

## Frank, Mr. Dalby and General Washington



*Circa 1853 print by Lemercier and Regnier, Paris, after J.B. Stearns. Library of Congress.*

**T**he story of an obscure early Alexandria merchant and his slave is worth telling for the way it illustrates early efforts to free slaves and the ambivalence toward the “peculiar institution” in post-Revolution Virginia.

At the beginning of May 1785, Philip Dalby opened a shop at the northeast corner of Royal and Cameron Streets. Dalby specialized in dry goods, largely imported, but also dealt in stationery, “ironmongery” and musical instruments.<sup>1</sup>

Although comfortable, Dalby was not a rich man. There is no record, for instance, of his having purchased his shop or a home in town. He likely rented here but shipped to and

sold in Philadelphia as well. Dalby did own a slave, but only one, as was common at the time, although most Virginians could not even afford to purchase even a single enslaved human being. He may have hired additional servants for his home at least, as, during the late summer of 1785, he placed a want ad in Alexandria for "A Steady NEGRO WOMAN, that understands washing, ironing and dressing victuals in a plain way."<sup>2</sup>

Just Imported in the Ship Washington, and to be  
SOLD by

**Philip Dalby,**

The following G O O D S, viz.

**L**OW priced worsted hosiery of different kinds,  
Baizes, coatings and blankets,  
Also a good Assortment of Manchester Goods.  
Enquire at Mrs. Swor's, Ledge alley.

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**W A N T E D T O H I R E,**  
**A** Steady NEGRO WOMAN, that understands  
washing, ironing and dressing victuals in a  
plain way.—To such a person good wages will be  
given by **PHILIP DALBY.**  
Alexandria, July 26, 1785.

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Dalby's own slave was a teenage "mulatto" boy named Francis or "Frank," who acted as his manservant and probably helped in the store.<sup>3</sup> Frank accompanied his owner on a business trip to Philadelphia, where he was persuaded to take his first step toward freedom. Members of the Society of Friends must have first approached the young man and then prevailed upon a judge to serve Dalby with a writ of *habeas corpus* requiring him to deliver Frank and show cause as to why he was being held. The circumstances are more fully explained, from Dalby's point of view, in a remarkable, and remarkably long, letter to the *Virginia Journal and Alexandria Advertiser* published March 30, 1786 and occupying more than a quarter of the four-page newspaper.

A CAUTION to all TRAVELLERS to PHILADELPHIA from the Southern STATES.

Messrs. RICHARDS and COMPANY,

THROUGH the channel of your paper I wish to lay before the public, the several steps taken by a set of men in Pennsylvania, in a prosecution

commenced against me in that State, by a slave of mine, at their instigation, under a pretence that he is intitled to his freedom, but illegally deprived of it by me, and held in bondage.—Hence it will appear, that every person in the Southern States possessed of slaves, is deeply interested in these proceedings, and the determination which may be ultimately given in them. For, should business or curiosity lead any of them to Philadelphia, they may find themselves very unexpectedly plunged into the same embarrassments which I was, much to my surprize, involved in, and from which I am not yet extricated. Before I give a detail of the facts which immediately concern myself, it will be necessary to inform you and the public, that there is a society established in Pennsylvania, for the purpose of aiding and assisting all those unhappy persons who are cruelly and unjustly detained in bondage, in obtaining their freedom. The society have a committee of their members who reside in Philadelphia, and whose business it is, to inquire after, and assist all who come within the line laid down by the society at their institution. This committee has council retained, and agents employed, to give them information of all such; and of the arrival of every gentleman, who has with him a slave for a waiting-man, who is immediately tampered with. If he proves to be well disposed, and satisfied with his station, arguments are used, and every measure taken, to disgust him with it, and to spur him on to prosecute his master for his freedom. Having given you the outlines of this committee, and their business, I am to inform you, that in the month of February, 1785, business called me to Philadelphia, I took with me as a waiter, a Mulatto boy, a slave for life, purchased for my use the January before, by Mr. John Nicholson, of Doctor Belt of Leesburg. The boy was soon after my arrival, accosted by some of the agents employed by the committee, and informed that a fair opportunity now presented him of procuring his liberty, if he would avail himself of it, which he for some time declined; but having been guilty of a small theft, he was apprehended, and previous to his examination brought before me. I ordered him a corporal punishment in presence of the person he had plundered, who thereupon discharged him from further prosecution. The chastisement seemed to inflame him, and he then applied to the committee for their assistance to procure his freedom. Upon hearing his relation, they very candidly informed him, that they could not render him that service, which from his complexion, they were induced to think they could. Thus matters rested, until I had finished my business and was preparing to set off, on my return home, when the day preceding my departure the boy was again brought before the committee, who carried him to their council, who undertaking his case that evening, served me with an *habeas corpus*, commanding my attendance at Judge Bryan's chambers the

