Julia Roberts's Freedom Suit

One Enslaved Woman's Path to the Supreme Court and Emancipation

By Zachary Newkirk

Julia Roberts, an enslaved resident of what is now Arlington County, faced a bleak future in 1840. Promised freedom through an 1801 deed, her enslaver instead sought to enslave her for life. Facing steep odds, Julia brought her freedom fight to court, culminating in the US Supreme Court's unanimous decision in her favor in *Adams v. Roberts*.[1] While not nearly as well-known as the infamous *Dred Scott v. Sanford*,[2] the *Adams* decision showed how enslaved people used the law to obtain justice. And it resulted in freedom for one determined Arlington resident.

Julia's freedom was set in motion long before she was born. On the last day of 1801, a wealthy farmer named Simon Summers signed a deed of manumission. Summers was a Revolutionary War veteran who was "universally esteemed," according to a laudatory 1836 obituary.[3] Financially successful, Summers's personal property alone was valued after his death at roughly $5,825 (more than $200,000 in 2025), mostly in enslaved people.[4] This value excluded his expansive real estate and stock holdings. While his properties spanned hundreds of acres, his house stood south of Langston Boulevard and a little west of North Harrison Street in present-day Arlington.[5] For years, Summers's land had been part of Fairfax County. In 1801, part of it was ceded to the District of Columbia. In 1846, the area was retroceded back to Virginia.

The 1801 deed of manumission memorialized Summers's views on slavery and religion at the dawn of the nineteenth century. Slavery is "Contrary to the spirit of Christianity or humanity," he wrote. The slaves "I Simon Summers have in my possession […] now in the County of

Fairfax and state of Virginia […] are to be free" at some point in the future. Not their near future, however. One enslaved woman, thirty-nine-year-old Fanny, "is to be free the 1st day of January 1813." Sarah, "about the age of 18 years [is] to be free [the] 1st day of January 1814." Others had lengthier waits for their freedom. Fanny's and Sarah's future children, would be "free at the age of 25 years." *Their* children—Fanny's and Sarah's grandchildren—"are to be free at the age of 21 years old."[6] The deed's gradual emancipation scheme aimed to stretch decades into the new century.[7] Two young people, Hannah and Dennis, declined to wait and took flight toward freedom in 1805 and 1806, respectively.[8] Summers pursued their return in newspaper ads, complaining in them, "I set both their mothers free, and did intend to let them free, if they had behaved as all servants ought to do."[9]

On January 18, 1802, Summers traveled to the courthouse in Fairfax, Virginia, to record and make official the deed. For Summers, making the ten-mile trek was almost certainly a routine errand. The courthouse was "the social, commercial, and political center of the county."[10] His traveling to Fairfax for this bureaucratic procedure had serious implications for future generations of men, women, and children. Under Virginia law, a slaveowner could free an enslaved person in a deed "under his or her hand and seal, attested and proved in the County or Corporation Court by two witnesses, or acknowledged by a party in the Court of the County where he or she resides."[11] But the Virginia law no longer so neatly applied to him because he did not live in Virginia. As of February 27, 1801, Summers had become a resident of the District of Columbia. Virginia law applied to District residents on the Potomac River's west side while Maryland law applied to District residents on the Potomac's east side, including Washington and Georgetown.[12] Even though Virginia law still directed him, Summers had to record the deed "in the Court of the County where he resides." The change of his home jurisdiction meant Summers had to go to a courthouse on the Virginia side of Washington, DC, in Alexandria. At stake was the very validity of his deed—and the difference between freedom and slavery for the enslaved people named in it and their future descendants.

Sarah was one woman named in Summers's deed of manumission. In 1785, Summers purchased a "Child named Sarah" and a woman

named Frank for "ninety pounds specie."[13] Before Summers drafted the manumission deed, he "placed" possession of Sarah and an enslaved man, William, to his daughter Ann and her husband Wesley Adams as a wedding gift.[14] They lived in Fairfax County, across the border from the newly created District. Even though they were gifts, their enslavement had expiration dates for the newlyweds because of the deed. Later, in an 1838 accounting and division of Summers's personal property among his surviving heirs, William's and Sarah's monetary value was modified downwards. This adjustment reflected their emancipated status and the shortened period of their uncompensated labor for Summers and his heirs.[15] The two were "considered as manumitted Slaves, and their values estimated accordingly."[16]

Even though Julia's mother was a free woman at this point, exercising that freedom was difficult.

Enslaved people with distant manumission dates could bring significant financial gain to the Adams family through their labor and, more significantly, their descendants. Sarah had "a good many children."[17] One of Wesley Adams's daughters recalled Sarah had fourteen children.[18] Among them was Julia, apparently born on April 23, 1812, at least according to testimony from Wesley Adams years later.[19] The precise birthdate was an issue in Julia's later freedom suit. If she was born *after* Sarah's 1814 manumission date, then she would have been born free under the doctrine of *partus sequitur ventrem*—"the status follows the woman." In other words, a child's legal status followed that of his or her mother's at the time of birth.[20]

For Wesley Adams, some of Sarah's young children provided income through being sold for a term of years. Enslavers would purchase them to labor over a certain period, specified in a written or oral contract. In 1818, Adams sold at least three of Sarah's daughters—Charity, Hannah, and Julia—for terms of years at a sale on his property.[21] An advertisement in the *Alexandria Gazette* noticed a public sale "for a term

Public Sale.

