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*** START OF THE PROJECT GUTENBERG EBOOK SLAVERY IN PENNSYLVANIA ***

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Footnotes were numbered consecutively (with the exception of note 37a, likely an interpolation during printing), beginning anew with each chapter. They have been renumbered here in a single sequence to facilitate searches.

In this version, for smoother reading and more convenient reference, notes have been moved to the end of the text.

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SLAVERY IN PENNSYLVANIA

A DISSERTATION

SUBMITTED TO THE BOARD OF UNIVERSITY STUDIES OF THE JOHNS HOPKINS
UNIVERSITY IN CONFORMITY WITH THE REQUIREMENTS FOR THE
DEGREE OF DOCTOR OF PHILOSOPHY, 1910

BY

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CHAPTER I.

THE INTRODUCTION OF NEGROES INTO PENNSYLVANIA.

There were negroes in the region around the Delaware river before Pennsylvania was founded, in the days of the Dutch and the Swedes. As early as 1639 mention is made of a convict sentenced to be taken to South River to serve among the blacks there.[1] In 1644 Anthony, a negro, is spoken of in the service of Governor Printz at Tinicum, making hay for the cattle, and accompanying the governor on his pleasure yacht.[2] In 1657 Vice-director Alricks was accused of

using the Company's oxen and negroes. Five years later Vice-director Beekman desired Governor Stuyvesant to send him a company of blacks. In 1664 negroes were wanted to work on the lowlands along the Delaware. A contract was to be made for fifty, which the West India Company would furnish.[3] In the same year, when the English captured New Amstel, afterward New Castle, the place was plundered, and a number of negroes were confiscated and sold. From Peter Alricks several were taken; of these eleven were restored to him.[4] At least a few were living on the shores of the Delaware River in 1677.[5] A year later an emissary was sent by the justices of New Castle to request most urgently permission to import negroes from Maryland.[6]

Thus negroes had been brought into the country before Pennsylvania was founded. Immediately after Penn's coming there is record of them in his first counties. They were certainly present in Philadelphia County in 1684, and in Chester in 1687.[7] Penn himself noticed them in his charter to the Free Society of Traders. In 1702 they were spoken of as numerous.[8] By that time merchants of Philadelphia made the importation of negroes a regular part of their business.[9] Thenceforth they are a noticeable factor in the life of the colony.

While there was an active demand for negroes, there was, nevertheless, almost from the first, strong opposition to importing them. This is evident from the fact that during the colonial period the Assembly of Pennsylvania passed a long series of acts imposing restrictions upon the traffic. In 1700 a maximum duty of twenty shillings was imposed on each negro imported. Five years later this duty was doubled.[10] By that time there had arisen a strong adverse sentiment, due partly to economic causes, since the white workmen complained that their wages were lowered by negro competition, and partly to fear aroused by an insurrection of slaves in New York.[11] Accordingly in 1712 the Assembly very boldly passed an act to prevent importation, seeking to accomplish this purpose by making the duty twenty pounds a head. The law was immediately repealed in England, the Crown not being disposed to tolerate such independent action, nor willing to allow interference with the African Company's trade.[12] Either the local feeling was too strong, or the requirements were less, since in spite of this failure there was for a while a falling off in the number imported.[13] A more moderate duty of five pounds was imposed in 1715, but again the English authorities interposed, repealing it in 1719. Meanwhile an act to continue this duty had been passed in 1717-1718, but apparently it was not submitted to the Crown. In 1720-1721 the five pound duty was again imposed, this act also not being submitted. In 1722 the duty was repeated, and once more the law expired by limitation before it was sent up for approval.[14]

Up to this time restrictive legislation had been largely frustrated. It had encountered not only the disapproval of certain classes in Pennsylvania, but the powerful opposition of the African Company, which could count on the decisive interposition of the Lords of Trade.[15] The Assembly accordingly submitted the acts long after they had been passed, and made new laws before the old ones had been disallowed.[16] Nevertheless the number of blacks in the colony had steadily increased, and in 1721 was estimated to be somewhere between twenty-five hundred and five thousand.[17] The wrath of the white laborers was correspondingly increased, and in this year they presented to the Assembly a petition asking for a law to prevent the hiring of blacks. The Assembly resolved that such a law would be injurious to the public and unjust to those who owned negroes and hired them out, but the restrictions on importing them were maintained.[18] In 1725-1726 the five pound duty was imposed again, and in the same year five pounds extra was placed upon every convict negro brought into the colony. This became law by lapse of time.[19]

In 1729 the duty was reduced to two pounds. This duty continued in force for a generation, satisfactory partly because the opposition to importing negroes seems to have been less strong, partly because white servants proved to be cheaper and more adapted to industrial demands.[20] The newspaper advertisements announce the arrival of many more cargoes of servants than of negroes; this notwithstanding the fact that white servants frequently ran away, often to enlist in the wars. Referring to this fact a message from the Assembly to the governor says that while the King has seemed to desire the importation of servants rather than of negroes, yet the enlistment acts make such property so precarious, that it seems to depend on the will of the servant and the pleasure of the officer.[21] Nevertheless the number of negroes brought in steadily dwindled. By 1750 importation had nearly ceased.[22]

A few years later the great efforts made in the last French and Indian War caused loud complaints again about enlisting servants. It was feared that people would be driven to the necessity of providing themselves with negro slaves, as property in them seemed more secure. This is probably just what occurred, for the increase of negroes is said to have been alarming.[23] As a result restrictive legislation was tried again in 1761, when the duty was made ten pounds. The law was carried only after considerable effort. While the bill was in the hands of the governor a petition was sent to him, signed by twenty-four merchants of Philadelphia, who set forth the scarcity and high price of labor, and their need of slaves. After two months' contest the bill was passed. One provision of the act was that a new settler need not pay the duty if he did not sell his slave within eighteen months.[24] In 1768 this act was renewed. In 1773 it was made perpetual, the former law having been found to be of great public utility; but the duty was raised to twenty pounds. Once more the act became law by lapse of time.[25]

The act of 1773 was the last one which the Assembly passed to limit the importation of negroes. Not only was the duty sufficiently high, now, but its presence was hardly needed.[26] A silent but powerful movement was overthrowing slavery in Pennsylvania; and in a short time the outbreak of the Revolutionary War brought the traffic to an end. Shortly thereafter, in 1780, the state did what England had never permitted while she held authority: forbade the importation of slaves entirely.[27]

The real reason for the passage of these laws is not always clear. They may have been passed either to keep negroes out,^[28] or to raise revenue for the government.^[29] An analysis of the laws themselves seems to show that both of these purposes were constantly in mind.^[30] When, however, they are taken in connection with matters which they themselves do not mention, namely, the predominance of the Quakers in the colonial Assembly together with the abhorrence which they felt for the slave-trade and later for slavery itself,^[31] it becomes probable that the predominant motive was restriction.^[32] It is also probable that while the obtaining of revenue was the obvious motive in many of these acts, yet revenue was so raised precisely because Pennsylvania desired to keep negroes out; that imported slaves were taxed largely for reasons similar to those which caused the Stuarts to tax colonial tobacco, and which lead modern governments to tax spirituous liquors and opium. It may be added that Pennsylvania always held, both in colonial times and afterwards, that England forced slavery upon her. That there was much justice in this complaint the failure of the earlier legislation goes far to sustain.^[33]

The negroes imported were brought sometimes in cargoes, more often a few at a time. They came mostly from the West Indies, many being purchased in Barbadoes, Jamaica, Antigua, and St. Christophers.^[34] As a rule they were imported by the merchants of Philadelphia, and, being received in exchange for grain, flour, lumber, and staves, helped to make up the balance of trade between Philadelphia and the islands.^[35] A few seem to have been obtained directly from Africa. When so brought, however, they were found to be unable to endure the winter cold in Pennsylvania, so that it was considered preferable to buy the second generation in the West Indies, after they had become acclimated.^[36] Some were brought from other colonies on the mainland, particularly those to the south. At times Pennsylvania herself exported a few to other places.^[37] The prices paid in the colony naturally fluctuated from time to time in accordance with supply and demand, and varied within certain limits according to the age and personal qualities of each negro. The usual price for an adult seems to have been somewhere near forty pounds.^[38]

As to the number of negroes in Pennsylvania at different times during the colonial period almost any estimate is at best conjecture. Not only are there few official reports, but these reports, in the absence of any definite census, are of little value.^[39] Apparently one of the best estimates was that made in 1721, which stated the number of blacks at anywhere between 2,500 and 5,000.^[40] In 1751 it was at least widely believed that there were in Philadelphia 6,000, and it is asserted that the total number in Pennsylvania including the Lower Counties was 11,000.^[41] It is probable that the same number was not much exceeded in Pennsylvania proper at any time before 1790. In these estimates no attempt was made to distinguish the free from the slaves. The number of slaves, it is true, was very near the total at both these periods, but after the middle of the century it began dwindling as the number of negro servants and free men increased. In 1780 a careful estimate placed the slaves at 6,000.^[42] According to the Federal census of 1790 the number of negroes in Pennsylvania was 10,274.^[43]

Of these negroes the great majority throughout the slavery period were located in the southeastern part of Pennsylvania, in and around Philadelphia. There were many in Bucks, Chester, Lancaster, Montgomery, and York counties. There were negroes near the site of Columbia by 1726. John Harris had slaves by the Susquehanna as early as 1733. In 1759 Hugh Mercer wrote from the vicinity of Pittsburg asking for two negro girls and a boy. The tax-lists and local accounts reveal their presence in many other places.^[44] Doubtless a few might be traced wherever white people settled permanently. In general it may be said that they were owned in the English, Welsh, and Scotch-Irish communities. The Germans as a rule held no slaves.

Where negroes were owned they were for the most part evenly distributed, there being few large holdings. In rare instances a considerable number is recorded as belonging to one man, and the iron-masters generally had several. The tax-lists, however, indicate that the average holding was one or two, except in Philadelphia among the wealthier classes where it was double that number.^[45]

The character of slavery in Pennsylvania was in many respects unique, but in no way was this so true as in connection with the number of negroes held. Generally speaking, the farther south a section lay the more slaves did it possess. Thus there were fewer in New England than in the middle colonies; there were fewer there than in the South. But to this rule Pennsylvania was an exception, for it had fewer negroes than New Jersey, and not half so many as New York.^[46] This was due to two sets of causes: the first, ethical; the second, economic. The first of these are easily understood. They resulted from the character of many of the people who settled Pennsylvania, their dislike for slavery, and their refusal to hold slaves. The second are not so easily traceable, but were doubtless more powerful in their influence, for they were owing to the character of Pennsylvania's industrial growth.

The plantation system, which is most favorable to the increase of slavery, never appeared in Pennsylvania. During the whole of the eighteenth century the activities of the colony developed along two lines not favorable to negro labor: small farming, and manufacturing and commerce.^[47] The small farms were almost always held by people who were too poor to purchase slaves, at least for a long while, and the kind of farming was not such as to make slavery particularly profitable. In commerce no large number of negroes was ever employed, while manufacturing demanded a higher grade of labor than slaves could give. It is true that in some cases where there was an approach to the factory system, and where the work was rough and needed little skill, slaves could answer every purpose. For this reason at the old ironworks negroes were in demand.^[48] As a rule, however, this was not the case. It was because of its industrial character that Pennsylvania was peculiarly the colony of indentured white servants.

Furthermore, ethical and economic influences interacted with subtle and powerful force. Barring

all other considerations, the cost of a slave was a considerable item, not to be afforded by a struggling settler; hence slavery never attained magnitude on the frontier. Before 1700 Pennsylvania was all frontier; hence it had very few negroes. In the period from 1700 to about 1750 the country between the Delaware and the Susquehanna was filled up, and the early conditions largely disappeared. It was then that the greatest number of negroes was introduced. In the period between the middle of the century and the Revolution this older country became well developed and prosperous; farms became larger and better cultivated; there were numerous respectable manufacturers and wealthy merchants. These men could easily afford to have slaves, and large importations might have been expected; but there was no great influx of negroes. Economic conditions were favorable, but ethical influences worked strongly against it. In this eastern half of Pennsylvania two racial elements predominated: the Germans and the English Quakers. The Germans had abstained from slave-holding from the first;^[49] the Quakers were now coming to abhor it.^[50] The same play of causes was seen again in the "old West." After 1750 in the mountains and valleys beyond the Susquehanna the earlier frontier conditions were lived over again. Here the settlers were largely Scotch-Irish, and had no dislike for slavery, but as yet the conditions of their life did not favor it. When finally western Pennsylvania passed out of the frontier stage, and its inhabitants could purchase negroes, the days of slavery in Pennsylvania were nearly over.^[51] For all of these reasons from first to last Pennsylvania's slave population remained small.

16

CHAPTER II.

17

LEGAL STATUS OF THE SLAVE.

The legal origin of slavery^[52] in Pennsylvania is not easy to discover, for the statute of 1700, which seems to have recognized slavery there, is, like similar statutes in some of the other American colonies, very indirect and uncertain in its wording. Before this time, it is true, there occur instances where negroes were held for life, so that undoubtedly there was *de facto* slavery; but by what authority it existed, or how it began, is not clear. It may have grown up to meet the necessities of a new country. It may have been an inheritance from earlier colonists. More probably still, it developed by diverging from temporary servitude which, in the case of white servants at least, flourished among the earliest English settlers in the region.