next morning. Being wholly unacquainted with every kind of law proceeding, I was much at a loss how to conduct myself, or what steps were necessary for me to take on this occasion. I waited upon a gentleman of the profession, with whom I had some acquaintance, and mentioned the process which had been served upon me, my recent purchase of the boy; and that he was held by the person who sold him to me as a slave for life, under the laws of Virginia, of which State I was an inhabitant. This gentleman considered the matter as very trivial, but said that it was necessary to make a proper return to the writ, and obligingly offered to accompany me the next morning to the Judge's chambers for that purpose. We accordingly waited upon the Judge, and found at his chambers the committee and their council. The return was made upon the writ, and my claim to the boy stated, if not fully discussed, before the Judge, who not choosing singly to determine upon so intricate a point, adjourned the business till the next morning, to be heard at the Chief Justice's chambers, before the Chief Justice himself. I again attended with my friend, and found the same persons assembled before the Chief Justice. My claim was again stated, and the judges fully informed of what alone was sufficient to have ended the business; that I was an inhabitant of another State, and that the point they were examining into, did not depend upon the laws of Pennsylvania, but upon the laws of Virginia, of which State the boy had been many years an inhabitant. However, the point was so knotty that *curia advisare vult* and the business was again adjourned till the next morning, when it was to undergo another investigation, at the Chief Justice's chambers; where the persons of the preceding day appeared, with the additions of the Attorney-General, on behalf of the committee; when the Judges, after hearing the parties, came to a resolution, that it should receive a solemn determination at the April term; and I was compelled to give bond and security in the sum of one hundred pounds, to have the boy forth coming at the day of the trial; and the committee directed to give bond in the sum of fifty pounds, in case the determination should be in my favor, to pay the costs of suit. Between the different hearings at the Judges chambers, I waited upon the gentleman retained by the committee, and made every fair and reasonable proposition to him, but nothing short of absolute and immediate freedom to the boy would be attended to. I was informed that if I did not come into these terms, he would render the prosecution so weighty, as to cost me more than the value of the boy in defending my claim to him. This appeared to me oppressive in the highest degree. I however, chose to support my right, be the event what it would. At the Judge's chambers I offered to give bond and security in any sum which could be reasonably demanded to prove the boy a slave for life, by the

most unquestionable and satisfactory testimony; or if I failed in doing it, to set him at liberty, as soon as that testimony should, by the judges, be deemed insufficient. But this proposal was likewise rejected. In short, through the whole examination, I found, that nothing but absolute and immediate freedom to the boy would be accepted of on the part of the committee, and that if I refused to gratify them in this particular, all the artifice and chicanery, all the plague and vexation with which the law is so horribly clogged, would be put in practice and exerted against me, and that so abundantly, that I had reason to fear that I should at last be overwhelmed with the weight of it, and driven into a compliance with their measures. My attendance upon the *habeas corpus*, detaining me ten days in Philadelphia after my other business was settled, let me clearly see what I had to expect before the final determination of the action. I obtained a commission to examine my witnesses, but in my return to Virginia, was detained several days in Baltimore by business of importance. When I got home, found I was too late to execute the commission in time for the April term. This put me under the necessity of praying a continuance until the October term, which was granted. When the October term came on, the commission having executed, and the slavery of the boy fully and clearly proved by persons of undoubted character, and a Mrs. Harding, upon whose supposed testimony great stress had been laid at the inquiry before the judges at their chambers, had been called upon by the boy, to attend the commissioners, that he might have the benefit of her testimony, which she declined, telling him, that what she could say would not make in his favor, but against him; and I sent up the boy to be present at the trial, agreeable to my bond, in full expectation of having an end put to this very troublesome business. But to my great mortification, it was again put off till the April term, upon the boy's being directed to swear, that this Mrs. Harding could declare something greatly in his favor, which she had hitherto been deterred from doing, from an apprehension of gaining ill-will thereby. This he did, though when first asked, honestly declared that he did not know of any person who could say any thing in his favor; and the judges, as I have been informed, were the more ready to grant the indulgence, asked, notwithstanding his first answer, from this consideration, that if they should proceed to a trial, and the determination should be in my favor, that whatever witnesses might hereafter be procured would avail the boy but little, as he would then be out of the power of the court, and though a new trial should be awarded, yet the judgment thereupon, if in favor of the boy, could not be enforced. This strikes in a most pointed manner at the integrity or capacity of our own Judges, holding them up as persons not to be trusted with the decision of a

point of law depending upon one of our own acts of Assembly, and upon no other law whatever. But so it is, upon these grounds, the trial was put off till the next term, at which I must again appear in person, or procure some person of character to go in my stead with the boy.

