

NOTES AND DOCUMENTS

Tales from the Chew Family Papers: The Charity Castle Story

TWO RECENT DEVELOPMENTS will soon make the rich historical documentation of the Chew Family Papers, The Historical Society of Pennsylvania's largest collection of family papers, available to scholars to an unprecedented extent. One is the transfer of a substantial number of papers from Cliveden, the Chew family country house in the Germantown section of Philadelphia,¹ to the Historical Society, which brings the collection together in one research institution for the first time. The second is the Historical Society's receipt of a major grant from the National Endowment for the Humanities to complete the processing of this extensive and extremely valuable collection. The letters presented below showcase some of the wealth of material that will soon be more accessible to researchers and document just one of the many stories waiting to be uncovered and told.

The Chew Family donated its papers to the Historical Society in 1982, and at that time all the known papers were transferred from Cliveden to the society.² But such was their volume and ubiquity throughout the mansion that by 2000 Cliveden staff had assembled a secondary archive consisting of eighty shelf-feet of additional documents. Fortunately, all of these materials were transferred to HSP in 2006.³

I am deeply indebted to Catherine Rogers Arthur of the Homewood Museum and Mary Clement Jeske of the Charles Carroll of Carrollton Papers, both located in Baltimore, Maryland, for their assistance preparing this article. Both are avid followers of Charity's saga.

¹ Cliveden is now a National Historic Landmark owned by the National Trust for Historic Preservation and is located at 6401 Germantown Avenue in Philadelphia. It is open to the public; call 215-848-1777 for information.

² When the papers were transferred a small number of highly valuable documents were sold at auction to satisfy the claims of several minors who owned shares of papers. See Christi, Manson and Woods International, Inc., *Colonial American Documents including the Declaration of Independence from the Chew Family Papers* (New York, 1982).

³ At the time of this writing a small trove of additional papers had recently been found.

The Chew Family Papers document the history of one of Philadelphia's leading families from the late seventeenth century through the 1970s. The early focus of the collection is on Benjamin Chew (1722–1810), who arrived in Philadelphia in 1754 and served as attorney general of the Province of Pennsylvania (1755–1769), as a member of the governor's council (1755 until the Revolution) and, later, as chief justice of the Pennsylvania Supreme Court (1774 until the Revolution). The papers covering the prerevolutionary period have garnered the most scholarly attention thus far, due in part to their extensive documentation of Chew's involvement in colonial government and their coverage of the Pennsylvania–Maryland boundary dispute and the government's negotiations with Native Americans. As a retainer of the Penn family, Chew managed to sidestep the minefields of the Revolution. His family emerged as one of the luminaries of the so-called Republican Court, the social center of the American capital in Philadelphia. According to one historian, it was social suicide to be “not at home” when the Misses Chew came to call.⁴ During the postcolonial decades, his progeny retained their blueblood status and benefited from a growing nation, society, and economy. The collection details investments in western lands, turnpikes, canals, and railroads; internecine battles over inheritances; interests in business and manufacturing; trips to Cape May; membership in hereditary societies; trust funds, boarding schools, and more. In addition, the estimated two hundred thousand documents, by the blessing of their completeness, also have a great deal to say about the Chews' servants, enslaved workers, domestic arrangements, and myriad other contemporary social issues.

The story the following letters tell is set in 1814 and is related primarily from the point of view of Benjamin Chew Jr.,⁵ the son of the chief justice. It takes place as Chew's sister Harriet's (1775–1861) marriage to Charles Carroll Jr. (1775–1825) is collapsing. While the marriage to Charles (known as Charles Carroll of Homewood) had originally been a happy one, a long series of unfortunate events, including an operation and the death of two children, had led Charles into alcoholism. His behavior became abusive, eventually so much so that both families agreed that

⁴ Rufus Wilmot Griswold, *The Republican Court, or American Society in the Days of Washington* (New York, 1867); Ethel Rasmussen, “Capital on the Delaware: The Philadelphia Upper Class in Transition, 1789–1801” (PhD diss., Brown University, 1962), 93.

⁵ Benjamin Chew Jr. (1758–1844) was the only son of the former chief justice of Pennsylvania and a lawyer and gentleman in his own right. He divided his time between a Fourth Street townhouse in Philadelphia and Cliveden, his family's Germantown country estate.

Harriet and their children needed to be separated from Charles.⁶ As the story begins, Harriet had temporarily moved back to her family's home in Philadelphia with the enslaved servant Charity Castle.

Also important to the story is the legal status of slavery in Pennsylvania at that time. On March 1, 1780, in the midst of the American Revolution, the Pennsylvania General Assembly passed An Act for the Gradual Abolition of Slavery. Though limited in scope, it was one of the most radical pieces of legislation of its time and was intended to phase out the practice of slavery through a variety of measures that would control the number of enslaved people within the state. Section 10 also stipulated that any slave who had been brought into the state and was retained there for six months would be granted his or her freedom.⁷ It was the meaning of this paragraph that Charity Castle's case tested.

