

RESEARCH NOTE

FREE AT LAST, SOMEDAY: SENATOR OUTERBRIDGE HORSEY AND MANUMISSION IN THE NINETEENTH CENTURY

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Slavery looms in the collective American memory as an enduring stain on the country's past. In our time, the image of the "peculiar institution" has been shaped by decades of slave depictions shown in film and television productions such as *Gone with the Wind* and *Roots*. To the general public, slavery was all of one type and place: a feature of the Deep South that meant permanent bondage for all African Americans as their only possible status within the society. But this image ignores the reality that slavery was not an all-or-nothing institution confined to the Confederate South. During the Civil War, there were four Northern slaveholding states that did not secede from the Union. In addition, scholars have written extensively about slavery in the American experience as a complex institution with multiple conditions; in fact, the historical record shows it could be more aptly described as "slaveries."

Maryland, a slaveholding border state, had a slave population of 111,502 in 1810. By 1820 it had declined to 107,356 and in 1830 declined even further to 92,865.¹ One factor accounting for

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this decline was manumission, and it has been estimated that over 50,000 slaves were freed during the state's history up to the Civil War.² The freeing of slaves took several different forms—from outright emancipation to manumission by will or deed. An examination of one such manumission deed, that of Senator Outerbridge Horsey, helps shed some light on the complicated nature of slavery in Maryland in the early nineteenth century and, by extension, to the Mid-Atlantic region.

On April 16, 1812, Mr. Outerbridge Horsey wed Miss Eliza D. Lee in a Catholic ceremony at Trinity Church in Georgetown, Washington D.C.³ On that happy occasion, Mr. Horsey became not only a husband but also the owner of fourteen slaves that had previously been his new bride's property.

Outerbridge Horsey was born near Laurel, Delaware on March 5, 1777, and entered politics as a young man, serving in the Delaware State House of Representatives from 1800 until 1804. He became the Delaware Attorney General in 1806, and remained in that office until 1810 when he was elected to replace the recently deceased Samuel White as one of the U.S. Senators from Delaware. A Federalist, Horsey was serving in the Senate at the time of his marriage. Reelected in 1815, he served in that seat until March 3, 1821.⁴

Horsey's bride, Eliza D. Lee, was born on April 30, 1783, the seventh child of Thomas Sim Lee and Mary Digges. The Lee family's primary residence was Needwood Forest, located near Petersville in Frederick County, Maryland. Eliza's father, Thomas Sim Lee, served as the governor of Maryland from 1779–1782, and again from 1792 until 1794, during which time he established a home in Georgetown. This house eventually became the “headquarters” for members of the Federalist party.⁵ It is not known if Outerbridge met Eliza at Governor Lee's home in Georgetown; however, a marriage of long duration, until death did they part, was the result of that wedding day in April 1812. The fourteen slaves that became Outerbridge Horsey's property on his wedding day were manumitted later that same year.

The hand-written manumission deed signed by Outerbridge Horsey on November 11, 1812 is stored in the archives of the High Library at Elizabethtown College in Pennsylvania.⁶ The document was written in ink on a single sheet of paper measuring $15^{11/16}$ inches wide by $9^{11/16}$ inches high. The paper has been folded vertically in half to form a four-page document that might then be folded horizontally into fourths for filing.

The wording of the manumission deed provides a fascinating window into contemporary attitudes regarding slavery and emancipation in slave-holding border states, which had strong economic and social forces leaning toward the northern experience of abolition and free labor. In Maryland, the economic shift following the Revolutionary War centered on the replacement of tobacco by cereal cultivation that required a more seasonal agricultural labor force. By the early nineteenth century the “diffusion of crops and farming practices blurred the border between Maryland and Pennsylvania. The primary crops grown on both sides of the Mason-Dixon line were wheat, oats, and rye, along with a variety of garden crops.”⁷ The political responses to these changing economic conditions were different in Pennsylvania than in Maryland. In 1780, Pennsylvania passed a gradual abolition act which was designed to phase out slavery in the state. Through the efforts of such organizations as the Pennsylvania Abolition Society, the process of gradual abolition was defended in the courts and abolitionist pressure resulted in total emancipation in 1847.⁸ Efforts by abolitionists in Maryland failed to get an emancipation bill passed in the legislature. In “1790 Maryland, which already permitted manumission by deed, expanded the law to include manumission by will . . .” helping transform Maryland “from a slave society into a society with slaves.”⁹ The Horsey manumission deed becomes more complicated and interesting in light of these economic and political transitions that affected Needwood’s cultivation practices.