ON the 15th day of April, if fair, if otherwise, the first fair day thereafter, will be sold for cash, several

Valuable & likely Negroes,

for a term of years. Sale to commence at 12 o'clock, on the farm of the subscriber. WESLEY ADAMS.

Fairfax county, April 7 115A*

Fig. 1: Advertisement for auction of Julia and two of her sisters on Wesley Adams's farm, Alexandria Gazette*, April 8, 1818.*

of years" of "Valuable & likely Negroes" at 12 o'clock on April 15, 1818, at Wesley Adams' farm[22] (Fig. 1).

A Fairfax County farmer named George Crump purchased the nearly-six-year-old Julia at the auction for $45 or $50.[23] The scene was almost certainly one of unfathomable heartbreak and fear as Julia was separated from her siblings, other family members, and likely friends. Even so, there was a distant glimmer of hope: the deed of manumission. As Sarah's child, Julia was to be free when she was twenty-five. Wesley Adams even gave Crump a bill of sale "specifying the time of her servitude, which was for twenty years from the day of sale."[24]

Even though Julia's mother was a free woman at this point, exercising that freedom was difficult. A couple years after Julia, Charity, and Hannah were sold, Fairfax County's Overseers of the Poor sought court-ordered action from Simon Summers "for the support and maintenance of a negro Sarah a free black emancipated by [Summers] who it is stated was of unsound mind and body at the time of her said emancipation."[25] The Overseers of the Poor were elected property owners in each county who served "inhabitants of their said county as are not able to maintain themselves."[26] They were, in essence, an early form of state-sanctioned welfare. Whatever her mother's physical and mental state, Sarah was free—and young Julia surely understood her own future freedom. "[T]he impression was so universal, that the sale was until she became 25 years of age that the question was never raised by anyone," recounted one of Crump's neighbors in later testimony.[27]

Julia spent her childhood and adolescence at the Crump family's modest twenty-acre farm.[28] George and Jane Crump had three children. According to both the 1820 and 1830 Census, there was only one slave living with them, a female whose age matched Julia's.[29] Meanwhile, Wesley Adams moved to Florida and "carried away I think

some four of Sarah's children," recounted James Birch in a later freedom suit.[30] Julia's day-to-day life as the Crumps' sole enslaved servant was undoubtedly labor-intensive, harsh, and split between field and domestic work. In the former, she engaged in physically demanding work like clearing and preparing land; growing, harvesting, and preparing crops like wheat, barley, and corn; raising livestock; and caring for any vegetable gardens or orchards on the property. As a domestic, her tasks covered everything from "cleaning, gardening, butchering, cooking, serving meals, sewing, carding, weaving, midwifery, and nursing."[31] Despite Crump's access to decades of her uncompensated labor, he complained to an acquaintance that "Julia yielded him no profit." The acquaintance suggested selling her. Crump "could not do that, because she was to be free when she attained the age of twenty-five years."[32]

As the date of her long-awaited emancipation approached, Julia's future remained uncertain. But neither her term's expiration with the Crumps nor her manumission according to Simon Summers's deed occurred. If her birthday was truly in April 1812 as Wesley Adams later testified, under the deed's plain terms her manumission date should have been April 1837. This did not happen. In December 1836, Crump remarked to an acquaintance that Julia "would be free the 12th of March 1837, but that the law had altered so that she could not be free."[33] Whether this reflected Crump's faulty understanding of some legal development, or an invented excuse to hold onto his sole human property, his power over her continued as the years ticked by.

On January 1, 1839, however, George Crump delivered Julia to Austin Lawyer Adams, "to be safely kept by him […] and to be redelivered to" Crump. Austin was Wesley Adams and Ann Summers's son, Simon Summers's grandchild. When Adams did not redeliver Julia by January 10, Crump filed an action for detinue, a legal action to recover allegedly wrongfully detained property. In the short petition to the Fairfax County Circuit Court, Crump valued Julia at $800. Surviving *Crump v. Adams* records are scant: testimony from six men all supporting Adams's position that Crump had no claim to Julia because she was to be free under his grandfather's deed's terms. And so, each witness—including Wesley Adams and his brother John—confirmed that Julia was to be free after the term of years.