The letters have been transcribed retaining original spelling and punctuation. Deletions are indicated with strikeouts, insertions with up and down arrows. Words that are illegible are noted in italics within square brackets. Words that are in question appear in roman type within square brackets. A few changes have been made: superscripts have been brought down to the base line; date lines at the beginning of letters have been printed flush right, and the opening and closing greetings have been printed flush left. The printed text of the one form letter has been set in boldface.

The documentation begins with Benjamin Chew writing to his sister's father-in-law, Charles Carroll of Carrollton (1737–1832). Carroll was a signer of the Declaration of Independence, a U.S. senator from 1789 to 1792, and one of the wealthiest men in the nation. He divided his time between Doughoragen Manor in Anne Arundel County and a house in Annapolis. Chew brings up the subject of the slave Charity Castle, who

⁶ This fascinating story is told in somewhat more detail in Merrill D. Smith, *Breaking the Bonds: Marital Discord in Pennsylvania, 1730–1830* (New York, 1992). The Chew Family Papers document the response of both families to the deteriorating marriage and subsequent separations. The final breakup between Charles and Harriet took place in 1816.

⁷ "And be it further enacted by the authority aforesaid, That no man or woman of any nation or colour, except the Negroes or Mulattoes who shall be registered as aforesaid, shall at any time hereafter be deemed, adjudged, or holden within the territories of this commonwealth as slaves or servants for life, but as free men and free women; except the domestic slaves attending upon delegates in congress from the other American states, foreign ministers and consuls, and persons passing through or sojourning in this state, and not becoming resident therein; and seamen employed in ships not belonging to any inhabitant of this state, nor employed in any ship owned by any inhabitant. Provided such domestic slaves be not alienated or sold to any inhabitants nor (except in the case of members of congress, foreign ministers and consuls) retained in this state longer than six months." See Avalon Project, <http://www.yale.edu/lawweb/avalon/states/statutes/pennst01.htm>.

had lived on Charles Carroll Jr.'s estate, Homewood, but at the time was in Philadelphia with Harriet Chew Carroll.

Benjamin Chew to Charles Carroll of Carrollton, October 14, 1814⁸

Honble Chas Carroll of Carrollton

Philada 14t Octr 1814

Dr Sir

... Another Subject is also proper to be noticed as relates to the Woman named Charity that attended my Sister when she came to Philada— Some time since my Sister aware that after a certain period of Six months continuing her in this State would decidedly fix her emancipation requested thro' my Sister Howards Family⁹ that a due attention should be paid to the obtaining Mr Carroll's directions respecting the Woman— not having received them my Sister by my desire decided on Monday last to send the Woman back to Baltimore that nothing should appear deficient on her part and to such Effect intimated her determination to the Woman when a distressful occurrence took place discovering not only a reluctance but an absolute repugnance in the Woman against returning to Homewood, stating with great agitation and many excuses for her declaration that was willing even to be sold or sent to any remote Distance rather than be placed where she had been— the Cause for such declaration being anxiously pressed for, in hopes it might be palliated or removed, brought forth a Tale which has so shocked my poor Sister that for Tuesday she was chiefly in her Chamber and has suffered a Conflict not easy to be described to you, leaving her in doubt what part to adopt, even the mentioning it to me— the day before yesterday however it was communicated to me and in truth I have keenly participated [↑]in[↓] my Sister's feelings— it would distress me to wound your Situation by detailing the particulars— suffice it to say that from the woman's account it would be improper to place her at Homewood where attempts have been essayed that Delicacy forbids me to particularise— My Object therefore

⁸ Draft of Letter, Chew Family Papers, box 72.

⁹ Margaret Chew (1760–1824), also known as Peggy, was married to John Eager Howard (1752–1827), who had previously been the governor of Maryland and a U.S. senator. The Howard home was Belvedere, located near Baltimore. The Howards acted as intermediaries between Harriet and her husband.

is at my Sister's request, knowing the Property of your Son, to ask the favor of you to exchange [↑]some[↓] one of the Women you may have on one of your Farms so as to place the Woman now here called Charity in the Stead of the one that may be sent to Homewood— indeed from what I hear, I doubt whether Charity can be prevailed upon without a keeper to proceed to Baltimore to return to Homewood— it may at all events be advisable for you to send some person to accompany her from hence in the expectation of her being permitted to remain elsewhere than at Homewood— I should doubt whether a proper Character could be procured here— Something will be necessary to be done without delay as my Sister's arrival here was on the 16th or 17th of May, having previously been delayed some days at Lancaster in this State—and Six Months will expire on the same day in Novr— From the general [↑]religious and[↓] good Conduct of the Woman towards my Sister, Harriet was little prepared to be reduced to her present dilemma and never anticipated that any embarrassment could have arisen to the returning the Woman within the period referr'd to, much less the afflicting development that has taken place— Under these Circumstances there will be occasion for the interposition of your Offices, the ground for which perhaps at a future day you will have it in your power more compleatly to investigate

With great respect Sir I have the honor to remain
Your obedt & very hble Servt
B Chew

**Notarized Testimony of Ownership by Charles Carroll Jr.,
October 22, 1814¹⁰**

United States of America, State of Maryland—to wit:
I, SAMUEL STERRET, Notary Public, by Letters Patent under the Great Seal of the State of Maryland, Commissioned and duly Qualified, residing in the City of Baltimore, in the State aforesaid, do hereby Certify, Attest, and Make Known, That on the day of the date hereof before me personally appeared Charles Carroll, Jr, Esq. and made oath, that a certain Negro Woman, named Charity Castle, now in the City of Philada is a Slave, and the Property of him the Deponent—and that the said

¹⁰ Form Letter, Chew Family Papers, box 117.

