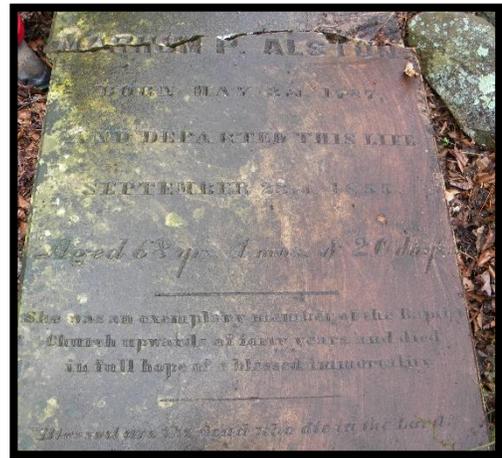


# Marium P. Alston and the Alston Freed Slaves

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February 2020

Chatham County slave owner, Marium P. Alston,<sup>1</sup> arranged in her last will and testament for the transportation to a free state and then the emancipation of twenty-eight slaves.<sup>2</sup> Her will, made the day before she died on September 23, 1855, shows the remarkable effort of a woman in a society in which laws favored slavery and the rights of men over women.

To obtain the slaves that she ultimately freed, Marium successfully contested the will of her husband, Oroondates (Oroon) Davis Alston. By her own will, Marium directed her executor, Jesse Marley, “as soon as he lawfully can” to transport her slaves to “some free state” where they were to be legally emancipated. She also provided \$300 and for her executor to use income from the hiring of those slaves during the period before he could lawfully free them to pay for the expenses of the move and getting the freed slaves settled in their new community. The evidence indicates that Marium’s will was the culmination of several years of effort and planning.<sup>3</sup>



Marium Alston’s gravemarker, located on the Chatham County homeplace.

As a result of Marium Alston’s efforts, twenty-eight slaves were taken by her executor’s son to Westerville, Ohio, and there emancipated. As was the fate of many free people of color in that era, some left little record of their lives in Ohio, but we have evidence that others prospered and that they likely encouraged and assisted other newly-freed North Carolina African-Americans to settle in the Westerville area after the Civil War.

## *Marium’s Story*

As with most women of her time, we know little about Marium P. Alston. Despite being the wife of a well-to-do planter, Marium appears in few official records, and there are no records that we have found of her thoughts—such as diaries or letters. She had no children, and therefore no descendants to record remembrances or to look back to learn what they could of her. So, how do we come to know Marium’s story? It was through the stories of her former slaves—whose freedom she arranged on her deathbed.

In the early 2000s, Ohio researcher Sharon Lytle was working to identify the burials in an African-American cemetery in Ohio that was believed to be associated with a group of slaves that had been freed by their mistress in North Carolina—sent by wagon to their freedom.<sup>4</sup> She found that many of the surnames in the cemetery were Alston and noted that one man buried there had the unusual given name, “Oroon.” Census records indicated that many of the deceased were born during slavery and came from North Carolina. Ms. Lytle came across a reference to Oroon Alston in Chatham County on a website managed by researcher Sue Ashby. She contacted Ashby, who knew that Chatham’s “Oroon Alston” was a plantation owner and sent Ms. Lytle Oroon’s will and estate papers, which listed the names of his slaves just before his death in 1851.<sup>5</sup> Ms. Lytle found that many of those names matched those of the freed Alstons she was researching.

Eventually, Ms. Lytle would also obtain Marium's will and estate papers, which listed the slaves she came to own after Oroon's death and which contain details regarding Marium's efforts to obtain the slaves and keep families together, as well as the arrangements for their journey to Ohio. Ms. Lytle published some of her early work online<sup>6</sup> and provided several personal communications to clarify and help us document the story of the Alston freed slaves in Ohio.<sup>7</sup>



Ms. Lytle's research goals expanded from identifying the deceased in the cemetery to learning all she could about the Chatham County Oroon/Marium Alston slaves who were freed in Ohio. Based on her research, the former Alston slaves and a local Westerville man, Samuel Patterson, are recognized on an Ohio Historical Marker<sup>8</sup> that credits the mistress of a North Carolina Alston plantation with arranging for the slaves to travel to Ohio and thus to freedom. Marium Alston is not mentioned by name on the Ohio marker, although subsequent research has shown that she was, indeed, the plantation mistress who arranged for the freedom of the twenty-eight Alston slaves who moved to the free black Ohio community of Africa.<sup>9</sup> The area was a stop on the Underground Railroad and likely

became known to the caravan of to-be-freed people as they journeyed north. Dr. William Hunt's *The History of Africa* mentions that the group

"crossed the Ohio River near Portsmouth, fell into the hands of the Underground people, who told them it would not be safe to locate near the river for fear of being kidnapped; indeed, it was considered a miracle that they had come that far. Following directions they came north over the Scioto Trail, and reached the Patterson station.... [where] farmers needed help, and they induced them to remain there, each family moving into one of several vacant log cabins, and there they remained for several years."<sup>10</sup>

Another Ohio source, the 1880 *History of Delaware (county, Ohio)* explains that "On their arrival, the friends of the anti-slavery movement were called together, and homes provided for all."<sup>11</sup> Whether they were housed in the Africa community to help the free black farmers there or just as a place where anti-slavery whites could help them settle, the Alston slaves were freed there, culminating a long saga.

