave auction. After learning from Francis Scott Key, District Attorney for Washington, D.C., that Allen’s husband wished to purchase his wife and surviving children, he pledged fifty dollars in contribution without asking any questions. In the next few days, however, Adams became disturbed as he discovered the details of Allen’s trial, and the tenuousness of the legality for Birch’s title of her through Orme. Adams was already in

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law, and remained susceptible to kidnapping into slavery. Dorcas Allen’s original owners never legally manumitted her, although she essentially operated as free—living apart from them, attending a black church in Georgetown, and, possibly working as a domestic for wages.

<sup>4</sup> *Alexandria Gazette*, 24 August, 1837.

<sup>5</sup> *United States v. Dorcas Allen*, Arlington County Judgments, October term 1837, Library of Virginia Special Collections, Richmond, VA. *National Intelligencer*, 14 October 1837; 28 October 1837.

the public eye as the congressman who insisted on presenting abolitionist petitions before the House of Representatives “praying” for the end of the slave trade in the District, despite the Congressional 1836 “Gag Rule” forbidding them, and against the annexation of the Republic of Texas. In trying to determine which course to take in the Allen affair, a distressed Adams worried he would be politically ruined and publicly disgraced, if his personal entanglements with slavery became known.

*Slavery Exacts an Impossible Price* uses the Allen case to examine the social, legal, and political structure of the racially segregated District of Columbia in 1837. Each character embroiled in the controversy represented a facet of life in a slaveholding society’s public sphere, operating within the boundaries of law, the courts, and their religious values—while the fierce debates over slavery raged in Congress. The dissertation argues that her case connects directly to the ideological, legal, and moral questions that arose from the abolitionist petition campaign and the presence of the slave trade in the District.<sup>6</sup> Every twist and complicated turn of Allen’s case demonstrated the

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<sup>6</sup> For general overviews on the abolitionist movement in America, see Herbert Aptheker, *Abolitionism: A Revolutionary Movement* (Boston: Twayne Publishers, 1989); Merton L. Dillon, *The Abolitionists: The Growth of a Dissenting Minority* (DeKalb, IL: Northern Illinois University Press, 1974); James Brewer Stewart, *Holy Warriors: The Abolitionists and American Slavery* (New York: Hill & Wang, 1976); Ronald G. Walters, *The Antislavery Appeal: American Abolitionism after 1830* (Baltimore: Johns Hopkins University Press, 1978). For works on slavery’s influence on antebellum government, see Matthew Mason, *Slavery and Politics in the Early Republic* (Chapel Hill: The University of North Carolina Press, 2006); Mary Tremain, *Slavery in the District of Columbia: The Policy of Congress and the Struggle for Abolitions* (1892; New York: Negro Universities Press, 1969); William J. Cooper, Jr. *The South and the Politics of Slavery, 1828-1856* (Baton Rouge: Louisiana State University Press, 1978); Alison Goodyear Freehling, *Drift Towards Disunion: The Virginia Slavery Debate of 1831-1832* (Baton Rouge: Louisiana State University Press, 1982); Kenneth S. Greenberg, *Masters and Statesmen: The Political Culture of American Slavery* (Baltimore: Johns Hopkins University Press, 1985); William W. Freehling, *The Road to Disunion: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990). Russel Blaine Nye, *Fettered Freedom: Civil Liberties and the Slavery Controversy, 1830-1860* (East Lansing: Michigan State College Press, 1949) provides an overview of the politicization of antislavery and William Lee Miller, *Arguing About Slavery: The Great Battle in the United States Congress* (New York: Alfred A. Knopf, 1996), details the Congressional debates on the Gag Rule from 1835 to 1844.



melding of abstract legal and political arguments about slavery with profound concerns over the morality of the institution.

Dorcas Allen, an African American woman reduced to the status of chattel property, rejected the passivity implied by that inhuman legal condition by committing the horrific act of infanticide. Among the many consequences of that act, she thereby destroyed her monetary value, contributing to the diminishment of Birch's investment as a whole. Of all forms of slave resistance, infanticide was one of the most powerful, but also arguably the most difficult to subject to historical analysis. The ultimate impetus behind Allen's act remains elusive. An abundance of written (if complicated) evidence makes more accessible the actions and thoughts of John Quincy Adams, a white man with significant prestige and political power. As Adams pursued his congressional career, especially as he introduced dozens of petitions from abolitionists, he brought up many arguments that skirted around slavery, but these abstract petitions were distant from the realities of the institution. With Dorcas Allen, though, Adams found himself faced with the abominable daily effects of slavery, even within the boundaries of the capital of a republic founded on principles of human liberty. For a few weeks, his and Allen's lives intertwined, and their combined stories provide a window with myriad panes on the political and social scene of the District of Columbia. Dorcas Allen evolved from a slave who had been promised her freedom, to one living free but without legal freedom, to one again enslaved, and on the auction block—a commodity for sale. That evolution illuminates a slowly shifting tide of the perception of slavery by, at least, some whites in America from a straightforward legal conception of what constituted “property rights,” to

an unsettling confrontation with those who declared that slavery was fundamentally immoral.

This tension, represented in the thoughts and actions of John Quincy Adams, forms the major thematic argument in this dissertation. His handwritten diary entries from 1802 to 1848, made accessible by the Massachusetts Historical Society, first on microfilm, then online in 2004, and his personal letters are used as the foundation for analysis.<sup>7</sup> Although Charles Francis Adams chose to include his father's involvement in the incident in its entirety within his 1874 published volumes of *Memoirs of John Quincy Adams*, he deliberately chose "to eliminate the details of common life and events" that he considered "of no interest to the public."<sup>8</sup> As Paul Nagel has demonstrated in his biography, *John Quincy Adams, A Public Life, a Private Life*, a careful reading of the unpublished diaries shows a deeply troubled, and often conflicted man—though Nagel omitted any mention of Adams's thoughts on slavery and abolition.<sup>9</sup> Despite the visibility of the account in Adams's published and unpublished diaries, with two exceptions, historians and biographers have neglected to mention the case at all. Lynn Hudson Parsons, in his 1998, *John Quincy Adams*, summed up the basics of Adams's involvement in a few short sentences, providing no analysis of the account.<sup>10</sup> Marie Hecht in her 1972 biography, *John Quincy Adams, A Personal History of an Independent Man*, appears to have been the kind of historian who, as Jill Lepore aptly put it, "loved

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<sup>7</sup> <http://www.masshist.org/jqadiaries>

<sup>8</sup> Charles Francis Adams (ed.), *Memoirs of John Quincy Adams, Comprising Portions of His Diary from 1795 to 1848*, Vol. I-XII (Philadelphia: J. B. Lippincott & Co., 1874), Vol. I, viii.

<sup>9</sup> Paul. C. Nagel, *John Quincy Adams: A Public Life, a Private Life* (New York: Alfred A. Knopf, 1997).

<sup>10</sup> Lynn Hudson Parsons, *John Quincy Adams* (Madison: Madison House, 1998), 234.

too much.”<sup>11</sup> Hecht claimed Adams “forced” Birch to sell Nathan Allen his family, visited Dorcas in her cell, and happily paid \$50 to aid Nathan, noting “it was a greater satisfaction than he had experienced in days.”<sup>12</sup> In actuality, nothing could have been further from the truth. Robert V. Remini’s 2002, *John Quincy Adams* does not mention the case (though he did use Hecht as a secondary source), nor does Leonard Richards in his well-researched and documented *The Life and Times of Congressman John Quincy Adams* (1986), a thorough accounting of Adams’s activities in the House from 1831 to his death.<sup>13</sup> Samuel Flagg Bemis’s highly regarded *John Quincy Adams and the Foundations of American Foreign Policy* also omitted any mention; though, to be fair, Bemis was a foreign policy historian who focused largely on Adams’s activities as Secretary of State, and, later as congressman on committees of foreign affairs.<sup>14</sup>

Historical studies of slave infanticide and their treatment in the courts have proliferated since the 1980s; public awareness and interest in the topic emerged after the publication of Toni Morrison’s 1987 Pulitzer-Prize-winning novel, *Beloved*, and Oprah Winfrey’s 1998 movie adaptation.<sup>15</sup> Morrison based her fictional account on the case of Margaret Garner, an escaped slave who killed her children in Ohio in 1852 to prevent their return to slavery in Kentucky. Steven Weisenburger’s 1998 *Modern Medea: A Family Story of Slavery and Child-Murder from the Old South*, attempts to place Garner’s

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<sup>11</sup> Jill Lepore, “Historians Who Love Too Much: Reflections on Microhistory and Biography,” *Journal of American History*, Vol. 88, no. 1 (Jun., 2001): 129-144.

<sup>12</sup> Marie B. Hecht, *John Quincy Adams, A Person History of An independent Man* (New York: The Macmillan Co., 1972).

<sup>13</sup> Robert V. Remini, *John Quincy Adams* (New York: Times Books, 2002).

<sup>14</sup> Samuel Flagg Bemis, *John Quincy Adams and the Foundations of American Foreign Policy* (New York: Alfred A. Knopf, 1949).

<sup>15</sup> Toni Morrison, *Beloved* (New York: Alfred A. Knopf, 1987).

actions in historical context and to provide possible scenarios to explain her motives. In order to give Garner a voice in the absence of trial transcripts, Weisenburger carefully considered the evidence that did survive from the case, as well as chronicle the narrative through white voices. This dissertation follows a similar path as Weisenburger's, though, unlike Garner's story, Dorcas Allen's case did not achieve the same level of public notoriety from white abolitionists, and, therefore, writings about the case can only be gleaned from the few documents directly pertaining to it: Adams's diary and scant newspaper accounts. Without concrete evidence to ascertain motive, Weisenburger employed use of subjective language, using "probably, presumably, and perhaps" in trying to reconstruct the narrative, and I have done the same, but in all cases I use supplementary evidence, such as existing District court records, to support these suppositions.<sup>16</sup>

Unlike Margaret Garner, whose legal status stood at the crux of her two-week trial, Dorcas Allen was tried as a slave under two murder indictments. The jury found her not guilty by reason of insanity, after a trial lasting a day. The verdict alone is remarkable, given the rarity of insanity cases in the United States in the early Republic even among white defendants.<sup>17</sup> Equally rare were cases of slave infanticide in the District and Virginia; Philip Schwartz, in *Twice Condemned: Slaves and the Criminal Laws of Virginia*, found Virginia courts had adjudicated eight female slave infanticide trials as murder cases between 1785 and 1831. Of the eight women tried, the state

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<sup>16</sup> Steven Weisenburger, *Modern Medea: A Family Story of Slavery and Child-Murder from the Old South* (New York: Hill & Wang, 1998).

<sup>17</sup> Michael L. Perlin, *The Jurisprudence of the Insanity Defense* (Durham, NC: Carolina Academic Press, 1994); Norman Dain, *Concepts of Insanity in the United States, 1789-1865* (New Brunswick: Rutgers University Press, 1984).

hanged three and expelled the other five from the state.<sup>18</sup> Allen’s case file contains only the indictments and witness summons; there is no evidence at all to indicate what the witnesses said regarding her alleged insanity. If we assume that all the witnesses on the marshal’s docket did appear at her trial, she had two doctors and several female acquaintances testify on her behalf. The presence of the doctors alone, in the courtroom, as Karen Halttunen and James Mohr have argued, gave credibility to testimony in the early Republic, as they had trumped the authority previously held solely by clergy in legal matters—especially in cases of violent crimes where the defendants’ state of mind came into question.<sup>19</sup>

Legal historian Ariela Gross has used the apt term “double character” to describe the strange paradox of people holding the legal status of property appearing before the courts to defend themselves, and Dorcas Allen exemplifies that term. It is not definitively known if she testified before the court, as the only evidence of anything said at her trial comes second-hand from John Quincy Adams. Dubious of the insanity verdict, Adams inquired of Judge William Cranch (the judge who had presided at her trial and Adams’s cousin) his thoughts on the matter. According to Cranch, when Allen was asked why she killed the children, “she said they were in heaven; that if they had lived she did not know what would have become of them; that her mistress had been wrong;

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<sup>18</sup> Philip J. Schwartz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865* (Baton Rouge: Louisiana State University Press, 1988), 252-254.

<sup>19</sup> James C. Mohr, *Doctors and the Law: Medical Jurisprudence in Nineteenth-Century America* (New York: Oxford University Press, 1993); Karen Halttunen, *Murder Most Foul: The Killer and the American Gothic Imagination* (Cambridge: Harvard University Press, 1998).

that her mistress was a Methodist, and so she was herself.”<sup>20</sup> This appears to be a lucid statement, implying that her children were better off with God than subjected to slavery. Equally as important is her statement on religious beliefs, noting the false Christianity of her owner in opposition to her own “true” understanding of the precepts of Methodism. American Methodism began as a faction within the Episcopal Church, and was at its origins strongly antislavery; its members were prohibited from owning slaves for life. Cynthia Lynn Lyerly’s *Methodism and the Southern Mind, 1770-1810* and Donald Mathews’s *Slavery and Methodism: A Chapter in American Morality, 1780-1845* explain how Methodist rules on slavery evolved, beginning with a hard-line stance after the Revolution, then tempering as slaveholding grew among members in the southern states.<sup>21</sup> In order to keep unity within the church, Methodist rules (outlined in the *Discipline*) regarding slave ownership varied from state to state. By 1804, the *Discipline* had been amended to acknowledge that slaveowners in certain states were not permitted by state law to manumit their slaves. This did not, however, apply to slaveowners in Maryland or Virginia, states with relatively liberal manumission laws. Dorcas Allen’s owners were members of a Methodist church in Georgetown, and, as Jane Donovan has shown in her detailed study of Methodism in the District, *Many Witnesses*, keeping Allen as a slave for life directly violated the rules on slavery.<sup>22</sup> Selling a slave was even more

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<sup>20</sup> JQA Diary 33, 1 December 1821 – 31 December 1838 (with gaps), [electronic edition], MHS, 28 October 1837, *The Diaries of John Quincy Adams: A Digital Collection*, (Boston: Massachusetts Historical Society, 2004). <http://www.masshist.org/jqadiaries>.

<sup>21</sup> Cynthia Lynn Lyerly, *Methodism and the Southern Mind, 1770-1810* (New York: Oxford University Press, 1998); Donald G. Mathews, *Slavery and Methodism: A Chapter in American Morality, 1780-1845* (Princeton: Princeton University Press, 1965).

<sup>22</sup> Jane Donovan (ed.), *Many Witnesses: A History of Dumbarton United Methodist Church, 1772-1990* (Interlaken, NY: Heart of the Lakes Publishing, 1998).

strictly prohibited, warranting expulsion from the church, but Dorcas Allen's owners, under extreme financial pressures, sold her in violation of those rules.

Dorcas Allen may have been in shock after her sale, contributing to her violent recourse. She had, according to information given to John Quincy Adams by several people involved in the case, been living as a "free Negro" for some years before the killings, and the sale must have come as a deep betrayal. A careful look at census records throughout several decades places her birth date at approximately 1810. The year her owners permitted her liberty is unknown, but it was probably around 1828, when her first child with Nathan was born. The 1830 census also shows Dorcas living with Nathan Allen (himself legally free) in Georgetown; she is, however, classified there as a slave. Nathan Allen told Adams that he worked as a waiter at John Gadsby's popular National Hotel on Pennsylvania Avenue.<sup>23</sup> As Ira Berlin and Barbara Fields have argued, "freedom" for African Americans in the antebellum slave states was limited, a product of negotiation with whites, as they were denied civil liberties by restrictive laws, and, for the most part, relegated to certain occupations. This did not mean, however, that free blacks could not compete with whites in a similar economic class. Seth Rockman's study of wage laborers in Baltimore during the early Republic placed working African Americans on par with immigrants performing similar jobs.<sup>24</sup> In order to describe what the Allens' life was like before the sale, this dissertation makes use of secondary sources on free African Americans in the District, as well as mining extant census records and city

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<sup>23</sup> JQA Diary 33, MHS, 1 November 1837.

<sup>24</sup> Seth Rockman, *Scraping By: Wage Labor, Slavery and Survival in Early Baltimore* (Baltimore: The Johns Hopkins University Press, 2008).

directories, which listed a person's race and occupation, as well as his or her place of residence.

Allen, however, is not the only character in the narrative lacking documentary evidence of her motive. The other most visible character in the case is District Attorney Francis Scott Key, who prepared the murder indictments for the prosecution of Allen. Conversely, he later helped to facilitate the sale between James Birch and Nathan Allen. Key was also the person who informed John Quincy Adams that Birch had agreed to sell Allen his family, Adams then promising to contribute \$50 towards the purchase. Like Dorcas Allen's, Key's motives in the affair are elusive, and despite the fact that he is well-known as the author of the Star Spangled Banner, there is little scholarship regarding his activities as a long-time Washington attorney and his service as District Attorney from 1833 to 1843. Edward S. Delaplaine's 1937 biography of Key, while effusive and sentimental, does provide a verifiable framework for the cases in which he engaged, and demonstrates his long-time support of the American Colonization Society, which he helped to found.<sup>25</sup> In his seminal work on the Society, P.J. Staudenraus argued that the design to expatriate manumitted slaves from America to Africa grew from a pervasive attitude among whites about black inferiority, and a belief that blacks could never be assimilated into American society.<sup>26</sup> What personal writings of Key do exist, in the manuscript collections in the Library of Congress and the Maryland Historical

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<sup>25</sup> Edward S. Delaplaine, *Francis Scott Key: Life and Times* (New York: Biography Press, 1937).

<sup>26</sup> P.J. Staudenraus, *The African Colonization Movement: 1816-1865* (New York: Columbia University Press, 1961). For an overview of the evolution of American racism, see Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: The University of North Carolina Press, 1968); Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: Norton, 1975).



Society, supports this understanding; they also demonstrate a strong sense of religious zealotry.

There had been, however, significant social changes in Washington between the establishment of the city's chapter of the Colonization Society in 1816 and Dorcas Allen's case in 1837. Stanley Harrold has shown in *Subversives: Antislavery Community in Washington, D.C.*, that the rise of organized and vocal abolitionism after 1833 undermined the commitment of some whites to voluntary, uncompensated emancipation, as nascent fears of slave rebellions and black criminal activity rose—especially after news reached the District of Nat Turner's failed 1831 revolt in Southampton, Virginia.<sup>27</sup> Examination of the *Free Negro Registers* for the District shows the highest number of manumissions between 1825 and 1835, the years considered the height of success of the Colonization Society.<sup>28</sup> A slaveholder himself, and as District Attorney a representative of the law, Key's actions in the Allen case underscore a commitment to keeping peace in the capital, even if that meant bending the law to do so. His efforts to help Nathan Allen to raise a subscription to buy his family appear—at least superficially—humanitarian, but a quiet resolution of the affair seemed to him the best course of action.

A central legal issue in the case as it developed was that the legal chain of title ownership of Dorcas Allen could not be easily established. Numbers of cases appear in the District Circuit Court records during the period of Key's appointment as District

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<sup>27</sup> Stanley Harrold, *Subversives: Antislavery Community in Washington, D.C., 1828-1865* (Baton Rouge: Louisiana State University Press, 2003).

<sup>28</sup> Dorothy S. Provine, (comp.), *Free Negro Registers 1821-1861*, Vol. 1-2 (Bowie, MD: Heritage Books, 1996). Eric Burin, *Slavery and the Peculiar Solution: A History of the American Colonization Society* (Gainesville, University Press of Florida, 2005). Burin argues more strenuously than Staudenraus that the Society was, at the core, antislavery, because its first and foremost aim was to eradicate slavery through voluntary, uncompensated emancipation.

attorney, regarding faulty titles to slaves and disputed warranties; Key represented disgruntled owners in some cases and slaves petitioning for freedom in others. He had pursued the death penalty against Arthur Bowen, a slave accused of attempted murder in 1835, the crime that led to the so-called “Snow Riots” in Washington, when, for several nights, dozens of angry white men roamed the streets of Washington, attacking property owned by African Americans.<sup>29</sup> Reuben Crandall, an abolitionist printer living in Georgetown, was arrested in response, for allegedly distributing incendiary literature. Key prosecuted Crandall, arguing vehemently that Arthur Bowen’s actions and the subsequent riots had been caused by the printing of antislavery publications in the District.<sup>30</sup> Given the recent history of violence in the capital, Key, in 1837, had an interest in ensuring abolitionists did not seize hold of Dorcas Allen’s predicament and use it to their advantage.

Part of John Quincy Adams’s anxiety regarding the pending transaction between James Birch and Nathan Allen, had to do with the questioned legitimacy of the slave trader’s title and rumors that Dorcas Allen’s former owner, Gideon Davis, had died insolvent, owing money to creditors. Unsure what the outcome would be if he helped to complete the sale, Adams appealed to Key, the representative of District law. Key acknowledged that creditors’ rights superseded Birch’s right to Dorcas and the children, but tried to reassure Adams, telling him that the creditors of the Davis estate were unlikely to “disturb” the title.<sup>31</sup> In this story, Birch represents the group of small slave

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<sup>29</sup> The riot is named after Beverly Snow, an African American man and owner of a successful restaurant on Pennsylvania Avenue that the mob burned to the ground.

<sup>30</sup> Neil S. Kramer, “The Trial of Reuben Crandall,” *Records of the Columbia Historical Society*, Vol., 50 (Washington, D.C.: Published for the Society, 1980): 123-139.

<sup>31</sup> JQA Diary 33, MHS, 10 November 1837.

traders who made their living dealing with the larger firms in the District. His occupation was the primary context of the antislavery petitions, begging Congress to outlaw the slave trade in the capital. The nineteenth-century abolitionist image of the slave trader as a vulgar social outcast from respectable society has long been discredited by Frederic Bancroft in his 1931 monograph, *Slave-Trading in the Old South*. In his study of professional slave traders throughout the south and middle Atlantic states in the four decades preceding the Civil War, Bancroft argued that these men operated within the upper echelon of “respectable society” and were considered accredited and legitimate businessmen.<sup>32</sup> Building on this foundation in his 1991 book, *Speculators and Slaves: Masters, Traders and Slaves in the Old South*, Michael Tadman examined the records and correspondence of interstate traders, concluding that the business of slave trading in the Chesapeake was based more on economic practicality rather than any deliberate “breeding” of slaves for the southern market.<sup>33</sup> Birch’s desire to turn ownership of Allen over quickly suggests he fit this profile of the interstate slave trader looking to profit by supplying slaves to the lower south in time for the fall harvest. He could not have accomplished this, however, as more recent studies have shown, without the willingness of slaveowners to participate in this capitalistic market. Robert Gudmestad’s *A Troublesome Commerce* not only points out that Bancroft and Tadman failed to show whites’ attitudes towards the trade changing over time, but accurately depicts those

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<sup>32</sup> Frederic Bancroft, *Slave-Trading in the Old South* (1931; Columbia, SC: University of South Carolina Press, 1996).

<sup>33</sup> Michael Tadman, *Speculators and Slaves: Masters, Traders, and Slaves in the Old south* (Madison: University of Wisconsin Press, 1989).

whites who condoned the slave trade under the law as implicit deniers of the hideous realities behind the business.<sup>34</sup>

James Birch was not only typical of the sort of slave trader who separated himself emotionally from the cruel business; he apparently sought to place himself in the “respectable” class of slave traders, doing so through the commodification of the body of Dorcas Allen. The importance of the physical body in the buying and selling of slaves is discussed by Walter Johnson in his 1999 work *Soul by Soul: Life Inside the Antebellum Slave Market*.<sup>35</sup> While Johnson contends that the price/value of slaves’ bodies was often contested ground between slave traders and the slaves themselves, this dissertation suggests that Birch asserted his place as a legitimate District business man by advertising Allen for sale. The language of the auction advertisement publicly declared him to be a duped businessman, having been sold slaves “warranted in sound body and minds,” and now left with a woman having been judged legally insane by a court of law.

This dissertation is not meant to be a biography of John Quincy Adams or a microhistory of a little known historical event, even though the killings, trial, auction, and subsequent sale of Dorcas Allen took place over less than three months—a relatively short span of time in the course of the lives of those involved. It was a case with long beginnings and far reaching implications, one that shows how deeply entangled slavery had become in the economic and moral life of the nation’s capital. As abolitionists pressed for the abolition of the slave trade in the District in their petitions to Congress, a

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<sup>34</sup> Robert H. Gudmestad, *A Troublesome Commerce: The Transformation of the Interstate Slave Trade* (Baton Rouge: Louisiana State University Press, 2003); see also Steven Deyle, *Carry Me Back: The Domestic Slave Trade in American Life* (New York: Oxford University Press, 2005). Using slave narratives and run-away advertisements, Deyle provides a much needed perspective from the slaves’ point of view.

<sup>35</sup> Walter Johnson, *Soul By Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 1999).

moral quandary was transformed into a hotly contested political issue. Far more than the content of the antislavery petitions that poured into Congress, the damage done to the Allen family profoundly troubled John Quincy Adams's conscience, and exemplified the impossible price of slavery to the nation.

## CHAPTER I

### THE PRECIPICE OF SLAVERY

The public mind in my own district and State is convulsed between the slavery and abolition questions, and I walk on the edge of a precipice in every step I take.<sup>1</sup>

Tuesday, August 22, 1837. Quincy, Massachusetts.

John Quincy Adams, former president and now 12<sup>th</sup> District Massachusetts Congressman, spent his day pursuing activities he usually found more gratifying than serving in the House of Representatives. At *Peacefield*, the home he had inherited from his father John, the seventy-year-old Adams toiled in the garden—removing “half a bushel of stones” from a planting bed, and fertilizing the area with mud he took from a pond on the property.<sup>2</sup> Early in the afternoon, the town’s tax collector stopped by, but after Adams explained that he had been called to an early session of Congress to discuss the national banking crisis and could not make immediate payment, the tax collector “cheerfully” agreed to collect the tax from Adams’s son, Charles Francis, at a later date.<sup>3</sup>

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<sup>1</sup> JQA Diary 33, MHS, 1 September 1837.

<sup>2</sup> Built in 1798; John Quincy Adams inherited the home and most of the surrounding property in 1826 after the death of his father.

<sup>3</sup> Congress regularly convened after summer recess in the middle of September. A general financial “panic” had erupted in the spring of 1837, and in response, the newly inaugurated Democratic president, Martin Van Buren, issued a call on May 15, 1837 for a special session of Congress to meet September 4. Major L. Wilson, *The Presidency of Martin Van Buren* (Lawrence, KS: University Press of Kansas, 1984), 57. In 1837, Charles Francis Adams (1807-1886) was the only surviving child of John Quincy and Louisa Catherine Adams. George Washington Adams (1801-1829) drowned after jumping or falling overboard a

Around three o'clock he rode with Deacon William Speer to examine the timber land he had purchased the previous fall, noting that a "growth of oaks [had] sprung up this season." Later that evening, a gentleman visited Adams to inquire about congressional pensions for Revolutionary War widows.<sup>4</sup> After assuring him the matter would be taken up at the next House session, Adams retired.<sup>5</sup> If he harbored any nervousness about what was to transpire the following day, he left such thoughts unrecorded in that evening's diary entry.<sup>6</sup> Delegates from his District were to meet on August 24 to discuss Adams's near-censure by the House of Representatives last February 6. What had Adams done to warrant censuring? He had presented to that body a petition allegedly written by slaves.<sup>7</sup>

Alexandria, Virginia.

On the same day, four hundred miles away from Quincy, in the city of Washington, slave trader James H. Birch hustled his new property aboard a ferry bound for Alexandria, Virginia. Earlier that day he had purchased from a Georgetown resident, Rezin Orme, an African American woman in her mid-to-late twenties, named Dorcas Allen, and her four children, three girls aged approximately twelve, nine and four, and a

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steamship bound from New York to Washington. John Adams II (1801-1834) died in Washington, D.C. most likely from complications related to his alcoholism, and the couple had lost their baby girl, Louisa Catherine (1811-1812), in St. Petersburg during Adams's service as minister to Russia. Adams Family Biography, MHS, <http://www.masshist.org/adams/biographical.cfm>.

<sup>4</sup> Adams regularly received visits from his constituents at his home.

<sup>5</sup> JQA Diary 33, MHS, 22 August 1837.

<sup>6</sup> Ibid.

<sup>7</sup> Either Adams's diary entries from January – March 1837 have been lost or destroyed. Given the amount of time and care he took to prepare a published defense of his actions, Adams may never have entered anything in his diary regarding the incident.

boy under a year old.<sup>8</sup> Birch may have used one of the several slave pens in the city of Washington to deposit his property for safe keeping.<sup>9</sup> He had, however, dealt with the largest and most profitable slave trade pen in the District in the past—the lucrative Duke Street, Alexandria business of George Kephart; he most likely hoped to stash the Allens safely at a familiar location and resell them quickly for profit.<sup>10</sup> To keep local slave-trading at a minimum, an 1812 District law forbade residents residing in Washington City or Georgetown from entering Alexandria to buy a slave to take back to their residence and vice-versa.<sup>11</sup> Thus, slave pens throughout the District served primarily as holding depots for slaves to be sold out of the District’s jurisdiction. Usually, the slaves brought to Kephart’s pen were held briefly, then, shipped in slave coffles to Natchez, New Orleans, or Charleston for sale at wharf auctions.<sup>12</sup> Exactly what fate Birch intended for Dorcas Allen, or what, if anything, he said to her, is speculative. From the little available evidence of his character, it is doubtful Allen received kind treatment while in Birch’s

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<sup>8</sup> James H. Birch noted the date of Allen’s purchase as August 22, 1837, in an October 14, 1837 *National Intelligencer* advertisement. The ages of the children are in contention; their father told John Quincy Adams in November of 1837 that his eldest daughter was twelve, but the Birch advertisement listed the ages of the girls as nine and seven. The 1830 United State Census of the District of Columbia lists living in the Allen household one free male between the ages of twenty and twenty-four, one female slave between the ages of twenty and twenty-four, and one female slave under the age of ten. If the census is correct, the ages given by Birch seem more appropriate, but to assume its accuracy is to deny the ages provided from the girls’ father.

<sup>9</sup> William T. Laprade, “The Domestic Slave Trade in the District of Columbia,” *The Journal of Negro History*, Vol. II, no. 1, (Jan., 1926): 33-34.

<sup>10</sup> George Kephart purchased the pen from Isaac Franklin and John Armfield. The exact date of the sale is unknown; many secondary sources incorrectly list the year Kephart assumed the business as 1846. As evidenced by an August 23, 1837 newspaper advertisement (coincidentally the day after the Allen murders), Kephart had assumed ownership as early as March 14, 1837. “**CASH FOR NEGROES**,--I will give the highest cash price for likely NEGROES from 10 to 25 years of age. Myself or agent can at all times be found at the establishment formerly owned by Armfield, Franklin & Co. at the west end of Duke Street, Alexandria. Mar 14—tf GEORGE KEPHART.” *National Intelligencer*, 23 August 1837.

<sup>11</sup> William Laprade, “The Domestic Slave Trade:” 29.

<sup>12</sup> Michael Ridgeway, “A Peculiar Business: Slave Trading in Alexandria, VA, 1825-1861” (MA Thesis, Georgetown University, 1976), 26-30.



possession. Solomon Northup, a free black man drugged and sold into slavery in the city of Washington in 1841, described Birch as “a large, powerful man, forty years of age,” with an expression of “cruelty and cunning.” Northup judged Birch to be nearly six feet in height, and found his “whole appearance...sinister and repugnant.” In response to Northup’s protestations regarding his imprisonment, Birch delivered a slew of profanities and a severe beating.<sup>13</sup> If Birch displayed even a hint of that vicious character to Allen and her young children, they were probably terrified, perhaps cowed into quiet submissiveness as they boarded the ferry to Alexandria. Or, perhaps, Birch had saved himself a few cents by forcing them to walk across Long Bridge into northern Alexandria, and then had them traverse the five miles or so south to Duke Street in the center of town.<sup>14</sup> However, District slave traders counted on the rapid resale of slaves and generally sought to keep their investment in the best marketable condition, hence, getting them to a destination without undue hardship was important. The Allen children were young and would tire easily; Dorcas needed to carry William Henry, an infant. Thus, Birch probably chose the ferry as most expeditious and least damaging means of transporting his property to the Alexandria slave pen. Dorcas Allen’s thoughts or emotions during this journey are unknown. Her children may have clung to her in terror, heightening her own anxiety, as she watched the shoreline of the only home she had ever known and the city where her husband remained behind, disappear in the ferry’s wake.

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<sup>13</sup> Solomon Northup, *Twelve Years a Slave*, Sue Eakin and Joseph Logsdon (eds.), (Baton Rouge: Louisiana State University Press, 1968), 21, 22-23. Solomon Northup’s narrative contains the only known description of Birch and his temperament.

<sup>14</sup> North Alexandria County is now the city of Arlington, VA, Arlington County. Zack Spratt, “Ferries in the District of Columbia,” *Records of the Columbia Historical Society of Washington, D.C.* Volumes 53-56, Oliver W. Holmes and Cornelius W. Heine (eds.), (Washington, D.C.: Published by the Society, 1959): 189-191.

What is known is that, on the evening of August 22, 1837 at Kephart's Duke Street slave pen, Dorcas Allen killed her youngest children, Maria Jane and William Henry. The local paper, the *Alexandria Gazette*, informed its readers of the crime the following day. The *Gazette's* editor, Edgar Snowden, made no attempt to spare his readers from the gruesomeness of the alleged crime.

HORRIBLE BARBARITY—On Tuesday night last, a black woman named Dorcas Allen, recently brought to this town, committed a most barbarous and unnatural murder, by seizing and strangling her two infant children, one about four, the other about two years of age. She also attempted to murder her other two children, who are much older and stouter than the two killed, by beating them in the face and on the head with brick bats, &c, by which they were horribly mangled. Those who saw the apartment in which these atrocities were enacted, represent the scene as appalling—the dress and person of the unnatural mother herself clotted with gore, and the walls and floor of the room covered here and there with the blood of her innocent offspring. The verdict of the inquests held by the Coroner upon the bodies of the murdered children, was that they were wilfully [sic] and feloniously strangled on the night of the 22nd instant by their mother, a slave woman, named Dorcas Allen—the woman has been arrested and committed to jail for trial.<sup>15</sup>

For John Quincy Adams, the day following the Allen murders, August 23, 1837, proved to be something of a personal validation and a political triumph. Representative Waddy Thompson from South Carolina (one of Adams's political enemies) had made a motion for censure in the House of Representatives the previous February, after Adams had asked the Speaker if the petitions on his desk fell under the "Gag Rule." Adams's question caused a four-day convulsion in the House as members argued either for, or against him. Although Adams had presented antislavery petitions before the House the year he took his seat, the origins of the tumult dated back to the winter Congressional

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<sup>15</sup> *Alexandria Gazette*, 24 August 1837.

session of 1836. No one in the House had paid much attention when Adams presented back in 1831 “fifteen petitions, signed numerous by citizens of Pennsylvania, praying for the abolition of slavery and the slave-trade in the District of Columbia.” Breaking with the House tradition of presenting a petition and immediately referring it to the appropriate committee, Adams read briefly the content of the petitions, “they being all of the same tenor and very short.” Despite his nervousness that he was “little qualified by nature for an extemporaneous orator,” Adams opined to House members that he “should not support that part of the petition which prayed for the abolition of slavery in the District of Columbia,” without an explanation. Much to his relief, the House listened politely with “great attention,” yet his diary entry relating this account has more to do with his personal gratification at “perform[ing] an achievement,” rather than any interpretation of what the petitions had entailed.<sup>16</sup>

However, when Congress convened four years later in December 1835, the substance of the arguments about slavery had changed, leading to a storm of controversy regarding the presentation of antislavery petitions. In those four years, antislavery and abolition groups had grown rapidly, spreading their message nation-wide through circulated petitions, newspapers (such as William Lloyd Garrison’s Boston publication, the *Liberator*) and tracts mailed throughout the states. In response to what the majority of Americans considered dangerous radicalism, anti-abolitionist rioting broke out in several cities throughout the country.<sup>17</sup> In 1835 alone, a Charleston mob burned sacks of

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<sup>16</sup> JQA Diary 38, 1 October 1830 – 24 March 1832, MHS, 12 December 1831.

<sup>17</sup> Leonard L. Richards, *The Life and Times of Congressman John Quincy Adams* (New York: Oxford University Press, 1986), 89-94. Richards notes that the introduction of steam-powered presses enabled antislavery groups to cut the time and cost of printing—so much that Arthur Tappan’s American Anti-Slavery Society was able to “mail several hundred thousand free papers to communities North and South,” 95.

antislavery pamphlets sent by northern abolitionists, and rioters roamed the streets of Washington for a week in August after learning a slave had tried to kill his mistress, allegedly spurred on by recent abolitionist activity in the District.<sup>18</sup>

News of the violence horrified Adams. He blamed “religious doctrines and religious fervor” for the passionate foment currently seizing the nation. Railing against the abolitionists’ methods, Adams wrote, “They have raised funds to support and circulate inflammatory newspapers and pamphlets gratuitously, and send multitudes of them into the Southern county, into the midst of the swarms of slaves.”<sup>19</sup> On August 22, 1835, after learning of the gravity of the mid-August riots in Baltimore and Washington, he confided to his diary, “My own opinion is, that the planters of the South will separate from the Union, in terror of the emancipation of their slaves, and that then the slaves will emancipate themselves by a servile war.”<sup>20</sup>

Adams’s dire prediction notwithstanding, he remained uncharacteristically quiet during the first weeks of the winter session, while southern delegates argued for the immediate suppression of all antislavery petitions presented to members of Congress. He rose once to offer his opinion that “the true and only method of keeping this subject out of discussion” was to “refer all petitions of this kind to the Committee on the District of Columbia.” While he admitted that doing so in the past had avoided “the discussion of

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<sup>18</sup> Bertram Wyatt-Brown, “The Abolitionists’ Postal Campaign of 1835,” *The Journal of Negro History*, Vol. 50, No. 4 (Oct., 1965): 227-238; the August riot became known as the “Snow Riot,” named after Beverly Snow, a free African American, whose business had been destroyed by the angry mob. Constance McLaughlin Green, *The Secret City: A History of Race Relations in the Nation’s Capital* (Princeton: Princeton University Press, 1967), 36-37.

<sup>19</sup> JQA Diary 40, 1 June 1835 – 5 December (with gaps), MHS, 11 August 1835.

<sup>20</sup> *Ibid.*, 22 August 1835.

this agitating question...it paid a due respect to the right of the constituent to petition.”<sup>21</sup>

His advice was ignored. The debate continued into the spring of 1836, culminating in the passage of three resolutions put forth by Henry Pickney, Congressman from South Carolina. By then it had become abundantly clear to Adams that southern members of the House intended to prevent the presentation of antislavery petitions; this would be the crux of his long-standing argument against these “Gag Rules. The first resolution dictated that “Congress had no constitutional authority to interfere with slavery in the slaveholding states.” The second affirmed that Congress would not tamper with slavery in the District of Columbia, the subject of most of the antislavery petition requests. The third resolution made the “gagging” of petitions complete. It read, “*Resolved* that all petitions, memorials, resolutions, propositions, or papers relating...to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred be laid upon the table, and that no further action whatever shall be had thereon.”<sup>22</sup>

Adams repeatedly asked the House Speaker, James Polk, to permit debate on the third resolution. Polk replied that the question had been called to vote, that “the motion was not debatable.” Adams responded tersely, “I will appeal when the decision is made. I am aware there is a slaveholder in the Chair.” Polk informed him he would have to make his request in writing. Adams then demanded to know, “Am I gagged or not?” Polk again repeated there was to be no further debate on the motion. Adams gave up, summing up his disapprobation of the resolution when called upon to vote. “I hold the

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<sup>21</sup> Thomas Hart Benton, *Thirty Years View: or a History of the Working of the American Government for 30 Years, from 1820-1850* (New York: Appleton & Co., 1897), 622.

<sup>22</sup> \_\_\_\_\_ . *Register of the Debates in Congress, Comprising the Leading Debates and Incidents of the First Session of the Twenty-Fourth Congress*, Vol. XII (Washington: Gales and Seaton, 1836), 4052.

resolution to be a direct violation of the Constitution of the United States,” he said, “of the rules of this House, and of the rights of my constituents.” The House erupted with loud cries of “order,” and the voting continued, the measure passing 117-68.<sup>23</sup>

In the months following the decision, Adams not only vehemently and persistently protested against the new rules, but also at times ignored them completely. He maintained that national representatives from the states had a duty, as elected officials, to present every petition sent by constituents regardless of the subject matter. To many in the northern states, the Gag Rule denied a fundamental principle in American democracy and violated the First Amendment—the right to free speech and to “petition the Government for a redress of grievances.” His perseverance finally landed him in serious trouble on February 6, 1837. Adams first presented to the House a “petition of nine ladies of Fredericksburg,” refusing to name them, citing his concern for their safety should their names be entered into the public record. He noted “he did not feel a perfect security that it was genuine,” leaving that speculation up to House members and the petition was tabled. He next told the Speaker he possessed “in his hand, a petition from twenty-two persons, declaring themselves to be slaves,” asking him if the petition fell under the House Gag rule. Several members exploded in outrage, demanding a censure resolution to punish Adams; Georgian congressman Julius Caesar Alford angrily cried that the petition should “be taken from the House and burnt,” as it was such an affront to the southern states.<sup>24</sup>

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<sup>23</sup> Ibid, 4030, 4053.

<sup>24</sup> Ibid, 1587-1588.

Adams defended himself, stating he merely asked the Speaker “whether if he presented this paper, it would be included under the general order of the House,” and had not, as certain members alleged, aggressively presented the petition.<sup>25</sup> After a lengthy debate in the House lasting five days, he escaped official censure on February 11, but was publicly insulted on February 6 by the three proposed censure resolutions—the language of the second the most contemptuous and direct. “*Resolved*,” it read, “That the member from Massachusetts by creating the impression, and leaving the House under such impression; that said petition was for the abolition of slavery when he knew it was not, has trifled with the House.”<sup>26</sup> The “trifling” referred to the actual content of the petition, the alleged slaves appealing that Congress not interfere with their servitude. The southern delegates had been so busy clamoring to censure Adams, he informed his constituents in a printed publication, that he “had not a moment of time to interpose and stay the whirlwind.” They had placed themselves in a “ludicrous position into which they had floundered,” in calling for his censure “for what they knew not—for phantoms of their own imagination—for the contents of a petition which they had not suffered to be read, and which no one but myself knew.”<sup>27</sup> The preparation of the published pamphlet was important to Adams; he could not rely on local Washington newspapers to correctly inform the public of the debates, and Boston area newspapers copied news of Congressional proceedings from them, more often than not, verbatim. The *Alexandria Gazette* gave a particularly jaundiced view of Adams, mocking his nickname of Old Man

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<sup>25</sup> *Richmond Inquirer*, 14 February 1837; John Quincy Adams, *Letters from John Quincy Adams to His Constituents of the Twelfth Congressional District in Massachusetts, to which is added, his speech in Congress, Delivered February 9, 1837* (Boston: Isaac Knapp, 1837), 62.

<sup>26</sup> *Richmond Inquirer*, 14 February 1837.

<sup>27</sup> John Quincy Adams, *Letters of John Quincy Adams to his Constituents*, 15-16.

Eloquent by calling him “Old Man Malignant,” proclaiming him to be an agent of “the views of a new and dangerous party,” judging his character as one seeking “personal ambition and a desire of notoriety.”<sup>28</sup> In a profound statement that must have resonated with his constituents, Adams proclaimed that “*Slavery* has already had too deep and too baleful an influence on the affairs and upon the history of this Union. It can never operate but as a slow poison to the *morals* of any community infected with it. Ours,” he lamented, “is infected with it to the vitals.” Congress had declared the national government could not interfere with “domestic slavery in the states, *in any manner*.” He rhetorically asked his audience, “What right then, has domestic slavery to interfere in the free states with the dearest institutions of their freedoms.”<sup>29</sup>

In the aftershock of what had occurred in the House in February, delegates from the 12<sup>th</sup> District of Massachusetts convened on August 23, 1837. Much to Adams’s relief, they unanimously vindicated him by passing resolutions approving his course of action in regards to the right to petition and his opposition to the annexation of Texas in language “of the warmest commendation.”<sup>30</sup> The Massachusetts legislature went a step further, submitting a resolution to Congress on September 18 proclaiming the Gag Rule to be “an assumption of power and authority at variance with the spirit and intent of the constitution of the United States, and injurious to the cause of freedom and free institutions.” Not mentioning Adams specifically by name, the legislature further resolved “that our Senators and Representatives in Congress, in maintaining and

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<sup>28</sup> *Alexandria Gazette*, 11 February 1837.

<sup>29</sup> John Quincy Adams, *Letters of John Quincy Adams to his Constituents*, 42.

<sup>30</sup> JQA Diary 33, MHS, 23 August 1837.



advocating the full right of petition have entitled themselves to the cordial approbation of the people of this Commonwealth.” Unlike the antislavery petitions, the Massachusetts resolutions were read before Congress, but they were then immediately tabled without debate.<sup>31</sup>

John Quincy Adams thus arrived in Washington in September 1837 after a much-needed shot of public confidence. His constituents had given him support and, in effect, impunity to act on their behalf using his best judgment. He could not have hoped for a better outcome, but his assurance soon failed. Through his involvement with the case of Dorcas Allen a month later, he would find that a sharp distinction between the constitutional “right of petition” and the controversial subject of those petitions sent to Congress—slavery—could no longer be maintained, once those issues were seen through a moral lens.

Dorcas Allen’s sale, crime, trial, and subsequent fate is especially meaningful in the context of the barrage of abolitionist petitions to end slavery and the trade in the capital, which Adams continued to present before the House. Her tale also helps to illustrate the wide gap between the national legislative jurisdiction of the capital and the actual control by local elites of the three municipalities that comprised the District: Alexandria, Georgetown, and Washington City. The establishment and location of a permanent federal capital on the Potomac between the states of Maryland and Virginia had been agreed upon by Congress in 1790 after much debate, and after those states’ legislatures ceded portions of territory for the creation of the District. The official act of

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<sup>31</sup> \_\_\_\_\_ . *Documents of the House of Representatives, at the First Session of the Twenty-Fifth Congress, Begun and Held at the City of Washington, September 4, 1837* (Washington, D.C.: Thomas Allen, 1837), Executive Documents and Report Committees, Doc. No. 21, 25<sup>th</sup> Congress First Session.

incorporation provided the national government with ten years to plan removal of all federal offices from the current capital, Philadelphia, Pennsylvania, to the new site on the Potomac. In the meantime, the portions of land ceded by Virginia and Maryland remained under state jurisdiction unless Congress decided to enact its own code of laws for the District. Presumably Congress intended eventually to implement its control over these areas—evident from the language stated in Article I, Section 8 of the Constitution, giving Congress “exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be...”<sup>32</sup>

Scholarship regarding the congressional debates over the location of the new capital has concentrated largely on the sectional and partisan disputes among the Founders, and the so-called Compromise of 1790 is sometimes explained as a means to help prevent disunion in the new nation. As Joseph Ellis put it, “the accommodation that culminated in the agreement...provides a momentary exposure of the sharp differences dividing the leadership of the revolution generation: sectional versus national allegiance; agrarian versus commercial economic priorities; diffusion versus consolidation as social ideals; an impotent versus a potent federal government.”<sup>33</sup> However, as an urban historian reminds us, a “Potomac” capital embraced ideological and commercial interests shared

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<sup>32</sup> United States Constitution, Article I, Section 8, Clause 17. The legislation establishing the boundaries of the District is more commonly known as the Compromise of 1790; Mary Tremain, *Slavery in the District of Columbia: The Policy of Congress and the Struggle for Abolitions* (1892; New York: Negro Universities Press, 1969), 11.

<sup>33</sup> Joseph J. Ellis, *Founding Brothers, the Revolutionary Generation* (New York: Alfred A. Knopf, 2000), 78.

by many, regardless of region. The Potomac River served as a gateway to the North American west by providing access from the Chesapeake Bay, especially the port of Baltimore, to the well-established towns of Georgetown and Alexandria, and further toward the burgeoning Ohio Valley and Appalachian settlements. Although fostering discord, the choice of a Potomac capital also contributed to national stability because it helped to meet the commercial demands of a unified American empire.<sup>34</sup> During the determination of the new site of the capital, the question of slavery does not appear to have been a factor. This is not surprising; after all, in 1790 slavery persisted in several states north of the Chesapeake.<sup>35</sup> Additionally, there is no evidence to suggest that, in 1790, the legislatures of either Maryland or Virginia feared that Congress might potentially wield autocratic power over the citizens living in Georgetown and Alexandria.<sup>36</sup>

Moreover, when the federal government formally removed its offices from Philadelphia to Washington in June of 1800, there was no immediate call from members of Congress to explain formally how (or if) Congress would implement its “exclusive jurisdiction.” Congress’s reticence to clarify this matter adequately in 1800 had to do,

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<sup>34</sup> Carl Abbott, *Political Terrain: Washington, D.C., from Tidewater Town to Global Metropolis* (Chapel Hill: The University of North Carolina Press, 1999), 35. Another indicator of legislative and commercial power shifts to the west can be determined from the relocation of the capitals of New York and Virginia, the two most populous states in late eighteenth century America. New York moved its capital from Kingston to Albany in 1777 and Virginia from Williamsburg to Richmond in 1780.

<sup>35</sup> The Pennsylvania legislature passed a gradual emancipation law in 1780, Connecticut in 1784, New York in 1799, and New Jersey in 1804. Slavery remained legal in Maryland and Delaware until the passage of the 13<sup>th</sup> Amendment in 1865. Arthur Zilversmit, *The First Emancipation: the Abolition of Slavery in the North* (Chicago: University of Chicago Press, 1967); Tremain, *Slavery in the District of Columbia*, 8-9.

<sup>36</sup> Cal Jillson, “Fighting for Control of the American Dream,” in Kenneth R. Bowling and Donald R. Kennon (eds.), *Establishing Congress: The Removal to Washington, D.C. and the Election of 1800* (Athens, OH: Ohio University Press, 2005), 7-12.

partly, with the need to address more pressing issues at hand—especially the monumental task of organizing all the records moved from Philadelphia.<sup>37</sup> The fact that 1800 was also a presidential election year added to the neglect of the District by members of Congress, who lived there only temporarily, even if they governed it via the terms stated in the Constitution. Several scholars agree that the presidential election of 1800 marked a sharp conflict between two versions of federalism that had emerged during George Washington’s presidency, represented by political parties forming during John Adams’s subsequent administration.<sup>38</sup> The 1800 campaign turned divisive and ugly, pitting the incumbent Federalist candidate Adams against the opposition party candidate, Democratic-Republican Thomas Jefferson.

Although Jefferson won the 1800 election, from November until March 1801, the Federalists retained control of Congress, decisively in the Senate with twenty-two Federalists and ten Democratic-Republicans, but by a slimmer margin in the House with sixty Federalists and forty-six Democratic-Republicans.<sup>39</sup> In an effort to exercise control of federal governance while they still had it, the Federalists enacted legislation detailing what “exclusive jurisdiction” meant for congressional governance over the District. The language they devised had far reaching consequences, particularly during the 1830s, during the debates over Congress’s authority to ban slavery and the slave trade. The

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<sup>37</sup> Elaine C. Everly and Howard H. Wehmann, “‘Then Let Us to the Woods Repair’: Moving the Federal Government and Its Records to Washington in 1800,” in *Ibid*, 23-38.

<sup>38</sup> Edward Larson, *A Magnificent Catastrophe: The Tumultuous Election of 1800, America’s First Presidential Campaign* (New York: Free Press, 2007); Susan Dunn, *Jefferson’s Second Revolution: the Election of 1800 and the Triumph of Republicanism* (Boston: Houghton Mifflin, 2004); John Ferling, *Adams Versus Jefferson: The Tumultuous Election of 1800* (New York: Oxford University Press, 2004); Bernard Weisberger, *America Afire: Jefferson, Adams, and the Revolutionary Election of 1800* (New York: William Morrow, 2000).

<sup>39</sup> Kenneth Martis, *The Historical Atlas of Political Parties in the United States Congress* (New York: Macmillan Publishing Co., 1989). Sixth Congress.