Figures 1 through 4 show the Horsey manumission deed in its entirety (a typescript of the text is provided in the appendix). The deed indicates that the slaves Robert and Eleanor were to be freed in 1817, following a five-year term of service. The slaves listed next as Mary, Lucy, Henry, William, John, Mark, and Agnes were to fulfill twelve to thirty years of service and to be freed between 1817 and 1842. On the deed’s second page, it reads “... all children of the said Robert and Eleanor his wife ...” indicating that those slaves previously named from Mary through Agnes were the children of Robert and Eleanor (see Figure 2).

The list of slaves in the deed continues with Will (aka Packer Will) to be freed in six years, in 1818, and his wife Polly to be freed in 1817 after five years of service. Joan, listed next, was to serve seven years prior to manumission in 1819. Joan was married to Isaac, who was either a free-man, a slave not to be manumitted by the deed, or a slave not owned by Horsey. Joan’s son Richard was to be emancipated in 1830 after serving for eighteen years, and her daughter Betsy in 1829 after seventeen years

RESEARCH NOTE

Know all men by these presents that I Osteridge Horsey of the Borough of Wilmington in the State of Delaware have manumitted set free and for ever discharged and by these presents do manumit set free and for ever discharge from my Service from and after the expiration of the terms of Service herein stated, the Negroes following which I acquired in right of my wife Eliza H. Horsey late Eliza H. Lee that is to say, Robert and Eleanor his wife from and after the expiration of five years from the first day of October last past - Mary, from and after the expiration of nineteen years from the first day of October last past - Lucy from and after the expiration of twenty four years from the first day of October last past - Henry from and after the expiration of twenty eight years from the first day of October last past - William from and after the expiration of thirty years from the first day of October last past - John from and after the expiration of eighteen years from the first day of October last past - Mark from and after the expiration of seven years from the first day of October last past -

FIGURE 1: First page of the manumission deed.

of service. It is a likely conclusion that Richard and Betsy were Isaac's children given that he was named in the deed although it did not pertain to his freedom.

A summary of each slave's year of manumission is as follows: Robert and Eleanor in 1817; Mary, 1831; Lucy, 1836; Henry, 1840; William, 1842;

Agnes from and after the expiration of twelve years from the first day of October last past. all children of the said Robert and Eleanor his wife. also the negroes following, Will commonly called Packer Mills and Polly his wife from and after the expiration of five years from the first day of October last past. Joan wife of Isaac from and after the expiration of seven years from the first day of October last past. Richard son of Joan from and after the expiration of eighteen years from the first day of October last past. Betsy daughter of Joan from and after the expiration of seventeen years from the first day of October last past. All which said negroes I manumit, liberate and from my service discharge for ever after they respectively shall have served the terms of service hereby reserved as aforesaid in virtue of and conformably to the provisions contained in the act of the General Assembly of the state of Maryland in said case made and provided. — In testimony whereof I have to these presents set my hand and seal this eleventh day of November in the year of our Lord one thousand eight hundred and thirty

FIGURE 2: Second page, reverse side of the manumission deed's first page.

John, 1830; Mark, 1829; Agnes, 1824; Will, 1818; Polly, 1817; Joan, 1819; Richard, 1830; and Betsy, 1829. Of special note in the deed was Horsey's acknowledgement of the three married couples, for the "legal system never recognized slave marriages on the grounds that property could not enter into a legal contract."¹⁰ Unfortunately, Will and Polly were not to be manumitted

