

The Smith Minor Petition

By EDWARD F. SAYLE

To forestall a serious economic crisis in the Nation's Capital brought about by the emancipation of "certain persons held to service or labor in the District of Columbia" as directed by acts of Congress of April 16 and July 12, 1862, provisions were made in the law to reimburse Washington slaveholders affected by the act. Commissioners appointed to administer the program found that slaveholders in Washington, unlike those in the deep south, did not employ the slaves in predominantly field work. They found that "many families derive their chief, if not their sole, support from the hire of their servants, while others were saved a large annual expense by employing their servants at home."¹

A number of logical criteria were used by the Commissioners in determining compensation. These were: proof of title, mortgage against the slave, loyalty to the Federal Government and residence not in the Confederate States. The problem was compounded by a number of Freedmen who held members of their own race in bondage.

It was determined by the Commission to pay successful claimants the fair price for slaves based on the pre-Civil War years of 1859-1860.

A total of 966 petitions involving 3,100 "persons held in service or labor," favorably upon 909 entire petitions; rejected 36 entirely; and rejected 21 in part. The number of servants for whom compensation was awarded was 2,981. Compensation was withheld in petitions involving 111 servants.

The largest claim granted compensation was that of George Washington Young of 435 6th Street W., Washington City. He received a total of \$17,771.85 for releasing 69 persons held in servitude. The largest claim granted to a Freedman was to Robert Gunnell, believed to have been a machinist, who received a total of \$2,168.10 for releasing ten persons held in servitude.

In those cases in which compensation was denied the claimant, a supplement to the law provided general conditions under which the slave concerned was "declared free and forever released from such services, anything in the laws of the United States or of any State to the contrary notwithstanding."

The family of Charles Hume, for example, received full compensation of \$2,036.70 for releasing six servants. He was the father of Frank Hume, for whom the Hume School was named.

¹ The writer has made frequent reference to the final report of the Commissioners, Daniel R. Goodloe, Horatio King, and J. M. Brodhead, dated January 14, 1863, which was forwarded to the House of Representatives by the Secretary of the Treasury on February 16, 1864.

One of the most interesting claims explored, and later denied by the Commission, involved a number of prominent Arlington residents in a hearing on the claim of Mr. Smith Minor, a resident of Alexandria County was filed with the Commission. After careful investigation they reported (Arlington) prior to the Civil War. Mr. Minor was induced to move to the District of Columbia in September, 1861 "in consequence of the active hostilities which raged in his immediate neighborhood, and the waste of his farm, and injury to his house by the rebel armies." His farm was located just west of the holdings of Basil Hall or Hall's Hill.

On moving to the District of Columbia, Mr. Minor had taken with him a number of slaves identified as Moses Bennett, Julia Branson, William Branson, Mary Ann Branson, Horace Branson, James Branson, and Frank Branson.

The Commission challenged Mr. Minor's claim for compensation on the grounds that, at the time of the vote on the secession ordinance, "he had been prevailed on by some disloyal neighbors and relatives to cast his suffrage for that treasonable measure." The Commission took note that highly respectable witnesses had testified that Mr. Minor, prior to the day of the voting on the Secession ordinance, had been "thoroughly in sympathy with the Union Party," and immediately after casting his ballot for secession had "expressed profound regret for the act, and has ever since continued in faithful allegiance to and sympathy with the cause of the Union."²

Counsel for Mr. Minor contended that Mr. Minor's statement, "he reluctantly yielded his convictions for the time being" should be taken in consideration of the advanced age of Mr. Minor and thus excuse him from the letter of the law.