Charity was born a Slave in the Estate of this Deponent's Father, where her Mother, a Slave, is still living. The said Charity is about Twenty Seven Years [↑]of Age[↓] and has the Mark of a [Seall?] on the Breast.

Chas Carroll Jr

In Testimony Whereof, *I the said Notary, have hereunto set my Hand, and affixed my Notarial Seal, the* Twenty Second Day of October in the Year of our Lord, One Thousand Eight Hundred and Fourteen.

Samuel Sterett
Not. Pub.

Benjamin Chew to Charles Carroll of Carrollton, October 25, 1814¹¹

Philada 25 Octr 1814

Dr Sir

Mr Burgess arrived in Philada last Evening and immy called upon me ~~with your Letter addressed to my Sister Mrs Carroll~~ informing me of the object of his Errand and deliver'd your Letter for my Sister Mrs Carroll—I should have this morning dispatched him with the Woman Charity but for an unfortunate Accident which occur'd to her on Sunday Night which for some time [seemed?] excited an apprehension of the most alarming nature— Having gone into the Yard for some ~~wood~~ small wood to Kindle up the Fire of your Granddaughter's room [↑]in the evening[↓] she ~~went~~ mounted over the outer tier to reach the smaller Sticks and fell with great violence striking her Side against a heavy Log and lay senseless it is supposed from 20 minutes to half an hour— it being concluded that some other object had engaged her attention [↑]she was not followed until[↓] another Servant was sent for wood who being more prudent took a Lantern and found Charity as I understand, apparently lifeless, much Blood having flowed from her Mouth— she was of course immy removed into the house and the Physician quickly obtained, she was recover'd and very soon bled [↑]~~the~~ it being ascertained that there was no

¹¹ Draft of Letter, Chew Family Papers, box 72.

fracture of the Ribs or other Bones[↓]— ~~the~~ [↑]the[↓] puking of Blood continued at times during the night— She was bled again yesterday morn^g and took Medicine, the Doctor pronouncing that there must have been a severe Contusion of the Lungs but giving reason to expect that a few days would restore her— a Fever however occurred [↑]which continued this morn^g[↓] and last night, the Lancet has again been used ~~this morning~~ with a repetition of Medicine— all together that had a happy Effect and this Evng the Patient appears better affording a well grounded expectation that altho' much weakened she may perhaps by Friday or Saturday be removed by Water to Wilmington or New Castle which will be ~~sufficiently~~ [↑]in time [↑][~~be within?~~] to avoid the expiration of[↓] the Six Months from her entering the State of Pennsylv^a— the immediate removal ~~of~~ [†]on Horseback would be out of [†]the question but at the hazard of her Life— under these Circumstances I have advised Mr Burgess [↑]~~who had~~[↓] to remain here in the full hope that your purpose may be duly effected— it has been peculiarly unfortunate that [~~she?~~] such an accident shd have happen'd at the present juncture but ~~there are~~ dispensations ~~that befall~~ even of higher importance ~~daily occurring~~ [↑]are daily experienced[↓] equally unlooked for and unavoidable— Had Mr Burgess earlier arrived his errand might have succeeded without delay— to my surprise however it should appear that you neither recd my Sister's or my Letter ~~illegible~~ the one of the 14^t the other of the 16^t untill the 25th instant— I trust however that we shall succeed in Mr Burgess accomplishing his object so far as reaching Wilmington or New Castle where he must be governed by the Convalescence of the unfortunately weakened Woman and proceed thence duly regarding the fitness of Charity to encounter any fatigue [↑]of travelling[↓] in her debilitated Condition— after having made so long a Journey as Mr Burgess has done I have ~~given~~ [↑]expressed[↓] him my own Sentiments of the expediency of his waiting a day or two to complete his Business presuming you wd ~~have done the same~~ [↑]approve this delay[↓]— Mr Burgess has ~~continue~~ concurred [↑]with me[↓] in opinion ~~and will probably~~ I have therefore thought proper to inform you of the Cause of his Detention, lamenting that any thing should have interfered to prevent your expectations being fulfilled as to the Object in question—

With great respect I remain Sir
Your obedt & hbl Servt

Deposition of Roderick Burgess, October 28, 1814¹²

Philadelphia [*illegible*]

Be it remembered that on this 28th—day of October in the year of our Lord Eighteen Hundred and Fourteen Personally appeared before me Abraham Shoemaker one of the Aldermen of the City of Philadelphia.—