Marium's efforts on behalf of her slaves did not begin at the end of her life. Oroon's 1851 will gave her ten slaves outright and the use of the rest of his property for her lifetime. However, she was not satisfied with this arrangement and petitioned the court for her dower rights of one-third of Oroon's property.<sup>12</sup> Her petition was successful and resulted in her legal acquisition of twenty-three of Oroon's slaves.<sup>13</sup> Had Marium accepted the terms of Oroon's will, she would have had no legal basis for freeing any of the slaves other than the ten allocated to her outright, and likely no funds of her own to facilitate getting them to a free state. Her dower petition more than doubled the number of slaves that she owned outright and thus could arrange to set free. As well, among the twenty-three slaves she obtained through her dower petition were three families, consisting of, at that time, fourteen people. Others of the single slaves she obtained were related to those families—as brothers or sisters, for example.<sup>14</sup> Some, but not all, of these people were included in the list of the ten slaves that were allocated to Marium in Oroon's will, so those family members would have been separated had she accepted the provisions of the will. See the table of known relationships among the freed slaves on the next page.

Alston slaves freed in Ohio on 21 May 1859	Documented relationships	Age on Emancipation document	List of slaves granted by Marium's dower petition	Value on dower distribution	Age in Oroon's estate papers 1851
Andrew	husband of Sarah	35	Andy and wife Sarah	900	35
Sarah	wife of Andrew	37	Sarah		29
Viney	mother of Sarah	60	Vina	100	55
Mary Frances *	child of Andrew and Sarah	2			x
Benjamin	husband of Adeline	37	Ben, wife, 4 children	2037	29
Adeline	wife of Benjamin	33	Adeline		25
Daniel	child of Benjamin and Adeline	15	Daniel		8
Andy	child of Benjamin and Adeline	14	Andy		6
Sophia	child of Benjamin and Adeline	12	Sophia		3
Rhody	child of Benjamin and Adeline	10	Rhody		1
Sally*	child of Benjamin and Adeline	6			x
William*	child of Benjamin and Adeline	4			x
Mary*	child of Benjamin and Adeline	1			x
Peggy	sister of David and Priscilla	29	Peggy and children	950	23
John	child of Peggy	13	John		4
Orran	child of Peggy	10	Oran		2
Judy	child of Peggy	8	Judy		1
Lucy*	child of Peggy	6			x
Margaret*	child of Peggy	1			x
Peter		45	Peter (miner)	450	37
David	brother of Priscilla and Peggy	26	David	675	20
Priscilla	sister of David and Peggy	20	Tricy (Priscilla)	500	12
Agatha		43	Agy (Agness)	300	34
Mary	sister of Anthony	26	Mary	500	20
Wesley	brother of Fields	40	Wesley	750	31
Fields	brother of Wesley	29	Fields	700	23
Susannah		19	Susan	400	11
Anthony	brother of Mary	38	Anthony	600	30
			Abner	200	57
				9062	

\* born after Marium's dower petition in 1851

Marium was awarded 1,850 acres of land in the dower settlement; yet immediately thereafter, on Oct 16, 1851, she signed a transfer deed giving ownership of this same land to the four Alston nephews who would have ultimately inherited it if she had not disputed the terms of Oroon's will. She sold them the land for far less than its market value, suggesting that her purpose in bringing the dower suit was to acquire the slaves, not the land.<sup>15</sup>

In her own will, Marium, in addition to arranging for the freeing of her slaves, allocated \$300 plus net funds from hiring out the to-be-freed slaves after her death to pay for their journey to freedom and to help the newly freed slaves get a start in their new state.<sup>16</sup>

By the 1850s, North Carolina law the freeing of slaves was complicated and purposefully rendered difficult at every turn. As with the rest of the South, in North Carolina the reasoning supporting the freeing of slaves that had briefly flourished at the end of the American Revolution was dramatically altered in subsequent years, as the national debate over slavery in the territories of the United States heated up. What in 1787 had seemed non-threatening to many people both North and South, as they enacted the Northwest Ordinance providing for multiple new territories that would be forever free of slavery<sup>17</sup>, by 1830 was altered in North Carolina and the rest of the South by John C. Calhoun's argument that slavery, far from being contrary to the ideals of the Revolution, was a "positive good," and the presence of free persons of color in the state was discouraged in every way possible. As John Spencer Bassett wrote in his seminal 1899 history of *Slavery in the State of North Carolina*,

In 1830 it was made more difficult to emancipate. Now, the petitioner must notify his intention at the court house and in the State Gazette six weeks before the hearing of the petition; he must give bond with two sureties for \$1000 that the said slave should conduct himself well as long as he or she remained in the State, that the slave would leave the State within ninety days after liberation, and the said liberation should invalidate the rights of no creditor. Executors of wills by which slaves were directed to be liberated must secure consent of the courts and take steps to send the negroes out of the State and guard against the loss of creditors. A slave more than fifty years old might be liberated for meritorious conduct to be approved by the Court without subsequently leaving the State, provided that the master swore that the emancipation was not for money and that he gave bond that the negro would conduct himself well and not become a charge on the county. No slave was to be liberated except by this law.<sup>18</sup>