It is probable that slavery existed among the Dutch of New Netherland, and possibly among the Swedes along the Delaware.^[53] In 1664 their settlements passed under English authority. To regulate them the so-called "Duke of York's Laws" were promulgated. Meanwhile around the estuary of the Delaware English colonists were settling with their negroes. In 1676, five years before Penn set out for his territories, the Duke's laws seem to have been obeyed in part of the Delaware River country.^[54] In these laws servants for life are explicitly mentioned. In them it is also ordained that no Christian shall be held in bond slavery or villenage.^[55] This latter may be a tacit permission to hold heathen negroes as slaves.

18

Not much can be based upon the Duke of York's laws since their meaning upon this latter point is doubtful. Moreover, when Penn founded his colony they were superseded after a short time by laws enacted in Pennsylvania assemblies. In the years following at first no act was passed recognizing slavery, but that some slaves were held there is apparent. Numerous little pieces of evidence may be accumulated indicating that there were negroes who were not being held as servants for a term of years, nor does anything appear to indicate that this was looked upon as illegal.^[56] In 1685 William Penn, writing to his steward at Pennsbury, said that it would be better to have blacks to work the place, since they might be held for life.^[57] In the same year by the terms of a recorded deed a negro was sold to a new master "forever."^[58] Three years later the Friends of Germantown issued their celebrated protest against slavery,^[59] while in 1693 George Keith denounced the practice of enslaving men and holding them in perpetual bondage.^[60] Meanwhile no law was made authorizing slavery in the colony, and no court seems to have been called upon to decide whether slavery was legal. It is not until 1700 that a statute was passed bearing upon the subject. In that year a law for the regulation of servants contains a section designed to prevent the embezzlement by servants of their masters' goods. This section asserts that the servant if white shall atone for such theft by additional servitude at the end of his time sufficient to pay for double the value of the goods; but if black he shall be severely whipped in the most public place of the township.^[61] It is probable that the law was so worded because it had come to be seen that there were few cases in which a negro could give satisfaction by additional time at the end of his term, since negroes were being held for life. If such be the case, this law may be said to contain the formal recognition of slavery in the colony.

19

20

The legal development of this slavery was rapid and brief. As it was not created by statutory enactment, so some of its most important incidents were never alluded to in the laws. The Assembly of Pennsylvania, unlike that of Virginia, never seems to have thought it necessary to define the status of the slave as property, the consequences of slave baptism, or the line of servile descent.^[62] Some of these questions had been settled in other colonies before the founding of Pennsylvania, and there the results seem to have been accepted. Accordingly the steps in the development are neither obvious nor distinct. They rest not so much upon statute as upon court decisions interpreting usage, and in many cases the decisions do not come until the end of the slavery period. Notwithstanding all this there was a development, which may be said to fall into three periods. They were, first, the years from 1682 to 1700, when slavery was slowly

diverging from servitude, which it still closely resembled; second, from 1700 to 1725-1726, when slavery was more sharply marked off from servitude; and third, the period from 1725-1726 to 1780, when nothing was added but some minor restrictions.

21

During the earliest years slavery in Pennsylvania differed from servitude in but little, save that servitude was for a term of years and slavery was for life. It may be questioned whether at first all men recognized even this difference. Many of Penn's first colonists were men who embarked upon their undertaking with high ideals of religion and right, and whose conception of what was right could not easily be reconciled with hopeless bondage.[63] The strength of this sentiment is seen in the well known provision of Penn's charter to the Free Society of Traders, 1682, that if they held blacks they should make them free at the end of fourteen years, the blacks then to become the Company's tenants.[64] It is the motive in Benjamin Furley's proposal to hold negroes not longer than eight years.[65] It is particularly evident in the protest made at Germantown in 1688.[66] It is seen in George Keith's declaration of principles in 1693.[67] And it gave impetus to the movement among the Friends, which, starting about 1696, led finally to the emancipation of all their negroes.

Accordingly at first there may have been some negroes who were held as servants for a term of years, and who were discharged when they had served their time.[68] There is no certain proof that this was so,[69] and the probabilities are rather against it, but the conscientious scruples of some of the early settlers make it at least possible. In the growth of the colony, however, this feeling did not continue strong enough to be decisive. Economic adjustment, an influx of men of different standards, and motives of expediency, perhaps of necessity, made the legal recognition of an inferior status inevitable. Against this the upholders of the idea that negroes should be held only as servants, for a term of years, waged a losing fight. It is true they did not desist, and in the course of one hundred years their view won a complete triumph; but their success came in abolition, and in overthrowing a system established, long after they had utterly failed to prevent the swift growth and the statutory recognition of legal slavery for life and in perpetuity.

22

Aside from this one fundamental difference the incidents of each status were nearly the same. The negro held for life was subject to the same restrictions, tried in the same courts, and punished with the same punishments as the white servant. So far as either class was subject to special regulation at this time it was because of the laws for the management of servants, passed in 1683 and 1693, which concerned white servants equally with black slaves. These restrictions were as yet neither numerous nor detailed, being largely directed against free people who abetted servants in wrong doing. Thus, servants were forbidden to traffic in their masters' goods; but the only penalty fell on the receiver, who had to make double restitution. They were restricted as to movement, and when travelling they must have a pass. If they ran away they were punished, the white servant by extra service, the black slave by whipping, but this different punishment for the slave was not enacted until 1700, the beginning of the next period. Whoever harbored them was liable to the master for damages.[70] The relations between master and servant were likewise simple. The servant was compelled to obey the master. If he resisted or struck the master, he was punished at the discretion of the court. On the other hand the servant was to be treated kindly.[71]

23

The period, then, prior to 1700 was characteristically a period of servitude. The laws spoke of servants white and black.[72] The regulations, the restrictions, the trials, the punishments, were identical. There was only the one difference: white servants were discharged with freedom dues at the end of a specified number of years; for negroes there was no discharge; they were servants for life, that is, slaves.

In the period following 1700 this difference gradually became apparent, and made necessary different treatment and distinct laws. This resulted from a recognition of the dissimilarity in character between property based on temporary service and that based on service for life. In the first place perpetual service gave rise to a new class of slaves. At first the only ones in Pennsylvania were such negroes as were imported and sold for life. But after a time children were born to them. These children were also slaves, because ownership of a negro held for life involved ownership of his offspring also, since, the negro being debarred by economic helplessness from rearing children, all of his substance belonging to his master, the master must assume the cost of rearing them, and might have the service of the children as recompense.[73] This was the source of the second and largest class of slaves. The child of a slave was not necessarily a slave if one of the parents was free. The line of servile descent lay through the mother.[74] Accordingly the child of a slave mother and a free father was a slave, of a free mother and a slave father a servant for a term of years only. The result of the application of this doctrine to the offspring of a negro and a white person was that mulattoes were divided into two classes. Some were servants for a term of years; the others formed a third class of slaves.

24

In the second place perpetual service gave to slave property more of the character of a thing, than was the case when the time of service was limited. The service of both servants and slaves was a thing, which might be bought, sold, transferred as a chattel, inherited and bequeathed by will; but in the case of a slave, the service being perpetual, the idea of the service as a thing tended to merge into the idea of the slave himself as a thing. The law did not attempt to carry this principle very far. It never, as in Virginia, declared the slave real estate. In Pennsylvania he was emphatically both person and thing, with the conception of personality somewhat predominating.[75] Yet there was felt to be a decided difference between the slave and the servant, and this, together with the desire to regulate the slave as a negro distinguished from a white man, was the cause of the distinctive laws of the second period.

25

The years from 1700 to 1725-1726 are marked by two great laws which almost by themselves

make up the slave code of Pennsylvania. The first, passed in 1700 and passed again in 1705-1706, regulated the trial and punishments of slaves.[76] It marked the beginning of a new era in the regulation of negroes, in that, subjecting them to different courts and imposing upon them different penalties, it definitely marked them off as a class distinct from all others in the colony. In 1725-1726 further advance was made. Not only was the negro now subjected to special regulation because he was a slave, but whether slave or free he was now made subject to special restrictions because he was a negro. While some of these had to do with movement and behavior, the most important forbade all marriage or intercourse with white people.[77] These laws must be examined in detail.

26

From the very first was seen the inevitable difficulty involved in punishing the negro criminal as a person, and yet not injuring the master's property in the thing. The result of this was that masters were frequently led to conceal the crimes of their slaves, or to take the law into their own hands.[78] The solution was probably felt to be the removal of negroes from the ordinary courts. It is said, also, that Penn desired to protect the negro by clearly defining his crimes and apportioning his punishments. Accordingly he urged the law of 1700.[79]

27

Under this law negroes when accused were not to be tried in the regular courts of the colony. They were to be presented by the Courts of Quarter Sessions, but the cases were to be dealt with by special courts for the trial of negroes, composed of two commissioned justices of the peace and six substantial freeholders. On application these courts were to be constituted by executive authority when occasion demanded. Witnesses were to be allowed, but there was to be no trial by jury.[80] In such courts it was doubtless easier to regard the slave as property, and do full justice to the rights of the master.

Something was still wanting, however, for in case the slave criminal was condemned to death, the loss fell entirely on the master. From the earliest days of the colony owners had been praying for relief from this. In 1707 the masters of two slaves petitioned the governor to commute the death sentence to chastisement and transportation, and thus save them from pecuniary loss. The petition was granted. Such commutation was frequently sought, and in the special courts it could be more readily granted.[81] The real solution, however, was discovered in 1725-1726, when it was ordained that thereafter if any slave committed a capital crime, immediately upon conviction the justices should appraise such slave, and pay the value to the owner, out of a fund arising principally from the duty on negroes imported.[82]

28

These laws continued in force until 1780, and down to that time slaves were removed from the jurisdiction of the regular courts of the province; although after 1776 it was asserted that the clause about trial by jury in the new state constitution affected slaves as well as free men; and a slave was actually so tried in 1779.[83] Whether this view prevailed in all quarters it is impossible to say. In the next year the abolition act did away with the special courts entirely.[84]

29

The law of 1700, which marked the differentiation of slaves from servants, marked also the beginning of discrimination. For negroes there were to be different punishments as well as a different mode of trial. Murder, buggery, burglary, or rape of a white woman, were to be punished by death; attempted rape by castration; robbing and stealing by whipping, the master to make good the theft.[85] This law was repeated in 1705-1706, except that the punishment for attempted rape was now made whipping, branding, imprisonment, and transportation, while these same penalties were to be imposed for theft over five pounds. Theft of an article worth less than five pounds entailed whipping up to thirty-nine lashes.[86] For white people at this time, whether servants or free, there was a different code.[87]

A far more important discrimination was made in 1725-1726 by the law which forbade mixture of the races. There had doubtless been some intercourse from the first. A white servant was indicted for this offence in 1677; and a tract of land in Sussex County bore the name of "Mulatto Hall." In 1698 the Chester County Court laid down the principle that mingling of the races was not to be allowed.[88] The matter went beyond this, for in 1722 a woman was punished for abetting a clandestine marriage between a white woman and a negro.[89] A few months thereafter the Assembly received a petition from inhabitants of the province, inveighing against the wicked and scandalous practice of negroes cohabiting with white people.[90] It appeared to the Assembly that a law was needed, and they set about framing one. Accordingly in the law of 1725-1726 they provided stringent penalties. No negro was to be joined in marriage with any white person upon any pretense whatever. A white person violating this was to forfeit thirty pounds, or be sold as a servant for a period not exceeding seven years. A clergyman who abetted such a marriage was to pay one hundred pounds.[91]

30

The law did not succeed in checking cohabitation, though of marriages of slaves with white people there is almost no record.[92] There exists no definite information as to the number of mulattoes in the colony during this period, but advertisements for runaway slaves indicate that there were very many of them. The slave register of 1780 for Chester County shows that they constituted twenty per cent. of the slave population in that locality.[93] It must be said that the stigma of illicit intercourse in Pennsylvania would not generally seem to rest upon the masters, but rather upon servants, outcasts, and the lowlier class of whites.[94]

31

Negro slaves were subject to another class of restrictions which were made against them rather as slaves than as black men. These concerned freedom of movement and freedom of action. During the earlier years of the colony's history regulation of the movements of the slaves rested principally in the hands of the owners. The continual complaints about the tumultuous assembling of negroes, to be noticed presently, would seem to indicate that considerable leniency was exercised.[95] But frequently white people lured them away, and harbored and employed

32

them.[96] The law of 1725-1726 was intended specially to stop this. No negro was to go farther than ten miles from home without written leave from his master, under penalty of ten lashes on his bare back. Nor was he to be away from his master's house, except by special leave, after nine o'clock at night, nor to be found in tippling-houses, under like penalty. For preventing these things counter-restrictions were imposed upon white people. They were forbidden to employ such negroes, or knowingly to harbor or shelter them, except in very unseasonable weather, under penalty of thirty shillings for every twenty-four hours. Finally it was provided that negroes were not to meet together in companies of more than four. This last seems to have remained a dead letter.[97]

That this legislation failed to produce the desired effect is shown by the experience of Philadelphia in dealing with negro disorder. Such disorder was complained of as early as 1693, when, on presentment of the grand jury, it was directed that the constables or any other person should arrest such negroes as they might find gadding abroad on first days of the week, without written permission from the master, and take them to jail, where, after imprisonment, they should be given thirty-nine lashes well laid on, to be paid for by the master. This seems to have been enforced but laxly, for in 1702 the grand jury presented the matter again, and their recommendation was repeated with warmth in the year following.[98] A few years later they urged measures to suppress the unruly negroes of the city.[99] In 1732 the council was forced to recommend an ordinance to bring this about, and such an ordinance was drawn up and considered. Next year the Monthly Meeting of Friends petitioned, and the matter was taken up again, but nothing came of it, so that the council was compelled to observe that further legislation was assuredly needed.[100] In 1741 the grand jury presented the matter strongly,[101] and an explicit order was at last given that constables should disperse meetings of negroes within half an hour after sunset.[102] The nuisance, probably, was still not abated, for in 1761 the mayor caused to be published in the papers previous legislation on the subject.[103] Nothing further seems to have been done.