RESEARCH NOTE

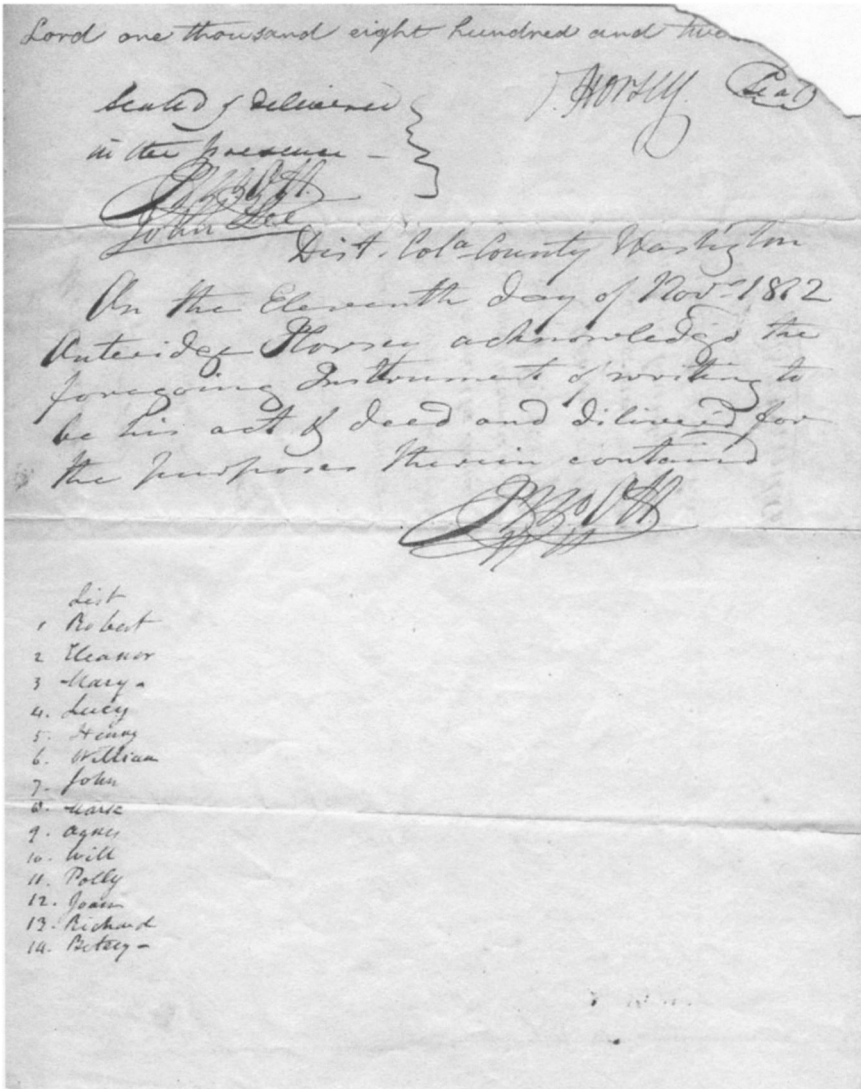


FIGURE 3: The manumission deed's third page. The wax seal in the upper right corner is missing.

in the same year, and Isaac was forced to wait seven years until his wife Joan was freed. Since the slaves were Eliza's before her marriage, they probably resided at Needwood Forest, her father's estate, at the time the manumission deed was signed.