Roderick Burgess who being by me sworn upon the Holy Evangelists of Almighty God doth depose and say that being a Citizen of the State of Maryland and particularly employed by Charles Carroll junior Esquire as the Superintendent of and living upon the Farm of the said Charles Carroll in Anne Arundel County of the said State of Maryland he this Deponent was on ~~Friday the 21~~ [↑]Saturday the 22d[↓] day of this Instant October directed by Mr Carroll to proceed from the said Farm to Philadelphia in Pennsylvania for the purpose of removing from the said City and the State of Pennsylvania a certain Woman of Color by the Name of Charity Castle who was belonging to and was the Slave of the said Charles Carroll which said Color'd Woman and Slave had enter'd the State of Pennsylvania sometime in the early part of the Month of May last past at that time intended only to remain in the said State of Pennsylvania for an expected short visit as an attendant upon Mrs Carroll the Wife of the said Charles Carroll— that upon the Visit of Mrs Carroll the Wife of the said Charles Carroll being prolong'd beyond the time at first projected it became an Object of the said Charles Carroll to remove his said Slave called Charity into the State of Maryland before the expiration of six months from the time of her entering the said State of Pennsylvania— That under such the directions of the said Charles Carroll he this Deponent left the Farm of the said Charles Carroll himself riding on Horseback and leading a second Horse having a Woman's Side Saddle for the accommodation of the [↑]afore[↓]said Woman called Charity on Saturday the 22d day of this Instant October and arrived in the City of Philadelphia on Monday the 24th Instant early in the afternoon— that upon his arrival in the said City he called upon Benjamin Chew Esq at the house of whose Mother¹³ the said Woman called Charity was then sojourning— that after he made known to the said

¹² Chew Family Papers, box 117.

¹³ Elizabeth Oswald (1757–1819) was Benjamin Chew Jr.'s mother and resided at 110 South Third Street in Philadelphia. Presumably both Harriet and Charity were staying there.

Benjamin Chew the Object of his Visit he was immediately informed that the said Woman called Charity had on the preceding Evening met with a very severe accident by a Fall at the Wood pile belonging to his Mother's House by which at first the Life of the said Woman called Charity was at first apprehended to be in danger in consequence of her being found by some of the Servants sometime after her Fall in the Yard apparently senseless and having puked up a considerable quantity of Blood— a Physician being called and the necessary prescriptions complied with, the said Woman ~~has~~ continued in so debilitated a State as to render it impossible from the information given to this Deponent for the Deponent to remove her without a Risque to her Life it being [↑]at first[↓] determined by the attending Physician that her Lungs had been materially injured— in the expectation of sufficient relief being obtained by the said Woman so as to admit of her being removed by Water he this Deponent remained in the City of Philadelphia from Monday evening untill this day being Friday the 28^t day of October when from new and severe Symptoms appearing more especially the throwing off much Blood from the Throat the attending Physician considers the Case as much more serious than at first apprehended and conceives that there has been a severe rupture of a Blood Vessel by which the Life of the said Woman would be imminently endanger'd by even the shortest removal from the House where she now is confined to her Bed—and that he this Deponent is informed by the said Physician that there is reason to fear that the said Woman called Charity will not be in condition to admit of any removal for two months to come even though he should be successful in affording her Relief a Case that he cannot however with certainty look for— And this deponent doth further declare and depose that his sole and only Object in coming to Philadelphia was for the purpose of removing and taking back to the Farm of the said Charles Carroll [↑]without any delay[↓] the said Woman called Charity whose Person he this Deponent is acquainted with and whom he this Deponent knows to be the Property of and to be the Slave of the said Charles Carroll which purpose he would have affected but for the Accident that has occur'd and the very dangerous State in which the said Woman called Charity is now represented to be under and which from a personal interview with the Physician he verily believes to be the Fact and that he is thence compelled to return to Maryland untill he or the said Charles Carroll shall receive information that the said Woman called Charity is in condition capable of being

removed.

Sworn before me the day and year above written—

Roderick Burgess
Abm. Shoemaker
Alderman

**Charles Carroll of Carrollton to Robert Goodloe Harper,¹⁴
October 29, 1814¹⁵**

Doughoragen 29th Octr 1814

Dear Sir

The inclosed I leave open for yr perusal— It is probable at least possible that Burgess may arrive in Baltimore in a day or two, Should Charity come with him, do write a letter to him directing him not to take Charity to ~~my~~ Homewood but to leave her at your house; inform him that this is my positive order which I have the right to give Charity being my property—¹⁶ I do not think proper to let Charity to go to Homewood in the present condition of my son—

Let yr servant whom you may leave in town keep a look out for Burgess & to deliver to him yr letter— Be pleased to send my letter to my son & seal it after you have read it—

I am sorry to hear by Mrs Caton that you have had a return & severe attack of the bilious fever— I hope you will be well enough to come here tomorrow give my love to Kitty & my dear little Bett¹⁷ I am

Dear Sir
Yr affectionate hum. Servt
Ch. Carroll of Carrollton

¹⁴ Robert Goodloe Harper (1765–1825) was a prominent lawyer, a member of the U.S. House of Representatives from 1795 to 1801, and husband of Charles Carroll of Carrollton's youngest daughter. The Harpers lived in Baltimore.