Organic Act of 1801, as it came to be called, “was a rushed and improvised accommodation to political reality, necessitated by desperate logic of lame-duck political maneuvering.” The date of its passage, February 27, 1801, a scarce week before Jefferson’s inauguration, indicates a hasty attempt by the Federalist Congress to strengthen the federal government within District boundaries. Federalists feared that unless Congress passed specific legislation regarding its powers in the District, Democratic-Republicans under the Jeffersonian administration would begin to dismantle federalism there, possibly even relocating the Capital to the southwest.<sup>40</sup> In designing the Act, Congress employed the powers provided to that body as defined in Article I, section 8, “to exercise exclusive legislation in all cases whatsoever, over such District as may, by cession of particular states.” The Act formed two counties within the District, Alexandria and Washington. The “laws of the state of Virginia, as they now exist,” were to “continue in force in that part of the District of Columbia, which was ceded by the said state to the United States”; the same applied to Maryland, the state that had ceded Georgetown and the land that would become Washington City. The Act further authorized the President to appoint as many Justices of the Peace for the District as he believed “expedient.” In addition, it stripped District citizens of their state and federal voting rights, but it did not supersede local influence on town affairs exercised by local citizens through the Common Councils of Georgetown, Washington City, and Alexandria. The last section affirmed the councils’ authority in local matters, stating “nothing in this act contained shall in any wise alter, impeach or impair the rights,

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<sup>40</sup> William diGiacomantonio, “‘To Make Hay While the Sun Shines,’ D.C. Governance as an Episode in the Revolution of 1800,” in Bowling and Kennon, *Establishing Congress*, 46, 54-55.

granted by or derived from the acts of incorporation of Alexandria and Georgetown, or of any other body corporate or politic, within the said district.<sup>41</sup>

In addition to losing the Presidency in 1800, the Federalists had been soundly beaten in Congress, losing their majority in both the Senate, with seventeen Democratic-Republicans and fifteen Federalists, and the House, with sixty-eight Democratic-Republicans and thirty-eight Federalists.<sup>42</sup> Responding to the concerns of District citizens that a tyrannical Congress might rule over local affairs, Congress passed a bill in May 1802 to incorporate Washington City, and in 1804 it reaffirmed the charters of Georgetown and Alexandria. In all three District corporations, only white, male property holders could hold official positions in local government, vote in local elections, and serve on juries. In Georgetown and Alexandria, those eligible to vote elected ten council members, who selected one of the group to serve as mayor for an annual or biannual term. In Washington City, the President appointed the mayor, the person responsible for appointing the council members.<sup>43</sup> Thus, the Democratic-Republican Congress took advantage of the Federalist-crafted Organic Act to distribute party patronage—which, ironically, fulfilled the Federalists’ intent. In the next few years, the corporations of the District resumed most of the local legislative and taxation powers they had held before

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<sup>41</sup> \_\_\_\_\_ . *The Debates and Proceedings in the Congress of the United States, Comprising the Period from December 2, 1799, to March 3, 1801* (Washington, D.C.: Gales and Seaton, 1851), 103-104, 107-108; Jerry Knudson, “The Jeffersonian Assault on the Federal Judiciary 1802-1805: Political Forces and Press Reaction,” *The American Journal of Legal History*, Vol. 14, no. 1 (Jan., 1970): 55-57.

<sup>42</sup> Martis, *Historical Atlas*, Seventh Congress. The lame-duck Sixth Congress feared that the Jefferson administration might dismantle or limit federal powers, and, in response passed, in addition to the Organic Act, a new Judiciary Act. Commonly referred to as the “Midnight Judges Act,” it expanded the Federal Circuit Courts and reduced the number of Supreme Court judges from six to five. Not surprisingly, Congress repealed the Judiciary Act a year later, but the Organic Act, with its potentially autocratic language, remained in place.

<sup>43</sup> Wilhelmus Bogart Bryan, *A History of the National Capital From Its Foundation Through the Period of the Adoption of the Organic Act, Vol. I, 1790-1814* (New York: The Macmillan Co., 1914), 445-446.

the Organic Act, including passing and publishing local civic and criminal laws.<sup>44</sup>

Interpretation of Congress's "exclusive jurisdiction" over District legislation would not be seriously broached again by congressional members, the District populace, or the general American public, until the thousands of petitions appeared before Congress in the 1830s, calling for the end of slavery and the slave trade in the District.

For Dorcas Allen, the 1801 Organic Act set the terms of her imprisonment and trial. Before 1801, she would have been tried in a Mayor's "Hustings" court, with the town mayor serving as judge. The 1801 Act divided the District into two counties for the purposes of trying criminal and civil cases in Circuit Courts, Alexandria County and Washington County. The President appointed three Circuit Court judges to preside over each county's trial courts, one serving as Chief Judge of the Court. As for members of the Supreme Court, these were life appointments. Chief Judge William Cranch (John Quincy Adams's first cousin), Buckner Thruston, and James Morsell sat on the District Circuit Court from 1815 to 1845. During those years, the Circuit Court held two sessions annually in each of the counties comprising the District. Because state laws remained in place depending where the Court sat, judges had to adjudicate based on either Virginia or Maryland legal code, often dating back to the early eighteenth-century.<sup>45</sup> While grand juries heard testimony and debated indictments, city (corporation) council members

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<sup>44</sup> Alexandria Corporation drew up its first corporation laws in 1811 and followed with amendments in 1821. Bogart, *A History of the National Capital*, 474. Georgetown issued its first laws in 1805 with amendments in 1820, 1824, 1826, and 1830. *The Georgetown Directory for the year 1830* (Georgetown, D.C.: Benjamin Homans, 1830). Washington's first charters laws appeared in 1802 with many amendments almost every year; the greatest change occurred in 1812 when Congress permitted white male citizens to elect a mayor and council. Jeffrey Brandon Morris, *Calmly to Poise the Scales of Justice: A History of the Courts of the District of Columbia* (Durham, NC: Carolina Academic Press, 2001).

<sup>45</sup> Walter S. Cox, "Efforts to Obtain a code of Laws for the District of Columbia," *Records of the Columbia Historical Society*, Vol. III (1900): 115-125.

served on the juries, and the Circuit Court judges passed judgments and applied punishment per state law. Due to the highly punitive punishments remaining on the states' books from colonial times, the Circuit Court judges often worked in tandem with juries and prosecutors to assure that many of those convicted of crimes punishable by death, branding, or excessive hours in the pillory were instead given longer penitentiary sentences. Importantly, Circuit Court judges could not arbitrarily commute sentences passed by District juries, but instead had to apply for "executive clemency" for a prisoner sentenced to death. Usually, neither the juries nor the Cranch court favored imposing death upon the convicted. Despite the substantial number of violent crimes (including murder) presented before the Court between 1801 and 1850, only three defendants suffered capital punishment.<sup>46</sup>

Although a federal court imposed the ultimate punishment in Alexandria, those accused of violating the law first went through a local process to determine whether the matter warranted imprisonment and a hearing before the grand jury. For civil disputes, citizens went directly to the office of the mayor during his normal business hours, to request a hearing before the grand jury. The system operated similarly for criminal offenses committed during mayoral hours. An aggrieved townsman had to appear before the mayor to formally explain the complaint and request a written arrest warrant. If the mayor considered the complaint justified, he then issued a warrant to be carried out by the police constable. For serving a warrant the town council paid the constable fifty cents, but "serving" did not mean simply handing the accused a piece of paper. The constable was expected to immediately accompany the accused to the mayor's office

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<sup>46</sup> Morris, *Calmly to Poise the Scales of Justice*, 6-13.



after he had served the warrant.<sup>47</sup> The mayor listened to the defense of the accused, then decided if the complaint was serious enough to mandate incarceration until trial.<sup>48</sup> Given the physical constraints imposed by the size of the jail and the financial cost to the town of housing prisoners, the mayor had to review each arrest prudently. He had the sole jurisdiction to decide whether the offense warranted posting bail. Under the stipulations of the Organic Act, the Circuit Court met only twice a year in Alexandria, in May and October. No records exist to indicate how many accused were granted bail, or what the “price” was for granting temporary freedom. What is known is that the jail had limited space and segregated black and white prisoners in cells.<sup>49</sup> The mayor’s ultimate decisions regarding bail and imprisonment, then, may have been predicated by the number of prisoners already waiting trial, as well as the seriousness of the offense.

Following formal and informal arrest protocol, Dorcas Allen would have been brought before the mayor some time on August 23, the day after the killings. However, since her crime occurred late in the evening, the law process outlined above could not be executed immediately. In the absence of a standing twenty-four hour police force, the Common Council of Alexandria employed a “Night Watch” to patrol the town and environs from ten in the evening until morning. Until 1832, the night watchmen patrolled sporadically throughout the year—the Common Council members voting on the necessity

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<sup>47</sup> \_\_\_\_\_. “An Act, to amend the act reducing into one and amending the several Acts respecting Police Constables,” Alexandria Common Council Records, Alexandria Public Library (APL), Special Collections, Box 19II, #15, 1837.

<sup>48</sup> \_\_\_\_\_. “An Act Regarding Constables,” *Laws of the Corporation of Alexandria, passed since the revision on the twentieth of January 1821*, (1825.) Library of Virginia (LOV), Special Collections: Richmond, Virginia.

<sup>49</sup> Michael T. Miller, *Murder and Mayhem: Criminal Conduct in Old Alexandria, Virginia, 1749-1900* (Bowie, MD: Heritage Books, 1988), 192.

and expense of their employment. After 1832, the Common Council voted to employ the Night Watch year-round at a cost of \$184 per “Watchman” to taxpayers. Given the fears prompted by the infamous Nat Turner’s rebellion in Southhampton County, Virginia the previous year, the decision “deem[ing] it inexpedient to abolish” the Watch is not surprising.<sup>50</sup>

Anyone out and about or accused of a crime after ten o’clock in the evening could be subjected to confinement in the Watch House until morning, when the Superintendent of the Watch would bring “all persons confined” to the mayor’s office to follow the routine process. In 1837, the town compensated the Superintendent with a dollar and fifty cents for each person.<sup>51</sup> In 1837, the Common Council employed four Watchmen, Robert N. Windsor, Henry Tatsapaugh, Henry Mansfield, and John Kisendaffer, to patrol the streets at night, and they testified at Dorcas Allen’s Grand Jury hearing in October. Dr. William Washington also testified; his presence indicated the gravity of her crime, for he served the town of Alexandria as the Keeper of the Poorhouse and the public coroner.<sup>52</sup>

Exactly what happened when the Watch and Dr. Washington appeared on the scene at Kephart’s Duke Street slave pen is unknown. Based upon the legal protocol

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<sup>50</sup> 1832 Reports of the Common Council and “An Act Fixing the Salaries for 1834”, APL, Special Collections, Box 19II, #13 & #15.

<sup>51</sup> 7 February 1837, Mayor Bernard Hooe to the Common Council, Ibid, Box 19II, #15. See also “An Act to amend the act reducing into one and amending the several acts respecting Police Constables,” [Alexandria council records often refer to Watchmen as “Constables”] Section One: “Be it enacted by the Common Council of Alexandria that it shall be the duty of the Police Constables in addition to the duties heretofore prescribed by law to attend every morning at the Watch House at such hour as may from time be directed by the Mayor and bring before the Mayor or other Magistrate to be examined, all such persons as may have been confined in the Watch House.” 1835 Common Council Records, Box 19II.

<sup>52</sup> T. Michael Miller, *Portrait of a Town, Alexandria, District of Columbia, 1820-1830* (Bowie, MD: Heritage Books, 1995), 238, 349, 386, 372; T. Michael Miller, *Portrait of a Town, Alexandria, District of Columbia, 1830-1840* (unpublished manuscript, 2006), 58.

established by the town laws, the Watch probably took custody of Allen and held her in the Watch House until she could be brought before Mayor John Roberts the following day. Appointed by the Common Council to replace Mayor Benjamin Hooe, Roberts had been sworn in the previous March, and one of his first memorandums to the Council concerned Watch detainees. “I hereby certify,” Roberts wrote in April 1837, “that during the time I executed the office of Mayor, I continued the practice, which I found had been used before my time, of directing the Police Constables to bring to the office, those persons confined in the Watch House, for which the same fee was charged, as for serving a warrant.”<sup>53</sup> Presumably, then, Robert N. Windsor, the town Superintendent Constable and head of the Night Watch, brought Allen before Mayor Roberts sometime in the morning of August 23 to deliver her for due process and to collect his fee.

Mayor Roberts would not have recognized Allen or her name. Birch had brought Allen to Alexandria the day of the killings, and it is unlikely that she had visited the town previously. Had Allen resided in Alexandria, her name or her face would probably have been known to Mayor Roberts and his predecessors, for, by town ordinance, “the mayor shall require the said constables...once in every three months to report to him, the name of every free negro...residing within the limits of [Alexandria].” Constables were also required to report to the mayor when “such negro removed to the town, and from what place he last came, and whether he...hath any certificate of freedom.” From these lists of names reports were made, which also included the names of slaves and to whom they belonged. These compilations were then handed over to be “kept safely” by the clerk to the Common Council. Given that the numbers of the “free” and enslaved population fluctuated frequently between the years of 1820 and 1830, regular updates would have

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<sup>53</sup> 1837 Reports of the Common Council, APL, Special Collections, Box 19II, #13 & #15

been necessary to ensure town officials knew the legal status of each African American under Corporation jurisdiction. Free African Americans numbered 1,548 in 1830—up roughly 250 from 1820. Conversely, the population of slaves decreased to 1,614 in 1830 from approximately 1,800 in 1820.<sup>54</sup> Maintaining tight control and surveillance of the black population appear to have been key duties of the handful of white men serving in town offices, and they in turn expected that white citizens of Alexandria would help to keep blacks in line. Although African Americans were permitted to live unmolested within town limits, they were required to obtain “certificates, of one or more respectable white persons residing in the town of Alexandria, stating that [they] have known such negro...for at least the last twelve months previous to the date of such certificate.” These Corporation laws also demanded that free blacks pay a \$50 bond to the Common Council in order to give “sufficient sureties...for good behavior.” Any black Alexandrian deemed by the Mayor or Common Council to have acted dishonestly or in bad conduct forfeited the bond and the license to remain in Corporation limits—in short giving up the legal right to live peacefully in Alexandria.<sup>55</sup>

In the absence of any sureties from whites regarding Dorcas Allen’s character, any reaction Mayor Roberts had to her crime is purely speculative. One can imagine, though, the emotional state of affairs in his office that August morning. If the Constable delivered Allen in the condition the Watch found her, Roberts most likely surveyed the preliminary evidence rather quickly. If the description of the killings provided by the *Gazette* is anywhere near accurate, Allen would have been covered with the blood of her

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<sup>54</sup> Dorothy S. Provine (comp.), *Alexandria County, Virginia, Free Negro Registers, 1797-1861*, (Bowie: MD: Heritage Books, 1990), x.

<sup>55</sup> *Laws of the Corporation of Alexandria*, 62-64.

children. The Night Watch had discovered the bodies of Maria Jane and William, and no doubt informed the mayor of this. Faced with the overwhelming physical evidence of her crime, there is little chance Roberts would have considered bail.

In normal procedure, when a slave violated the laws of the Corporation, the Mayor's office summoned the slave's owner, who either paid a fine or had the constable publicly whip the misbehaving slave in lieu of payment, depending on the extremity of the offense. Corporation Common Council lawmakers relied on slaveowners to keep a watchful eye on their property, and constables alerted slave owners to the small offenses committed by their slaves, such as petty theft, breaking curfew, or wandering the streets without official papers. There are no surviving Circuit Court records between 1834 and 1837 pertaining to slaves' crimes, suggesting that slaveowners and officials negotiated punishments with the Mayor—the slave (as property) having no benefit of outside counsel or consideration by jury. In many cases of non-violent offenses, the same procedure applied to whites and legally free blacks. For example, any free black who engaged in gambling “upon conviction thereof before the Mayor” had to pay a fine of ten dollars, but for a slave, the punishment was a public whipping “on the bare back, with ten stripes, unless his or her master...will pay the penalty of five dollars.” Similarly, acts of disorderly conduct such as “appearing publicly in the streets drunk, or of uttering in a loud and audible voice, indecent and obscene expressions...or of stripping himself naked in a public street” rarely made it to the Circuit Court. No such cases for either whites or blacks appeared before the Circuit Court from 1834-1837. For these crimes too, whites

and free blacks had to pay a fine of five dollars, but slaves were publicly whipped if their masters refused to remit the same fine.<sup>56</sup>

Records from 1834-1837 do reveal that several minor cases involving “free Negroes” appeared before the Circuit Court, but that cases involving slaves were for violent crimes only. For example, Mayor Bernard Hooe found laborer Henry Thompson, “a free negro man,” guilty of the theft of sixty cents, “two cotton handkerchiefs, spectacles, a basket, one bible and a book,” egregious enough to send him to the town jail without the privilege of bail. The jury found him guilty and sentenced him to the District penitentiary for two years.<sup>57</sup> In May 1836, Susan Lowe also stood accused of stealing items over the value of a dollar, “larceny of two blankets, one looking glass, and two razors,” at the estimated cost of \$3.80. The jury sentenced her to two years in the penitentiary as well, along with Esther Gordon for the theft of “one blue broad cloth coat...and one pair of blue cloth pantaloons,” valued at \$15. In cases of theft where the value of the items totaled less than two dollars, the jury extended leniency, not appearing to have judged black defendants more harshly than whites. For example, Elizabeth Davis and Thomas Morgan, free African Americans, received guilty sentences and were ordered to pay a fine of a dollar and serve ten days in the town jail—Davis for allegedly stealing a ham, and Morgan for taking an axe. White defendants received similar punishments.<sup>58</sup>

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<sup>56</sup> *Ibid*, 65.

<sup>57</sup> *United States v. Henry Thompson*, Arlington County Judgments, 1834 October Term, LOV.

<sup>58</sup> *United States v. Susan Lowe, United States v. Esther Gordon, United States v. Elizabeth Davis, and United States v. Thomas Morgan*, Arlington County Judgments, May term 1836.

When slaves committed violent acts their owners had little recourse to protect their property from possible punitive sentences. An example is the trial of Henry Fry in 1834. Originally thought by the Court to be a free black man, Henry Fry stood accused of the August 14, 1834 manslaughter of Robert Jackson, a white man. According to witnesses, Jackson and an unnamed group of white men threw stones at Fry and beat him severely enough on his head to cause “ridges.” In retaliation Fry retreated to a boat docked in Alexandria’s harbor and returned with a gun. He shot Jackson in the stomach, giving Jackson, “one mortal wound of the breadth of one inch and the depth of five inches.” The 1834 October term jury found Fry guilty, but when the court discovered Fry was actually the slave of William B. Athey, they awarded Fry a new trial and ordered a *venire facias* (a new jury). Presumably, neither Fry nor his owner resided in Alexandria, and therefore Fry would not have appeared on the Common Council’s lists of free blacks and slaves. In danger of losing his property to the law (either through lengthy incarceration or execution), Athey paid a law firm \$400 to represent his slave. The 1835 May term jury found Fry guilty, but did not deprive Athey of his property; instead, they reverted to a mid-eighteenth century Virginia state act to punish Fry while protecting the interests of his owner, sentencing him “to be burnt in the left hand and whipped with 25 stripes.”<sup>59</sup>

Dorcas Allen had committed the shocking act of infanticide, so there can be little doubt that Mayor Roberts refused her bail, nor would he have taken into consideration Birch’s status as her owner. She had, as her October indictment later read, “kill[ed] &

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<sup>59</sup> *United States v. Fry*, Arlington County Judgments, October term 1834 and May term 1835, LOV. Due to Fry’s lengthy prison time and costs associated with two trials, Athey had to pay an additional \$300 in court fees on top of Fry’s legal bill to reclaim his property, but that price may have been worth it to Athey in lieu of the prospect of losing an asset.

murdered against the peace and Government of the United States,” and Birch could only wait and see what the court would do with his now devalued property.<sup>60</sup> Most likely he kept the surviving Allen children under lock and key at Kephart’s Duke Street slave pen, waiting out their mother’s trial before deciding how to manage the remnants of his investment package to his best advantage.

In 1837, the Alexandria jail stood at the corner of Princess and St. Asaph streets, sandwiched between municipal buildings and small businesses. There, Dorcas Allen waited for the next meeting of the Circuit Court in October, roughly six weeks after her initial incarceration. Living conditions would have been extremely unpleasant given the hot and humid summers along the Potomac; no doubt those confined suffered from the heat. Members of the “jail committee” (usually Common Council members) conducted annual building maintenance inspections and listened to prisoners’ complaints, in an effort to maintain a modicum of humane standards for jail’s temporary inhabitants. Allen was incarcerated in the 1827 jail, which had replaced the one built in 1816, known locally as little more than a “dungeon,” and lacking fresh air and cleanliness.<sup>61</sup> The new jail may or may not have provided any amelioration to the foul conditions of the old jail, and prisoners were probably not afforded the opportunity to leave their cells. City plans from 1827 do not show any area around the jail reserved for an exercise yard.<sup>62</sup> The old jail had been racially segregated, and no doubt this practice continued. Allen had most

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<sup>60</sup> Indictment written by Francis Scott Key, *United States v. Allen*, Arlington County Judgments, October term 1837, LOV.

<sup>61</sup> *Alexandria Gazette*, 14 June 1823.

<sup>62</sup> Alexandria City Plans, APL, 1820-1830.



likely been incarcerated with other black women accused of crimes, and who had either been denied, or unable to make, bail.

Common Council members routinely served on annual jail committees that inspected the building, the health, and welfare of prisoners. Committee members took this task seriously, bringing Marshal Henry Ashton (jailor of Alexandria County) to trial in 1834 for “neglecting to furnish the prisoners confined in...jail, with wholesome and sufficient diet and suitable lodging.” Ashton was found guilty and fined.<sup>63</sup> According to inspectors, the jailor provided prisoners with two meals a day, “the first consisting of two unsalted herring and two slices of stale cornbread,” with a dinner of “the same quantity of bread and about the eighth of a pound of the country kind of beef, and one pint of water in which beef was boiled and thickened with cornmeal.” The 1835 Committee found one cell too damp for habitation, noting water damage of the plaster and roof. They recommended that these problems be fixed immediately. They also interviewed each prisoner “and heard no complaint,” in either 1835 or 1836. The 1836 Committee reported they found “the prisoners comfortably accommodated, and the whole establishment kept clean.” They signed under oath their statement “that the prisoners [were] treated with humanity,” and recommended that Margaret Gallagher, a pregnant woman, be sent to the Poorhouse.<sup>64</sup> The living conditions of residents at the Poorhouse must have exceeded those in the prison, since the members showed such concern for

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<sup>63</sup> “Reports of and Orders from the Grand Jury,” October term 1835 and October term 1836, APL, Special Collections, Box 19II, “Misc.”

<sup>64</sup> Ibid.

Gallagher's health.<sup>65</sup> These reports provide some evidence of what Dorcas Allen most likely had to endure for six weeks as she awaited trial. She was housed in a segregated cell, given a diet of mostly cornbread, sparse amounts of fresh water and meat, and cooped up in sweltering heat without the benefit of exercise and with little fresh air. Each day Allen remained in jail, she must have thought of her children – the ones she had killed and the oldest girls whose current whereabouts were probably unknown to her.

While Dorcas Allen remained incarcerated, John Quincy Adams began his journey from Quincy, Massachusetts to Washington, D.C., on September 1. Two issues weighed heavily on the old man's mind as he traveled, presenting petitions to the House (a commitment that had placed him in such difficulty the previous February), and the national financial crisis. There was also an undercurrent of trepidation tied to his determination to hold firm to his convictions about the rights of American citizens to petition Congress, no matter whether the petitions dealt with slavery and abolition. More so than at any other point in his life, Adams began to realize that his political stance might be construed by the public, and by other politicians, as a morally activist position. This recognition was the source of his anxiety and discomfiture.

Adams stopped in Philadelphia on his way to Washington. He met with Nicholas Biddle, the president of the Bank of the United States, to inquire about his views on the current banking crisis. President Martin Van Buren had called for Congress to assemble earlier than usual to address the problem, and Adams's visit to Biddle demonstrated that he had not become entirely consumed with the antislavery petitions, in disregard of other pressing national problems. Adams found Biddle "fully convinced that the resumption of

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<sup>65</sup> Alexandria City Reports of the Poorhouse during the mid 1830s list food expenses, and Poorhouse residents ate fresh fruits and vegetables—something Alexandria prisoners were denied. 1830s Reports of the Common Council, APL, Box 19II.

specie payments by the banks will, for an indefinite period of time, be impracticable.”<sup>66</sup>

Adams’s diary suggests this was a rather routine meeting, discussing politics and business in a formal manner. The next visit was different. He went to the Philadelphia Garrisonian “Anti-Slavery office...and afterwards to Benjamin Lundy’s office.” At the “Anti-Slavery” office, he would have spoken to people who followed the radical view favoring immediate, uncompensated emancipation espoused by Bostonian abolitionist, and publisher of the *Liberator*, William Lloyd Garrison. Lundy represented a more moderate view of abolition, proposing gradual emancipation schemes that included the colonization of freed slaves. Adams spoke to a few people in Lundy’s office, and the latter accompanied him to his lodgings. These abolitionists, Adams wrote, “constantly [urged him] to indiscreet movements.” What “indiscreet movements” they suggested he did not reveal, but he thought they “would ruin [him] and weaken and not strengthen their cause.” He commented, “My own family, on the other hand—that is, my wife and son and Mary—exercise all the influence they possess to restrain and divert me from all connection with the abolitionists and with their cause. Between these adverse impulses,” he concluded anxiously, “my mind is agitated almost to distraction. The public mind in my own district and State is convulsed between the slavery and abolitionist questions, and I walk on the edge of a precipice in every step I take.”<sup>67</sup>

Adams left Philadelphia the following morning on a steamer bound for Wilmington, Delaware. There he boarded a train to Baltimore, and then another steamer

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<sup>66</sup> JQA Diary 33, MHS, 1 September 1837.

<sup>67</sup> Ibid. Adams referred to his late son John’s wife, Mary Catherine Hellen Adams (1806 – 1870). Mary and John had married in 1828, and after John’s death in 1834, Adams had assumed responsibility for Mary and her young children. In 1837, Charles Francis (1807 – 1806) was the only surviving child of Louisa and John Quincy Adams.

to Washington. He noted with pride during the 150-mile trip that the “stupendous” rail system to Baltimore had been built with funds loaned by the Bank of the United States. Certainly the trip was far less arduous than his first journey to Washington, as a junior senator, in 1803. Still, the 1837 trip proved mentally exhausting. Adams arrived in Washington late in the evening on September 2, emotionally and physically spent, and yet steadfastly committed to presenting antislavery petitions. He had no idea how he would be received by fellow members of Congress.<sup>68</sup>

On the evening of the following day, “after church,” he noted with pleasure, “I walked up to the Capitol, and took my seat in the House of Representatives—the same that I occupied in the [previous two] Congresses. It is, if not the best, one of the best seats in the House. My name was upon it; and although not taken in person, no member had exercised the privilege of having it effaced and substituting his own in its stead.” For a man whose sense of self-worth was predicated on his political and intellectual reputation, it was welcome reassurance that he still commanded political clout and respect from House members, despite the ugly comments and accusations some had flung against him during his near-censure debacle.<sup>69</sup>

Adams wasted no time presenting antislavery and anti-Texas-annexation petitions he had collected over the summer months. The order of the day in the House was to accept petitions only in the first month of session, so Adams spread his petitions out in order to enable him to present a number each day, categorizing them by the contents’ requests. For example, a petition he received from “Sarah Chapman and 3,028 Women

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<sup>68</sup> Ibid, 2 September 1837.

<sup>69</sup> Ibid.

of Boston” would be included among remonstrances against Texas’s annexation. “The undersigned, women of Boston,” it read, “thoroughly aware of the sinfulness of slavery, and the consequent impolicy and disastrous tendency of its extension in our country, do most respectfully remonstrate, with all our souls, against the annexation of Texas to the United States as a slave-holding territory.”<sup>70</sup> Similarly, a petition praying for the abolition of slavery in the District of Columbia would be bundled with others’ petitions for the same. He received many memorials and petitions from people in several states, spending days laboring “in assorting and recording the petitions,” which, he noted wearily, “flow[ed] upon [him] in torrents.”<sup>71</sup> In accordance with the Gag Rule, these petitions were immediately tabled, no one saying a word—until September 14. Adams spent a good portion of his first several days in the House presenting petitions, proposing on September 12 a resolution asking for clarification on the Texas question and calling for a vote on the resolution on the 14<sup>th</sup>. Irritated with the amount of time Adams was taking to present the petitions, Democratic Congressman Samuel Cushman from New Hampshire chose to confront Adams.<sup>72</sup> Cushman, “roused with wrath,” as Adams put it, made a motion that no petitions could be presented during the current session. Adams, always game for a fight on this particular issue, challenged Cushman’s resolution, citing the constitutional right of petition. Cushman at first defended himself, but lacking the

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<sup>70</sup> \_\_\_\_\_, *Remonstrance of Sarah Chapman and 3,028 other Women of Boston, in the State of Massachusetts, Against the Annexation of Texas to the United States as a Slave-holding Territory, Documents of the House of Representatives, Twenty-Fifth Congress, Doc. 45.*

<sup>71</sup> JQA Diary 33, MHS, 15 September 1837.

<sup>72</sup> Online Biographical Directory of the United States Congress; Representative Samuel Cushman (D-NH). <http://bioguide.congress.gov/biosearch/biosearch.asp>

support of his fellow party members, he “awkwardly” retracted his proposal, as Adams victoriously opined.<sup>73</sup>

For the remainder of September, Adams continued to present petitions, in strategic numbers and categories, presenting two remonstrances against the annexation of Texas on October 3, the last day he could. He saved “a considerable number” to use as ammunition for the winter/spring session. Through his persistence, Adams had retreated to comfortable political and moral ground by early October. As presenter of the petitions rather than submitter, he could safely ignore the moral questions raised by abolitionists and focus instead on familiar enemies and arguments about constitutional rights. Just a few weeks after he presented his last fall petitions, though, his brief composure dissolved back to anxiety and self-doubt. In mid-October he chose to personally entangle himself with Dorcas Allen, a woman who exemplified the hard truth of slavery’s immorality and injustice.<sup>74</sup>

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<sup>73</sup> JQA Diary 33, MHS, 14 September 1837.

<sup>74</sup> Ibid, 3 September 1837 – 3 October 1837.

## CHAPTER II

### **NOT THE SLIGHTEST EVIDENCE OF INSANITY AT THE TIME**

I then called upon Judge Cranch at his office in the City Hall, and enquired of him concerning the trial of this woman at Alexandria. He read to me his notes at the trial. There were two indictments against her; one for the murder of each of her children. She was tried only upon one—that of the boy. The evidence of her killing them was complete. The defence was insanity—not the slightest evidence of insanity at the time, except the mere fact of her killing the children. There was evidence of her being subject to fits, which sometimes lasted one hour. That she is passionate and violent, and sometimes wild in her talk. The jury acquitted her as insane. The prosecutor entered a nolle prosequi upon the second indictment. Upon being asked why she had killed her children she said they were in Heaven—that if they had lived she did not know what would have become of them. That her mistress had been wrong—that her mistress was a Methodist and so she was herself. There was not evidence before the court, of anything preceding the acts for which she was tried.<sup>1</sup>

Dorcas Allen's murder trial began in Alexandria, Virginia on October 11, 1837, on the eighth day of the fall term of the Circuit Court of the District of Columbia, and concluded the following day, with her acquittal.<sup>2</sup> Unless reporters found a case to be of public interest, local newspapers did not publish testimony. The Circuit Court clerk did not record arguments of counsel, witness testimony, or any information aside from a list of names of the trial participants and its outcome. The *Alexandria Gazette*, the town's

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<sup>1</sup> JQA Diary 33, 1 December 1821 – 31 December 1838 (with gaps), [electronic edition], MHS, 28 October 1837, *The Diaries of John Quincy Adams: A Digital Collection*, (Boston: Massachusetts Historical Society, 2004). <http://www.masshist.org/jqadiaries>.

<sup>2</sup> The Alexandria County Minute Book recorded trials and judgments not by calendar day, but by the number of days the court met. Dorcas Allen's case began on the 5<sup>th</sup> day of court when her case came before the Grand Jury. Alexandria County Minute Books, APL, October 1, 1836 – November 9, 1855, Reel 9, 00036. October Term, 1837.

sole newspaper, published a summary of the case, *United States v. Dorcas Allen, a slave*. The editor, Edgar Snowden, informed readers of the *Gazette* that “the trial of the prisoner” was “for the murder of her own child.” He noted there had been no question of culpability, as “the fact of committing the crime was clearly shown by the testimony and by the prisoner’s proved admissions.” The *Gazette* reported that her counsel had argued that she was not guilty by reason of insanity, calling witnesses “to prove the imbecility and great mental perversion of the prisoner.” The prosecution admitted Allen’s “general mental weakness,” stressing, however, that this did not “destroy her moral sense of the distinction between right and wrong; and that if the prisoner was insane, the crime... was committed in a lucid interval.” Her trial finished late in the day; the jury “retired at a late hour” and “returned into court [the] next morning with a verdict of ‘not guilty.’” Immediately following this verdict, the court read the indictment for the murder of her second child, but the prosecution filed a motion of *nolle prosequi* (decline to prosecute further) – which the court granted.<sup>3</sup>

Chief Justice William Cranch did not include Allen’s trial in his 1852 annotated volumes of Circuit Court cases, and his original notes have not survived. John Quincy Adams provided posterity with an inkling of what occurred at her trial in his diary, basing his observations on what Judge Cranch had told him. Given that Allen’s trial had concluded just two weeks before the day Adams met with him and recorded their conversation, Cranch’s memory and accounting of what transpired is credible. There is, unfortunately, no other surviving evidence of testimony, only the indictments and verdicts the Circuit Court clerk recorded.

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<sup>3</sup> *Alexandria Gazette*, 13 October 1837.



Explaining and analyzing Dorcas Allen's trial without direct evidence is a challenging task. Four indisputable facts are known: Dorcas Allen killed her two youngest children on August 22, 1837; the Circuit Court indicted her separately for the two murders on the fifth day of the fall term, October 8; the jury acquitted her of the first murder on the Court's ninth day, October 12; and the prosecutor refused to prosecute her for the second murder, applying to the Court for a motion of *nolle prosequi*. Based upon what he discussed with Judge Cranch, Adams found the legality of the verdict dubious, according to his understanding of the law. His comments "not the slightest evidence of insanity at the time," and "the evidence of her killing them [the children] was complete," demonstrate an uneasiness bordering on skepticism. His doubt regarding the legal legitimacy of Allen's verdict raises several important questions regarding her trial, her prosecution and defense, and the jury's decision. Due to the absence of trial testimony in the official record, each scrap of contemporary evidence must be carefully examined in order to gain a more complete understanding of how insanity was perceived in 1837 and how those perceptions influenced criminal law. In addition, contemporary ideas of murder, insanity, and the contested perceptions of justice that often accompanied the two, provide essential context in order to reconstruct a plausible scenario.

Adams's assessment that Allen's defense attorneys did not provide evidence of insanity at the time of the murders does not, of course, mean that none of the witnesses testified to either her sanity or derangement. His statement implies that the act of killing the children, in and of itself, did not constitute legal insanity or warrant a not guilty verdict. Adams had been, like his father, an attorney before he sought national office, and certainly his experience lent weight to his preliminary conclusions. Judge Cranch's

opinion mattered to him, influencing his thoughts on the case. What opinion Judge Cranch offered to the attorneys and the jury at trial (if he said anything at all) is unknown, but Adams's diary entry of October 28 evinces that Cranch kept personal notes for reference. Adams, then, made his observation based upon his knowledge of Anglo-American law and Judge Cranch's legal expertise. The phrase Adams used, "not the slightest evidence of insanity at the time," is informative, for it aids in a modern understanding of contemporary perceptions of legal insanity in 1837, and how cases in which the defendant made that plea were adjudicated.

Thirty-seven years before Dorcas Allen's attorneys employed use of the insanity defense, the lawyers for George Hadfield, a former soldier in the British army, established what would become standard arguments in insanity cases across the Atlantic. On May 15, 1800, Hadfield entered the Royal Theatre on Drury Lane in London, and waited for his Royal Highness, King George III, to arrive. King George usually came fashionably late to the theater, and the orchestra paid him homage by stopping the performance to play "God Save the King" while the audience sang and cheered. On this night, George III had just entered the royal box and was still standing, waving to the crowd, when a bullet whizzed about eighteen inches above his royal head. Orchestra members, who had seen Hadfield fire his weapon, pounced on him as cries of "Seize the Villain! Shut all the doors!" rebounded through the theatre.<sup>4</sup> To his credit, George remained placid, studying the tumult below calmly through his opera glass, as several men hustled Hadfield from the theatre. Once the crowd ascertained the King had not

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<sup>4</sup> *Times of London*, 15 May 1800, as quoted in Richard Moran, "The Origin of Insanity as a Special Verdict: The Trial for Treason of James Hadfield (1800)," *Law and Society Review*, Vol. 19, no. 3 (1985): 492.

been harmed, the orchestra once again struck up “God Save the King,” and with evident relief everyone in the theatre joined in the chorus.<sup>5</sup>

Had Hadfield fired his weapon at an ordinary citizen, it is doubtful that his case would have received much public attention, or that his sanity at the time of the act would have been questioned at all. In the early years of the eighteenth century, the insanity plea in England was virtually non-existent, but it became more common after about 1740, as a product of the rapid social changes of the period.<sup>6</sup> Still, the insanity defense appears to have been pleaded in cases only where the defendant exhibited obvious and continual symptoms of derangement: no periods of lucidity, harming oneself, or a complete lack of comprehension in response to verbal inquiries. In Hadfield’s case, he meant to kill the sovereign of England and therefore stood accused of treason, not the lesser charge of attempted murder. Presumably, had Hadfield been tried for attempted murder, his trial and judgment would have been swift and merciless, any visible evidence of mental incapacity notwithstanding. Plus, the charge of treason afforded Hadfield a defense usually reserved for men of wealth and power. The law entitled him to a copy of the indictment to allow preparation for the case and a right to appoint his own counsel from the High Court’s lists of barristers. Given that Hadfield provided sufficient evidence of his indigence, the High Court could not refuse his request for a court-appointed counsel that normally only members of the elite in London could afford.<sup>7</sup>

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<sup>5</sup> Ibid, 492-493.

<sup>6</sup> Ibid, 495.

<sup>7</sup> Ibid, 496-498.

Hadfield's trial began on June 26, 1800 before the Court of King's Bench in Westminster, presided over by Lord Kenyon, with Sir John Mitford for the prosecution and the Honorable Thomas Erskine for the defense. In addition to the justices on the bench, a jury of twelve "gentlemen" heard attorney arguments and witnesses' testimony.<sup>8</sup> What occurred that day in 1800 left a permanent mark on Anglo-American law and the later use of the insanity defense, as judges and juries ceased to base their decisions on antiquated conceptions of what constituted criminal insanity—in contradiction of what the use of the old language of the indictment may suggest. "James Hadfield," the indictment read, "being a natural born subject of our Lord the King, but being moved and seduced by the instigation of the devil...[did] maliciously, traitorously, and wickedly imagin[e]...to put to death our Lord the King."<sup>9</sup> In Dorcas Allen's case, District Attorney Key echoed that language in her indictment. Dorcas, he wrote, "not having the fear of God before her eyes, but being moved and reduced by the instigation of the Devil," had murdered her children.<sup>10</sup> In fact, neither the prosecution nor the defense in Hadfield's trial mentioned the devil, or witchcraft as responsible for his crime, and from what little is known about Allen's trial, it would appear the same is true in her case.<sup>11</sup> Instead, the prosecutors and defense in Hadfield's trial addressed two main points:

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<sup>8</sup> "Gentlemen" referred to property owners.

<sup>9</sup> \_\_\_\_\_, *Attempt on the Life of the King. The Trial of James Hadfield, for High Treason. In the Court of King's Bench, on Thursday, June 26. Before Lord Kenyon, and a Special Jury. With the Whole of the Evidence. Taken in Short Hand by Able Reporters, and Carefully Arranged by an Eminent Barrister of the Inner Temple.* (London: Printed for W.E. Clement, 1800), 1-4.

<sup>10</sup> *United States v. Dorcas Allen*, Arlington County Judgments, October term 1837, Library of Virginia, State Records Center, Richmond, VA.

<sup>11</sup> Allen's defense lawyers called doctors and acquaintances to the stand, but no clergy. If the defense had pursued insanity as a kind of spiritual possession, undoubtedly Allen's attorneys would have brought in a minister to testify.

whether it could be proved that premeditation demonstrated a sane act of criminal intent, and whether he could be proven *non compos mentis* (not of sane mind) before and during the assassination attempt.<sup>12</sup>

The prosecution maintained that Hadfield's actions before the alleged crime clearly showed him to be a man of reason. Hadfield had not only purchased the pistol he used in the assassination attempt the same day, but also went deliberately to a public place where he knew he could get a clear shot at the king. These acts of premeditation, though not defined as such, demonstrated clarity of mind and calculated intent—something, the prosecution argued, could not be accomplished by an insane individual. The prosecution further argued that evidence presented by the defense about Hadfield's presence of mind before the assassination attempt could not be considered, because Hadfield's mental state "at that precise moment" proved "he possessed understanding enough to know the nature and consequences of the action he was about to commit." This "precise moment," prosecutor Sir Mitford claimed, superseded any other evidence of prior mental derangement the defense offered. This logic was quite similar to Adams's understanding of the Allen murders and the insanity defense. Mitford based his argument on the defendant's own words of explanation after the act had been committed. Under questioning in a room in the theatre, Hadfield dejectedly said that he "was tired of life," and "that he thought he should have been certainly killed should he make an attempt on his Majesty's life." That statement alone, the prosecution maintained, showed a definitive understanding of the consequences of his act and made him accountable.<sup>13</sup>

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<sup>12</sup> \_\_\_\_\_ . *Attempt on the Life of the King*, 5.

<sup>13</sup> *Ibid*, 7-12.

For the defense, the Honorable Erskine agreed with the prosecution's opinion that "the reason of man...made him answerable for his actions." He also concurred that in all cases, civil or criminal, accountability boiled down to the defendant's state of mind during the act. If said "person was *non compos mentis* at the time, he was not answerable for his conduct." The defense's arguments diverged from those made by the prosecution in asserting that a defendant's previous conduct, as well as mental illness due to physical causes, must be also be weighed. Erskine argued that, because of "passions," individuals may not be in command of their senses at the time of a crime, though displaying rationality before and after. Insane individuals, though, would show a consistent lack of rationality. Only by introducing "proof" of a long history of mental instability, he claimed, could a jury possibly determine guilt or innocence in an insanity case, because, when the prosecution failed to present evidence demonstrating malice as cause, what other explanation than a sustained lack of reason made sense?<sup>14</sup> Those who commit crimes due to "violent passions," according to Erskine, did so based upon a circumstance that created a change in the defendant's demeanor. Once consumed with a passion, the defendant committed a crime motivated by "base and mischievous intentions," which usually subsided after completing the act. Not so, he countered, in the cases of insanity, because those who suffered from this infliction could, in fact, appear quite lucid under questioning. Sustained, consistent mental reasoning, he maintained, was consistent with the idea that a person could, and ought to be, considered legally insane and therefore not responsible for his actions.<sup>15</sup>

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<sup>14</sup> Ibid, 19-20.

<sup>15</sup> Ibid, 17-23.

Erskine called several witnesses who had served with Hadfield in the Light Dragoons and who testified that Hadfield appeared composed one moment and perfectly “deranged” the next. Doctors testifying for the defense corroborated Erskine’s point that insanity was not always a static condition. One surgeon examined Hadfield’s wounds and did not find them to be severe enough to have affected his brain, but did say that “a lunatic might talk and act reasonable for a time, and then suddenly be seized with a fit of insanity.” Another doctor concurred, claiming that “insanity was liable to return at certain seasons of the year, and particularly in hot weather.”<sup>16</sup>

After several physicians had testified to the possible medical causes of insanity, the chief medical opinion of defense witnesses stood thus: that regardless of periods of composure and rationality, a person who is, in fact, medically and legally insane cannot be held responsible for a crime, even if the individual gave an impression of lucidity at the time of the act. Hadfield’s unpredictable behavior and outbursts during the arguments bolstered the contentions made by the doctors and his defense attorney, and the judges assuredly took note of this. Finding the repetition of defense witness testimony redundant, Lord Kenyon asked prosecutor Milford if he could provide any witnesses to contradict statements presented by Erskine and the defense witnesses. “The material part of the case is,” he said, “whether he was deranged at the time, and I confess the facts stated by the witness bring conviction home to my mind, that at the time he committed this offence, and a most horrid one it is, he was in a deranged state of mind.” Kenyon spoke to the necessity of confining “a most dangerous member of society...to prevent his committing any further mischief,” immediately. The prosecution acquiesced, and the

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<sup>16</sup> Ibid, 24.

jury, without deliberating, delivered the official verdict. “*James Hadfield was not Guilty, he being under the influence of insanity at the time the act was committed.*”<sup>17</sup>

The trial and the successful use of the insanity defense in the 1800 trial of James Hadfield changed Anglo-American law, as American prosecutors and defense attorneys often used the case as a blueprint, echoing the arguments made by counsel and employing similar strategies when interrogating witnesses. They questioned insanity at the time of the act, offered “proof” to a jury of *non compos mentis*, and used medical testimony as an authoritative source to determine accountability.

At the same time, medical opinions about the origins of insanity changed from beliefs in demonic possession to identifying specific and curable diseases of the brain. For several hundred years, popular and medical beliefs in western society regarding insanity had conformed to religious tenets. Supernatural forces were universally accepted as the singular impetus behind insanity. This widespread acceptance persisted for centuries until the mid-to-late eighteenth century. Intellectuals, though not eschewing religion, searched for answers in scientific matters through application of theory and observations, prepared carefully written treatises on the methods employed, and published their findings based upon logical conclusions.<sup>18</sup> Physicians, as well as scientists, pursued similar procedures, and, throughout the mid and late eighteenth century, men who aspired to become practicing physicians sought a university education instructed by prominent men of science. These advances in medical practice and theory infiltrated American thought via physicians’ immigration to the United States, American

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<sup>17</sup> Ibid, 10-30.

<sup>18</sup> Michael L. Perlin, *The Jurisprudence of the Insanity Defense* (Durham, NC: Carolina Academic Press, 1994), 37-43.



physicians who studied in Europe, and European medical books and journals that circulated widely throughout the major medical centers of New York, Philadelphia, and Boston.<sup>19</sup> The writings and medical practices of the American born-physician Benjamin Rush exemplified the synergetic influence of Enlightenment thought and European medical colleges.

Born outside of Philadelphia, Pennsylvania in 1745, Rush graduated from Princeton in 1760 and apprenticed under a prominent Philadelphia doctor for a short period, before completing his formal education at the University of Edinburgh. After earning his medical degree, Rush returned to Philadelphia in 1769 and taught chemistry at the College of Philadelphia. He achieved national distinction while serving as surgeon general for the Continental Army during the American Revolution, and through his appointment to the staff at Pennsylvania Hospital in 1783, he became the foremost authority on medicine in America.<sup>20</sup> Throughout his long career, Rush publicly advocated prison reform, the abolition of slavery and the death penalty, universal education for men, and reforms in the treatment of the insane. His assertion that insanity was produced by natural, rather than supernatural, causes became widely accepted in the American medical community, and doctors who studied medicine in the early Republic (such as those who testified at Dorcas Allen's trial) would have been well versed in his medical theories.<sup>21</sup>

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<sup>19</sup> Lester S. King, *Transformations in American Medicine, from Benjamin Rush to William Osler* (Baltimore: The Johns Hopkins University Press, 1991), 3-15.

<sup>20</sup> Alyn Brodsky, *Benjamin Rush: Patriot and Physician* (New York: St. Martin's press, 2004), 9-43.

<sup>21</sup> Manfred J. Waserman, "Benjamin Rush on Government and the Harmony and Derangement of the Mind," *Journal of the History of Ideas*, Vol. 33, no. 4 (Oct. – Dec., 1972): 639.

Published a year before his death, Rush's 1812 *Medical Inquiries and Observations upon the Diseases of the Mind* remained the authoritative voice on insanity in the American medical community for several years.<sup>22</sup> Credibility with his peers was based on the scientific methods he employed and the years he spent researching mentally ill patients at Pennsylvania hospital in Philadelphia. He described consciousness as a duality, existing in the brain, of "faculties" and "operations." "Faculties" included "understanding, memory, imagination, passions, the principle of faith, will, the moral faculty, conscience, and the sense of Deity," while the "operations" consisted of "sensation, perception, association, judgment, reasoning, and volition." The disease of mental illness, or "derangement" as he called it, exhibited itself in "every departure of the mind in its perceptions, judgments, and reasonings, from its natural and habitual order, accompanied with corresponding actions." Madness, he deduced from several dozen autopsies, was a disease caused from disturbances in the blood vessels of the brain, and not, as other physicians thought, from the Hippocratic notion of a "vitiating state" of bile from the liver. From his live patients, Rush found those suffering from derangement often had acute headaches, enlarged blood vessels in the eyes, and a susceptibility to attacks of "phrenitis, apoplexy, palsy, and epilepsy," all well known maladies thought to originate from a dysfunction in the brain.<sup>23</sup>

He devoted the remainder of *Observations* to discussions of the causes and treatment of derangement, firmly establishing in the medical community the idea that

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<sup>22</sup> Ibid, 639-640. See also Lester S. King, *Transformations in American Medicine*, 1-15.

<sup>23</sup> Benjamin Rush, *Medical Inquiries and Observations Upon the Diseases of the Mind* (Philadelphia: Kimber & Richardson, 1812; reprint with introduction by Dr. S. Bernard Wortis, New York: Hafner Publishing Company, 1962), 1-29. "Phrenitis" is the antiquated term for encephalitis, or an inflammation of the brain.

mental illness was a disease and that it could be managed through a careful scientific regimen. Relevant to the case of Dorcas Allen, Rush noted that women “are more predisposed to madness than men.” (He based this conclusion mostly on female biology and anatomy, claiming menstruation and childbirth often brought on the malady.)<sup>24</sup> He observed that women were more prone to religious fanaticism than men; this indulgence in such zealotry often created “a morbid sensibility in the conscience...that predisposes to madness from the most trifling causes.”<sup>25</sup> One particular group stood out among the list of those susceptible to the “disease,” and Rush’s inclusion of them belies his antislavery sentiment. He had never personally observed the phenomenon, but opined, “The Africans become insane, we are told, in some instances, soon after they enter upon the toils of perpetual slavery in the West Indies.”<sup>26</sup>

After Rush’s treatise, the number of American physicians interested in the study and treatment of insanity as a disease grew rapidly, and several publications on the subject emerged during the early nineteenth-century. In 1818, Boston doctor George Hayward, in commenting on Rush’s findings, wrote in agreement, “Another cause...of the repeated failure of almost every attempt to relieve insanity, is, that mankind have too often considered the disease beyond the controul [sic] of medicine, and the unfortunate patients have usually been abandoned to the care of ignorant or designing empiries.”<sup>27</sup>

George Parkman, a highly respected Boston doctor and 1813 graduate of Harvard Medical School, observed personally the burgeoning humane asylum movement in

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<sup>24</sup> Ibid, 59.

<sup>25</sup> Ibid, 44.

<sup>26</sup> Ibid, 41.

<sup>27</sup> George Hayward, *Some Observations on Dr. Rush’s Work* (Boston: Publisher Unknown, 1818), 2.