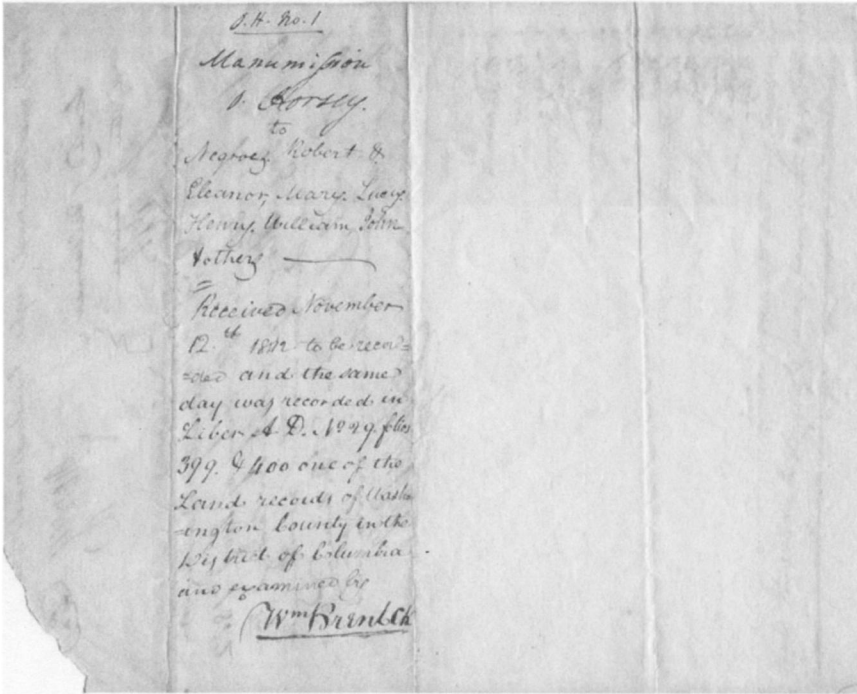


FIGURE 4: Fourth page of the manumission deed; rotated 90° from the original.

The order in which the fourteen slaves were listed on the Horsey manumission deed most likely reflects their ages at the time the deed was signed, as there is no ascending or descending order in the years of service required. The deed does not list the ages of the slaves, nor does it indicate any specific age each slave must attain prior to the granting of freedom.

The manumission deed concludes by noting that it had been written in accordance with Maryland statutes and that it was filed in Washington, D.C. As an attorney, Horsey probably provided the terminology establishing the document's legal basis. One of the witnesses for the deed was John Lee, brother-in-law of Outerbridge Horsey.

According to Maryland law in the early nineteenth century, the maximum age for manumission was forty-five years of age.¹¹ Older slaves were required to give shorter terms of service, while the longest terms of service were given to the youngest children. This was a common feature of most manumission deeds for that era in Maryland, for "most manumissions occurred only after

the slaves had labored five to twenty years as an adult.”¹² The Horsey deed may be seen as typical for that time and place in America’s past, given the use of delayed manumission with its variety of lengths of servitude.

Outerbridge Horsey may initially appear to have been something of a liberal with abolitionist leanings, in that he eventually manumitted the fourteen slaves he acquired through marriage. Horsey’s background and his place in Delaware’s political history as a state representative and a U.S. Senator, however, reveal a more complex and interesting context for interpreting his authorship of the manumission deed.

In the early nineteenth century Delaware was similar to Maryland in its approach to slavery, for it too was “located on the periphery of the Old South, and that fact is central to understanding the state’s past.”¹³ Horsey had been a Delaware state representative from Sussex County, “the southernmost county in the state and the bastion of slavery.”¹⁴ In 1803 he proposed a counter motion to delay until the next legislative session, the consideration of a Quaker effort to abolish slavery in Delaware, thereby fulfilling his duties as a representative of a slaveholding constituency.¹⁵

Only nine years later, on November 12, 1812, Horsey signed the manumission deed for his fourteen slaves. He was serving as a U.S. Senator at the time, but his act should not be interpreted as a turning point in his political position on slavery. While serving in the U.S. Senate in 1820, he voted in support of the Missouri Compromise, which allowed Missouri into the union as a slaveholding state in exchange for the admission of Maine as a non-slavery state.¹⁶ The Missouri Compromise barred slavery north of thirty-six degrees thirty minutes latitude, leaving most of the Louisiana Purchase free while Louisiana itself remained a slave state. In the 1820s, Horsey continued to own slaves in addition to those he was manumitting with terms of service, including “the children of slaves.”¹⁷ The 1830 census records show Horsey owned forty slaves, while the 1840 census recorded his ownership of thirty-nine slaves.¹⁸ Horsey and his brother-in-law John Lee also owned a sugar plantation in Louisiana, and had planned to move slaves there from Frederick County, Maryland.¹⁹ It was a fact that “many slaveholders acquired more slaves after manumitting slaves,” and Horsey proved to be no exception.²⁰ This process of delayed manumission of slaves while acquiring new ones “resembled indentured servitude or apprenticeship to a degree, but with significant comparative advantages for the master. Slaves for a term of years could be sold . . . apprentices could not.”²¹ This promise of freedom was used to reduce the possibility of slave flight northward, while retaining

a somewhat flexible labor supply by allowing the slave owner to lease his slaves or to sell them outright in an economic downturn. Granting manumission after a set term of service also may be viewed as a process whereby a slave purchased his or her own freedom through labor rather than through cash self-purchase, which was also a common occurrence. The practice of delayed manumission was reflective of Horsey's role as a businessman, not any abolitionist intent.