Since the October term a proposition has been made to a friend of mine by the committee, to have the boy bound to me till he arrives to the age of twenty-eight years. Having declined this generous proposal, the matter now stands for a hearing at the April term. From this state of facts some of which are sufficient to rouse the indignation of every person not warped by prejudice, it appears clearly that the matter of right is not the inquiry of those honest well-meaning men, the committee, but the accomplishment of their measures by any means whatever; and that they pay no regard to the injury or injustice they are guilty of towards an individual.

This boy I found in slavery, and purchased him agreeable to the laws of Virginia, and have as absolute a right to his service, during life, as I have to the use of the coat which is on my back, and have as just a right to complain, if deprived of that service, as I should have were I robbed of my coat. But behold the consequence, a set of men of whom I have no knowledge, with whom I have no connection, tell me that I must discharge him from my service—and for what, pray? Why, truly, for no other good reason, than to gratify their pride and self-love, and perhaps furnish a subject of eulogy to their characteristic meeting, and a desire to be thought better men and members of society than others. But does their conduct in this instance prove them to be so? Have they not in the most wanton and unprovoked manner seized upon my property, and run me to an expence far greater than the value of that property, in supporting my right thereto? My expences arising from my detention in Philadelphia, when the *habeas corpus* was first served upon me, the seeing of council, the execution of the commission for the examination of my witnesses, sending the boy up to Philadelphia, and procuring a person to take charge of him at the October term, have arisen far above fifty pounds; and my next trip cannot cost me less than twenty-five pounds, besides neglecting my other business. This is an oppression too great a burden, too heavy for an individual to bear, and calls aloud for the interposition of government. Can a conduct which produces consequences so oppressive and injurious, be dictated by truly good heart? Can the actors be doing as they would be done by? I think not; and I cannot help concluding that the whole of this proceeding has been dictated by a vain,



bigotted pride, and a love of ostentation, and not by a truly benevolent principle.

But what shall I say when I turn my eyes towards the judges; when I consider their station I would figure to myself men free from connections, free from prejudices, having no eyes, no ears, but those which the laws give them: But when I revolve in my mind, the manner in which I have been harrassed, I am inclined to think the case is otherwise than I fancied. When I reflect that the point which they have assumed the decision of, is a question of right between two persons inhabiting another State, arising out of the particular laws of that State, and that business alone brought them for a short time into the State where the controversy happened, I am at a loss for a civil expression to convey my idea of their conduct, or the motives by which they appear to be influenced. To say in their justification, that it is only a matter of fact which may be inquired into by a jury as well in Pennsylvania as Virginia, is idle, and only fit to amuse the ignorant. For from the facts arise the points of law, and how can the judges of Pennsylvania undertake to say what the laws of Virginia are upon those facts? Will they in their justification say, that they could not trust the judges of Virginia with the decision of so nice a point as that of liberty? Or will they say that they have a right of hearing and determining all and every matter of controversy between the inhabitants of the State of Virginia, if any accident throws it into their power, to have their process executed. If they support the first, may we not justly conclude that they form their opinion of the Virginia judges, from a knowledge of themselves. If they entertain the latter opinion, and attempt to put it in practice, it will in all probability produce very serious consequences.

I am as much disposed to lament the hard fate of any set of men, who are doomed to groan under the galling yoke of slavery, as any of the worthy judges, or members of the noble-minded committee; and when they can effect a general liberation of the black host, which darkens the State of Virginia, I will forget my loss, and partake with them in the joy and exultation which would result from an act so glorious, so ornamental to human kind. The fate of a memorial presented to the Virginia Assembly at their late session by the society of Quakers, praying such an act, will shew that the Legislature of that State do not yet approve of the measure. It exerted such a spirit of indignation as is not often experienced in that house, and was with difficulty saved from being treated with the last contempt. Can it be thought that they will suffer another State to do for them what they have rejected themselves? Upon the whole, it appears to me, that the Judges