France for five years after his graduation. His pamphlet on insanity in 1818 did not contradict Rush's medical theories, but offered a fresh interpretation of the impetus behind derangement. Parkman described insanity as the inability to control free will. This loss of self control, he argued, was indeed a disease, but came from several causes that were not solely physiological. In a story that might have been familiar to the doctors at Allen's trial had they read Parkman's works, he related a tale of a young mother who, upon all accounts, behaved in a sane and rational manner, yet often felt the "irresistible impulse to kill her children"; she had carried them several times to the river to drown them until "momentary horror [sic] restrained her." This notable physician further claimed that religious fanaticism often caused bouts of insanity, and that a tendency to succumb to spiritual fervor in prayer seemed "often imputable to unduly active imagination exerted about the divine spiritual faculty they specially believed communicated to men, independent of intellect." Parkman, himself a moderate Congregationalist, remarked that "inactivity of the will, or undue action of other mental principles has been exemplified in convulsive epidemics among Methodists."<sup>28</sup> At her trial, Dorcas Allen, according to Judge Cranch, had vehemently insisted she, like her "mistress," was a Methodist, but her mistress "had been wrong." In this singular statement, Allen asserted moral religious authority over her owner; whether her jury

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<sup>28</sup> George Parkman, *Remarks on Insanity* (Boston: 1818), 2, 7. Parkman himself was the victim of a gruesome murder at Harvard Medical College in Boston. Harvard Professor John Webster killed Parkman over a debt quarrel then attempted to hide the body by cutting it into pieces and scattering the remains in a privy, furnace and trunk. While the defense did not plead insanity (Webster denied committing the crime), the case created a media sensation, and points again to the evolution in the early Republic trials from basic religiously inspired prosecutions to more complex arguments surrounding motive. A jury found Webster guilty and sentenced him to death. In an attempt to save his life, Webster confessed to the deed, but claimed he had acted in self defense. The Massachusetts governor refused clemency and Webster was publicly hanged in 1850. For a discussion on the case see Karen Halttunen, *Murder Most Foul: The Killer and the American Gothic Imagination* (Cambridge and London: Harvard University Press, 1998), 126.

found her statement indicative of fanaticism, or just plain “uppity,” is impossible to know.<sup>29</sup>

The theory that insanity came from natural, rather than supernatural causes was a result of an inter-continental dialogue between physicians that illustrated a commonality of thought born of late eighteenth-century reformist attitudes of revolutionary humanistic conceptions of governmental, societal and religious institutions that had spread through the western hemisphere.<sup>30</sup> The French doctor Philippe Pinel (1745-1826) had actively pursued humane treatment for deranged patients in the late Bourbon imperial period, and the turbulent social changes wrought from the 1789 revolution enabled him to open an insane asylum outside of Paris sponsored with government funds.<sup>31</sup> Despite the Napoleonic wars, French and British doctors maintained communication on this issue, and Pinel attributed many of his ideas about the humane moral treatment of the insane to the British doctor John Haslam (1745-1826), chief physician of Bethlehem Hospital (“Bedlam”) in London and author of the 1798 pamphlet *Observations on Insanity*.<sup>32</sup> Western physicians referenced and cross referenced one another throughout the early nineteenth century and discussed their own findings in juxtaposition to another. One of Pinel’s students, Jean-Etienne Dominique Esquirol (1772-1840) published *Des Passions considérées comme causes, symptômes et moyens curatifs de l’aliénation mentale* in 1801

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<sup>29</sup> JQA Diary 33, MHS, 28 October 1837.

<sup>30</sup> King, *Transformations in American Medicine*, 3.

<sup>31</sup> Philippe Pinel, *Traite médico-philosophique sur l’aliénation mentale, ou la manie or The Medical and Philosophical Treatment of the Maniacal or the Insane* (Paris: Publisher Unknown, 1801). Jan Goldstein, *Console and Classify: The French Psychiatric Profession in the Nineteenth Century* (Cambridge and London: Cambridge University Press, 1987), 65.

<sup>32</sup> Edwin Fuller Torrey and Judy Miller, *The Invisible Plague: The Rise of Mental Illness from 1750 to the Present* (New Brunswick, Rutgers University Press, 2001), 39-42.

and the renowned Scottish physician Sir Alexander Crichton (1763-1856) acknowledged Esquirol's influence on his own treatment of the Russian Czar's bouts of melancholy from 1804-1819.<sup>33</sup> A student of Esquirol, physician F.J. V. Broussais (1772-1838), applied Esquirol's theory and Rush's autopsy methods in his study of the insane in Paris. Like his predecessors he was careful to delineate the difference between people seized with "frenzy," and those "deprived of reason." Broussais agreed with Rush that women were more susceptible to insanity than men, "owing to their greater irritability, and to a less development of the encephalon, particularly in those regions which are appropriated to intellectual functions." He diverged from Rush, however, on his location of the cause of the disease. While Rush believed insanity could be caused by irritation or inflammation in many organs, Broussais persuaded the medical community that it resided solely in the brain, and, as such, could be contained and treated.<sup>34</sup>

J.G. Spurzheim (1776-1832), a notable German physician and one of the founders of phrenology—the study of human behavior and traits through the examination of the skull—concurred with Broussais. Educated at the University of Vienna's medical college, Spurzheim embarked on several tours throughout Europe, lecturing on phrenology and how that "science" might be applied to treatments of insanity.<sup>35</sup> Relevant

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<sup>33</sup> Jean-Etienne Dominique Esquirol, *Des Passions considérées comme causes, symptômes et moyens curatifs de l'aliénation mentale*, or *The Passions considered as causes, symptoms and means of cure in cases of insanity* (Paris: These de medicine, 1805). E.M. Tansey, "The Life and Works of Sir Alexander Crichton, F.R.S. (1763-1856): A Scottish Physician to the Imperial Russian Court," *Notes and Records of the Royal Society of London*, Vol. 38, no. 2 (Mar., 1984): 241-259.

<sup>34</sup> F.J.V. Broussais, *On irritation and insanity, a work, wherein the relations of the physical with the moral conditions of man, are established on the basis of physiological medicine*, translated by Thomas Cooper M.D. (Columbia, SC: S.J. McMorris, 1831), 181-182, 186, 189.

<sup>35</sup> A number of Spurzheim's lectures at universities throughout Western Europe were published in 1825 and translated into French and English. J.G. Spurzheim, M.D. *Phrenology or the doctrine of the mind and of the relations between its manifestations and the body, published in conjunction with the universities of Vienna, Paris and the Royal College of the physicians of London* (London: Charles Knight, 1825).

to the arguments made by Dorcas Allen's defense, Spurzheim's most significant contributions to the widely accepted definitions of insanity have to do with his theories on insanity and epilepsy. Before this age of reform, doctors and clergy based their conceptions of epilepsy on the notion of a temporary possession that could be cured only through prayer and should be treated with physical constraint. District Attorney Key's use of the phrase "being moved and seduced by the instigation of the Devil" in Dorcas Allen's indictment harkens back to that earlier period, although, at the time of her trial those words were no longer taken literally.<sup>36</sup> Spurzheim diagnosed epilepsy purely as a manifestation of a diseased brain, and claimed at times the victim's brain swelled to such a great extent to create bumps easily discernable in the skull. An epileptic fit, he hypothesized, suppressed "the external senses and the internal faculties." After the epileptic episode, he observed, the afflicted had "not the least consciousness of anything that happened to them during the fit." These fits, he argued, could cause temporary derangement, or the insanity could be a manifestation of the epilepsy, but neither was permanent or predictable. Upon recovery from a fit, Spurzheim's patients often remembered little or nothing of what had occurred during the seizure. Along with the transatlantic circle of physicians who studied insanity as a disease, Spurzheim believed women had a predilection for it, given that they regularly underwent "the natural process of menstruation, pregnancy, parturition and preparing nutriments for the infant." Their natural passionate disposition, along with weaker intellectual faculties than men, Spurzheim mused, also contributed to the frequency of insanity among women.<sup>37</sup> Adams

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<sup>36</sup> *United States v. Dorcas Allen*.

<sup>37</sup> J.G. Spurzheim, M.D. *Observations on the deranged manifestations of the mind; or, insanity*, Third American Edition (Boston: Marsh, Capen and Lyon, 1836), 14-15, 89, 102, 105-106, 245.

learned in November of 1837 from Nathan Allen, Dorcas's husband, that she suffered from intermittent bouts of epilepsy. If her defense attorneys revealed this alleged illness to the jury at trial, Judge Cranch did not mention it to Adams. If so, this information would have aided, rather than injured, her case.<sup>38</sup>

The result of this transatlantic medical discourse marks a definitive and distinct schism in power and credibility on matters of science and American jurisprudence in the early Republic. Ordinary literate laymen were unlikely to read medical journals, but nevertheless they relied increasingly on male doctors for diagnosis and treatment instead of the traditional (often female administered) folk medicines or their clergy.<sup>39</sup> This transition of authority was delineated not only by the public's perception that men with scientific and university medical training had sanctioned credibility in these matters, but also due to a widespread decline in Calvinist beliefs about predestination following from the religious upheavals in the Second Great Awakening.<sup>40</sup>

A transformation of American law wove through this process of change, born from similar ideas about man's ability to control his natural and social environment. After the American Revolution, lawmakers sought to situate laws governing social order within a British legal context—that is, constructing American law within the parameters of a solid British foundation. However, multiple states rejected some British common

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<sup>38</sup> JQA Diary 33, MHS, 1 November 1837.

<sup>39</sup> Norman Dain, *Concepts of Insanity in the United States, 1789-1865* (New Brunswick: Rutgers University Press, 1984), 37-38. Laurel Thatcher Ulrich, *A Midwife's Tale: The Life of Martha Ballard, Based On Her Diary, 1785-1812* (NY: Knopf, 1990). In her study of midwifery and medicine in a rural community in Hallowell, Maine, Ulrich illustrates this authoritative shift from female medical practices to formally trained male physicians.

<sup>40</sup> Dain, *Concepts of Insanity*, 11, Halttunen, *Murder Most Foul*, 58, and Richard E. Ellis, *The Jeffersonian Crisis: Courts and Politics in the Young Republic* (New York: Oxford University Press, 1971), 253-256.



laws and kept others, depending on the suitability of the laws to the populace, while creating new ones when lawmakers deemed them necessary to protect citizens' civil liberties.<sup>41</sup> By the time the federal government removed its offices to Washington, D.C. in 1801, the majority of states had revised statutes and codes, including legal mandates designed to improve the quality of judges and attorneys through certified education and training.<sup>42</sup> The insistence of lawmakers and the public that lawyers and judges possess professional degrees from universities and undergo extensive training before entering the field, coincided with the "professionalization" of physicians. These reformations in the legal and medical fields encapsulated democratic ideals befitting the burgeoning new Republic.<sup>43</sup> Thus, in American criminal cases after 1800, lawyers used physicians' testimony as an instrument to convince jurors of the plausibility of their arguments, as, by and large, the laymen who constituted juries in the early Republic accepted the credibility of doctors as expert witnesses. More importantly, in criminal court cases throughout the first half of the nineteenth-century, physicians' involvement in trials changed from *post factum* coroner reports read before judges and juries, to their professional opinions presented on the stand as evidence regarding motive and intent—particularly in insanity cases.<sup>44</sup>

Before District Attorney Key drafted Dorcas Allen's indictment, he, along with William Brent (Allen's defense attorney) and physicians Benjamin S. Bohrer and

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<sup>41</sup> David Thomas Konig, "Jurisprudence and Social Policy in the New Republic," in David Thomas Konig (ed.), *Devising Liberty: Preserving and Creating Freedom in the New American Republic* (Stanford: Stanford University Press, 1995): 178-183.

<sup>42</sup> Ellis, *The Jeffersonian Crisis*, 116.

<sup>43</sup> *Ibid*, 117, and Mohr, *Doctors and the Law*, 38.

<sup>44</sup> Dain, *Concepts of Insanity*, 45, Halttunen, *Murder Most Foul*, 210, 216-217.

William B. Magruder, had been active participants in the infamous insanity trial of Richard Lawrence. John Quincy Adams did not attend Lawrence's trial, but he was present at the scene of his crime. On January 30, 1835, Adams descended the Capitol's East Front steps from the Rotunda after a somber affair—Congressman Warren Ransom Davis's memorial service.<sup>45</sup> Adams was headed for the burial at Congressional Cemetery, only a few blocks away.<sup>46</sup> Halfway down the steps he heard a shot, "the snap of a pistol sounding like a squib." Dozens of members of Congress rushed into the Capitol to find that a man named Richard Lawrence had brazenly taken not one, but two shots at President Andrew Jackson as he made his way through the Rotunda to attend Davis's burial. Fortunately for Jackson, Lawrence's pistol misfired twice, and the President came to no harm. No friend of Andrew Jackson, Adams noted wryly that, while the "funeral process was not delayed," attendance at the cemetery was sparse.<sup>47</sup>

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<sup>45</sup> The East Front of the Capitol faces the Supreme Court building and was, in John Quincy Adams's day, the main entrance to the Capitol. Presidential inaugurations were held on the East Front portico until Ronald Reagan's inauguration in 1981.

<sup>46</sup> Warren Ransom Davis, the representative from South Carolina, had died the previous morning around at his District boarding house. Though publicly and intensely criticized by several congressional members from the lower south, Adams magnanimously dubbed Davis, "a high spirited man of some wit, a lively imagination, and honest though satirical good humour, a fair specimen of the South Carolina character." JQA Diary 48, 29 January 1835, "Rubbish II," diary and miscellaneous entries, 20 May 1820 – June 1843, MHS.

<sup>47</sup> The bitterness between John Quincy Adams and Andrew Jackson stemmed from the 1824 presidential election. Jackson had won the popular vote but failed to achieve a majority electoral vote. The provisions under the 12<sup>th</sup> Amendment of the Constitution were applied for the first time, and the decision was left to the House of Representatives, who decided in favor of Adams. Detractors accused Adams of making a "corrupt bargain" with Congressman Henry Clay, the influential Kentucky statesman who had also run against Adams. After Adams had won the vote, he appointed Clay Secretary of State, leading Adams's political enemies to presume Adams promised the position as a reward for Clay's influential support in the House. The vitriol continued into the 1828 campaign that once again pitted Adams against Jackson. Both campaigns smeared each other unmercifully—Adams's campaign attacked the character of Jackson's wife, Rachel, and Jackson's campaign made accusations against Adams's personally and professionally. Jackson beat Adams easily in the Electoral College and the popular vote; the deep wounds between the two men never healed to a point of civility, even as Adams re-entered national politics in 1831 as a Massachusetts Congressman. Kerwin C. Swint, *Mudslingers: The Top 25 Negative Political Campaigns of All Time* (Westport, CT: Praeger Publishers, 2006), 213-223. Adams Diary 48, MHS, 30 January 1835.

When he returned to the Capitol afterwards to attend to House affairs, he found only three members there and the Speaker missing. Adams motioned to adjourn the House for the day, apparently little interested in the assassination attempt.<sup>48</sup>

Lawrence's audacity transfixed Washington. The next day's edition of the *National Intelligencer* provided a vivid account for its readers, hungry to learn the details. According to those present, Jackson had just stepped onto the East Portico from the Rotunda when Lawrence jumped from the crowd and fired at him, but the "percussion-cap...exploded without igniting the charge." Immediately the Secretary of the Navy, Mahlon Dickerson, moved to grab Lawrence's arm, but not before he fired off another shot, which, failed again.<sup>49</sup> A number of men then tackled Lawrence, but not before the President himself drew his cane in self-defense, and his aides held him back while dozens hustled the would-be assassin from the building.<sup>50</sup> Marshals took Lawrence to City Hall for an immediate examination by Judge Cranch, with several witnesses present, including a reporter for the *Intelligencer*. Lawrence remained mum throughout the examination, giving no explanation or motive for the crime.

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<sup>48</sup> Ibid.

<sup>49</sup> *National Intelligencer*, 31 January 1835.

<sup>50</sup> The editors of the *Intelligencer* never reported any counter attack by Jackson, and given the sensationalism connected with the first assassination attempt of the American president, they would have made much of Jackson's act of self-defense. Upon examination at Lawrence's trial, Secretary of the Navy Mahlon Dickerson testified Jackson had "lifted his stick...but made no blow, having been prevented by his friends." *National Intelligencer*, 13 April 1835. By the mid-twentieth-century, popular accounts of the assassination attempt exaggerated Jackson's movement, reinterpreting the act as aggressive rather than a defensive motion. See Carlton Jackson, "Another Time, Another Place—the Attempted Assassination of President Andrew Jackson," *Tennessee Historical Quarterly*, 26 (Summer 1967): 184-190; Laura Simmons, "'Old Hickory' Too Tough To Kill," *American History Illustrated*, 1 (November 1966): 31. In an online article for *American Heritage* magazine dated January 30, 2007, writer Jon Grinspan made sensational claims that Andrew Jackson not only drew his cane, but actually charged at Lawrence and struck him, leaving him "beaten and subdued." For an analysis of the political connotations of the assassination attempt, see Richard C. Rohrs, "Partisan Politics and the Attempted Assassination of Andrew Jackson," *Journal of the Early Republic*, Vol. 1, No. 2 (Summer, 1981): 149-163.

Nevertheless, the editors of the *Intelligencer* declared Lawrence insane, “not,” as they wrote, “because any evidence of his insanity was produced on his examination,” but because his action alone, “shew[ed] him to be insane.” The *Intelligencer* wrote him off as a lunatic, and Adams agreed, calling Lawrence “an insane man” in his diary.<sup>51</sup> In a private letter written on the day of the attempt to his brother-in-law, Roger Taney (later Chief Justice of the Supreme Court, 1836-1864), Key—who would be responsible for prosecuting Lawrence—poured out his outrage against “the ruffian.” “I am hardly calm enough yet to write,” he began, and asked Taney rhetorically, “had he [Jackson] fallen, what a scene would have been exhibited here this day?” An ardent supporter of Jackson, Key suspected a political enemy might have been behind the attack, as Lawrence was “a very weak man, easily duped or excited,” and that he had been “a furious politician of the opposition party.” Key acknowledged Lawrence was probably “deranged,” but assured Taney “we shall be able to ascertain how he had been led to this attempt.”<sup>52</sup> After reading the *Intelligencer*’s report of the incident and the commentary provided, the majority of Washingtonians probably concluded before Lawrence’s trial that the act alone proved his insanity.<sup>53</sup> Most likely, the populace of Alexandria held a similar opinion after reading the *Gazette*’s article detailing Dorcas Allen’s act of infanticide.

Regardless of the implications of unleashing a dangerous maniac onto Washington’s streets, Judge Cranch ruled that Lawrence had not committed a crime for which he could be denied bail. Cranch considered the gravity of Lawrence’s offense

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<sup>51</sup> JQA Diary 48, MHS, 30 January 1835.

<sup>52</sup> Francis Scott Key to Roger Taney, 30 January 1835. Key-Cutts-Turner Families Papers, MSS61848, Manuscript Division, Library of Congress.

<sup>53</sup> *National Intelligencer*, 31 January 1835.

when he set bail at \$1,500—a sum Cranch probably knew Lawrence could not pay. An irritated, partisan-minded, Key confided to Taney, “there is much excitement among our friends on account of the smallness of the sum required – as the man was worth nothing & there was no probability of his getting bail I did not think it of much consequence.”<sup>54</sup> Cranch well understood the perceived public danger of Lawrence’s possible release, assuring that should the sum be procured, “sufficient securities would have been required, in addition, to insure his good behaviour.” The *Intelligencer* commended Cranch for setting the bail so high, for, by the February 2, 1835 edition, the editors claimed there could be “no doubt” of Lawrence’s insanity. In the interval of a day, the editors had discovered that Lawrence had told the Capitol Marshal during his rapid escort from the Capitol to Judge Cranch’s office that he intended to kill the President because “General Jackson” had murdered his father. But, “we hear,” the article went on with a tone of intrigue, that Lawrence senior had died “a placid and uneventful death in the mid-1820s.”<sup>55</sup>

As the story reverberated about the capital, informants emerged and shared their impressions of Lawrence with the *Intelligencer*. Acquaintances claimed Lawrence believed himself to be the King of England, blaming Jackson for ignoring this recognition. A local magistrate took it upon himself to investigate, and after interviewing Lawrence’s family members, declared that insanity in this case was “absolute.” Lawrence’s sister and brother-in-law related to the *Intelligencer* that his mind had been unsound for about a year and a half, and, more shockingly, that he had tried to kill his

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<sup>54</sup> Francis Scott Key to Roger Taney, 30 January 1835, Key-Cutts-Turner Families Papers.

<sup>55</sup> *National Intelligencer*, 2 February 1835.

own sister “some time ago.” For this latter act Lawrence had been confined in the city jail. Upon release he rented a space to paint landscapes and made an unreliable income as a house painter. The tenant in the room adjoining Lawrence’s rented space told the magistrate he often heard Lawrence mumbling to himself, declaring to no one in particular that he was indeed “Richard the Third, King of England, and King of America.” According to the tenant, he made this claim so often the local “boys” took to calling Lawrence “King Richard”; indeed, the annoyed Lawrence recently threatened them and had “even driven them out of his presence.”<sup>56</sup>

In the days before the assassination attempt, Lawrence had skulked about the Capitol, achieving notice from the Rotunda’s “keeper,” a Mr. Wilson. Wilson, too, gave testimony to the *Intelligencer* regarding Lawrence’s odd behavior. Curiously the *Intelligencer* reported Lawrence’s repeated visits to the Rotunda and the purchase of pistols as definitive evidence of pre-meditation. The question of pre-meditation figured largely in the prosecution’s arguments in Hadfield’s insanity trial in London in 1800, but in America in 1835 (or at least in this case), the act itself and the rumors surrounding the criminal superseded the potentially damning weight of premeditation as evidence of rational behavior. Lawrence had not been examined by a doctor and had yet to go to trial, but the press had, to some extent, performed a *fait accompli* in the court of public opinion in declaring him insane. These reports could only have aided the defense’s case to the jury.<sup>57</sup>

Lawrence’s trial opened on April 11, 1835 and lasted a day. After deliberating for five minutes, the jury returned a verdict of not guilty by reason of insanity. District

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<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

Attorney Francis Scott Key prosecuted the case for the United States and lost. Given the amount of press the case had received before the trial, he must have known that the preconceived notions of the jury members would be his primary challenge in obtaining a guilty verdict. Besides, as he had written to Taney, Key himself did not think Lawrence was of sound mind. Lawrence exhibited not a whit of rational behavior during the trial. Upon entering the courtroom, he asked, in front of the jurors before they could be sworn, Judges William Cranch, James Morsell, and Buckner Thruston (the justices who would preside over Dorcas Allen's trial two years later), if they could kindly transfer him to England so he might be tried before the court of Great Britain. Under these circumstances, his attorney, William L. Brent (later Dorcas Allen's defense attorney), asked the court to "dispense" with the trial, in consideration of Lawrence's state of mind. The judges denied the request, and an exasperated Judge Cranch effectively told Lawrence to sit down and shut up, stating "you *must* sit down and keep quiet," after he had claimed the kingship of England twice—all this occurring in front of the jury before the trial had commenced. Key had attempted in the *voir dire* phase to obtain dismissal of some jurors for prejudice, arguing that "opinions" had been "formed and expressed" by them in the pretrial period, but to no avail.<sup>58</sup>

Fighting a battle lost before it began, Key reminded the jurors in his opening statement of their duty—to ascertain guilt, or innocence by reason of insanity, based solely on Lawrence's state of mind at the time of the attempted assault. The *Intelligencer* duly noted the connection between this argument and that of Lord Erskine, when pleading Hadfield's case in 1800 for *non compos mentis*. Key further advised the jury

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<sup>58</sup> *National Intelligencer*, 13 April 1835.

that they could not, in making their determination, take the object of the assault (President Jackson) into special consideration, but must instead deliberate on the evidence as if the crime had been perpetrated upon “the most humble individual in the country.” In conclusion, he pointed out that Lawrence’s procurement of not one, but two, pistols, proved malicious intent and that the “guilt or innocence of the prisoner must depend on...whether he is properly to be considered as having been an accountable human agent at the time he committed the crime.” Key then called three witnesses who had observed the crime and gave factual evidence as to the firing of two pistols and the immediate aftermath. Lastly Key called to the stand Judge Cranch, Lawrence’s first interrogator after the crime, who temporarily left his seat at the bench and impassively testified to Lawrence’s “cool manners” and “indifference” upon direct questioning, after he had been brought to City Hall from the Capitol.<sup>59</sup>

Lawrence’s attorney, Brent, did not need to make much of an opening argument. Immediately after Key concluded his examination of Judge Cranch, Lawrence jumped out of his seat and addressed the judges “wildly,” claiming that the United States Bank had owed him money since 1802, and that President Jackson had personally prevented him from receiving his “due revenue.” Brent tried to calm Lawrence and requested the court remove him from the courtroom, but the judges demurred, stating he had to remain until “proven” insane. Lawrence repeated loudly that the court had no right to try him, that he was “his own man,” and would “have his revenue.” Brent probably knew at this point he would not have to make much of a case to the jury. In the absence of a formal opening argument, Brent concurred with Key’s explanation of legal insanity and

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<sup>59</sup> Ibid.



proceeded to call multiple witnesses—including family members, neighbors, and business associates—who testified to Lawrence’s unstable behavior over the past ten years.<sup>60</sup>

More importantly, Brent called in several witnesses Key had ignored (because they would have damaged the prosecution’s case), members of Washington’s medical community. In total Brent called six doctors, all of whom had examined Lawrence either before or after the assassination attempt. These included physicians Bohrer and Magruder, who would later be star witnesses on behalf of Dorcas Allen. Dr. Magruder testified he had “attended” the defendant for an illness the previous year and found Lawrence spoke so “incoherently that [he] was satisfied he was deranged,” and would not trust Lawrence to know right from wrong. Dr. Magruder concluded Lawrence was “mad on all subjects.”<sup>61</sup>

Dr. Bohrer’s examination of Lawrence after the assassination attempt may provide some clues as to what he would have testified about in Dorcas Allen’s trial. His testimony provided the defense with perhaps its strongest argument and the most sophisticated medical analysis of his alleged insanity, connecting it to an obsession with President Jackson. He explained that subjects could be rational for a sustained period of time, then lapse into delusion or madness without warning. Dr. Bohrer examined Lawrence shortly after his confinement in the Washington jail and found him perfectly lucid until the mention of the attack at the Capitol. According to the doctor, Lawrence immediately slipped into a state of incoherence, volunteering irrelevant information about America’s financial condition. Lawrence also told Dr. Bohrer his mother was very pious,

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

giving the doctor an avenue to explore Lawrence's religious sense of morality, and his ability (or lack thereof) to distinguish between right and wrong. Dr. Bohrer asked Lawrence if his mother had taught him the Ten Commandments, presumably giving Lawrence the opportunity to explain that, yes, he knew the Sixth Commandment very well—thou shalt not commit murder. He did not. Rather, Dr. Bohrer “found him perfectly unconscious of any moral or religious responsibility.” Lawrence, according to the doctor, had developed an obsession with President Jackson amounting to “monomania,” a crazed fixation on a particular subject. According to Dr. Bohrer, insanity from monomania was exceedingly difficult for a patient to feign in front of a learned physician. He summed up his testimony thus: “I believe him to be laboring under total derangement as to his supposed claims, and that as to any thing connected with that subject he is incapable of distinguishing betwixt right and wrong.” Dr. Bohrer's testimony had provided the defense attorneys with a means to explain Lawrence's insanity at the time of the crime, for, if the jury believed that Lawrence suffered insanity as a cause of his fixation of Jackson, then, logically Lawrence had been mad indeed when he fired at the President. The evidence of Lawrence's alleged derangement over the course of several years, the testimony of experienced physicians like Drs. Bohrer and Magruder, and the preconceived notions of the jurors undoubtedly contributed to the short deliberation and the verdict of not guilty by reason of insanity.<sup>62</sup>

Unlike the more famous trials of Hadfield and Lawrence, what is known of Dorcas Allen's October 1837 trial is sparse; the only evidence of what Allen said in her own defense is hearsay—from Judge Cranch to John Quincy Adams. Nothing is known of what the defense witnesses said. Why did white jurors deliver a verdict of not guilty

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<sup>62</sup> Ibid.

by reason of insanity for a slave? Lawrence and Hadfield had made unsuccessful assassination attempts, but Dorcas Allen had committed murder—worse, she had brutally slain her own children. Hadfield and Lawrence’s trials exemplified early nineteenth-century laws of insanity in criminal trials, which demanded the attorneys for the defendant “prove” insanity at the time of the crime, along with motive. Given Adams’s diary entry of October 28, 1837, the *Gazette* editor’s astonishment at the verdict, and that Judge Cranch (according to Adams) had found the defense’s case unconvincing, why did they let her go? Analytic conjecture provides three plausible scenarios in the context of contemporary views of insanity, and racial attitudes in a slaveholding society. Either the jury believed Dorcas Allen committed the crime under the effects of a sustained derangement; they sympathized with her plight and hesitated to hand down a verdict requiring lengthy incarceration; or their sympathies lay with James Birch the slave trader, who had already lost a significant portion of his human “investment.”

When Allen’s trial began in October, many, perhaps most, Alexandrians must have known about the murders. The *Gazette* had described the slayings in gruesome detail on August 24, 1837, including disclosure of Allen’s slave status, as one who had “recently” been brought to Alexandria. Readers of the *Gazette* were well aware a slave woman alien to the Alexandrian community had killed two of her children in a most horrific manner. Given the graphic nature of the offense, the tale undoubtedly made its rounds through the taverns and shops of Alexandria, and, as in the case of Lawrence,

opinions regarding her sanity and/or motive may have been formed by members of the community before her trial commenced in October, 1837.<sup>63</sup>

The Grand Jury did not hesitate to indict her, based upon the evidence presented before them, regardless of any preconceived notions. Phineas Janney (the foreman), John Roberts, William C. Gardner, Thomas Sandford, Josiah H. Davis, James McGuire, Robert Jamieson, Colin Auld, Robert Brockett, George Wise, William Minor, George H. Smoot, Horatio Clagett, Benjamin Waters, Robert W. Hunter, John Lloyd, John C. Vowell, William Gregory, Hugh Smith, William B. Alexander, George S. Hough, Robert H. Miller and Tench Ringgold, listened to the bare facts of the murder from the testimony of Robert Windsor and William Washington.<sup>64</sup>

Windsor and Washington had received summonses to appear before the Grand Jury on September 20, giving them more than adequate time to recall the particulars of their participation in the immediate aftermath of the murders. As head of the Night Watch, the fifty-year-old Windsor would have been in charge of investigating the evening disturbance at Kephart's slave pen and the person responsible for transporting Allen to the Watch House for safe keeping until morning.<sup>65</sup> At a salary of \$184 a year,

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<sup>63</sup> Legal historians have argued that people's conceptions of the law are based upon shared normative values in a structured society. These judgments on what is "right" or "wrong" are made by one's own personal ethics, but also highly influenced by a "social group." Tom Tyler, "Why People Obey the Law," in Stewart Macaulay et al, *Law and Society: Readings in the Social Study of Law* (New York: W.W. Norton and Company, 1995), 474-509.

<sup>64</sup> *United States v. Dorcas Allen*.

<sup>65</sup> *Alexandria Gazette* obituaries, 25 February 1852. The *United States Census* of 1830 lists Windsor as the only male and head of a household of 10 whites and two "free" female blacks, one between the ages of 10-24, the other between the ages of 36-55.

Windsor did not make a living wage, and he supplemented his income as a slave trader.<sup>66</sup> William Washington, the official coroner of Alexandria, the physician of the poor and the Keeper of the Poorhouse, would have testified as to the wounds sustained by William Henry and Maria Jane Allen. With no evidence presented to the contrary, the Grand Jury indicted Dorcas on two separate counts of murder for each of the children and instructed District Attorney Francis Scott Key to prepare the written indictments to be read before the trial jury.<sup>67</sup>

Elite white men possessed and exercised considerable authority before a case went to trial. First, Alexandria's mayor weighed the preliminary evidence after an arrest had been made, then determined if the accused would be permitted bail, incarcerated, or released immediately. If the accused was ordered to appear in court, the Grand Jury had the power to dismiss the case, as it had done frequently in other cases between 1834 and 1837. In Alexandria, the Grand Jury operated as an institution of social control for the community, and Circuit Court judges could not overturn their decisions.<sup>68</sup> Given this responsibility, it is not surprising that Grand Jury members held significant wealth and prestige in the community, all holding appointments on the Common Council for that

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<sup>66</sup> T. Michael Miller, *Portrait of a Town, Alexandria, District of Columbia, 1820-1830* (Bowie, MD: Heritage Books, 1995), 386. *Alexandria Gazette*, 7 July 1825; Windsor advertised he "wished to purchase negroes," front page.

<sup>67</sup> *United States v. Dorcas Allen*.

<sup>68</sup> J.R. Pole refers to American Grand Juries as men "bound into a sense of community...a remarkably economical and effective way of running local government while maintaining the bonds with the centre which mixed discipline with allegiance." J.R. Pole, "'A Quest of Thoughts': Representation and Moral Agency in the Early Anglo-American Jury," in John W. Cairns and Grant McLeod, (eds.), *The Dearest Birth Right of the People of England': The Jury in the History of the Common Law* (Oxford and Portland, OR: Hart Publishing, 2002), 101-130.

calendar year. The Council selected the mayor, fixed salaries for town officials, established committees for public projects, and oversaw all town operations.<sup>69</sup>

The Grand Jury founded its decision to prosecute or dismiss based upon the evidence provided from witness testimony. Between 1834 and 1837, it concluded that a number of black defendants lacked the mental capacity to stand trial, dismissing them as “ignoramuses.” For example, “Negro Jane,” a slave belonging to Robert Jackson, was charged for theft in October 1835, for allegedly stealing silver spoons valued at \$9. In May 1837, Jane Davis, a free black woman, was charged with larceny (her second offense). Two local merchants claimed she stole a “tin pan” valued at 25 cents and “the carcass [sic] of a goose” valued at 50 cents. The Grand Jury discharged both women.<sup>70</sup> The witnesses in these cases must have testified to the imbecility of the defendant, or the accused displayed what jurors deemed to be obvious signs of idiocy. If Windsor or Dr. Washington made any such remarks about Allen’s demeanor following the murders to the Grand Jury, the seriousness of her offense may have precluded any sympathetic feelings the jurors felt. It is doubtful, though, that they entertained such notions in the first place—especially if they had read the report of the murders in the August 24 edition of the *Gazette*.

The men who sat on the Grand Jury and listened to the charges made against Dorcas Allen were among the wealthiest and most influential men in Alexandria. Of the twenty-three Grand Jurors (see Appendix I), all but one were listed in the census as including slaves in their households. Their average age fell between the ages of forty to

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<sup>69</sup> 1834 Reports of the Common Council, APL, Special Collections, Box 19II.

<sup>70</sup> *United States v. Negro Jane*, Arlington County Judgments, October term 1835; *United States v. Jane Davis*, May term 1837.

fifty.<sup>71</sup> The wealthiest juror was the foreman, Phineas Janney. He owned and operated the largest and most lucrative wharves on the Alexandria side of the Potomac River.<sup>72</sup> According to the 1830 census, Colonel William Minor owned the largest number of slaves, twenty, with no free blacks in his household. Janney, a Quaker, was the only juror who owned no slaves.<sup>73</sup> Even though Janney did not own slaves, most likely domestic slave ships docked at his wharf, tying all Grand Jury members to the Alexandrian slave economy. They all would have understood that Allen's actions had depreciated her value for James Birch. Regardless, in the absence of any extenuating circumstances presented from witnesses, they would have had little choice but to order two indictments for murder.

District Attorney Key did not prosecute the case, but he did prepare the indictments after a formal *venire facias* (a writ summoning a jury) was awarded on the Ninth Day of Court. Dorcas Allen's trial jury, including William Brown, David G. Prettyman, William Veitch (foreman), James E. Smoot, Samuel Bartle, Mathias Snyder, John Cohagan, John Lawson, Samuel Reese, Jonathan Cartwright, Joseph Grigg, and James P. Coleman, heard the first indictment, as she was indicted and to be tried separately for the murder of each child. (See Appendix II). Key may or may not have interviewed Allen before writing the indictments (he may have relied solely upon Dr. Washington's examination of the bodies). The first indictment read before the jury affirmed Allen's legal status as a slave of James Birch and gave a chilling description of

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<sup>71</sup> 1830 United States Census, District of Columbia.

<sup>72</sup> T. Michael Miller, *Portrait of a Town, Alexandria, District of Columbia, 1830-1840* (Unpublished Manuscript, 2006), 104; Harold W. Hurst, *Alexandria on the Potomac: The Portrait of an Antebellum Community* (New York: University Press of America, 1991), 27-32.

<sup>73</sup> 1830 United States Census, District of Columbia.

William Henry's death. William died, the indictment read, after his mother, "with malice aforethought," beat him about the throat and neck and strangled him. The words "willful," and "malice" are repeated throughout the indictment, along with "voluntary." Key may have known at the time he wrote the murder indictments that Allen's attorneys intended to pursue an insanity defense. For the prosecution to win the case, Key's unsuccessful prosecution of Richard Lawrence two years had taught him that proof of malicious intent would be the lynchpin argument in securing a conviction.<sup>74</sup>

Attorneys Joseph Semmes and Henry Addison prosecuted the case on behalf of the United States. Allen admitted openly she had killed her children, and they called few witnesses to testify for what they may have thought was an open-and-shut case.<sup>75</sup> Semmes and Addison called Grand Jury witnesses Robert Windsor and Dr. Washington to the stand, followed by the rest of the Night Watchmen who had been summoned to Kephart's slave pen: John Kisendaffer, Henry Mansfield, and Henry Tatsapaugh. Of the five prosecution witnesses, only Dr. Washington owned a slave, a single female between the ages of ten and twenty-four. Kisendaffer, Mansfield, and Tatsapaugh held day jobs as laymen, and were not far removed from the social and economic class of the jury members to whom they gave testimony. Kisendaffer worked as a cooper, Mansfield was a tailor, and Tatsapaugh owned a bakery in the business district.<sup>76</sup> Some, perhaps all, of

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<sup>74</sup> *United States v. Dorcas Allen*.

<sup>75</sup> Joseph Semmes and Thomas Addison lived in Alexandria and had separate law practices. In 1830 Semmes owned nine slaves and Addison owned one. 1830 United States Census, District of Columbia.

<sup>76</sup> 1830 United States Census, District of Columbia, recorded John Kisendaffer and Henry Mansfield's ages between thirty and forty, John Henry Tatsapaugh between forty and fifty. Kisendaffer's occupations taken from Miller, *Portrait of a Town, 1830-1840*, 58 and the 1834 Alexandria City Directory, 11. Henry Mansfield's occupations taken from Miller, *Portrait of a Town, 1820-1830*, 238 and the 1834 Alexandria City Directory, 14. The Common Council elected him a Night Watchman in February, 1827 and reappointed him in March, 1829. *AG*, 7 February 1827, 16 March 1829. John Henry Tatsapaugh's



the jury members knew each of these men well, either commercially, socially, or through their service as Night Watchmen; there is no reason to think the jury found their evidence insubstantial or improbable.

Dorcas Allen's defense lawyers, William L. Brent and "Mr. Dickens" (first name unknown) put up a spirited defense in response, despite the damning evidence the prosecution had produced.<sup>77</sup> Known from several contemporary sources, they pleaded not guilty by reason of insanity on Allen's behalf. After her indictment Allen "put herself upon the country," electing for a jury trial. The odds that the Court appointed William L. Brent to represent Allen—the same lawyer who successfully defended Richard Lawrence—are slim. Brent resided in Washington City, and the Court was unlikely to appoint an attorney who would have had to cross the Potomac to get to the Alexandria courthouse, when there were several able attorneys available in town to defend her.<sup>78</sup> Allen's owner, James Birch, may have hired Brent to ensure he would not lose his property to the Washington jail, execution, or expulsion from the state.

The state of Virginia considered murder a capital offense and courts did not classify infanticide as a separate crime. Virginia courts adjudicated eight female slave infanticide trials as murder cases between 1785 and 1831. Of the eight women tried, the

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occupations taken from Miller, *Portrait of a Town, 1820-1830*, 349 Miller, *Portrait of a Town, 1830-1840*, 58; 1834 Alexandria City Directory, 20. Tatsapaugh had been elected to the Night Watch in March, 1829. *Alexandria Gazette*, 16 March 1829.

<sup>77</sup> The court clerk did not record the attorney's names. The *Alexandria Gazette* published their names after a summary of the trial; "Mr. Semmes and Mr. Addison for the prosecution. Mr. Wm. L. Brent and Mr. Dickins for the prisoner." *Alexandria Gazette*, 13 October 1837.

<sup>78</sup> 1830 United States Census, District of Columbia, and Arlington County Judgments, May and October Terms 1837.

state hanged three and expelled the other five from the state.<sup>79</sup> Within the District, there is only one trial for infanticide in surviving Circuit Court records before 1837; the accused was charged for manslaughter in 1825. The District Court ordered an official inquest of the “mulatto” woman (presumably a “free Negro”), Eliza Hicks, to determine if she had killed her newborn child. Suspicious neighbors heard Hicks give birth but no longer heard the child cry a few days later. The officials called to investigate found the body of the baby under Hicks’s house. The prosecution alleged Hicks had deliberately neglected the child, causing its death, and she was indicted for manslaughter. Hiding the body under the house, they argued, proved the mother’s guilt. The jury disagreed and found her not guilty.<sup>80</sup> Had the jury found Hicks guilty and not sentenced her to execution, she probably would have served a term of two to five years or less, the average sentence for African Americans convicted of murder in the 1830s.<sup>81</sup> Virginia law applied to crimes committed in Alexandria; if the jury convicted Allen on both counts of murder, she could have received a sentence of execution, expulsion, or incarceration for ten or more years.<sup>82</sup> In any case, the slave trader Birch stood to lose more of his initial investment. Under a Virginia statute, he was entitled to compensation if Allen received the death sentence, “the value of a slave condemned to die, who shall suffer accordingly, or before execution of the sentence perish, to be estimated by the justices triers, [and]

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<sup>79</sup> Philip J. Schwartz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865* (Baton Rouge: Louisiana State University Press, 1988), 252-254.

<sup>80</sup> *United States v. Hicks*, NARA, December term 1825.

<sup>81</sup> Mary C. Thornton, *A Complete Guide to the History and Inmates of the U.S. Penitentiary, District of Columbia, 1829-1862* (Bowie, MD: Heritage Books, 2003).

<sup>82</sup> Schwartz, *Twice Condemned*, 43.

shall be paid by the public to the owner.”<sup>83</sup> The cost burden, then, to execute Dorcas Allen and remit compensation to Birch fell directly on the shoulders of Alexandria’s taxpayers.

Allen’s attorneys’ introduction of the insanity defense mapped the course of their strategy. In deciding the outcome, jurors had to ponder the question of her morality, which went well beyond the boundaries of reviewing the facts of the case. As historians have noted regarding jury trials of the early Republic, juries often declared verdicts that defied written law in cases where attorneys required jurors to make decisions of intent based upon the morals (or absence of morals) of defendants.<sup>84</sup> Given that no one had been in the room with Allen during the murders except for the two surviving children, the defense could not prove she was insane at the moment she committed the crime. Brent decided to pursue the course he had successfully employed for Richard Lawrence, calling in expert physicians and acquaintances to testify to Allen’s prolonged alleged “derangement.”

If the jurors did believe Allen was indeed insane, the testimony given by the first two witnesses to the stand, Drs. Benjamin Bohrer and William Magruder, would have been the most compelling and plausible reason they found her not guilty.<sup>85</sup> Born in

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<sup>83</sup> William Waller Hening (ed.), *The Statutes at Large; being a Collection of all the Laws of Virginia from the First Session of the Legislature, in the Year 1619*, Vol. XII (Richmond: Printed by George Cochran for the Editor, 1823), 345.

<sup>84</sup> John Phillip Reid, *Controlling the Law: Legal Politics in Early New Hampshire* (DeKalb, IL: Northern Illinois University Press, 2004), 4; Matthew P. Harrington, “The Law-Finding Function of the American Jury,” *Wisconsin Law Review* (1999): 1-10.

<sup>85</sup> In 1835, a jury found John Jones not guilty by reason of insanity after doctors testified on his behalf. He had been charged with “cruelly and inhumanly killing a cow” on the streets of Alexandria, “so that the said cow so beat cut tortured and mangled was then and there seen by the good Citizens of the United States. District Attorney Francis Scott Key prepared the indictment. *United States v. John Jones*, Arlington County Judgments, May term 1835, LOV.

Maryland in 1788, Bohrer had studied medicine under a prominent District physician, Charles Worthington (who had also testified at Lawrence's trial), completing his studies under Benjamin Rush at the University of Pennsylvania. He graduated in 1810. Under Rush's tutelage, he would have been well versed in the transatlantic dialogue on the causes and treatment of insanity. He, along with fifteen other physicians, had established the Medical Society of the District of Columbia in 1817 in an effort to expunge "charlatans" from the profession. Society members pressed the legislature of Maryland to enact a law requiring licensure for all physicians practicing in Georgetown or the City of Washington. Bohrer had also been instrumental in establishing the first public hospital at the time the Society was formed.<sup>86</sup>

Bohrer resided in Georgetown, possibly treating Dorcas Allen as a patient during her alleged frequent epileptic seizures.<sup>87</sup> The defense likely summoned Dr. Magruder to provide similar testimony, as Magruder also resided and practiced in Georgetown. Magruder's family moved to Georgetown from Maryland shortly after his birth in 1810. He studied medicine under Dr. Bohrer and finished his education at the University of Maryland Medical School at Baltimore in 1831; his interest in the brain is evident from the title of his graduating thesis, "Hydrophobia," the antiquated term for rabies. He became well known in the greater Washington community for his work at the public

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<sup>86</sup> \_\_\_\_\_ . *History of the Medical Society of the District of Columbia, 1817-1909* (Washington, D.C.: Published by the Society, 1909), 1, 33.

<sup>87</sup> Cordelia Jackson, "People and Places in Old Georgetown," in *Records of the Columbia Historical Society, Washington, D.C.* Volume 33-34 (Washington, D.C.: Published by the Society, 1932): 157-158.

hospital during the great cholera epidemic of 1832, and he was considered, in spite of his relative youth, to be a competent and knowledgeable physician.<sup>88</sup>

To bolster the doctors' testimony, Brent called three free black women residing in Georgetown to testify to Allen's alleged insanity. Eliza Leiper, Sophia Simpson, and Delia Carter were summoned to appear at trial, all noted as "col'd" by Alexander Hunter, the delivering marshal. He had also presented with summonses Sophia Thornton and Jane Thompson, presumably white women, as the Marshal did not write any notation after their names. Surviving records from the African American offshoot of the white Montgomery Methodist Church (now Dumbarton Methodist Church), The Little Ark (now Mt. Zion Methodist Church) in Georgetown, lists Leiper, Simpson and Carter as religious instruction class attendees with Allen.<sup>89</sup> Thornton's and Thompson's association with Allen is unknown; they may have been white women for whom Dorcas Allen had worked.<sup>90</sup>

Hunter had delivered summonses for all the women on his docket except one. Witnesses who refused to appear at court after receiving a summons would be fined.<sup>91</sup> In light of this, all the women Hunter had served most likely obeyed the law, testifying for the defense. They must have been the witnesses who informed the Court, as Adams recorded, about Allen's violence, passion, and "wild talk." The person summoned who

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<sup>88</sup> Robert H. Harkness, "Dr. William B. Magruder," in *Records of the Columbia Historical Society, Washington, D.C.* Volume 16 (Washington, D.C.: Published by the Society, 1913): 150-152.

<sup>89</sup> Thanks to Mr. Carter Bowman, historian of Mt. Zion Methodist Church, Washington, D.C. for providing this information.

<sup>90</sup> I have been unable to find any records relating to these women in census records or city directories. They may have been widows and not counted as head of households. While the Census of 1830 does list several Thorntons and Simpsons, only the first names of the males are listed.

<sup>91</sup> F. Regis Noel, *The Court-House of the District of Columbia* (Washington: Judd & Detweiler, Inc., 1919), 86. Fines ranged between ten and fifteen dollars.

would not have been bound by law to appear in court was Maria Orme, Allen's "mistress," and the wife of Rezin Orme, who had sold the Allens to James Birch the day of the murders. Hunter prepared her summons but had been unable to deliver it. She, more than any other witness, would have been the most credible informant as to Allen's epileptic fits and "wild talk." Hunter scribbled on the back of her summons, "non wit sick in bed," meaning that she had refused (probably through a servant) to receive the summons on excuse of illness.<sup>92</sup> Had Maria Orme been served and appeared before the court, no doubt the defense would have grilled her in regards to Allen's mental condition before her sale, putting her and her husband in possible future legal jeopardy for selling a defective slave. Little wonder, then, that Maria Orme kept herself hidden from the District Marshal.

Historians have noted the strange paradox or "double character" of slaves appearing before American courts, and Dorcas Allen exemplifies the term.<sup>93</sup> She was, indeed, property; as far as the District Court was concerned Birch held current title to her. The trial jury heard this when read the indictment prepared by District Attorney Key. Despite ownership rights, upon occasion human property broke public law, and thereby became accountable to civil law. This "property," in the human form of Dorcas Allen, might have been sold to James Birch under a false warranty of soundness. Under questioning, Maria Orme would have been forced under oath to admit the truth of Allen's physical and mental condition before her sale. The fact that she pleaded sickness to avoid receiving the summons is alone suggestive; if her testimony helped to "prove" Dorcas

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<sup>92</sup> *United States v. Dorcas Allen*.

<sup>93</sup> Ariela Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2000).

Allen labored under a sustained derangement before her husband sold her to Birch, then the slave trader would have legal ammunition to use against them in a warranty case. Thus, Allen's duality, as a physical asset and a property with human agency, made her violent actions central to her defense while simultaneously placing these implications in a scope wider than her immediate trial. That radius encompassed complex meanings to laymen of the middling sort who did not own slaves, yet they understood that her act of infanticide had damaged her value and financially affected her owner. Jurors would have known Birch now owned a valueless property, and, worse, may have been fooled in the transaction. This could have been the primary reason they let her go. If executed, banished, or incarcerated, it was doubtful Birch could have returned her to the Ormes for a full refund without more lengthy court trials.

Perhaps the jurors thought Allen had been insane at the time of the crime. If the testimony of physicians Bohrer and Magruder did not convince them beyond a reasonable doubt, the testimony of the several women witnesses may have. However, if Judge Cranch relayed Allen's testimony to Adams verbatim, she appeared to have been a lucid witness, in control of her faculties. Given the news report from the *Gazette*, it would appear Allen testified, but it is not known if she did so for the prosecution or the defense. The former is more likely, since any revelation of rationality would work against her insanity defense. Of course, if Dr. Bohrer subscribed to the Spurzheim's theory of epilepsy and madness, he may have been able to explain away her present state of normalcy. When asked where the children were, Allen gave a very straightforward, sane, and thoughtful response. They were in "heaven," she said, and "if they had lived she did

not know what would have become of them.”<sup>94</sup> To a modern audience her meaning is more than clear; she killed them to free them from the curse of slavery and possible separation from their mother. A free African American, Nathan Allen, had fathered Dorcas’s children, but when Rezin Orme sold her, he claimed the Allen children as slaves belonging to him through his claims of ownership to Dorcas. Allen undoubtedly understood that Birch, as her new owner, could dispose of her children as he pleased. The terror of separation must have plagued her from the moment Orme handed them over to the trader. Madness induced from epilepsy does not hold weight as a defense under these conditions. Doctors generally believed that patients who committed mad acts during a bout of epilepsy had little or no memory of the event after the fit had passed. If the jury believed Allen to be insane at the time of the murders, her clarity and reasonable response given at trial would have undermined that belief, or at least raised serious doubts.

There remains a more simple explanation for the verdict. The jury may have been sympathetic, but reserved this compassion for the person they considered the innocent and wronged party in the case—James Birch. The jury heard Allen’s case in the afternoon. Due to the lateness of the hour, they elected to return the verdict the following morning. They were not sequestered, giving them ample opportunity to meet and mull the case over that evening. They may have discussed the case with fellow townspeople and considered their opinions on the matter. Representing a typical composite of American juries in the Jacksonian era, their occupations and economic status reflected societal inclusiveness rather than elitism. While wealthy and influential men sat on the

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<sup>94</sup>JQA Diary 33, MHS, 28 October 1837.



Alexandria Circuit Court Grand Jury, the trial jury members came from middling ranks—men who would have been prone to empathize with a fellow businessman (Birch) apparently deceived in a financial transaction.