This 1830 North Carolina law remained in place until the Civil War, and Bassett referenced the hardening of societal attitudes and legal context around emancipation as "the cast-iron necessity of keeping slavery unendingly confined to its present condition, cutting off the least tendency to amelioration." Among his evidence for this hardening of attitudes, he cited the William Quarry legal case from Mecklenburg County in 1849, in which Quarry

conveyed by deed absolute to Peoples and others a slave woman Linney, who was married to a freeman. Desiring that she might continue to live with her husband he conveyed to the same parties twelve acres of land with a house on it, presumably for her use....The defendants claimed that they were absolute owners, that the donor conveyed the woman and her family to provide for her comfort and to prevent the division of the family. They allowed the husband to occupy the house with his wife for a certain rent. They took her and her children under their personal care and agreed to control their conduct. Yet the arrangement would not do at all. It was, said the Court, qualified slavery, and the conveyance was void. Linney and her children were given to the heirs of the donor. And,

moreover, the donees were held liable, 'with just deductions,' for the profits due from her services while in their hands, and because the defendants had attempted to defraud the law, they were to pay the costs.<sup>19</sup>

### ***Getting the Slaves to Freedom***

Marium Alston apparently had intended to free her slaves for several years before her death in 1855, as evidenced by her petition for the dower share and her subsequent actions, which resulted in her acquisition of additional slaves and kept a large number of the enslaved family members together. Marium's will indicates an understanding of the legal situation of her slaves and provides clearly and adequately for a legal process to free them. It puts great trust in her executor and agent, Jesse Marley, to carry out that plan. Marley had a longstanding relationship with the Alston family, as he witnessed the will of Oroon in May 1851. He arranged, after Marium's death and the probate of her will, for his son, Dr. Henry B. Marley, to transport the slaves to Ohio and once there to free them. This step was important and clearly planned – emancipating slaves was illegal in North Carolina absent the posting of large bond to ensure their behavior while in the state; further, had the slaves somehow been legally freed in North Carolina they would have been required to leave the state within ninety days and subject to capture by slave catchers as they made their way north. This was the era of the Fugitive Slave Act and of great unrest across the nation. It was also the era in which the Dred Scott case was proceeding in federal court (decided in 1857 in the infamous ruling that blacks were not citizens and "had no rights which the white man was bound to respect"). By holding them as slaves during the transportation to Ohio, Marium Alston increased the chances that these people could travel uncontested by slave catchers. Jesse Marley served as the trusted agent of Marium Alston and complied with her wishes even though he himself was a slaveowner and during a period in which the political discussion was ever more intense as the Union came apart.<sup>20</sup>

Indeed, within only five years of her death the General Assembly of North Carolina outlawed the practice of manumission by will. The situation surrounding slave ownership was politically fraught during this time of Fugitive Slave Act consternation, North and South, and it would have been practically impossible for Marium to free her slaves in North Carolina and then arrange for them to be transported and settled in a free state.<sup>21</sup>

It is unlikely that Marium found any support for her intention to free her slaves within her marital family. Marium, as the widow of Oroondates Alston, was part of a family that included several of the largest landowners and slaveowners in Chatham County. Oroon was a grandson of Captain Joseph John Alston of Halifax County. Two of his grandfather's many children had moved to Chatham County: Joseph John Alston ("Chatham Jack"), a prominent land and slaveholder who owned land from Pittsboro to what is now Siler City, and William Alston, who served as the Clerk of Court for Chatham County during the American Revolution. Oroon (b. 1780) was a son of William Alston and a nephew of Chatham Jack Alston. He was the brother of Nancy Ann Alston (b. 1780) and of Mary Ann Alston (b.1785), both of whom also lived and were married into families influential in Chatham County.

The heirs of Oroondates, besides Marium, were the sons of Nancy Ann Alston (Joseph Palmer and Oran A. Palmer) and the sons of Mary Ann Alston (William Alston Rives and Robert E. Rives). The practice of the Alston family was to marry cousins, so the relationships were intertwined and represented several prominent Chatham County names by 1851 – Alston, Rives, Palmer, and others. There is no extant evidence that any of the family were anti-slavery. The only known possible exception relates to the son of

Oroondates' heir Robert E. Rives, Dr. Oran Alston Rives, who defied the wishes of his father and joined the Union Army. Even in his case there is no known evidence that his views were antislavery as opposed to pro-union. With this exception Marium's actions appear totally contrary to the political views of her husband's extensive family, which is likely an additional explanation (to the legal morass) of why she waited until her death to provide for the emancipation of her slaves.<sup>22</sup>