of Pennsylvania have made a most insolent and daring attack upon the sovereign rights of Virginia, in taking upon themselves to hear and decide a question of right between two subjects of that State, which arises out of the particular laws of that State; and that I have been very wantonly and unjustly involved in a very heavy expence, from motives which cannot be justified, namely, to procure freedom to a person, whether by the laws of his country he be entitled to it or not. If this was not the expectation, why do the judges claim jurisdiction where they know perfectly well they have none? Why does the committee urge a determination there, if they do not expect a more favorable one than the laws intitle them to? Their money could see council in this State as well as in Pennsylvania, and men of equal abilities and integrity. Their money could pay witnesses for their attendance as well in Virginia as in Pennsylvania. In short their money can do every thing as well in the one State as the other. Then why have they declined to bring the business forward in the State where the decision of it most properly belongs? Can it be ascribed to any other cause than that they hope to find a prejudice, a prepossession in the one court, which they have no hopes of meeting with in the other. And now let me assure you, that notwithstanding I have, at so much expence, defended this prosecution, it is not because I am an advocate for slavery, but because I considered my rights as very unjustly invaded, and because I did not conceive that I found that redress which is due to persons of every denomination, from the quarter where alone they are to look for it. I found slavery established in many of the States of America. I did not conceive, nor do I that any act of mine or of any set of private men, could have any influence upon a general establishment. I stood in need of a waiting-man, and the country did not offer me a free-man calculated for that station, I was constrained to take a slave, and will not be deprived of him by any junto of men in any State, nor even by any State, without a submission of my claim to the Assembly of Virginia, who alone have the right of liberating if they conceive it politic, those, who by their laws, are the property of their citizens.

It is a fascinating apologia of holding property in human beings which demonstrates the inherent contradictions in the institution and the ambivalence and self-consciousness of many slaveholders after espousing the ideals of the Revolution. Unlike during the immediate antebellum era, when the pro-slavery position had hardened into a thorough doctrine of rationalization, Dalby's argument was merely that slave-owning was permitted by law and that, while he was loath to deprive anyone of freedom, he would continue to do so as long as slavery continued to be allowed! A



summary of Dalby's complaint was published in the *Charleston Morning Post and Daily Advertiser* and probably other like-minded papers.<sup>4</sup>

Dalby did not leave matters to the mercies of the courts, however. Before returning home, he was forced to post a bond to guarantee his appearance and that of Frank at an upcoming hearing. But he petitioned the Pennsylvania General Assembly for the final release into his custody of him whom he considered his rightful property. He argued that he had lawfully purchased Frank as a "slave for life" in Virginia and that any question of the latter's status was properly settled only according to the laws of that state. He asked the legislature to release him from the writ of habeas corpus so that the matter would be dismissed, and he would no longer be forced to return to Philadelphia to attend court. Although popular sentiment in that city was inimical to the cause of slavery, the newspapers were open-minded enough to print Dalby's petition accusing Frank's supporters of manipulating the courts, "not being able to hunt out any testimony to answer their purpose, [they] had the trial postponed until April term," presumably hoping that Dalby would manumit his slave to relieve himself of the travel and court costs or that, under the pressure of public and court scrutiny, he would at least compromise by limiting his servitude. In that era, however, particularly under the state-centric, Articles of Confederation system, Dalby's claim of the protection of Virginia's laws was a position nearly impossible to overcome.<sup>5</sup>

Dalby's complaints of his treatment in the City of Brotherly Love did not fall on deaf ears. He dined with George Washington at the latter's Mount Vernon estate Sunday, April 9.<sup>6</sup> The invitation was likely prompted by the *Virginia Journal* article; the two men may have had some earlier acquaintance, and Dalby may have sought an interview. In any case, the general and the dry-goods merchant must have discussed slavery and Dalby's particular situation as, a few days later, Washington, the owner of numerous slaves, penned a letter on his behalf. He contacted his influential friend and financier of the Revolution, Philadelphian Robert Morris, a member of Pennsylvania's General Assembly. The implication was that Morris could perhaps sway the Philadelphia judges, if not the Society of Friends, not merely for Dalby's sake but for that of all slaveowners.

Dr Sir

Mt Vernon 12th April 1786

I give you the trouble of this letter at the instance of Mr Dalby of Alexandria; who is called to Philadelphia to attend what he conceives to be a vexatious law-suit respecting a slave of his, which a Society of Quakers in the City (formed for such purposes) have attempted to liberate. The merits of this case will no doubt appear upon trial; but from Mr Dalby's state of the matter, it should seem that this Society is not only acting repugnant to justice so far

as its conduct concerns strangers, but, in my opinion extremely impolitically with respect to the State—the City in particular; & without being able (but by Acts of tyranny & oppression) to accomplish their own ends. He says the conduct of this society is not sanctioned by Law; had the case been otherwise, whatever my opinion of the Law might have been, my respect for the policy of the State would on this occasion have appeared in my silence; because against the penalties of promulgated Laws one may guard; but there is no avoiding the snares of individuals, or of private societies—and if the practice of this Society of which Mr Dalby speaks, is not discountenanced, none of those whose misfortune it is to have slaves as attendants will visit the City if they can possibly avoid it; because by doing so they hazard their property—or they must be at the expence (& this will not always succeed) of providing servants of another description for the trip.