¹⁵ Harper-Pennington Papers, MS 431, Maryland Historical Society, Baltimore, Maryland.

¹⁶ It is unclear who owned Charity. Charles Carroll of Carrollton gave slaves to his children, who worked for them for many years, yet the workers appeared on the father's estate inventory when he died. I thank Mary Clement Jeske for this information.

¹⁷ Mary (Carroll) Caton (1770–1846) was the elder of the two daughters of Charles Carroll of Carrollton who survived into adulthood and the wife of Baltimore merchant Richard Caton

Charles Carroll of Carrollton to Benjamin Chew, November 8, 1814¹⁸

Doughoragen 8th Nov— 1814

Dear Sir

I was this day favoured with your letter of the 2d instant— I am much obliged by the measures you have taken to bar charity's claim to freedom by her residence of 6 months in Pennsylvania; poor woman, it is probable from Docr. Chapman's¹⁹ letter that death will relieve her from my son's claim of servitude, and from all other calamities incident to life should she recover, I request the favour of you, when she is well enough to travel to fall upon some means of forwarding her to Mr Harper in Baltimore; I shall place her in my own family till she can find a purchaser resident in Baltimore to her liking, & able & willing to buy her— . . .

Dear Sir

Yr most hum. Servt

Ch. Carroll of Carrollton

Dr. Nathaniel Chapman to Benjamin Chew, November 29, 1814²⁰

Dear Sir,

Mr Carrolls woman has certainly very much recovered. As however there is still a remnant of her complaint, and her general situation is extremely delicate, I doubt whether she could at present be removed, consistently with her safety. In pulmonary affections especially, the slightest exposure to cold, is apt to produce relapses, which commonly prove fatal, or at least, very difficult to manage.

Upon the whole, my advice is that she should continue here, during the winter, but, on the receipt of this communication, you will be just as

(1763–1845). Kitty was Catherine (Carroll) Harper, the younger Carroll daughter and the wife of Robert Goodloe Harper. Bett was their daughter, Elizabeth Hyde Harper (1809–1823). I thank Mary Clement Jeske for this information.

¹⁸ Chew Family Papers, box 57.

¹⁹ Physician Nathaniel Chapman (1780–1853) served six terms as president of the Philadelphia Medical Society and was elected the first president of the American Medical Association in 1847.

²⁰ Chew Family Papers, box 117.

able as myself [↑]to judge[↓] of the proper course to be pursued.

I am, Dear Sir,
With great respect,
Yrs &
N. Chapman

Nov. 29. 1814

Opinion of William Lewis,²¹ December 14, 1814²²

It is stated to me that Charity the Slave of Mr Chas Carroll of the State of Maryland was brought to the City of Philadelphia in May last by her Mistress Mrs Carroll who came on a Visit to her Friends & Relations and that when Charity had been detained here by her Mistress nearly six months she met with an accident which occasioned an indisposition that prevented her return to Maryland untill after six months and more had expired and that she hath been detained here ever since

If the above Statement is correct I am clearly of opinion that Charity is free and that she cannot be legally sent to Maryland— I however wish this Opinion to be shewn to Mrs Carroll in order that if she shall not be satisfied she may have an opportunity of taking the opinion of her own Counsel

W. Lewis

December 14t 1814

Benjamin Chew to William Lewis, December 14, 1814²³

Sir

At the request of Mrs Carroll to whom your [↑]written[↓] opinion of this days date respecting a color'd Woman named Charity has been presented

²¹ William Lewis (1751–1819) was a successful lawyer and is credited with helping win passage of the Act for the Gradual Abolition of Slavery. He was also a prominent member of the Pennsylvania Abolition Society.

²² Copy of Opinion, Chew Family Papers, box 117.

²³ Draft of Letter, Chew Family Papers, box 117.

as you expressed your desire that it should be, I take the opportunity of more particularly to ~~detail~~ [↑]exhibit[↓] the circumstances of her Case than [↑]they[↓] appears upon the Statement on which you have expressed your Sentiments

Charity the Slave of Mr Chas Carroll jr of Maryland was sent by her Master to accompany Mrs Carroll as an attending Maid Servant on her Visit to Philada Mr Carroll being in the expectation of the Return of Mrs Carroll after a sojournment [↑]say[↓] of a Month or Six Weeks—it has occur'd that Mrs Carroll's continuance in Philada has been for a longer period than six Month's, a considerable time previous to the expiration of which Mrs Carroll apprised Mr Carroll of the ~~propriety~~ [↑]expediency[↓] of changing the Situation of ~~the~~ her attendant [↑]if he should think proper so to do[↓] aware of the Law Act of Assembly of this State— in consequence of which to avoid the operation of the Act of Assembly Mr Carroll sent to Philada [↑]as I am informed about 3 weeks before the expiration of the six months after entering Pennsylv[↓] a special Messenger with a second Horse and accommodation for the reconveyance of ~~the woman~~ [↑]his Slave[↓] back to Maryland— the Messenger (being Mr Roderick Burgess one of the Agents and Superintendents of part of Mr Carroll's landed property) arrived in Philada on the Eveng when an unlooked for and very severe Accident occur'd to the Woman by her falling either from a pile of Wood or Wood falling upon her by which she received so violent an injury that her Life has been critically endanger'd ~~the symptoms of the injury for a day or two not being at first so alarming as they subsequently appear'd.~~ Mr Burgess ~~remained~~ [↑]in the expectation[↓] encouraged by the attending Physician that sufficient relief might be obtained so as to [↑]admit of the[↓] removal ~~patient~~ [↑]of the Woman[↓] remained untill the mornng of the sixth day after [↑]his[↓] first arrival for the purpose of attending Charity on her return to Maryland— The Symptoms of her Case becoming more alarming and a certificate being given by the Physician that ~~she~~ [↑]his Patient[↓] could not then be removed [↑]from her chamber[↓] but at the imminent hazard of Life Mr Burgess returned to Maryland to wait untill the Physician should express his opinion that the Woman was in condition to be conveyed out of the State— a Deposition to the above Facts was made by Mr Burgess before he left Philada— application has been frequently made to the Physician to determine when he should consider it safe [↑]or