The continued failure to suppress these meetings in defiance of a law of the province, must be attributed either to the intrinsic difficulty of enforcing such a law, or to the fact that the meetings were objectionable because of their rude and boisterous character, rather than because of any positive misdemeanor. More probably still this is but one of the many pieces of evidence which show how leniently the negro was treated in Pennsylvania.

The third period, from 1726 to 1780, is distinguished more because of the lack of important legislation about the negro than through any marked character of its own. The outlines of the colony's slave code had now been drawn, and no further constructive work was done. There is, however, one class of laws which may be assigned to this period, since the majority of them fall chronologically within its limits, though they are scarcely more characteristic of it than they are of either of the two periods preceding. All of these laws imposed restrictions upon the actions of negro slaves in matters in which white people were restricted also, but the restrictions were embodied in special sections of the laws, because of the negro's inability to pay a fine: the law imposing corporal punishment upon the slave, whenever it exacted payment in money or imprisonment from others.

Thus, an act forbidding the use of fireworks without the governor's permission, states that the slave instead of being imprisoned shall be publicly whipped. Another provides that if a slave set fire to any woodlands or marshes he shall be whipped not exceeding twenty-one lashes. As far back as 1700 whipping had been made the punishment of a slave who carried weapons without his master's permission. In 1750-1751 participation in a horse-race or shooting-match entailed first fifteen lashes, and then twenty-one, together with six days' imprisonment for the first offense, and ten days' imprisonment thereafter. In 1760 hunting on Indians' lands or on other people's lands, shooting in the city, or hunting on Sunday, were forbidden under penalty of whipping up to thirty-one lashes. In 1750-1751 the penalty for offending against the night watch in Philadelphia was made twenty-one lashes and imprisonment in the work-house for three days at hard labor; for the second offence, thirty-one lashes and six days. Sometimes it was provided that a slave might be punished as a free man, if his master would stand for him. Thus a slave offending against the regulations for wagoners was to be whipped, or fined, if his master would pay the fine.[104]

So far the slave was under the regulation of the state. He was also subject to the regulation of his owner, who, in matters concerning himself and not directly covered by laws, could enforce obedience by corporal punishment. This was sometimes administered at the public whipping-post, the master sending an order for a certain number of lashes.[105] But the slave was not given over absolutely into the master's power. If he had to obey the laws of the state, he could also expect the protection of the state.[106] The master could not starve him, nor overwork him, nor torture him. Against these things he could appeal to the public authorities. Moreover public opinion was powerfully against them. If a master killed his slave the law dealt with him as though his victim were a white man.[107] It is not probable, to be sure, that the sentence was often carried out, but such cases did not often arise.[108]

Such was the legal status of the slave in Pennsylvania. Before 1700 it was ill defined, but probably much like that of the servant, having only the distinctive incident of perpetual service, and the developing incident of the transmission of servile condition to offspring. Gradually it became altogether different. To the slave now appertained a number of incidents of lower status. He was tried in separate courts, subject to special judges, and punished with different penalties. Admixture with white people was sternly prohibited. He was subject to restrictions upon movement, conduct, and action. He could be corrected with corporal punishment. The slave

legislation of Pennsylvania involved discriminations based both upon inferior status, and what was regarded as inferior race. Nevertheless it will be shown that in most respects the punishments and restrictions imposed upon negro slaves were either similar to those imposed upon white servants, or involved discriminations based upon the inability of the slave to pay a fine, and upon the fact that mere imprisonment punished the master alone. Moreover, what harshness there was must be ascribed partly to the spirit of the times, which made harsher laws for both white men and black men. The slave code almost never comprehended any cruel or unusual punishments. As a legal as well as a social system slavery in Pennsylvania was mild.

CHAPTER III.

38

SOCIAL AND ECONOMIC ASPECTS OF SLAVERY.

The mildness of slavery in Pennsylvania impressed every observer. Acrelius said that negroes were treated better there than anywhere else in America. Peter Kalm said that compared with the condition of white servants their condition possessed equal advantages except that they were obliged to serve their whole life-time without wages. Hector St. John Crèvecoeur declared that they enjoyed as much liberty as their masters, that they were in effect part of their masters' families, and that, living thus, they considered themselves happier than many of the lower class of whites.[109] There is good reason for believing these statements, since a careful study of the sources shows that generally masters used their negroes kindly and with moderation.[110]

Living in a land of plenty the slaves were well fed and comfortably clothed. They had as good food as the white servants, says one traveller, and another says as good as their masters.[111] In 1759 the yearly cost of the food of a slave was reckoned at about twenty per cent. of his value. [112] Likewise they were well clad, their clothes being furnished by the masters. That clothes were a considerable item of expense is shown by the old household accounts and diaries. Acrelius computed the yearly cost at five per cent. of a slave's value.[113] In the newspaper advertisements for runaways occur particularly full descriptions of their dress.[114] Almost always they have a coat or jacket, shoes, and stockings.[115] It is true that when they ran away they generally took the best they had, if not all they had; but making due allowance it seems certain that they were well clad, as an advertiser declared.[116]

39

As to shelter, since the climate and economy of Pennsylvania never gave rise to a plantation life, rows of negro cabins and quarters for the hands never became a distinctive feature. Slaves occupied such lodgings as were assigned to white servants, generally in the house of the master. This was doubtless not the case where a large number was held. They can hardly have been so accommodated by Jonathan Dickinson of Philadelphia, who had thirty-two.[117]

40

In the matter of service their lot was a fortunate one. There seems to be no doubt that they were treated much more kindly than the negroes in the West Indies, and that they were far happier than the slaves in the lower South. It is said that they were not obliged to labor more than white people, and, although this may hardly have been so, and although, indeed, there is occasional evidence that they were worked hard, yet for the most part it is clear that they were not overworked.[118] The advertisements of negroes for sale show, as might be expected, that most of the slaves were either house-servants or farm-hands.[119] Nevertheless the others were engaged in a surprisingly large number of different occupations. Among them were bakers, blacksmiths, brick-layers, brush-makers, carpenters, coopers, carriers, distillers, hammermen, refiners, sail-makers, sailors, shoe-makers, tailors, and tanners.[120] The negroes employed at the iron-furnaces received special mention.[121] The women cooked, sewed, did house-work, and at times were employed as nurses.[122] When the service of negroes was needed they were often hired from their masters, but as a rule they were bought.[123] They were frequently trusted and treated almost like members of the family.[124]

41

When the day's work was over the negroes of Pennsylvania seem to have had time of their own which they were not too tired to enjoy. Some no doubt found recreation in their masters' homes, gossiping, singing, and playing on rude instruments.[125] Many sought each other's company and congregated together after nightfall. In Philadelphia, at any rate, during the whole colonial period, crowds of negroes infesting the streets after dark behaved with such rough and boisterous merriment that they were a nuisance to the whole community.[126] At times negroes were given days of their own. They were allowed to go from one place to another, and were often permitted to visit members of their families in other households.[127] Moreover, holidays were not grudged them. It is said that in Philadelphia at the time of fairs, the blacks to the number of a thousand of both sexes used to go to "Potter's Field," and there amuse themselves, dancing, singing, and rejoicing, in native barbaric fashion.[128]

42

If, now, from material comfort we turn to the matter of the moral and intellectual well-being of the slaves, we find that considering the time, surprising efforts were made to help them. In Pennsylvania there seems never to have been opposition to improving them. Not much was done, it is true, and perhaps most of the negroes were not reached by the efforts made. It must be remembered, however, what violent hostility mere efforts aroused in some other places.[129]

43

There is the statement of a careful observer that masters desired by all means to hinder their negroes from being instructed in the doctrines of Christianity, and to let them live on in pagan darkness. This he ascribes to a fear that negroes would grow too proud on seeing themselves

upon a religious level with their masters.[130] Some weight must be attached to this account, but it is probable that the writer was roughly applying to Pennsylvania what he had learned in other places, for against his assertion much specific evidence can be arrayed.

The attention of the Friends was directed to this subject very early. The counsel of George Fox was explicit. Owners were to give their slaves religious instruction and teach them the Gospel.[131] In 1693 the Keithian Quakers when advising that masters should hold their negroes only for a term of years, enjoined that during such time they should give these negroes a Christian education.[132] In 1700 Penn appears to have been able to get a Monthly Meeting established for them, but of the meeting no record has come down.[133] As to what was the actual practice of Friends in this matter their early records give meagre information. It seems certain that negroes were not allowed to participate in their meetings, though sometimes they were taken to the meeting-houses.[134] It is probable that in great part the religious work of the Friends among slaves was confined to godly advice and reading.[135] As to the amount and quality of such advice, the well known character of the Friends leaves no doubt.

The Moravians, who were most zealous in converting negroes, did not reach a great number in Pennsylvania, because few were held by them; nevertheless they labored successfully, and received negroes amongst them on terms of religious equality.[136] This also the Lutherans did to some extent, negroes being baptized among them.[137] It is in the case of the Episcopalians, however, that the most definite knowledge remains. The records of Christ Church show that the negroes who were baptized made no inconsiderable proportion of the total number baptized in the congregation. For a period of more than seventy years such baptisms are recorded, and are sometimes numerous.[138] At this church, also, there was a minister who had special charge of the religious instruction of negroes.[139] It is possible that something may have been accomplished by missionaries and itinerant exhorters. This was certainly so when Whitefield visited Pennsylvania in 1740. Both he and his friend Seward noted with peculiar satisfaction the results which they had attained.[140] Work of some value was also done by wandering negro exhorters, who, appearing at irregular intervals, assembled little groups and preached in fields and orchards.[141]

Something was also accomplished for negroes in the maintenance of family life. In 1700 Penn, anxious to improve their moral condition, sent to the Assembly a bill for the regulation of their marriages, but much to his grief this was defeated.[142] In the absence of such legislation they came under the law which forbade servants to marry during their servitude without the master's consent.[143] Doubtless in this matter there was much of the laxity which is inseparable from slavery, but it is said that many owners allowed their slaves to marry in accordance with inclination, except that a master would try to have his slaves marry among themselves.[144] The marriage ceremony was often performed just as in the case of white people, the records of Christ Church containing many instances.[145] The children of these unions were taught submission to their parents, who were indulged, it is said, in educating, cherishing, and chastising them.[146] Stable family life among the slaves was made possible by the conditions of slavery in Pennsylvania, there being no active interchange of negroes. When they were bought or sold families were kept together as much as possible.[147]

In one matter connected with religious observances race prejudice was shown: negroes were not as a rule buried in the cemeteries of white people.[148] In some of the Friends' records and elsewhere there is definite prohibition.[149] They were often buried in their masters' orchards, or on the edge of woodlands. The Philadelphia negroes were buried in a particular place outside the city.[150]

Under the kindly treatment accorded them the negroes of colonial Pennsylvania for the most part behaved fairly well. It is true that there is evidence that crime among them assumed grave proportions at times, while the records of the special courts and items in the newspapers show that there occurred murder, poisoning, arson, burglary, and rape.[151] In addition there was frequent complaint about tumultuous assembling and boisterous conduct, and there was undoubtedly much pilfering.[152] Moreover the patience of many indulgent masters was tried by the shiftless behavior and insolent bearing of their slaves.[153] Yet the graver crimes stand out in isolation rather than in mass; and it is too much to expect an entire absence of the lesser ones. The white people do not seem to have regarded their negroes as dangerous.[154] Almost never were there efforts for severe repression, and a slave insurrection seems hardly to have been thought of.[155] There are no statistics whatever on which to base an estimate, but judging from the relative frequency of notices it seems probable that crime among the negroes of Pennsylvania during the slavery period--no doubt because they were under better control--was less than at any period thereafter.

But there was a misdemeanor of another kind: negro slaves frequently ran away. Fugitives are mentioned from the first,[156] and there is hardly a copy of any of the old papers but has an advertisement for some negro at large.[157] These notices sometimes advise that the slave has stolen from his master; often that he has a pass, and is pretending to be a free negro; and occasionally that a free negro is suspected of harboring him.[158]

The law against harboring was severe and was strictly enforced. Anyone might take up a suspicious negro; while whoever returned a runaway to his master was by law entitled to receive five shillings and expenses. It was always the duty of the local authorities to apprehend suspects. When this occurred the procedure was to lodge the negro in jail, and advertise for the master, who might come, and after proving title and paying costs, take him away. Otherwise the negro was sold for a short time to satisfy jail fees, advertised again, and finally either set at liberty or disposed of as pleased the local court.[159]

This fleeing from service on the part of negro slaves, while varying somewhat in frequency, was fairly constant during the whole slavery period, increasing as the number of slaves grew larger. During the British occupation of Philadelphia, however, it assumed such enormous proportions that the number of negroes held there was permanently lowered.[160] Notwithstanding, then, the kindly treatment they received, slaves in Pennsylvania ran away. Nevertheless it is significant that during the same period white servants ran away more than twice as often.[161]

Many traits of daily life and marks of personal appearance which no historian has described, are preserved in the advertisements of the daily papers. Almost every negro seems to have had the smallpox. To have done with this and the measles was justly considered an enhancement in value. Some of the negroes kidnapped from Africa still bore traces of their savage ancestry. Not a few spoke several languages. Generally they were fond of gay dress. Some carried fiddles when they ran away. One had made considerable money by playing. Many little hints as to character appear. Thus Mona is full of flattery. Cuff Dix is fond of liquor. James chews abundance of tobacco. Stephen has a "sower countenance"; Harry, "meek countenance"; Rachel, "remarkable austere countenance"; Dick is "much bandy legged"; Violet, "pretty, lusty, and fat." A likely negro wench is sold because of her breeding fast. One negro says that he has been a preacher among the Indians. Two others fought a duel with pistols. A hundred years has involved no great change in character.[162]

Finally, on the basis of information drawn from rare and miscellaneous sources it becomes apparent that in slavery times there was more kindness and intimacy between the races than existed afterwards. In those days many slaves were treated as if part of the master's family: when sick they were nursed and cared for; when too old to work they were provided for; and some were remembered in the master's will.[163] Negroes did run away, and numbers of them desired to be free, but when manumission came not a few of them preferred to stay with their former owners. It was the opinion of an advocate of emancipation that they were better off as slaves than they could possibly be as freemen.[164]

Such was slavery in Pennsylvania. If on the one hand there was the chance of families being sold apart; if there was seen the cargo, the slave-drove, the auction sale; it must be remembered that such things are inseparable from the institution of slavery, and that on the other hand they were rare, and not to be weighed against the positive comfort and well-being of which there is such abundant proof. If ever it be possible not to condemn modern slavery, it might seem that slavery as it existed in Pennsylvania in the eighteenth century was a good, probably for the masters, certainly for the slaves.[165] The fact is that it existed in such mitigated form that it was impossible for it to be perpetuated. Whenever men can treat their slaves as men in Pennsylvania treated them, they are living in a moral atmosphere inconsistent with the holding of slaves. Nothing can then preserve slavery but paramount economic needs. In Pennsylvania, since such needs were not paramount, slavery was doomed.