To serve on a trial jury in the District of Columbia's Circuit Court, the law required a juror to be a property owner, over twenty-one years of age, and white.<sup>95</sup> This included most of the white men residing in Alexandria in 1837; the power of elite merchants was waning in favor of a rising middle class comprised of small business owners.<sup>96</sup> Dorcas Allen's jury came from this social and economic class, whose occupations ran the gamut of antebellum laymen: William Brown, a saddler, David Prettyman, a blacksmith and coach maker, William Veitch (the foreman, eldest of the group at sixty-three), the Superintendent of Police, James E. Smoot, tanner, Samuel Bartle, carpenter, Mathias Snyder, grocer, John Cohagan, bricklayer, John Lawson, tavernkeeper, Samuel Reese, wheelwright, Jonathan Cartwright, sailmaker, Joseph Grigg, grocer, and James P. Coleman, occupation unknown.<sup>97</sup> With the exception of Veitch, who had probably been chosen as foreman because of his age and position as Police

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<sup>95</sup> Thanks to Brent Tarter, Senior Editor, Publications & Educational Services at the Library of Virginia, for providing this information.

<sup>96</sup> Harold Hurst, *Alexandria on the Potomac*, 30-31.

<sup>97</sup> Brown: 1834 City Directory, Miller, *Portrait of a Town, 1830-1840*, 25; Prettyman: Miller, *Portrait of a Town, 1820-1830*, 289, recurring *Alexandria Gazette* advertisements (1837) "David Prettyman, has on hand Coaches, Buggies, Gigs, &c. all of which he offers for sale..."; Veitch: Ibid, 364; *Alexandria Gazette* obituaries, 11 December 1853; Smoot: Miller, *Portrait of a Town, 1820-1830*, 333. Smoot had been sued by a George Hough in 1822 for "unpaid debts." He also served on the Board of Health. Bartle: Ibid, 25. Served on the Board of Health in the 1830s, Miller, *Portrait of a Town, 1830-1840*, 58; Snyder: 1834 Alexandria City Directory; Cohagan: Miller, *Portrait of a Town, 1820-1830*, 67. His name is spelled Cohegan in the 1834 City Directory; Lawson: Miller, *Portrait of a Town, 1820-1830*, 215. Lawson had advertised for a runaway slave in May, 1822 in the *Gazette*. He had been granted his petition for a tavern license in 1836, May term of the District Court; Reese: Miller, *Portrait of a Town, 1820-1830*, 296. Reese belonged to the Young Men's Bible Society; the 1834 Alexandria City Directory listed his downtown business as Reese & Hodkins, Wheelwrights and Blacksmiths, 15; Cartwright: Ibid, 54; Grigg: 1834 Alexandria City Directory; Grigg advertised "sugar, gunpowder, groceries & etc." for sale at his store in multiple editions of the *Gazette* in 1837.

Superintendent, all of the jurors fell between the ages of twenty-five and forty.<sup>98</sup> All except William Brown were married and had children.<sup>99</sup> At the time of the 1830 census, Prettyman, Smoot, Snyder, and Cohagan each owned two slaves, Lawson owned three, and Coleman, one. (See Appendix II). Their enslaved women between the ages of twenty and thirty probably worked in a domestic capacity. In general the gender of their slaves was evenly divided. The exception was Prettyman, the coach maker, who owned two male slaves between the ages of ten and thirty, and Lawson, the tavernkeeper, who owned one male in his early-to-mid-twenties. These men presumably worked as skilled slaves for their respective owners. James Coleman's child slave, under the age of ten in 1830, may have been given to him as gift, inherited by will, or purchased as a future investment. Samuel Bartle listed in his household one "free colored male," who would have been in his late twenties in 1837. He probably apprenticed under Bartle as a carpenter, or worked for wages. Brown, Veitch, Reese, and Grigg did not own slaves.<sup>100</sup> Brown appears to have favored using apprentices for his saddling business, for, in 1831, he advertised a six-cent reward for the return of his apprentice Elijah Merchant.<sup>101</sup> As an active member of the Alexandria Colonization Society, which promoted voluntary manumission with the promise to re-settle or "colonize" freed slaves in Africa, Veitch may have been the only jury member with antislavery sentiments. His membership

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<sup>98</sup> 1830 United States Census, District of Columbia.

<sup>99</sup> Wesley E. Pippenger (comp.), *District of Columbia Marriage Records, 1811-1858* (Westminster, MD: Family Line Publications, 1994). Listings sorted alphabetically.

<sup>100</sup> 1830 United States Census, District of Columbia.

<sup>101</sup> *Alexandria Gazette*, 20 October 1831.

would not, however, have precluded his understanding of Birch's grave economic loss through the deaths of the Allen children and Allen's own questionable mental capacity.

As young and ambitious businessmen, the majority of jurors purchased slaves to acquire wealth and respectability to move upwards in the world. The Grand Jury members, with their large numbers of slaves, were models to emulate. The town's growing antebellum middle class of small business owners did not necessarily have a great stake in the slave trade of the District, but they nonetheless understood the connection between personal wealth and slaveholding.<sup>102</sup> Equally as important, they would have understood the negative financial impact of losing valuable personal property. Finding Dorcas Allen not guilty by reason of insanity would have helped one of their own—a man who, like them, sought wealth in a capitalist market. Despite the misgivings of the editor of the *Gazette*, Judge Cranch, and John Quincy Adams, if Dorcas Allen were found insane, the jury essentially could give Birch a powerful legal weapon he could employ to pursue a warranty case against the Ormes. Alternatively, if Birch decided to go ahead and sell Allen (even as damaged goods) he might recoup some of his loss. Accomplishing that would be impossible if the jury sentenced Allen to the penitentiary, executed her, or expelled her from the state. Town taxpayers might have been burdened with the cost of her lengthy incarceration if they found her guilty, given that the District penitentiary in the City of Washington did not always accept convicted criminals from the Alexandria jail.<sup>103</sup> Releasing Allen into Birch's custody removed liability from the citizens of Alexandria; any future decisions he made regarding her fate had nothing to do with them. Jury members may have been convinced that he would sell

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<sup>102</sup> Hurst, *Alexandria on the Potomac*, 32-37.

<sup>103</sup> Thornton, *Guide to the History and Inmates of the U.S. Penitentiary*, 3.

her out of state, negotiate with Orme for a full refund, or sue him for breach of warranty.

Whichever course Birch pursued after the trial, this alien slave woman, who had barbarously killed two of her defenseless children and shattered the peace of the Alexandria community, would cease to be their problem. She had made the ultimate protest against the institution of slavery in a time when slaveowners found themselves under attack from enemies of slavery. Executing Dorcas Allen and making her a martyr to the abolitionist cause would have been too dangerous of a gamble to take.

Incarcerating or expelling her might also raise unwanted excitement and criticism.

Located safely across the Potomac, citizens of Alexandria had escaped the frenzied riots after Arthur Bowen's arrest in August 1835—the memory too fresh in their minds to risk inviting a similar ruckus. With verdict of not guilty by reason of insanity, the jury assured that Allen would be restored to Birch; she would not be a burden on taxpayers, nor would she be released as a dangerous black subversive on Alexandria's streets. For white participants in the trial, such a verdict satisfied all these concerns. For Dorcas Allen, the second phase of her dire predicament had just begun.

## CHAPTER III

### AN EVOLUTION OF CONSCIENCE

I learnt from Dyer that that the woman had been the slave of a white woman who had married a man named Davis who lived at Georgetown, and was a clerk in the War Department. That this white woman had died, and had before her death, promised Dorcas her freedom. That on her deathbed she had made her husband Davis promise her that he would emancipate Dorcas that he did actually liberate her, but gave her no papers. That she lived twelve or fifteen years at large, married, and had four children. That in the meantime Davis married a second wife and afterwards died without granting to Dorcas her papers of freedom. That Davis's widow married a man by the name of Rezin Orme, and that he sold Dorcas and her four children on the 22nd of August last for 700 dollars to Birch who is an agent for the negro slave-traders at Alexandria. That Dorcas and her four children were, on the same day removed to one of the slave prisons in Alexandria. That in the night of that day she killed the two youngest of her children, one a boy four years of age, and the other a girl under twelve months.<sup>1</sup>

There was little news published in Washington, D.C. that escaped the notice of John Quincy Adams. When residing in Washington, he read daily the *National Intelligencer* as part of his morning routine. If news or articles piqued his interest, he recorded the context and provided commentary in his diary.<sup>2</sup> Such was the case on Monday, October 23, 1837. Adams read of the unusual advertisement of James Birch

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<sup>1</sup> JQA Diary 33, 1 December 1821 – 31 December 1838 (with gaps), [electronic edition], MHS, 28 October 1837, *The Diaries of John Quincy Adams: A Digital Collection*, (Boston: Massachusetts Historical Society, 2004). <http://www.masshist.org/jqadiaries>.

<sup>2</sup> The Saturday previous to the Allen advertisement, Adams noted he read in the *Intelligencer* an advertisement inviting members of Washington to attend a speech given by Sioux chiefs at a church on F Street NW. Adams owned a home on F Street and knew the neighborhood well. He attended the gathering and recorded the scene in that evening's diary entry. Ibid, 21 October 1837.

and auctioneer Edward Dyer, giving notice of the sale of Dorcas Allen and her children with disclosure of the murders and her trial. Adams recorded the advertisement in his diary almost verbatim. An auction was to take place that day at “4 o’clock in the afternoon” of Allen and “her two surviving children...the other two having been killed by said Dorcas in a fit of insanity as found by the jury who lately acquitted her.” He recorded Rezin Orme’s name as the owner and seller of the slaves to Birch, noting that Dorcas was “warranted sound in body and in mind,” and Birch’s public declaration that Orme “refuse[d] to retake [the slaves] and repay the purchase money.” The advertisement explicitly advised Orme to attend the sale “and if he [Orme] thinks proper to bid for them or retake them as he prefers upon refunding the money paid, and all expenses incurred under the warranty given by him.”<sup>3</sup>

The odd language and the unusual circumstances behind the advertisement perplexed Adams. Advertisements for sales of slaves at public auction in the *Intelligencer* were not uncommon, but they were not daily occurrences either, unlike advertisements for runaways and traders looking to purchase slaves.<sup>4</sup> More commonly auctioneers listed slaves at a public auction along with various real estate or other goods of a household. However, previous issues of the *Intelligencer* had advertised slaves using common and straightforward language; Dyer had advertised a sale on September 23, 1837 of a “servant woman.” As the usual objective of such an advertisement was to fetch the highest price possible for the owner, Dyer had extolled this slave woman’s capabilities as a washer and ironer. He trumpeted her virtues of a “good temper and disposition” to lure

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<sup>3</sup> Ibid.

<sup>4</sup> *National Intelligencer*, multiple issues, August and September 1837.

in buyers looking for a well behaved slave.<sup>5</sup> The advertisement placed by slave trader James Birch for the auction of Dorcas Allen and her children at Dyer's auction house, contrasted sharply with convention, and the brutal honesty of the text made it rather conspicuous. Given the paranoia of whites regarding slave rebellions, the fact that Birch made known her violent past in itself unusual; perhaps he was concerned that obscuring this information could nullify a potential sale. More probable, he disclosed the killings and trial in an effort to publicly shame Rezin Orme into re-purchasing Dorcas Allen. Regardless of Birch's motive, anyone who regularly scanned the *Intelligencer* would probably have raised an eyebrow at this remarkable advertisement.

The murders and Allen's subsequent trial in Alexandria had escaped Adams's attention, and he asked his brother-in-law, Nathaniel Frye, "what this advertisement meant."<sup>6</sup> Nathaniel Frye had married Carolina Johnson, the sister of Adams's wife, Louisa, in 1817, and the couple resided permanently in Washington.<sup>7</sup> During Adams's congressional terms, Adams and Louisa kept in close contact with the Fryes, and scarcely a day went by without them dining together or Nathaniel calling on his brother-in-law in the morning or evening. The Fryes had first nursed, and then stood watch over the deathbed of, Adams's second son, John, in 1834, when the Adamses were absent from Washington in Quincy. Nathaniel had written to Adams notifying him of the certainty of John's impending death, describing the patient's condition as "critical."<sup>8</sup> Undoubtedly Adams trusted Frye's judgment, and when he asked Frye what the advertisement

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<sup>5</sup> Ibid, 23 September 1837.

<sup>6</sup> Ibid, 23 October 1837.

<sup>7</sup> MHS, Adams genealogy.

<sup>8</sup> John Quincy Adams Diary 39, 1 December 1832 - 31 May 1835, MHS, 19 October 1834.

“meant,” he probably assumed Frye could shed more light on the circumstances surrounding the unusual case, because certainly Adams understood the meaning of a routine slave auction.<sup>9</sup>

But Frye appeared reticent in his response; as Adams noted, “he seemed not to like to speak of it.” This may have been an implicit warning to Adams to refrain from involving himself in such a complicated matter, or simply that Frye found talking about the murders and auctioning of slaves distasteful and troubling. He told Adams what he knew: “the woman had been sold with her children to be sold to the South, and separated from her husband, that she had killed two of her children by cutting their throats, and cut her own to kill herself, but that had failed. That she had been tried at Alexandria for the murder of her children and acquitted on the ground of insanity, and that this sale now was by the purchaser, at the expense of the seller, upon the warranty that she was sound in body and mind.” By “of the seller” Frye meant Rezin Orme, not the slave trader James Birch, who was the purchaser. Why Birch chose to portray Orme, instead of himself, as Dorcas’s owner in the advertisement is not clear, but he most likely did so in case he had to resort to legal action (as will be discussed in Chapter Five). The indictment that District Attorney Key prepared for Dorcas Allen’s case mentioned nothing as grisly as throat cutting, and aside from that small piece of information, Frye could not provide any further clarification to Adams than what was already in the advertisement.<sup>10</sup>

Undaunted, and perhaps more curious after speaking to Frye, Adams went to the offices of the *Intelligencer* to speak to one of the editors, Joseph Gales. He questioned

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<sup>9</sup> JQA Diary 33, MHS, 23 October 1837.

<sup>10</sup> Ibid.



Gales about the morning's advertisement, and Gales, like Frye, "answered with reluctance." Gales repeated "the same story that [Adams] heard from Mr. Frye," but added something more, telling Adams "there was something very bad about it, but without telling [him] what it was." Like Frye, Gales perhaps wanted to prevent Adams from investigating the matter any further.<sup>11</sup>

Why would Gales and Frye try to dissuade Adams from learning more about the murders and the auction? Gales injected an air of mystery by using the word "bad," but stopped short of explaining what the "bad" was. With these two conversations in mind, a disturbed Adams pondered his options and questioned his moral responsibility. In that evening's diary entry he noted that the advertisement had brought upon him a "case of conscience" and wondered if he had a obligation to "pursue an inquiry in the case" in an attempt to ascertain "the facts, and expose them in all their turpitude to the world." While he had never publicly admitted it during the months of fighting against the Gag Rule, he believed that Congress did have the power to prohibit the slave trade in the District, and that it should do so as one of its "incumbent duties." But Adams was also well aware of the political dangers of taking such a strong antislavery stance, that it could be perceived by the public as radically abolitionist. To this point he presumed he had "gone so far upon" the subject of abolition "as the public opinion of the free portion of the Union [would] bear." He recognized that his activism in the House in presenting the antislavery petitions had alienated him from the members from slaveholding states, so much so that they hesitated "to vote with [him] upon any question." His constituents and other members of the House from Massachusetts had supported Adams thus far, but clearly his near censure the previous February weighed heavily on his mind, and he

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<sup>11</sup> Ibid.

feared “one step further” would cause his “final overthrow and the cause of liberty itself for indefinite time, certainly for more than [his] remnant of life.” He concluded this bit of soul searching with a lament that no one else in the House had taken “the lead in this cause of universal emancipation.”<sup>12</sup> He meant, perhaps, that no one had the courage to present the antislavery petitions as vigorously and stubbornly as he had during the past year. Certainly Adams had opened himself up to torrents of abuse from other members, but during these exchanges Adams seemed to relish the debate.<sup>13</sup> The advertisement of Dorcas Allen’s sale, however, had provoked a profound anxiety within John Quincy Adams. He predicted (rightly so), that the debates over slavery and the Gag Rule would “rage with increasing fury,” and commented that his advanced age and “infirmities” ought to “totally disqualify me.” “There is no such man in the House,” he finished, who could replace him. And with those remarks, he apparently decided to follow Frye and Gales’s implied advice to let the Dorcas Allen matter rest, for he made no comment either on the advertisement or on the subject of slavery and the slave trade for a week.<sup>14</sup>

But the matter did not resolve itself. The following Saturday, October 28, Adams noticed a reprint of the advertisement of the auction for Dorcas Allen and her children in the *Intelligencer*, though the auction had been moved to eleven o’clock that morning. The advertisement had now been in the paper for three consecutive weeks, and Adams determined to investigate personally, calling on Edward Dyer’s auction house between

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<sup>12</sup> Ibid.

<sup>13</sup> For an in depth analysis of Adams’s reactions to other House members during the Gag Rule debates (1835-1844), see Leonard Richards, *The Life and Times of Congressman John Quincy Adams* (New York: Oxford University Press, 1986), 117-145. Henry Wise (VA), Francis Pickens (SC), Henry Pinckney (SC), James Henry Hammond (SC), and the Speaker of the House, James K. Polk (TN) proved to be perpetual thorns in his side.

<sup>14</sup> JQA Diary 33, MHS, 23 October 1837.

eleven o'clock and noon. Upon entering the room, Adams breached a gap he would find impossible ever to close, for his attention and sympathy were immediately drawn to Dorcas and her children, who were "weeping and wailing most piteously."<sup>15</sup> Adams asked Dyer if the three had been sold, and Dyer answered that the slaves had been sold to Dorcas's husband Nathan Allen, a "free" black man employed as a waiter at Gadsby's hotel, the previous week.<sup>16</sup> Nathan had given slave trader Birch a promissory note for the three slaves at the sum of \$475, but, since he was unable to produce the money, his sale contract with Birch had been nullified. Dyer explained to Adams this was the reason the three were again being "sold." While Adams stood pondering this information, the District Attorney of Washington, Francis Scott Key, entered and "appeared to interest himself" in favor of Nathan Allen.<sup>17</sup>

In the meantime, Dyer furnished Adams with what he believed were the intimate background details of Dorcas Allen's present miserable condition. According to Dyer, Dorcas's original owner had promised to emancipate her. This woman (apparently Dyer did not give or know her name) had been married to a man named Gideon Davis, a clerk in the War Department. On her deathbed, Dorcas's owner asked her husband to keep her promise of emancipation (with Davis apparently agreeing), but neglected to issue Dorcas any legally binding papers of manumission. Dorcas then lived as a free woman twelve or fifteen years, married Nathan Allen, and had four children with him. During those years,

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<sup>15</sup> Ibid, 28 October 1837.

<sup>16</sup> Ibid. Washingtonians commonly referred to the National Hotel at the corner of Pennsylvania and 6<sup>th</sup> Avenues as "Gadsby's," after the owner and prominent Washington citizen, John Gadsby. John Quincy Adams took his dinner meals there frequently after leaving the House for the day.

<sup>17</sup> Ibid.

Gideon Davis himself had remarried, then died shortly after the marriage.<sup>18</sup> Once again, (although this appears to be a main source of contention), Dorcas had not been given any papers awarding her freedom from her original owner, Davis's first wife. Within a few years, Davis's widow married Rezin Orme, who claimed Dorcas and her children (as the children's legal status followed that of the mother) as his property, through his wife's first marriage to Davis. Orme then sold all four of them to James Birch for \$700. Dyer concluded by telling Adams the barest details of the murder and trial in Alexandria, adding nothing contrary to the story Adams had heard from Frye and Gales.<sup>19</sup> The convoluted history of Dorcas, a slave who had lived in "quasi" freedom, illustrated the legal and social labyrinth of slavery in the District, but John Quincy Adams, as far as can be known, did not have previous interactions with slaves living in that condition.<sup>20</sup> Now, Dorcas's vulnerability and distraught state at public auction brought Adams, for the first time in his life, face to face with the visceral emotions of those who suffered under slavery.

Adams wrote in his diary that evening, "These were stated as the facts and it was said to be doubtful whether Rezin Orme had any right to sell them at all," the passive

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<sup>18</sup> This information was untrue, proving how little Dyer knew of the facts. Gideon Davis had been married to his second wife, Maria Rhodes Davis from 1821 to 1833 (the year of his death). It is also highly unlikely that Dorcas had been living free for twelve to fifteen years, as Dyer claimed; her birth year was approximately 1810, making her too young to have lived "free" for more than ten years before 1837.

<sup>19</sup> JQA Diary 33, MHS, 28 October 1837.

<sup>20</sup> Historians use the term "quasi free" to describe the condition of slaves living as "free Negroes" but who held no legal papers of manumission. The term is also used to denote African Americans who held legal papers of freedom, but lacked basic rights of citizenship. Having introduced the term "quasi free," under these two explanations, I use the term "free" throughout the dissertation to delineate between black Washingtonians, who were legally slaves, and those deemed legally free, "free Negroes." These African Americans held papers of manumission, or certificates of freedom. For a general definition of "quasi-free" as used by historians, see Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974), 141-149.

construction omitting mention of who, exactly, had speculated that the sale to Birch from Orme might be legally null. Most likely the informant was not Dyer, who stood to lose financially if Birch could not complete the sale. It seems likely that the only other person present who could have relayed this information to Adams was District Attorney Key, who knew both the laws of the District and the details of the case. Adams wrote that Key had “made some formal enquiries about Orme, who it was said had left the District and was not to be found—and about Mrs. Orme, who he [Key] said was under obligations to him, who Dyer said had shut herself up in her chamber and would be seen by no person on the subject.” In using the term “obligations,” Key may have meant simply that he called at the Orme residence, but, as he wanted to speak with Maria Orme on official business, she was under a legal obligation to do so.<sup>21</sup>

In this brief visit to the auction house, Adams found himself deluged with information about Dorcas, but before he gained sufficient time to turn the matter over in his mind, Key had asked to speak to him privately. Key confided to Adams that “a subscription might be raised to enable Allen to pay for the purchase of his wife and children,” and immediately Adams pledged fifty dollars towards the subscription. This was not a trifling sum to Adams; the salary of congressional members in 1837 was \$8 per diem, and fifty dollars represented roughly a full six days of work, amounting to approximately \$1,200 in modern currency.<sup>22</sup> This was also the amount he had paid per acre for “woodlands” adjacent to his home in Quincy in 1836.<sup>23</sup>

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<sup>21</sup> JQA Diary 33, MHS, 28 October 1837.

<sup>22</sup> U.S. Congressional Research Service, *Salaries of Members of Congress: Recent Actions and Historical Tables*, by Ida Brudnick, Analyst on the Congress, 16 April 2010, 4. Relative value calculated from [www.measuringworth.com](http://www.measuringworth.com), Consumer Price Index.

<sup>23</sup> JQA Diary 40, 1 June 1835 – 5 December 1836, MHS, 30 September 1836.

The spontaneous action of promising this sum appears to be the first known instance in which Adams directly intervened in the affairs of a slave. He soon, however, questioned his impulsive pledge. Immediately after assuring the sum to Key, Adams called upon his cousin, Judge William Cranch, at his District office. Then Supreme Justice of the District Circuit Court, Cranch had presided over Dorcas's murder trial in Alexandria. As noted earlier (in Chapter Two), Cranch obligingly read Adams his notes from the trial proceedings, and Adams learned that Dorcas had been tried for one murder only—that of William Henry and not Maria Jane. This revelation troubled Adams, as he felt the case against her to be complete for the murder of both children. He also questioned the correctness of a defense of insanity, as witnesses testified to the frequent epileptic fits Dorcas suffered from. Perhaps emotionally overwhelmed from the heartbreaking scene at Dyer's and the lurid details of Dorcas's trial, Adams changed the subject, asking Cranch "of the sale of free Negroes for jail fees." Cranch acknowledged this problem indeed existed in the District and spoke of "a great need for revision of the laws respecting runaway Negroes." As Adams's pledge of funds had now bound himself to the personal affairs of a slave, Cranch handed him copies of 1829 and 1830 congressional reports on slavery to use as a reference for existing District slavery laws and codes. Adams then returned to Dyer's auction house, but neither Dyer, nor Dorcas and the children, were there. He then called on the Mayor of Washington, Peter Force, but the Mayor, too, was absent. Wearily Adams returned home, walked at dusk, and summed up his diary's entry for the day with an almost plaintive, "shivering cold."<sup>24</sup>

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<sup>24</sup> Ibid.

Given the nearly twenty years Adams lived in Washington, as Massachusetts senator, Secretary of State, President of the United States, and Massachusetts congressman, it is curious that his first direct involvement with the affairs of a slave came at age seventy. He accepted, like the majority of white men in the early Republic, the institution of slavery as a norm in some states and cities. His first introduction to the fledgling capital came in 1803 when the Massachusetts legislature appointed Adams to the Senate. At the time of his arrival in Washington, the physical landscape mirrored the rural countryside of Adams's native town of Braintree, Massachusetts, with one exception—the conspicuous presence of a large number of black slaves and “free Negroes.”<sup>25</sup> During his senatorial years, Adams and his wife, Louisa, took up residence with Louisa's sister and brother in law, Walter and Anne “Nancy” Hellen, in Georgetown.<sup>26</sup>

In 1800, black residents comprised nearly half the entire population of Georgetown, including approximately 275 free African Americans and 1,500 slaves. Blacks living within the boundaries of Washington City numbered approximately 750: 625 slaves and 125 free, out of a total population of around 3,000.<sup>27</sup> With the majority of the District's slaves living in the vicinity of Georgetown, it would have been impossible

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<sup>25</sup> No slaves are listed in Braintree, Adams's hometown, out of 344 records. In adjoining Quincy, one slave is listed belonging to Jonah Boole, out of 179 recorded households. 1800 United States Census, Braintree and Quincy, Massachusetts.

<sup>26</sup> “Adams Residency File,” MHS. Louisa's sister Anne “Nancy” Johnson married Walter Hellen between 1797 and 1801. See Paul C. Nagel, *The Adams Women: Abigail and Louisa Adams, Their Sisters and Daughters* (New York and Oxford: Oxford University Press, 1987), 174. The house was located in the vicinity of present day Rock Creek Park at 2620 K Street NW (the modern address)—the border between Georgetown and Washington City NW. The home was demolished in 1946.

<sup>27</sup> Constance McLaughlin Green, *The Secret City: A History of Race Relations in the Nation's Capital* (Princeton: Princeton University Press, 1967), 33.

for Adams to escape notice as he strode the city's streets.<sup>28</sup> A believer in the benefits of long walks, Adams customarily walked the two and a half miles between the Hellen home and the Capitol in forty-five minutes, and undoubtedly passed scores of African Americans on the streets.<sup>29</sup> More intimate association with slaves and free blacks resulted from his close connections—and living arrangements—with his wife's family. In all this time, he displayed a persistently detached acceptance of their inferior status, from the years of the early Republic and into his presidency. This disconnection derived, arguably, from his long absences from America and his close contact with European nobility, with their centuries old assumptions about servility and social hierarchy. John Quincy Adams's foray into antislavery late in life is much the story of his conversion from an American with an internationalist perspective to one embedded in domestic conflicts caused by slavery.

Before his marriage in London, England to Louisa Catherine Johnson in 1797, Adams (then thirty years old) had spent few of his formative years in the United States. Born in 1767 to John and Abigail Adams, John Quincy left America for Paris at age eleven to serve as his father's secretary during the Revolution. Between 1778 and 1786, he completed his pre-collegiate education in Amsterdam, then traveled as a junior diplomat to Paris, St. Petersburg, Amsterdam, and London. In 1786, at nineteen, he returned to the United States and entered Harvard College, graduating the following year.

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<sup>28</sup> Of the free black population, many owned homes as early as 1806 in Georgetown, and not far from the Hellen residence. Letitia W. Brown, "Residence Patterns of Negroes in the District of Columbia, 1800-1860," *Records of the Columbia Historical Society of Washington, D.C., 1969-1970* (Washington, D.C.: Published by the Columbia Historical Society), 74.

<sup>29</sup> JQA Diary 27, 1 January 1803 - 4 August 1809, MHS, 31 October 1803.



Disillusioned and depressed after practicing law in Massachusetts, Adams, after a few years, returned to a vocation that better suited him, and one for which his extensive travels had prepared him, that of a foreign diplomat.<sup>30</sup> President George Washington appointed Adams as minister to the Netherlands in 1794, and during his travels from London to Amsterdam in 1795 he became acquainted with Louisa Catherine Johnson. Louisa was the daughter of Joshua Johnson, the American consul who resided in London.<sup>31</sup> By all accounts, the Johnsons lived lavishly in London—so much so that upon introduction in 1783, Abigail Adams had sniffed with disdain at their extravagant lifestyle. Abigail’s contempt for what she considered European foppishness probably kept John Quincy from informing her of his engagement to Louisa Johnson in 1795, and he notified her of his marriage in 1797 only weeks after the event. Abigail had suspected, however, her son’s pending marriage and wrote to him acerbically condemning the bride-to-be, who “inherits the taste for elegance which her mamma is conspicuous for.”<sup>32</sup> Much to Abigail Adams’s dismay, her son had not married an American-born woman, and he appeared more at ease in a socially rigid European society than in his native America.<sup>33</sup>

John Quincy Adams’s long absences from the United States and his adoption of the customs of European high society may help to explain why he remained silent on the subject of slavery for several years following his return to America in 1801. He was accustomed to legions of domestic servants and valets surrounding European royalty and

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<sup>30</sup> Nagel, *John Quincy Adams*, 70-77.

<sup>31</sup> Charles Francis Adams (ed.), *Memoirs of John Quincy Adams, Comprising Portions of His Diary from 1795 to 1848*, Vol. I (Philadelphia: J. B. Lippincott & Co., 1874), 8-29.

<sup>32</sup> Quoted in Paul Nagel, *John Quincy Adams*, 99.

<sup>33</sup> Nagel, *The Adams Women*, 160-161, 165-166, 168.

wealthy people of power and influence, and his transition to an American household in Washington would not be radically different—except in Washington he would be served primarily by slaves. Immediately after Louisa and John Quincy married in 1797, the couple learned that Louisa’s father, Joshua Johnson, had fled London with his family for the United States. Years of indulgent living had bankrupted Johnson, and the Adamses were literally left behind to explain Johnson’s absence to his London creditors. Originally, Johnson planned to sell land he owned around Savannah, but when that scheme failed to pan out, Johnson settled in Georgetown. He hoped to secure a job in the federal government, once its offices moved from Philadelphia to the newly formed District of Columbia. Under the patronage of his in-law, President John Adams, Johnson was appointed the District’s postmaster.<sup>34</sup> But Johnson had another reason to choose Washington as his permanent place of residence; his eldest daughter Anne, nicknamed “Nancy,” had married a successful American tobacco merchant, Walter Hellen, in 1797. After John Quincy’s recall from his post as Minister of Prussia in 1801—and his subsequent acceptance of a seat in the Senate in 1803—the home of Walter and Nancy Hellen became the Washington residence of Adams and his family for five years.<sup>35</sup>

During this period, Adams lived a comfortable life in Washington, almost certainly dependent on domestic slave labor, and he kept a busy social schedule, often mingling with slaveowners.<sup>36</sup> Even though Joshua Johnson had fled London deeply in

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<sup>34</sup> Nagel, *John Quincy Adams*, 112.

<sup>35</sup> *Ibid.*, 167, 172, 174. John and Louisa’s sons were born during this period, and lived with their parents in the Hellen home. George Washington Adams, b. 1801, John Adams II, b. 1803, and Charles Francis Adams, b. 1807. MHS, Adams biographical sketches.

<sup>36</sup> Between 21 October and 28 December 1803, Adams and Louisa dined with President Thomas Jefferson at the Executive Mansion, Francis Deakins—large District landholder and owner of eight slaves, Dr. William Thornton—the architect of the Capitol and owner of three slaves, and Colonel John Tayloe II—the

debt, Washington census records reveal he owned four slaves in 1800—an indicator that his financial distress may not have been so grave, or perhaps that he had successfully eluded his creditors.<sup>37</sup> Walter Hellen does not appear in the 1800 Federal Census, but most likely he owned slaves during the period the Adamases lived in his home, as his 1816 probate record (he died in 1815) reveals. At the time of his death, he owed \$2 to William Williams “for servants shoes,” and the value of “cash, furniture & negroes paid [to] Mrs. Hellen” amounted to \$2677.80 out of an entire estate value of \$46,388.84—worth about \$750,000 in modern currency.<sup>38</sup> In all probability Walter Hellen had housed Johnson’s slaves after 1802, the year that Joshua Johnson died. Johnson’s widow, Catherine, moved with her five unmarried daughters into Hellen’s home the same year. Unless Catherine Johnson had sold her husband’s four slaves to pay any outstanding debts of Joshua’s, those slaves would have moved into Hellen’s Georgetown home with her.<sup>39</sup>

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owner of “Octagon House” in Washington, and Mt. Airy Plantation outside of Richmond, Virginia. Tayloe was believed to have been the wealthiest Virginia planter in 1800, and owned dozens of slaves. JQA Diary 27, MHS, 21 October – 28 December 1803. For information on Francis Deakins, see W.H. Dennis, “Orphan’s Court and Register of Wills,” in *Records of the Columbia Historical Society, Vol. III* (Washington: Published by the Society, 1900), 219, 1800 United States Census, District of Columbia. For William Thornton and Colonel John Tayloe see Anne H. Wharton, *Social Life in the Early Republic* (Philadelphia: J.B. Lippincott, 1903), 38, 176, and 1800 United States Census, District of Columbia.

<sup>37</sup> 1800 United States Census, District of Columbia.

<sup>38</sup> Case No. 2004, Estate of Walter Hellen. Copy provided courtesy of the Massachusetts Historical Society, “Hellens” file. RG 21, NARA, Records of the United States District Courts for the District of Columbia. Probate Records, Old Series Administration Case Files, 1801-1878. Currency value calculated from [www.measuringworth.com](http://www.measuringworth.com), Consumer Price Index.

<sup>39</sup> Nagel, *The Adams Women*, 174. Upon his arrival to Washington on October 20, 1803, to take his Senate seat, John Quincy Adams remarked, “We came to Mr. Hellen’s, where we found Mrs. Johnson and her family, all well.” JQA Diary 27, MHS, 20 October 1803. Johnson did not die intestate, and it would appear his estate had some value. He registered the will on 12 December 1801 and died the following December leaving Catherine “all household goods during her life, with power to dispose to children under age: \$800 yearly during her life to be raised and paid out of estate.” John Quincy Adams, Walter Hellen, and Johnson’s son, Thomas, served as executors of the will. Wesley E. Pippenger (comp.), *District of Columbia Probate Records, Will Books 1 through 6, 1801-1852 and Estate Files, 1801-1852* (Westminster, MD: Family Line Publications, 1996), 11.

By the time Adams took up residence at the Hellen home in 1803 with his wife and three-year-old son George, nearly ten white people resided there. As members of Washington's social elite, the Hellenses entertained often and opulently; Adams noted several nightly dinner guests as a common occurrence.<sup>40</sup> His ability to conduct time-consuming daily activities of serving in the Senate, writing correspondence, and engaging socially was made possible by the "servants" who performed domestic drudgeries for him. In 1803, Adams described his typical day. "I rise at about seven; write in my own chamber until nine; breakfast; dress; and soon after ten begin my walk to the Capitol," he wrote in his diary. He arrived at the Senate about eleven and found the Senate assembled, and "we sit," he continued, "until two or three, and when the adjournment is earlier I go in and hear the debates in the House of Representatives." A return walk from the Capitol to Hellen's house brought Adams home between four and five o'clock, where he "dine[d], and pass[ed] the evening idly with George" in his bedroom "or with the ladies." The "ladies" dined "between nine and ten," and Adams retired at eleven. He continued this mode of living for the five years he resided with the Hellenses. There is no mention in his diary of the people who prepared his meals, served his family, or performed the smallest and largest of household duties. As Adams had become accustomed at an early age, in Europe, to being served by others, it seems doubtful he thought much, if any, about the distinctions among white servants, black servants, and black slaves. From his perspective, these people could easily be grouped as "servants" who "served" members of the household.<sup>41</sup>

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<sup>40</sup> JQA Diary 27, 20 October – 30 November 1803, MHS, 1 January 1803 – 4 August 1809.

<sup>41</sup> *Ibid.*, 31 October 1803.

With such a large number of people living in Walter Hellen's Georgetown home, effective management of the household would have been virtually impossible without slaves or hired servants. Unfortunately, the 1810 Federal Census records for the District of Columbia have been lost, and the number of Hellen's slaves that year is not known, nor it is known when he acquired them. In any case, unlike his father-in-law, Walter Hellen died a wealthy man, and he willed his slaves to family members. Hellen's wife Anne died in 1811, after which Walter married Louisa Adams's youngest sister, Adelaide, in 1813.<sup>42</sup> Upon Walter's death in 1815, his will made no specific mention of slaves, but the "house, lot, furniture...and \$400 per annum" went to Adelaide, with provisions made for Walter's children from his first marriage to Anne (Johnson, Mary Catherine, and Thomas) to inherit a sum of money and "appurtenances" when they reached the age of twenty-one.<sup>43</sup> As the word appurtenance means personal belongings or chattel, the Hellen children presumably inherited some of their father's slaves. Adelaide did, as evinced in the 1816 probate record, but she did not keep them all as slaves for life, manumitting forty-three-year old Jane Clark and her baby Harriet, "in consideration of \$100," in 1834. (This was done under the name of Adelaide Hellen—indicating Adelaide never remarried after Walter's death).<sup>44</sup> In 1830, Walter Hellen's eldest son Johnson (aged thirty) owned two slaves, and his youngest son Thomas (aged

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<sup>42</sup> Nagel, *The Adams Women*, 185.

<sup>43</sup> Pippenger, *District of Columbia Probate Records*, 71. For the rights of inheritance of widows and children in the early Republic, see Carole Shammass, Marylynn Salmon, and Michel Dahlin, *Inheritance in America: From Colonial Times to the Present* (New Brunswick: Rutgers University Press, 1987), 63-79. If Walter Hellen followed the standard laws of inheritance, the three children would each have inherited 1/3 of the estate separate from what Walter had left to Adelaide.

<sup>44</sup> Dorothy S. Provine (ed.), *District of Columbia Free Negro Registers, 1821-1861* (Bowie: MD: Heritage Books, 1996), 280.

twenty-one) one slave. But it was Walter Hellen's daughter, Mary Catherine, who provided the most direct Adams familial link to slavery.

John Quincy Adams left Washington in May of 1808, when the Senate recessed for summer, and he would not return to the District until 1817. Adams had been elected as a member of the Federalist Party—the party of his father—but had, over the course of his five years as senator, alienated himself from fellow Massachusetts Federalists by consistently voting with Jeffersonian Republicans on major issues of domestic and foreign policy. As a result, angry Federalists in the Massachusetts legislature voted to oust Adams in May 1808.<sup>45</sup> Adams promptly sent in his resignation, but he would not remain unemployed with the federal government for long. He had, throughout the years of Jefferson's presidency, aligned himself closely with the domestic and international policies of the Republican Party, and his official resignation of his seat confirmed that. Especially during the conflicts with Britain and its navy, he wrote that he found it his incumbent duty to “support” Jefferson's administration, “to preserve from seizure and depredation the persons and property of our citizens, and to vindicate the rights essential to the independence of our country against the unjust pretensions and aggressions of all foreign powers.”<sup>46</sup> Here Adams referred to two basic tenets of the Republican Party: unencumbered white settlement into the territory included in the 1803 Louisiana Purchase, and the right of Americans to trade freely amongst warring European powers. For Massachusetts Federalists, Adams's support of the 1807 Embargo Act—President

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<sup>45</sup> Normally the Massachusetts legislature voted in November.

<sup>46</sup> JQA Diary 27, MHS, 8 June 1808.

Thomas Jefferson's attempt to punish England and France by prohibiting American exports—was the last straw. Adams had cast the sole Federalist vote for the Embargo in December 1807, hoping the legislation would bring a peaceful resolution to the problem of English impressment of American sailors and provide a united American front, free of party loyalties, against European interference with American trade. Adams's refusal to toe the Federalist party line in defiance of President Jefferson's administration demonstrated his political independence, as he showed support for Republican policies, but not for Jefferson personally. Evidently, Massachusetts Federalists could not separate the two, and the resulting discord alienated Adams from the Federalists permanently.<sup>47</sup>

During these years, the subject of slavery as a matter of national policy stood dormant, and, although he was a northerner who held antislavery sentiments, Adams's most significant concern was the strength and safety of the American union.<sup>48</sup> The “seizure and depredation [of] the persons and property of our citizens” referred to the plundering of American ships by the British and French. His deep commitment towards the protection of American trade rights placed Adams firmly in the Republican camp—so much so that President James Madison, elected in 1808, appointed Adams Minister to Russia in July of 1809.<sup>49</sup>

Adams would remain abroad until 1817. During this time, America fought the War of 1812, which some historians have called its “second war of independence” with Great Britain. Adams had accepted the post to St. Petersburg in 1809 hoping to

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<sup>47</sup> James E. Lewis Jr., *John Quincy Adams: Policymaker for the Union* (Wilmington, DE: SR Books, 2001), 25.

<sup>48</sup> Matthew Mason, *Slavery and Politics in the Early American Republic* (Chapel Hill, The University of North Carolina Press, 2006), 38-41.

<sup>49</sup> JQA Diary 27, MHS, 3 July 1809.

strengthen trade between the two countries, but, after war broke out with Great Britain, President Madison called on Adams's experience as a seasoned diplomat to negotiate with the British. His involvement in securing a favorable peace treaty in Ghent, Belgium in 1815, secured his place in national politics as an American internationalist with extraordinary diplomatic skills.<sup>50</sup>

During these years abroad, Adams thought little of American slavery, as least insofar as evidenced by his diary entries. When he did mention slavery, he did so in language typical of his father's Revolutionary generation. Just as American patriots had conceived of themselves as "slaves" to Great Britain, Adams wrote of the British navy's practice of impressing American sailors in similar terms, deeming impressment as "unjust, as immoral, as base, as oppressive and tyrannical as the slave trade."<sup>51</sup> No definitive evidence exists to inform us of what Adams thought of Congress's prohibition of the international slave trade in 1808, but clearly, this passage suggests he must have approved, and his writings comparing impressment to the slave trade indicate traditional, white, elite conceptions of liberty. While American sailors were not "owned" by the British navy, in Adams's judgment they might as well have been, for being forcibly deprived of a natural right to liberty was akin to slavery. Still, not unlike many of his ostensibly antislavery political contemporaries—many of whom owned slaves—the property rights of white American citizens outweighed moral objections to slavery. While embroiled in negotiations to end the War of 1812, Adams pressed Great Britain to compensate American slaveowners for slaves seized by British troops. As Secretary of

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<sup>50</sup> James E. Lewis, Jr., *John Quincy Adams: Policymaker for the Union* (Wilmington, DE: SR Books, 2001), 28-39.

<sup>51</sup> JQA Diary 28, 5 August – 31 July, MHS, 10 November 1812.



State under President Monroe (1817-1825), Adams continued these claims, and as part of the many duties which fell upon him, he also worked with Canadian officials to return slaves who had escaped to that country during the late war.<sup>52</sup>

On his return to the United States in 1817, Adams again took up residence in Washington, D.C., where he lived almost exclusively until his death, first as Secretary of State (1817-1825), then President of the United States (1825-1829), and finally Congressman (1830-1848). The city had undergone significant changes during his eight years in Europe, and so had the lives of his extended family living in Washington.

Louisa's mother, Catherine, and her sister Anne (Walter Hellen's wife), both died in 1811. Widowed brother-in-law Walter Hellen had married Louisa's younger sister, Adelaide, in 1813. Hellen himself had died in 1815, leaving his estate to Adelaide and his three children from his first marriage. Meanwhile, Carolina Johnson Buchanan, like Adelaide a sister of Louisa's, had married Nathaniel Frye, a Washington slaveowner, in 1817.<sup>53</sup> Adams, then, reentered a world of slaveowners through family, social, and political connections.

He also returned to a significantly changed landscape in Washington, notably in its remarkable growth in buildings and population. The total population of the city of Washington had swollen to about 13,000 residents, up from 3,200 in 1800. Included in that number were some 9,300 whites, 1,800 free blacks, and 1,900 slaves.<sup>54</sup> Along with

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<sup>52</sup> Samuel Flagg Bemis, *John Quincy Adams and the Foundations of American Foreign Policy* (New York: Alfred A. Knopf, 1949), 416.

<sup>53</sup> Nagel, *The Adams Women*, 85, 193, 234. The U.S. Census of the District of Columbia shows Nathaniel Frye as the head of a large household in 1820, six whites, one free black female over the age of 45, and one male slave between the ages of 14 and 26. Most likely this slave belonged to the free black woman, and mother and son worked as domestic servants for the Fryes.

<sup>54</sup> "Demographics," Vertical File, Historical Society of Washington, Washington, D.C.

this increase in slaves, a burgeoning and lucrative slave trade had grown. Washington had become an epicenter for slave traders looking to supply southern demand, and slave markets and jails proliferated around prominent public buildings including the Executive Mansion (as the White House was then called) and Capitol. Built in 1801 and twice expanded before 1817, the Washington jail, located on G Street between 4<sup>th</sup> and 5<sup>th</sup> Streets NW, served double duty as a prison and a slave pen. Commenting on its destruction in 1896, when the building was torn down, the author of a contemporary newspaper article described how from the jail's inception, "slaves captured in their efforts to escape from their masters were placed there for safe-keeping until reclaimed, and those offered for sale were also incarcerated in the pen for a brief time necessary prior to the auction."<sup>55</sup>

Instead of boarding with relatives when he returned to reside in the District, Adams rented a home a mere block from the jail, at F and 4 ½ Streets.<sup>56</sup> Whether Adams knew that the jail was used by slave traders or as a "holding" for escaped slaves is unknown; he made no mention of it in his diary while he lived on 4 ½ Street. In any case, between Adams's social and political dealings with slaveowners, and the location of his home, he was, quite literally, smack in the middle of the day-to-day business of slavery in the District. Apparently, as long as he sensed nothing unlawful regarding the

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<sup>55</sup> "D.C. Jails," Vertical File, Martin Luther King Library, Washingtonia Division, Washington, D.C. The author of an 1893 District newspaper article (the name of newspaper is not visible on the file copy) noted wryly that the old jail building, once the scene of such suffering and misery for slaves, was now occupied by poverty stricken blacks. These people lived in a building falling down from decay, as "old Aunt Adeline, who occupie[d] one of the rooms," told a reporter, "De mortah done all swished out 'en de bricks an' de shingles blows off'n de roof aviy time de wind blow."

<sup>56</sup> "Prisons," Vertical File, HSW; "Adams Residency" file, MHS. The modern address of the F Street residence is 1335 F Street, NW, but the exterior bears no resemblance to what it looked like during Adams's years there.

institution, his antislavery stance remained passive. Runaway slaves were property that legally had to be returned to their owners. The laws of the District permitted the internal slave trade. Domestic slaves worked alongside free blacks in several households Adams frequented, and, in his mind, their status could have been blended together under the innocuous term of “servant.”

In 1820 Adams decided to purchase a home in the District, buying the residence previously occupied by James Monroe, 244 F Street NW, in between 13<sup>th</sup> and 14<sup>th</sup> Streets.<sup>57</sup> Conveniently located a few blocks from the White House and the State Department, the home stood directly in the middle of F Street and across from the Adamses’ slaveholding friends, Dr. and Mrs. William Thornton.<sup>58</sup> On the same side of Adams’s home, two taverns frequented by slave traders, Lafayette and Miller’s Tavern, flanked the F Street block.<sup>59</sup> From 1827-1836, Lafayette Tavern was the site in Washington “most frequented” by slave traders, who boarded there and advertised to buy and sell slaves.<sup>60</sup> Miller’s Tavern had been the site of a particularly shocking incident in December of 1815, when a distraught slave leaped from the third floor attic to the streets below to escape being sold south by District slave traders. She broke her back and arms in the fall. Jesse Torrey, a Philadelphia physician then living in Washington, learned of the tragedy and went to see the enslaved woman three weeks after her suicide attempt.

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<sup>57</sup> MHS “Adams Residency” file.

<sup>58</sup> Dr. Thornton died in 1828. His widow Anne, and her mother, continued to live at the residence with Anne’s five slaves. 1830 U.S. Census, District of Columbia. Thornton had owned four slaves in 1820—the time Adams moved into the F Street neighborhood. 1820 United States Census, District of Columbia.

<sup>59</sup> For a thorough listing and map showing various slave sale sites, see Tingba Apidta’s *The Hidden History of Washington, D.C.: A Guide for Black Folks*, (Boston: The Reclamation Project, 1996).

<sup>60</sup> Frederic Bancroft, *Slave-Trading in the Old South* (1931; Colombia, SC: University of South Carolina Press, 1996), 48.

He later published the account in his compelling antislavery pamphlet, *A Portraiture of Domestic Slavery* (1817). According to Torrey, the woman had been paralyzed in the fall, and was not expected to live. Now valueless, she had been abandoned by the traders, and the woman explained to Torrey, “I was so confus’d and ‘istracted, that I did’nt know hardly what I was about—but I did’nt want to go, and I jumped out of the window...they have carried my children off with ‘em to Carolina.” To provide readers with a visual context of the terror and sadness of her act, Torrey included a self-designed engraving, showing a young black woman clad in a white dress suspended three stories in mid-jump above the cobblestone street.<sup>61</sup> An early twentieth-century historian of Washington persuasively suggested that Virginia slaveholder John Randolph’s impassioned March 1, 1816 speech to the House of Representatives, condemning slave trafficking in the District, and the formulation of the American Colonization Society, had both come in response to the incident.<sup>62</sup>

This tragedy happened when Adams was in England negotiating the peace treaty, and there is no evidence that he knew about the incident when he bought the F Street home. The home’s location itself meant that he lived closely among slaves and their masters. Earlier historians and biographers of John Quincy Adams have either failed to mention, or dismissed as unimportant, this personal experience. Adams’s distaste of slavery is universally accepted among his biographers, but one small record suggests that

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<sup>61</sup> Jesse Torrey, *A Portraiture of Domestic Slavery, in the United States, with Reflection on the Practicability of Restoring the Moral Rights of the Slave, without Impairing the Legal Privileges of the Possessor* (Philadelphia: Published by the Author, 1817), 43, 46. Torrey was no abolitionist, and sought to persuade slaveowners to instruct, then, manumit their slaves.

<sup>62</sup> W.B. Bryan, “A Fire in an Old time F Street Tavern and What It Revealed,” *Records of the Columbia Historical Society of Washington, D.C.*, Vol. 9 (Washington, D.C.: Published by the Columbia Historical Society, 1906), 202-203.

he did not find it distasteful enough to keep it out of his own home. The U.S. Census of 1820 reported that, within the household of “John Q Adams” of Washington City in Ward Three (the house on 4 ½ Street), lived eleven persons: five white males between the ages of ten and forty-five, one white male over forty-five, four white women between the ages of ten and forty-five, one white woman over the age of forty-five and one female slave under the age of fourteen. Among the white residents were three foreigners, not naturalized, who were most likely the servants the Adamses brought back with them from Europe.<sup>63</sup> The ages and genders of the white residents match what we would expect for the household of John Quincy Adams. The ages of the younger white male residents coincide with Adams sons John and Charles Francis (George attended Harvard in 1820), and Adams’s nephews Thomas and Johnson Hellen—the orphaned children of Walter and Anne Hellen. Adams himself would have been the white male over the age of forty-five, and Louisa the white female in the same age category. The other white males and females were probably domestic servants. John and Louisa routinely entertained dozens in their home, and could not have successfully done so without them. Adams wrote, for example, “Every Tuesday evening Mrs. Adams has a tea party which varies in numbers from forty to one hundred persons, and once a fortnight we have a company of twenty men to dinner.” Such grand and frequent entertaining would have required more than a couple of servants to execute properly.<sup>64</sup>

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<sup>63</sup> 1820 United States Census, District of Columbia. The census was enumerated on August 7, 1820 while the Adamses resided in Ward Three of the District, their home on 4 ½ Street NW. They moved to the house on F Street, Ward One, in the fall of 1820. For the ward boundaries of the District, see W. Elliot, *Plan of the City of Washington: Seat of the Government of the United States*, Library of Congress Map Collection, Washington, D.C. [1835?]

<sup>64</sup> JQA Diary 31, 1 January 1819 – 20 March 1821, 10 November 1824 – 6 December 1824, MHS, 20 January 1820; “Adams Residency” file, MHS.