I hope it will not be conceived from these observations, that it is my wish to hold the unhappy people who are subject of this letter, in slavery. I can only say that there is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of it—but there is only one proper and effectual mode by which it can be accomplished, & that is by Legislative authority: and this, as far as my suffrage will go, shall never be wanting.

But when slaves who are happy & content to remain with their present masters, are tampered with & seduced to leave them; when masters are taken at unawares by these practices; when a conduct of this sort begets discontent on one side and resentment on the other, & when it happens to fall on a man whose purse will not measure with that of the Society, & he loses his property for want of means to defend it—it is oppression in the latter case, & not humanity in any; because it introduces more evils than it can cure.

I will make no apology for writing to you on this subject; for if Mr Dalby has not misconceived the matter, an evil exists which requires a remedy; if he has, my intentions have been good though I may have been too precipitate in this address. Mrs Washington joins me in every good & kind wish for Mrs Morris & your family, and I am &c.

G: Washington<sup>7</sup>

Two weeks after Washington posted his letter, Morris responded, relating that Dalby had prevailed in court with respect to retaining the servitude of Frank but would derive no other satisfaction.

I am happy to confirm what Mr Dalby will have informed you of, the Successful Issue of his Suit respecting his Slave, could any interference on my part have been usefull, your letter would have commanded it, indeed I had done him before what little service I could when his Petition was before the Assembly from a perfect Conviction both of the Injustice and impolicy of the treatment he had met with. The Society which attacked him tread on popular ground, and as their Views are disinterested as to themselves, and sometimes very laudable as to the objects of their Compassion, it is not a very pleasant thing to Attack them & this consideration deters Mr Dalby from seeking redress at Law for the Expense & trouble they have occasioned, altho I think he would meet a just determination in our Courts of Law....

After regaining Frank, Dalby decamped for Winchester, Virginia, where he opened a tavern in late 1787—and advertised his interest in bartering his chaise-type buggy for a “negro girl about 14 years old.”<sup>8</sup> The tavern business was slow, and in 1789 Dalby wrote George Washington, “Presuming upon Favors I have already receiv’d from you,” soliciting a position in the president’s new federal government. This time, he was unsuccessful enlisting help.<sup>9</sup>

What happened to Frank is still lost to history.

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<sup>1</sup> *Virginia Journal and Alexandria Advertiser*, May 19, 1785.

<sup>2</sup> *Virginia Journal and Alexandria Advertiser*, July 28, 1785.

<sup>3</sup> Alexandria Personal Property Tax Assessments, 1787.

<sup>4</sup> *Charleston Morning Post and Daily Advertiser*, May 13, 1786.

<sup>5</sup> *Pennsylvania Gazette*, March 8, 1786, and *Pennsylvania Mercury and Universal Advertiser*, March 10, 1786.

<sup>6</sup> Jackson, Donald and Dorothy Twohig, eds., *The Diaries of George Washington*, Vol. IV, 1784-June 1786 (Charlottesville, Virginia: University Press of Virginia, 1978), pp. 306-307.

<sup>7</sup> This letter was transcribed and published in both John C. Fitzpatrick, *The Writings of George Washington from Original Manuscript Sources, 1745-1799*, Vol. 28, December 5, 1784-August 30, 1786 (Washington, D.C.: Government Printing Office, 1938), pp. 407-408, and W.W. Abbot, ed., *The Papers of George Washington*, Confederation Series, Vol. 4, April 1786-January 1787 (Charlottesville, Virginia: University Press of Virginia, 1995), pp. 15-16. The latter more accurately reproduces the original.

<sup>8</sup> Thomas Kemp Cartmell, *Shenandoah Valley Pioneers and Their Descendants: A History of Frederick County, Virginia From Its Formation in 1738 to 1908* (Winchester: Cartmell and The Eddy Press Corporation, 1909), p. 153; *Virginia Gazette and Winchester Advertiser*, August 21, 1787.

<sup>9</sup> Dorothy Twohig, ed., *The Papers of George Washington*, Presidential Series, Vol. 4, 8 September 1789–15 January 1790 (Charlottesville: University Press of Virginia, 1993), p. 396; “To George Washington from Philip Dalby, 12 December 1789,” Founders Online, National Archives, <http://founders.archives.gov/documents/Washington/05-04-02-0281>.