In an affidavit presented to the Commission by Mr. Minor, he explained: "That at the election in Virginia, in the month of May, 1861, he gave his vote for the ordinance of secession, so called, under the following circumstances: That he was in favor of the union of the States as they were, and at all times contended that no change ought to be made, and was, and still is, in favor thereof; but that, without fully comprehending the actual condition of the case, and the effect and bearing of the vote, he was induced suddenly, on the day of the election, and while at the polls, in said Alexandria County, by representations from persons and friends in whom he had been in the habit of putting trust, to believe that said ordinance had been passed by the convention at Richmond, and it was the duty of the people to affirm its acts; and the impression having obtained that the State was out of the Union, by the act of the convention, it was

² In those days there was no such thing as a secret ballot. Voting was *viva voce* or by "live voice," i.e. the voter announced his vote in public before the election officials who recorded it in the poll book.

made to appear to him that said vote was to determine the friends and enemies of the State, and not the friends and enemies of secession; that all who voted against the ordinance were to be run out of the State, and made to forfeit their property, and be outcast from home, together with such other threats as induced fears of personal safety."

Mr. Minor summoned witnesses to support his claim. George Ott Wunder, later to become prominent in the establishment of public schools in Arlington, testified there had been armed men at the polls. "There were posted at the polls a squad of rebel cavalry, who, by threats, endeavored to intimidate and influence the voters," he stated. Edward Ball, testifying for Mr. Minor, reported that "threats of confiscation of property, of ejection from the State, etc., were made by citizens and soldiers." He recalled that his feeling at the polls that day was that a vote against secession was like one "about to sign his own death warrant," and that such apprehensions for personal safety continued until occupation of the county the following day by Union forces. Henry Bailey, in an affidavit of support of Mr. Minor, gave similar testimony about coercion at the polls that day. The Commission took note that the testimony of Messrs. Wunder, Ball, and Bailey presented an even stronger case of compulsory threats than that reported in Mr. Minor's affidavit.

It was, however, the testimony of these friends, eager to support their neighbor in his claim for compensation, which probably weighed heavily against Mr. Minor. In questioning these witnesses, the Commission made a point of determining the manner in which they had voted on that critical day.

George Ott Wunder testified he had voted against the ordinance "under apprehensions for his personal safety, arising from threats made against himself and others that they should be hung by the next day at 10 o'clock."

Mr. Ball testified he had voted against the ordinance, also under apprehension for his personal safety.

Mr. Bailey testified that he, too, had voted against the secession ordinance while concerned about his personal safety.

The Commission noted that at the election precinct where Mr. Minor had cast his ballot for secession, about two-thirds had voted against secession, and observed that though the elector be terrified by persons who directed threats at those who should vote against secession, the elector still had the alternative of absenting himself without voting for either side.

Speaking of the witnesses for Mr. Minor, the Commission stated, ". . . they felt that though there was danger, they could not shrink from meeting it, without justly incurring the charge of timidity, not to say cowardice."

Said the Commission, "In view of these facts and considerations, the Commissioners, after some hesitation and reluctance, decide that they

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During World War II, he was active in Selective Service and Civil Defense work.

In 1940 we decided to build on a wooded lot at 3408 North Glebe Road. We had owned this land for twenty years and had looked forward to a country home but in a few years we were surrounded by many houses and almost all of the big trees were cut down. My daughter, Mary Welburn Mann, and I now make our home there.

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cannot award compensation to Mr. Minor under the act of April 16. The overt act of giving 'aid and comfort' to the rebellion, though committed in a moment of weakness, and apprehension of evil, and against his uniform sentiments of loyalty before and since, lacks the essential ingredient of being the effect of compulsory threats of immediate personal violence, which alone can take it out of the general rule of law, which makes every rational being responsible for his actions. The Commissioners, nevertheless, feel they cannot discharge their whole duty in the premises without recommending the case of Mr. Minor to the charitable judgement of Congress, the tribunal which may, without transcending its authority, mitigate the rigor of the emancipation act in his behalf."³

Following the cessation of hostilities, Smith Minor returned to his farm, and as shown on the map of Alexandria County (Arlington) for 1878 (*Arlington Historical Magazine*, Vol. 2, No. 3) he was still in residence in that year near what is now Lee Highway.

³ The Library of Congress was unable to locate any reference to corrective legislation for the relief of Mr. Minor.