Walter and Anne Hellen's orphaned daughter, Mary Catherine, aged fourteen in 1820, was one of the white females under sixteen. Upon her return to Washington, Louisa Adams had taken charge of Walter and Anne's children, and they lived with the Adamses instead of their stepmother (and aunt), Adelaide Hellen.<sup>65</sup> The young female slave under the age of fourteen could have belonged to any one of the Hellen children, via their inheritance from their father. By all indications, then, from the census record of 1820, a slave who belonged to an underage niece or nephew lived in the home of Secretary of State John Quincy Adams.<sup>66</sup>

Ironically, while Adams had a slave under his roof in 1820, this year also marked the beginnings of Adams's occasional—but consistent—entries in his diary on his personal convictions regarding slavery. Such comments, often in bold language, were provoked by the question of the admission of Missouri as either a free or slave state, and the debates in Congress thundered for two years. As Secretary of State, Adams's duties in international affairs largely consumed his time, but on occasion he walked to the Capitol to listen to the arguments in the House and Senate. He noted that one northern antislavery senator, “Mr. King,” spoke for two hours in a “dignified, grave, [and] earnest manner” regarding “the natural liberty of man, and its incompatibility with slavery in any shape.” In response, the “great slaveholders in the house gnawed their lips, and clenched their fists as they heard him.”<sup>67</sup> The next evening Adams and Louisa attended a party

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<sup>65</sup> Nagel, *The Adams Women*, 235.

<sup>66</sup> Ages of the Hellen children in 1820: Johnson (20), Mary Catherine (14), Thomas (11). Adams genealogy, MHS.

<sup>67</sup> JQA Diary 31, MHS, 10-11 February 1820. This was New York Senator Rufus King (1755-1827). A staunch Federalist, King had lost the presidential election in 1816 to Republican James Monroe. Admired by John Quincy Adams, King was one of the first outspoken antislavery national politicians. See Mason, *Slavery and Politics*, 181, 182, 188, 196, 208.

hosted by Secretary of War John C. Calhoun, one of those “great slaveholders” who apparently tensed in anger while listening to Senator King. The ensemble talked of nothing except the Missouri question and the remarks made by King. Adams snidely wrote of the evening in his diary that “the slaveholders cannot hear of them [King’s remarks] without being seized by cramps.” According to Adams, these slaveowners called King’s words “seditious and inflammatory,” but Adams himself found too much “timidity” in King’s language, and he hoped “the free side of this question now before the Congress” could find a more persuasive speaker. The “slavish side,” he lamented, possessed “the most eloquent orators,” only because the “spirit and passion [fell] on the side of oppression.” An antislavery orator capable of conveying the “eternal truths” that slavery was an “outrage upon the goodness of God... would perform the duties of an angel upon earth.” These were private comments; a national politician who worked in the presidential administration of a slaveholder, Adams did not share his internal “passions” with the rest of the group.<sup>68</sup>

A short time after the gathering at Calhoun’s, two New Hampshire representatives, Arthur Livermore of Portsmouth and William Plumer, Jr. of Epping, called on Adams and asked his opinion of the Missouri question.<sup>69</sup> He gave them a careful response, one devoid of the sharp language he used in his diary to describe the southern attendees at Calhoun’s fete. This reply is perhaps the first public expression of Adams’s stance on slavery. His argument was premised on his firm belief in the Union and a literal interpretation of the Constitution—one that had shielded him for many years

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<sup>68</sup> JQA Diary 31, MHS, 10-11 February 1820.

<sup>69</sup> Ibid, 23 February 1820. Adams did not provide the full names of the Representatives or their home towns. [http://clerk.house.gov/art\\_history/house\\_history/bioguide-front/16.pdf](http://clerk.house.gov/art_history/house_history/bioguide-front/16.pdf)

from the wrath of slaveholding politicians. It was an abstract perspective on the subject, far removed from any thoughts or feelings about the slaves he came in contact with on a daily basis. He told the New Hampshire representatives that “the question” could only be settled by a congressional compromise, and that the “abolition of slavery in the system of our union, is amongst the powers referred to the people of the several states by their separate governments.” He “had no doubt,” he continued, “that Congress [had the] Constitutional powers to prohibit any internal traffic in slaves between” states, but neither their power, “nor the state legislature nor the people have any rightful power to establish” slavery where it had not previously existed. Congress could, as a “condition” to statehood, mandate “slavery shall never be established” there, as it had done in the cases of the states carved from the northwest territories: Ohio (1803), Indiana (1816), and Illinois (1818). But in the cases of territories where great numbers of slaves existed prior to application of statehood, such as Mississippi in 1817 and Alabama in 1819, slavery would have to be considered as *de facto* by Congress, for “the power of extirpating it is not given to Congress by the Constitution.” Any such prohibition would not only be unconstitutional, he further argued, but also highly “impracticable.” In the future, he concluded, “if a provision can be obtained excluding the introduction of slaves into future territories, it will be a great and important point secured.” Perhaps disappointed that Adams did not take a stronger antislavery stance, the representatives from New Hampshire “did not concur with [him] in opinion.”<sup>70</sup>

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<sup>70</sup> Ibid, 23 February 1820. When the final vote came on the Missouri question before the House of Representatives in March, 1820, members voted on two items of the statehood bill: if slavery should be permitted in Missouri and if it should be prohibited north of the “thirty six degrees thirty minutes north latitude.” Arthur Livermore and William Plumer Jr. voted no for the first provision, as did all six Congressmen from New Hampshire: Joseph Buffum Jr., Josiah Butler, Clifton Clagett, and Nathaniel Upham. On the second question to prohibit slavery, all but Buffum voted yea. *Annals of Congress*,



A day later, Adams spoke with John C. Calhoun about the problems posed by the possibility of admitting Missouri as a slaveholding state. Calhoun speculated that no disunion would occur, but, if it did, the southern states would form a defensive alliance with Great Britain. As Adams had worked so assiduously to forge a favorable peace with Great Britain after the late war, this comment no doubt irritated him, but he did not go on the offensive with Calhoun, merely stating that to do so “would be returning to the colonial state.” Calhoun said “yes, pretty much; but it would be forced upon” the southern states, further warning that the southern states might, in forging this alliance, “find it necessary to make their communities all military.” In hearing from one of the most prominent southern politicians that the southern states might well resort to violence to protect slavery, Adams “pressed the conversation no further,” but Calhoun’s words had rattled him. As usual, he confided his antislavery thoughts to his diary. He had not taken an aggressive tone with Calhoun, but he unleashed his contempt and scorn in private. “If the dissolution of the Union should result from the slave question,” he wrote, “universal emancipation” would eventually follow. “Slavery,” he continued, “is the great and foul stain upon the North American Union, and it is a contemplation worthy of the most exalted soul whether its total abolition is or is not practicable.” What he and Calhoun had discussed “led [him] into a momentous train of reflection.” Clearly Adams the internationalist did not consider himself to be the “exalted soul” ingenious enough to devise a peaceful and Constitutional means of achieving universal abolition. In any case, a much less theoretical and prophetic Adams attended a ball with Louisa that same evening, hosted by the wealthiest slaveholder in Washington, Colonel John Tayloe. No

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House of Representatives, 16<sup>th</sup> Congress, 1<sup>st</sup> Session, *Congressional Globe* (Washington: Gales and Seaton, 1855), 1586-1587.

doubt Tayloe's domestic slaves served the white guests without making any distinction between slaveowners and nonslaveowners, for what difference would that have made to them? In this social intercourse with slaveowners, repeated dozens if not hundreds of times throughout Adams's tenure as Secretary of State, presidency, and congressional terms, Adams appeared not to have made a distinction towards them either, as slaves or servants.<sup>71</sup>

Adams lived in a racially heterogeneous city that was not demarcated geographically by racial boundaries. Even though by 1825 Adams had taken up residency in the Executive Mansion, his F Street neighborhood remained the fashionable address for many statesmen, and demographic records from the 1820s reveal black homeownership on E and G Street NW in all blocks from 14<sup>th</sup> to 11<sup>th</sup> Streets. These residences and businesses marked the most visible presence of free African Americans in the entire northwest area of the city.<sup>72</sup> Adams rented out the F Street house when he became president, and presumably he moved his domestic servants into the Executive Mansion when he took occupancy in March of 1825. No evidence exists to show one way or the other if Adams employed only whites, free blacks, or hired slaves as domestics in the mansion. The 1834 Washington City directory lists the occupations of the free blacks who owned homes around Adams's block, and the overwhelming majority worked as domestics: women primarily as laundresses, men as valets or carriage drivers.<sup>73</sup> According to 1820 census listing of "John Q Adams," no free blacks resided in

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<sup>71</sup> Ibid, 24 February 1820.

<sup>72</sup> Brown, "Residence Patterns," 69.

<sup>73</sup> 1834 City Directory of Washington.

Adams's domicile, but whether he and Louisa used slaves belonging to family members to serve for their weekly parties can only be speculated upon.

They did, however, use black servants—either free or enslaved—at some point during their residency in Washington. An undated surviving description of household duties, written by Louisa, evidences this, and provides a glimpse into Louisa's (and probably Adams's) attitudes on race and servitude. Based upon the description of duties and the number of positions Louisa listed, this may have been her instructions for servants to manage the Executive Mansion. Neither may have made an overt mental distinction between slaves and servants, but their white servants enjoyed freedom of movement the black servants did not. Certainly, this home would have been large, as Louisa detailed daily tasks for a steward, butler, porter, housekeeper, house maids, laundry maid, cook, scullion, and coachman, and wrote of multiple rooms and floors. The steward had “charge of all the expenses of the family,” and “superintend[ed] the wines at table.” He announced visitors and ensured that when company visited, “everything [was] properly conducted,” reporting directly to “Mrs. Adams.” The butler had “the general charge of the pantry,” stood in attendance “at table to see to all refreshments being properly presented,” and kept “Mr. Adams cloths [sic] in order.” “Two boys” took direction from the steward and butler; their chief responsibilities were to “cary [sic] wood and coal make fires go out with the Carriage and wait at table.” The porter's job consisted of answering the door and lighting fires in the hall and downstairs rooms. The housekeeper managed the housemaids and cook, had “charge of all the linen...and superintend[ed] generally all the female part of the household.” The servant hierarchy continued as Louisa described the duties of “house maids” who were to “keep

all the Chambers clean on the upper floor,” and “the lower housemaid to wait upon the housekeeper to attend the servants [sic] hall to clean the chambers and to milk the cows and to scour the entire staircase leading to the garret with any other service that may be required.” Louisa did not denote the servants’ race, but evidently the black servants (possibly slaves) were made to follow rules the white servants were not. Louisa warned “if any person behaves improperly complaint to be made to Mr. Adams and dismissal ensue”; she also forbade “quarilling [sic]...and if this rule is broken” the servant would be dismissed “without further inquiry.” However, the black servants had an additional rule. “The coloured females to apply to Housekeeper for permission to go out and to be sent away if they are not at home at ten o’clock at night or for imprudence or disrespect to any of the White people in the family.”<sup>74</sup> To be sure, Louisa may not have had a choice in dictating this curfew to the black servants. An 1827 proclamation by the mayor of Washington, Joseph Gales (one of the editors of the *Intelligencer*), declared it illegal for any “free black or mulatto person” to go “at large, through the city of Washington, at a later hour than ten o’clock at night, excepting such free black or mulatto person” holding “a pass from some justice of the peace, or respectable citizen, or be engaged in driving a cart, wagon, or other carriage.” The penalty for people of color who disobeyed the law was imprisonment for the evening and a fine “not exceeding ten dollars.” Those “on an errand by [their] owner or employer” were exempt from the curfew.<sup>75</sup>

Certainly John Quincy Adams and Louisa, as the first non-slaveholders in the Executive Mansion since 1801, were the first presidential couple who had to hire

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<sup>74</sup> Louisa Catherine Adams Papers, MHS.

<sup>75</sup> \_\_\_\_\_ . *A Proclamation Concerning Free Negroes, Mulattoes, and Slaves*, Public Broadside, Washington, D.C., 1827, HSW.

domestic servants and laborers since his father's last months as president; but, unlike the first Adamses they may also have relied on the labor of slaves of the Hellen children. When John and Abigail Adams moved to the presidential residence after the relocation of the federal government from Philadelphia to Washington in 1801, the home remained unfinished. As a lame duck president with only two months left to serve, John Adams had little incentive to spend his own funds to furnish the expansive home or hire domestics. The federal government did not then, as it did not during John Quincy's presidency, provide an allowance for servants, and presidents were expected to use a portion of their \$25,000 salary to pay for servants and entertainment costs. Abigail Adams estimated a house that size needed no less than thirty servants, but she could only afford four. Knowing her stay in the house would be brief, she brought her white servants from Quincy, intending they would all return when the Adamses vacated the home for Thomas Jefferson.<sup>76</sup> Contemporary White House records of employees or slaves working there do not extend back to the first six presidents, but it is known that Jefferson, Madison, and Monroe plucked slaves from their Virginia plantations to use as domestics. The only out-of-pocket expense for wage earning servants for the three presidents who preceded Adams would have been for the chief steward; Jefferson, Madison, and Monroe employed Frenchmen for this important position.<sup>77</sup> Adams continued this European tradition by installing his long-time Belgian valet, Antoine Michel Guista, as steward. Guista married Louisa Adams's German-born maid in 1815,

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<sup>76</sup> William Seale, *The President's House: A History* (Washington, D.C.: White House Historical Association, 1986), 82-83.

<sup>77</sup> *Ibid.*, 98-159.

and together the couple had been in charge of running the Adamses' household since their return to the states in 1817.<sup>78</sup>

The racial composition, or even numbers, of the Adams Executive Mansion servants is not known, even though Louisa's undated description of household duties is highly suggestive. Adams did not discuss daily domestic operations in his diary, and he would have left this task to Louisa. In Louisa's letters to her sister, she worried that sixteen maids and "other" servants could not possibly be enough to maintain the home and adequately serve the dozens of daily guests. One biographer of Louisa reveals she was so desperate for house servants that she "recruited" more servants during an 1825 visit from the Marquis de Lafayette—presumably more Europeans. British-born Louisa had spent nearly half her marriage to John Quincy Adams abroad in Europe, using European-born servants, and this style of living must have been a familiar comfort to her.<sup>79</sup> In this, her domestic life differed sharply from those of her sisters who had lived in Washington since 1797 and married local slaveowners: Anne and Adelaide (Hellen), and Carolina (Frye). It is through the Hellen children—who also had been reared among slaves—that we can establish a direct connection between John Quincy, Louisa, and slaves during his presidency.

Johnson Hellen, Walter and Anne's twenty-eight year old son, resided with the Adamses until 1828, living with them nearly to the end of John Quincy's tenure as president.<sup>80</sup> To the family's horror, he married a servant of Louisa's, Jane Winnull, a

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<sup>78</sup> Ibid, 166.

<sup>79</sup> Nagel, *The Adams Women*, 216.

<sup>80</sup> Jack Shepherd, *Cannibals of the Heart: a Personal Biography of Louisa Catherine and John Quincy Adams* (New York: McGraw Hill, 1980), 218.

month after the Adamses left the Executive Mansion in March of 1829.<sup>81</sup> He is listed in the 1830 census as the head of his own household, with his wife and infant. Also living in Johnson Hellen's household in 1830 were two slaves and one free black female—all between the ages of ten and twenty-four.<sup>82</sup> It is not known if these slaves were inherited from his father Walter, or were slave children born to adult female slaves Walter had owned. When Walter Hellen died in 1815, the slaves born from his female slaves would have transferred, as property, to his three children (aside from the slaves willed to his wife Adelaide), which helps to explain the young ages of Johnson's slaves. Like his aunts on his mother's side, Johnson appeared to be heading in the direction common to many other Washington slaveowners of mixing slaves with free blacks as domestic servants. Johnson was the same age as the Adamses' eldest son George, and the couple had taken Johnson and his siblings into their home from 1817 onward. Presumably, any slaves owned by Johnson, Thomas, or Mary Catherine could have been present as well.<sup>83</sup>

On February 23, 1828, just two days before his niece (and Johnson sister), Mary Catherine, was to marry his second son, John Adams II, John Quincy made another mention of Johnson Hellen that commands attention. At the end of his usual recording of the day's events, Adams wrote with sadness, "Holzey, the black boy belonging to Johnson Hellen and who has been several years with us, died about five o'clock this

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<sup>81</sup> Ibid, 314.

<sup>82</sup> 1830 United States Census, District of Columbia.

<sup>83</sup> Despite marrying below his social status, Johnson Hellen appears to have done well for himself. He had graduated from Princeton and became a lawyer, beginning his own practice around the time of his marriage. On the other hand, his brother, Thomas, caused John Quincy and Louisa a good deal of consternation. Thomas had a rebellious streak, and was dismissed from Harvard in 1827 for bad behavior. Mary Catherine caused, perhaps, the greatest uproar in the household, as the Adams sons were all smitten with their cousin at one time or another. Mary Catherine chose John, the Adamses' second son, and they married in 1828. Shepherd, *Cannibals of the Heart*, 218-219.

afternoon. He has been sinking several months in a consumption.” Those two short sentences are laden with implications. Holzey’s age is unknown, and the fact that Adams wrote of him as a “boy” could place him at any age, as whites often used the term ubiquitously for black men of all ages. Clearly Holzey was Johnson Hellen’s slave, as he “belonged” to Johnson, but Adams omitted the distasteful word “slave,” substituting the more passive “belonging to.” Holzey may have “belonged” to Johnson, but he had been “several years with us” – the “us” meaning Holzey was in some sense under that peculiar, paternalist, familial—but not quite family—umbrella along with others in the household. The second sentence suggests a sincere affection for Holzey. As Holzey had been “sinking several months in a consumption,” either he died slowly under Adams’s roof, watch, and care, or he was important enough to the family for his condition to be known between them for months.<sup>84</sup> The diary entry of the following day is even more revealing. The 1874 published portions of Adams’s diary selected by his youngest son, Charles Francis, omitted Holzey’s death, and Charles manipulated the February 24 entry so as to avoid naming names when it came to his family and slavery. Charles substituted “my nephew” for Johnson Hellen, changing the sentence to read, “My nephew’s black boy was buried.”<sup>85</sup> Adams’s unpublished diary entry actually reads, “Johnson Hellen’s black boy was buried.” In the post-emancipation era, did Charles try to whitewash the legacy of slavery from the Hellen name? Certainly he made no attempt to hide his father’s familial connection to Holzey and faithfully transcribed the aphoristic Latin verse John

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<sup>84</sup> JQA Diary 37, 11 November 1825 – 24 June 1828, MHS, 23 February 1828. The spelling of the slave’s name is difficult to read. Sara Sikes, Assistant Editor of The Adams Papers at the Massachusetts Historical Society interpreted the name as “Holzey” or “Hobzey.”

<sup>85</sup> Adams, (ed.), *Memoirs*, Vol. VII, 448.



Quincy penned in memory of Holzey. The lines come from the Roman poet Horace, each phrase representing Adams's conflicted feelings about Holzey's slave status juxtaposed with the family. Translated, it reads: "Pale death knocks at the doors of all alike, be it the pauper's garret or the king's tower; life's brief span forbids the beginning of hopes that reach beyond us..."<sup>86</sup> Holzey had lived and died a slave, but in these verses Adams wanted to express a sense of commonality among all humans regardless of their social condition. To Adams, death reconciled the inequalities of life.

The day after Holzey's burial, Adams's niece, Mary Catherine Hellen, married John Adams II in the first-ever wedding ceremony to take place in the Executive Mansion. Barely twenty-one, Mary Catherine had received her portion of her father's estate, and the young couple used that money to build a home on I Street NW a block north of the genteel neighborhood of Lafayette Square. They remained in residence at the Executive Mansion until the completion of their home, which coincided approximately with the time John and Louisa vacated the residence in 1829. On the day of the marriage, in his diary Adams asked that "the blessing of God Almighty [would] rest upon the Union." He listed the names of those present at the ceremony, mentioning that "the servants of the family were likewise all present."<sup>87</sup> After Adams's brief description of Holzey and his connection to the family, these "servants" could have been any number of the white or black domestics, or slaves owned by extended family members. What Adams may have not known, or knew and did not care to record, was that on the same day of her marriage, Mary Catherine filed manumission papers "in

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<sup>86</sup> JQA Diary 37, MHS, 24 February 1828.

<sup>87</sup> *Ibid.*, 25 February 1829.

consideration of one dollar” for “her Negro woman, Rachel Clark.”<sup>88</sup> Rachel, it is safe to assume, was related to Jane Clark, the slave later manumitted by Adelaide Hellen in 1834. This shared surname between slaves of Adelaide and her stepdaughter Mary Catherine is yet another indicator that these women inherited slaves from Walter Hellen. It is tempting to think that John Adams II had made the manumission of Rachel a prerequisite to the marriage, for why else would Mary Catherine take the time on her wedding day to file those papers? And did she inherit other slaves besides Rachel that she brought to the marriage—and possibly brought into the White House during her residence there with John? There is evidence she might have, for in 1830 John and Mary Catherine lived in their I Street home with their two daughters, Mary Louisa (b. 1828) and Georgiana (b. 1830), and a female slave between the ages of ten and twenty-four. Within the household also resided three free males and one free female: a child under ten, a teenager, a man between the ages of twenty-four and thirty-six, and a woman between ten and twenty-four.<sup>89</sup> The slave may have been the child of the free woman, and perhaps Rachel Clark had remained with Mary Catherine to work as a domestic after her manumission. Unless Walter Hellen had specifically attached a stipulation to his will that his daughter’s inheritance of his property would remain her personal property, separate from a future husband, these records reveal that John Adams, son of John Quincy and Louisa Adams, was, by virtue of his wife, a slaveowner.<sup>90</sup> And when John Quincy Adams came back to Washington in late 1830 to begin his political career as a

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<sup>88</sup> Provine, *Free Negro Registers*, Vol. II, 92.

<sup>89</sup> 1830 U. S. Census, District of Columbia. There are three John Adamses listed in the census, but due to the ages of the white residents, it is unclear which listing is John Adams II.

<sup>90</sup> Carole Shammas, Marylynn Salmon, and Michel Dahlin, *Inheritance in America: From Colonial Times to the Present* (New Brunswick: Rutgers University Press, 1987), 75-79.

Massachusetts congressman, he and Louisa chose to reside with John and Mary Catherine instead of reoccupying the F Street residence. For Adams, his political status may have changed dramatically from president to congressman, but his intimate domestic life had changed little. He moved into a home with family members and servants. The legal status of the servants and his family's connection to them may not have meant anything more significant to him than the "servants" on whom he had depended on in Walter Hellen's Georgetown home in 1803. His entry into Edward Dyer's auction house in 1837, though, would forever change that detached perspective regarding domestic slaves.

Until John Quincy Adams crossed the threshold of Edward Dyer's auction house in 1837, he managed to stay aloof from the ugliness of slavery. His quick resolve to pledge \$50 to aid Dorcas Allen, however, shows an evolution of conscience—and one that was beginning to manifest itself in the consciousness of antislavery white Americans through print culture and the antislavery petitions Adams had been receiving and presenting. He held antislavery convictions, but as a practical matter these had always been understood within an international diplomatic context, or later on, related to domestic national politics. Adams lived closely among slaves, yet there is no evidence he actively sought to persuade close family members and friends to manumit their slaves. His arguments against slavery on the national scale were abstract and laden with a consciousness of legalities. This intense concern with legality helps to explain his reaction to Dorcas Allen's slave auction. Adams had been told (by Key or Dyer) that Rezin Orme may not have had the legal right to sell Dorcas to the slave trader, but Adams had promised money to help her husband buy her from the slave trader. Given the odd

language that Birch had included in the advertisement, it was not clear to whom this money would go, or if, even, it would go to the legal owner of Dorcas. All of the slave transactions within his own family had been accomplished, as far as he knew, legally and without grievous emotional harm to the slaves. He had become accustomed to living and socializing in households that frequently mixed slaves and free blacks as servants. The Dorcas Allen auction stripped away the paternalistic mask and for the first time put Adams face to face with the utter desolation and misery slavery caused human beings. Stepping into the auction house, Adams found himself in a painful new world altogether and with a changed perspective, where slavery was not a question merely of philosophy or law, but of moral horror.

## CHAPTER IV

### **A DEATHBED PROMISE**

Nathan Allen, the husband of the woman and father of the children sold last week, came this evening with the subscription paper to pay Birch for them. They are now in jail, waiting for this money to be raised to have them delivered over to the husband and father. I subscribed fifty dollars, to be paid if the sum be made up to complete the purchase...<sup>1</sup>

October 29 was the day after John Quincy Adams called on Dorcas Allen's auction. Consciously or not, Adams had just passed one of those turning points around which human life is structured. Nevertheless, he resumed his normal Sunday routine, attending service at St. John's Episcopal Church at 15<sup>th</sup> and H Streets NW, across from Lafayette Square, Washington. Adams made note in his diary of the minister's chosen sermon, and gave his own interpretation of the scripture. The sermon proved apt, given Adams's fight against the Gag Rule in the House and his day-old venture into the seedier side of slave trading in the District. The minister chose a verse from I Kings 18:21 that Adams recorded verbatim: "And Elijah came unto all the people and said—How long halt ye between two opinions, if the Lord be God, follow him; but if Baal then follow him. And the people answered him not a word." According to scripture, the prophet Elijah had been commanded by God to enter Israel in order to confront the King and his

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<sup>1</sup> JQA Diary 33, 1 December 1821 – 31 December 1838 (with gaps), [electronic edition], MHS, 1 November 1837, *The Diaries of John Quincy Adams: A Digital Collection*, (Boston: Massachusetts Historical Society, 2004). <http://www.masshist.org/jqadiaries>.

prophets for forcing the people to worship to a false God, called Ba'al, and to reject the true God, Jehovah. Elijah commanded the people to choose between the false God and the true God, but the people remained undecided. Elijah then challenged the 450 priests of Ba'al to a duel of miracles to prove to the people that Baal was a false god. The Ba'al priests readily assented, mocking Elijah's calm confidence. Adams deemed this passage "a wonderful story," as Elijah called upon God to consume the Ba'al altar through a miraculous fire. The people recognized their error, falling on their faces and crying out their faith in the Lord. Elijah then singlehandedly annihilated the 450 priests of Ba'al to show that God would no longer tolerate those who stood "between two opinions."<sup>2</sup>

In this diary entry, Adams commented wryly that "at present day no Christian minister would dare to propose as the test of the truth of his religion, the performance of a miracle," even if such a contest were agreed to by a clergyman of another religion. "It must be admitted," he continued, "that when it was the miracles were never followed by any permanent effect upon the belief or practice of the people." He summed up the sermon, concurring with its metaphoric moral, and finding the minister's "discourse...a powerful argument against the folly and wickedness of halting between two opinions against weakness in morals and politics as it is a sin in religion."<sup>3</sup>

On that October Sunday, Adams, like ancient Israelites, stood between two opinions, only in this case, it was the subject of American slavery. Even though he vigorously fought the Gag Rule and continued to present antislavery petitions to Congress, he shied away from a radical stance in favor of immediate, uncompensated emancipation taken by the more vociferous abolitionists. Despite having witnessed the

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<sup>2</sup> Ibid, 29 October 1837.

<sup>3</sup> Ibid.

anguish of Dorcas Allen and her children the day before—the “truth” of slavery—Adams’s promise to help purchase them from a slave trader to obtain their freedom affirmed that he held fast to the letter of the law, despite his antislavery convictions. He was soon, however, forced to confront the difficulty of holding up the law as “truth” against the insurmountable, immoral, and unchristian face of slavery—the false Ba’al of the laws of the United States. And unless Nathan Allen could procure the funds to pay the slave trader James Birch, his wife and children would need a miracle to save them from being sold away from the District forever.

Adams did not forget the promise he made on Saturday, October 28, to contribute \$50 towards the purchase of Dorcas Allen and her surviving children, but he did not intend to pay these funds until he could satisfy himself of the authenticity of the pending transaction. That is, Adams sought to confirm that the present chain of ownership—Rezin Orme’s sale to James Birch, Birch’s auction and unconventional “arrangement” with Nathan Allen—was in accordance with the District’s laws regarding slavery and the slave trade.<sup>4</sup> As hastily as his pledge to aid the Allens had been, Adams was first and foremost an attorney, and he wanted to be certain his benevolent actions or intentions would not violate the law. On the afternoon of Monday, October 30, Adams called at Edward Dyer’s action house again to ascertain the whereabouts of Dorcas and her children and the state of the financial agreement between Dorcas’s husband, Nathan Allen, and the slave trader, Birch. Dyer himself was not in, but “a man in his place” informed Adams that District Attorney Francis Scott Key had negotiated an arrangement

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<sup>4</sup> This concern is evidenced by Adams’s conversation with Judge Cranch after he attended Dorcas Allen’s auction, October 28, regarding her trial and present wretched condition. As discussed in Chapter Three, Cranch gave Adams his copy of a 1829 congressional report on slavery and the slave trade in the District for him to review.

between the parties. Dorcas “had been taken” by her husband, but Birch had taken the most valuable commodities at stake—the two daughters.<sup>5</sup> Key’s “arrangement” favored Birch, with either a real or pretended act of kindness towards Nathan Allen in providing him temporary custody of one family member, for whom he had not yet paid. As happened often, the selling of people for financial profit trumped Christian principles of charity and kindness. A seasoned trader in the District, Birch undoubtedly knew that Dorcas Allen’s act of murder (and verdict of not guilty by reason of insanity) rendered her worth as a slave negligible.<sup>6</sup> Unless Birch could locate Rezin Orme, the man who sold Dorcas and the four children to him, and reclaim the full \$700 that he paid Orme, Birch stood little chance of recouping that amount from the sale of two girls under the age of fourteen.<sup>7</sup> Based upon the heart-wrenching scene Adams had witnessed at the auction house, the separation of the family must have led to similar displays of terror

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<sup>5</sup> JQA Diary 33, MHS, 30 October 1837.

<sup>6</sup> James T. Birch had been advertising for the procurement of slaves to trade in the *National Intelligencer* since 1832. His history of employment before that is unknown.

<sup>7</sup> The exact ages of the surviving Allen children are unclear. After his 28 October visit to Dyer’s auction house, Adams listed the girls’ ages as nine and seven. JQA Diary 33, MHS, 28 October 1837. Four days later, Nathan Allen informed Adams of the children’s ages: twelve and nine. JQA Diary 33, MHS, 1 November 1837. At age twelve, the oldest Allen child would have fetched a higher price than her sibling, as she could have performed more complicated household tasks, such as sewing or laundry—or—if sold to a plantation, she would have been old enough to work in the fields. The younger child would have been capable of more simple household tasks, such as light housecleaning or minding children. If sold to a plantation, most likely she would have had similar household duties, and/or tended small livestock and chickens. Furthermore, Birch could not have sold the seven year old in the New Orleans market, as traders could not sell children under ten in that state without their mothers under a 1829 Louisiana statute. Regardless, the Allen children were still young enough to be susceptible to childhood diseases, and that further lowered their market value. T. Stephen Whitman estimated the average 1830 Baltimore sale price of female slaves between the ages of ten and fourteen at \$165, and females between twenty and thirty at \$220. Male slave children under the age of four averaged at \$61, and female slaves of the same age slightly less at \$40. In Birch’s deal, Dorcas posed the greatest financial loss. T. Stephen Whitman, *The Price of Freedom: Slavery and Manumission in Baltimore and Early National Maryland* (Lexington: The University Press of Kentucky, 1997), 177. See also Marie Jenkins Schwartz, *Born in Bondage: Growing up Enslaved in the Antebellum South* (Cambridge, MA and London: Harvard University Press, 2000), 89, 106, 108, 161. According to a study done by Richard Steckel, the mortality rates of enslaved African Americans dropped significantly after age fourteen in the antebellum era. Richard H. Steckel, “A Peculiar Population: The Nutrition, Health, and Mortality of American Slaves from Childhood to Maturity,” *The Journal of Economic History*, Vol. 46, no. 3 (Sept., 1986): 733.



from the children and grief from their parents. A trader who had no doubt divided slave families before and witnessed similar distress, Birch presumably calculated that his possession of the children would motivate Allen quickly to procure the agreed-upon sum of \$475. If so, that assumption proved correct.

If Adams thought about how this “agreement” affected the Allens emotionally, he made no comment in his diary that evening, nor did the news lead him to pursue the matter further that day with anyone else, such as District Attorney Key, who would have been the logical point of contact for clarification of the laws of slavery and slave ownership. Instead, he went directly to the office of the *National Intelligencer* and spoke with one of the editors, William Seaton. Adams had addressed the Birch advertisement with Seaton’s partner, Joseph Gales, on October 23, and it may be presumed that Seaton was acquainted with the affair as well, but Adams made no mention to him of the events of that past Saturday.<sup>8</sup> Instead, Adams was concerned with another matter—the possible annexation of the Republic of Texas to the Union. After Anglo Texans had declared independence from Mexico and created the Lone Star Republic in 1836, Adams received dozens of antislavery petitions to Congress opposing the annexation of Texas.<sup>9</sup> The economic and social ramifications of slavery were already important in Texas, and as the state lies below the 36° 30° created by the Missouri Compromise (the boundary between slave and free states) abolitionists and antislavery proponents concluded that Texas would, if annexed, enter the United States as a slave state. Antislavery in principle but bound to Constitutional law, Adams agreed this would be inevitable. He thus opposed

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<sup>8</sup> This is impossible to gauge with absolute certainty, but usually JQA described his conversations and activities in great detail.

<sup>9</sup> William Lee Miller, *Arguing About Slavery: The Great Battle in the United States Congress* (New York: Alfred A. Knopf, 1996), 283-98.

the annexation, fearing the admission of Texas would augment an increasingly powerful proslavery lobby in Congress and encourage the spread of slavery in the American southwest.<sup>10</sup>

Adams revealed to Seaton another, more personal, concern with Texas. Noting his receipt of letters written to him from Richard Pollard, the Charge d'Affairs of the United States to Chile, "complaining of the murder of his son, in Texas," Adams asked Seaton if the federal government meant to pursue an inquiry. Seaton doubted it. He pointed out that a letter from Pollard to Samuel Houston, the President of the Texas Republic, begging Houston to investigate, had been published by Gales's and Seaton's other District newspaper, *The Globe*, the previous April. According to Seaton, "the young man appeared to have died in consequence of a duel." Seaton refused to publish anything further on the matter, as young Pollard's death had only served as "one of daily hundreds of proofs that the Texians were no better than a lawless banditti," and further attention would "involve the paper in a very unprofitable and useless controversy." In calling Texians "lawless banditti," Adams may have concurred with Seaton's assessment of the Texans as barbarous ruffians unworthy of American citizenship. He certainly loathed the idea of adding more slaveholders to the existing Union. Of a pro-annexation report submitted by the Senate of South Carolina to Congress in December 1836, Adams noted the report "represents the Texans as a people struggling for their liberty, and therefore entitled to our sympathy. The fact is directly the reverse—they are fighting for the establishment and perpetuation of slavery, and that is the cause of the South Carolinian sympathy with them." Leaving the office of the *Intelligencer*, Adams had a

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<sup>10</sup> Adams (and others) referred to the proslavery factions in the federal government as the "slaveocracy." See Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000), 154.

brief conversation with Washington mayor Peter Force, regarding the American Historical Society's annual meeting, and retired home. He spent the evening attempting to "arrange [his] books" and read Congressional documents he "ought yet more closely to study."<sup>11</sup>

The common thread in these two encounters, the first with Dyer's employee and the second with William Seaton of the *Intelligencer*, was slavery, a topic never far from thoughtful minds in the capital during the 1830s. Discussing the possibility of Texas annexation with one of the men responsible for printing news of Congress's debates kept Adams on familiar antislavery ideological grounds. Pledging funds to help save Dorcas Allen, by contrast, was the most personal antislavery statement that Adams had ever made. Here was no abstract question of national polity, but a young mother and her family whose lives were unraveling because of slavery's inhumanity.

Adams frequented the office of the *Intelligencer* and spoke regularly with the editors, William Seaton and Joseph Gales, whenever they were present. As newspapers around the United States copied and printed *Intelligencer* reports, Adams was doubtless concerned with the veracity of their articles and commentary. When Adams sought additional information regarding Dorcas Allen's auction from Gales on October 28, the day of the auction, he had hoped to glean insight in the affair from the editors. But his visit early in the day of October 30 to the auction house, to inquire about Allen's situation now put him on a path on which he was entirely unaccustomed—one simultaneously personal, intimate, confusing, disturbing, and ominous. Now among the cast of players involved in deciding Dorcas's fate, Adams did not comprehend the complexity of entering into moral and fiduciary transactions with slavery and slaveholders. An

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<sup>11</sup> JQA Diary 41, 5 December 1836 – 4 January 1837, 29 July 1840, MHS, 24 December 1836.

unexpected visitor to his home two days after his October 30 inquiry, bridged the gap between his lofty Capitol Hill conceptual antislavery sensibilities and the base realities of slavery.

Adams did not sleep well the night of October 30 due to the cold and rose from his bed the next day weary, feeling like the biblical King David “in his old age.” A good deal of his time that day was spent discussing slavery with the secretary of the American Colonization Society, the Reverend R. R. Gurley. Gurley called on Adams to ask his advice regarding future Society publications. The Colonization Society had been formed to help facilitate voluntary manumissions with the promise ex-slaves would be resettled in Africa, and the Reverend asked whether Adams thought a “periodical journal” published by the Society, “partly religious and partly political,” would be a success. Gurley insisted that the publication would inform the public about the Society’s “objects and virtues,” but clearly Gurley anticipated that infusing religion and politics into the Society’s rhetoric would help to advance its objective and counterbalance the radical critiques of colonization by abolitionists. Gurley flattered Adams with an “unqualified approval” of his “course in Congress upon the subject of Texas and of the right of petition,” which Adams—ever mindful of his real or presumed public enemies—gratefully acknowledged. As the conversation continued, Adams revealed his reservations about African Americans, telling the clergyman that “with regard to the abolition of slavery throughout the United States,” his opinions “concurred more with those which I understood to be avowed by the leading members of the Colonization Society than with those of the abolition and antislavery societies in general.”<sup>12</sup>

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<sup>12</sup> JQA Diary 33, MHS, 31 October 1837.

Adams thought he “understood” the principles of the Colonization Society, and if he had read Gurley’s writings, he would have known that the clergyman had little faith that freed African Americans could ever assimilate into a hegemonic white society. While secretary of the Society, Gurley publicly described free blacks as “notoriously ignorant, degraded and miserable, mentally diseased, [and] broken spirited.”<sup>13</sup> While other members of the Society had not been quite as emphatic, most members generally argued that more than two centuries of enslavement had degraded the intelligence of blacks to such an extent that their inclusion into full citizenship would be impossible, and that repatriating them to Africa would be the most humane and responsible measure after their emancipation. It is impossible to measure fully Adams’s beliefs about black racial inferiority from that single sentence, but he did believe in a Jeffersonian ideal of voluntary emancipation, granted by slaveowners, undertaken gradually, and, above all, in accordance with state and federal laws. The abolitionists were too radical for his cautious sensibilities, although this did not prevent him from championing their right to petition Congress.<sup>14</sup>

Adams worried to Gurley that his proposed journal might injure the Colonization Society’s cause, rather than help it, “as the Colonization Society itself is obnoxious to both the opposite parties to the abolitionists and to the slave holders.” He accurately predicted that there would be no prospect of compromise on the slavery issue between these two extreme parties. Not convinced, Gurley replied that he had recently returned from a long stay in Georgia, where he found that “the members of Congress from the

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<sup>13</sup> P.J. Staudenraus, *The African Colonization Movement: 1816-1865* (New York: Columbia University Press, 1961), 197-198.

<sup>14</sup> JQA Diary 33, MHS, 31 October 1837.

southern states did not exactly represent the feelings of their constituents...particularly the religious portion of them.” Of “this,” Adams admitted, he “was well aware,” and Gurley left, apparently dissatisfied that he did not manage to garner Adams’s approval of his proposed political-religious publication.<sup>15</sup>

Gurley’s visit to Adams’s home on October 31 was not out of the ordinary. Adams received visitors with various dilemmas, questions, and political and social agendas nearly every day of the week and at all hours. Adams tracked his numerous callers daily, drawing a box in the left-hand corner of his unlined journal, writing the date and the day of the week in that square, and listing the names in the order he received below. For example, on the morning of Wednesday, November 1, Adams received four visitors in his home. Two printers came to ask Adams if he might be able to procure employment for them at the *Intelligencer*, followed by Willard Simon, an 85-year-old Massachusetts tradesman who happened to be in Washington delivering a clock he had made for the Supreme Court. Simon reminded Adams that he had made one for John Adams in 1774, and Adams responded fondly that the hall clock “was one of the first things in the world that [he] remembered.” He then left his home to see an amateur painter, Mrs. Eunice Makepeace Towle. Adams hated sitting for portraits, but suffered patiently through her work, predicting she would “make a hideous object of [him].<sup>16</sup> Afterwards, he spent the afternoon at leisure in the Library of Congress, freeing his mind from the incessant concerns about slavery and politics. He read through several of the philosopher Francis Bacon’s essays and amused himself by viewing a book with the

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<sup>15</sup> Ibid.

<sup>16</sup> John Quincy Adams detested sitting for portrait painting or sculptors and was hypercritical, more often than not, of the final product. See Andrew Oliver, *Portraits of John Quincy Adams and His Wife* (Cambridge: The Belknap Press of Harvard University Press, 1970), 335.

“beautiful figures” of sporting dogs and translating into English the names of the breeds from Greek.<sup>17</sup>

If Adams hoped to have a respite from wrestling with thoughts about slavery, a fourth visitor that day forced the issue. This caller was Nathan Allen, the husband of Dorcas Allen. It is difficult for contemporary Americans to imagine having the audacity to knock at an ex-president’s or current congressman’s front door, much less expect admittance. But if Nathan Allen had any misgivings or fears about the proprieties of calling on Adams, no doubt he was more fearful about the terrible fate that awaited his wife and their children if he did not do everything possible to secure their release. Allen’s color, of course, profoundly distinguished him from the multitudes of people seeking the patronage of the aged and esteemed public figure. This may indeed have been the first time a black man entered the presence of John Quincy Adams in his own home, without holding the status of a domestic servant or one enslaved.<sup>18</sup>

Nathan Allen called that evening to show Adams the “subscription paper.” As far as Adams knew, this document stood as the only legally binding agreement between Allen and Birch. It indicated that Allen agreed to purchase his wife and daughters for

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<sup>17</sup> JQA Diary 33, MHS, 1 November 1837.

<sup>18</sup> Ibid. Evinced by Louisa’s undated household duties description for their black servants (see Chapter Three), John Quincy probably kept on those of his deceased son’s, John Adams II. John Quincy and Louisa had been living with their son and daughter-in-law since 1831, the year Adams took his seat in Congress. October 27, 1834, the day after John’s funeral, Adams reported a fire in the home, “first discovered by the smoke making its way into the upper chambers where Mary was lying unable to close her eyes in sleep.” Mary woke the housekeeper, who descended to the kitchen. She “found the mulatto man Ball with his hat on, stooping over the table asleep, the table-cloth burnt to a cinder, the table on fire and blazing, and Ball’s coat sleeve kindling.” Due to the late hour of the fire, Ball must have resided with John and Mary Adams in their home, as the black codes of Washington City forbade African Americans from walking the streets after 10pm. The housekeeper put the fire out. The incident, so soon after his son’s funeral, filled Adams with “superstitious terror...by these menaces of divine chastisement, mingled with the actual infliction of so many scourges.” JQA Diary 39, 1 December 1832 – May 1835, MHS, 27 October 1834.

\$475 with funds promised from subscribers. Allen showed Adams the paper hoping to collect the \$50 Adams had “subscribed” the previous Saturday at Dorcas Allen’s auction. Yet Adams had not actually met Nathan Allen before. The former president had given his pledge to District Attorney Francis Scott Key, who likely had written Adams’s name on the subscription paper and informed Allen of the names of the subscribers.<sup>19</sup> Faced with the immediate request for the money, Adams hedged. In his November 1 diary entry, he wrote that he had indeed “subscribed fifty dollars,” but added a caveat: “to be paid if the sum be made up to complete the purchase.” Nowhere in the Saturday, October 28 entry did he mention that this particular condition had to be met in order for him to fulfill his promise.<sup>20</sup>

Allen informed Adams that Dorcas was not with him, as Dyer’s assistant had indicated, but in “jail” with the children, until he could pay the entire \$475. Birch may have incarcerated Dorcas and her children at slave trader William Williams’s private jail, located between 7<sup>th</sup> and 8<sup>th</sup> Streets SW, specifically built for holding slaves.<sup>21</sup> Because of his limited knowledge of Dorcas Allen’s history outside of the murder and alleged insanity, Adams asked Allen, whom he described as “apparently an active but very ignorant man,” how Dorcas had fallen into the hands of Rezin Orme—the man who had

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<sup>19</sup> Nathan Allen was illiterate. He could not have read John Quincy Adams’s name on the list of subscribers. Someone must have told him. Nathan Allen later signed an “X” on the signature line to procure the freedom of Dorcas and the children in 1838. Dorothy S. Provine (ed.), *District of Columbia Free Negro Registers, 1821-1861* (Bowie: MD: Heritage Books, 1996), Registration 1849, 399-400.

<sup>20</sup> Ibid.

<sup>21</sup> 8<sup>th</sup> Street SW, Washington no longer exists. Williams’s pen was located directly behind which is now the Hirshhorn Museum, part of the Smithsonian Institutional complex on the National Mall. The three story brick building was painted yellow and surrounded by trees and a garden. Local slave dealers referred to it as the “Yellow House.” In 1839, Williams charged slaveowners 25 cents a day for their slaves’ imprisonment. It was here, in 1841, that James Birch held the kidnapped Solomon Northup before auctioning him off. Tingba Apidta, *The Hidden History of Washington, D.C.: A Guide for Black Folks* (Washington: The Reclamation Project, 1998), 17-18.



sold Dorcas and the four children to Birch for \$700. Without providing names, Allen answered “that some people thought she was not.” Echoing the story the auctioneer Dyer had told Adams the previous Saturday, Allen said that Dorcas had “belonged” to a woman “named Emery [sic]” originally from Baltimore, who had married Gideon Davis. Mrs. Davis died, and “on her death-bed she made Davis promise that he would give Dorcas her freedom,” which obviously he had not—at least legally. Gideon Davis had, however, permitted her some aspects of freedom, allowing her to marry Allen and live with him outside of the Davis residence.<sup>22</sup> According to Allen, after the death of his first wife, Gideon Davis married again, but died without manumitting Dorcas. Davis’s second wife, in turn, then married Rezin Orme.<sup>23</sup>

Nathan Allen had more unsettling information for Adams. Perhaps under questioning from Adams (as he knew of her purported epileptic seizures from the notes of her trial read to him by Judge Cranch), Allen confirmed that Dorcas did, in fact, suffer

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<sup>22</sup> Dorcas and Nathan Allen may have been under the impression Dorcas was freed, but the 1830 United States Census of the District of Columbia categorized her as a slave. Nathan Allen is listed as the free head of the household. However, the same census record shows that the other two occupants of Nathan Allen’s house were slaves: one female under ten, and a female between ten and twenty-four. The census official would have counted the home’s current inhabitants—thus Dorcas and the child did not live with their owner; in 1830 this would have been Gideon Davis. Judging by the ages given of Dorcas and the children at her murder trial, Dorcas would have been the adult female, and the child under ten their eldest child. The girl who would have been nine in 1837 is missing from the 1830 census. According to Adams, Nathan Allen stated the name of his eldest child as “Maria,” and the Alexandria court documents list the murdered child’s name as “Maria Jane.” Adams most likely confused the name of the eldest girl with the deceased child. Dorcas Allen’s 1838 manumission record states the names of the girls as Mary and Margaret Allen, aged twelve and nine respectively. The 1850 United States Census shows Dorcas and Nathan Allen residing in Newport, Rhode Island with several children—the eldest of which is listed as Mary Allen. Mary’s age in 1850, twenty-two, seems to point to her being the second eldest surviving child, Margaret being the eldest, born around 1826. It is not known if Margaret Allen stayed in the District after her parents left, or if she died. Provine (ed.), *District of Columbia Free Negro Registers*, 399-400.

<sup>23</sup> JQA Diary 33, MHS, 1 November 1837. Adams did not record Gideon Davis’s second wife’s name, but left a gap in the sentence as if he intended to fill in the name at a later date. If Nathan Allen knew the maiden surname of Gideon Davis’s first wife (Emory), he perhaps also would have known the full name of Gideon Davis’s second wife: Maria Rhodes. Since Maria Rhodes Davis Orme appeared to be under some suspicion regarding her current husband’s sale of Dorcas, Adams may have deliberately omitted her name until he could satisfy himself of the legality of the sale. However, after Adams concluded his involvement in the affair in mid-November of 1837, he never returned to that passage to insert her name.

from “violent” bouts of epilepsy, “after which she is sick ten or twelve days.” Because of this chronic ailment, Allen said, Dorcas had been “repeatedly sold and turned back on account of these fits.” Her owners (presumably the Davises and later the Ormes), Allen added, often insisted he pay for Dorcas’s medical care “because her owners would not incur the expense.”<sup>24</sup>

Allen concluded his conversation with Adams rather shrewdly. He mentioned the ages of his surviving children, two daughters aged twelve and nine, perhaps in order to imprint in Adams’s mind the pitiful image of two innocent girls incarcerated in a dank prison. Their only hope of release lay in the philanthropy of empathetic people like Adams. Most likely aware of white Washingtonians’ apprehensions that “ignorant” manumitted slaves would only burden the community, Allen assured Adams he could “easily find a place [work] for Maria, who is a smart child.”<sup>25</sup> However, nothing Allen said reassured Adams enough to open his pocketbook. Rather, his account had the opposite effect. Adams’s last words in that evening’s diary entry leave no doubt to his discomfiture with his personal intervention in the affairs of a slave. “It is very doubtful,” he wrote, “whether I have not imprudently engaged myself in this matter, which I must pursue further.” While he may not have liked this new position, he did acknowledge responsibility and knew his involvement was vital to the outcome. He finished, “The emancipation of the woman and children is not yet secured.”<sup>26</sup>

Adams’s account of his exchange with Nathan Allen invites provocative questions while shedding some light on others. Adams had been quick to assess Nathan as “an

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<sup>24</sup> JQA Diary 33, MHS, 1 November 1837.

<sup>25</sup> *Ibid.* The names of the Allen children are confusing; see footnote 21.

<sup>26</sup> *Ibid.*

active but very ignorant man” without expounding further. Presumably he used “active” to mean in the sense of the modern word “proactive,” as an assessment of Allen’s campaign to solicit funds to free his family. What Adams meant by calling him “ignorant” is more elusive; perhaps Adams noticed Allen’s illiteracy or made this comment based upon his grammar. He may have surmised that Allen was thoroughly “ignorant” of contract and property laws in the District. Adams must have known that if Dorcas had been “repeatedly sold,” Birch might not possess a clear property title to her, even though Birch had agreed to sell Nathan Allen his wife and daughters if he could come up with \$475. But Adams’s questioning of Allen regarding Dorcas’s chain of ownership reveals his own ignorance in matters of slaveholding and slave trading in the District. Traveling in markedly different social circles, Adams knew nothing about Gideon Davis, his first wife Anna, his second wife Maria, or Maria’s second husband Rezin Orme. Neither did he have a clue why the Ormes had sold Dorcas after she had been promised her freedom many years before her sale. Adams’s elevated social position separated him from the lives of the majority of District slaves and free blacks; he might well sympathize, but he could hardly empathize. While he shared the privileges of whiteness in the District with Dorcas Allen’s chain of owners, he had little else in common with them and did not understand how a promise of freedom could turn into a betrayal.<sup>27</sup>

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<sup>27</sup> To reconstruct a plausible analysis of the lives of Nathan, Dorcas and her white, “middling sort” of owners, the method taken in this chapter follows the lead of Weisenburger in his *Modern Medea* (1998). In weaving the narrative of the life of Margaret Garner, the escaped Kentucky slave woman who famously murdered two of her children in Ohio rather than subject them to slavery, Weisenburger judiciously researched the archival records of her white owners. Without letters or diaries left by enslaved African Americans to explain their actions, analyzing what records exist about their owners often provides crucial links between the unknown and the known for modern researchers. Steven Weisenburger, *Modern Medea: A Family Story of Slavery and Child-Murder from the Old South* (New York: Hill & Wang, 1998).