What motivated Marium's plan to free these people? She was, as we know from her tombstone and obituary,<sup>23</sup> a devoted Baptist. Yet that denomination was not known, as were the Quakers who lived nearby her home, to be opposed to slavery per se. She was a part of the Sandy Creek Association of Baptists, and that group had been long on record as desirous of ameliorating the conditions of slavery while not opposing the institution of slavery itself. As historian Guion Griffis Johnson documented, the Sandy Creek Association had adopted as early as 1815 a policy condemning the buying or selling of slaves for profit. However, by 1845, the Association joined fellow Baptists in the South in splitting the denomination from their northern associates and forming the Southern Baptist Convention.<sup>24</sup> Still, Bassett explains that some antislavery impulse existed with Baptists despite the hardening social context, citing as evidence of that impulse and of that context that:

In 1835 Sandy Creek Association spoke still more emphatically. It said: "WHEREAS, We believe it inconsistent with the spirit of the gospel of Christ for a Christian to buy or sell negroes for the purpose of speculation or merchandise for gain. Resolved, therefore, that this association advise the churches of which it is composed to exclude members who will not abandon the practice after the first and second admonition."

When in 1847 the Association was asked if it was agreeable to the gospel for Baptists to buy and sell human beings or to keep them in bondage for life, the only answer vouchsafed was to refer the interrogators to the minutes of 1835. The slavery dispute was then well-nigh in its stage of highest passion, and it is not unlikely that the Church authorities did not like to take a more definite position on either the first or second part of the query.<sup>25</sup>

Marium's home in western Chatham County (and other plantation property in eastern Randolph County)<sup>26</sup> was in territory adjacent to a large Quaker population, however, and as historians have documented, the area had both an antislavery bent (largely out of sympathy for white labor rather than based on empathy for the plight of the slave) and, within a few short years, was the site of numerous efforts by the Confederate state government to root out deserters from the Southern army and to punish "disloyalists" to the Confederate war on the United States.<sup>27</sup> Though we have no direct evidence of Marium's motivations, it is likely that her religious beliefs and her location proximate to sentiments against slavery may have influenced her decision to set the families under her control free of bondage, to finance and legally secure their transportation to Ohio, and there to provide them with some financial support for their futures.

That decision required careful planning and attention to detail. After Marium's death in September 1855, it took Marley, as her executor, forty-four long and arduous months to collect on debts and pay creditors, the accounting of which effort required estate papers some 154 pages long, and to make the other arrangements necessary to carry out Marium's wishes.<sup>28</sup> To assure that other potential heirs of Marium Alston did not attempt to invalidate or make claims against her will, Marley filed and advertised in local papers a "bill of complaint against" multiple potential claimants "praying for a construction of the Will of Miriam P. Alston, and an account and settlement of the plaintiff's administration of her will as her testator."<sup>29</sup> The law at the time made slaves emancipated by will subject to claims of creditors and

executors were prohibited from emancipating any slave under the directions of a last will and testament before the expiration of two years from and after the probate of the will.<sup>30</sup>

Per Marium's wishes, Marley hired out the to-be-freed people, paid for their clothing and board, and accounted for their earnings and expenses as part of the estate. Eventually, he had made all the legal arrangements, including getting court permission to take the slaves north.<sup>31</sup> He purchased the supplies and wagons needed for transportation, and on April 23, 1859, probably in frail health himself, Marley drew up a power of attorney and entrusted the supervision of the slaves' arduous journey to Ohio to his son, Dr. Henry B. Marley, who freed them there on May 31, 1859. Within six months Jesse Marley was dead (October 14, 1859).<sup>32</sup> While it fell to the son to accompany the slaves legally owned by his father to Ohio, Jesse Marley had worked diligently to fulfill the wishes of Marium Alston.

The area of Ohio to which the Alston slaves traveled was an important Underground Railroad station, through which it is said that many runaway slaves made their way to Canada to freedom.<sup>33</sup> However, it must have been somewhat unusual for a large group of slaves to be brought to the area to be freed, as the Alston slaves' journey attracted some press attention in Ohio.<sup>34</sup> The *Columbus Citizens Journal*, May 20, 1859, reported: *On Tuesday last, thirty negroes from North Carolina, who had lately been emancipated by their master, passed through this city, on their way, as they said, to the northern part of this county, where they intend settling....In our humble opinion the county is none the gainer by this increase in the population.*

The document by which Henry emancipated these people on May 31, 1859 reflects the care and diligent legal efforts Marley had taken to fulfill Marium's final wishes, stating that Marium Alston, "by her last Will and Testament which was duly established in the proper Court according to Law" bequeathed her slaves "28 in number to Jesse Marley, her Executor in Trust for them to be free, and for him to remove said slaves, or cause them to be removed, from North Carolina to some free State, & there to be emancipated & enjoy the rights of Freedom. And the said Jesse Marley having caused said slaves by his son & Agent, Henry B. Marley to be removed to the State of Ohio, with his consent & by his own direction, that they may there be free...." He then named all of the newly freed people, gave their ages, and further stated that his actions were "in consideration of the promises, and the desire of said Jesse Marley to carry into full execution the Trust reposed in him by his Testatrix (Marium Alston) by her last Will & Testament, and, to do the same according to the Laws of North Carolina & the State of Ohio, & all said 28 slaves being now in the State of Ohio, the said Jesse Marley by his Agent and Attorney in fact Henry B. Marley doth hereby emancipate & set free the whole of the afore named slaves; and doth hereby invest them & each & every of them with all the rights & privileges of Free persons of color according to the laws & constitution of the State of Ohio."<sup>35</sup> The careful legal language of this document and its emphasis on the compliance of Marley's actions with both North Carolina and Ohio law, suggests just how tense the political and legal climate of the United States had become by fall 1859.