As the case progressed, however, the Adams's position on Julia's freedom reversed outside of court. On June 21, 1839, in Jefferson County, Florida, Wesley Adams and Benjamin Thornton were deposed in the *Crump* case. The next day, the elder Adams initiated a bold transaction to lay claim to Julia—*despite* his father-in-law's deed and Julia's now-overdue entitlement to freedom. He sold to his son Austin "all my rights[,] title and interest, which I now have or ever shall have […] to a certain negro girl, who is a slave to me for life, named Julia."[34] In exchange, Austin paid $5, a nominal sum. The witnesses to the deed purportedly selling Julia and the two depositions in *Crump v. Adams* were the same—one a Florida justice of the peace, and the other a merchant whose home was where the depositions occurred. The bill of sale was recorded in Fairfax County later that summer.[35]

Julia's sale from father to son was not just a betrayal of Simon Summers's deed of manumission, but legally incorrect. Julia was, of course, no one's "slave […] for life," let alone Wesley Adams's. As Sarah's daughter, Julia was to have been acknowledged as free when she turned twenty-five, a date now well past. More immediately for Julia, the sale also extinguished any direct path to freedom. Wesley and Austin Adams used the law's power to support their ownership over her: the bill of sale, supported by official witnesses, was "received properly authenticated and admitted to record" in a court of law.[36] It was now legally recorded in Fairfax County that Wesley Adams's ownership of his so-called "slave to me for life" had transferred to his son Austin. To achieve freedom through anything other than escape, Julia would have to seek help from a legal system that largely denied legal capacity, legal standing, and access to law for enslaved people.

Julia's recourse came in a short legal document, a petition for freedom. Speaking in the third person, Julia asserted that "a certain Austin L. Adams claims your petitioner as his slave + does hold her in slavery by authorising his sister Mrs Anne E Harding to keep your petitioner in slavery."[37] That Harding held Julia was almost certainly for Austin Adams's benefit in the *Crump* case. A jury found for Adams in October 1839; he defended against Crump's complaint by saying he did "not detain the slave."[38] Instead, Julia was almost certainly with Adams's sister. This could have been enough of a technicality for a jury to reject Crump's claim. Julia's petition was an extraordinary break in the

dominant social order of the antebellum South, "a public counterpart of the Underground Railroad," as one historian has explained, and a public method to wage a "desperate battle over freedom through law."[39]

By the time Julia sought legal recourse, she was living with Harding and her children in present-day Arlington County on property encompassing portions of today's Barcroft, Arlington Forest, and Buckingham neighborhoods. The 1840 Census shows that Ann Harding's household included two children and two enslaved people. One enslaved person was a woman aged between twenty-five and thirty-four—Julia.[40] Ann's husband died in 1828, and his will specified she would receive all his property until their son, Charles, became "of age."[41] A later neighbor, George Wunder, remembered the house as "about 18 by 20 [feet] I suppose and 2 stories high with a back building, one story high and the length of the main building; and built of frame and logs." In addition, the property "had a smoke house and grainary [sic] a stable and such other out buildings as are usual."[42] These were likely the structures Julia lived and worked in during those difficult months between 1839 and 1840 when she expected her freedom, seethed under the conditions the Adams family had forced on her, and contemplated her next moves.

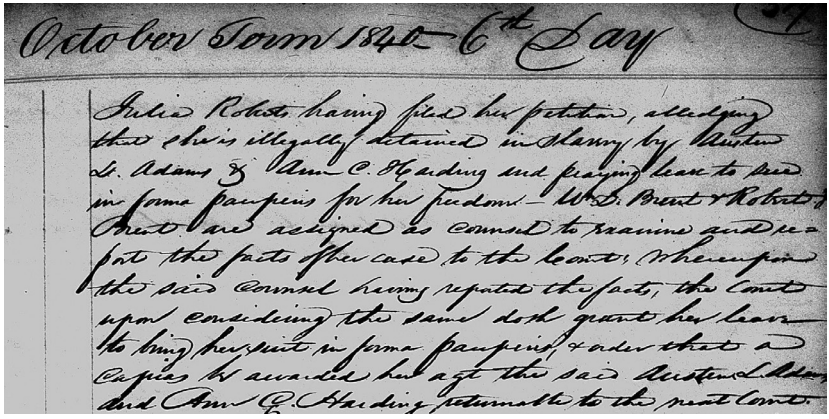
Filing the freedom suit had immediate consequences for both Julia and her purported owners.

Julia used the power of law to fight back. Virginia's legislature passed an act in 1795 permitting "unjustly and illegally denied" enslaved people to file freedom suits like Julia's.[43] Because Julia was living in the federal district, her legal venue was in the Circuit Court for the District of Columbia, the federal court which had jurisdiction over criminal and civil offenses in the District's counties.[44] How exactly she initiated her lawsuit is not obvious from the record. As an illiterate enslaved woman, Julia's ability to file a lawsuit was logistically and financially difficult. Did she depend on the generosity of a literate friend, neighbor, or even a sympathetic Ann Harding or one of Ann's children to draft an initial petition? Did she travel—illicitly or not—to the courthouse

to verbally convey to someone her situation? Did she rely on oral networks of enslaved people, freedpeople, or sympathetic whites to broadcast her injustice to reach compassionate ears?[45]