At the creation of the boundaries of District of Columbia in 1790, some twenty years before Dorcas Allen arrived with her owners in the capital, the town of Georgetown (like Alexandria) was a well-established community, with roots preceding the American Revolution—dating to at least 1751. Like John Quincy Adams’s brother-in-law, Walter Hellen, many of the whites living in Georgetown and its immediate environs accumulated their wealth from the sale and trade of tobacco, and many used enslaved blacks as domestics and field laborers. As early as 1776, African Americans accounted for a third of Georgetown’s total population. When Georgetown was incorporated along with rural Washington City and the bustling port of Alexandria into the District of Columbia in 1800, the second United States census reported 1,449 slaves and 277 free blacks in a total population of 5,120.<sup>28</sup>

When the federal government relocated to the District in 1800, federal officials and employees had few housing alternatives besides Georgetown’s private residences and boarding houses. Although Alexandria had a number of rooming houses and taverns, commuting daily across the Potomac would have been arduous and impractical. The logical choice of residency for members of Congress and those working for various federal departments was Georgetown, as it had the greatest number of buildings classified as “permanent” structures, built of stone or brick.<sup>29</sup> The newly constructed government buildings and Capitol stood at two to three miles from Georgetown, but the availability of

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<sup>28</sup> Pauline Gaskins Mitchell, “The Early Years: 1740-1900, ‘Our Roots in Georgetown Go Back Many Generations,’” in Kathleen M. Lesko, Valerie Babb, and Carroll R. Gibbs, *Black Georgetown Remembered: A History of ‘the Town of George’ to the Present Historical District* (Washington: Georgetown University Press, 1991), 1-3.

<sup>29</sup> Letitia Woods Brown, *Free Negroes in the District of Columbia, 1790-1846* (New York: Oxford University Press, 1972), 6.

food and lodging established the neighborhood early on as a “fashionable” place to reside. John Quincy Adams’s stay with Walter Hellen while Massachusetts Senator (1803-1809) typified the temporary residency patterns and social activities of these early congressmen.<sup>30</sup> Nor was it unusual for the permanent or temporary white residents to rely on slaves as domestic servants, in spite of the growing number of free African Americans who owned homes and businesses interspersed throughout Georgetown and Washington City.<sup>31</sup>

Unsurprisingly, as the federal government expanded, so did the infrastructure and employment opportunities in both Washington City and Georgetown.<sup>32</sup> The general population of the entire District increased about 70 percent between 1800 and 1810, from approximately 14,000 to 24,000. The number of slaves in the District grew roughly at the same rate in this period, from approximately 3,200 to 5,500. The percentage of “free Negroes,” though, shot up 210 percent in that decade, from approximately 780 to 2,500.<sup>33</sup> These numbers reflect the results of the actions of willing Chesapeake whites who had manumitted their slaves in accordance with the relatively liberal manumission laws of

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<sup>30</sup> James Sterling Young, *The Washington Community, 1800-1828* (New York: Columbia University Press, 1966).

<sup>31</sup> Mary Beth Corrigan, “The Ties that Bind: The Pursuit of Community and Freedom Among Slaves and Free Blacks in the District of Columbia, 1800-1860,” in Howard Gillette Jr., (ed.), *Southern City, National Ambition: The Growth of Early Washington, D.C.* (Washington, D.C.: The George Washington University Center for Washington Area Studies, 1995), 72-73.

<sup>32</sup> Employment opportunities abounded in Georgetown and Washington during this period, especially for free blacks. Free African Americans found consistent employment on surrounding Maryland farms difficult, as most white farm owners either owned slaves, or hired out slaves during peak harvest times. Black men and women gravitated to Georgetown and Washington City for work; men held positions as domestics, public coach drivers, laborers, shipyard workers, and—like Nathan Allen—as waiters in fashionable hotels along Pennsylvania Avenue. Women found mostly domestic work, as household servants, or laundresses. Corrigan, “The Ties That Bind,” 73.

<sup>33</sup> Brown, *Free Negroes*, 11.

Maryland and Virginia.<sup>34</sup> No other decade up until the Civil War showed such a dramatic increase in the District's free black population.<sup>35</sup>

In their social, racial, and physical landscape, if not their economies, Georgetown and Washington City had begun to resemble mid-Atlantic port cities such as Baltimore and Philadelphia by 1810. While hundreds flocked to the new city looking for the lucrative opportunities the capital offered, this tide of emigration halted briefly during the War of 1812. John Quincy Adams, then forty-seven years old, was in Europe negotiating an end to the war when British troops descended upon Washington in August 1814, setting the Executive Mansion, Capitol, and other public buildings ablaze. A few weeks later, a thirty-five-year old Francis Scott Key had witnessed the British bombardment of Fort McHenry and composed the lyrics that would eventually become the national anthem of the United States. Among the hundreds of American volunteers called upon to defend the capital was Gideon Davis, a young man in his early twenties from Queen Anne's County, Maryland.<sup>36</sup> All three would eventually share common connections and a locale: Dorcas Allen, slavery, and Washington, D.C.

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<sup>34</sup> Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974); Barbara Fields, *Slavery and Freedom in the Middle Ground: Maryland During the Nineteenth Century* (New Haven: Yale University Press, 1985); Alison Goodyear Freehling, *Drift Towards Disunion: The Virginia Slavery Debate of 1831-1832* (Baton Rouge: Louisiana State University Press, 1982), 88-90, and Whitman, *The Price of Freedom*.

<sup>35</sup> Brown, *Free Negroes*, 11. The approximate percentage of the growth of the free black population of the District is as follows: 1810-1820, 60%; 1820-1830, 50%; 1830-1840, 35%; 1840-1850, 20%; 1850-1860, 10%.

<sup>36</sup> Donovan, *Many Witnesses*, 60.

Little is known of Gideon Davis's early life in Queen Anne's County, about sixty miles south of Baltimore on Maryland's Eastern Shore.<sup>37</sup> He was born around 1789, most likely to Methodist parents, although their names are unknown. Judging from the active role Davis assumed in Methodist church politics in the 1820s and the knowledge he displayed of classical republicanism in his writings, Davis had received an above-average education.<sup>38</sup> However, he probably did not come from a wealthy family; of the ten Davises listed in the 1800 census of Queen Anne's County, four owned five or fewer slaves, five owned none, while one, Mary Davis, owned twenty-one.<sup>39</sup> It is impossible to know if Gideon Davis's parents owned slaves, but, at the least, Davis matured in a rural area surrounded by slaves, who made up over 40 percent of the total population in the county in 1790.<sup>40</sup> While slavery slowly declined in Maryland in the decades to follow, the presence of large numbers of free and enslaved African Americans continued to shape ideas of racial identity, social order, and the law in Maryland.<sup>41</sup> As urban slaveowners in Maryland manumitted their slaves in greater numbers than rural slaveowners in the early 1800s, Davis's move to Washington in 1813 or 1814 placed him in a social atmosphere

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<sup>37</sup> Jane Donovan, a historian who has done extensive research on Gideon Davis's writings and activities in the Methodist churches in Washington, D.C. believes Davis was born in or around Centreville, Maryland—a town within Queen Anne's County. He married his first wife, Anna Maria Emory, in the Centreville church in 1812 (see footnote 43). The Centreville newspaper, the *Centreville Times*, printed Davis's 1833 obituary as an item of local interest. Donovan, *Many Witnesses*, 112, 130fn.

<sup>38</sup> Jane Donovan, "The Rhetoric of Methodist Reform and Political Discourse in the Early Republic: The Writings of Gideon Davis, Methodist Protestant," *Methodist History*, 43:3 (April 2005): 184.

<sup>39</sup> 1800 United States Census, Queen Anne's County, Maryland.

<sup>40</sup> Fields, *Slavery and Freedom*, 9. The population of Queen Anne's County in 1790: 8171 whites, 618 free blacks, and 6674 slaves.

<sup>41</sup> Fields, *Slavery and Freedom*, Whitman, *The Price of Freedom*, and William Henry Williams, *The Garden of American Methodism: The Delmarva Peninsula, 1769-1820* (Wilmington, DE: SR Scholarly Resources, Inc., 1984), 121-123.

far more conducive and agreeable to manumissions than was true back on Maryland's Eastern Shore.<sup>42</sup>

The exact date of Gideon Davis's relocation to Washington is not definitively known, but it would have been shortly after his marriage to Anna Maria Emory. The December 15, 1812 edition of *The Eastern Shore General Advertiser* published the marriage: "Married Saturday evening the 5<sup>th</sup> inst. by the Rev. Mr. Sparks, Mr. Gideon Davis to Miss Anna Maria Emory, both of Centreville."<sup>43</sup> Francis Scott Key, Edward Dyer, and Nathan Allen all told John Quincy Adams that Anna Emory had been Dorcas's original owner. But Nathan Allen may have given Adams erroneous information about Anna Emory—that she was from Baltimore. There are no listings of Emorys in Baltimore in the 1800 or the 1810 census; rather, the majority of Emorys in those census records resided in Queen Anne's County, Gideon Davis's county of birth. The Emorys in Queen Anne's County descended from Thomas Hawkins, one of the mid-seventeenth century settlers on the Eastern Shore of Maryland.<sup>44</sup> The 1810 census of Queen Anne's County lists several male heads of households named Emory, any of whom could have been Anna Maria's father, and of the eight listed, six owned slaves: John B. B. Emory, fifteen slaves, John D. Emory, eleven slaves, John W. Emory, ten slaves, Robert Emory,

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<sup>42</sup> T. Stephen Whitman estimates that by 1830, nearly ¾ of Maryland's black population remained enslaved. This stands in stark contrast to Washington, where free blacks constituted about 50% of the African American population, and in Baltimore still higher at 70%. Brown, *Free Negroes*, 11, Whitman, *The Price of Freedom*, 1. Freed rural slaves may have moved to cities where jobs were more plentiful.

<sup>43</sup> *The Eastern Shore General Advertiser*, 15 December 1812.

<sup>44</sup> <http://freepages.genealogy.rootsweb.ancestry.com/~markfreeman/hawkinst.html>. According to this researcher, Thomas Hawkins (1616-1656?) originally emigrated from London to Westmoreland County, Virginia, but soon relocated to Maryland's eastern shore. Westmoreland County is at the northern tip of Virginia's eastern shore at the mouth of the Potomac River.



twenty-one slaves, and Thomas Emory, thirty-two slaves.<sup>45</sup> Unfortunately, these early census records do not provide the sex or age of slaves, and all of these men had a white female in the household who would have been about Anna Maria's age. Her parents may have given Dorcas to Anna Maria as a present upon her marriage to Gideon Davis. The act of "giving" or legally transferring title of a slave to a daughter as a wedding gift, especially a young slave girl who would be a household domestic, was quite common at the time.

Notable to the area of Maryland's Eastern Shore where Gideon and Anna grew up was the large presence of Methodists. The Chesapeake area and Delmarva Peninsula (Delaware and the Eastern Shores of Maryland and Virginia) had been ripe grounds for those sowing Methodist reformist ideas in the late eighteenth-century. One of American Methodism's early and most influential minister (later Bishop), John Emory (1789-1835), hailed from Queen Anne's County and was almost certainly related to Anna. Bishop Emory's son, in an 1841 biography of his father, related how enthusiastically former members of the Episcopal Church had flocked to Methodism. Around the time of his father's birth, in the same period shared by Gideon Davis and Anna Emory, John Emory Jr. wrote that, "the flaming torches of early Methodism began to dispense the spiritual darkness which then shrouded the whole peninsula."<sup>46</sup>

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<sup>45</sup> 1810 United States Census, Queen Anne's County, Maryland.

<sup>46</sup> Robert Emory, *The Life of the Reverend John Emory, One of the Bishops of the Methodist Episcopal Church* (New York: George Lane, 1841), 16. Emory's early education may have mirrored that of Gideon Davis; in letters reprinted in the biography, Bishop Emory recalled his classical education at Washington College, on Maryland's eastern shore, 11-24. A central figure in early American Methodism, Emory founded the *Methodist Quarterly Review*, and assisted in the 1831 founding of Wesleyan College—now Wesleyan University in Middletown, Connecticut. He was an itinerant minister for several years—particularly in the southern states, and Emory University was named after him. After his untimely death in a carriage accident in 1835, Bishop Emory was deemed important enough by church leaders to be buried near Francis Asbury at Mount Olivet Cemetery in Baltimore.

On the Delmarva Peninsula, Methodist numbers more than doubled from 4,600 in 1784 to near 10,000 in 1795. By 1805, the numbers had grown to nearly 19,000, and they continued to increase until a rapid decline between 1812 and 1814—the time Gideon Davis left Centreville.<sup>47</sup> Large numbers of free blacks and slaves were drawn to Methodism on the Peninsula. By 1808, almost 30 percent of Methodists in the region were black, totaling approximately 9,000. By 1814, this had increased to 43 percent, due to the high proportion of liberated blacks joining the church, as white slaveowners who converted to Methodism were required to eventually free their slaves.<sup>48</sup> This was an attractive alternative to the Episcopal Church for many African Americans, as Methodism encouraged freedom of religious expression in song and dance, a tradition brought to the Peninsula from transplanted African and Caribbean slaves.<sup>49</sup> As Dorcas Allen took care to make a definitive point at her trial that she and her “mistress” were Methodists (but that her mistress had been “wrong”), the Methodist response to slavery, and her owners’ careless attitude towards the ecclesiastic rules governing slaves, perhaps explains just how deep of a spiritual and emotional betrayal Dorcas felt about her sale.

The original Methodists, followers of England’s John Wesley, sought to reform the Church of England, or the Anglican Episcopal Church. Methodists did not begin as separatists, like the 17<sup>th</sup> century radical Puritans’ movement in England and North American colonies, but sought rather to eradicate what they considered corrupting practices in the church. Drinking, gambling, profiteering through usury, the pursuit of

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<sup>47</sup> Williams, *The Garden of American Methodism*, 48-52.

<sup>48</sup> *Ibid*, 111-112. Some Methodist slaveowners freed their slaves immediately; others opted for term servitude manumissions.

<sup>49</sup> *Ibid*, 114.

luxury—all were forbidden under rules for Methodist polity and conduct, the *Discipline*. Many converts became itinerant preachers in England and America spreading the gospel and encouraging others to act in accordance with the “*Discipline*.”<sup>50</sup> In addition to forbidding common vices, mid-to-late eighteenth century American Methodist itinerant preachers advocated antislavery ideas, which established a foothold in the Middle Atlantic colonies even before the American Revolution. American Quakers from this region, such as Anthony Benezet of Philadelphia, had been early critics of slavery in the colonies, and John Wesley’s 1774 pamphlet, *Thoughts Upon Slavery*, echoed Benezet’s repudiations of slavery and the slave trade as great spiritual and moral evils.<sup>51</sup> Furthermore, as historian Ira Berlin has pointed out, “The Christian equalitarianism unleashed by the religious revivals of the late eighteenth century complemented and strengthened the idealism of the Revolution,” making the colonies (later states) fertile ground for the melding of ideas of egalitarianism and liberty in religion and government.<sup>52</sup> The colony with the greatest number of free blacks at the time of the Revolution, Maryland Methodists built the first official Methodist church in 1772.<sup>53</sup> In the belief that all were equal in the sight of God, early Maryland Methodists willingly accepted white and black converts, whether enslaved or free. At the Baltimore conference in 1780, Methodist preachers issued a call to Maryland slaveholders to

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<sup>50</sup> Donald G. Mathews, *Slavery and Methodism: A Chapter in American Morality, 1780-1845* (Princeton: Princeton University Press, 1965), 3-5; Cynthia Lynn Lyerly, *Methodism and the Southern Mind, 1770-1810* (New York: Oxford University Press, 1998), 15.

<sup>51</sup> Mathews, *Slavery and Methodism*, 6.

<sup>52</sup> Berlin, *Slaves Without Masters*, 24.

<sup>53</sup> [www.msa.md.gov](http://www.msa.md.gov); Berlin, *Slaves Without Masters*, 25.

introduce their slaves to Methodist teachings in conjunction with plans for gradual emancipation.<sup>54</sup>

Methodists were not in such great numbers in Maryland that their precepts became post-Revolutionary state laws, but their church leaders—notably Thomas Coke and Francis Asbury—chose Baltimore as the site of the first official organizational conference of the Methodist church, which separated from the Church of England on Christmas Eve, 1784.<sup>55</sup> Thus, at the founding of the now independent Methodist Episcopal Church conference, preachers and bishops codified the *Discipline*, and they voted on such matters as the number of conferences to be held each year and where, the election of officers, and other sundry items pertinent to rules of organization and order. Henceforth, the Baltimore conference would be held once a year, and would serve the state of Maryland, the area of Pennsylvania west of the Susquehannah River, and the “northern neck of Virginia.” Quarterly conferences were to be held in local churches four times a year.<sup>56</sup> The original *Discipline* reiterated rules well-established before 1784, such as prohibition against “taking the name of God in vain [and] profaning the day of the Lord, either by doing ordinary work thereon, or by buying and selling.” The *Discipline* also banned “drunkenness, or drinking spirituous liquors...fighting, quarrelling, brawling...buying or selling goods that have not paid the duty...[and] giving or taking things on usury.” Within the basic rules, there is a sentence conspicuous for its language (printed in full italics) and its simplicity; the *Discipline* forbade Methodists

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<sup>54</sup> Mathews, *Slavery and Methodism*, 8.

<sup>55</sup> *Ibid*, 10, Lyerly, *Methodism and the Southern Mind*, 15.

<sup>56</sup> Thomas Coke and Francis Asbury, *The Doctrines and Discipline of the Methodist Episcopal Church in America With Explanatory Notes*, 10<sup>th</sup> edition (Philadelphia: Henry Tuckniss, 1798), 32.

from “*the buying or selling of men, women, or children, with an intention to enslave them.*”<sup>57</sup> Members further resolved that any church member caught buying slaves “with no other design than to hold them as slaves, and have been previously warned,” would be “expelled.” Local clergy who held slaves without emancipating them “in the states where the laws admit it” would be immediately suspended, and itinerant ministers who failed to manumit their slaves would be “employ[ed] no more.”<sup>58</sup>

At the Baltimore Christmas conference of 1784, attendees strove to hasten the tide of emancipation by instituting strict time limits on slave ownership, which would apply to all American Methodists. The rules adopted from this conference declared that “every member” of the church “who has slaves in his possession, shall within twelve months after notice given to him by the assistant [Francis Asbury]...legally execute and record an instrument, whereby he emancipates and sets free every slave in his possession who is between the ages of forty and forty-five immediately, or at farthest when they arrive at the age of forty-five.” In consideration for the loss of prime-age slave laborers, slaveowners were permitted five years to manumit slaves between the ages of twenty-five and forty, and slaves over twenty were to be manumitted no later than the age of thirty. Slaves under the age of twenty were to be manumitted on or before age twenty-five, and, in the case of infants, the “rules are [to be] complied with, immediately on its birth.” Local clergy were to keep documentation on slaves held by slaveholders in a “journal,” and list the names and ages of slaves as well as the dates for their manumissions. Any member of the church who would not voluntarily comply with these rules was given a

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<sup>57</sup> Ibid, 133.

<sup>58</sup> Mathews, *Slavery and Methodism*, 295-296.

year to do so, and, if they still refused, the minister had the right to expel the errant member.<sup>59</sup>

As unyielding as the 1784 Christmas Conference rules were, Methodists understood that slaveowners had to abide by local and state laws regarding slavery, which often undermined intent to emancipate. Members declared their rules on slavery “are to affect the members of our society no farther than is consistent with the laws of the states,” and specifically mentioned that Methodist Virginians, “after due consideration of their peculiar circumstances,” were to be allowed two years from “the notice given, to consider the expedience of compliance or non-compliance with these rules.”<sup>60</sup> This text referred to the 1782 Virginia manumission law, which permitted slaveowners to emancipate their slaves by will or deed; however, slaveowners could not manumit slaves above the age of forty, male slaves under twenty-one, or female slaves under eighteen, unless they were to be “supported and maintained” by their owners.<sup>61</sup>

Amendments to the *Discipline* in later years reaffirmed that members should act in accordance with state manumission laws and showed a retreat from a policy of immediate emancipation to gradualism.<sup>62</sup> In the 1789 edition of the *Discipline*, perhaps

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<sup>59</sup> Mathews, *Slavery and Methodism*, 297. The “assistant” mentioned in the *Discipline* referred to Francis Asbury, “assistant” to John Wesley. In actuality, members at Quarterly Conferences were responsible for ensuring slaveholding members recorded manumissions—not Asbury personally.

<sup>60</sup> *Ibid*, 298.

<sup>61</sup> William Waller Hening (ed.), *The Statues at Large; being a Collection of all the Laws of Virginia from the First Session of the Legislature, in the Year 1619*, Vol. XI (Richmond: Printed by George Cochran for the Editor, 1823), 39-40.

<sup>62</sup> As slavery grew exponentially in the south after the Revolution, lawmakers revised—or even outlawed—manumission. Before 1800, South Carolinian slaveholders could manumit slaves by will or deed. An 1800 law prohibited the emancipation of any slave showing a bad character, and in 1820, state law prohibited private manumissions entirely. The tightening or loosening of state laws regarding manumission made absolute conformity to the *Discipline* virtually impossible in certain states, and permitted laxity on the rules

because of the analogous growth of southern membership and slaveowners, Conference delegates added explanatory language to the “General Rule on Slavery,” tempering somewhat the hard-line stance its starkness implied. Simply stated, the rules before 1789 impeded new membership in a racially divisive society that grew increasingly economically reliant on black slave labor. While reiterating that the “buying and selling the souls and bodies of men” was forbidden, they admitted that doing so “is a complicated crime,” because “many proprietors...do not thus enslave the minds of their servants, but allow them full liberty to attend the preaching of the gospel, wherever they think they are most profited.”<sup>63</sup> While promulgated by a religion supposedly dedicated to the eradication of slavery, this is an early elucidation of the argument proslavery theorists would later latch onto—that blacks were better off as slaves than in Africa because their owners provided them with or permitted religious instruction. Later writers argued that even in America, blacks would inevitably reject Christian scriptures and lapse into licentious behavior.<sup>64</sup>

Even more problematic for a religion heavily influenced from a literal interpretation of the Bible, Asbury and Coke struggled to explain the existence and acceptance of slavery in the scriptures. Neatly, they chalked this up to the “pride and tyranny” of the Jews “by reason of the wonderful hardness of their hearts,” and pointed

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of emancipation. Donald J. Senese, “The Free Negro and the South Carolina Courts, 1790-1860, *The South Carolina Historical Magazine*, Vol. 68, no. 3 (Jul., 1967): 142.

<sup>63</sup> Mathews, *Slavery and Methodism*, 293.

<sup>64</sup> For example, see A.T. Holmes, “The Duties of Christian Masters,” reprinted in Holland N. McTyeire, ed., *Duties of Masters to Servants* (Charleston, S.C.: Southern Baptist Publication Society, 1851), in Paul Finkelman, (ed.), *Defending Slavery: Proslavery thought in the Old South* (Boston & New York: Bedford/St. Martin’s, 2003), 96-107. Holmes wrote, “Ignorance, in a peculiar sense, attaches to the negro, and ignorance...is one principal cause of the want of virtue, and of the immoralities which abound in the world.”

instead to several antislavery examples in the scripture that Christians could ignore at the risk of suffering the curse from the Book of Revelation, “He that leadeth into captivity shall go into captivity.” Slaveholding, then, by will or deed, was recognized by the *Discipline* as a moral choice, one not explicitly forbidden for members. An addendum to the 1796 *Discipline* noted, “No slave-holder shall be received into society [membership in the congregation], till the preacher who has the oversight of the circuit, has spoken to him freely and faithfully on the subject of slavery.” In 1796, the crime of selling a slave became greater than owning one, as “every member of the society who sells a slave, shall immediately, after full proof, be excluded from the society.” Members could now purchase slaves, but they had to report them to other members at quarterly meetings. The leaders of the Quarterly Conference would then set the number of years it would take for “the slave so purchased [to] work out the price of his purchase.” To ensure the member would actually free the slave after the time specified, he had to “execute a legal instrument for the manumission,” immediately and he faced expulsion for non-performance. Mindful of the legal status of children born to slaves, the annual 1796 Conference members added a clause to ensure the future freedom of such children: “That in the case of a female slave, it shall be inserted in the aforesaid instrument of manumission, that all her children who shall be born during the years of her servitude, shall be free,” girls at twenty-one and boys at twenty-five. However, members were not prohibited from freeing slave children at an earlier age at the owners’ discretion; the mandatory ages listed were the absolute limit, as Conference members had determined these ages to be the point when slaves had “paid” their masters for their value through their labor.<sup>65</sup>

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<sup>65</sup> Mathews, *Slavery and Methodism*, 298-299. The 1804 General Conference was held in Baltimore and



Amendments made to the *Discipline* in 1804 placed further emphasis on gradual emancipation and granted specific recognition to members who lived in states where law contradicted the *Discipline*'s rules on slavery. While members declared they were "as much as ever convinced of the great evil of slavery," the General Conference leaders decided to omit "the section and rule on slavery" in the *Discipline* for use of the South Carolina regional Conference. The unification of American Methodists, they resolved, was more important than the emancipation of slaves, and the leaders reasoned church "fathers [founders] would never have suffered the great evil of slavery to produce the still greater evil of rending the seamless garment of Christ in twain."<sup>66</sup> However, members of the 1804 Conference steadfastly maintained that members could not sell slaves, and this language in the *Discipline* never changed. The 1804 addendum to the section on slavery reiterates in this point in plainer language. "Every member of the society who sells a slave," it read, "shall immediately, after full proof, be excluded from society." The importance of filing manumission papers upon acquisition of a slave, with intent to free at a specific date, is repeated, "in which the slave so purchased would work out the price of his purchase." For anyone accepted into the church as a member, failure to file intent to manumit or to execute a "legal instrument" of emancipation meant a church trial and possible excommunication from the Methodist church. Leaders knew these strict rules could not possibly be followed by members in certain states, and summarily they "exempted" members living in "North Carolina, South Carolina, Georgia, and Tennessee." In addition, regardless of varying states' manumission laws, white

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the amended rules applied to all American Methodists.

<sup>66</sup> James Edward Armstrong, *History of the Old Baltimore Conference from the Planting of Methodism in 1772 to the Division of the Conference in 1857* (Baltimore: King Bros., Printers, 1907), 157-158.

Methodists demanded deference from slaves towards their owners. Preachers were to “admonish and exhort all slaves to render due respect and obedience to the commands and interests of their respective masters.”<sup>67</sup>

After 1804, no significant changes were made to the *Discipline* regarding the rules of slave ownership and manumission for forty years, and the few additions before 1844 stress the understanding that slaveowners had to abide by the emancipation laws of the state in which the slaveholder resided. Church leaders also recognized a measure of local control over the matter; in 1808 the General Conference “authorize[d] each annual conference to form [its] own regulations, relative to buying and selling slaves,” but this language was not meant for states, like Maryland, with relatively liberal manumission laws. The 1816 General Conference acknowledged this, adding “whereas the laws of some of the states do not admit of emancipating of slaves, without a special act of the legislature,” repeating the 1808 text permitting local conferences to make their own rules in accordance with state laws.<sup>68</sup> The Baltimore Conference never altered the explicit *Discipline* rules prohibiting the selling of slaves, and its rules required church members within its jurisdiction to provide eventual manumission through a “legal instrument.” In 1812, the Baltimore Conference remained firm on the subject. “Where the enforcement of [these rules] does not interfere with the civil authority,” it declared, “If any member of our society shall purchase a slave or slaves, the Assistant Preacher of the circuit...shall appoint a committee of members who shall determine the time such slave or slaves shall

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<sup>67</sup> Mathews, *Slavery and Methodism*, 301-301.

<sup>68</sup> *Ibid*, 302.

serve,” and that “if any member . . . shall violate the decision, by selling or disposing of said slave or slaves, for a longer term of years, he shall be expelled.”<sup>69</sup>

By the time Gideon and Anna Emory Davis relocated to Washington, D.C., then, Methodist rules regarding the ownership of slaves in that area had been fixed by the Baltimore Conference. Members could not purchase slaves and remain church members without providing proof of intent to emancipate, nor could they become members without first proving they did not intend to keep any existing slaves for life.<sup>70</sup> Slaves inherited by will or deed were also to be reduced to a term of fixed servitude—essentially becoming indentured servants—or, if the owner found it prudent to do so, manumitted immediately, provided state laws permitted this. Nothing in the state laws of Maryland (and these laws applied to Georgetown and Washington City per the 1801 cession) prohibited owners from emancipating their slaves, even by term servitude, unless age or infirmities placed a burden on the state or society.<sup>71</sup> One could not, for example, emancipate a two-year-old child, and then expect the government to place the child in an orphanage. Neither could a member manumit an adult slave incapable of earning a living who would eventually wind up in the city poorhouse.

Being Methodists and the owners of the slave Dorcas, Gideon and Anna Davis must have been well aware of these rules. The Reverend Robert Sparks (1756-1831), the minister of the Centreville, Maryland Methodist Church officiated at their marriage.

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<sup>69</sup> Armstrong, *History of the Old Baltimore Conference*, 166.

<sup>70</sup> Donovan, *Many Witnesses*, 97.

<sup>71</sup> Whitman, *The Price of Freedom*, 101-103.

They belonged, more than likely, to the Centreville congregation.<sup>72</sup> When the Davises took up residence in Washington is not known, but evidence shows they did live there as early as 1814, relocating shortly after their December 1813 marriage. Presumably they took Dorcas with them from Centreville, and, if later census records listing her birth date are approximately accurate, she would have been a small child.<sup>73</sup>

Davis secured a position as a clerk in the War Department and operated a book store at 11<sup>th</sup> Street and Pennsylvania Avenue, which probably also served as their residence. In 1814 Washington City was much less developed than Georgetown, but rapid construction of homes and businesses kept rental prices down. Rent for a two-story home in Washington averaged \$200 a year, affordable for Davis at his annual \$1,000 salary from the War Department, plus whatever supplemental income he made from the bookshop.<sup>74</sup> “Georgetown had houses without streets, and Washington streets without houses,” observed a French visitor in 1816.<sup>75</sup> While Georgetown brick homes may have provided a “neat” appearance, Gideon Davis opened his business on the increasingly

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<sup>72</sup> Frederick Emory, *Queen Anne's County, Its Early History and Development* (Baltimore: Maryland Historical Society, 1950), 238. At the time of Gideon Davis and Anna Maria Emory's marriage in 1813, Reverend Sparks was a well-known and highly respected itinerant Methodist minister. He had been influential in forming the Centreville church, and traveled frequently to hold revivals. His obituary opined that he “traveled extensively as an itinerant minister; and it is probably, that no Methodist preacher was more successful in exciting and carrying on revivals.” *The Methodist Protestant*, 9 September 1831.

<sup>73</sup> The 1830 District of Columbia Census listed Nathan Allen as a “free negro” between the ages of ten and twenty-four, and a female slave between the ages of twenty-four and thirty-five (presumed Dorcas), but the census recorder may have aged her slightly. Later census records for the ages of the Allens are consistent, although many slaves and freedmen did not know the year of their births. The 1850 United States Census recorded Dorcas's and Nathan Allen's birth year at 1810. The 1860, 1870, and 1880 censuses give the same birth date for Dorcas. Nathan Allen apparently died between 1850 and 1860.

<sup>74</sup> David Bailie Warden, *A Chorographical and Statistical Description of the District of Columbia, the Seat of the General Government of the United States, with an Engraved Plan of the District, and View of the Capitol* (Paris: Smith, 1816), 64. In contrast, “white workingmen” averaged \$1.81 a day in 1816, while black workingmen made \$.80. This author estimated the price of a “prime” male slave at \$500—half of Gideon Davis's annual salary.

<sup>75</sup> *Ibid.*, 101.

bustling thoroughfare among the most important federal government buildings.<sup>76</sup> When the British army invaded Washington in August of 1814, Davis, along with several other Methodists who later became some of his closest friends, served in a local militia in an unsuccessful attempt to repel them.<sup>77</sup> The buildings destroyed in the invasion did not include Davis's bookshop, and after the war he amassed so many volumes that his store functioned as the city library, and he "as the city librarian, [was] responsible for accumulating and administering the city's 1,238 volumes, and issuing its first catalog."<sup>78</sup>

Anna Maria Emory Davis did not live long to enjoy her husband's success, dying on November 17, 1815 at the age of twenty-two.<sup>79</sup> Gideon Davis had apparently done well for himself in those few years in Washington, for Anna was the only person for whom William King, a Georgetown Methodist cabinetmaker, fashioned a mahogany coffin for that entire year.<sup>80</sup> The cause of Anna's death is unknown; given her age she

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<sup>76</sup> Ibid. In a centennial history of Washington, a writer observed "that the business portion of the city soon began to be established on this avenue, and the city grew fast along this line which connected the two residence portions of the city, the one in the vicinity of the Capitol, the other in the vicinity of the presidential mansion...this then became the section of the city first built up by those seeking residence here, more particularly those connected with the Government." Harvey W. Crew, William Bensing Webb, John Wooldridge, *Centennial History of Washington, D.C. with Full Outline* (Dayton: United Brethren Publishing House, 1892), 183.

<sup>77</sup> Donovan, *Many Witnesses*, 60.

<sup>78</sup> Ibid, 112. See also W. Dawson Johnston, "Early History of the Washington Library Company and Other Local Libraries," in *Records of the Columbia Historical Society, Volume 7* (Washington: Published by the Society, 1904), 30.

<sup>79</sup> *National Intelligencer* obituary for Mrs. Anna Davis, "consort of Mr. Gideon Davis," 22 November 1815. Her obituary also appeared in the 23 November 1815 edition of the *Baltimore Patriot*, which suggests her name would have been recognized by the *Patriot's* readership as a member of the prominent Maryland Emorys.

<sup>80</sup> William King, "William King's Mortality Books," Vol. I, 1795-1832, Historical Society of Washington, Manuscript Collection, MS 15, 18 November 1815. King offered three choices of coffins: mahogany, stained wood, or plain wood.

may have died in childbirth, for a child followed her to the grave two years later.<sup>81</sup> The veracity of what Adams had been told, that “on her death-bed she made Davis promise that he would give Dorcas her freedom,” is impossible to determine, but, if true, this could have grown out of Anna’s crisis of conscience, likely spurred by Methodist rules or moral principles and the knowledge of her impending death.<sup>82</sup> Or, this may have been Anna’s reminder to Gideon that they had yet to file manumission papers for Dorcas in the District and needed to do so to ensure her freedom when she came of age. Given Dorcas’s young age at the time the Davises moved to Washington, they may have brought with them her mother—who could have been manumitted back in Centreville. William King in 1823 recorded a wooden coffin made for a “coloured [sic] woman at Gideon Davis’s,” which suggests she may have been Dorcas’s mother.<sup>83</sup> In 1823 Dorcas would have been approximately thirteen, too young to be manumitted under District law or Methodist requirements. If Dorcas’s mother had come to the District from Centreville, Maryland as a free woman, or as a slave with term-servitude with a child, under District law the Davises needed to file a deed of manumission (for a later date) in order for Dorcas’s freedom—and that any of her children—to be legal when she reached the age specified in the freedom papers of her mother.<sup>84</sup> As Methodists, the Davises would have been well aware they could not keep Dorcas as a slave for life, unless she had a medical

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<sup>81</sup> Ibid. Gideon Davis did not opt, this time, for a mahogany coffin. His child was buried simply in a wood coffin. 5 August 1817.

<sup>82</sup> JQA Diary 33, MHS, 28 October 1837.

<sup>83</sup> King Mortality Books, 4 March 1823.

<sup>84</sup> Donovan, *Many Witnesses*, 100.

condition that prevented her from supporting herself when she came of age. If that were the case, the Davises required permission from their congregation to keep her.

Methodists who resided in Washington City either walked the three miles to the church in Georgetown (Montgomery Street Methodist Church, founded 1795), attended “classes” in Washington City homes, or congregated at Greenleaf’s Point. From approximately 1802 to 1807, Washington City Methodists met in a brick structure, part of a row of buildings known as “the Twenty Buildings.”<sup>85</sup> From 1807 to 1811, they met at Dudley Carroll’s remodeled barn located at New Jersey Avenue south of E Street SW. In 1811, the congregation known as The Methodist Society at Greenleaf’s Point built a brick church for its 159 members near the Navy Yard at 4<sup>th</sup> Street between South Carolina and G Street SW.<sup>86</sup> As this church was only a mile and a half from their home on Pennsylvania Avenue, Gideon and Anna Davis most likely attended classes and services there.<sup>87</sup> Church members were assigned to “classes” after a six-month probationary period, where under a “class leader” they prayed, read scripture, and confessed their sins to one another.<sup>88</sup> This was not a religion for the timid or faint of heart, as members were expected to “testify” before the group about any religious experiences or perceived wrongdoings. Class leaders probed members to confess faults to one another, and, as membership in a community grew, classes were divided by sex, marital status and race,

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<sup>85</sup> W. M. Ferguson, “Early Methodism in the District of Columbia,” *Records of the Columbia Historical Society, Washington, D.C.*, Vol. 8 (1905): 73.

<sup>86</sup> Donovan, *Many Witnesses*, 27. Harvey W. Crew, William Bensing Webb, and John Wooldridge, *Centennial History of Washington, D.C. with Full Outline* (Dayton, OH: United Brethren Publishing House, 1892), 551. Greenleaf’s Point was renamed Ebenezer Church around 1819.

<sup>87</sup> Greenleaf’s Point eventually merged with other congregations to form Capitol Hill United Methodist Church, renamed in 1968. Their earliest records date to 1817.

<sup>88</sup> Donovan, *Many Witnesses*, 17-18.

with attempts made to keep class sizes around ten.<sup>89</sup> Whether the Davises entered into the probationary period and mandatory rules on slave ownership at Greenleaf's Point is unknown. However, later Gideon Davis joined the Foundry Methodist Church at 1500 16<sup>th</sup> Street NW—which was a much more convenient place of worship from his home.<sup>90</sup> The Foundry was dedicated on September 10, 1815 (two months before Anna's death) so if the Davises did join this congregation they would have entered as full members, as long as they had completed the six-month probation at Greenleaf's Point and provided a letter of good standing from the minister. However, if she did indeed ask Gideon to free Dorcas upon her death, she would have known that as a member, he was in fact required to do so by the church. Perhaps she meant to simply remind him of this, if indeed the request was made. In any case, Gideon did join the Foundry, but he did not file any “legal instrument” to ensure Dorcas's emancipation. She remained, by law—and against Methodist rules—his slave for life.

In light of what is known about Anna and Gideon Davis, his failure to take official steps to manumit Dorcas is surprising. If the 1837 trial records and census records correctly identified Dorcas's age (even in approximation), Dorcas would have been a small child when Anna Davis died, and her age would have made immediate emancipation impossible. In that case, upon officially joining the Methodist Church, Davis should have reported her (and any other slave) he had inherited to the church's Quarterly Conference; leaders would then have assigned Dorcas a term of servitude. For

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<sup>89</sup> Lyerly, *Methodism and the Southern Mind*, 14.

<sup>90</sup> Donovan, *Many Witnesses*, 69, 112. There are no official records to indicate when Gideon Davis joined the Foundry, but he remained there until 1821 when he relocated his business to Georgetown, and joined the Montgomery Street Church (now Dumbarton United Methodist Church).



infants and small children, the *Discipline* recommended twenty-five years, which would have freed Dorcas around 1835, two years before the killing of her children. Once the term years had been settled upon, Davis would have been required to file a deed of manumission with the District of Columbia Recorder of Deeds, making Dorcas “free” by law, but bound to him until the expiration of the term of service.<sup>91</sup>

He did neither, but why not? One explanation may lie in the difference between slaves inherited and slaves purchased. The *Discipline*'s language explicitly stated that no slaves could be purchased for life, and existing records from the Montgomery Street Church indicate that members who bought slaves faced close scrutiny from the rest of the congregation. Unfortunately there are no Foundry records from this period, but surviving records regarding slaves from Montgomery Street show that, of the twenty-one slaves purchased by members from its founding in 1795 to 1862, most were young adults who were assigned an average term of ten years of further servitude. The church expected the slaveowners to follow these rules to the letter, and of the twenty-one purchases, five slaveowners were later brought to trial at the Quarterly Conferences for failing to comply. In these trials, one member was expelled in 1831 for not simply refusing to manumit a slave, but for the gross transgression of selling a slave.<sup>92</sup> Inherited slaves may have been harder to track, especially if the Foundry leaders were lax in their initial investigations of potential members. Davis may not have reported Dorcas as his slave when he joined the Foundry, or he may have given leaders assurances that she would be freed, then neglected to take care of the necessary paperwork when he later joined Montgomery Street in 1821.

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<sup>91</sup> Ibid, 97-98.

<sup>92</sup> Ibid, 98-99.

Another explanation may lie in Dorcas's reported epilepsy. Methodist rules forbade church members from releasing slaves unable to care for themselves, because of age or infirmity. For example, a member of the Montgomery Street Church, Richard Parrott, appeared before the Quarterly Conference in 1810 and requested he be allowed to keep "Chloe," a slave he had purchased, as a slave for life, because of Chloe's advanced age. The Quarterly Conference granted his request. In a stunning 1829 case, William Parsons was tried at Montgomery Street for selling one of his slaves for life. Parsons pled guilty, but explained "that her conduct had been such, as to prevent him from selling her for a term of years at the most reduced price." He explained that he could not in good conscience free her according to the rules, because "she would be dangerous to the community." She had, according to Parsons, taken "a certain kind of medicine" that "took the life of one of her children," and afterwards made a second attempt. It seems most likely that Parsons's slave had induced an abortion, a crime punishable in the civil courts, and the committee assigned to hear the case decided that the slave was better off sold into slavery for life than facing possible "execution under the gallows." Certainly, they stated, with the "character of a murderer" she could not be permitted to "run at large," and Parsons was permitted to sell her, although he did receive six months' probation from the committee for not informing them first of the sale.<sup>93</sup> If Dorcas suffered from epilepsy, Davis could have, and should have, gone to the church and requested permission either to keep her or to sell her to someone willing to incur the medical expenses. It is doubtful the church would have denied his request if Davis had provided evidence of her illness, but he failed to make the disclosure.

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<sup>93</sup> Ibid, 99-100.

As Nathan Allen stood in the home of John Quincy Adams on November 1, 1837, subscription paper in hand, he must have hoped that this white man would not break a promise. Without the funds to pay James Birch, his wife and children would remain slaves, and Allen counted on Adams's pledge of \$50 to ensure that did not happen. He may have told Adams the story of Anna Davis's twenty-two year old deathbed request—a promise of freedom for Dorcas—in an effort to show Adams how devastating broken promises to slaves can be. Or perhaps Allen did not know that a promise of freedom did not equate to legal freedom, but certainly Adams would have known the law did not recognize it as such. In the unlikely event that Adams was unaware of this, a quick perusal of District court cases would have made the point abundantly clear. Dorcas may have been given a verbal promise of freedom and lived her life as a free black woman in the District, but the judgment in the case of *Bell v. Hogan* (1811) declared, “If a colored man was born a slave, his being permitted to go at large without restraint, and to act as freeman, is no evidence of his being free.”<sup>94</sup> Dorcas was a slave under District law, and regardless of “promises,” her children were legally slaves as well, per the case of *Negro Fanny v. Kell* (1823). There, the court declared there could be “no binding contract between a slave and his master,” and that “a child of a female slave is a slave although the mother has the promise of the master that she should be free at the end of a certain number of years.”<sup>95</sup> Perhaps this is what Adams alluded to when he wrote of Nathan Allen's ignorance when they discussed Dorcas Allen's chain of ownership.

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<sup>94</sup> William Cranch, *Reports of Cases Civil and Criminal in the United States Circuit Court of the District of Columbia, from 1801-1841*, Volume II (Boston: Little & Brown, 1852), 21.

<sup>95</sup> *Ibid.*, 412.

Understandably, Allen placed great importance on the broken promise of freedom, although it had no legal significance and could not be used to secure her freedom. But the promise of former President John Quincy Adams could help to secure her freedom, and Nathan Allen meant to see that Adams kept it. He knew only of that twenty-two-year-old failure to fulfill a woman's dying request that her slave should go free, and of her husband's neglect to follow the rules set by his chosen church. Gideon Davis may have had nothing but the most benevolent intentions regarding Dorcas Allen, and did not expect to die so young himself in 1833, leaving a tangled mess of debts and disordered affairs. The circumstances leading to her sale, however, showed that even altruistic intent and religious conscience could be trumped by financial peril.

## CHAPTER V

### MORAL LABRYNTHS AND LEGALITIES

Here, then, is another danger to which these unhappy beings are subjected.<sup>1</sup>

John Quincy Adams awoke on November 2, a chilly morning, and noted in his diary that due to “the law of climate at this place [Washington]” he would have a steady fire in all rooms until April. An early visitor invoked his sympathy and annoyance, and may have established Adams’s mood for his future encounters that day. A Mr. Thomas Munroe appeared at the I Street residence, apparently for the sole purpose of complaining to Adams about his misfortunes.<sup>2</sup> While Adams mustered up a great deal of pity for Munroe’s situation, which he described as “wretchedness in old age...from misfortunes and a lack of fortitude to bear them,” he could not help but note that Munroe was partly to blame for “want of occupation and energy to make it for himself.” Munroe, the Postmaster of Washington for over 25 years, had been dismissed from his post by Adams’s old nemesis, President Andrew Jackson. “For want of occupation,” Munroe fell, as Adams perceived with an air of contempt, “into hypocondrial habits.” Two of

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<sup>1</sup> JQA Diary 33, 1 December 1821 – 31 December 1838 (with gaps), [electronic edition], MHS, 2 November 1837. *The Diaries of John Quincy Adams: A Digital Collection*, (Boston: Massachusetts Historical Society, 2004). <http://www.masshist.org/jqadiaries>.

<sup>2</sup> John Quincy Adams took up residence at the I (Eye) Street NW home owned by John and his wife, Mary Catherine Hellen Adams in 1831, when he returned to Washington to take his Congressional seat. Adams Residency File, MHS.

Munroe's grown children died shortly after his dismissal, and Munroe himself came down with a serious, yet undiagnosed illness that left him prostrate for months. Munroe "could not describe the symptoms of his complaint, but asked [him] whether [he] had experienced the like," and if Adams could recommend a remedy for his affliction. Adams responded he certainly had experienced a similar debilitating condition, and tried, in a pointed manner, to explain to Munroe that his presumed "disease" was mental, rather than physical. He told Munroe whenever he felt those symptoms, he could connect them to inactivity of the body, spirit, and mind. "Intense occupation was a never failing cure," he wrote, "and it was therefore principle and habit with me, to keep myself always busy—with serious affairs as much as possible—with trifles, for exercise, variety and relaxation." Adams inquired if Munroe had tried exercise on horseback, "visited the watering places," surrounded himself with "cheerful company?" Munroe answered in the affirmative, but claimed none of this activity eased his malady. Frustrated, Adams concluded his interview with Munroe, informing him his "materia medica was exhausted," and that "active exercise...and above all constant employment of body or mind were all the remedies [he] knew."<sup>3</sup> Munroe responded his doctors had all told him the same, and left Adams, who described him as a hopeless case, "a very respectable man monomaniac for fear of poverty."<sup>4</sup>

Perhaps the visit from Munroe combined with the call from Nathan Allen the day before prompted Adams into action regarding the fate of Dorcas Allen. Certainly the perplexing information as to the condition of Dorcas and her children fit the bill to keep

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<sup>3</sup> His knowledge of remedies for afflictions. JQA Diary 33, MHS, 2 November 1837.

<sup>4</sup> Ibid.

Adams “busy” with “serious affairs.” To further galvanize him, Adams knew, through the information provided by District Attorney Francis Scott Key, that if Nathan Allen could not procure the funds necessary to satisfy the slave trader James Birch, that Allen stood virtually no chance of reclaiming his family from the shackles of slavery. He returned to the auction house after speaking with Munroe, calling on the owner, Edward Dyer, and found him within. Adams was well acquainted with the auction house and the neighborhood. He had been there on October 23 to witness the auction, and Dyer’s auction room and home stood at the northwest corner of H and 14<sup>th</sup> Streets—directly across the street from the State Department building, and a block and a half away from Adams’s home (now rented) on F Street, between 13<sup>th</sup> and 14<sup>th</sup> Streets NW.<sup>5</sup>

As the facilitator of a difficult slave auction, Dyer stood in an awkward position. He had advertised Dorcas Allen and her children for sale on behalf of James Birch, knowing that the slave trader expected that either Rezin Orme would appear at the auction and pay back the money or that the Allens would be sold to the highest bidder. The language of the advertisement seems to indicate Birch meant to publicly declare that he had been taken advantage of by Orme, who had “warranted” Dorcas “sound in bodies and mind,” at the time of the August 22 sale. He had intentionally revealed the murders of the two youngest children (and the fact that Dorcas had been acquitted by means of insanity) to potential buyers. A jury had declared Dorcas not to be of sound mind, and Birch could now make a strong case that Orme had duped him with a false warranty. He

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<sup>5</sup> 1834 City Directory of Washington City, 15.

may have further hoped Orme would be publicly humiliated enough to come to the auction, reclaim Dorcas, and refund the initial purchase price of \$700.<sup>6</sup>

The meaning of Birch's wording in the second paragraph of the advertisement is less clear. The auction terms stood at "sale cash" for the Allens, and they were to be sold "on account of said Rezin Orme, who refuses to retake the same and repay the purchase money, and who is notified to attend said sale, and if he thinks proper to bid for them, or retake them, as he prefers, upon refunding the money paid, and all expenses incurred under the warranty given by him." Nowhere in the advertisement does Birch mention Orme's questionable right to sell the Allens—doing so would have been a foolish act of self-implication in a hasty, and not thoroughly investigated, slave sale. He may though, have been pondering a future warranty case against Orme since Allen's trial.<sup>7</sup>

Warranty cases regarding slaves had previously been brought before the District Circuit Court. Birch could have made a strong case against Orme based upon the legal premises set in these cases' verdicts. The Circuit Court, for example heard the case of *James A. Grant v. John Bontz* in the November, 1819 term held in Alexandria. The case had parallels with Birch's slave acquisition and it also was indicative of the long, drawn out process a plaintiff could expect in the court, with no assurances or guarantees that he would recoup lost monies and collect payments for damages. Grant alleged that Bontz had sold him two slave women, Celia and Julia, on August 1, 1816 for \$675. Grant further claimed that Bontz "promised" the women "were sound," but, "contriving and fraudulently intending to injure," Grant had "craftily and subtly deceived" him in the case of Celia. Grant told the court he had purchased Julia first for \$325, and when he asked to

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<sup>6</sup> *National Intelligencer*, 14 October 1837.