In Ohio, the newly-freed people were given a modest amount of cash (\$9 each for single individuals and \$27 each for the three families) from Marium's original bequest. (Marium's allocation of \$300 at the time of her death in 1855 is equivalent to \$8,846 in 2019).<sup>36</sup> The supplies and equipment from the journey ("five horses, two wagons, one carriage together with harnesses") were turned over to the two United Brethren ministers who witnessed the emancipation document per a receipt included in the estate papers and the proceeds were to be distributed to the freed people in shares specified by Henry Marley.<sup>37</sup>

Marium's estate papers also show that after a full accounting was made of income from the slave's labor before their emancipation and expenses incurred during the time between Marium's death and their

journey to Ohio, as well as the journey itself, the surplus, some \$1,811.15, was to be distributed among the freed persons. This distribution was more substantial. Each single freed person was to be given \$100.62 (or \$2,967 in 2019 dollars), and each family \$301.86 (or \$9,297 in 2019 dollars).<sup>38</sup>

In addition to the support of the local anti-slavery advocates and the resources willed to them by Marium, the freed Alston slaves surely must have benefitted from the support they derived from one another. Other accounts of escaped or freed slaves highlight the effort they expended on trying to find ways to free their still-enslaved family members. By freeing whole families in this large group, Marium Alston removed this source of suffering and gave the freed persons the benefit of their families' support.

### ***Lives Forever Changed***

The story of the Alston freed slaves can still be found within the history of Delaware County, Ohio. Various versions, with some errors, have been told and recorded over time, but the documents available in North Carolina show with certainty that this is where Marium Alston's freed slaves ended up and clearly show Marium's own hand in this outcome.

The Westerville Public Library web pages contains the following:

This group of slaves ended up in East Orange. We do not know why they came to that community. We do not know how hard the journey was that they made. What we do know is that the residents welcomed them, housed them, hired them to work on their farms and made them part of the community. *The freed Alston slaves became landowners, musicians and artists and also participated in hiding runaway slaves who travelled to the village. Their descendants served in the military and became educators.*<sup>39</sup>

The impact on the lives of those persons of being granted one's freedom and helped to settle in a relatively safe place can hardly be fathomed. We must be satisfied with documenting what indicators of their wellbeing we can. Sharon Lytle's research in Ohio focused on identifying and learning about the Alston freed slaves who settled there. Although the details of that research have not been published, the information is on file at the Westerville Public Library, and Ms. Lytle has shared highlights with us via personal communications.

- The births, deaths and marriages of the Alston freedpersons are recorded in several Ohio communities. For example, Peter's marriage was conducted by the Rev. William Hanby (Bishop of the Church of the United Brethren in Christ and an active conductor on the Underground Railroad.)<sup>40</sup>
- Ms. Lytle documents that several of the Alston freedpersons (including Peter, Andrew, and Anthony) became landowners in Ohio in Franklin County, Delaware and Worthington.
- At least two of the freedmen, Wesley and David, served in the Union Army. Other Alston descendants served in the Spanish-American War and in WWI.
- The freed Alstons became affiliated with local churches. For example, burial records for Viny and Sarah are recorded in the parish register of St. Johns Church in Worthington.
- Mary Frances Alston Austin's obituary notes her acquaintance with Bishop William Hanby's son, Benjamin Hanby, author of several popular songs.<sup>41</sup> She was an artist and art teacher, according to her obituary.<sup>42</sup>

There is also evidence that the Alston freedpersons may have helped others settle in Ohio after Emancipation. We know that they were in touch with still-enslaved persons back in North Carolina after their settlement. For example, the June 6, 1860 entry in Rachel Bowman's diary says she helped Susan

Alston write a letter to her friends still in bondage back in NC.<sup>43</sup> A number of former slaves from Chatham and Randolph Counties moved to the central Ohio area after Emancipation.<sup>44</sup> Some of these have documented connections with the Alston freedpersons.<sup>45</sup>

Marium's actions, from the time of Oroon's death through the posthumous efforts of her faithful executor, Jesse Marley, deserve recognition in North Carolina, as they have gained in Ohio. Her actions have historical significance in North Carolina precisely because they represent the hidden history of women and of anti-slavery sentiment in the state. The impact of her actions reaches far beyond the twenty-eight slaves she sent to freedom and even beyond their descendants.

## Endnotes

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<sup>1</sup> A note on names:

Marium's name is spelled several different ways in the various documents that mention her. It is Marian P. Alston in her husband Oroon's estate file. In some census records, she is "Mariam." A niece is named "Miriam," presumably a namesake, and a number of documents published by her executor after her death also call her "Miriam." In deed records, she is "M. P. Alston." In Oroon's will, on her grave marker, and on the receipt from the stonecutter who carved her monument, her name is spelled "Marium," and we will use that spelling.