CHAPTER IV.

THE BREAKING UP OF SLAVERY—MANUMISSION.

In Pennsylvania the disintegration of slavery began as soon as slavery was established, for there were free negroes in the colony at the beginning of the eighteenth century.[166] Manumission may have taken place earlier than this, for in 1682 an owner made definite promise of freedom to his negro.[167] The first indisputable case now known, however, occurred in 1701, when a certain Lydia Wade living in Chester County freed her slaves by testament.[168] In the same year William Penn on his return to England liberated his blacks likewise.[169] Judging from the casual and unexpected references to free negroes which come to light from time to time, it seems probable that other masters also bestowed freedom. At any rate the status of the free negro had come to be recognized about this time as one to be protected by law, for when in 1703 Antonio Garcia, a Spanish mulatto, was brought to Philadelphia as a slave, he appealed to the provincial Council, and presently was set at liberty.[170] In 1717 the records of Christ Church mention Jane, a free negress, who was baptized there with her daughter.[171]

This freeing of negroes at so early a time in the history of the colony is sufficiently remarkable. It might be expected that manumission would have been rare; and, indeed, the records are very few at first. Nevertheless a law passed in 1725-1726 would indicate that the practice was by no means unusual.[172]

It is not possible to say what was the immediate cause of the passing of that part of the act which refers to manumission. It may have been the growth of a class of black freemen, or it may have been the desire to check manumission;[173] but it was probably neither of these things so much as it was the practice of masters who set free their infirm slaves when the labor of those slaves was no longer remunerative.[174] This practice together with the usual shiftlessness of most of the freedmen makes the resulting legislation intelligible enough. It provided that thereafter if any master purposed to set his negro free, he should obligate himself at the county court to secure the locality in which the negro might reside from any expense occasioned by the sickness of the negro or by his inability to support himself. If a negro received liberty by will, recognizance should be entered into by the executor immediately. Without this no negro was to be deemed free. The security was fixed at thirty pounds.[175]

Whatever may have been the full purpose of this statute, there can be no question that it did check manumission to a certain extent. A standing obligation of thirty pounds, which might at any moment become an unpleasant reality, when added to the other sacrifices which freeing a slave entailed, was probably sufficient to discourage many who possessed mildly good intentions. Several times it was protested that the amount was so excessive as to check the beneficence of owners:[176] and on one occasion it was computed that the thirty pounds required did not really suffice to support such negroes as became charges, but that a different method and a smaller sum would have secured better results.[177] The burden to owners was no doubt felt very grievously during the latter half of the eighteenth century, when manumission was going on so actively, and it is known that the Assembly was asked to give relief.[178] Nevertheless nothing was done until 1780 when the abolition act swept from the statute-books all previous legislation about the negro, slave as well as free.[179]

57

In spite of the obstacles created by the statute of 1725-1726, the freeing of negroes continued. In 1731 John Baldwin of Chester ordered in his will that his negress be freed one year after his decease. Two years later Ralph Sandiford is said to have given liberty to all of his slaves. In 1742 Judge Langhorne in Bucks County devised freedom to all of his negroes, between thirty and forty in number. In 1744 by the will of John Knowles of Oxford, negro James was to be made free on condition that he gave security to the executors to pay the thirty pounds if required. Somewhat before this time John Harris, the founder of Harrisburg, set free the faithful negro Hercules, who had saved his life from the Indians. In 1746 Samuel Blunson manumitted his slaves at Columbia. During this period negroes were occasionally sent to the Moravians, who gave them religious training, baptized them, and after a time set them at liberty. During the following years the records of some of the churches refer again and again to free negroes who were married in them, baptized in them, or who brought their children to them to be baptized.[180] At an early date there was a sufficient number of free black people in Pennsylvania to attract the attention of philanthropists; and it is known that Whitefield as early as 1744 took up a tract of land partly with the intention of making a settlement of free negroes.[181] Up to this time, however, manumission probably went on in a desultory manner, hampered by the large security required, and practised only by the most ardent believers in human liberty. The middle of the eighteenth century marked a great turning-point.

58

The southeastern part of Pennsylvania, in which most of the negroes were located, was peopled largely by Quakers, who in many localities were the principal slave-owners, and who at different periods during the eighteenth century probably held from a half to a third of all the slaves in the colony. But they were never able to reconcile this practice entirely with their religious belief and from the very beginning it encountered strong opposition. As this opposition is really part of the history of abolition in Pennsylvania it will be treated at length in the following chapter. Here it is sufficient to say that from 1688 a long warfare was carried on, for the most part by zealous reformers who gradually won adherents, until about 1750 the Friends' meetings declared against slavery, and the members who were not slave-owners undertook to persuade those who still owned negroes to give them up.

The feeling among some of the Friends was extraordinary at this time. They went from one slaveholder to another expostulating, persuading, entreating. It was then that the saintly John Woolman did his work; but he was only the most distinguished among many others. It is hardly possible to read over the records of any Friends' meeting for the next thirty years without finding numerous references to work of this character; and in more than one journal of the period mention is made of the obstacles encountered and the expedients employed.[182]

59

The results of their efforts were far-reaching. Many Friends who would have scrupled to buy more slaves, and who were convinced that slave-holding was an evil, yet retained such slaves as they had, through motives of expediency, and also because they believed that negroes held in mild bondage were better off than when free. Against this temporizing policy the reformers fought hard, and aided by the decision of the Yearly Meeting that slaveholders should no longer participate in the affairs of the Society, carried forward their work with such success that within one more generation slavery among the Friends in Pennsylvania had passed away.

During the period, then, from 1750 to 1780 manumission among the Friends became very frequent. Many slaves were set free outright, their masters assuming the liability required by law. Others were manumitted on condition that they would not become chargeable.[183] Some owners gave promise of freedom at the end of a certain number of years, considering the service during those years an equivalent for the financial obligation which at the end they would have to assume.[184] Often the negro was given his liberty on condition that at a future time he would pay to the master his purchase price.[185] In 1751 a writer said that numerous negroes had gained conditional freedom, and were wandering around the country in search of employment so as to pay their owners. The magistrates of Philadelphia complained of this as a nuisance.[186]

60

Just how many slaves gained their freedom during this period it is impossible to say. The church records mention them again and again; and they become, what they had not been before, the occasion of frequent notice and serious speculation.[187] Other people began now to follow the Friends' example,[188] and the belief in abstract principles of freedom aroused by the Revolutionary struggle gave further impetus to the movement.[189] In every quarter, now, manumissions were constantly being made.[190] Any estimate as to how many negroes, servants and free, there were in Pennsylvania by 1780 must be largely a conjecture, but it is perhaps safe to say that there were between four and five thousand.[191]

61

The act of 1780, which put an end to the further growth of slavery in Pennsylvania, marked the beginning of the final work of the liberators. Coming at a time when so many people had given

freedom to their slaves, and passing with so little opposition in the Assembly as to show that the majority of Pennsylvania's people no longer had sympathy with slavery, it was the signal to the abolitionists to urge the manumission of such negroes as the law had left in bondage. The task was made easier by the fact that not only was the value of the slave property now much diminished, but a man no longer needed to enter into surety when he set his slaves free. Doubtless many whose religious scruples had been balanced by material considerations, now saw the way smooth before them, or arranged to make the sacrifice cost them little or nothing at all. During this period manumission took on a commercial aspect which formerly had not been so evident. This was brought about in several ways.

Sometimes negroes had saved enough to purchase their liberty.[192] Many, as before, received freedom upon binding themselves to pay for it at the expiration of a certain time.[193] In this they often received assistance from well-disposed people, in particular from the Friends, who had by no means stopped the good work when their own slaves were set free.[194] At times the entire purchase money was paid by some philanthropist.[195] Frequently one member of a negro family bought freedom for another, the husband often paying for his wife, the father for his children.[196] Furthermore it had now become common to bind out negroes for a term of years, and many owners who desired their slaves to be free, found partial compensation in selling them for a limited period, on express condition that all servitude should be terminated strictly in accordance with the contract. By furthering such transactions the benevolent tried to help negroes to gain freedom.[197] Occasionally the slave liberated was bound for a term of years to serve the former master.[198] Even at this period, however, negroes continued to be manumitted from motives of pure benevolence. Some received liberty by the master's testament, and others were held only until assurance was given the master that he would not become liable under the poor law.[199]

As the result of the earnest efforts that were made slavery in Pennsylvania dwindled steadily. In the course of a long time it would doubtless have passed away as the result of continued individual manumission. As a matter of fact, it had become almost extinct within two generations after 1750. This was brought about by work that affected not individuals, but whole classes, and finally all the people of the state; which was designed to strike at the root of slavery and destroy it altogether. This was abolition.

CHAPTER V.

THE DESTRUCTION OF SLAVERY—ABOLITION.

The events which led to the extinction of slavery in Pennsylvania fall naturally into four periods. They are, first, the years from 1682 to about 1740, during which the Germans discountenanced slave-holding, and the Friends ceased importing negroes; second, the period of the Quaker abolitionists, from about 1710 to 1780, by which time slavery among the Quakers had come to an end; third, from 1780 to 1788, the years of legislative action; and finally, the period from 1788 to the time when slavery in Pennsylvania became extinct through the gradual working of the act for abolition.

Opposition to slaveholding arose among the Friends. Slavery had not yet been recognized in statute law when they began to protest against it. This protest, faint in the beginning and taken up only by a few idealists, was never stopped afterwards, but, growing continually in strength, was, as the events of after years showed, from the first fraught with foreboding of doom to the institution. Opposition on the part of the Friends had begun before Pennsylvania was founded. In 1671 Fox, travelling in the West Indies, advised his brethren in Barbadoes to deal mildly with their negroes, and after certain years of servitude to make them free. Four years later William Edmundson in one of his letters asked how it was possible for men to reconcile Christ's command, to do as they would be done by, with the practice of holding slaves without hope or expectation of freedom.[200] Nevertheless in the first years after the settlement of Pennsylvania Friends were the principal slaveholders. This led to differences of opinion, but at the start economic considerations prevailed.

The reform really began in 1688, a year memorable for the first formal protest against slavery in North America.[201] Germantown had been settled by German refugees who in religious belief were Friends. These men, simple-minded and honest, having had no previous acquaintance with slavery, were amazed to find it existing in Penn's colony. At their monthly meeting, the eighteenth of the second month, 1688, Pastorius and other leaders drew up an eloquent and touching memorial. In words of surpassing nobleness and simplicity they stated the reasons why they were against slavery and the traffic in men's bodies. Would the masters wish so to be dealt with? Was it possible for this to be in accord with Christianity? In Pennsylvania there was freedom of conscience; there ought likewise to be freedom of the body. What report would it cause in Europe that in this new land the Quakers handled men as there men treated their cattle? If it were possible that Christian men might do these things they desired to be so informed.[202]

This protest they sent to the Monthly Meeting at Richard Worrel's. There it was considered, and found too weighty to be dealt with, and so it was sent on to the Quarterly Meeting at Philadelphia, and from thence to the Yearly Meeting at Burlington, which finally decided not to give a positive judgment in the case.[203] For the present nothing came of it; but the idea did not die. It probably lingered in the minds of many men; for within a few years a sentiment had been aroused which became widespread and powerful.

