

# The Trouble with Minna: A Case of Slavery and Emancipation in the Antebellum North

Andrew Diemer

Towson University, [adiemer@towson.edu](mailto:adiemer@towson.edu)

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## Review

Diemer, Andrew

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**Hartog, Hendrik.** *The Trouble with Minna: A Case of Slavery and Emancipation in the Antebellum North.* University of North Carolina Press, \$27.95 ISBN 9781469640884

This book begins with a mystery. In 1836 Elizabeth Haines went to a county court in New Jersey to seek compensation from a man named Henry Force. Fourteen years earlier, Haines had rented an enslaved woman named Minna (or perhaps Minner) from Force. This was common enough in early nineteenth century New Jersey, however, at the end of the term of this rental Force had refused to take Minna back. According to Haines, Minna had become worthless as a worker, blind in one eye and prone to drunkenness. Even so, she continued to provide care for this “worthless” slave, even after the term of her rental had expired. It was for the cost of this care that Haines sought compensation from Force.

Hendrik Hartog seeks to mine the circumstances of this somewhat peculiar case in order to help us understand the legal landscape in which New Jersey’s gradual (“very gradual” he notes) emancipation unfolded. Many readers will be familiar with the general contours of this gradual abolition. In 1804, New Jersey passed a law legally mandating the beginning of the end of slavery in the state. Children born to enslaved mothers after July 4, 1804 would eventually become free, upon their twenty-first birthday for women, or their twenty-fifth for men. This made New Jersey the last state to pass such a gradual abolition law.

This also meant that well into the nineteenth century, even as a future without slavery seemed inevitable, slavery remained “mostly legal and somewhat normal but also morally and perhaps legally problematic,” (6) in the state of New Jersey. Hartog argues that slavery and freedom were not binary statuses, but rather that it was this in-between state that characterized the legal status of most black residents of New Jersey. In this he is persuasive even if he is, perhaps, slighting the work of previous historians here in his claims to originality. Certainly, James Gigantino’s recent *The Ragged Road to Abolition: Slavery and Freedom in New Jersey, 1775-1865* (University of Pennsylvania Press, 2015) makes a similar argument.

Nevertheless, what Hartog does exceptionally well is illuminate the legal complexity of this landscape. He begins with a deep dive into the decisions of the *Force v. Haines* case itself. When we think of the legal issues raised by gradual emancipation, we typically think somewhat narrowly of the question of when or if an individual is to become free, but Hartog shows us that gradual emancipation raised a host of legal issues. In fact, the case of *Force v. Haines* the primary issue was not Minna’s status as a slave (this was unquestioned). It was rather the

question of who was responsible for a slave such as Minna, who no one seemed to want. For obvious reasons historians have emphasized owners' exploitation of the enslaved, the value they were able to extract from their human property, but the law also dictated that owners were required to care for the enslaved, at least up to a certain point. When Elizabeth Haines provided care for Minna, even after the end her legal possession of her, she insisted that she was only doing that which Minna's rightful owner, Henry Force, was obligated to do but refused. Force, in turn, countered that Haines had acted simply out of the goodness of her own heart, "a mere voluntary courtesy," and so was not entitled to any legal compensation. Yes, Force was legally responsible for Minna's care but rather than provide that care herself, Haines should have contacted the overseers of the poor who would have compelled Force to take responsibility for his property.

Yet while this issue of care is the most important when it came to Minna's case, Hartog shows us that there were enumerable other issues raised by the legal process of gradual emancipation. The book ventures beyond the particulars of Minna's case and shows us a tangle of interconnected jurisprudence determining the law of slavery in this particular jurisdiction. This tangle was only complicated by the movement, or the possibility of movement of slaves beyond the boundaries of New Jersey. On one hand, slave owners in New Jersey understood that the existence of significant numbers of free black residents, whether in New Jersey or across the Hudson or Delaware rivers into neighboring states, made escape a real possibility; this led courts in the supposed free state of New Jersey, sixteen years after the state had enacted its gradual emancipation law, to establish the presumption that black people were slaves unless proven free. On the other hand, at a time when the demand for slaves was booming beyond New Jersey's borders, especially in the cotton growing states of the south west, many New Jersey slaveholders looked to cash in. This desire was complicated, though, by a law (actually preceding the state's gradual emancipation law) which forbid the movement of a slave out of state "either for sale or servitude." (69) There were loopholes to this statutory language, of course, and slave owners sought to exploit them, including by inducing slaves to sign forms granting "consent" to such sales.

Hartog handles all of this with an elegant and sure hand. This short book is packed with insight, and while Hartog's emphasis is on tracing the legal regime in which all of this drama unfolds, he does not ignore the individuals, sketched here and there, whose lives were shaped by the law of gradual emancipation. And yet, the figure at the center of the book remains a mystery. We learn a little more about Elizabeth Haines and Henry Force, the white litigants fighting over the responsibility for Minna's care, but of Minna herself we know very little. We know what white witnesses said of her in the trial, that she was of little worth as a slave, that she drank too much, though Hartog is rightly hesitant to take these assertions at face value. Perhaps it is only fitting that Minna remains a shadowy figure. Like so many enslaved men and women throughout American history, she remains elusive.

*Andrew Diemer is Associate Professor of History at Towson University. He is the author of The Politics of Black Citizenship: Free African Americans in the Mid-Atlantic Borderland, 1817-1863 (University of Georgia Press, 2016) and is currently working on a biography of the black abolitionist, William Still.*