<sup>7</sup> *Ibid.*



examine Celia, Bontz “prevented [him] from speaking with her, under the pretence that she might run away if she knew that he was about to sell her.” Based upon Bontz’s verbal warranty for Celia, Grant paid him \$350 the morning of the sale, sight unseen. When Celia arrived at Grant’s home, he “spoke to her [and] immediately perceived that she was an idiot,” rendering her worthless to him. Grant then attempted to return Celia; Bontz refused to take her back or return the money. Not wishing to burden himself with Celia while he pursued the warranty case against Bontz, Grant did exactly what Birch did to Dorcas Allen—he placed her in jail for safe keeping. As was the fate of uncountable slaves thus treated, Celia died “in less than a month after the sale.”<sup>8</sup>

Bontz’s lawyer argued that the official bill of sale contained “a warranty of title, but not of soundness,” and that “no warranty of soundness was intended.” Because the language of the bill of sale had been explicit as to title only, he further contended, the plaintiff could not prove the defendant had verbally warranted the physical and mental condition of Celia and Julia. In examining the title to adjudicate the case, the court made an important decision that affected future cases, and one that Birch could have used as precedent should he choose to pursue a legal case against Orme. The bill of sale read, in part, “Received of James A. Grant six hundred and seventy-five dollars in full for the purchase of...Julia and Celia, the right and title of which negroes I [Bontz] hereby warrant and defend against all claims unto said Grant and his heirs forever...” The court ruled in Grant’s favor, citing the now obsolete rule of assumpsit. Plaintiffs who sued under an action of assumpsit sought monetary recovery and/or damages for a breach of contract. In Grant’s case, the court stated that he was entitled to recover his purchase

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<sup>8</sup> William Cranch, *Reports of Cases Civil and Criminal in the United States Circuit Court of the District of Columbia, from 1801-1841*, Volume II (Boston: Little & Brown, 1852), 184-185.

money for Celia plus damages of \$20, because the simple act of Bontz taking Grant's money, by itself implied assurance that Celia and Julia were bodily sound. The plaintiff had been successful in this case after four years of legal wrangling, but Birch may have not have been willing to risk months or years to get whatever monies he could back from Rezin Orme through legal channels.<sup>9</sup>

Dyer, like Birch, may also have hoped that the advertisement would be enough to summon Rezin Orme to the auction and hopefully resolve the issue of payment. Under District law, Dyer would not have been paid unless a transaction transpired as a result of the auction.<sup>10</sup> Dyer, like Adams, had become entangled in the proceedings without first ascertaining the facts, taking a risk in accepting Birch's auction. As a small slave owner in the District himself since at least 1820 (and as a businessman who dealt in small slave auctions) he should have checked for a valid title before offering to put the Allens up for sale. Evidently he did not—causing a multitude of problems for everyone now involved.<sup>11</sup> He may have avoided problematic issues in past sales, operating strictly on

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<sup>9</sup> Ibid. In the majority of these types of cases, the Court measured the plaintiffs' cases based upon the length of time the prospective buyer had been given to thoroughly examine the slave(s). How much time Birch took, if any, to verbally and physically examine Dorcas and the children is unknown. Jenny B. Wahl, "The Jurisprudence of American Slave Sales," *The Journal of Economic History*, Vol. 56, no. 1. (Mar., 1996): 164.

<sup>10</sup> District law entitled auctioneers of "slaves, public securities, bank and other stock, the same commission [as] vacant lots and vessels. This fee was set at "two percent, on the first two hundred dollars, and one percent on the next on thousand dollars; and if the amount of sales shall exceed fifteen hundred dollars, then one fourth per cent." If Dyer auctioned the Allens off for what Birch had paid, or if Orme appeared as a result of the advertisement and refunded the money, Dyer would have made his two percent from \$700, \$14. Samuel Burch (comp.), *A Digest of the Laws of the Corporation of the City of Washington, to the First of June 1823; with An Appendix, containing the Acts of Cession from Maryland & Virginia, the Laws of the United States, relating to the District of Columbia, the Building Regulations of the said City, &c.* (Washington, D.C.: Printed by James Wilson, 1823), 42-43.

<sup>11</sup> According to the Census of 1820 and 1830, Dyer owned three female slaves in 1820, two male slaves and three female slaves in 1830. 1820 and 1830 United States Census, District of Columbia.

verbal assurances alone.<sup>12</sup> Dyer had never experienced trouble with any of his auction sales, at least as far as one can tell from surviving public records. He had, for example, advertised in the *Intelligencer* on October 4, 1837 an auction to be held at his store for cash terms, no reserve price, “a Negro Man; a slave for life; aged about 27 years,” owned by William Garret of Montgomery County, Maryland.<sup>13</sup> Presumably the auction concluded successfully, as did a September 28 auction for a term-servitude slave and her two-year-old child. A September 23 advertisement in the *Intelligencer* for the latter made full disclosures of the slaves’ status; this woman and child were to be sold as slaves with attached term limits, the woman, aged twenty-three, “to serve” until age thirty, and the boy “to serve also until he is thirty.” While the cruelty of denying freedom to a baby while his mother was to be freed in seven years from the sale is now obvious, Washingtonian slave buyers and sellers routinely transferred title with similar stipulations. Dyer assured the *Intelligencer*’s readership “she is not sold for any fault, but because the owner has no further use for her.”<sup>14</sup> He placed a similar advertisement on September 5 for a “servant girl for a term of years.” Dyer described her, then thirteen, as a “likely [hardy] mulatto—smart—a good waiter, and accustomed to the care of children.” She was “to serve till the 25<sup>th</sup> November, 1840.”<sup>15</sup>

Like a number of other District auctioneers, Dyer did not earn his living from the public auction of slaves alone; the same day he advertised the man for sale, he offered

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<sup>12</sup> As of 1837, there were no laws that required a slaveowner to produce a written title at the time of a slave sale.

<sup>13</sup> No cases involving Edward Dyer have been found in District Circuit Courts records at the National Archives and Records Administration, Washington, D.C. *National Intelligencer*, 4 October 1837.

<sup>14</sup> *National Intelligencer*, 23 September 1837.

<sup>15</sup> *Ibid*, 5 September 1837.

corporate stock in the Corporation of Washington with an average of 6 percent dividends to be paid quarterly, “a great variety of Household Furniture—as Bedsteads, Beds, Bureaus, Tables, Chairs, Andirons, Tongs and Shovels, Sideboard, Looking glasses, Mantel lamps, Stoves, tenplate and cooking, &c.,” plus a hack, dray and a cart.<sup>16</sup> Dyer also dabbled in real estate sales; in the same edition of the *Intelligencer* he advertised the Allens for sale, he put notice of a farm for sale on the outskirts of Washington City on the road leading to Rockville, Maryland. As a selling point, he noted the property adjoined the home of the “late Dr. Wm. Worthington,” one of the expert witnesses at Richard Lawrence’s 1835 trial.<sup>17</sup>

In what must have been a most uncomfortable moment for Edward Dyer, John Quincy Adams thoroughly interrogated him about the sale between Rezin Orme and James Birch. According to Adams, “Dyer had been misinformed that they would be liberated by the giving of a note to a man who would lend Allen the money, which Mr. Key was to endorse.” Birch would agree to surrender Dorcas Allen and the children, Dyer said, only after receiving the actual payment, not just the signed promissory note. Adams had endorsed Nathan Allen’s subscription paper, adding an element of haste to Adams’s desire to complete the transaction and release him from further responsibility. For a person who usually thought carefully before acting, this new information may have irritated him. Without disclosing their whereabouts, Dyer told Adams that Dorcas and the children were not in jail, then, added something surprising, considering wide-spread notions of propriety amongst gentry, “that Mr. Key had gone to Mrs. Orme [Maria Orme,

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<sup>16</sup> *National Intelligencer*, 4 October 1837.

<sup>17</sup> \_\_\_\_\_. *History of the Medical Society of the District of Columbia, 1817-1909* (Washington, D.C.: Published by the Society, 1909), 3; *National Intelligencer*, 13 April 1835.

Rezin Orme's wife] in her sick-chamber, she having been lately confined, and had frightened her so by threatening her with the law, that it was not expected she would live." Maria Orme, Adams may have remembered, had been summoned as a defense witness at the trial of Dorcas Allen. She had refused to be served on the excuse of illness. District Attorney Key evidently had some suspicions about the legality of the sale from Rezin Orme to Birch, but because Orme could not be found, he attempted to terrify Maria with legal recourse. Key's anger must have pushed him to extremes, for it is difficult to imagine a man of his public stature forcing his way into the bedroom of a purported sick woman to bully her into giving up her husband's whereabouts.<sup>18</sup>

Despite the revelation of Key's suspicions that the Ormes had committed fraud, either in selling slaves without good title to them, selling a slave with a known mental defect, or both, Dyer tried to mollify Adams and assuage doubts. He praised the character of Rezin Orme in what Adams sardonically noted as a "panegyric." From Adams's written account of the conversation, Dyer appeared to be testing the old man's patience. He offered no solid evidence proving Orme owned Allen, but instead extolled Rezin Orme's good character and pronounced him "one of the best and most respectable men in the world." Dorcas Allen and her children, Dyer concluded, had been legally sold by Orme to Birch, as "they were his property."<sup>19</sup>

The tension between these two men as they discussed the legality of a slave trade must have been palpable. Adams was in no mood to be trifled with. Dyer began strong in his defense of the sale—because, after all, he most certainly had some money to lose if

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

the transaction failed—but Adams eventually wore him down. Aside from a financial loss, Dyer stood to lose his reputation, possibly facing complicity in a crime for falsely advertising slaves for sale before checking a title by deed.<sup>20</sup> Point blank, Adams asked Dyer “by what authority” he had assumed the right to offer these slaves for sale at auction? Dyer answered he had advertised the auction on behalf of Birch, “that he had not asked him for any proof that they were his; he had trusted to his word.” Adams retorted he “understood” that the slaves had never been the property of Orme. Dyer answered that Orme had acquired title to the slaves from his wife, Maria Davis Orme. Undaunted, Adams said he “heard they were not his wife’s.” Dyer finally cracked, admitting he had “heard” the same. The estate of Gideon Davis, he said, legally owned them, and to make matters worse, Davis “had died insolvent, and they belonged to his creditors.” Should Dyer be able to prove that he was now a creditor of the estate of Gideon Davis (because of the tenuous legality of the sale between Rezin Orme and James Birch) he confidently told Adams he would “claim them as such,” and dispose of them as he pleased. This information presented a new complication to an already confounding case for Adams. “Here, then,” he wrote, “is another danger to which these unhappy

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<sup>20</sup> *United States v. Watkins* (1829) set the legal precedent for how the Circuit Court of the District of Columbia dealt with fraud in general, and who would be charged in relationship to the fraud. A naval officer, Tobias Watkins, withdrew funds from a New York bank under the alias of “C.J. Fowler,” and convinced a naval agent to sign off on the withdrawal. The defense argued the navy agent was ultimately “accountable” for the sums, but the court cleared the agent of complicity in the fraud, as the court decided, “fraud is an inference of law from certain facts; and the indictment must aver all the facts which constitute the fraud. Whether an act be done fraudulently, or not, is a question of law so far as the moral character of the act is involved.” What convinced the court of the naval agent’s innocence was lack of deceit on his part. As “deceit is an essential ingredient in fraud,” and that “no fraud can be committed but by deceitful practices,” the court ruled the naval officer himself had been deceived in order for Watkins to commit the crime, and not part of the deception. If legal action had been taken against Orme by Birch, or the United States against Birch, Dyer would have to prove to the court’s satisfaction he had not knowingly contributed to the fraud—selling a slave without evidence of title. Cranch, *Reports of Cases*, Vol. III, 441-442.

beings are subjected. If their freedom from Birch's sale should be purchased, they might still be reclaimed by Davis's creditors."<sup>21</sup>

The question of Gideon Davis's debts at the time of his death now moved to the center of the matter, for the rights of creditors for monies owed superseded all transactions that benefitted the decedent's estate. Under legal precedent, Birch stood a good chance of recovering his purchase money, but he needed to prove Orme knowingly committed fraud by not providing a clear title at the time he sold the Allens to him. In an 1821 case over the proper titling of slaves, the District court had ruled that a purchaser did incur risk if he bought a slave without express title and warranty. In the case of *William Henry v. Gustavus Beall*, the plaintiff argued that Beall "knowing [a] negro girl to be the property of one Thomas Brown...fraudulently and falsely sold the said Negro girl to the said plaintiff [Henry] for a large sum of money [\$500]." Insofar that Henry had not demanded a written title from Beall, the court ruled that while Henry was entitled to the return of his \$500, he had not proven Beall committed fraud. The jury found from the evidence presented "that the defendant sold the Negro in question to the plaintiff bona fide believing that his title was good."<sup>22</sup> According to Edward Dyer, Rezin Orme sold the Allens to Birch, under the assumption he held clear title through his wife—Maria Davis Orme, who had inherited the slaves after Gideon Davis's death in 1833. Orme had not, to be sure, provided a written title or warranty, but this singular fact is not wholly suspicious, as many transactions with slave traders may have been conducted through verbal assurances alone.

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<sup>21</sup> JQA Diary 33, MHS, 2 November 1837.

<sup>22</sup> *William Henry v. Gustavus Beall*, October term 1821, RG 21, Civil Trial #125, *National Archives and Records Administration*, Washington, D.C.

Absence of title did not negate Birch's right to reclaim his money from Orme, as revealed by an 1807 District case. In *Gunnel v. Dade*, the Circuit Court ruled that a plaintiff could recover the purchase price of a slave sold without title, provided the plaintiff proved he had "returned or offered to return the negro." In this case, the plaintiff had purchased the slave without title from the defendant. At an unspecified later date (and without revealing the cause of the action), Gunnel sued Dade for the return of the sale price. However—in what was probably a last-minute remembrance on the plaintiff's part—Gunnel requested Dade provide proof of title "the evening before the trial," which Dade failed to produce. Gunnel requested "judgment by default" for Dade's non-compliance, but the Court ruled against him on two counts: first, that "the notice [for the deed] ought to be of a motion to the Court to require the defendant to produce the paper...before the Court can give judgment by default," and secondly, that Gunnel had provided no evidence to satisfy the Court he had indeed "returned or offered to return the negro to the defendant."<sup>23</sup> The auction advertisement placed in the *Intelligencer* by Dyer on behalf of Birch, more than satisfied that particular requirement.<sup>24</sup>

If Dyer told Adams the truth, though, about Gideon Davis dying insolvent, neither the title nor warranty dispute between Birch and Orme would have mattered in the eyes of the court. As an attorney, Adams would have known this. The complexity of slave ownership, marriage, death, and debt before the law is well illustrated in the 1837 case of *Bank of the United States v. Lee*, and provides a backdrop for what Rezin and Maria Orme could expect if taken to court by Gideon Davis's debtors. The Bank of the United

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<sup>23</sup> *Gunnel v. Dade*, July term 1807, Cranch, *Reports of Cases*, Vol. I, 427.

<sup>24</sup> Slaves sold with an express warranty, either oral or written, fetched higher prices. If the slave proved to be unsound, the buyer could usually recover damages. Wahl, "The Jurisprudence of American Slave Sales," 149.



States sued Elizabeth Lee *et al.* for a \$6000 debt incurred by her husband, R.B. Lee. Lee had borrowed the money in 1817, “and gave his note, indorsed by E.J. Lee and W. Jones,” and “executed a deed of trust to Richard Smith, of twelve negroes, valued at \$5,000, and all his household furniture, valued at \$2,200.” R.B. Lee died in 1827 without repaying the money, “and [had] sold some of the slaves, under the pressure of great necessity.” After Lee’s death, his widow refused to relinquish the property under that deed to Richard Smith in order to satisfy the Bank debt. Elizabeth Lee counter-argued that her husband had placed his property (including his slaves) in a deed of trust for her use in 1809, and that she knew nothing of the 1817 loan from the Bank of the United States and “never consented [nor] waived her right to the property.” To complicate matters further, Lee had emancipated one of the slaves, further claiming her husband had sold all but five without her consent. The two other trustees, Lee and Jones, claimed ignorance of everything outside of the note they had endorsed for R.B. Lee. After a protracted examination of all deeds, the Court ruled in favor of Mrs. Lee, stating that the 1817 deed could not be executed due to the 1809 deed of trust that had conveyed the slaves and furniture to her. In response to the bank’s objection that Mr. Lee had “dispos[ed] of some of the slaves...without substituting an equivalent” while under fiduciary obligation, the Court responded that Lee had in actuality “violated the rights of Mrs. Lee...the property was hers [sic], and she had a right to do with as she pleased; and, because she has submitted to some violation of her rights, it does not follow that she must relinquish what are left.” Dissatisfied with the ruling, the Bank of the United States unsuccessfully pursued the case to the Supreme Court in 1839.<sup>25</sup>

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<sup>25</sup> *Bank of the United States v. Lee et al.*, November term 1837, NARA; Cranch, *Reports of Cases*, Vol. V, 319-327.

In order for Rezin Orme to assert his legal right to sell the Allens, he would therefore have to substantiate that his wife Maria owned Dorcas through a title chain from Gideon Davis and Davis's first wife, Anna Emory. He would also be required to demonstrate evidence that Davis's estate was solvent. In the cases of slaves sold to pay debts, the Circuit Court acknowledged the right of creditors to include the value of slaves held by a debtor when suing to reclaim debts, but due to the sticky problems involved in separating human chattel from land or personal assets, the Court applied the term of "in prejudice to creditors" when determining the liquidation of an estate. Problems involving slaves, death and debt in the District occurred most commonly in cases of estate insolvency and manumission by will. While it is clear that Dorcas Allen had not been legally manumitted by Gideon Davis before his death, the question of the rights of his creditors to the personal and real estate of his heirs would arise if the creditors pursued redress in the courts.

For example, in the 1834 case, *Negroes Eliza and Kitty Chapman v. Robert Fenwick*, the Chapmans sued for their freedom from Robert Fenwick. Fenwick had purchased the women from Richard Edelin, the executor and heir of the women's original owner, Frances Edelin. Mrs. Edelin had died shortly after executing her will in 1825, bequeathing freedom to some of her slaves – including Eliza and Kitty Chapman. These women lived free in the District until 1833, when Frances Edelin's heir, Richard Edelin, discovered (after eight years) his aunt's personal holdings did not have sufficient value to pay her debts. Rather than selling any real estate he inherited from his aunt, Edelin sought to liquidate any former personal assets held by Frances Edelin. He applied to the District Orphan's court and was granted permission to sell Eliza and Kitty in order to pay

the estate's creditors. Worse, from a moral standpoint, Kitty had given birth to children after her manumission and Edelin snatched them as well, selling all to Robert Fenwick for \$805. The Chapmans turned to the court for justice and entered a petition for freedom lawsuit against Robert Fenwick, requesting their liberty under the stipulation made by Frances Edelin's will. They also asked that Edelin be forced to refund the money Fenwick paid for them if the Court granted their freedom.<sup>26</sup>

District Attorney Francis Scott Key argued on behalf of the Chapmans, and his involvement in this case may have influenced the manner in which he handled the Allen affair three years later. Key asked the Court, "How could the negroes be made to contribute" their freedom to pay debts not owed by them? "The whole of the bequest is defeated," he continued, "and its purpose destroyed, if the executor has a lien on the freedom of the negroes for contribution." To bolster this moral argument with legal precedent, Key pointed to an old Maryland statute from 1729 that stated, "negroes are not to be sold as long as there are other goods."<sup>27</sup> The defense countered that "real estate can be resorted to in no other case but where there is a deficiency of personal estate, and even in such a case, by the law of Maryland, an application to make the real estate liable must be made to the [courts.]"<sup>28</sup> The Court found in favor of the plaintiffs, issuing this District legal precedent: "The personal assets were not sufficient, without the slaves, but with the real estate were more than sufficient to pay the debts. *Held*, that such manumission

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<sup>26</sup> *Negroes Eliza and Kitty Chapman v. Robert Fenwick*, March term 1834, Cranch, *Reports of Cases*, Vol. IV, 431-432.

<sup>27</sup> Stephen K. Williams (comp.), *Cases Argued and Decided in the Supreme Court of the United States, Book 9* (Rochester, NY: The Lawyers Cooperative Publishing Company, 1918), 464.

<sup>28</sup> *Ibid.*

was not in prejudice of creditors, and that the slaves were entitled to their freedom.”<sup>29</sup>

The creditors of estate debts, the Court further decided, had no “right to anything but payment of their debts,” and neither did they have the “right to compel the executor to sell the property specifically bequeathed, if the fund provided by the will be sufficient.”<sup>30</sup>

The Court did agree, however, that a manumission could not be instrumented “in prejudice to creditors,” if the “real and the personal estate are both liable to the payment of the debts.” In absence of this specific language in a decedent’s will, the law turned first to sale of real estate to pay debts, then personal estate—including slaves.

Fortunately for the Chapmans, the value of France Edelin’s real estate was enough to satisfy the creditors of her estate.<sup>31</sup>

None of these cases mirror the potential legal issues facing the Allen transaction should the dispute enter the court system, yet many of the grievances were the same: a questionable warranty, absence of clear title, the sale of slaves to pay debts, insolvency, and pleas for justice from black Washingtonians. Having prosecuted dozens of cases in the District involving slaves and slavery, District Attorney Key was well seasoned in the various arguments presented by slaves and slaveowners. Key had prosecuted Allen in early October 1837 for murder and lost, but how Key became aware of Dorcas Allen’s

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<sup>29</sup> Cranch, *Reports of Cases Vol. IV*, 431.

<sup>30</sup> *Ibid*, 433.

<sup>31</sup> *Ibid*, 434. In *Watson v. Hall* (1818), Hall had taken two slaves, Harry and Pris, from the estate of Thomas Slye, who had died insolvent. Hall was a creditor to the estate. Watson contended the seizure on the grounds that the language in Slye’s will had not been specific enough to pass legal title of slaves to a creditor. Slye left “all [his] property real, personal, and mixed,” to Watson. The Court ruled in favor of the defendant, titling Harry and Pris to Hall. Notably, Judge Cranch “doubted” the decision. Cranch, *Reports of Cases, Vol. II*, November term 1818, 154.

predicament after her trial is unclear, nor can a definitive motive be established as to why he engaged himself in the aftermath, as he left no written account of this incident.<sup>32</sup>

More specifically, Key had a long history of representing slaves themselves in the courts—as he did for the Chapman women in 1834.<sup>33</sup> Notably, before Key became District Attorney in 1833, he worked assiduously to help repatriate African slaves captured from the slave ship *Antelope*, arguing their case before the United States Supreme Court in 1825. A founding member of the American Colonization Society in 1816, Key had adopted the racist values of the organization, believing that manumitted slaves could not assimilate effectively into American society, and had to return to Africa to enjoy their full liberties. In the *Antelope* case, he used principles of natural law and humanitarian reasoning before the Court to persuade the judges that the slaves ought to be returned to Africa, as it could not be proven that the *Antelope* slaves even held the legal status of slaves, recognized by international laws governing slave ownership.<sup>34</sup> “By the law of nature,” Key stated to the Court, “all men are free. The presumption that even black men and Africans are slaves, is not a universal presumption. I would be manifestly unjust to throw the *onus probandi* upon them, to prove their birthright.”<sup>35</sup>

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<sup>32</sup> The Maryland Historical Society in Baltimore, Maryland has the largest collection of Key’s papers and poetry, followed by the Key-Cutts-Turner Families Manuscript File at the Library of Congress, Washington, D.C. An early twentieth-century biographer of Key, Edward S. Delaplaine, claimed he used Key’s diary as a primary source for his 1937 book. No librarian at the Maryland Historical Society, the Library of Congress, or the Roger B. Taney – Francis Scott Museum in Frederick, Maryland is aware of the existence of a Key diary. Key’s surviving papers consist primarily of family letters and his poetry.

<sup>33</sup> Early in his career as a Washington attorney, Key argued on behalf of slaves appealing to the courts for the freedom: (1810) *Scott v. Negro Ben and Sally Henry v. Ball*. (1812) *Mima Queen and Child v. Hepburn*. Key lost those cases and the appellants remained enslaved. John T. Noonan, Jr., *The Antelope: The Ordeal of the Recaptured Africans in the Administrations of James Monroe and John Quincy Adams* (Los Angeles: University of California Press, 1977), 93-94.

<sup>34</sup> *Ibid*, 93-97.

<sup>35</sup> Quoted in *Ibid*, 97.

Key remained a member of and avid crusader for the American Colonization Society (ACS) for the remainder of his life. He referred to its mission as “our colored cause,” in a 1829 letter asking the citizens of his hometown, Frederick, Maryland to each donate a dollar for every white man, woman, and child to help pay the passage for manumitted slaves in that state to Africa.<sup>36</sup> In the same year, he declared before a meeting of the Pennsylvania Colonization Society that immediate abolition of slavery would be “anything but a blessing,” concurring with the sentiments expressed by Henry Clay, another founder and future president of the Society, who said that restoring manumitted slaves to what he considered to be their “native” soil, would be “the greatest blessing on earth, which Heaven, in its mercy, could now bestow on this Nation.”<sup>37</sup> With the establishment of organized abolition in the early 1830s, however, and the petition campaign begging Congress to outlaw slavery in the District, supporters of the ACS found themselves besieged by abolitionist criticism of their scheme to exile African Americans from the United States. As a result, they often found themselves forced into defensive public postures. Operating under the responsibilities of District Attorney, Key worried that the abolitionist petitions and the circulation of pamphlets to the residents of Washington would affect the peace and stability of the capital.

A Charleston, South Carolina mob had stormed the city’s post office in 1835, carried out sacks of abolitionist pamphlets sent through the United States mail, and burned them in the street.<sup>38</sup> Closer to home, dozens of white, unemployed laborers,

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<sup>36</sup> Edward S. Delaplaine, *Francis Scott Key: Life and Times* (New York: Biography Press, 1937), 216-218.

<sup>37</sup> Quoted in *Ibid*, 443.

<sup>38</sup> Bertram Wyatt-Brown, “The Abolitionists’ Postal Campaign of 1835,” *The Journal of Negro History*, Vol. 50, no. 4 (Oct., 1965): 230.

terrorized the streets of Washington for a week following the arrest of the slave Arthur Bowen on August 8, 1835. Bowen had allegedly attacked his owner, Mrs. Anna Thornton, and her elderly mother in their home on F Street NW, between 13<sup>th</sup> and 14<sup>th</sup> Streets; they were John Quincy Adams's neighbors.<sup>39</sup> Rumors abounded throughout the city that Arthur Bowen had been influenced by the recent influx of antislavery literature in the District, and representatives of the law narrowed their search for a culprit to a recent emigrant from the northern states, Reuben Crandall, accusing him of propagating "incendiary" literature. In response, Key requested a warrant, and Crandall was arrested and incarcerated on August 10, in the same jail as Bowen, on 4<sup>th</sup> Street NW. Crandall's arrest, however, inflamed the passions of the mob, and the group roamed the streets of the city, destroying properties held by city blacks. Prominent buildings commonly known to be owned or occupied by black residents were targeted, the most conspicuous being the "Oyster House" restaurant owned by Beverly Snow, at 6<sup>th</sup> and Pennsylvania Avenue NW. City officials called for a volunteer militia to quell the violence, and armed men from all over the District—including Alexandria—eventually dispersed them after a week of nightly terror.<sup>40</sup> No one from the mob was ever prosecuted for participation in this destruction of property. Crandall, however, was brought to trial on charges of

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<sup>39</sup> Constance McLaughlin Green, *The Secret City: A History of Race Relations in the Nation's Capital* (Princeton: Princeton University Press, 1967), 36. Adams was not in Washington when the attack occurred; Congress recessed annually in August. In 1835 the F Street NW home was occupied by a renter and the Adamases resided in John Adams II's home on I Street NW.

<sup>40</sup> *Ibid.*, 36.

“circulating seditious and incendiary papers, in the District of Columbia with the Intent of Exciting Servile Insurrection.”<sup>41</sup>

A well-known Georgetown resident, Henry King, convinced Key he had seen Crandall in possession of abolitionist literature and the words “please read and circulate” written on them. King also informed Key that he had received, in the mail, a copy of the *Anti-Slavery Reporter* that was filled with attacks against the American Colonization Society—undoubtedly a source of personal aggravation for Key, one of the Society’s most vociferous advocates. The *Anti-Slavery Reporter* had been postmarked from the District and King identified Crandall as the sender. Key crafted his prosecution based largely on these allegations.<sup>42</sup> Due to the long periods between the District Court convening, Crandall sat in jail for weeks following his arrest, the Grand Jury indicting him in January of 1836. The language used by Key in the indictment may be indicative of the outrage many white citizens of the District felt towards abolitionists in their midst who, they believed, intended to disturb their peace by inciting Washington slaves and free blacks to revolt. He wrote that the publications illustrated “the most shocking and disgusting details of cruel inhuman and immoral treatment of the slaves by the owners, overseers, and attornies [sic] or agents of proprietors,” and that such representations would inflame a slave’s natural propensities to violence. Presumably, pictorial depictions of slavery’s horrors were especially dangerous because illiterate slaves and free blacks could easily discern the meaning of such representations. “The slave,” Key continued,

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<sup>41</sup> *The Trial of Reuben Crandall M.D. Charged with Publishing and Circulating Seditious and Incendiary Papers, &c. in the District of Columbia with the Intent of Exciting Servile Insurrection* (Washington, D.C.: Publisher Unknown, 1836).

<sup>42</sup> Neil S. Kramer, “Half A Century Past Midnight, The Life and Times of William Cranch” (Ph.D. Diss, Claremont Graduate School, 1978), 299.



“will become conscious sooner or later of his strength—his physical superiority, and will exert it. His torch will be at the threshold and his knife at the throat of the planter.”<sup>43</sup>

Key’s words “the knife at the throat of the planter” may have been intended to invoke District whites’ memories of Nat Turner’s bloody insurrection of 1831 in Southampton, Virginia. Turner and dozens of local slave followers had killed some fifty-five white men, women, and children with axes, swords, knives and hatches.<sup>44</sup> Washington newspapers described the murders in gruesome detail.<sup>45</sup> In the years to follow, the revolt served as a fearful example to many white Washingtonians of the possibility of a similar rebellion, and the idea that a northerner had come to the District to purposely “excite” the black population infuriated them. In an effort to reassure nervous whites, District lawmakers had appealed to Congress in 1833 to pass a provisional code to bar what they defined as incendiary literature. The proposed code read, in part, “If any person shall knowingly publish and circulate...any writing or pamphlet...among the free black or slave population of this District, tending to excite a discontented or insurrectionary spirit, such a person...shall be arrested under the warrant.” The code further read that the person accused was to be held without bail. If convicted, the defendant “shall be punished by confinement in the penitentiary for not less than two, not more than seven years.” While Congress never approved the code officially, the language stood as *de facto* law in the District; Chief Justice William Cranch gave the

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<sup>43</sup> Neil S. Kramer, “The Trial of Reuben Crandall,” *Records of the Columbia Historical Society*, Vol. 50 (Washington, D.C.: Published for the Society, 1980), 310.

<sup>44</sup> Louis P. Masur, *1831: Year of Eclipse* (New York: Hill and Wang, 2002), 10-11.

<sup>45</sup> *National Intelligencer*, 5 and 6 September 1831.

Crandall jury copies of it before they deliberated.<sup>46</sup> In his closing arguments, Key strayed from the pertinent details and charges leveled against Crandall to promote the mission of the ACS and to warn of the dangers posed by immediate emancipation. Of abolitionist publications in the District, he told the jury, “If we cannot prevent such publications as those charged in this indictment from being scattered like fire-brands among us; if we cannot punish the agents who are taken in the very act of distributing them...there is nothing left for us but to yield and take the best terms our adversaries will give us.” Despite Key’s appeal to the fears of the white jurors, he lost the case, and Crandall was set free. A spectator of the trial and correspondent for the Boston *Courier* newspaper opined that the jury had set Crandall free in sympathy for the eight months he had spent in jail between his arrest and trial. And, despite the animosity some of Washington’s white public harbored towards abolitionists, Key had failed to convince the jury beyond a reasonable doubt that Crandall was the person who had used the federal postal service to send the tract.<sup>47</sup>

Key’s sentiments regarding the verdict of not guilty in the Crandall case are unknown, but certainly the chaos that reigned in the city after Bowen’s and Crandall’s arrests weighed on his mind. Crandall’s release scored a victory for the abolitionists and Key would have been loathe to give them an opportunity to seize hold of the wretched details of Dorcas Allen’s past history and current predicament to promote their agenda—particularly in their fight to end slavery and the slave trade in the District. The story of a slave mother and her children, ripped from their home and sold to a nefarious slave trader, the killing of the children, and the questionable sale to the trader—the whole

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<sup>46</sup> Neil Kramer, “The Trial of Reuben Crandall,” 130.

<sup>47</sup> *Ibid*, 138-139.

sordid tale would have made ripe fodder for an abolitionist publication, and could possibly lead to black protest.

In 1833, two years before Reuben Crandall's arrest and trial, Key wrote an indictment charging a District resident, William Greer, with contributing a "false, scandalous & libellous [sic] writing," that had been published in Benjamin Lundy's June, 1833 printing of his Washington publication, *The Genius of Universal Emancipation*.<sup>48</sup> Key alleged that Greer, a "yeoman being a person of an envious evil & wicked mind & of a most malicious disposition," had set out to "vilify the good name fame credit & reputation of the Magistrates & constables of Washington County...& to bring them into great contempt hatred infamy & disgrace." Greer had been arrested as the anonymous source of a story printed in *The Genius*, claiming District constables had assaulted and robbed a group of free blacks who had assembled for a ball. The article began with a damning denunciation of those entrusted to protect Washington citizens. "There appears to be very little protection afforded by law to the free blacks," it read, "even in this district, which is governed by the national legislature. "A friend," the extract continued, "has furnished us with the following relation of facts which shows the gross imposition and cruelty practiced upon unoffending colored people." This "friend" professed that "some colored people of quality...wished to have a ball, in imitation of the whites, but as they cannot make laws for their own government, they have to submit to the unjust and unmerciful laws made by the whites." These people, the story continued, had legally obtained a permit to assemble from a local magistrate and paid the required fee. Late in the evening, while "enjoying themselves in a very orderly manner," some "fourteen

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<sup>48</sup> *United States v. William Greer*, November term 1833, NARA, RG 21, Criminal Trial #78.

constables” disrupted the ball “armed with guns, pistols, and clubs,” robbing the attendees of “all their watches and money.” To add insult to injury, the article further alleged the revelers had been detained and fined for breaking laws prescribed within the 1827 District Black Codes.<sup>49</sup>

At the end of the article, the author related another “outrage” perpetrated upon blacks in the District. *The Genius* described a near kidnapping of a free black woman, with a tragic ending, that had occurred a week before its publication. “Jilson Dove, a constable, who buys and catches negroes for the traders,” had allegedly grabbed a free black woman as she walked over the bridge from Alexandria to Washington looking for work. She managed to escape his clutches, but he “followed her so close, she had no way to escape but by *jumping* into the *river*, where she was *drowned*.” The article alluded to a cover-up of the tragedy, stating “no fuss or stir was made about it,” that she was “buried and there the matter ended.” Why Greer had been arrested as the “friend” who related these stories to *The Genius* remains a mystery, but a printed copy of the publication had been found on his person and submitted as evidence.<sup>50</sup> Apparently, however, the case never made it to trial, or, if it did, there are no surviving records to reveal the outcome.<sup>51</sup>

These cases exemplify the vigilance of guardians of the law over the activities of abolitionists in Washington, and, as District Attorney, Key’s position demanded his immersion in the process between arrests and trials. To keep peace in the District, it was in Key’s interest to keep the Dorcas Allen affair as quiet as possible. If that meant

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<sup>49</sup> *Genius of Universal Emancipation*, No. 5, Vol. III, June, 1833 (Washington: Published by Benjamin Lundy), 127-128.

<sup>50</sup> *Ibid.*

<sup>51</sup> In the NARA Criminal Trials, November 1883, no other documents exist for *United States v. William Greer* aside from Key’s indictment and the copy of the edition of *The Genius of Universal Emancipation*.

bending the law to achieve an outcome that satisfied all parties, he may have been willing to risk potential repercussions. According to Adams, Key had attempted to ascertain Rezin Orme's whereabouts by "threatening [Maria Orme] with the law" in order to find Rezin, force him to repay the \$700 to Birch and take Dorcas and the children back. Orme did not appear at the auction despite Birch's advertisement calling upon him to do so, and, having failed to browbeat Maria into disclosing Orme's location, Key resorted to extralegal negotiations to satisfy the parties with an emotional or financial stake in the affair—the Allens and James Birch. With any luck (and provided neither party prevaricated) the bargain could be concluded quietly without the infamy of a conspicuous trial.

Key's position during his involvement in the 1825 *Antelope* case differed markedly from what he now faced as District Attorney of Washington, D.C. In the legal and social atmosphere of 1837 after the Nat Turner Rebellion, the attack on Mrs. Thornton by her slave, Arthur Bowen, the Snow Riots, and Reuben Crandall's trial, abolitionists could have wielded Dorcas Allen's plight as a weapon against the injustice of the institution. If the abolitionists had learned of the Alexandria murders, they had so far not used the case to their advantage. If Birch sued Orme for breach of warranty, this would heighten the prospect that the case would draw national attention and bring even closer scrutiny to slavery in the Capital. Francis Scott Key proved unwilling to take that risk, even if that meant money might be passed to someone without a sound legal claim to their ownership.

Like Key, Adams had no wish to have his name attached to scandal. He had gone out further on a limb than Key had in aiding the Allens, promising to pay a slave trader

from his personal funds. Key, on the other hand, engaged himself on the periphery. He most likely had negotiated the terms of sale between Nathan Allen and James Birch, but he had stopped short of volunteering funds himself, acting only as the facilitator of the transaction. In addition, Adams had promised to help before knowing all the facts of the matter, preoccupied as he was in October and early November with two other pressing issues that may explain his delay in producing a check to Allen.

After visiting the auction house and speaking with Dyer on November 2, Adams dropped the matter for seven days. His actions and thoughts in the interim were focused instead on the safety of his family and the correct transcription of a speech he had given before the House on October 14, soon to be published in the *Intelligencer*. Perhaps his nervousness about the delayed arrival of his wife, daughter-in-law Mary Catherine, and granddaughters from Quincy had been subconsciously evoked by the pressing dilemma of the Allens. At the same time, the anxiety he displayed regarding his speech, and the care he took to ensure its accuracy, reveals his deep interest in protecting his political and personal reputation. If word of his involvement in the Allen affair ever reached the papers, he might be subjected to the kind of public scrutiny that had occurred after his near censure in the House ten months earlier.

After leaving Dyer's auction house on November 2, Adams went directly to the office of the *Intelligencer* and informed one of the editors, William Seaton, he expected to finish the manuscript of the October 14 speech and would deliver it the next day. The following day, November 3, he received "a distressing letter" from his son, Charles Francis Adams, notifying him that a storm had prevented his family from departing and that Louisa was seriously ill. "The discomfiture occasioned by this intelligence," he

wrote in his diary, “disabled me from completing the manuscript of my speech by adjustment of it to the reporter’s notes.”<sup>52</sup> Customarily, Adams was not the type of person who failed to deliver on his word. Dutifully, he called on the office of the *Intelligencer* to explain the delay. The following day, November 4, he continued to edit the speech in great detail, not trusting the “boy” sent by the paper to deliver the manuscript safely. “I took it to the office myself,” Adams wrote; there he proceeded, almost obsessively, to instruct the paper’s printer exactly how he wanted the text to appear. “I explained,” he continued, “the manner in which the reporter’s notes were to be adjusted to my manuscript, and I required him to publish the Bill as it passed, after my speech and note with the words upon which I commented in italics, and with the amendment of the Senate dovetailed into the middle of the second session inserted between brackets and also in italics.” The foreman “promised to do” so, but Adams was not satisfied, asking to “be furnished with the proof of the part of the speech to be published on Monday including the tabular statement.” Adams then called on the office of another prominent Washington paper, *Niles’s Register*, to make sure the editor possessed the annotated,

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<sup>52</sup> JQA Diary 33, 3 November 1837. Adams did not trust newspaper reporters to accurately transcribe his speeches, particularly the *National Intelligencer* reporter John Stansbury (In the diary entries, Adams misspelled Stansbury as “Stanberry.”) On November 12, 1837, Adams explained the reason for his mistrust of the reporter. He stopped by the *Intelligencer* office and gave the editors “the manuscript of Stansbury containing his repost of the remainder of [Adams’s] speech revised by [himself].” According to Adams, Stansbury had long been collecting bribes from House members under the pretense of a “contribution tax,” before submitting reports to the paper of members “who took part in the debates.” A vociferous member from the start, Adams expected his speeches to be reported and was taken aback when Stansbury “claimed the same tribute” from him. Adams continued, “I gave him some trifle upon his allegation that it was a customary gratuity paid him by others, but after the first Congress in which I sat as a member of the House, I declined giving him anything more. There did the game begin, since that time he has very seldom reported any speech of mine, and when he did has never done me justice at the late session.” Adams relied on Washington newspapers to report his House activities accurately, as many newspapers around the country picked up stories from the *Intelligencer*, reporting them verbatim. Ibid, 12 November 1837.

corrected speech for publication.<sup>53</sup> The following day, November 5, he attended church, finding his cousin Judge Cranch and his wife there. He ended that day's diary entry with the sorrowful refrain, "deep anxiety for my family."<sup>54</sup>

The speech Adams worried about so intently, was, in fact, tied to the probable impetus behind Rezin Orme's sale of the Allens—the Panic of 1837. Adams had arrived to Washington in September 1837 after President Martin Van Buren had requested that Congress assemble earlier than usual that fall, to address the economic crisis that had befallen the United States in the spring. In a speech before Congress on September, 5, the president requested legislation, known more popularly as the Divorce Bill, to establish a national sub-Treasury separate from state banks. In a partisan fashion, Van Buren argued that since the Panic had been caused by the irresponsibility of the banking system, government funds should forevermore be "divorced" from it. Five years earlier, Van Buren's predecessor, Andrew Jackson, had begun a "war" against the banking system with the Second Bank of the United States (chartered 1816), forbidding the deposit of federal funds with that entity. Federal government funds were, after 1833, dispersed throughout certain chartered state banks, called "deposit banks." In the spring of 1837, a financial crisis triggered the banks to suspend specie payment. This meant that state and local banks would not redeem paper notes for specie ("hard" money in gold and silver). As a result, the federal government could not access its funds. Van Buren's

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<sup>53</sup> Ibid, 4 November 1837.

<sup>54</sup> Ibid, 5 November 1837.



solution put before Congress in September 1837 was to call for an independent sub-Treasury to hold funds disconnected from any state bank.<sup>55</sup>

Congressional Democrats divided on the issue, some retaining loyalty to the old Jacksonian coalition, while the pro-state banking members of the party called for Van Buren to repeal the Specie Circular.<sup>56</sup> Predictably, the Whigs (the opposition party formed in 1833, in part, to combat Jackson's anti-National Bank policies) stood together against the Divorce Bill, and Adams was no exception. He had been elected to Congress in 1830 as a member of the fading Republican Party and—after a brief association with the Anti-Masons—allied himself with the Whigs shortly after their formation, yet considered himself an independent most of his political life. His allegiance to the Whigs in the mid-1830s and thereafter stemmed largely from his disavowal of Jacksonian Democrats and in opposition to the southern members of that party and their northern allies, whom he considered part of the “slaveocracy” voting bloc in Congress. In short, the Whigs offered Adams an opportunity to be part of a unified strike against Democratic policies that had been borne from a man he personally despised.<sup>57</sup>

The president's solution to the economic crisis horrified Adams. He had been a fierce supporter of the National Bank, and the idea of separating the federal government from its funds was, to his mind, ludicrous. In the summer of 1837, though, he admitted in

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<sup>55</sup> Major L. Wilson, *The Presidency of Martin Van Buren* (Lawrence, KS: University Press of Kansas, 1984), 43-65. Peter L. Rousseau, “Jacksonian Monetary Policy, Specie Flows, and the Panic of 1837,” *The Journal of Economic History*, Vol. 62, no. 2 (Jun., 2002): 459-463. For an analysis of the origins, timing, and cultural repercussions of the 1837 banking crisis, see Jessica M. Lepler, “1837: Anatomy of a Panic,” Ph.D. Diss. Brandeis University, 2008.

<sup>56</sup> Wilson, *The Presidency of Martin Van Buren*, 63.

<sup>57</sup> Leonard L. Richards, *The Life and Times of Congressman John Quincy Adams* (New York: Oxford University Press, 1986), 37-57; Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago: The University of Chicago Press, 1979), 48, 52, 55-59.

a letter to a New York banker he that had little practical knowledge of what had caused the crisis or what its remedy should be. The “subject of banking, exchange, currency, circulation and credits is so complicated that the doctrine of fluxions and the infinite series which I never could understand appears to me plain sailing in comparison to it,” he wrote, yet he knew his lack of expertise did not negate his responsibility to be part of the solution.<sup>58</sup>

It may have been his lack of confidence in his knowledge of the banking system and mounting anger against the Van Buren administration that prompted his October 14 speech before the House. Decrying the Divorce Bill proposal, Adams attacked it in a partisan fashion. He spoke for two hours, writing confidently in his diary he had “exposed the true character of the bill, and of that to which it is a supplement, in all their iniquity and fraud.” He used “computations which [he] drawn from the reports of the Secretary of the Treasury” to bolster his argument that, essentially, the numbers just did not add up, but he also proclaimed his partisan stance by “denounc[ing] the bargain made in the face of the House between Cambreleng [Democratic Representative from New York and a Van Buren ally] and the members of the debtor States.” In a contemptuous tone, he wrote in his diary that Cambreleng had repeatedly tried to interrupt him during his speech but without success, Adams holding the “constant attention from the House.”<sup>59</sup> It was, in his mind, a victory, and one he worked assiduously to share with the reading American public by ensuring through diligent visits and instructions to newspaper printers that his speech would be published exactly to the letter.

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<sup>58</sup> Quoted in Richards, *Life and Times*, 87.

<sup>59</sup> JQA Diary 33, MHS, 14 October 1837.

In light of his continuing battle presenting antislavery petitions before Congress and his near censure the previous January, Adams remained acutely conscious of his public image. He hoped to gain approbation from northern political and public allies, confiding in a November 7 letter to Alexander Hill Everett (brother to Massachusetts governor Edward Everett and one of Adams's strongest local supporters) that he thought "the calamities brought upon the Country by the headstrong passions, and self-idolizing ignorance of the last Administration, would have operated as a warning to the present." Adams further informed Everett that he constructed his speech to show that the bill favored the southern states, implying his distrust and contempt of slaveholding politicians and the influence they held in the national government. "The leading measures of the administration at the recent Session of Congress," he continued to Everett, "have been in my judgment so unwise and so unjust that I found myself compelled to take a stand of the most decided resistance against them." He charged that "the real intention" of the Bill was to "deprive the Northern States" of government deposits, a scheme cooked up "under the patronage of ultra-nullification." He noted with disdain that the Bill had come before the House "contemporarily with a Southern Convention held at Augusta in Georgia against the Commerce and Merchants of the North."<sup>60</sup>

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<sup>60</sup> John Quincy Adams to Alexander Hill Everett, 7 November 1837. JQA Letterbooks, MHS [microfilm], Reel 153, "Private," 1 January 1837 – 22 November 1839. Adams used "ultra-nullifiers" as a catch-all phrase for who he considered federal government subversives. Led by Jackson's former Vice-President from South Carolina, John C. Calhoun, members of that state voted to "nullify" the federal Tariffs of 1828 and 1832, protectionist tariffs, they argued, that favored northern manufacturers over southern cotton exports. Jackson responded by pushing the so-called Force Bill through Congress, permitting the federal government to use force, if necessary, to ensure a state's compliance with federal law. A Massachusetts Congressman in 1832, Adams despised Jackson so intently he could not bring himself to applaud the president's strong stance in defending the Union. However, he rightly traced the underlying cause of the fray to slavery. Nullifiers, in his opinion, were interested primarily in protecting their slaveholding interests. Leonard Richards, *Life and Times*, 67-75; Howe, *The Political Culture*, 60.

After learning from Dyer on November 2 that Dorcas and her children might not be released to Nathan Allen regardless of Adams's contribution (if the creditors of Gideon Davis's estate chose to claim them for debts owed), Adams busied himself in the sorts of "serious affairs" that (as he had lectured Mr. Munroe) one ought always to contemplate, and, for him, that meant politics. If he thought about the Allens at all, he made no mention of them in his diary, nor did he show any desire to dig deeper into the facts of the case. As an attorney, Adams would have known where and how to check property titles, deeds, and wills; the legitimacy of Rezin Orme's claim to Dorcas Allen through his wife, Maria, could be proved or disproved by checking the public record. Adams did none of this, perhaps because he was distracted and anxious for his family, or, because he hoped the issue would resolve itself without further action or interference on his part.

If called upon by a court of law to prove his ownership of Dorcas Allen, Rezin Orme could claim his title through his wife, Maria Orme, for less than a year before the sale. Orme had married Maria, Gideon Davis's widow, on November 9, 1836.<sup>61</sup> Gideon Davis (as shown in Chapter Four) had inherited Dorcas through his marriage to Anna Emory—Anna being the person who allegedly asked Davis on her deathbed in 1815 to remember to free Dorcas. After Anna's death, Davis continued his employment as a clerk in the War Department and expanded his Pennsylvania Avenue NW bookshop into a lucrative lottery office, selling tickets for cash prizes as high as \$50,000. In 1820,

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<sup>61</sup> *National Intelligencer*, 9 November 1836; "Mrd: by Rev Jos Rowe, Mr. Rezin Orme to Mrs. Maria W Davis, widow of the late Gideon Davis. Joseph Rowen was Maria's brother-in-law. He had officiated her marriage to Gideon Davis as well.

Davis relocated his residence and businesses to Bridge Street (now M Street NW) in Georgetown, transferring his church membership from the Foundry to the Montgomery Street Methodist Episcopal Church (now Dumbarton United Methodist Church).<sup>62</sup> As a transferee between local Methodist churches, Davis would have been accepted with a letter from the Foundry, and not required to go through the six-month probationary period, or to list the number of slaves he owned and the dates these slaves were to be freed.

How many slaves Gideon Davis owned besides Dorcas (who would have been around ten) in 1820 is unknown, though he probably did not acquire more through his marriage to Maria W. Rhodes on February 20, 1821.<sup>63</sup> There are two Gideon Davises in the 1820 District census who are white males and heads of the household, who were approximately the age of Dorcas's owner. One household had fewer occupants than the other—which seems to point to Davis, the widower. This record lists one white male between sixteen and twenty-six, one white male between twenty-six and forty-five (possibly Davis), one white female between sixteen and twenty-six, two male slaves under fourteen, one male slave between fourteen and twenty-six, and one female between twenty-six and forty-five (Dorcas's mother?). There is no listing, however, for a female slave child around Dorcas's age. The other Gideon Davis listing includes twelve whites residing in the household of various ages and sex, and one free "colored" female under

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<sup>62</sup> Jane Donovan, "The Rhetoric of Methodist Reform and Political Discourse in the Early Republic: The Writings of Gideon Davis, Methodist Protestant," *Methodist History*, 43:3 (April 2005): 184. Montgomery Street is now 28<sup>th</sup> Street in Georgetown; the site of the original church stood near what is now M Street, then Bridge Street. Dumbarton United Methodist Church has stood at its current location on Dumbarton Street since 1850.

<sup>63</sup> *Alexandria Gazette*, 26 February 1821: "Married by the Reverend Mr. Rowen, on Tuesday evening, 20 February 1821, Gideon Davis, Esq., of Georgetown to Miss Maria W. Rhodes, daughter of William Rhodes Esq., of this place."

the age of ten. If this larger Davis household included Dorcas, Gideon would have been the one to identify her as free, although in the 1830 Census she is classified under Nathan Allen's household as a slave. The absence in this Davis household of the "coloured woman" who died in 1823, along with a lack of the record of street addresses for the census entries, makes identification of the correct Gideon Davis speculative.<sup>64</sup>

There is, however, clear evidence that Gideon Davis did own slaves, and that he had manumitted some before his death in 1833. This also suggests that, except in the case of Dorcas, Davis did understand and act in accordance with Methodist rules on slave ownership and term servitude. In 1815, Davis apprenticed "his negro boy Sam age 14 years for 7 years to Samuel Johnson, blacksmith."<sup>65</sup> The *Discipline* mandated that slaveowners teach their slaves a trade before their manumission; evidently this was Davis's method of ensuring Sam would not burden society after his term servitude elapsed. This apprentice may have been the Sam manumitted by Davis in 1832 with "others."<sup>66</sup> In 1824, he executed a term servitude manumission for "Dinah Berry," a slave he had purchased from "John Eliason, who sold her to Gideon Davis for a term of 5 years," affirming she had "served and is free."<sup>67</sup> The fate of another slave, Wesley, is unknown, but he appears to have been another young man Davis hired out as an

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<sup>64</sup> 1820 United States Census, District of Columbia; *William King Mortality Books*, 4 March 1823.

<sup>65</sup> Dorothy S. Provine, (comp.), *District of Columbia Indentures of Apprenticeship, 1801-1893* (Lovettsville, VA: Willow Bend Books, 1998), 80, Registration #637.

<sup>66</sup> District of Columbia Recorder of Deeds, Liber WB, No. 41 (1832), 217.