In 1693 George Keith, leader of a dissenting faction of Quakers, laid down as one of his doctrines that negroes were men, and that slavery was contrary to the religion of Christ; also that masters should set their negroes at liberty after some reasonable time.[204] At a meeting of Friends held in Philadelphia in 1693 the prevailing opinion was that none should buy except to set free. Three years later at the Friends' Yearly Meeting it was resolved to discourage the further bringing in of slaves.[205] In 1712 when the Yearly Meeting at Philadelphia desiring counsel applied to the Yearly Meeting at London, it received answer that the multiplying of negroes might be of dangerous consequence.[206] In the next and the following years the Meetings strongly advised Friends not to import and not to buy slaves.[207] From 1730 to 1737 reports showed that the importation of negroes by Friends was being largely discontinued. By 1745 it had virtually ceased.[208]

67

It is generally believed that Pennsylvania's restrictive legislation, that long series of acts passed for the purpose of keeping out negroes by means of prohibitive duties, was largely due to Quaker influence. This is probably true, but it is not easy to prove. The proceedings of the colonial Assembly have been reported so briefly that they do not give the needed information. When, however, the strong feeling of the Friends is understood in connection with the fact that they controlled the early legislatures, it is not hard to believe that the high duties were imposed because they wished the traffic at an end. Their feeling about the slave-trade and their desire to stop it are revealed again and again in the meeting minutes.[209] The most drastic law was certainly due to them.[210]

But the small number of negroes in Pennsylvania as compared with the neighboring northern colonies was above all due to the early and continuous aversion to slavery manifested by the Germans. The first German settlers opposed the institution for religious reasons.[211] This opposition is perhaps to be ascribed to them as Quakers rather than as men of a particular race. But as successive swarms poured into the country it was found, it may be from religious scruples, more probably because of peculiar economic characteristics and because of feelings of sturdy industry and self-reliance, that they almost never bought negroes nor even hired them.[212] As the German element in Pennsylvania was very considerable, amounting at times to one-third of the population, such a course, though lacking in dramatic quality, and though it has been unheralded by the historians, was nevertheless of immense and decisive importance.[213]

68

69

During this period, then, much had been accomplished. Not only had the Germans turned their backs upon slave-holding, but the Friends, brought to perceive the iniquity of the practice, had ceased importing slaves, and for the most part had ceased buying them. It was another generation before the conservative element could be brought to advance beyond this position. It was not so easy to make them give up the slaves they already had.

The succeeding period was characterized by an inevitable struggle which ensued between considerations of economy and ethics. The attitude of many Friends was that in refusing to buy any more slaves they were fulfilling all reasonable obligations. Sometimes there was a desire to hush up the whole matter and get it out of mind. Isaac Norris tells of a meeting that was large and comfortable, where the business would have gone very well but for the warm pushing by some Friends of Chester in the matter of negroes. But he adds that affairs were so managed that the unpleasant subject was dropped.[214] What would have been the result of this disposition cannot now be known; but it proved impossible to smooth matters away. There had already begun an age of reformers, forerunners by a hundred years of Garrison and his associates, men who were content with nothing less than entire abolition.

70

The first of the abolitionists was William Southeby of Maryland, who went to Pennsylvania. For years the subject of slavery weighed heavily upon his mind. As early as 1696 he urged the Meeting to take action. His petition to the Provincial Assembly in 1712 asking that all slaves be set free was one of the most memorable incidents in the early struggle against slavery. But the Assembly resolved that his project was neither just nor convenient; and his ideas were so far in advance of the times that not only did he a little later lose favor among the Friends, but long after it was the judgment that his ill-regulated zeal had brought only sorrow.[215]

71

The next in point of time was Ralph Sandiford (1693-1733), a Friend of Philadelphia. His hostility to slavery was aroused by the sufferings of negroes whom he had seen in the West Indies; and his feeling was so strong that on one occasion he refused to accept a gift from a slaveholder. In 1729 he published his *Mystery of Iniquity*, an impassioned protest against slavery. Although threatened with severe penalties if he circulated this work, he distributed it wherever he felt that it would be of use.[216] Such enmity did he arouse that he was forced to leave the city.[217]

His work was carried forward by Benjamin Lay (1677-1759), an Englishman who came from Barbadoes to Philadelphia in 1731. He too aroused much hostility by his violence of expression and eccentric efforts to create pity for the slaves. He gave his whole life to the cause, but owing to his too radical methods he was much less influential than he might have been.[218]

A man of far greater power was John Woolman (1720-1772), perhaps the greatest liberator that the Friends ever produced. Woolman gave up his position as accountant rather than write bills for the sale of negroes. He was very religious, and most of his life he spent as a minister travelling from one colony to another trying to persuade men of the wickedness of slavery. In 1754 he published the first part of his book, *Some Considerations on the Keeping of Negroes*, of which the second part appeared in 1762. He was stricken with smallpox while on a visit to England, and died there.[219]

72

The last was Anthony Benezet (1713-1784), a French Huguenot who joined the Society of Friends. He came to Philadelphia as early as 1731, but it was about 1750 that his attention was

drawn to the negroes. From that time to the end of his life he was their zealous advocate. By his writings upon Africa, slavery, and the slave-trade, he attracted the attention and enlisted the support of many. He was untiring in his efforts. Frequently he talked with the negroes and strove to improve them; he endeavored to create a favorable impression of them; he was influential in securing the passage of the abolition act; and at his death he bequeathed the bulk of his property to the cause which he had served so well in his life.[220]

That these Quaker reformers, particularly men like Woolman and Benezet, exerted an enormous influence against slavery in Pennsylvania, there can be no doubt.[221] Their influence is attested by numerous contemporary allusions, but it is proved far better by the change in sentiment which was gradually brought about. Southeby, Sandiford, and Lay were before their time and were treated as fanatics. Woolman and Benezet who came afterward were able to reap the harvest which had been sown.

73

The movement which had been urged with violent rapidity from without was all the while proceeding slowly and quietly within. For many years the Friends considered slavery, and almost every year the Meetings made reports upon the subject. These reports showed that the number of Quakers who bought slaves was constantly decreasing.[222] In 1743 an annual query was instituted.[223] In 1754 the Yearly Meeting circulated a printed letter strongly condemning slavery.[224] The second decisive step followed when it was made a rule that Friends who persisted in buying slaves should be disowned. The measure was effective and this part of the work was soon accomplished.[225] Finally in 1758 the third step was taken when it was unanimously agreed that Friends should be advised to manumit their slaves, and that those who persisted in holding them should not be allowed to participate in the affairs of the Society.[226] John Woolman and others were appointed on committees to visit slaveholders and persuade them.[227]

74

The work of these visiting committees is as remarkable as any in the history of slavery. Self-sacrificing people who had freed their own slaves now abandoned their interests and set out to persuade others to give negroes the freedom thought to be due them. In southeastern Pennsylvania are old diaries almost untouched for a century and a half which bear witness of characters odd and heroic; which contain the story of men and women sincere, brave, and unflinching, who united quiet mysticism with the zeal of a crusader. The committees undertook to persuade a whole population to give up its slaves. There is no doubt that the task was a difficult one. Again and again the writers speak of obstacles overcome. They tell of owners who would not be convinced, who acknowledged that slavery was wrong, and promised that they would buy no more slaves, but who affirmed that they would keep such as they had. The diaries speak of repeated visits, of the arguments employed, of slow and gradual yielding, and of final triumph. If ever Christian work was carried on in the spirit of Christ, it was when John Woolman, Isaac Jackson, James Moon, and their fellow missionaries put an end to slavery among the Quakers of Pennsylvania.[228]

75

The penalties denounced by the Meeting were imposed with firmness. In 1761 the Chester Quarterly Meeting dealt with a member for having bought and sold a slave.[229] Through this and the following years there are many records in the Monthly Meetings of manumissions, voluntary and persuaded; record being made in each case to ensure the negro his freedom.[230] In 1774 the Philadelphia Meeting resolved that Friends who held slaves beyond the age at which white apprentices were discharged, should be treated as disorderly persons.[231] The work of abolition was practically completed in 1776 when the resolution passed that members who persisted in holding slaves were to be disowned.[232] If this is understood in connection with the fact that in the Meetings questions were rarely decided except by almost unanimous vote, it is clear that so far as the Friends were concerned slavery was nearly extinct. This was almost absolutely accomplished by 1780.[233]

76

The wholesale private abolition of slavery by the Friends of Pennsylvania is one of those occurrences over which the historian may well linger. It was not delayed until slavery had become unprofitable,[234] nor was it forced through any violent hostility. It was a result attained merely by calm, steady persuasion, and a disposition to obey the dictates of conscience unflinchingly. As such it is among the grandest examples of the triumph of principle and ideal righteousness over self-interest.[235] It may well be doubted whether any body of men and women other than the Friends were capable of such conduct at this time.[236]

77

So far the checking of slavery in Pennsylvania had been the result of two great factors; that the Germans would not hold slaves, and that the Friends gradually gave them up. Another factor now made it possible to bring about the end of the institution altogether. There began the period of the long contest of the Revolution, when Pennsylvania was stirred to its depths by the struggle for independence.

Almost at the beginning of the war, in 1776, the Assembly received from citizens of Philadelphia two petitions that manumission be rendered easier. These petitions accomplished nothing,[237] but the feeling which had been gathering strength for so many years went forward unchecked, and by 1778 there existed a powerful sentiment in favor of legislative abolition. Therefore in February, 1779, the draft of a bill was prepared and recommended by the Council; but for a while no progress was made, since the Assembly, though it approved the principle, believed that such a measure should originate in itself.[238] Toward the end of the year the matter was taken up in earnest, and a bill was soon drafted. Public sentiment was thoroughly aroused now. Petitions for and against the bill came to the Assembly, and letters were published in the newspapers. The friends of the measure were untiring in their efforts. Anthony Benezet is said to have visited every member of the Assembly. On March 1, 1780, the bill was enacted into a law, thirty-four

years and twenty-one nays.[239]

78

The "Act for the gradual Abolition of Slavery" provided that thereafter no child born in Pennsylvania should be a slave; but that such children, if negroes or mulattoes born of a slave mother, should be servants until they were twenty-eight years of age; that all present slaves should be registered by their masters before November 1, 1780; and that such as were not then registered should be free.[240] It abolished the old discriminations, for it provided that negroes whether slave or free should be tried and punished in the same manner as white people, except that a slave was not to be admitted to witness against a freeman.[241] The earlier special legislation was repealed.[242]

79

The act of 1780, which was principally the work of George Bryan,[243] was the final, decisive step in the destruction of slavery in Pennsylvania. The buying and selling of human beings as chattels had become repugnant to the best thought of the state, and it had partly passed away. The practice still survived, however, in many quarters, and strengthened as it was by considerations of economy and convenience, it would probably have gone on for many years. Against this the abolition law struck a mortal blow. From the day of March 1, 1780, the little remnant of slavery slowly withered and passed away. In the course of a generation, except for some scattered cases, it had vanished altogether.

Pennsylvania was the first state to pass an abolition law.[244] In after years this became a matter of great pride. Her legislators and statesmen frequently boasted of it. Not only was the priority a glory in itself, but the manner in which Pennsylvania conceived the law, and the success with which she carried it out, furnished the states that lay near her a splendid example and a strong incentive which not a few of them followed shortly thereafter.[245]

80

Yet this law was open to some objections, and for different reasons received much criticism. First, it was loosely and obscurely drawn in some of its sections, and these gave rise to litigation. [246] In the second place, it was largely ineffectual to prevent certain abuses which had been foreseen when it was discussed, and which assumed alarming proportions in a few years. Some Pennsylvanians openly kept up the slave-trade outside of Pennsylvania, and masters within the state sold their slaves into neighboring states, whither they sent also their young negroes, who there remained slaves instead of acquiring freedom at twenty-eight.[247] They even sent away for short periods their female slaves when pregnant, so that the children might not be born on the free soil of Pennsylvania. Besides this the kidnapping of free negroes went on unchecked.[248]

81

These practices did not escape unprotested. The Friends were indefatigable in their efforts to stop them, and the government was not disposed to allow the work of 1780 to be undone.[249] So in 1788 was passed an act to explain and enforce the previous one. It provided that the births of the children of slaves were to be registered; that husband and wife were not to be separated more than ten miles without their consent; that pregnant females should not be sent out of the state pending their delivery; and it forbade the slave-trade under penalty of one thousand pounds. Heavy punishments were provided for such chicanery as had previously been employed. [250]

This legislation was enforced by the courts in constructions which favored freedom wherever possible. Exact justice was dealt out, but if the master had neglected in the smallest degree to comply with the precise conditions specified in the laws, whether through carelessness, mistake, or unavoidable circumstance, the authorities generally showed themselves glad to declare the slave free.[251] The Friends and abolitionists were particularly active in hunting up pretexts and instituting law-suits for the purpose of setting at liberty the negroes of people who believed they were obeying the laws, but who had neglected to comply with some technical point.[252]

82

While these devotees of freedom were harassing the enemy they were engaged in operations much more drastic. The laws for abolition, respecting as they did the sacredness of right in property, had not abrogated existing titles to slaves.[253] This the abolitionists denounced as theft, and resolved to get justice by cutting out slavery root and branch.[254]

First they attacked it in the courts. The declaration of rights in the constitution of 1790 declared that all men were born equally free and independent, and had an inherent right to enjoy and defend life and liberty.[255] In 1792 a committee of the House refused the petition of some slaveholders on the ground that slavery was not only unlawful in itself, but also repugnant to the constitution.[256] This point was seized upon by the abolitionists, who resolved to test it before the law. Accordingly they arranged the famous case of *Negro Flora v. Joseph Graisberry*, and brought it up to the Supreme Court of the state in 1795. It was not settled there, but went up to what was at that time the ultimate judicial authority in Pennsylvania, the High Court of Errors and Appeals. Some seven years after the question had first been brought to law this august tribunal decided after lengthy and able argument that negro slavery did legally exist before the adoption of the constitution of 1790, and that it had not been abolished thereby.[257]

83

Failing to destroy slavery in the courts the abolitionists strove to demolish it by legal enactment. For this purpose they began a campaign that lasted for two generations. In 1793 the Friends petitioned the Senate for the complete abolition of slavery, and in 1799 they sent a memorial showing their deep concern at the keeping of slaves. In the following year citizens of Philadelphia prayed for abolition, and a few days later the free blacks of the city petitioned that their brethren in bondage be set free, suggesting that a tax be laid upon themselves to help compensate the masters dispossessed. The demand for freedom was supported in other quarters of the state, and undoubtedly a strong feeling was aroused. The Pennsylvania Society for the Abolition of Slavery began the practice, which it kept up for so many years, of regularly memorializing the legislature. Later on some of the leading men of the state took up the cause, and once the governor in his

message referred to the galling yoke of slavery and its stain upon the commonwealth.[258]

84

It is probable, however, that the majority of the people in the state believed that enough had been done, and desired to see the little remaining slavery quietly extinguished by the operation of such laws as were effecting the extinction. Be this as it may, it is certain that although many bills were proposed to effect total and immediate abolition, some of which had good prospects of success, yet each one was gradually pared of its most radical provisions, and in the end was always found to lack the support requisite to make it a law.