What is clear from the record is that she did eventually file *in forma pauperis*—pleadings litigants without means can bring. The court's minute book first referenced Julia's freedom petition on October 13, 1840, suggesting she filed the petition shortly before (Fig. 2). On that day, the court assigned two attorneys—William Brent and Robert J. Brent, a father-son duo, both well-known on their own—to her case.[46] They were tasked "to examine and report the facts of the case to the Court." In an affidavit also dated October 13, the two attorneys wrote they "are satisfied it can be proved" that Simon Summers executed a deed of manumission. Because of that deed, "Sarah & her issue became free according to the terms of said instrument of Manumission & that the petitioner is now free." The court concluded these facts were sufficient to "grant her leave to bring her suit in forma pauperis + order that a capias be awarded her [against] the said Austin L. Adams and Ann [E]. Harding returnable to the next Court." Capias is a general term referring to writs, or court orders, requiring an official to take someone, usually a defendant, into custody. In this case, the court's mention of capias is shorthand for *capias ad respondendum*, which were writs aimed to ensure the defendant's appearance in court.[47]

Fig. 2: Alexandria County Minute Book entry highlighting Julia Robert's suit and the assignment of counsel, October 1840.


October Term 1840 6th Day

Julia Robert having filed her petition, alledging that she is illegally detained in slavery by Austin L. Adams & Ann E. Harding and praying leave to sue in forma pauperis for her freedom — Wm. D. Brent & Robert J. Brent are assigned as counsel to examine and report the facts of the case to the Court. Whereupon the said counsel having reported the facts, the Court upon considering the same doth grant her leave to bring her suit in forma pauperis & order that a Capias be awarded her against the said Austin L. Adams and Ann E. Harding returnable to the next Court.

Filing the freedom suit had immediate consequences for both Julia and her purported owners. The court ordered that Julia "be committed to the custody of the Marshal of the District of Columbia and detained by him until" Austin Adams or Ann Harding "enter into a bond in the penalty of one thousand dollars." This sizeable bond, the court explained, ensured Julia would be "forthcoming at the trial of the suit for her freedom + to permit her to take steps to prepare for said trial + to attend Court."[48] By 1840, this bond had a lengthy precedent in the District.[49]

The record is silent on where Julia stayed during the litigation's course. It is possible she stayed in jail, which was common practice, or hired out to the highest bidder.[50] This latter practice "could produce either the roughest treatment of all or the greatest liberty."[51] Either avenue was fraught with uneasiness, but Julia may have stayed in jail for her own physical safety. Alternately, she might have risked residing with Ann Harding. Uncomfortable as it might have been to live with a defendant, the $1,000 bond might have protected Julia from harm.

Austin Adams or Ann Harding must have paid the bond because Julia was able to "take steps to prepare for said trial." Her attorneys took the testimony of several witnesses over the course of 1841, including members of the prominent Minor and Ball families. Failure to appear could lead to a specific penalty of $333.33.[52] Surviving records show evidence presented before the jury in support of both sides. To support Julia's claim, John D. Harrison explained that he knew Julia when she lived with Wesley Adams. He heard the elder Adams "frequently speak of Sarah, the Mother of the Petitioner, as being free," and that Adams even offered to sell him Julia. He also understood her "to be free, under the deed of Emancipation from Simon Somers, when she arrived at a certain age," which she now was, being "more than twenty-five years of age." William Ball testified that he was an appraiser involved in the court-ordered division of Simon Summers's property after his 1836 death. At the time, Sarah and another slave gifted to Wesley Adams were "considered as manumitted Slaves, and their values estimated accordingly." A third witness, Dennis Johnson, explained how Julia's mother depended on the Overseers of the Poor, which sought financial assistance from Summers and Wesley Adams for Sarah's support. Left implicit was how only an emancipated woman would need such

assistance. Julia's last witness was Wesley Adams's nephew William, who knew of Sarah and her stay at the "Poor's House of Fairfax County." He opined that Wesley's "creed, was against Slavery in the abstract."[53] Julia's surviving evidence told a clear story: a mother who was promised her freedom in a deed of manumission and who obtained her freedom. Now, it was Julia's turn.

The evidence supporting Austin Adams and Ann Harding focused on an important technical issue: whether Summers's deed was valid based on where he lived when he executed it. Two witnesses, William and George Minor, focused on where Simon Summers's real property was. "[T]he Tract of Land on which Simon Somers so settled is all in Alexandria County" in the federal district, testified William Minor. While Summers had land in Fairfax County after the District of Columbia's creation, "it was in wood" and "Somers' [sic] did not cultivate any Land in Virginia, after his removal in the County of Alexandria." In fact, recalled George Minor, "the nearest part of his Farm from the district line is about a mile."[54] The defendants' evidence also told a clear story. Regardless of Simon Summers's intent, he did not comply with the law's requirements because Summers did not live in the county where he recorded the deed. The deed was therefore invalid. And because, as the defendants claimed, Julia was born before her mother's manumission date, Julia had no claim to freedom.