Marium's husband Oroon's name also merits comment. His name was Oroondates Davis Alston. His will begins "I, Oren D. Alston..." but is signed "Oroon D. Alston." On deeds and in Census records, he is called variously "Orin," "Oren," "Oran," "Aroon," "Oroon." The name on his grave marker is "Oroon D. Alston," and we will call him "Oroon."

<sup>2</sup> The slaves freed by her will were all the slaves she owned, with one exception. Excepted was Abner, who was willed to Marium's brother-in-law James Woody. Perhaps the elderly Abner was too feeble to make the journey.

<sup>3</sup> Was this the deliberate and considered action of a dying woman—or perhaps the result of an anti-slavery executor's influence? Marium clearly trusted her executor, Jesse Marley, to carry out her wishes. Marley was, himself, a slave owner, and we have found no evidence that Marium's arrangement to free her slaves was influenced by him or by anyone else. It appears that well before her deathbed will she had thought through the issues involved with emancipation and the current laws of North Carolina, as will become apparent from her actions after the death of her husband in 1851. Marley does not appear to have been involved in Marium's dower petition. Charles Manley represented her in that case.

<sup>4</sup> A version of the story was published in the *History of Delaware County and Ohio* Chicago: O. L. BASKIN & Co., HISTORICAL PUBLISHERS, 1880. Digitized version online at [https://archive.org/stream/cu31924050611106/cu31924050611106\\_djvu.txt](https://archive.org/stream/cu31924050611106/cu31924050611106_djvu.txt). Although there are some inaccuracies, such as the date, the gist of the story is here: Page 481 "In the year 1854, some thirty freed negroes were sent from North Carolina to the Patterson neighborhood to find homes. Their mistress had freed them in her will, and directed her executor to send them here. On their arrival, the friends of the anti-slavery movement were called together, and homes provided for all. They settled down in that neighborhood and stayed until, in the course of natural changes, the most of them have been lost sight of."

<sup>5</sup> See [Exhibit 1 for Oroon D. Alston's will](#), 1851, and a list of the names and ages of the slaves he owned at the time of his death. Also contained in the estate papers are the dower petition and settlement for Marium. The complete estate papers are found at <https://www.familysearch.org/ark:/61903/1:1:VH6F-KHW>

<sup>6</sup> Ms. Lytle published her early work online (<http://pkivfa.org/AlstnSlaves.pdf>) and has continued to do research that has subsequently clarified some of the assumptions in it. For example, she at one point thought (because of the surname of one of the freed people) the name in North Carolina was "Austin" although it was certainly "Alston." She was exploring the issue using records in the Ohio community where the slaves were transported and then freed; some of those records as well contained errors which Lytle later identified.

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<sup>7</sup> Ms. Lytle described her research in an email to Steve Brooks on August 22, 2019, stating that as she began the work: “We had recently discovered a section in Otterbein Cemetery which was set aside as a Potters Field containing 11 lots. Unfortunately, although many graves were identified, only a handful were actually recorded in the plat books, nor did they have headstones. I started looking through census and death records to see if I could identify those not recorded. I focused on slaves who may have come here, figuring they were ... the poorest and least likely to survive our winters. In the 1860 census I found the name Peter Austin, but couldn't find him in any other records so I asked our library's local historian if she knew of the name. She vaguely recalled the story of a group of slaves who came through here and showed me Dr. Hunt's *History of Africa*. At the same time, I read the piece in the *1880 History of Delaware* which made me sad that after what must have been an incredible journey they had been forgotten. So, my ego taking over, I convinced myself I could find out their names and where they wound up. As I uncovered more of their story pride gave way to a deep seeded respect for Miriam, Jesse, and all the Alstons. I became driven to find the truth behind their ordeal and make sure they would never be forgotten. The first step was connecting with Sue Ashby, who taught me so much about the southern pre-civil war era. It was Sue who explained Miriam's ability to invoke her dower rights. About the same time, I connected with Bill Kivett, whose extended family moved here after the war and unfortunately all died within a few years. It turned out the Kivett plantation wasn't too far from the Alston plantation. I was able to send him the information he was looking for on Willis Kivett's family and as a thank you Bill's cousin Clara sent him copies of Miriam's estate papers for him to forward to me. The Ohio papers were actually found by Marilyn Gale, president of the Westerville Historical Society at the time. She had become swept up in finding the story as well and just happened to be at the Delaware Co Historical Society looking for information at the same time as the person who was working the day the papers were brought in to be archived. The final piece - Miriam's identity- was made possible by connecting with Trish, a McDaniel descendant. She made several trips to the TN archives, making copies and transcribing documents, and sent them on to me. The TN records also included paperwork from TX, which together, proved Miriam's parentage.”