In 1797 the House had a resolution offered and a bill prepared for abolition. This measure dragged along through the next two sessions, but in 1800 so much encouragement came from the city and counties that the work was carried on in earnest. The course of this bill illustrates the progress of others. At first the proposed enfranchisement was to be immediate and for all; then it was modified to affect only negroes over twenty-eight. In this form it passed the House by a handsome majority, but in the Senate it was postponed to the next session. When finally its time came the committee having it in charge reported that as slavery was not in accordance with the constitution of 1790, a law to do away with slavery was not needed. The measure was still mentioned as unfinished business about the time that the High Court decided that slavery was in accordance with the constitution after all.[259]

The abolitionists did not lose heart. They tried again in 1803, and again the following year. In 1811 a little was done in the House, and in 1821 the matter was discussed in the Senate. In this latter year a bill was prepared and debated, but nothing passed except the motion to postpone indefinitely. Indeed the movement had now spent its force, and was thereafter confined to futile petitions that showed more earnestness of purpose than expectation of success.[260]

85

This is easily explicable when it is understood how rapidly slavery had declined. The number of slaves in Pennsylvania had never been large. By the first Federal census they were put at less than four thousand; but within a decade they had diminished by more than half, and ten years later there were only a few hundred scattered throughout the state.[261] The majority of these slaves during the later years were living in the western counties that bordered on Maryland and Virginia, where slavery had begun latest and lingered longest.[262] In Philadelphia and the older counties it had almost entirely disappeared. So rapid was the decline that as early as 1805 the Pennsylvania Abolition Society reported that in the future it would devote itself less to seeking the liberation of negroes than to striving to improve those already free. This could only mean that they were finding very few to liberate.[263]

86

That the decreasing agitation for the entire abolition of slavery in Pennsylvania was due to the decline of slavery and not to any decrease in hostility to it, is shown by the character of other legislation demanded, and the readiness with which stringent laws were passed. The act of 1780 permitted the resident of another state to bring his slave into Pennsylvania and keep him there for six months.[264] A very strong feeling developed against this. In 1795 it was necessary for the Supreme Court to declare that such a right was valid. It was afterwards decided, however, that if the master continued to take his slave in and out of Pennsylvania for short periods, the slave should be free. Again and again the legislature was asked to withdraw the privilege. It is needless to recount the petitions that never ceased to come, and at times poured in like a flood. At last the pressure of popular feeling could no longer be held back, and after the legislation of 1847 following the memorable case of *Prigg v. Pennsylvania*, when a slave was brought by his master within the bounds of Pennsylvania, that moment by state law he was free.[265]

Long before this time the passage through the state of slaves bound with chains had awakened the pity of those who saw it.[266] In 1816 it was decided that in certain cases if a runaway slave gave birth to a child in Pennsylvania the child was free.[267] Later the legislature forbade state officers to give any assistance in returning fugitives; and at last lacked but little of giving fugitives trial by jury.

87

If it be asked whether at this time Pennsylvania was not rather decrying slavery among her neighbors than destroying it within her own gates, since beyond denial she still had slavery there, it must be answered that first, her slavery as regards magnitude was a veritable mote, and secondly, since after 1830, for example, there was not one slave in Pennsylvania under fifty years old, it was far more to the advantage of the negroes to remain in servitude where the law guaranteed them protection and good treatment, than to be set free, when their color and their declining years would have rendered their well-being doubtful. It is probable that such slavery as existed there in the last years was based rather on the kindness of the master and the devotion of the slave, than on the power of the one and the suffering of the other. It was a peaceful passing away. And so in connection with slavery Pennsylvania is seen to have been fortunate. Seeing at an early time the pernicious consequences of such an institution she was able, such were the circumstances of her economic environment, and such was the character of her people, to check it so effectually that it never assumed threatening bulk. Almost as quick to perceive the evil of it, she acted, and while others moralized and lamented, she set her slaves free. Moreover as if to atone for the sin of slave-keeping she granted her freedmen such privileges that it seemed to her ardent idealists that the future could not but promise well.

88

Whether this liberality came to be a matter of regret in after years, and whether because of circumstances sure to come, but as yet unforeseen, it was possible for the experience of Pennsylvania with her free black population to be as happy as that with her slaves, it will be the purpose of later chapters to enquire.

[1] Breviate. Dutch Records, no. 2, fol. 5. In *2 Pennsylvania Archives*, XVI, 234. Cf. Hazard,

- Annals of Pennsylvania*, 49. The "Proposed Freedoms and Exemptions for New Netherland," 1640, say, "The Company shall exert itself to provide the Patroons and Colonists, on their order with as many Blacks as possible".... *2 Pa. Arch.*, V, 74.
- [2] C. T. Odhner. "The Founding of New Sweden, 1637-1642", translated by G. B. Keen in *Pennsylvania Magazine of History and Biography*, III, 277.
- [3] Hazard, *Annals of Pennsylvania*, 331; O'Callaghan, *Documents relative to the Colonial History of the State of New York*, II, 213, 214. The Report of the Board of Accounts on New Netherland, Dec. 15, 1644, had spoken of the need of negroes, the economy of their labor, and had recommended the importation of large numbers. *2 Pa. Arch.*, V, 88. See also Davis, *History of Bucks County*, 793.
- [4] *2 Pa. Arch.*, XVI, 255, 256; Hazard, *Annals of Pennsylvania*, 372. Sir Robert Carr, writing to Colonel Nicholls, Oct. 13, 1664, says, "I have already sent into Merryland some Neegars w^{ch} did belong to the late Governor att his plantation above".... *2 Pa. Arch.*, V, 578.
- [5] The Records of the Court of New Castle give a list of the "Names of the Tijdable prsons Living in this Courts Jurisdiction" in which occur "three negros": "1 negro woman of Mr. Moll", "1 neger of Mr. Alrichs", "Sam Hedge and neger". Book A, 197-201. Quoted in *Pa. Mag.*, III, 352-354. For the active trade in negroes at this time cf. MS. Board of Trade Journals, II, 307.
- [6] "Wth out wch wee cannot subsist".... MS. New Castle Court Records, Liber A, 406. Hazard, *Annals*, 456.
- [7] "Ik hebbe geen vaste Dienstbode, als een Neger die ik gekocht heb." *Missive van Cornelis Bom, Geschreven uit de Stadt Philadelphia*, etc., 3. (Oct. 12, 1684). "Man hat hier auch Zwartzen oder Mohren zu Schlaven in der Arbeit." Letter, probably of Hermans Op den Graeff, Germantown, Feb. 12, 1684, in Sachse, *Letters relating to the Settlement of Germantown*, 25. Cf. also MS. in American Philosophical Society's collection, quoted in *Pa. Mag.*, VII, 106: "Lacey Cocke hath A negroe" ..., "Patrick Robbinson—Robert neverbeegood his negor sarvant".... "The Defendts negros" are mentioned in a suit for damages in 1687. See MS. Court Records of Penna. and Chester Co., 1681-1688, p. 72.
- [8] MS. Ancient Records of Philadelphia, 28 7th mo., 1702.
- [9] MS. William Trent's Ledger, 156. For numerous references to negroes brought from Barbadoes, see MS. Booke of acc^ts Relating to the Barquentine *Constant Ailse And*^w: Dykes mast^r: from March 25th 1700 (-1702). (Pa. State Lib.)
- [10] *Statutes at Large of Pennsylvania* (edited by J. T. Mitchell and Henry Flanders), II, 107. *Ibid.*, II, 285. The act of 1705-1706 was repeated in 1710-1711. *Ibid.*, II, 383. Cf. *Colonial Records of Pennsylvania*, II, 529, 530.
- [11] *Votes and Proceedings of the House of Representatives of the Province of Pennsylvania*, I, pt. II, 132. *Stat. at L.*, II, 433.
- [12] MS. Board of Trade Papers, Proprieties, IX, Q, 39, 42. *Stat. at L.*, II, 543, 544.
- [13] Jonathan Dickinson, a merchant of Philadelphia, writing to a correspondent in Jamaica, 4th month, 1715, says, "I must entreat you to send me no more negroes for sale, for our people don't care to buy. They are generally against any coming into the country." I have been unable to find this letter. Watson, who quotes it (*Annals of Philadelphia*, II, 264), says, "Vide the Logan MSS." Cf. also a letter of George Tiller of Kingston, Jamaica, to Dickinson, 1712. MS. Logan Papers, VIII, 47.
- [14] *Stat. at L.*, III, 117, 118; MS. Board of Trade Papers, Prop., X, 2, Q, 159; *Stat. at L.*, III, 465; *Col. Rec.*, III, 38, 144, 171. During this period negroes were being imported through the custom-house at the rate of about one hundred and fifty a year. Cf. *Votes and Proceedings*, II, 251.
- [15] In 1727 the iron-masters of Pennsylvania petitioned for the entire removal of the duty, labor being so scarce. *Votes and Proceedings*, 1726-1742, p. 31. The attitude of the English authorities is explained in a report of Richard Jackson, March 2, 1774, on one of the Pennsylvania impost acts. "The Increase of Duty on Negroes in this Law is Manifestly inconsistent with the Policy adopted by your Lordships and your Predecessors for the sake of encouraging the African Trade" ... Board of Trade Papers, Prop., XXIII, Z, 54.
- [16] *Votes and Proceedings*, II, 152; *Col. Rec.*, II, 572, 573; *1 Pa. Arch.*, I, 160-162; *Votes and Proceedings*, 1766, pp. 45, 46. For a complaint against this practice cf. "Copy of a Representatⁿ of the Board of Trade upon some pennsylvania Laws" (1713-1714). MS. Board of Trade Papers, Plantations General, IX, K, 35.
- [17] O'Callaghan, *N. Y. Col. Docs.*, V, 604.
- [18] *Votes and Proceedings*, II, 347.
- [19] *Stat. at L.*, IV, 52-56, 60; *Col. Rec.*, III, 247, 248, 250.
- [20] *Stat. at L.*, IV, 123-128; *Col. Rec.*, III, 359; Smith, *History of Delaware County*, 261. For a while, no doubt, there was a considerable influx. Ralph Sandiford says (1730), "We have negroes flocking in upon us since the duty on them is reduced to 40 shillings per head." *Mystery of Iniquity*, (2d ed.), 5. Many of these were smuggled in from New Jersey, where there was no duty from 1721 to 1767. Cooley, *A Study of Slavery in New Jersey*, 15, 16.
- [21] Cargoes of servants are advertised in the *American Weekly Mercury*, the *Pennsylvania Packet*, and the *Pennsylvania Gazette*, *passim*. As to enlistment of servants cf. *Mercury*, *Gazette*, Aug. 7, 1740; *Col. Rec.*, IV, 437. Complaint about this had been made as early as 1711. *Votes and Proceedings*, II, 101, 103.
- [22] Smith, *History of Delaware County*, 261; Peter Kalm, *Travels into North America*, etc.,

(1748), I, 391.