The most important evidence was the deed itself. The trial began on May 18, 1842, and Julia sought to enter a copy of the deed into evidence. The original had apparently been lost and the Fairfax County Clerk had certified a copy in September 1841, presumably a result of Julia's attorneys' labor. The defendants objected. Unless Julia could show the original deed, a copy could not be a part of the record, the defendants argued. The trial court overruled the objection, allowing the jury to consider the copy.[55]

The trial lasted two days. The jury's all-male members contained at least one enslaver. At some point before the jury deliberated, outside of the jury's presence, Adams and Harding's attorney, Christopher Neale, sought to obtain specific instructions to the jury. Jury instructions inform juries about the legal standard for the claims at issue and cabin what facts and conclusions jurors can draw. The primary instruction Neale sought was for the jury to consider the deed as invalid based

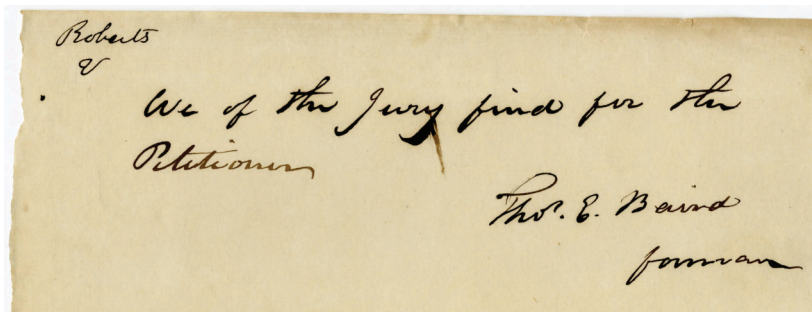
on Summers's residency. The judge overseeing this case, William Cranch, was a longtime jurist who President John Adams appointed to the federal bench in 1801 (Fig. 3). Judge Cranch refused to give this limiting instruction. Doing so "would take the cause from the consideration of the jury, without giving the petitioner the benefit of the presumption which the jury might draw from the facts so given in evidence."[56] Put simply, the instructions Adams and Harding wanted would have constrained the jury to find *only* for the defendants. After declining these instructions, Judge Cranch ordered the jury to deliberate the freedom suit. When the jury returned, the foreman, Thomas Baird, handed a slip of paper to Judge Cranch or to court staff. Baird, a court official, or the judge then likely read the paper out loud: "We of the jury find for the petitioner" (Fig. 4). Julia had prevailed.

Courtesy of Library of Congress.

Fig. 3: Judge William Cranch who presided over Julia's case, ca. 1844.

But her ordeal was not over. Austin Adams and Ann Harding sought relief from the United States Supreme Court later that summer.[57] Their petition for a writ of error focused on two issues. Their first basis for appeal—also called a bill of exceptions—focused on Judge Cranch's decision to allow the jury to consider the deed. In their view, the

Fig. 4: The verdict of the jury, May 20, 1842.



Virginia law on manumission via deeds gave no such "power […] to non-residents owning slaves in that State." Summers fell into that category based on his residency in the District of Columbia. The issue was "of such extensive interest as to render the final decision of it by the supreme court desirable."[58] Adams and Harding's second objection was that the jury, even after considering *all* the evidence before it, should have been instructed that the total evidence "is not sufficient in law" to find for Julia.

The Supreme Court affirmed the jury's verdict. Justice James Wayne, an appointee of President Andrew Jackson, wrote the court's opinion with no noted dissents or concurrences. He first laid out how the Virginia law allows for manumission via deed. He explained how the record was not precise on where exactly Simon Summers's house was, or whether his slaves resided elsewhere "detached from his residence." It made little difference, Justice Wayne wrote, because "Summers had been accustomed to resort to the court of Fairfax county, for the transaction of business of every description, and that the jurisdiction under which he lived then became changed" without Summers doing anything.[59] This reliance on Summers's custom was notably at odds with Adams and Harding's advocacy for strict adherence to the statute's requirements.[60]

In rejecting the first bill of exceptions, Justice Wayne first recounted the evidence the jury considered, including the deed, its witnesses, and how the version the jury had was a mere copy. He laid these facts out to show how many questions concerning the deed's validity were before the jury—the fact finders in the case, after all. The jury instruction Adams and Harding sought "excludes all the other evidence, and puts the legal issue proposed on it upon a single fact. It excludes, also, all presumptions which the jury might make from the other evidence" about the deed's validity, like its age, that the version they saw was a copy, and whether the deed's witnesses were proper. In short, the proposed instruction took too much fact-finding discretion away from the jury. It made the case's outcome dependent on a "single fact, namely, the residence of Simon Summers in the county of Alexandria, [and] that [Julia] was not entitled to freedom."[61]

So too with the second bill of exceptions. There were several facts that, if the jury believed them, would have shown Julia was entitled

to her freedom. Justice Wayne explained how the jury could have determined that Julia was born between January and May 1814—born to Sarah who was emancipated on January 1, 1814. The jury instruction from Adams and Harding "asked the court to deprive the jury of the power of saying, [that] she was born in that interval." Adams and Harding's requested jury instructions would have hamstrung the jury's traditional role as fact finder and led it to a singular outcome. The Court's opinion stood for the proposition that it was a jury's province and duty to weigh the evidence—not the trial judge with any constraining instructions. The judge did not err in refusing the proposed jury instructions, the Court held. Julia was unmistakably free. Her case was only one of six freedom suits originating in the federal court in Washington, DC, that were successful in the Supreme Court.[62]

Her case was only one of six freedom suits originating in federal court in Washington, DC, that was successful in the Supreme Court.

