

They Claimed the Law

Contribution pair to Entry 8: "Slave Codes"

Prepared for the Two Americas Archive

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Contribution Track • ERA II • North Carolina

ACF Field Draft — timeline_entry

entry_year: 1741–1830s

entry_year_sort: 1834

entry_track: Contribution

entry_era: ERA II

entry_lens: Legal Resistance

entry_short_description: Against slave codes built to close every legal door, enslaved and free Black North Carolinians, and the narrow openings the law left, produced freedom suits, manumission petitions, and rare courtroom recognitions of an enslaved person's basic humanity.

entry_250_badge: No

entry_living_record: No

entry_present_day_nc: No confirmed present-day marker or site identified in this research pass.

entry_content_warning: No

entry_nc_connection: Statewide — see NC Local Lens below. No Cumberland County-specific case or figure was confirmed in this research pass.

entry_nc_figures: Will (Edgecombe County); Justice William Gaston; James S. Battle

entry_related: Entry 8 — "Slave Codes" (Persecution, ERA II)

entry_see_also: Entry 11 — "400 Rebellions"

entry_research_status: needs_citation

entry_content_notes: No Cumberland County/Fayetteville-specific freedom suit or manumission petition was found in this research pass — NCpedia's own Cumberland County and Fayetteville articles contain no slavery-related content at all, which is itself a documented gap rather than a search failure. This entry uses statewide North Carolina material. Two additional cases (State v. Manuel, 1838, on free Black state citizenship, and Gobu v. Gobu, 1802, on evidentiary presumptions of enslaved status) were identified from background knowledge but could not be independently verified this session — do not add them to the finished entry without confirming citation and holding language against a primary source or law-review article.

A System Built to Leave No Openings

North Carolina's slave codes, like those of every enslaving colony and state, were engineered to close off exactly the kind of legal recourse a person might use to escape bondage: restrictions on testimony, on assembly, on literacy, and, after 1741, a requirement that any individual manumission be approved by a court on a finding of "meritorious service" — turning even the freeing of a single person into an act requiring the state's own permission. And yet enslaved and free Black people, and sometimes their white allies, found and used whatever narrow legal openings the system left standing, arguing freedom suits on maternal lineage, contested manumissions, and — in rare, hard-won cases — asking the courts to recognize an enslaved person's right to resist deadly violence.

A Case the State's Highest Court Could Not Ignore

In 1834, an enslaved man named Will, held in Edgecombe County by James S. Battle, was shot in the back during a dispute with an overseer named Baxter over a broken hoe. Will, wounded and fleeing for his life, fatally stabbed Baxter in the struggle that followed. A county court convicted him of first-degree murder and sentenced him to death — the outcome the legal system was built to produce. But Battle himself believed Will had acted to save his own life, and paid for an appeal. On review, North Carolina Supreme Court Justice William Gaston reduced the conviction to manslaughter, ruling that an enslaved person facing what appeared to be lethal violence could act from terror rather than "diabolical malice" — a rare instance of the state's highest court acknowledging, even in the narrowest possible terms, that an enslaved man's fear for his own life was legally cognizable. It did not overturn the system. It did not free Will. But it is a documented moment when the law, forced to look directly at an enslaved person defending his own life, could not fully pretend he was only property.

"If the passions of the slave be excited into unlawful violence by the inhumanity of a master... is it a conclusion of law that such passion must spring from diabolical malice?" — Justice William

Gaston, *State v. Negro Will*, North Carolina Supreme Court, 1834

Quakers, and a Legal Fiction Built to Free People

With individual manumission legally difficult after 1741, North Carolina's Society of Friends built a workaround: beginning in 1808, Quaker members who wished to free enslaved people transferred legal title to the North Carolina Yearly Meeting itself, which held them — on paper only — pending eventual freedom. The maneuver made the Society of Friends, in the state's own records, one of North Carolina's largest slaveholders, an irony the Quakers themselves recognized as temporary and instrumental rather than a contradiction of their aims. Charles Osborne and later Benjamin Lundy organized the Manumission Society of North Carolina in 1816, revived it in 1824, and grew it to roughly three thousand members across more than forty-five local societies by 1826 — nearly half of all antislavery societies in the entire country at that time. The 1831 Nat Turner rebellion triggered a legislative and social crackdown that ended the society's public activity by 1834, but for a decade and a half it represented a genuine, organized legal effort to claim freedom for people the state's own codes were built to keep enslaved.

NC Local Lens

This entry's North Carolina material is statewide rather than Cumberland County-specific: *State v. Negro Will* originated in Edgecombe County, and the Manumission Society of North Carolina operated across the Piedmont and eastern counties broadly. No Fayetteville or Cumberland County freedom suit, manumission petition, or named local figure was found in this research pass — a gap this entry states honestly rather than filling with speculation. North Carolina's own state encyclopedia entries for Fayetteville and Cumberland County contain no content on slavery, free Black residents, or court records at all, suggesting any local record that exists has not yet been indexed into readily searchable sources and would require direct archival research (NC State Archives colonial and county court minutes, or Paul Heinegg's genealogical compilation of free Black families) to locate.

Sourcing Caveats for Future Sessions

Quoted Gaston opinion language: sourced via a secondary summarization of the case; verify exact wording against the official reporter citation (18 N.C. 121) before treating as a verbatim quote.

***State v. Manuel (1838)* and *Gobu v. Gobu (1802)*:** both recalled as relevant North Carolina cases but could not be independently verified this research pass — confirm citation, parties, and holding before adding to the entry.

Cumberland County connection: unresolved — recommend a dedicated search of NC State Archives Colonial and County Court Records and Paul Heinegg's *Free African Americans* compilation before concluding no local record exists.

Citations

Chicago Notes-Bibliography style, primary and institutional sources.

1. State v. Negro Will, 18 N.C. 121 (1834).
2. "Manumission Societies," NCpedia, North Carolina Government & Heritage Library, accessed September 14, 2026, <https://www.ncpedia.org/>.
3. "Slave Codes" and "Slavery," NCpedia, accessed September 14, 2026, <https://www.ncpedia.org/slavery>.
4. Paul Heinegg, Free African Americans of Virginia, North Carolina, South Carolina, Maryland and Delaware, accessed September 14, 2026, <http://www.freeafricanamericans.com/>.
5. North Carolina Colonial and State Records, Documenting the American South, University of North Carolina at Chapel Hill, <https://docsouth.unc.edu/csr/>.

Prepared by the Two Americas research process. Verify all figures against primary sources before publication if stronger originals become available.