Given Horsey's political orientation as a Delaware state legislator with regards to slavery, and the fact that he continued to own slaves after 1812, it is possible to make a few observations regarding the reasons behind the manumission deed. The manumission of the fourteen slaves fit a common pattern for that time and place in Maryland's history, and one not as benign as it may initially appear. The varying lengths of years the slaves were required to serve allowed Horsey to gain from their labors while they were most productive, while shedding responsibility for them after they had passed their peak years of productivity. Furthermore, according to Maryland statute, the children of these partially manumitted slaves were to remain slaves.²²

The promise of future freedom was used as an incentive to discourage slaves from attempting to flee to the Northern states. Delayed manumission also provided a slaveholder such as Horsey the means to maximize his gains from the slaves' labor while eliminating his later costs for their care. It also served to maintain a viable labor force in which older slaves were manumitted and newer ones were either purchased or born to partially manumitted chattel.²³ This form of labor practice was a common feature of slaveholding in Maryland prior to the Civil War. Delayed manumission may in fact be seen as a successful strategy for maintaining the status quo of the slaveholder-slave relationship.

While Outerbridge Horsey did not appear to have any abolitionist leanings, it should also not be construed that Horsey was engaging in unusually cold-hearted business practices for his era. Instead, his act of delayed manumission reflects a "middle ground" approach between abolition and slavery without end.²⁴ Maryland slaveholders realized that the risk of slave flight northward was always present, and slavery without the possibility of eventual freedom was not tenable in the long term. As less labor intensive crops replaced tobacco and manufacturing became more vital to the nation's economy, agricultural and economic forces began to favor free labor. The system of slavery in the border states was forced to adapt to a changing economy, and delayed manumission was part of that response. In that respect, Horsey

RESEARCH NOTE

must be judged by the standards of his era and was probably a fairly typical slaveholder of his socioeconomic class, whose primary financial assets were often land and slaves. At the time of Horsey's death, he owned thirty-three slaves valued at \$3855.50, about whom it reads in his estate's inventory: "All these slaves are covered by a mortgage to William & Alexander Lorman of Baltimore."²⁵ Horsey's financial situation may have been similar to that of John Dickinson, a prominent Pennsylvanian during the Revolutionary War era, who also used delayed manumission for over fifty slaves on his Dover, Delaware plantation. Dickinson and his family "held back from freeing their slaves immediately because a considerable part of their family fortune rested on human chattel."²⁶ Slaves, like land, were assets to be used as collateral for loans when faced with a cash shortage. Since immediate manumission of his slaves would have resulted in the loss of a large part of his wealth, Horsey followed a pattern of delayed manumission common among his contemporary slaveholders in Maryland, as well as those in Pennsylvania decades earlier.

Outerbridge Horsey and his wife Eliza established their own home, which they also named Needwood, in 1820 on land inherited from her father, Thomas Sim Lee. They continued to live part of the year in Delaware until 1828 when they moved permanently to Needwood. Horsey lived the remainder of his life in Frederick County. He died on June 9, 1842 and was buried in St. John's cemetery in Frederick, Maryland.²⁷

Why the fourteen slaves were given delayed manumission is not discernable from the deed. Perhaps emancipation was a "gift" to them from Eliza D. Lee prior to her marriage, and Outerbridge Horsey was following her wishes. As might be expected, the fates of the fourteen manumitted slaves are unknown, and their voices in this story remain silent. If the terms of the manumission deed were adhered to, at the time of Horsey's death only William had yet to be freed. On the first of October of that same year, after completing the specified thirty years of service to the Horsey family, William was free at last. His "someday" had finally arrived.

NOTES

1. "Interactive Timeline," *Pathways to Freedom: Maryland & the Underground Railroad*, Maryland Public Television <<http://pathways.thinkport.org/figure>> [accessed August 11, 2008].
2. Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth Century* (New Haven: Yale University Press, 1985), 15.