<sup>8</sup> See <https://www.hmdb.org/marker.asp?marker=20550>, Ohio Historical Marker 6-21 “Africa Community.” [Photos included as Exhibit 2.](#)

<sup>9</sup> Previously known as East Orange. Said to have been called “Africa” by a disapproving neighbor because of the large population of people of color.

<sup>10</sup> Dr. William Hunt, *History of Africa*. Undated typed 6-page document available in the Westerville Library. The author, Dr. Hunt, was a grandson of Samuel Patterson, the antislavery resident whose land became “Africa.”

<sup>11</sup> *History of Delaware County and Ohio*, by O. L. Baskin & Co; Perrin, William Henry, 1880. P. 481. Text available on internet at [https://archive.org/stream/cu31924050611106/cu31924050611106\\_djvu.txt](https://archive.org/stream/cu31924050611106/cu31924050611106_djvu.txt). Original in library of Cornell University.

<sup>12</sup> Her petition for dower is included in Oroon's estate file: <https://www.familysearch.org/ark:/61903/1:1:VH6F-KHW> [See Exhibit 3 for relevant pages of Marium's dower petition.](#)

<sup>13</sup> The difference in the number of slaves she acquired after successfully asserting her dower entitlement to one-third of the property (twenty-three) and the number who were actually transported to Ohio and emancipated there (twenty-eight) is explained by the births of six children to the slaves in the period between her acquisition of the twenty-three in 1851 and the emancipation in 1859. Marium lived for a part of this time and the efforts of her executor, Jesse Marley, took another nearly four years. (Recall that the elderly Abner was not among the slaves sent to Ohio.) [See Exhibit 4 for the list of slaves Marium acquired in her dower settlement.](#)

<sup>14</sup> [Exhibit 5: Chart of known relationships among the twenty-eight freed slaves.](#) Included in text of article.

<sup>15</sup> Oroon's land had been valued at \$6,500 in the 1850 census; Marium's one-third should thus have been worth some \$2,166; yet she immediately sold the land to the nephews for only \$500, less than one-fourth of its value. [See Chatham County deed AH/597, in Exhibit 6.](#) The \$6,500 value of Oroon's land in 1850 translates to a 2019 dollar value of \$213,965.83, making her 1/3 worth, in today's dollars, \$71,322. (<https://www.officialdata.org/us/inflation/1850?amount=6500>)

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<sup>16</sup> [See Exhibit 7: Marium Alston's will and transcript.](#)

<sup>17</sup> David McCulloch, *The Pioneers: The Heroic Story of the Settlers Who Brought the American Ideal West*. Simon & Schuster, 2019. McCulloch describes the agreement by both Southern and Northern members of Congress that the Northwest Ordinance of 1787 would perpetually forbid slavery in the territories that would later form the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin. While President Jefferson attempted to alter the language nearly two decades later, antislavery legislators in Ohio thwarted his effort and the area of the Northwest Ordinance remained free of slavery.

<sup>18</sup> John Spencer Bassett *Slavery in the State of North Carolina (1899)*, p. 30. Note that the required \$1000 payment was the equivalent of more than \$27,000 in 2019.

<sup>19</sup> John Spencer Bassett *Slavery in the State of North Carolina (1899)*, pp. 33-34.

<sup>20</sup> See *The War Before the War: Fugitive Slaves and the Struggle for America's Soul from the Revolution to the Civil War* by Andrew Delbanco (Penguin Random House, 2018) for a modern and thorough depiction of the national turmoil of the period during which Mariam inherited and arranged to free her slaves. While the Fugitive Slave Act was passed, along with multiple other measures collectively known as the Compromise of 1850 in an effort to defuse sectional tensions, the inclusion of a fugitive slave act in fact exacerbated those tensions in ways its authors did not intend. The struggle hardened existing attitudes toward slavery, north and south, and accelerated the process by which the sections became increasingly alienated from each other over the decade of the 1850s as it lurched to a civil war. The hazards to free blacks during this period are extensively discussed by Delbanco as he describes slave catchers who operated freely after the passage of the Fugitive Slave law.

<sup>21</sup> Even if a sympathetic court could have been found, she would have had to pay \$1000 per slave (\$28,000) and still arrange for all of the slaves to be removed from North Carolina, as Bassett described the legal context (op. cit.).

<sup>22</sup> Unpublished genealogical research of Steve Brooks.

<sup>23</sup> [See Exhibit 8: Marium's gravemarker, obituary, and receipt from stonecutter for her gravemarker.](#)

<sup>24</sup> Guion Griffis Johnson, *Antebellum North Carolina: A Social History*. University of North Carolina Press, 1937, p. 575.

<sup>25</sup> Bassett, *op. cit.*, pp 63-64.

<sup>26</sup> Although Marium died in Randolph County, she and Oroon lived in Chatham County, according to Census data. Both of their graves are in Chatham County, on the property associated with their home plantation.

All Census records accessed on Ancestry.com:

Year: 1800; Census Place: Hillsborough, Chatham, North Carolina; Series: M32; Roll 31; Page: 153; Family History Library Film: 337907.