~~removed by~~ prudent[↓] to remove the Woman and a Certificate has been given accordingly—

Without entering into any reasoning upon the Case, at the instance of Mrs Carroll I submit the above circumstances to your consideration whence you will judge whether they will have any Effect upon the Opinion you have given—

I am with respect,
Yr obed Serv.

Philada 14t Dec 1814—

William Lewis to Benjamin Chew, December 16, 1814²⁴

Decem: 16. 1814

Sir,

your letter of yesterday occasions no alteration of my opinion. Indeed all the material facts mentioned in it, were known to me before.

I have no doubt of her having been well treated, if the Case may [↑]appear[↓] to be a hard one on the part of Mr Carroll, I cannot but consider hers abundantly more so, from her State of Slavery. & as is probably the case, accident made her a Slave, accident has made her free, and it seems right that she should avail herself of it.

I am Sir with respect,
your obedt Servt
W Lewis

²⁴ Chew Family Papers, box 117.

Benjamin Chew to William Rawle,²⁵ December 16, 1814²⁶

~~Dr Sir~~

↑My dear Friend↓

At the request of Mrs Carroll I enclose you a Case stated for your Opinion concerning a color'd Woman named Charity that accompanied her ↑when she came↓ from Maryland— it comes important to ↑~~under-~~
~~stand the~~↓ ascertain under the Circumstances of the Case ↑~~how~~↓ whether the construction of the Laws of our State can support the Pretensions which are now proffessed to be entertained by the Woman that by her continuance in the State for a longer period ~~of~~ ↑than↓ six months altho' detained by ~~an~~ a severe accident preventing her intended removal, she has become free from the further Claims of her Master—

Mrs Carroll will be obliged to you to give her as early a determination as your Engagements will permit as it is proper that she should ↑with as little delay as possible↓ inform the elder Mr Carroll who is contemplating very soon to send for the Woman—

At the instance of Mrs Carroll I enclose you my Check in blank which you will fill up as ~~you~~ may be satisfactory ↑a measure↓ which altho' I feel all the warmth and Value of your Friendship yet as the Subject relates to professional concern I have advised Mrs Carroll to adopt— With sincere regard & Esteem I remain

Affecly yours

16t Dec 1814

Enclosed Case Study

A color'd Woman named Charity the Slave of Mr Charles Carroll jr of Maryland was sent by her Master to accompany Mrs Carroll as an attending Maid Servant on her Visit to Philadelphia, Mr Carroll being in the expectation of the Return of Mrs Carroll after a sojournment say of a

²⁵ William Rawle (1759–1836) was a successful Philadelphia lawyer and one of the leading legal strategists for the Pennsylvania Abolition Society. See Richard Newman, *The Transformation of American Abolitionism* (Chapel Hill, NC, 2002), 29–30. Rawle was also the first president of The Historical Society of Pennsylvania, from 1825 to 1836.

²⁶ Draft of Letter, with enclosure, Chew Family Papers, box 117.

Month or six weeks— it has occur'd that Mrs Carroll has continued in Philada for a longer period than six months— previous however to [↑]the[↓] expiration of Six Months from their entering Pennsylvania, Mr Carroll aware of the Act of Assembly of this State and with a View to relieve himself from its operation sent to Philada a special Messenger with the necessary accommodation for the reconveying back his Slave to Maryland— the Messenger arrived in Philada [↑]on[↓] the Evening when an unlooked for and very severe Accident occur'd to the Woman by a Fall [↑]by[↓] which she received so violent an injury that her Life was critically endanger'd— the Messenger in the expectation that sufficient relief might be obtained so as to admit of the Removal of the Woman, remained untill the morning of the sixth day after his first Arrival for the purpose of attending the Woman on her return to Maryland— The Symptoms of her Case becoming more alarming and a Certificate ~~to that Effect~~ being given by the Physician that his Patient could not then be removed from her Chamber but at the imminent hazard of her Life, the Messenger returned to Maryland to wait untill the Physician should express his Opinion that the Woman might be removed out of the State with Safety to her health— in consequence of the dangerous Situation of the Woman and not from any Default of her Master she has continued in Philadelphia for a longer Time than six months

Question— Under such Circumstances does the Woman gain her Freedom

The accompanying Deposition ~~establishes~~ of the Messenger sent by Mr Carroll establishes the Facts of his being sent to remove the Woman and the Reason why she could not be removed within the period prescribed by the Act of Assembly touching the Case—

William Rawle to Benjamin Chew, December 19, 1814²⁷

My dear Sir

The act of assembly for the gradual abolition of slavery—in that part of it which relates to the effect of a slave—the property of a non resident, continuing above six months in the State—makes use of a significant & emphatical word—“retained”—

²⁷ Chew Family Papers, box 117.