<sup>67</sup> Dorothy S. Provine, (comp.), *District of Columbia Free Negro Registers, 1821 – 1861, Vol. I* (Bowie, MD: Heritage Books, 1996), 128-129, Registration #122.

apprentice. Wesley disappeared in 1822; Davis advertised \$20 for “runaway negro boy Wesley, 15, lately lived with Mr John Bailey, nr the Gen P.O.”<sup>68</sup>

Executor of William Rhodes’s (his father-in-law) will in 1828, Davis well understood that a recorded instrument of term servitude accompanied the distribution of slaves belonging to an estate. Rhodes died in Georgetown on February 13, 1828, leaving a slave woman and child among his personal belongings. Davis advertised an auction in the *Intelligencer* to be held on March 11, comprising “furniture, etc; also a negro woman & child, the woman has to serve until Sep 25, 1832 and the child, now about 6 months old, to serve until it arrives at the age of 25 years.”<sup>69</sup> Rhodes, apparently a life-long Methodist, had manumitted at least two slaves during his lifetime. A resident of Alexandria and a member of Trinity United Methodist Church from 1789 until 1823, Rhodes had filed two deeds of manumission for slaves.<sup>70</sup> “Considering the Blessings of freedom as invaluable to the human race and willing to secure the same to them as far as my influence extends,” he stated, following Methodist rules, twelve-year-old Rachel was to be manumitted at age thirty. If Rachel had children before her emancipation, any male issue would be freed after reaching thirty, females at twenty-eight. In 1821, Rhodes freed

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<sup>68</sup> *National Intelligencer*, 8 July 1822.

<sup>69</sup> *Ibid*, 14 February 1828, 10 March 1828.

<sup>70</sup> *Ibid*, 22 October 1823; “Died: on Fri last, Mrs Rosanna Rhodes, aged 54 yrs, consort of Wm Rhodes of Alexandria, upwards of 40 yrs she ornamented the Christian character.” At twenty-four, William Rhodes was one of the youngest trustees of Alexandria’s Trinity United Methodist Church in 1789, helping to obtain the funds to build a church on Washington Street, between Prince and King Streets in 1803. He appeared on Trinity’s membership roster in 1802, the year of the birth of his daughter, Maria. Archives of Trinity United Methodist Church, Alexandria, Virginia, Church Register 1801-1807. Jane Donovan provided copies of Trinity’s historic membership rosters.

William Amagen, aged forty-four, based on “the principles of humanity, and opposition to slavery.”<sup>71</sup>

William Rhodes appears on the 1811 Trinity member list with his wife, Rosannah, and daughter, Maria, listed in separate men and women’s classes; Maria, (future wife of Gideon Davis and Rezin Orme), then about nine, attended a women’s class separate from her mother.<sup>72</sup> Joseph Rowen, the reverend who married Maria to Gideon Davis in 1821 (and to Rezin Orme in 1836), also appears in the 1811 membership roster. Maria Rhodes’s name shows up consistently in class lists until 1821, the year she married Gideon Davis.<sup>73</sup> Some twelve years Davis’s junior, she had been trained in the precepts of Methodism through her classes at Trinity Church and her parents, and she presumably joined Montgomery Church in Georgetown shortly after her marriage. The union between Davis and Rhodes now made Maria the new “mistress” of the eleven-year-old Dorcas. As such, she shared in the moral responsibility of ensuring Dorcas’s eventual freedom according to the rules stated in the *Discipline*. Legally, however, Gideon Davis would have been the only person who could have entered a deed of manumission in the District Court. Dorcas remained his property unless Davis entered a protective deed of trust in Maria’s name. When he was alive, the question of property ownership was unproblematic, but after his death in 1833, Maria assumed Davis’s assets and debts, since he had not taken the care to enter in the court a deed of trust in her name for their joint property.

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<sup>71</sup> Alexandria Land Records, 1790-1863, compiled by Timothy J. Dennee for The Friends of Freedmen’s Cemetery, [www.freedmenscemetery.org/resources/documents/manumissions.shtml](http://www.freedmenscemetery.org/resources/documents/manumissions.shtml).

<sup>72</sup> Archives of Trinity Methodist Church, Church Register 1801 – 1807 and 1810 – 1831. Maria Orme’s year of birth is noted in the 1870 United States Census, District of Columbia.

<sup>73</sup> *Ibid.*



Four years after his second marriage, Gideon Davis faced a difficult lawsuit in the District Circuit Court. Moses Young, a ticket holder from one of Davis's public lottery schemes, claimed he had won \$30,000, but had been refused payment, and sued for Davis for damages of \$10,000. Davis had closed his lottery operation soon thereafter. In the initial case before the Circuit Court, Francis Scott Key argued on behalf of the plaintiff and lost. In his defense, Davis "insist[ed] that two errors had been committed in drawing the lottery, which vitiate[ed] the whole transaction." The Court ruled in his favor, but in *Brent v. Davis*, March term 1825, Chief Justice John Marshall overturned the lower court's ruling on appeal. Davis, however, was not held responsible for the \$10,000, as Marshall ruled "the transaction was, throughout, perfectly fair; and if the managers have committed an error, it was unintentional, and unimportant." Since the Court could find no evidence of fraud, it found the "pleadings...too defective to sustain a judgment on this verdict for the plaintiffs," remanding the case back to the Circuit Court for judgment.<sup>74</sup> The case was then taken up by the Corporation of Washington on behalf of the plaintiffs in the December, 1825 term of the Circuit Court and dismissed; Davis was never legally held personally liable for any payments.<sup>75</sup>

It was a case, however, that came back to haunt his wife, Maria, after Davis's death in 1833. In 1828, a few years after the adjudication of the lottery case, Davis and thirty-seven other members of Montgomery Street broke with that church, after an argument about the direction of Methodist reform—particularly regarding the role of ministers. The members of Montgomery Street's Quarterly Conference charged Davis,

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<sup>74</sup> *Brent et al v. Davis*, March term 1825, 23 U.S. 395. [www.openjurist.org/23/us/395/brent-v-davis](http://www.openjurist.org/23/us/395/brent-v-davis).

<sup>75</sup> *Corporation of Washington v. Moses Young's Administrator; and Brent et al. v. Gideon Davis*, December term 1825, Cranch, *Reports of Cases*, Vol. II, 632-633.

along with his close friends William King and William C. Lipscomb, with “speaking evil of Ministers,” in November 1828, after the three had attended a reformist convention in Baltimore. In response, Davis and thirty-seven other members broke from Montgomery Church and formed a new congregation, Congress Street, in Georgetown.<sup>76</sup> To help finance the construction of a church, Davis advanced, in total, \$1,600 to the trustees to pay for the structure and lot. The building of Congress Street Church was completed in 1830, though at the time of Davis’s death in 1833, the trustees had not repaid any of the personal loans. When Maria Davis applied to the trustees for payments of the sum her husband had advanced, the trustees of Congress Street used the old lottery case as an excuse to withhold payment.<sup>77</sup>

A letter dated February 6, 1834 from the trustees must have been frustrating for Maria Davis, now a widow without an income, to read. “It will be recollected to you,” the letter read, “that Mr. Davis, was sued at Law by the Corporation of Washington, Concerning a Lottery...for certain consideration.” Under the pretext that they had no assurances an “execution may not be issued in the expectation of recovering the amount,” the trustees refused to attach themselves “in any way that would involve [them] into difficulty.” Placing the welfare of the church before her’s, they concluded their refusal to remit full payment with the plea, “We again say to you, that if we were acting, for ourselves, we might pursue a different Course but you are well aware we are not...we are only, doing what we Consider right for the good of the whole.”<sup>78</sup>

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<sup>76</sup> Donovan, “The Rhetoric of Methodist Reform,”: 185.

<sup>77</sup> Jane Donovan (ed.), *Many Witnesses: A History of Dumbarton United Methodist Church, 1772-1990* (Interlaken, NY: Heart of the Lakes Publishing, 1998), 128.

<sup>78</sup> Trustees of the Methodist Protestant Church in Georgetown to Maria W Davis, February 6, 1834, Gideon Davis Papers, Archives of Wesley Theological Seminary, Washington, D.C.

By all accounts, Davis had died suddenly with his affairs in great disarray. The *Methodist Protestant* reported he had been “indisposed for a few weeks,” before dying unexpectedly on February 13, 1833, at age forty-four.<sup>79</sup> Davis had hastily written a short will the day before he died, indicating that either Davis or those around him must have known his death was imminent. Witnessed by John I. Stull, Dr. Benjamin Bohrer, and Thomas B. Addison, Davis left “all estate,” to “wife Maria W. Davis.”<sup>80</sup> Aside from Dorcas, there is no evidence that Davis owned any other slaves when he died; most likely all had been freed in the manumission of “Negro Sam and others” in 1832. Based upon the information given to Adams by several people, it appeared that Gideon Davis had essentially permitted Dorcas to live as a free person, without an execution of manumission or requesting she remain his slave for life before the church Quarterly Conferences. Davis’s attitude towards slavery near the time of his death is illustrated in his January 1832 response to a circular sent to all the Methodist churches in Maryland, written by Eli Henkle. In his appeal to “beloved brethren” in the “Maryland District,” Henkle called their “serious and speedy attention to the critical and very important subject of Slavery.” He begged members to consider addressing the subject at the next annual conference, implying that they should reform the current rules on slavery in the *Discipline* to mandate speedier emancipations. “At present,” he noted, “this evil exists to a very limited extent in our fellowship; and it is most ardently desired that all who are concerned, will make no delay to wash their hands from this stain.” A slaveowner who

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<sup>79</sup> Donovan, *Many Witnesses*, 127.

<sup>80</sup> Wesley Pippenger, (comp.), *District of Columbia Probate Records, Will Books 1 through 6, 1801 – 1852 and Estate Files, 1801 – 1852*, (Arlington: VA, Published for the Author), 181. The will was recorded February 21, 1833.

had only partially complied with the rules on slavery, Davis responded negatively to Henkle's appeal. In typical paternalist language that was antislavery in theory alone, he wrote of the institution as possessing "a perplexing character, that the wisdom and philanthropy of the wisest and best of the most wise, and the noblest efforts of philanthropy have been taxed in vain to find a complete remedy for the evil." Methodist rules on slavery, he continued, "sufficiently proves the impracticability of any Ecclesiastical body adopting measures calculated to produce any practical good to the Slave or to the community." Hiding behind the excuse that Methodists had no way of knowing whether the relatively liberal manumission laws in Maryland would change, Davis advised that a discussion on slavery at the next conference could only produce "much evil," as the question of slavery was "surrounded...by so many difficulties, and by so much opposition." The official position of Congress Street, he concluded was "not to discuss or agitate any question which [they] have reason to believe will produce disquietude in our ranks and disturb the peace and repose of Christ." Davis's statement was followed by three resolutions resembling the language of the Congressional Gag Rules in the mid-1830s. Congress Street members resolved that "it would be highly inexpedient for the Maryland Conference to make any rule upon the Subject of Slavery – or even to discuss the matter." Their delegate to the annual conference would be "instructed to move the indefinite postponement of any, and every question which may be submitted...upon the Subject of Slavery," and he was to "use every proper exertion to keep the question out of the conference," entirely.<sup>81</sup>

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<sup>81</sup> Gideon Davis Papers.

In reference to his slave Dorcas, Gideon Davis resolved his personal “difficulties” by permitting her to marry Nathan Allen, reside with him, and attend church at the Little Ark (now Mt. Zion Methodist Church) in Georgetown—essentially allowing her to live as a free person, though without executing a certificate of freedom for her. If what Nathan Allen told Adams is true, that Dorcas’s owners did not wish to incur medical expenses for her epilepsy, the Davises probably considered her a financial liability and were more than willing to permit such an arrangement. Several historians have noted the comparative “freedom” urban slaves possessed in comparison with plantation slaves, and Dorcas Allen seemed to have lived in the fluid social parameters between slaves and free blacks.<sup>82</sup> Under the law, she was Gideon Davis’s slave, but until her sale in 1837, her life did not differ significantly from those of other free African Americans in Georgetown, like her husband Nathan. The date of her marriage to Nathan or when the Davises gave her leave is unknown; most likely both occurred around 1828, the year the Allens’ first child was born.<sup>83</sup> Nathan Allen had supported the family with his job as a waiter at Gadsby’s National Hotel, one of the jobs commonly available for free blacks in the District.<sup>84</sup>

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<sup>82</sup> Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974), 284-316; Barbara Fields, *Slavery and Freedom in the Middle Ground: Maryland During the Nineteenth Century* (New Haven: Yale University Press, 1985); Melvin Patrick Ely, *Israel on the Appomattox: An Experiment in Black Freedom From the 1790s Through the Civil War* (New York: Vintage Books, 2004); Midori Takagi, “Rearing Wolves to Our Own Destruction:” *Slavery in Richmond Virginia, 1782 – 1865* (Charlottesville: University Press of Virginia, 1999), 37-71; Seth Rockman, *Scraping By: Wage Labor, Slavery and Survival in Early Baltimore* (Baltimore: The Johns Hopkins University Press, 2008), 49-53.

<sup>83</sup> There is no record of the Allen’s marriage in the surviving marriage annuals at Mt. Zion Methodist Church, Georgetown. Dorcas Allen is shown to have attended classes there as late as 1834. Thanks to Mr. Carter Bowman, historian of Mt. Zion, who provided the information.

<sup>84</sup> 1834 Directory of Washington; Rockman, *Scraping By*, 49-53. Through the example of James Richardson, Rockman describes the types of work available to a free man of color in early nineteenth-century Baltimore.

Living in a Georgetown divided by class and color, the Allens probably knew nothing about Maria Davis's financial crisis following her husband's death. Maria engaged Jeremiah Orme, an attorney and friend of her late husband, to help her sort through Davis's complicated estate. A member of Congress Street Church, Orme labored under a conflict of interest, yet he nonetheless compiled a detailed listing of the sums Gideon Davis had advanced to the church in 1829, totaling, by his account, \$1,650. Maria wrote the trustees on October 16, eight months after Gideon died, asking for the account to be settled by the first of the next month. Jeremiah Orme informed Maria in December the trustees "found it impracticable to make any definitive settlement" with her because she had not yet "administered" (settled the estate through the Orphan's Court), and she answered them back in a terse letter dated on the 30<sup>th</sup>. Her "eminent lawyer," she wrote, had advised her "not to administer, believing that the business might be adjusted under the will of my late husband." The trustees' refusal to settle the debt had caused her "much expense and embarrassment," and their decision came as a "surprise and disappointment" to her. If the trustees continued to deny her payment, Maria threatened to "put the administration in the hand of some gentleman, who acting in a legal capacity, will of course exact of me his legal fees, and be bound by the rigid dictates of the law." Implicitly, this appeared to be a warning that Maria would sue for attorneys' fees should she be forced to take the matter to civil court.<sup>85</sup>

The trustees continued to put off her claims for three years, citing the 1825 lottery case against Davis, and questioned her refusal to administer the estate and the accuracy of

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<sup>85</sup> Maria W Davis to the Trustees of the Methodist Protestant Church of Georgetown, D.C., October 16, 1833 and December 30, 1833. Gideon Davis Papers, Wesley Seminary.

the sums owed.<sup>86</sup> In the midst of the contest, Maria married Rezin Orme on November 9, 1836.<sup>87</sup> If Maria hoped to improve her financial situation by marrying Orme, however, this soon proved a mistake. Presumably, Jeremiah Orme introduced Maria to Rezin, though the Orme family connection is unknown. Born in Baltimore in 1790, Rezin Orme resided in the District as early as 1816, the year of his marriage to Margaret Thomas.<sup>88</sup> From 1816 to 1821 he worked as agent for H. Goldborough, the owner of a Washington lumber yard, before opening his own yard with partner Lloyd Pumphrey “on 12<sup>th</sup> St, adjoining the bridge over the Tiber Creek, Washington.”<sup>89</sup> The partnership dissolved a year later, with Orme taking on a new partner, Thomas Taylor. Their joint enterprise ended in 1829, Orme taking on yet again a new partner, Mr. Pickrell until the lumber business finally failed entirely in 1831.<sup>90</sup> Rezin’s wife Margaret died in 1834, the same year Rezin Orme is listed in the City Directory as the owner of the Temperance Grocery Store at the southwest corner of Pennsylvania Avenue and 12<sup>th</sup> Streets NW.<sup>91</sup> During the transition from lumber yard owner to grocer, Orme had sued several men in the Circuit

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<sup>86</sup> Trustees to Maria W Davis, February 6, 1834, Ibid.

<sup>87</sup> *National Intelligencer*, 9 November 1836; “Mrd: by Rev Jos Rowen, Mr Rezin Orme to Mrs Maria W Davis, widow of the late Gideon Davis.”

<sup>88</sup> 1870 United States Census, District of Columbia; obituary for Margaret Thomas Orme, d. 19 Mar 1834, *National Intelligencer*, 20 March 1834.

<sup>89</sup> *National Intelligencer*, 1 May 1816, 21 July 1817, 23 May 1818, 21 May 1821.

<sup>90</sup> Ibid, 10 February 1829, “Dissolution of the partnership between Rezin Orme & Thomas Taylor, in the lumbering business. Orme will continue at the old stand.” 14 March 1831, “The subscribers being about closing their Lumber business...will sell their stock of Lumber...all persons having claims against the firm will please present them for payment, and those indebted to the firm...will settle them by notes or due bills. PICKRELL, ORME & CO.”

<sup>91</sup> *National Intelligencer*, 20 March 1834; 1834 Washington Directory, 41.

Court for debts owed to the yard.<sup>92</sup> The number of unpaid debts may have contributed to the closing of the yard and could have created financial difficulties for Rezin and Margaret Orme. No evidence exists to prove one way or the other if his grocery business was doing well when he married Maria Davis in 1836. Most likely, the Panic of 1837 hit the Ormes much as it struck the majority of middle-class Americans, and that in turn led to their desperate act of selling Dorcas Allen and her children.

Rezin Orme was, like Gideon Davis, a Methodist. He belonged to the Foundry (the church Davis had belonged to up until 1820) and never transferred his church membership after marrying Maria. An active member of the church and the Washington community, Orme served as a “guardian of the poor,” trustee of the Foundry and one of the founding seven trustees of Asbury Methodist Church, the separatist African American congregation.<sup>93</sup> He had signed, along with such notables as Judges Cranch, Thruston, and Morsell (the three District Circuit Court Judges) and one thousand male white residents of the District, an 1828 remonstrance to Congress “praying for the gradual abolition of slavery in the District of Columbia.”<sup>94</sup> The 1820 Census has a listing for “Reusin” Orme, who falls in the correct age range Rezin Orme would have been, with a female slave under the age of fourteen in the household.<sup>95</sup> The 1830 census recorded Orme as having one female slave between the ages of ten and twenty-four in his home.

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<sup>92</sup> Orme & Taylor v. Belt & Mahoney, Lumber, \$55.84; R. Orme & T. Taylor v. H. Smith, Lumber, \$86.49 ¼; December term 1831, Rezin Orme v. Thomas I. Belt, Lumber \$135.99 ¾; November term 1832, Rezin Orme v. Cornelius McLean, Lumber \$421.37 ¾, NARA, RG 21, Summation of cases 1831-1832.

<sup>93</sup> 1834 Washington Directory, 21; Donovan, *Many Witnesses*, 128; Archives of Asbury United Methodist Church, Washington, D.C.

<sup>94</sup> \_\_\_\_\_, *Memorial of the Inhabitants of the District of Columbia, Praying for the gradual abolition of slavery in the District of Columbia*, House Doc. No. 140, 23<sup>rd</sup> Congress, 2<sup>nd</sup> Session, March 24, 1828, Referred to the Committee for the District of Columbia. February 9, 1835, *Ordered*, On motion of Mr. Hubbard, of New Hampshire, to be printed, with the names thereto attached, 9.

<sup>95</sup> 1820 United States Census, District of Columbia.



The fate of these slaves is unknown; there are no Foundry records pre-dating 1850 and Rezin Orme does not appear in the published manumission records. Clearly though, Orme, unlike several Methodists in the District, never owned a large number of slaves (it appears Gideon Davis owned more than he did). He preferred, instead, to hire slaves when needed, paying the \$2.00 hiring tax on slaves in 1824 and 1825 for “Barbara owned by Mrs Key until Oct 13,” and “Patsey owned by Philip B Key heirs.”<sup>96</sup> Philip B. Key was Francis Scott Key’s uncle; Mrs. Key may have been Philip Key’s widow.

Rezin Orme surely knew the punishment for selling a slave was excommunication from the Methodist church. Less clear, though, is if whether he sold the Allens in August 1837 to Birch without a clear title or with knowledge of Dorcas’s previous history of epileptic seizures. Most likely he did know; his leaving town after the sale and Maria’s refusal to speak to anyone on the subject, suggests culpability. In the summer of 1837, the Ormes must have been at their wits end for them to engage in a possibly illegal slave transaction, one forbidden by the precepts of their own church. Two days after the Allen sale, on August 24 the *Intelligencer* published a list of lots to be sold at auction on November 4 for non-payment of taxes. Included in that list are three lots in Georgetown belonging to “Davis, Gideon’s heirs.”<sup>97</sup> One of those lots was probably the Davis home on Bridge Street, meaning Rezin and Maria Orme stood to lose their home. More than likely, there were even more creditors to the Davis estate. Additionally, the wrangling over the monies owed to Maria from the trustees of Congress Street continued, with no resolution in sight.

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<sup>96</sup> “Statement of Taxes received on Slaves the property of non-residents, 1818-1826.” Register of Licenses, Record Group 352 E72, NARA.

<sup>97</sup> *National Intelligencer*, 24 August 1837.

In light of these dire circumstances, Maria and Rezin Orme planned to abandon their debts in the District and move to Ohio.<sup>98</sup> To do so would have required ready cash, and that was provided in the Allen sale. Orme may have left the District immediately after the sale, expecting Maria to follow him shortly. He probably knew Birch would sell the Allens outside of the District, hoping, most likely, no one would discover the sale until he and Maria were both safely out of Georgetown. No one could have predicted, though, to what lengths Dorcas Allen would go to keep her children from enslavement and sale. The murders and trial may have prevented Maria from leaving the District, as her doing so would certainly arouse unwanted suspicion, though she tried to hide herself at home under the pretext of illness.

Only a few miles away, though not closeted in his home, John Quincy Adams appeared now to be ducking the issue as well. Why Adams dropped the Allen case in favor of concentrating so obsessively on the publication of his speech is speculative; he made no mention in his diary if the *Intelligencer* had been pressing him for the completed copy. His statements regarding the delay in delivering the speech to the paper because of his nervous distraction regarding the welfare of his family, however, appears to indicate he retreated into a more comfortable mode, focusing intently on an activity he could control. Akin to his abstract arguments regarding antislavery petitions and slavery itself, Adams's speech against the Divorce Bill ignored the human implications behind the crisis. He pulled out concrete numbers and figures from Treasury reports, but he offered no practical solution, or even an acknowledgement of the grave situation countless numbers of Americans now found themselves. He argued against Van Buren's remedy

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<sup>98</sup> From Clark County, Ohio, Rezin and Maria Orme appointed Samuel McKenney as power of attorney to pursue and collect the debts owed to the Davis estate from the trustees of Congress Street Church. "Power of Attorney to Samuel McKenney," 26 May 1838, Gideon Davis Papers.

while the reality of the crisis stood right before him in the form of Dorcas Allen, James Birch, and the Ormes. Adams knew that Dorcas had been promised her freedom and Orme had acted immorally. Based on what little information he had been given second-hand, he was unable to determine if an illegal act had taken place at the time of the sale. Francis Scott Key appeared to be willing to circumnavigate the law if necessary in order to keep the affair quiet, but Adams retreated, unsure what course to take when presented with a blatant moral dilemma. If he refused to hand over the sum he had promised, the Allens were at the mercy of a slave trader, interested solely in what monies he could procure. On the other hand, should Adams pay the \$50 to secure their freedom, the money might not go to its rightful, legal recipients who were, perhaps, the creditors of Gideon Davis's estate. And so, for the moment, he avoided the issues altogether.<sup>99</sup>

John Quincy Adams had left Edward Dyer's auction house on November 2, doubtful that Dorcas Allen's sale between James Birch and Dorcas's husband Nathan could be successfully executed. Earlier that day, Nathan Allen had informed Adams that "some people" thought his wife did not legally belong to Rezin Orme, therefore negating the sale to Birch. Dyer, on the other hand, insisted that the transaction was legal, Orme possessing legal title through his wife Maria, the widow of Gideon Davis and owner of Dorcas since his first wife's death, Anna, in 1815. Dyer also had presented Adams with a new twist to the story—one that left him questioning his own financial and moral

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<sup>99</sup> Samuel Reznick, "The Social History of an American Depression, 1837-1843," *The American Historical Review*, Vol. 40, No. 4 (Jul, 1935): 662-687. Written during America's Great Depression, Reznick described the toll the Panic took on the American populace, noting widespread cases of dissatisfaction, disillusionment of the government, and desperate acts committed in the face of financial ruin – such as suicide and the abrogation of familial responsibilities, 676.

responsibility in assuring that the matter would be settled satisfactorily between parties. The auctioneer claimed Davis had died deeply in debt, and, as such, his slaves legally belonged to creditors of his estate. Should any of the parties involved in the dispute take their cases before the Circuit Court, lengthy and costly court proceedings would, in all likelihood, follow. The future of Dorcas Allen and her children would remain uncertain and precarious as their contested owners battled it out with creditors in the courts. Faced with this perplexing and complicated information, Adams was, apparently, unsure of which course to pursue. For a week, he focused his attention, instead, on the publication of his October 14 speech before the House in Washington newspapers. He also worried about the welfare of his wife and extended family, as they made their journey from Quincy to Washington.<sup>100</sup>

To his “great joy,” Adams’s family finally arrived in Washington safely on November 9. That very day, “the black man” Nathan Allen once again came to inquire about the \$50 he expected to receive in contribution to assure his own family’s safety. He was having trouble raising funds for the purchase, although “General Smith, of Georgetown, had agreed to endorse the balance of the sum which was to be paid for the redemption of his wife and children.” Still, Adams expressed doubt “whether they will be emancipated.” Refusing to give Allen a check, he dismissed him, adding “to ask Mr. Key to call.”<sup>101</sup>

The District Attorney did visit Adams’s residence later in the day, but Adams had left for the afternoon to inquire on behalf of a constituent “about the pensions due to

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<sup>100</sup> Ibid, 2 November 1837 through 8 November 1837.

<sup>101</sup> Ibid, 9 November 1837.

Revolutionary War widows” and to get some books from the library at the Capitol.<sup>102</sup>

Walking home, he encountered the editor, John Rives, of the prominent Washington newspaper, the *Globe*. The *Globe* competed with the *Intelligencer* for readership and for political “scoops.” Well aware of the *Globe*’s influence, Adams instructed Rives, as he had the editors of the *Intelligencer*, to publish his October 14 speech exactly as he had submitted it, and in a single issue of the paper, even if that meant it appear “in a very small type.” Rather than breaking up the text to be published in two editions, Adams agreed, yet reminded Rives he wanted it printed “with the notes, and the bill as it finally passed, and as it is in the National Intelligencer.” He obviously did not want to risk that the editors and printers of the *Globe* would make a mistake—those chances increasing if the speech was broken up in two parts.<sup>103</sup>

Returning home, he learned Key had indeed called, but Adams then left the house again to visit his brother and sister-in-law, the Smiths. On his return, he was visited yet again by “the black man” who “had come to me again this morning, in great solicitude about his wife and children.” (Adams never addressed Nathan Allen as “Mr.” in his diary entries as he did for most of the whites he wrote about, revealing his subconscious or purposeful intent to separate him by race and class). While sympathetic, Adams was not about to hand over money to Allen, although he promised that he would go and talk to Key, instead of waiting for the District Attorney to come to him.<sup>104</sup>

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<sup>102</sup> See Chapter One, page 18.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid, 10 November 1837.

Nathan Allen's pleas must have hit Adams's conscience hard. Without further stalling, he proceeded to hunt Key down, going first to his home, then to his office at City Hall. Finding Key at neither place, Adams dropped by the *National Intelligencer* and spoke to William Seaton, possibly about the speech, but also perhaps to press the editor for any further information or insight he could offer on the Allen case. By chance, Key came into the office during this interval. As Adams had probably feared, Key "would give no assurance that Dorcas Allen and her children will be free if they should be purchased from Birch." The District Attorney, a representative and guardian of Washington's laws, confirmed that what Dyer had told Adams was true; that "they are assets of the estate of Gideon Davis, upon which there never has been any administration; neither his widow nor her second husband...had any right to sell them, and the sale to Birch was a mere nullity."<sup>105</sup> This was a fact; Maria Orme, on the advice of her attorney, had not administered her late husband's will, hoping the Congress Street Methodist Church trustees would pay her what they owed to the estate.<sup>106</sup> Still, desiring to see the Allen transaction completed, Key tried to reassure Adams, telling him "the Corporation of Washington were the only creditors of Davis, and it was not likely they would ever disturb the purchase from Birch." Adams did not record what he thought of this information but probably did not receive it well. He did nothing, nor wrote anything about the matter for another day and a half.<sup>107</sup>

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<sup>105</sup> Ibid.

<sup>106</sup> Maria W Davis to the Trustees of the Methodist Protestant Church of Georgetown, D.C., October 16, 1833 and December 30, 1833. Gideon Davis Papers, Wesley Seminary.

<sup>107</sup> JQA Diary 33, MHS, 10 November 1837.

On November 13, sixteen days had elapsed since Adams's initial promise to contribute \$50 to help the Allen family. That morning, Nathan and Dorcas Allen appeared at his residence together, pleading with him to fulfill his commitment. Birch apparently had released Dorcas to Nathan, most likely considering her a financial liability at this point, without any market value. Allen worriedly told Adams he was still short of the purchase price by \$145. According to Allen, General Walter Smith, a long-time resident of Georgetown, "promised to endorse Allen's note for the former sum if he could procure the remainder, to pay Birch for a bill of sale."<sup>108</sup> Presumably, "Allen's note" was the subscription paper, listing the subscribers with the amounts they promised to contribute towards the sale. Hoping to get a check from Adams immediately, Allen said Smith had personally gone to the Registry of Wills and examined "Davis's will, and that by the will the woman and children were bequeathed to Davis's wife, and therefore her second husband had an undoubted right to sell them."<sup>109</sup>

According to District debtor laws and based on what Key had told Adams the day before, Davis's will did not matter if his estate had not been administered. Aware that he could not stall on the issue too much longer, Adams told Allen he would provide a check once the bill of sale had been drawn. Adams perhaps surmised that, in remitting the funds post-sale, and only after the exchange between Birch and Smith, his fiduciary involvement in the transaction would be peripheral and could not be directly connected to

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<sup>108</sup> Ibid, 13 November 1837. Walter Smith had participated in the unsuccessful attempt to drive the British from Washington City in 1814 and had served as Commanding General of the Columbia Division of militia volunteers from 1827 until his retirement from the army in 1833. Frederick P. Todd, "The Militia and Volunteers of the District of Columbia, 1783-1820," *Records of the Columbia Historical Society of Washington, D.C., 1948-1950*, Vol. 50 (Washington: Published for the Society, 1952): 379-402; *National Intelligencer*, 7 November 1833.

<sup>109</sup> Ibid.

him. Allen returned to the Adams home twice that day, and, finally finding Adams home on his second attempt, told Adams that he did not have the bill of sale in hand, saying that “Birch had again taken the two children and put them into the jail, and would carry them away if the money was not paid.” However, General Smith, Allen now affirmed, had changed the agreement slightly, so that “if [Adams] would pay the fifty dollars,” Smith “would undertake...to pay the whole sum and take the bill of sale,” repeating that the general had no qualms regarding the “validity of Birch’s title, and that he had the right to make the sale.”<sup>110</sup>

In that moment, Adams, never one to make a hasty decision, was facing a painful moral dilemma. Should he take the word of a black man, one who he had labeled as “active but ignorant” after their first meeting, that General Smith had examined the title and would complete the purchase? Or, should he refuse payment based on what he learned from Key, an agent of District law? If he failed to fulfill his obligation, two innocent children would probably be shipped out of the District and stood to remain slaves forever. Despite the peril to his reputation that might arise from public exposure of his complicity in a possibly unlawful transaction, Adams’s conscience would not permit him to deny Allen his own flesh and blood. And so the ex-President and Congressman gave Allen a check for \$50 made payable to “Walter Smith, Esq., or his order.” He asked Allen to return with “the bill of sale,” so he could “see it.”<sup>111</sup>

Finally, after much evasion, Adams had consummated his moral and financial obligation to the Allens, though not without an emotional cost. A month earlier, he became involved in what appeared to be a simple case of humanitarianism—a woman

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<sup>110</sup> Ibid.

<sup>111</sup> Ibid.



and her children were about to be sold by a slave trader and her husband desperately needed funds to buy them. As the legal facts and sordid details emerged, however, he found himself lost in the moral labyrinths built into the institution, and, by November 13, he perceived there was no way out of getting out of it. “I could pursue the question of Birch’s title no further,” he lamented in his diary, “without becoming liable to the imputation of shrinking from my own promise and prevaricating upon the performance of my engagement.” But this act of conscience gave his agitated mind no relief. He could not be sure “whether the complete emancipation of the woman and children [would] be effected.” As always, he had appealed to the law in this case, only to be forced into the realization that the law would never provide justice to the Allens in a system devoted to maintaining the property rights of slaveholders and their creditors. Adams knew the law had failed him; Key told him “that if upon a writ of habeas corpus Birch’s title should be disproved, still they were slaves; they could not be discharged. Such is the condition of things in these shambles of human flesh,” he wrote despondently, “Any attempt to set aside the purchase for illegality would be stigmatized as mean and *dishonorable*.” He concluded that, “Iniquity must have its full range,” noting that he had been bound by a promise and kept it, “rather than attempt to bereave the man-robber of his spoils.” The moral impulse that eventually triumphed ran antithetical with his sense of security and order granted under the laws of the American republic. “I could not now expose this whole horrible transaction but at the hazard of my life,” he wrote, comparing his political and public reputation to his physical life, and acknowledging that, despite his benevolent intentions, Allen and her children might never be freed. Adams never mentioned the incident again in his diary nor any of his surviving papers; his silence perhaps a tacit

refusal to admit his faith in law and justice had been (at least temporarily) shaken to the core. Slavery had exacted an impossible price from Dorcas Allen and John Quincy Adams.<sup>112</sup>

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<sup>112</sup> Ibid.

## AFTERWORD

If John Quincy Adams wished to distance himself from his involvement in, what he had called a “horrible transaction,” he could not escape being placed in the public record, which recorded his name for posterity. Registration 1849, entered September 13, 1841, in the District’s *Free Negro Registers*, proves that Adams’s fear that Dorcas Allen and her children would not be emancipated, never came to pass. The registration includes text from the sale between Smith and Birch on November 23, the slave trader receiving \$475 from the philanthropic general, who received title to “Dorcas Allen, aged about thirty-one years; her daughter Mary Allen, aged about twelve years; and Margaret Allen, aged about nine years.” The contribution of funds for the sale are further spelled out: Smith “acknowledges that he received from Nathan Allen, a free black man, the sum of \$175 in bank notes and a check for fifty dollars from John Q. Adams.” The \$225 was “applied in partial payment to Mr. Birch for Allen’s wife and children,” and Smith provided the remaining \$250. This constituted Birch’s demand in its entirety. Still, he lost \$225 from the original \$700 he had paid to Rezin Orme—no trifling sum in 1837.<sup>1</sup>

Dated September 18, 1838, the manumission record itself explicitly freed Dorcas Allen and the children, from Walter Smith of Georgetown, “by request of Negro Nathan Allen”; the latter made his mark in lieu of a signature. No monetary consideration was given to the seller for the manumission, indicating that either Smith freed them outright,

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<sup>1</sup> Dorothy S. Provine (ed.), *District of Columbia Free Negro Registers, 1821-1861* (Bowie: MD: Heritage Books, 1996), 399-400.

or, given the amount of time that had passed from the sale, Allen may have managed to pay back the money the general had advanced. There is nothing in the record, however, to suggest that Smith made the manumission conditional.<sup>2</sup>

The Allens did not remain in Washington to see legislation retroceding Alexandria to Virginia in 1846, the abolition of the slave trade in the District of Columbia by Congressional law in 1850, or the final eradication of slavery in Washington by means of compensated emancipation in 1862.<sup>3</sup> In 1850, the Allens resided in Newport, Rhode Island and had added five children, Henry, Georgiana, William, Caroline and John, to their family. Their daughter Margaret, one of the survivors from 1837 tragedy, either died or remained behind in Washington, as she is not listed among them. Nathan Allen remained, according the census, a waiter—the same occupation he kept in Washington, at John Gadsby’s National Hotel on Pennsylvania Avenue. Ten years later, in 1860, the family’s circumstances had changed drastically. The youngest children from the 1850 census, John and William, are missing, as is Nathan; presumably all had died within those ten years. Nathan died some time after 1854, the year their tenth, and final child, James, was born. Now living in Providence, Dorcas resided with two other black servants in the household of Daniel Mace, a white man. Her age is given as fifty. Caroline, Henry, and James lived with a black couple, Francis and Mary Diggs, who worked as a waiter and housekeeper. Henry worked as a laborer and the younger children attended school. In the interval between censuses, Dorcas had married William Banks, a laborer. The 1870 census shows her residing with Banks and no longer

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<sup>2</sup> Ibid.

<sup>3</sup> Mary Beth Corrigan, “Imaginary Cruelties? A History of the Slave Trade in Washington, D.C.,” *Washington History* 13, no. 2 (2001 – 2002): 21-25.

working—her employment status was noted as “keeping house.” Georgiana and Caroline, now married themselves, lived with them, as did Henry and James. By 1880, William Banks was dead, and Dorcas, now head of the household, lived with her youngest son James, his wife and daughter, and Georgiana. Dorcas died, presumably in Providence, before the compilation of the 1890 census. Her great-grandson, Benjamin P. Allen, descended from her son James, worked as a chauffeur for a Providence physician in 1930. Further research will undoubtedly reveal more about the descendants of Dorcas Allen, a woman born into slavery who lived a remarkable life beset by tragedy.<sup>4</sup>

After the Allen debacle, James H. Birch continued to operate as a slave trader in the District, his last known address in Washington at the United States Hotel on Pennsylvania Avenue between 3<sup>rd</sup> and 4<sup>th</sup> Streets, NW in 1846.<sup>5</sup> After the abolition of the slave trade in the capital in 1850, Birch moved his operations to Alexandria. Retroceded to Virginia in 1846, the city no longer fell under District—or federal—jurisdiction and Birch eventually purchased an interest in Kephart’s Duke Street slave pen.<sup>6</sup> He gained a modicum of notoriety in 1853 when Solomon Northup, the free black man Birch had treated so barbarously in Williams’s slave pen before selling him south, sued him in connection with his 1841 kidnapping in Washington. Ohio Senator Salmon Chase and Northup argued for the prosecution, with Birch hiring Joseph Bradley, a prominent Washington attorney, to defend him.<sup>7</sup> The jury did not convict Birch, but scarcely a year later, before a Saratoga, New York court, Northup’s attorneys, then prosecuting the two

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<sup>4</sup> 1850 United States Census, Newport, Rhode Island; 1860 – 1930 United States Census, Providence, Rhode Island.

<sup>5</sup> 1846 City Directory of Washington City, HSW.

<sup>6</sup> Mary Kay Ricks, *Escape on the Pearl* (New York: Harper Collins Publishers, 2007), 224.

<sup>7</sup> *Ibid*, 260.

men who had actually drugged Northup and sold him to the slave trader, forced him to provide a written deposition. Birch proclaimed he knew nothing of the alleged drugging and kidnapping; that he had, in fact, purchased Northup from a Georgia planter passing through Washington. The tale Birch concocted to defend himself shows him to have been a bold, if not creative, liar. Northup, he told the Court, had been a willing participant in the sale, playing his fiddle to demonstrate his skill and value as a slave, calling Brown “master.” Birch claimed Northup told him he was being sold through no defect of his own, that he had been born and raised in Georgia, Brown selling him on account of a gambling debt. Continuing this outrageous yarn, Birch insisted he told Northup he meant to sell him to the deep South, to which no objection was met, the “slave” being a native of that part of the country. “I told him, if I purchased him, I should send him to the cotton fields,” Birch testified, “where he would be severely punished and that I intended to whip him for a sample of what he would get.” In answer, Northup impassively answered he would “submit,” as his “master has a right to sell me.” Even more insulting, the slave trader finished with typical paternalist sentimentality, describing a fictitious scene worthy of the best contemporary proslavery writers. Brown and Northup “both appeared to be very much affected at parting—so much as to shed tears.”<sup>8</sup>

Birch purchased the Duke Street pen in 1858, continuing operations there until Union troops occupied Alexandria in 1861, shortly after the beginning of the Civil War. Nothing is known of Birch’s whereabouts after the troops seized the building to use as a military prison. Union soldiers took several photographs of the building between 1861 and 1865, which are now considered some of the best surviving evidence of what

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<sup>8</sup> Solomon Northup, *Twelve Years a Slave*, Sue Eakin and Joseph Logsdon (eds.), (Baton Rouge: Louisiana State University Press, 1968), xx-xxi.

antebellum slave pens looked like. The stark images of thick iron clad doors and narrow cells show what hundreds, perhaps thousands, of slaves had to endure within. The exterior photograph shows a brick building with the bold lettering, “PRICE, BIRCH & CO. DEALERS IN SLAVES” in a white band across the entire frontage, and a wall at least twenty-feet high adjoining it. The building still stands at its original location, but the wall and cells used to incarcerate slaves have been removed.<sup>9</sup>

Maria and Rezin Orme, the Methodist couple who sold Dorcas Allen and her children in a presumed act of desperation, relocated to Springfield, Ohio shortly after Nathan Allen successfully claimed his family from James Birch in November 1837. They continued to pursue their monetary claim against the Congress Street Church trustees, who finally agreed to pay most of the disputed sum on December 9, 1837.<sup>10</sup> The church, however, had trouble raising the money from its congregation, and the Ormes hired Georgetown resident, (and Montgomery Street Church member) Samuel McKenney, who successfully collected the funds for them.<sup>11</sup> In 1839, Rezin Orme purchased the lots previously owned by Gideon Davis in Georgetown that had been seized by the Corporation of Washington for unpaid taxes in 1837.<sup>12</sup> Evidently, life in Ohio was not fruitful for the Ormes, and they moved back to Washington between 1850 and 1860. The 1860 census shows the Ormes residing on Capitol Hill with the H.B. Otterbach family, members of the 4<sup>th</sup> Street Methodist Church (now Trinity AME Zion

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<sup>9</sup> Corrigan, “Imagined Cruelties?:” 22; Organization of Historic Alexandria, <http://oha.alexandriava.gov/oha-main/oha-natl-register.html#13>.

<sup>10</sup> Jane Donovan, *Many Witnesses: A History of Dumbarton United Methodist Church, 1772-1990* (Interlaken, NY: Heart of the Lakes Publishing, 1998), 128-129.

<sup>11</sup> “Power of Attorney to Samuel McKenney,” Papers of Gideon Davis, Wesley Seminary.

<sup>12</sup> “Deed of Sale of Square 207, Lots 23 & 24 by the City of Washington, D.C. to Rezin Orme,” District of Columbia Recorder of Deeds, Washington, D.C.

Church). The Ormes are not listed as members of the church, but their relationship with the Otterbachs indicates they might have continued practicing Methodism in a different church.<sup>13</sup> There is no evidence to indicate that Rezin Orme was excommunicated from the Methodist church for selling a slave, though, according to the rules set forth by the *Discipline*, he should have been tried before Quarterly Conference members. However, the fact that neither Maria nor Rezin Orme attempted to re-establish themselves as members in their previous churches—the Foundry and Montgomery Street—suggests a deliberate avoidance. Or, perhaps, they retreated from Methodism and converted to Baptism. In 1862, Rezin Orme’s daughter (who lived with them at the Otterbach home) died “of consumption,” and her funeral was held at the E Street Baptist Church.<sup>14</sup> It is unknown when Rezin and Maria Orme died, and neither appears in the 1880 District of Columbia census.

The most famous historical actor in the Dorcas Allen case, John Quincy Adams, continued his congressional career until his death in 1848. His intimate involvement with slavery and the slave trade in 1837 undoubtedly influenced his handling of the famous 1839 *Amistad* case. A Spanish vessel, the *Amistad* had been illegally transporting slaves from Sierra Leone, Africa to Havana, Cuba. Spain had signed a treaty with Great Britain in 1817 to cease all slave trading in 1820, but the Spanish continued trading in the Caribbean, and Latin and South America. Sengbe Pieh, or more commonly known as Cinque, led a successful revolt in 1839 against their captors, but could not navigate the ship back to Africa. Lacking food and fresh water, the Africans grounded the ship on

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<sup>13</sup> Thanks to Gale Munro, historian of Trinity AME Zion Church, Washington, D.C. for checking member records.

<sup>14</sup> *National Intelligencer*, 17 April 1862. The E Street Baptist Church no longer exists, and it is unclear where its records (if any) are located.



Long Island and were arrested soon after, coming before the Hartford, Connecticut Circuit Court on charges of murder.<sup>15</sup>

When asked for advice from Ellis Gray Loring, a Boston abolitionist, to give his “opinion on the knotty questions” surrounding the case, Adams carefully responded that he “felt some delicacy about answering the letter,” spending the next two weeks pouring through published reports on piracy, the slave trade, and the proceedings in the Courts regarding the affair.<sup>16</sup> Loring and Lewis Tappan, another notable abolitionist, called on Adams, asking him to serve as assistant council to Roger Baldwin, the attorney defending the *Amistad* captives. “I excused myself upon the plea of my age and inefficiency, of the oppressive burden of my duties as a member of the House of Representatives,” he complained to the abolitionists, but, according to Adams, “they urged me so much...it being a case of life and death, that I yielded...and told them that...if my health and strength should permit, I would argue the case before the Supreme Court.”<sup>17</sup>

In the weeks preceding his defense of the Africans, Adams exhausted himself examining countless cases and documents, applying “a painful search of means to defeat and expose the abominable conspiracy against these men.”<sup>18</sup> Yet his old vigor returned when he stood on February 24, 1841 to address the court, and despite being “deeply distressed and agitated till the moment [he] rose” his “spirit did not sink.”<sup>19</sup> The

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<sup>15</sup> Iyunolu Folayan, *The Amistad Revolt: Memory, Slavery and the Politics of Identity in the United States and Sierra Leone* (Athens, GA and London: University of Georgia Press, 2000), 3-13.

<sup>16</sup> Charles Francis Adams (ed.), *Memoirs of John Quincy Adams, Comprising Portions of His Diary from 1795 to 1848*, Vol. X (Philadelphia: J. B. Lippincott & Co., 1874), 132-135.

<sup>17</sup> *Ibid*, 358.

<sup>18</sup> *Ibid*, 373.

<sup>19</sup> *Ibid*, 429.

Africans, he said before the Court, had been seized unlawfully in violation of the 1817 treaty, and were therefore entitled to their liberty. After the arguments, including an impassioned speech given by attorney Baldwin, the Court decided in favor of the Africans and ordered their release.<sup>20</sup>

Gratified that the law had not failed to dispense justice in this case, Adams wrote in 1842, “No one can imagine what I suffered when I engaged to defend...the lives and liberty of thirty-six Africans...nor with what gratitude to Heaven I heard the decision of the Court pronouncing them free.”<sup>21</sup> Despite this victory, though, Adams was beginning to tire, complaining in numerous passages of ill health and poor eyesight. He never stopped, however, his steadfast commitment to presenting antislavery petitions in violation of the Gag Rule, though without ever publicly aligning himself with abolitionist groups. He rejoiced when Congress finally abolished the Gag Rule in 1844 but worried that John Tyler, the “accidental” president who had taken office in 1841 after the death of President William Henry Harrison, aimed to annex Texas. Though a Whig, Tyler was a Virginia slaveholder, part of the “slaveocracy” that Adams so fervently despised. “The annexation of Texas to this Union,” he raged in his diary, “is the first step to the conquest of Mexico, of the West India Islands, of a maritime, colonizing, slave-tainted monarchy, and of extinguished freedom.”<sup>22</sup> The election of his old nemesis, former House Speaker James K. Polk, to the presidency in 1844 further compounded his gloom. He was certain this signaled “the victory of the slavery element in the Constitution of the United States,”

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<sup>20</sup> Christopher Martin, *The Amistad Affair* (London and New York: Abelard-Schuman, 1970), 196-198, 200.

<sup>21</sup> *Memoirs*, Vol. XI, 248.

<sup>22</sup> *Memoirs*, Vol. XII, 49.

and was not surprised when Tyler, then disavowed by most of the northern members of his party, successfully urged Congress to pass a joint resolution to annex Texas, with president-elect Polk's support.<sup>23</sup>

In 1846, fighting over the disputed Texas territory erupted into a full blown war with Mexico, with Adams arguing vehemently against a conflict he believed had been caused by the insatiable territorial desires of southern slaveholders. Clearly, though, he was not well. He suffered a debilitating stroke on the streets of Boston in November, after which he considered himself "for every useful purpose...dead."<sup>24</sup> He recovered sufficiently enough to return to his seat in the House in February of 1847, continuing to rail against the war until collapsing at his desk on February 21, 1848. Carried to House clerk's office by fellow House members, Adams never left the Capitol alive, dying on February 23. Given the number of years and countless hours he had spent engaging in lively, sometimes parsimonious debates, in the House chamber, it was perhaps a fitting place for him to die.

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<sup>23</sup> Ibid, 103.

<sup>24</sup> Ibid, 279.

## APPENDIX I

### GRAND JUROR PROFILE

GRAND JUROR	~AGE	OCCUPATION	SLAVES		"FREE NEGROES"	
			M	F	M	F
Phineas Janney	60	Merchant			2	2
John Roberts	70	Unknown				
William C. Gardner	45	Unknown	1	1		
Thomas Sandford	65	Sailmaker	1			2
Josiah H. Davis, Esq.	55	Lawyer	1	3		
James McGuire	65	Unknown	4	1		1
Robert Jamieson, Esq.	45	Lawyer	15			4
Colin Auld	65	Unknown	3	2		
Robert Brockett	45	Bricklayer	9	3		
George Wise	Unknown	Dry Goods Store				
William Minor	65	Unknown	9	11		
George H. Smoot	35	Merchant	2	1	1	1
Horation Clagett	65	Unknown	9		7	1
Benjamin Waters	55	Unknown	3	2		
Robert Hunter	Unknown	Shipbuilder				
John Lloyd	Unknown	Unknown				
John C. Vowell	65	Unknown	8	6		
William Gregory	65	Dry Goods Store		3		
Hugh Smith	75	China Merchant	2	2		1
William B. Alexander	55	Unknown	6	9		
George S. Hough	55	Dry Goods Store			1	
Robert H. Miller	45	China Store				1

\*Ages of jurors are approximate; numbers of slaves and "free negroes" in households taken from the 1830 United States Census.

Data compiled from the 1820, 1830, and 1840 United States Censuses, District of Columbia; the *Alexandria Gazette* Obituaries and Advertisements; Miller, *Portrait of a Town, 1820 to 1830*; Miller, *Portrait of a Town, 1830 to 1840*.

## APPENDIX II

### TRIAL JURY PROFILE

TRIAL JUROR	~AGE	OCCUPATION	SLAVES		"FREE NEGROES"	
			M	F	M	F
William N. Brown	25	Saddler				
David G. Prettyman	45	Blacksmith/Coaches	2	2		
William Veitch	63	Town Administration				
James E. Smoot	35	Tanner	1	1		
Samuel Bartle	54	Carpenter			1	
Mathias Snyder	25	Paint Merchant	1	1		
John Cohagan	Unknown	Bricklayer		2		
John Lawson	35	Tavernkeeper	1	2		
Samuel Reese	38	Wheelwright				
Jonathan Cartwright	44	Sailmaker			1	
Joseph Grigg	Unknown	Grocer				
James P. Coleman	35	Unknown	1			

\*Ages of jurors are approximate; numbers of slaves and "free negroes" in households taken from the 1830 United States Census.

Data compiled from the 1820, 1830, and 1840 United States Censuses, District of Columbia; the *Alexandria Gazette* Obituaries and Advertisements; Miller, *Portrait of a Town, 1820 to 1830*; Miller, *Portrait of a Town, 1830 to 1840*.

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