1820 U S Census; Census Place: Chatham, North Carolina; Page: 240; NARA Roll: M33\_82; Image: 140

1830; Census Place: Pittsboro, Chatham, North Carolina; Series: M19; Roll: 119; Page: 420; Family History Library Film: 0018085

Year: 1840; Census Place: Chatham, North Carolina; Roll: 357; Page: 145; Family History Library Film: 0018093

Year: 1850; Census Place: Upper Regiment, Chatham, North Carolina; Roll: M432\_624; Page: 438A; Image: 354

<sup>27</sup> William Auman, *Civil War in the North Carolina Quaker Belt: The Confederate Campaign Against Peace Agitators, Deserters and Draft Dodgers*. McFarland, 2014.

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<sup>28</sup> Marium's probate papers <https://www.familysearch.org/ark:/61903/1:1:QJ8L-1BB5> . We provide exhibits for relevant parts of these papers.

<sup>29</sup> [Language from the advertisement in the Fayetteville Observer. See Exhibit 10.](#)

<sup>30</sup> See <https://docsouth.unc.edu/nc/slavesfree/slavesfree.html>.

<sup>31</sup> Marley petitioned the court for permission to take the slaves north as provided in Marium's will. He noted that he had "been advised that he cannot with perfect safety to himself remove them unless under the decree and authority of this honorable court directing him to do so." Bill of Complaint, Fall Term 1857.

<sup>32</sup> [See Exhibit 9, Jesse Marley obituary.](#)

<sup>33</sup> Patterson's efforts and the antislavery sentiment of the area are described here: [https://en.wikipedia.org/wiki/Africa,\\_Ohio](https://en.wikipedia.org/wiki/Africa,_Ohio)

<sup>34</sup> *The Ohio State Journal*, May 19, 1859, reported: "A large party of emancipated negroes from Georgia passed through the city going North." Timing suggests that this was the Alston slaves, despite the attribution of the group to Georgia. *The Columbus Citizens Journal*, May 20, 1859, reported: "On Tuesday last, thirty negroes from North Carolina, who had lately been emancipated by their master, passed through this city, on their way, as they said, to the northern part of this county, where they intend settling....In our humble opinion the county is none the gainer by this increase in the population."

<sup>35</sup> [Emancipation document, May 21, 1859. See Exhibit 11.](#)

<sup>36</sup> [See Exhibit 12: Page 60 from Marium's estate papers.](#) Distribution of cash to freed slaves in Ohio. Note that according to an online CPI inflation calculator (<https://www.officialdata.org/us/inflation/1855?amount=300>), Marium's allocation of \$300 at the time of her death in 1855 is equivalent to \$8,846.83 in 2019.

<sup>37</sup> [See Exhibit 13: Page 67 from Marium's estate papers.](#) Receipt from W. Slaughter and P. Tabler for supplies and equipment from journey—to be distributed to freed slaves as specified by Henry Marley.

<sup>38</sup> [See Exhibit 14: Page 56 of Marium's estate papers.](#) Division of the surplus of funds to be used for the benefit of the freed slaves. Note that according to an online CPI inflation calculator (<https://www.officialdata.org/us/inflation/1859?amount=1811.15>), the surplus funds in the amount of \$1,811.15 at the time of distribution in 1859 is equivalent to \$55,983.74 in 2019. So, the \$100.62 allocated to each freedperson is equivalent to \$2,967.23.

<sup>39</sup> See <http://www.westervillelibrary.org/underground-samuel>.

<sup>40</sup> See <http://hanbyhouse.org/The%20Hanbys.html> for William Hanby's biography.

<sup>41</sup> See <http://hanbyhouse.org/The%20Hanbys.html> for Benjamin Hanby's biography.

<sup>42</sup> [See Exhibit 15: obituary of Mary Frances Austin.](#)

<sup>43</sup> [Exhibit 16: Excerpt from Rachel Bowman's diary showing contact with still-enslaved North Carolinians.](#) Personal communication from Sharon Lytle.

<sup>44</sup> The 1870 Ohio Census showed 1454 Heads of Household, or Individuals living in other homes, recorded as Black or Mulatto & born in North Carolina – 122 of those were in Franklin County – 30 in Delaware County. From Power-Point presentation provided by Ms. Lytle.

<sup>45</sup> The mulatto Willis Kivett family is one example. The family came to Westerville, OH, around 1870. The Kivett plantation was very near the Alston plantation in Randolph County, NC and several members of the white Kivett family are mentioned in Marium's estate papers. Ms. Lytle has also documented a connection between descendants of some

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of the Westerville Alstons and the Coble family, which came to Westerville from Randolph County, NC in 1871. Through the Cobles, there is also a connection with Professor W. H. Fouse, well-known African-American educator, who was educated at Otterbein, in Westerville.

## Selected Bibliography

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*\*We wish to thank Sharon Lytle and others in the Westerville, OH community for their generous assistance with this research project. It is their discovery of the story of the Alston freed slaves that led to the identification of Marium Alston as the Chatham County woman whose remarkable actions have not previously been recognized. Sue Ashby must be credited with making the link from the story of the Ohio Alstons to Marium Alston in Chatham County, and for sharing that information with the larger North Carolina community.*