“Provided such domestic slaves be not alienated &—nor—retained in this State longer than six months”—

I do not recollect any similar instance to that which is the subject of your letter and of course there has not to my knowlege been any decision on the true construction of this part of the law.

To my mind it is however exceedingly clear that we are to expound the word ‘retain’ as implying the voluntary act of the master. If by any casualty the master is obliged to submit to the servants continuing within the State longer than 6 months his is not in legal constructions a retaining by the master but by reason of the accident which the master did not cause & ~~could~~ ought not to be answerable for—

On these grounds referring to the facts set forth in the affidavit it appears to me that Charity has not acquired her freedom

I am, My dear Sir
affectionately yours
W Rawle

Dec 19 1814

Benjamin Chew to Charles Carroll of Carrollton, December 19, 1814²⁸

Philada 18th 9th Decr 1814—

Dr Sir

Some days since satisfied that ~~Charity~~ the Woman Charity who has [↑]before[↓] been the Subject of our ~~former notice~~ [↑]correspondence[↓] was in Condition that would [↑]under some exertion and due care[↓] admit of her being removed from hence and considering that the earliest moment should be embraced for that purpose, at my instance my Sister expressed her wishes to ~~her~~ [↑]the woman[↓] that [↑]she[↓] would be prepared to proceed to your Farm at the Manor— It produced the answer that she did not wish to return to Maryland but that she wd speak to her Husband²⁹ who ~~in consequence illegible~~ the next day called upon my Sister and ~~avowed~~ [↑]stated[↓] that he was informed that Charity by her continuance in this

²⁸ Draft of Letter, Chew Family Papers, box 72.

²⁹ Nothing is known about Charity Castle's husband.

State had become free— My Sister sending for me I informed the Man that I apprehended he would find himself mistaken and recommended to him to be well advised before he set up his Claim, apprising him at the same time that his Wife was [↑]at all events[↓] to expect no sort of countenance from my Sister—that the moment ~~she~~ [↑]his wife[↓] was in condition to be removed she must expect to leave my Mother's Family and that in ~~such~~ [↑]case [↑]he claimed the freedom of his wife[↓] the expense of maintaining ~~her~~ [↑]his wife [↑]her[↓] whether in sickness or health[↓] would fall upon him—the following day he brought to Mrs Carroll the written opinion of Mr Lewis [↑]a counsel for the Abolition Society[↓] which led me to write to Mr Lewis a more particular detail of Circumstances than appeared on the Statement on which the opinion was given— Mr Lewis however adhered to the opinion which was contrary to my View of the Subject—in consequence of which I stated the case and obtained the opinion of Mr Rawle who has concurr'd with the Sentiments I had given— I take the Liberty of sending you a Copy of both Opinions leaving you to determine ~~which~~ [↑]upon the[↓] measures you may think proper to adopt— Altho' every attention which the Tenderness of Humanity could excite has been shewn [↑]by my Sister[↓] to the poor Woman while under the affliction of Sickness [↑]or danger of Life[↓] yet my Sister considers it altogether improper nay repugnant to her feelings after the circumstances communicated to Mrs Howard of which you may be informed from her, to permit the Woman to continue near her longer than your pleasure may be known—

relying upon Mr Rawle's opinion as I do, perhaps with a partiality as it concurs with my own, I should conceive that on application to a Magistrate by any agent ~~that~~ you may send for the Woman, ~~that~~ she would be deliver'd ~~to him~~ your order [↑]or rather[↓] your Son's Order— as I understand the Property of the Woman is in him— there is a Man I believe a Constable in Baltimore of the name of Ross who I know has been employed in removing some color'd people from hence that belonged to Maryland and from his being accustom'd to such undertakings I should suppose would be an usefull Person on such an Occasion—

**Charles Carroll Jr. to Charles Carroll of Carrollton,
December 21, 1814³⁰**

My Dear Father—

I rec'd today Your Letter by yr Servt William together with Mr Chew's to You containing the opinions of Lawyers in regard to the recovery of Charity,— Mr Chew's and Mr Rawle's against Mr Lewis,— but Two to One, Justice would be set aside were I to attempt to litigate my rightful claim before a prejudiced Jury of Pennsylvania.— I should gain nothing by the contest were I even successful, but a [?rafied] Slave, whose malice and falsehood would proscribe Her from remaining one minute within any boundary of which I have controul,— I wish not therefore to regain Her, altho' I might receive much more than Her value to whatever Purchaser [†]I would sell her[↓]— A Law Suit would probably be attended with many circumstances afflicting to my Wife and Children and perplexing to Myself by eventual disappointment and expence,— of course, the novelty of the case shall furnish no new handle for Gentlemen of the Bar to define the meaning of their Legislative acts.— I care not what becomes of the unhappy Wretch— I will give Myself no further pain about Her,—Yet reserving to Myself the right of ever—claiming Her as My Slave, for the presumption of which, I have the learned opinions of Mr Chew & Mr Rawle—