- [23] *Col. Rec.*, VII, 37, 38.
- [24] *Stat. at L.*, VI, 104–110; *Votes and Proceedings*, 1761, pp. 25, 29, 33, 38, 39, 40, 41, 52, 55, 63; *Col. Rec.*, VIII, 575, 576. “The Petition of Divers Merchants of the City of Philadelphia, To The Honble James Hamilton Esqr. Lieut. Governor of the Province of Pennsylvania, Humbly Sheweth, That We the Subscribers ... have seen for some time past, the many inconveniencys the Inhabitants have suffer’d, for want of Labourers, and Artificers, by Numbers being Inlisted for His Majestys Service and near a total stop to the importation of German and other white Servants, have for some time encouraged the importation of Negros, ... that an advantage may be gain’d by the Introduction of Slaves, w^{ch} will likewise be a means of reduceing the exorbitant Price of Labour, and in all Probability bring our staple Commoditys to their usual Prices.” MS. Provincial Papers, XXV, March 1, 1761.
- [25] *Stat. at L.*, VII, 158, 159; VIII, 330–332; *Col. Rec.*, IX, 400, 401, 443, ff.; X, 72, 77. The Board of Trade Journals, LXXXII, 47, (May 5, 1774), say that their lordships had some discourse with Dr. Franklin “upon the objections ... to ... *imposing Duties amounting to a prohibition upon the Importation of Negroes.*”
- [26] Cf. MS. Provincial Papers, XXXII, January, 1775.
- [27] *Stat. at L.*, X, 72, 73. It was forbidden by implication rather than specific regulation. It had been foreseen that an act for gradual abolition entailed stopping the importation of negroes. *Pa. Packet*, Nov. 28, 1778; *1 Pa. Arch.*, VII, 79.
- [28] Professor E. P. Cheyney in an article written some years ago (“The Condition of Labor in Early Pennsylvania, I. Slavery,” in *The Manufacturer*, Feb. 2, 1891, p. 8) considers these laws to have been restrictive in purpose, and gives three causes for their passage, in the following order of importance: (a) dread of slave insurrections, (b) opposition of the free laboring classes to slave competition, (c) conscientious objections. I cannot think that this is correct. (a) seems to have been the impelling motive only in connection with the law of 1712, and seems rarely to have been thought of. It was urged in 1740, 1741, and 1742, when efforts were being made to pass a militia law in Pennsylvania, but it attracted little attention. Cf. MS. Board of Trade Papers, Prop., XV, T: 54, 57, 60.
- [29] In a MS. entitled “William Penn’s Memorial to the Lords of Trade relating to several laws passed in Pensylvania,” assigned to the year 1690 in the collection of the Historical Society of Pennsylvania, but probably belonging to a later period, is the following: “These ... Acts ... to Raise money ... to defray publick Exigences in such manner as after a Mature deliberaçon they thought would not be burthensom particularly in the Act for laying a Duty on Negroes” ... MS. Pa. Miscellaneous Papers, 1653–1724, p. 24.
- [30] 1700. 20 shillings for negroes over sixteen years of age, 6 for those under sixteen. No cause given. Apparently (terms of the act) *revenue*.—1705–1706. 40 shillings—a drawback of one half if the negro be re-exported within six months. Apparently *revenue*.—1710. 40 shillings—excepting those imported by immigrants for their own use, and not sold within a year. Almost certainly (preamble) *revenue*.—1712. 20 pounds. The causes were a dread of insurrection because of the negro uprising in New York, and the Indians’ dislike of the importation of Indian slaves. Purpose undoubtedly *restriction*.—1715. 5 pounds. Apparently (character of the provisions) *restriction* and *revenue*.—1717–1718. 5 pounds. To continue the preceding. *Restriction* and *revenue*.—1720–1721. 5 pounds. To continue the preceding. *Revenue* (preamble) and *restriction*.—1722. 5 pounds. To continue provisions of previous acts. *Revenue* and *restriction*.—1725–1726. 5 pounds. *Revenue* and *restriction*.—1729. 2 pounds. Reduction made probably because since 1712 none of the laws had been allowed to stand for any length of time, and because there had been much smuggling. *Revenue* and *restriction*.—1761. 10 pounds. No cause given for the increase. *Restriction* and *revenue*.—1768. Preceding continued—“of public utility.” *Restriction* and *revenue*.—1773. Preceding made perpetual—“of great public utility”—but duty raised to 20 pounds. *Restriction*. Cf. *Stat. at L.*, II, 107, 285, 383, 433; III, 117, 159, 238, 275; IV, 52, 123; VI, 104; VII, 158; VIII, 330.
- [31] See below, chapters IV and V.
- [32] “Man hat besonders in Pensylvanien den Grundsatz angenommen ihre Einführung so viel möglich abzuhalten” ... *Achenwall’s in Göttingen über Nordamerika und über dasige Grosbritannische Colonien aus mündlichen Nachrichten des Herrn Dr. Franklins ... Anmerkungen*, 24, 25. (About 1760).
- [33] *Stat. at L.*, X, 67, 68; *1 Pa. Arch.*, I, 306. Cf. Mr. Woodward’s speech, Jan. 19, 1838, *Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania, to Propose Amendments to the Constitution*, etc., X, 16, 17.
- [34] “Aus Pennsylvania ... fahren gen Barbadoes, Jamaica und Antego. Von dar bringen sie zurück ... Negros.” Daniel Falkner, *Curieuse Nachricht von Pennsylvania in Norden-America*, etc., (1702), 192. For a negro woman from Jamaica (1715), see MS. Court Papers, Philadelphia County, 1619–1732. Also numerous advertisements in the newspapers. *Mercury*, Apr. 17, 1729, (Barbadoes); July 31, 1729, (Bermuda); July 23, 1730, (St. Christophers); Jan. 21, 1739, (Antigua). Oldmixon, speaking of Pennsylvania, says, “Negroes sell here ... very well; but not by the Ship Loadings, as they have sometimes done at Maryland and Virginia.” (1741.) *British Empire in America*, etc., (2d ed.), I, 316. Cf. however the following: “A PARCEL of likely Negro Boys and Girls just arrived in the Sloop Charming Sally ... to be sold ... for ready Money, Flour or Wheat” ... Advt. in *Pa. Gazette*, Sept. 4, 1740. For a consignment of seventy see MS. Provincial Papers, XXVII, Apr. 26, 1766.
- [35] Cf. MS. William Trent’s Ledger, “Negroes” (1703–1708). Isaac Norris, Letter Book, 75, 76 (1732). For a statement of profit and loss on two imported negroes, see *ibid.*, 77. In this case Isaac Norris acted as a broker, charging five per cent. For the wheat and flour trade with Barbadoes, see *A Letter from Doctor More ... Relating to the ... Province of*

- [36] Some were probably brought from Africa by pirates. Cf. MS. Board of Trade Papers, Prop., III, 285, 286; IV, 369; V, 408. The hazard involved in the purchase of negroes is revealed in the following: "Acco^t of Negroes D^r to Tho. Willen £17: 10 for a New Negro Man ... £15 and 50 Sh. more if he live to the Spring" ... MS. James Logan's Account Book, 91, (1714). As to the effect of cold weather upon negroes, Isaac Norris, writing to Jonathan Dickinson in 1703, says, ... "they're So Chilly they Can hardly Stir frō the fire and Wee have Early beginning for a hard Wint^r." MS. Letter Book, 1702-1704, p. 109. In 1748 Kalm says, ... "the toes and fingers of the former" (negroes) "are frequently frozen." *Travels*, I, 392.
- [37] *Mercury*, Sept. 26, 1723. MS. Penn Papers, Accounts (unbound), 27 3d mo., 1741. Also *Calendar of State Papers, America and West Indies, 1697-1698*, p. 390; *Col. Rec.*, IV, 515; *Pa. Mag.*, XXVII, 320.
- [38] A Report of the Royal African Company, Nov. 2, 1680, purports to show the first cost: "That the Negro cost them the first price 5li: and 4li: 15s. the freight, besides 25li p cent which they lose by the usual mortality of the Negros." MS. Board of Trade Journals, III, 229. The selling price had been considered immoderate four years previous. *Ibid.*, I, 236. In 1723 Peter Baynton sold "a negroe man named Jemy ... 30 £." Loose sheet in Peter Baynton's Ledger. In 1729 a negro twenty-five years old brought 35 pounds in Chester County. MS. Chester County Papers, 89. The Moravians of Bethlehem purchased a negress in 1748 for 70 pounds. *Pa. Mag.*, XXII, 503. Peter Kalm (1748) says that a full grown negro cost from 40 pounds to 100 pounds; a child of two or three years, 8 pounds to 14 pounds. *Travels*, I, 393, 394. Mittelberger (1750) says 200 to 350 florins (33 to 58 pounds). *Journey to Pennsylvania in the Year 1750*, etc., 106. Franklin (1751) in a very careful estimate thought that the price would average about 30 pounds. *Works* (ed. Sparks), II, 314. Acrelius (about 1759) says 30 to 40 pounds. *Description of ... New Sweden*, etc. (translation of W. M. Reynolds, 1874, in *Memoirs of the Historical Society of Pennsylvania*, XI), p. 168. A negro iron-worker brought 50 pounds at Bethlehem in 1760. *Pa. Mag.*, XXII, 503. In 1790 Edward Shippen writes of a slave who cost him 100 pounds. *Ibid.*, VII, 31. It is probable that the value of a slave was roughly about three times that of a white servant. Cf. *Votes and Proceedings* (1764), V, 308.
- [39] In 1708 the Board of Trade requested the governor of Pennsylvania that very definite information on a variety of subjects relating to the negro be transmitted thereafter half yearly. Were these records available they would be worth more than all the remaining information. Cf. MS. Provincial Papers, I, April 15, 1708; 1 *Pa. Arch.*, I, 152, 153.
- [40] *N. Y. Col. Docs.*, V, 604. As to the necessity for allowing so large a margin in these figures cf. the following. "The number of the whites are said to be Sixty Thousand, and of the Black about five Thousand." Col. Hart's Answer, etc., MS. Board of Trade Papers, Prop., XI, R: 7. (1720). "The number of People in this Province may be computed to above 40,000 Souls amongst whom we have scarce any Blacks except a few Household Servants in the City of Philadelphia" ... Letter of Sir William Keith, *ibid.*, XI, R: 42. (1722). Another communication gave the true state of the case, if not the exact numbers. "This Government has not hitherto had Occasion to use any methods that can furnish us with an exact Estimate, but as near as can at present be guessed there may be about Forty five thousand Souls of Whites and four thousand Blacks." Major Gordon's answer to Queries, *ibid.*, XIII, S: 34. (1730-1731).
- [41] William Douglass, *A Summary, Historical and Political, ... of the British Settlements in North-America*, etc. (ed. 1755), II, 324; Abiel Holmes, *American Annals*, etc., II, 187; Bancroft, *History of the United States* (author's last revision), II, 391.
- [42] Letter in *Pa. Packet*, Jan 1, 1780. This made allowance for the numerous runaways during the British occupation of Philadelphia. Also *ibid.*, Dec. 25, 1779; 1 *Pa. Arch.*, XI, 74, 75. For a higher estimate, 10,000, for 1780 but made in 1795, see MS. Collection of the Records of the Pa. Society for the Abolition of Slavery, etc., IV, 111.
- [43] Slaves, 3,737; free, 6,537. Other enumerations occur, but are evidently without value. Oldmixon (1741), 3,600. *British Empire in America*, I, 321. Burke (1758), about 6,000. *An Account of the European Settlements in America*, II, 204. Abbé Raynal (1766), 30,000. *A Philosophical and Political History of the British Settlements ... in North America* (tr. 1776), I, 163. A communication to the Earl of Dartmouth (1773), 2,000. MS. Provincial Papers, Jan. 1775; 1 *Pa. Arch.*, IV, 597. Smyth (1782), over 100,000. *A Tour in the United States of America*, etc., II, 309.
- [44] MS. (Samuel Wright), A Journal of Our Rem(oval) from Chester and Darby (to) Conestogo ... 1726, copied by A. C. Myers; Morgan, *Annals of Harrisburg*, 9-11; *Col. Rec.*, VIII, 305, 306. Tax-lists printed in 3 *Pa. Arch.* Also Davis, *Hist. of Bucks Co.*, 793; Futhy and Cope, *Hist. of Chester Co.*, 423 425; Ellis and Evans, *Hist. of Lancaster Co.*, 301; Gibson, *Hist. of York Co.*, 498; Bean, *Hist. of Montgomery Co.*, 302; Lytle, *Hist. of Huntingdon Co.*, 182; Blackman, *Hist. of Susquehanna Co.*, 72; Creigh, *Hist. of Washington Co.*, 362; Bausman, *Hist. of Beaver Co.*, I, 152, 153; Linn, *Annals of Buffalo Valley*, 66-74; Peck, *Wyoming; its History*, etc., 240.
- [45] MS. Assessment Books, Chester Co., 1765, p. 197; 1768, p. 326; 1780, p. 95; MS. Assessment Book, Phila. Co., 1769. As early as 1688 Henry Jones of Moyamensing had thirteen negroes. MS. Phila. Wills, Book A, 84. An undated MS. entitled "A List of my Negroes" shows that Jonathan Dickinson had thirty-two. Dickinson Papers, unclassified. An owner in York County is said to have had one hundred and fifty. 3 *Pa. Arch.*, XXI, 71. This is probably a misprint.
- [46] In 1790 the numbers were as follows: New York, 21,324 slaves, 4,654 free, total 25,978; New Jersey, 11,423 slaves, 4,402 free, total 15,825; Pennsylvania, 3,737 slaves, 6,537 free, total 10,274.
- [47] On Pennsylvania's amazing commercial and industrial activity see Anderson, *Historical*