PENNSYLVANIA HISTORY

3. The information about the wedding's location come from William A. Warner, *At Peace with All Their Neighbors: Catholics and Catholicism in the National Capital, 1787–1860* (Washington, DC: Georgetown University Press, 1994), 57. The wedding's date is from Joan M. Dixon, *National Intelligencer, Newspaper Abstracts, 1811–1813* (Bowie, MD: Heritage Books, Inc., 1997), 131.
4. "Horsey, Outerbridge," *The National Cyclopaedia of American Biography, Vol. IV* (New York: James T. White & Company, 1899), 70. See also "Hon. Outerbridge Horsey," *Biographical and Genealogical History of the State of Delaware, Vol. II* (Chambersburg, PA: J.M. Runck & Co., 1899), 1349. "Horsey, Outerbridge," *Who Was Who in America Historical Volume 1607–1896* (Chicago: The A. N. Marquis Company, 1963), 260.
5. T. J. C. Williams and Folger McKinsey, *History of Frederick County Maryland* (1910; repr., Baltimore: Regional Publishing Company, 1967), 122.
6. Horsey manumission deed of November 11, 1812, box CoB V Miscell. papers. Special Collections, High Library, Elizabethtown College, Elizabethtown, Pa.
7. Max. L. Grivno, "There Slavery Cannot Dwell" *Agriculture and Labor in Northern Maryland, 1790–1860* (PhD diss., University of Maryland, 2007), 6.
8. Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath*, (New York: Oxford University Press, 1991), 99, 138.
9. Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America*, (Cambridge: Harvard University Press, 1998), 279–83.
10. Thomas E. Will, "Weddings on Contested Grounds: Slave Marriages in the Antebellum South," *Historian* 62 (Fall 1999): 100.
11. Benjamin Joseph Klebaner, "American Manumission Laws and the Responsibility for Supporting Slaves," *The Virginia Magazine* 63 (1955): 444.
12. T. Stephen Whitman, *The Price of Freedom: Slavery and Manumission in Baltimore and Early National Maryland* (Lexington: University Press of Kentucky, 1997), 103.
13. William H. Williams, *Slavery and Freedom in Delaware, 1639–1865* (Wilmington, DE: Scholarly Resources, Inc., 1996), vii.
14. Patience Essah, *A House Divided: Slavery and Emancipation in Delaware, 1638–1865* (Charlottesville: University Press of Virginia, 1996), 83.
15. Ibid, 158.
16. Henry Clay Reed and Marion Bjornson Reed, *Delaware, A History of the First State* (New York: Lewis Historical Publishing, 1947), 165.
17. "PAR (Petition Analysis Record) Number 10382616," *Digital Library on American Slavery*, University of North Carolina at Greensboro <<http://library.uncg.edu/slavery/index.aspx?s=1>> [accessed September 17, 2007]. This petition from 1826 was requesting permission to move his slaves back and forth between Delaware and Maryland. See also PAR Number 2038200 from 1820 for information about Outerbridge Horsey purchasing two term slaves aged eleven and nine, who were to be freed at the age of twenty-five. The petition was requesting to move the slaves from Delaware to Maryland, so as "to work the two brothers on his farm in Maryland." <Ibid.>.
18. Census search results for 'Outerbridge,' *Beneath the Underground: The Flight to Freedom and Communities in Antebellum Maryland*, Maryland State Archives <<http://ww2.mdslavery.net>> [accessed October 10, 2007].