I remain yr affecte Son
Chas. Carroll Jr

Wednesday—
21st Decr 1814—

Charles Carroll of Carrollton to Benjamin Chew, December 22, 1814³¹

Baltimore 22d Decr 1814

Dear Sir

I communicated to my son your Letter of the 19th on the 21st the day

³⁰ Chew Family Papers, box 57.

³¹ Chew Family Papers, box 57.

I received it; the inclosed contains his sentiments on the subject; since it was written he has determined to sell Charity to her husband for \$300; on payment of which sum to Mrs Carroll she will give a bill of sale to her husband; if he refuses this offer, my son will sell his right to Charity to some person, who will prosecute the suit,— I am told there are many here, who will give for her \$300 under that incumbrance. I am much obliged to you for the trouble you have taken in this affair. . . .

I remain with sincere regard & great respect

Dear Sir Yr most hum. Servant
Ch. Carroll of Carrollton

William Lewis to Harriet Chew Carroll, December 22, 1814³²

Decem: 22. 1814

Madam,

In an opinion which I sometime since gave, respecting the freedom of Charity, detained as the slave of Mr Carrol, I expressed a wish, that it might be shewn to you, in order that if you should not be satisfied with it, you might take the opinion to your own Council on the case, and I of course expected to be informed of your final conclusion, but I have not. As I wish to treat you with all manner of respect, and to take no measures which might be in the smallest degree disagreeable to you, permit me to request that you will be pleased to inform me, whether your determination is to endeavor to detain Charity as a Slave, that I may know what Advice I am to give to her husband

I am Madam
with high consideration of regard,
Your mo: hble Servt
W Lewis

³² Chew Family Papers, box 117.

Harriet Chew Carroll to Benjamin Chew, December 23, 1814³³

My dear Brother—

I have just received the enclosed letter—and am desired by Mr. /black/ Lewis to give an answer tomorrow morning— Will you be so good as to write one for me as I do not wish to address Mr /white/ Lewis—

**Benjamin Chew (as Harriet Chew Carroll) to William Lewis,
December 24, 1814³⁴**

Sir

I last Evening reced a Letter from you stating that in an opinion you gave respecting the Claim of Freedom of a Woman named Charity you expressed a Wish “that it might be shewn to me in order that if not satisfied with the opinion I might take counsel on the Case and that you of course expected to be informed of my conclusion—

I did not consider that from the expression of your Wish that the opinion given to a third person should be shewn to me, it would be expected of me to answer it— The Service of the Woman referr’d to, was by the Laws of Maryland belonging to Mr Carroll— it was intended by Mr Carroll that she should return to Maryland within a limited period which would have taken place (a special Messenger being sent to this City for that purpose) but for the severe & unfortunate accident that render’d her removal dangerous to her Life— ~~I have not delivered Charity~~ it cannot be said that I have detained Charity at any time since her accident as her illness has untill lately confined her to her chamber but have administer’d all the tender acts ~~of~~ [↑]which[↓] Humanity called for in her delicate situation— Since the claim of her Freedom has been avowed under your opinion Mr Carroll has been made acquainted with the circumstances and it remains with him to adopt such Measures as he may think proper— no claim has ever been made by me as personally possessing a Right to the Service of the Woman knowing that it altogether rested with my Husband

³³ Chew Family Papers, box 117.

³⁴ Draft of Letter, Chew Family Papers, box 117.

I duly appreciate Sir your polite attention to wishing to treat me with respect and the desire to take no measures which might be disagreeable to me and ~~have to~~ beg it may be understood in answer to ~~your~~ [↑]the[↓] enquiry of your note that the determination in no manner rests with me to endeavor to detain Charity as a Slave—

With respect Sir I remain &
Harriet Carroll

24 Dec. 1814

William Lewis to Mrs. Charles Carroll, December 24, 1814³⁵

Decem: 24. 1814

Madam,

In consequence of your letter to me of today, I have advised the Husband of Charity to take her to himself, and that Mr Carroll may have an opportunity of claiming her in such legal manner as he may think proper, I have directed, that she shall at all times be forthcoming when properly called for.

I am Madam,
with great respect
Your mo: hble Servt
W Lewis

From here the story continued, but our window on it closes, leaving ambiguities and unanswered questions in its wake. They beg to be asked: What happened to Charity at Homewood? Could she have known that Burgess was coming?

And of course, the biggest one: Did Charity gain her freedom, or was she sent back to Maryland?

Cliveden of the National Trust

PHILLIP R. SEITZ

³⁵ Chew Family Papers, box 117.