Julia's happy ending is not the whole story of Simon Summers's deed. This document led to other lawsuits beyond this article's scope. Perhaps inspired by Julia's success, a niece, nephew, and great-nephew unsuccessfully filed a freedom suit in Loudoun County. Their loss then spurred Austin Adams, just before the Civil War's outbreak, to demand and gain possession of eleven slaves and increase his wealth by thousands of dollars.[63]

Julia's actions in today's Arlington County led to a successful freedom suit and a unanimous decision from the Supreme Court, a body that would decide *Dred Scott* a few years later. No record in Julia's freedom suit contains her words besides formulaic language in her freedom petition. No photograph is known; not even an "X" exists on any document to mark her signature. All that remains is her description when she registered, according to Virginia law, as a free woman: "Julia Roberts, a free woman and about 36 years, of dark complexion, five feet

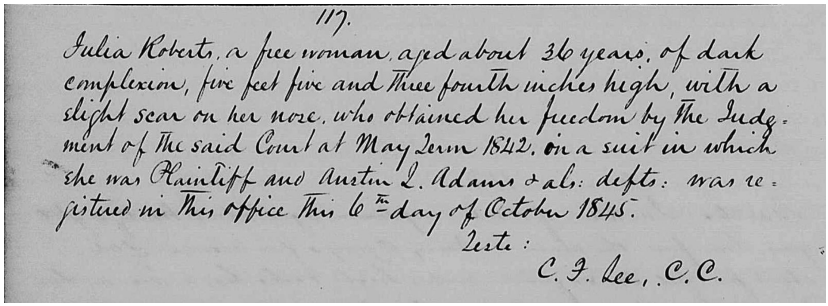

117.
Julia Roberts, a free woman, aged about 36 years, of dark complexion, five feet five and three fourth inches high, with a slight scar on her nose, who obtained her freedom by the Judgment of the said Court at May Term 1842, on a suit in which she was Plaintiff and Austin L. Adams & als: defts: was registered in this office this 6th day of October 1845.
Teste:
C. F. Lee, C.C.

Fig. 5: Description of Julia as freedwoman from Alexandria County, VA, Free Negro Register, October 6, 1845.

five and three fourth inches high, with a slight scar on her nose, who obtained her freedom by the Judgment of the said Court at May Term 1842 […] was registered in this office this 6th day of October 1845."[64] (Fig. 5) After this, Julia almost disappears from the pages of history. Later testimony in other cases mention she lived in Georgetown. In the 1860 Census, a Julia Roberts does appear in Georgetown's 1st Ward. She was identified as fifty years old, working as a servant, born in Virginia, and unable to read and write. Not far away, Ann Harding, her former enslaver, lived in the 4th Ward with her daughter, son-in-law, and their four children. Separated by race, privilege, and wealth, both lived as free women on the eve of universal emancipation.[65]

About the Author

Zachary Newkirk is a litigation attorney in Washington, DC. He is a resident of the Yorktown neighborhood of Arlington, Virginia. He serves on the board of the Yorktown Civic Association and the Langston Boulevard Alliance. He has also volunteered with the Arlington Historical Society's Memorializing the Enslaved Project.

Endnotes

1. 43 US 486 (1844).
2. 60 US 393 (1857).
3. *Alexandria Gazette*, December 3, 1836. The obituary erroneously states his age as 99. Summers was born in 1747 according to his gravestone, making him 89 at his death.

4. Report of Commissioners to Orphans Court of Alexandria County, January 4, 1838, *Peter French v. James Whaley*, Fairfax County Court Historical Records Center, Fairfax, VA (hereinafter "*French* case file").
5. In a later deposition, one of Summers's sons-in law, Smith Minor, said, "I knew Simon Somers from about the year 1810, until his death in 1836; he lived where I now live, viz. in Alexandria County, which before the formation of the District of Columbia was in Fairfax County." Deposition of Smith Minor, *Adm'r of Wesley Adams v. Adm'r of James Whaley* case file, August 25, 1860, Fairfax County Court Historical Records Center, Fairfax, VA (hereinafter "*Adams* case file"). See also Edward F. Sayle, "The Smith Minor Petition," *Arlington Historical Magazine* 3, no. 1 (October 1965): 49 ("[Minor's] farm was located just west of the holdings of Basil Hall or Hall's Hill.").
6. Deed of Manumission, *Roberts v. Adams* case file, Arlington County Court Records, Arlington County, VA, Judgments (Freedom Suits), 1795–1858, Box 2, Library of Virginia, Richmond, VA (hereinafter "*Roberts* case file"). Citations to this case are drawn from the case's digital file available at O Say Can You See: Early Washington, DC, Law & Family, ed. William G. Thomas III et al., University of Nebraska, https://earlywashingtondc.org/cases/oscys.caseid.0464.
7. Gradual emancipation structures were intentional and common during this period. For a recent work on the subject, with a focus on New York's gradual emancipation, see Sarah Gronningsater, *The Rising Generation: Gradual Abolition, Black Legal Culture, and the Making of National Freedom* (Univ. of Penn. Press, 2024).
8. *Washington, DC National Intelligencer*, February 19, 1805; *Washington, DC National Intelligencer*, April 10, 1806.
9. *Washington, DC National Intelligencer*, April 10, 1806. Hannah was identified as Fanny's daughter while Dennis was likely the son of another enslaved woman named in the deed, Milly.
10. Kimberly M. Welch, *Black Litigants in the Antebellum American South* (Univ. of North Carolina Press, 2018), 30–31.
11. An Act to Authorize the Manumission of Slaves, Ch. 21 (1782) in 11 *Va. Statutes At Large; Being A Collection of All the Laws of Virginia* (William Waller Hening ed., Richmond: J&G Cochran, 1821), 39–40.
12. An Act Concerning the District of Columbia, §§ 1–2 (6th Cong., 2nd Sess., ch. 15, 2 Stat. 103, February 27, 1801).
13. Fairfax County, VA, Deed Book Liber Q No. 1: 97–98, May 16, 1785; Fairfax County Court Historical Records Center, Fairfax, VA.

