

A First Step for Racial Equality in the Circuit Court of Washington
by James H. Johnston

At a time when courts were generally adverse to claims of slaves or former slaves, Nancy Hillman in 1850 became one of the first African Americans to win a lawsuit in the Circuit Court of Washington.

Hillman was no stranger to the law. As the daughter of a slave named Hannah who worked at a tavern near the county courthouse in Rockville, she grew up knowing the lawyers and judges that patronized the tavern. She married Ignatius Hillman of Frederick, Maryland who was a slave to Maryland Court of Appeals Justice Richard Potts. Her uncle, Yarrow Mamout, had served as slave to three generations of the Beall family of Maryland, all lawyers and court officials.

It was Yarrow who started it all. Brought to Maryland from Guinea as a teen-ager, he worked as a laborer and was freed by the Bealls in 1797 after nearly a half century of servitude. Four years later, he used his savings to buy a small lot on what is now Dent Place in Georgetown. He also invested in stock in the Columbia Bank of Georgetown, noting sagely that the stock paid dividends akin to a chicken laying eggs for its owner.

Near the end of his life, Yarrow loaned \$170 to brewer William Hayman of Georgetown for the purchase of a warehouse there, signing a deed of trust as security. But Hayman stopped paying on the loan after Yarrow died in 1823, and took out two more loans, secured by second and third deeds of trust on the same property.

Twenty years later, Hayman's business failed. His creditors foreclosed. At a public sale, the warehouse brought in \$910. With no little gall, the third creditor, a white woman named Eliza Moshier, filed suit in the Circuit Court seeking the entire amount. That is when Nancy Hillman entered the picture.

Asserting that she was Yarrow's only surviving heir, she hired an attorney and moved to prosecute her uncle's deed of trust, which had priority. Moshier challenged her right to intervene on grounds of laches in trying to collect 20 years after the default.

And then there was the matter of Hillman's race. Although she had been released by her mother's owner, the law did not allow slaves or those without a *manumission* setting them free to sue in the law courts or even to testify where any white person was concerned. In the absence of the formal document, Moshier argued that Hillman was disqualified by race alone.

Judge James P. Morsell, who had known both Yarrow and the Bealls, rejected Moshier's race argument out of hand. His short opinion noted the argument was made, but he did not deign to address it. Instead, he found in Nancy Hillman's favor and awarded her \$451 of the sale's proceeds.

Reflecting the attitudes of his day, Judge Morsell's explanation was at least as racist as it was benevolent. In rejecting the laches argument, he wrote that black people could not be held to the same standard of legal vigilance as whites because "negroes (were) a class of people remarkable for being almost entirely ignorant of their rights." All the same, the ruling was one small step for a black man, or, in this case, a black woman.

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