RESEARCH NOTE

19. Theodore Dwight Weld, comp., 1839. *American Slavery As It Is: Testimony of a Thousand Witnesses*. Electronic Version. Documenting the American South. University of North Carolina. <<http://docsouth.unc.edu/neh/weld/menu.html>> [accessed October 4, 2007]. For the plan to move slaves from Frederick County, see Grivno, "There Slavery Cannot Dwell," 210–11.
20. Whitman, *The Price of Freedom*, 4.
21. T. Stephen Whitman, *Challenging Slavery in the Chesapeake: Black and White Resistance to Human Bondage, 1775–1865*. (Baltimore: Maryland Historical Society, 2007), 69.
22. Jeffrey Richardson Brackett, *The Negro in Maryland: A Study of the Institution of Slavery* (1889; repr., New York: Negro Universities Press, 1969), 154–55. See also James Martin Wright, *The Free Negro in Maryland, 1634–1860* (1921; repr., New York: Octagon Books, 1971), 243.
23. Whitman, *The Price of Freedom*, 116. Also of interest is a reference to Lucy's son, Henry, being baptized on June 23, 1817 at St. Peter's Cathedral in Wilmington, DE, with the note "All black, Mr. O. Horsey's family." Karen Barth cont., *Blacks in Delaware Catholic Records*, 2000. <<http://www.springhillfarm.com/broomhall/afric7.html>> [accessed October 5, 2007].
24. Fields, *Slavery and Freedom on the Middle Ground*. See also Grivno, "There Slavery Cannot Dwell," 223.
25. Frederick County Register of Wills (Inventories) Liber GME 11, folios 428–433, Outerbridge Horsey, 12 January 1843 [MSA C807, MdHR 14,656, 1/50/12/17], Maryland State Archives.
26. Nash and Soderlund, *Freedom by Degrees*, 144–46.
27. Williams and McKinsey, *History of Frederick County Maryland*, 265. Obituary of Outerbridge Horsey, *The Republican Citizen* [Frederick, MD] June 24, 1842.

Appendix: Typescript of Manumission Deed

Know all men by these presents that I Outerbridge Horsey of the borough of Wilmington in the State of Delaware have manumitted set free and for ever discharged and by these presents do manumit set free and for ever discharge from my service from and after the expiration of the terms of service herein stated, the Negroes following which I acquired in right of my wife Eliza D. Horsey late Eliza D. Lee that is to say, Robert and Eleanor his wife from and after the expiration of five years from the first day of October last past _ Mary, from and after the expiration of nineteen years from the first day of October Last past _ Lucy from and after the expiration of twenty four years from the first day of October last past _ Henry from and after

the expiration of twenty eight years from
 the first day of October last past _ William
 from and after the expiration of thirty years
 from the first day of October last past _
 John from and after the expiration of eighteen
 years from the first day of October last past _
 Mark from and after the expiration of seventeen
 years from the first day of October last past _

Agnes from and after the expiration of twelve
 years from the first day of October last past _ all
 children of the said Robert and Eleanor his wife _
 also the Negroes following, Will commonly called
 Packer (?) Will and Polly his wife from and after
 the expiration of five years from the first day
 of October last past _ Joan wife of Isaac from
 and after the expiration of seven years from the
 first day of October last past _ Richard son of
 Joan from and after the expiration of eighteen
 years from the first day of October last past _
 Betsy daughter of Joan from and after the
 expiration of seventeen years from the first day
 of October last past _ all which said Negroes
 I manumit, liberate and set free from my service
 discharge for ever after they respectively shall
 have served the terms of service hereby reserved
 as aforesaid in virtue of and conformably
 to the provisions contained in the act of the
 General Assembly of the State of Maryland
 in said case made and provided ____ In testimony
 where I have to these presents set my hand and
 seal this eleventh day of November in the year of our
~~Lord one thousand and eight hundred and twelve~~

Lord one thousand eight hundred and twe[lve]

Sealed & Delivered
 in the presence

O. Horsey

RESEARCH NOTE

[Illegible signature]

John Lee signature

Dist. Col & County Washington

On the Eleventh day of Nov. 1812
Outerbridge Horsey acknowledged the
foregoing instrument of writing to
be his act of deed and delivered for
the purposes therein contained

[Illegible signature]

List

1. Robert
2. Eleanor
3. Mary
4. Lucy
5. Henry
6. William
7. John
8. Mark
9. Agnes
10. Will
11. Polly
12. Joan
13. Richard
14. Betsy

O.H. No. 1

Manumission

O. Horsey

To

Negroes. Robert &
Eleanor, Mary, Mary, Lucy,
Henry, William, John

& others _____
 Received November
 12th 1812 to be record=
 =ded and the same
 day was recorded in
 Libers A.D. No. 29. Folios
 399 & 400 one of the
 Land records of Was=
 =ington county in the
 District of Columbia
 and examined by
 W. Brent ck