14. Defendants' Bill of Exceptions (May 18, 1842), *Roberts* case file.
15. Report of Commissioners, *supra* note 4.
16. Defendants' Notes of Evidence, *Roberts* case file.
17. Deposition of Austin L. Adams, September 12, 1853, *French* case file.
18. Deposition of Ann Harding, October 9, 1851, *French* case file. The surname Harding is sometimes spelled Hardin or Harden. Here, I use the spelling as appears in the cited document.
19. Deposition of Wesley Adams, June 22, 1839, *George Crump v. Austin Adams*, Fairfax County Court Historical Records Center, Fairfax, VA (hereinafter "*Crump* case file").
20. Paul Finkelman, "The Crime of Color," *Tulane Law Review* 67, no. 6 (1993): 2085. In Virginia, this precedent stretched back as early as 1662. Thomas Morris, *Southern Slavery and the Law, 1619–1860* (Chapel Hill: University of North Carolina Press, 1996), 43–44.
21. Deposition of Ann E. Harding, October 9, 1858, *Adams* case file.
22. *Alexandria Gazette*, April 8, 1818, 3.
23. Wesley Adams said the purchase price was $45. *See* Deposition of Wesley Adams, June 22, 1839, *Crump* case file. Two other witnesses, Peter Davis and Richard Balinger, said $50. *See* Depositions of Peter Davis & Richard Balinger, *Crump* case file. Regarding Julia's safe, "Said Julia lived in [Wesley Adams's] family until five years old." Deposition of Wesley Adams, June 22, 1839, *Crump* case file.
24. Deposition of Wesley Adams, June 22, 1839, *Crump* case file.
25. *Overseers of the Poor v. Summers* (Fairfax County, VA, Circuit Court, June 1820). Fairfax County Minute Book, June 1820 at 211, Fairfax County Court Historical Records Center, Fairfax, VA.
26. *Found in the Archives,* no. 40 (February 2018), https://www.fairfaxcounty.gov/circuit/sites/circuit/files/assets/documents/pdf/hrc/fita/fita-february-2018.pdf.
27. Deposition of Benjamin Thornton, June 24, 1839, *Crump* case file.
28. In Crump's will, he left to "my Beloved wife Jane Crump […] my little farm containing twenty acres." Fairfax County, Will Book V, no. 1 at 51, Fairfax County Court Historical Records Center, Fairfax, VA.
29. US Department of Commerce, Bureau of the Census, Manuscript Federal Census, Fairfax County, Truro Parish, VA, 1820, https://www.familysearch.org/ark:/61903/3:1:33SQ-GYBM-9S2B?i=4; US Department of Commerce, Bureau of the Census, Manuscript Federal Census, Fairfax County, Truro Parish, VA, 1830, https://www.familysearch.org/ark:/61903/3:1:33S7-9YYY-F57?i=48.
30. Deposition of James Birch, July 24, 1852, *French* case file.

31. Brenda E. Stevenson, *Life in Black and White: Family and Community in the Slave South* (Oxford University Press, 1996), 187, 197. Stevenson's work, which focuses on Loudoun County, provides an excellent and thorough window into slavery into nearby rural Alexandria and Fairfax Counties.
32. Deposition of John Wood, May 20, 1839, *Crump* case file.
33. Deposition of Peter Davis, May 20, 1839, *Crump* case file.
34. Fairfax County, VA, Deed Book Liber F, no. 3: 250–251, June 22, 1839, Fairfax County Court Historical Records Center, Fairfax, VA. In the bill of sale, Wesley Adams says that Julia sometimes goes by Julia Robinson. In her freedom suit, she goes by Julia Roberts, which is how she is referenced here.
35. Fairfax County, VA, Deed Book Liber F, no. 3: 251, June 22, 1839; Fairfax County Court Historical Records Center, Fairfax, VA.
36. *Id*.
37. Petition for Freedom, *Roberts* case file.
38. Fairfax County Circuit Sup. Ct. Minute Book, October 1839 at 18, Fairfax County Court Historical Records Center, Fairfax, VA.
39. William Thomas, *A Question of Freedom: The Families Who Challenged Slavery from the Nation's Founding to the Civil War* (Yale Univ. Press, 2020), 9.
40. US Department of Commerce, Bureau of the Census, Manuscript Federal Census, Alexandria County, District of Columbia, 1840, https://www.familysearch.org/ark:/61903/1:1:XHBC-R99.
41. Alexandria County, District of Columbia, Will Book 3: 324–325, June 17, 1828, City of Alexandria, Alexandria, VA.
42. *US Southern Claims Commission Approved Claims, 1871–1880*: Virginia, Microfilm Publication M2094, Records of the Accounting Officers of the Department of the Treasury, Record Group 217; NARA, Claim No. 21625, Heirs of James T. Clark, October 24, 1877.
43. Loren Schweninger, *Appealling for Liberty: Freedom Suits in the South* (Oxford University Press, 2018), 29–30.
44. An Act Concerning the District of Columbia, §§ 5–6 (6th Cong., 2nd Sess., ch. 15, 2 Stat. 103, February 27, 1801).
45. See, for instance, Steven Hahn, *A Nation Under Our Feet* (Belknap Press, 2005), 35–41; Stevenson, *supra* note 31, at 172. See also generally Kelly Kennington, *In the Shadow of Dred Scott: St. Louis Freedom Suits and the Legal Culture of Slavery in Antebellum America* (Univ. of Ga. Press, 2017).
46. According to historian Loren Schweninger, "[i]t was incumbent on the attorney of record to investigate the circumstances of the case and testify as to whether or

not the evidence warranted a trial." Schweninger, *supra* note 43, at 30. The father-son duo did for Julia. The elder Brent was a Whig member of the US House of Representatives from 1823 to 1829 and the nephew of Richard Brent, who served in both the House and Senate. William Warner, *At Peace with All Their Neighbors: Catholics and Catholicism in the National Capital, 1787–1860* (Georgetown University Press, 1994), 247. The younger Brent later became an attorney general of Maryland.

47. Black's Law Dictionary, 10th ed. (Thomson Reuters, 2014), 249–250. See also Summons of Austin L. Adams & Ann Harding (November 18, 1840), *Roberts* case file; Transcript (May 19, 1842), *Roberts* case file.
48. Alexandria County Minute Book 1836–1845, October 1840 at 319, Arlington County Courthouse, Arlington, VA.
49. Ex parte Letty, 15 Fed. Cas. 411 (1806). See also Schweninger, *supra* note 43, at 30. This practice also existed in other jurisdictions where scholars have examined freedom suits. See Lea Vandervelde, *Redemption Songs: Courtroom Stories of Slavery* (Oxford University Press, 2014), 198–99.
50. Vandervelde, *supra* note 49, 198–99.
51. *Id*. at 199.
52. See Summons of Dennis Johnson et al., *Roberts* case file; Summons of George Minor et al., *Roberts* case file.
53. Defendants' Notes of Evidence, *Roberts* case file.
54. Petitioner's Notes of Evidence, *Roberts* case file.
55. Notes of Evidence, *Roberts* case file.
56. *Adams v. Roberts*, 43 US 486, 491 (1844).
57. The Supreme Court had appellate jurisdiction for the Circuit Court of the District of Columbia. An Act Concerning the District of Columbia, § 8 (6th Cong., 2nd Sess., ch. 15, 2 Stat. 103, February 27, 1801).
58. Petition for a Writ of Error, *Roberts* case file.
59. *Adams*, 43 US at 494.
60. For a discussion of the role of custom over adherence to rules, see Laura Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (University of North Carolina Press, 2009), 60, 65.
61. *Adams*, 43 US at 495.
62. Thomas, *supra* note 39, at 389 n.14.
63. These cases were *French v. Whaley* in Loudoun County and *Administrator of Wesley Adams v. Administrator of James Whaley* in Fairfax County.

64. Arlington County, VA, Free Negro Register, 1842–1847, (October 6, 1845), 27, https://www.familysearch.org/ark:/61903/3:1:3QHV-N3ZH-1D1Q?cat=733098.
65. US Department of Commerce, Bureau of the Census, Manuscript Federal Census, Georgetown, District of Columbia, 1860, https://www.familysearch.org/ark:/61903/3:1:33SQ-GYBJ-QZW?i=41; US Department of Commerce, Bureau of the Census, Manuscript Federal Census, Georgetown, District of Columbia, 1860, https://www.familysearch.org/ark:/61903/3:1:33S7-9YBJ-QC1?i=17. See also Kate Masur, *Until Justice Be Done: America's First Civil Rights Movement, From the Revolution to Reconstruction* (Norton Press, 2021), 62 (describing how free Black people established communities in Georgetown while also laboring for Whites during this period); Kate Masur, *An Example for All the Land: Emancipation and the Struggle Over Equality in Washington, DC* (U.N.C. Press, 2010), 20 (describing challenges for freed Black people in Georgetown and Washington, DC).