- [48] See below, p. 41.
- [49] See below, chapters IV and V.
- [50] See below, *ibid.*
- [51] Nevertheless slavery took root in the western counties, and lingered there longer than anywhere else in Pennsylvania.
- [52] Throughout this work the fundamental distinction between the words "slave" and "servant," as used in the text, is that "slave" denotes a person held for life, "servant" a person held for a term of years only.
- [53] Cf. O'Callaghan, *Voyages of the Slavers St. John and Arms of Amsterdam*, etc., 100, for a bill of sale, 1646. Sprinchorn, *Kolonien Nya Sveriges Historia*, 217.
- [54] MS. Record of the Court at Upland in Penn., Sept. 25, 1676.
- [55] "No Christian shall be kept in Bondslavery villenage or Captivity, Except Such who shall be Judged thereunto by Authority, or such as willingly have sould, or shall sell themselves," ... *Laws of the Province of Pennsylvania ... preceded by the Duke of York's Laws*, etc., 12. This is not to prejudice any masters "who have ... Apprentices for Terme of Years, or other Servants for Term of years or Life." *Ibid.*, 12. Another clause directs that "No Servant, except such are duly so for life, shall be Assigned over to other Masters ... for above the Space of one year, unless for good reasons offered". *Ibid.*, 38.
- [56] There is an evident distinction intended in the following: "A List of the Tydable psons James Sanderling and slave John Test and servant." One follows the other. MS. Rec. Court at Upland, Nov. 13, 1677. In 1686 the price of a negro, 30 pounds, named in a lawsuit, is probably that of a slave. MS. Minute Book. Common Pleas and Quarter Sessions. Bucks Co., 1684-1730, pp. 56, 57. A will made in 1694 certainly disposed of the within mentioned negroes for life. "I do hereby give ... pow^r ... to my s^d Exers ... eith^r to lett or hire out my five negroes ... and pay my s^d wife the one half of their wages Yearly during her life or Oth^rwise give her such Compensaçon for her int^est therein as shee and my s^d Exers shall agree upon and my will is that the other half of their s^d wages shall be equally Devided between my aforsd Children, and after my sd wife decease my will also is That the sd negroes Or such of them and their Offsprings as are then alive shall in kind or value be equally Devided between my s^d Children" ... Will of Thomas Lloyd. MS. Philadelphia Wills, Book A, 267.
- [57] MSS., Domestic Letters, 17.
- [58] "Know all men by these presents That I Patrick Robinson Countie Clark of Philadelphia for and in Consideration of the Sum of fourtie pounds Current Money of Pennsylvania ... have bargained Sold and delivered ... unto ... Joseph Browne for himselve, ... heirs exers admrs and assigns One Negro man Named Jack, To have and to hold the Said Negro man named Jack unto the said Joseph Browne for himself ... for ever. And I ... the said Negro man unto him ... shall and will warrant and for ever defend by these presents." MS. Philadelphia Deed Book, E, 1, vol. V, 150, 151. This is similar to the regular legal formula afterward. Cf. MS. Ancient Rec. Sussex Co., 1681-1709, Sept. 22, 1709.
- [59] See below, p. 65.
- [60] "And to buy Souls and Bodies of men for Money, to enslave them and their Posterity to the end of the World, we judge is a great hinderance to the spreading of the Gospel" ... "neither should we keep them in perpetual Bondage and Slavery against their Consent" ... *An Exhortation and Caution To Friends Concerning buying or keeping of Negroes*, reprinted in *Pa. Mag.*, XIII, 266, 268.
- [61] "An Act for the better Regulation of Servants in this Province and Territories." *Stat. at L.*, II, 56.
- [62] Cf. J. C. Ballagh, *A History of Slavery in Virginia*, chapter II.
- [63] Cf. letter of William Edmundson to Friends in Maryland, Virginia, and other parts of America, 1675. S. Janney, *History of the Religious Society of Friends, from Its Rise to the Year 1828*, III, 178.
- [64] *The Articles Settlement and Offices of the Free Society of Traders in Pennsylvania*, etc., article XVIII. This quite closely resembles the ordinance issued by Governor Rising to the Swedes in 1654, that after a certain period negroes should be absolutely free.... "after 6 år vare en slafvare alldeles fri." Sprinchorn, *Kolonien Nya Sveriges Historia*, 271.
- [65] "Let no blacks be brought in directly. and if any come out of Virginia, Maryld. [or elsewhere *erased*] in families that have formerly bought them elsewhere Let them be declared (as in the west jersey constitutions) free at 8 years end." "B. F. Abridgm^t. out of Holland and Germany." Penn MSS. Ford vs. Penn. etc., 1674-1716, p. 17.
- [66] Cf. *Pa. Mag.*, IV, 28-30.
- [67] *Ibid.*, XIII, 265-270.
- [68] Negro servants are mentioned. See *Pa. Mag.*, VII, 106. Cf. below, p. 54. Little reliance can be placed upon the early use of this word.
- [69] I have found no instance where a negro was indisputably a servant in the early period. The court records abound in notices of white servants.
- [70] *Laws of the Province of Pennsylvania ... 1682-1700*, p. 153 (1683), 211, 213 (1693). For running away white servants had to give five days of extra service for each day of absence. *Ibid.*, 166 (1683), 213 (1693). Harboring cost the offender five shillings a day. *Ibid.*, 152 (1683), 212 (1693).
- [71] *Ibid.*, 113 (1682); *ibid.*, 102 (Laws Agreed upon in England).

- [72] *Ibid.*, 152. "No Servant white or black ... shall at anie time after publication hereof be Attached or taken into Execution for his Master or Mistress debt" ...
- [73] The rearing of slave children was regarded as a burden by owners. A writer declared that in Pennsylvania "negroes just born are considered an incumbrance only, and if humanity did not forbid it, they would be instantly given away." *Pa. Packet*, Jan. 1, 1780. In 1732 the Philadelphia Court of Common Pleas ordered a man to take back a negress whom he had sold, and who proved to be pregnant. He was to refund the purchase money and the money spent "for Phisic and Attendance of the Said Negroe in her Miserable Condition." MS. Court Papers. 1732-1744. Phila. Co., June 9, 1732.
- [74] The Roman doctrine of *partus sequitur ventrem*. This was never established by law in Pennsylvania, and during colonial times was never the subject of a court decision that has come down. That it was the usage, however, there is abundant proof. In 1727 Isaac Warner bequeathed "To Wife Ann ... a negro woman named Sarah ... To daughter Ann Warner (3) an unborn negro child of the above named Sarah." MS. Phila. Co. Will Files, no. 47, 1727. In 1786 the Supreme Court declared that it was the law of Pennsylvania, and had always been the custom. 1 Dallas 181.
- [75] MS. Abstract of Phila. Co. Wills, Book A, 63, 71, (1693); Will of Samuel Richardson of Philadelphia in *Pa. Mag.*, XXXIII, 373 (1719). In 1682 the attorney-general in England answering an inquiry from Jamaica, declared "That where goods or merchandise are by Law forfeited to the King, the sale of them from one to another will not fix the property as against the King, but they may be seized wherever found whilst they remain in specie; And that Negros being admitted Merchandise will fall within the same Law". MS. Board of Trade Journals, IV, 124. On several occasions during war negro slaves were captured from the enemy and brought to Pennsylvania, where they were sold as ordinary prize-goods—things. In 1745, however, when two French negro prisoners produced papers showing that they were free, they were held for exchange as prisoners of war—persons. MS. Provincial Papers, VII, Oct. 2, 1745. For the status of the negro slave as real estate in Virginia, *cf.* Ballagh, *Hist. of Slavery in Virginia*, ch. II. In 1786 the Supreme Court of Pennsylvania decided that "property in a Negroe may be obtained by a *bona fide* purchase, without deed." 1 Dallas 169.
- [76] "An Act for the trial of Negroes." *Stat. at L.*, II, 77-79. Repealed in Council, 1705. *Ibid.*, II, 79; *Col. Rec.*, I, 612, 613. Passed again with slight changes in 1705-1706. *Stat. at L.*, II, 233-236.
- [77] "An Act for the better regulating of Negroes in this Province." *Stat. at L.*, IV, 59-64. It became law by lapse of time. *Ibid.*, IV, 64.
- [78] "An Act for the better regulating of Negroes in this Province.", section 1. *Stat. at L.*, IV, 59.
- [79] *Cf.* Enoch Lewis, "Life of William Penn" (1841), in *Friends' Library*, V, 315; J. R. Tyson, "Annual Discourse before the Historical Society of Pennsylvania" (1831), in *Hazard's Register*, VIII, 316.
- [80] MS. Minutes Court of Quarter Sessions Bucks County, 1684-1730, P. 375 (1703); MS. "Bail, John Kendig for a Negro, 29. 9^{br} 35," in Logan Papers, unbound; "An Act for the trial of Negroes." *Stat. at L.*, II, 77-79 (1700), 233-236 (1705-1706); *Col. Rec.*, III, 254; IV, 243; IX, 648, 680, 704, 705, 707; X, 73, 276. For the commission instituting one of these special courts (1762), see MS. Miscellaneous Papers, 1684-1847, Chester County, 149; also Diffenderffer, "Early Negro Legislation in the Province of Pennsylvania," in *Christian Culture*, Sept. 1, 1890. Mr. Diffenderffer cites a commission of Feb. 20, 1773, but is puzzled at finding no record of the trial of negroes in the records of the local Court of Quarter Sessions. It would of course not appear there. Special dockets were kept for the special courts. *Cf.* MS. Records of Special Courts for the Trial of Negroes, held at Chester, in Chester County. The law was not universally applied at first. In 1703 a negro was tried for fornication before the Court of Quarter Sessions. MS. Minutes Court of Quarter Sessions Bucks County, 1684-1730, p. 378.
- [81] *Col. Rec.*, I, 61; II, 405, 406.
- [82] "An Act for the better regulating of Negroes," etc. *Stat. at L.*, IV, 59. For an instance of such valuation in the case of two slaves condemned for burglary, see MS. Provincial Papers, XXX, July 29, 1773. The governor, however, pardoned these negroes on condition that they be transported.
- [83] "On the trials Larry the slave was convicted by a Jury of twelve Men and received the usual sentence of whipping, restitution and fine according to law.... This case is published as being the first instance of a slave's being tried in this state by a Grand and Petit Jury. Our constitution provides that these unhappy men shall have the same measure of Justice and the same mode of trial with others, their fellow creatures, when charged with crimes or offences." *Pa. Packet*, Feb. 16, 1779. Nevertheless a commission for a special court had been issued in August, 1777. *Cf.* "Petition of Mary Bryan," MS. Misc. Papers, Aug. 15, 1777.
- [84] *Stat. at L.*, X, 72. What was the standing of negro slaves before the ordinary courts of Pennsylvania in the years between 1700 and 1780 it is difficult to say. They certainly could not be witnesses—not against white men, since this privilege was given to free negroes for the first time in 1780 (*Stat. at L.*, X, 70), and to slaves not until 1847 (*Laws of Assembly, 1847*, p. 208); while if they were witnesses against other negroes it would be before special courts. Doubtless negroes could sometimes seek redress in the ordinary courts, though naturally the number of such cases would be limited. There is, however, at least one instance of a white man being sued by a negro, who won his suit. "Francis Jn^oson the Negro verbally complained agst W^m Orion ... and after pleading to on both sides the Court passed Judgment and ordered W^m Orion to pay him the sd Francis Jn^oson twenty shillings" ... MS. Ancient Records of Sussex County, 1681 to 1709, 4th mo., 1687. Before 1700 negroes were tried before the ordinary courts, and there is at

least one case where a negro witnessed against a white man. *Ibid.*, 8br 1687.

- [85] *Stat. at L.*, II, 77-79; *Col. Rec.*, I, 612, 613. Instances of negro crime are mentioned in MS. Records of Special Courts for the Trial of Negroes—Chester County. For a case of arson punished with death, *cf. Col. Rec.*, IV, 243. For two negroes condemned to death for burglary, *ibid.*, IX, 6, also 699. The punishment for the attempted rape of a white woman was the one point that caused the disapproval of the attorney-general in England, and, probably, led to the passage of the revised act in 1705-1706. *Cf.* MS. Board of Trade Papers, Prop., VIII, 40, Bb. For restitution by masters, which was frequently very burdensome, *cf.* MS. Misc. Papers, Oct. 9, 1780.
- [86] *Stat. at L.*, II, 233-236. These punishments were continued until repealed in 1780, (*Stat. at L.*, X, 72), when the penalty for robbery and burglary became imprisonment. This bore entirely on the master, so that in 1790 Governor Mifflin asked that corporal punishment be substituted. *Hazard's Register*, II, 74. For theft whipping continued to be imposed, but guilty white people were punished in the same manner. MS. Petitions, Lancaster County, 1761-1825, May, 1784. MS. Misc. Papers, July, 1780.
- [87] See below, p. 111.
- [88] "For that hee ... contrary to the Lawes of the Governmt and Contrary to his Masters Consent hath ... got wth child a certaine molato wooman Called Swart anna" ... MS. Rec. Court at Upland, 19; Penn MSS. Papers relating to the Three Lower Counties, 1629-1774, p. 193; MS. Minutes Abington Monthly Meeting, 27 1st mo., 1693. "David Lewis Constable of Haverfoord Returned A Negro man of his And A white woman for haveing A Baster Childe ... the negroe said she Intised him and promised him to marry him: she being examined, Confest the same: ... the Court ordered that she shall Receive Twenty one laishes on her beare Backe ... and the Court ordered the negroe never more to meddle with any white woman more uppon paine of his life." MS. Min. Chester Co. Courts, 1697-1710, p. 24.
- [89] MS. Ancient Rec. of Phila., Nov. 4, 1722.
- [90] *Votes and Proceedings*, II, 336.
- [91] *Stat. at L.*, IV, 62. *Cf. Votes and Proceedings*, II, 337, 345. For marriage or cohabiting without a master's consent a servant had to atone with extra service. *Cf. Stat. at L.*, II, 22. This obviously would not check a slave.
- [92] Apparently such a marriage had occurred in 1722. MS. Ancient Rec. Phila., Nov. 4, 1722, which mention "the Clandestine mariage of M^r Tuthil's Negro and Katherine Williams." The petitioner, who was imprisoned for abetting the marriage, concludes: "I have Discover'd who married the foresd Negroe, and shall acquaint your hon^{rs}."
- [93] *American Weekly Mercury*, Nov. 9, 1727; *Pa. Gazette*, Feb. 7, 1739-1740; and *passim*. Mittelberger mentions them in 1750. *Cf. Journey to Pennsylvania, etc.*, 107; MS. Register of Slaves in Chester County, 1780.
- [94] "A circumstance not easily believed, is, that the subjection of the negroes has not corrupted the morals of their masters" ... Abbé Raynal, *British Settlements in North America* I, 163. Raynal's authority is very poor. The assertion in the text rests rather on negative evidence. *Cf. Votes and Proceedings*, 1766, p. 30, for an instance of a white woman prostitute to negroes. *Ibid.*, 1767-1776, p. 666, for evidence as to mulatto bastards by pauper white women. Also MS. Misc. Papers, Mar. 12, 1783. For a case (1715) where the guilty white man was probably not a servant *cf.* MS. Court Papers, Phila. Co., 1697-1732. Benjamin Franklin was openly accused of keeping negro paramours. *Cf. What is Sauce for a Goose is also Sauce for a Gander, etc.* (1764), 6; *A Humble Attempt at Scurrility, etc.* (1765), 40.
- [95] See below.
- [96] *Cf. Col. Rec.*, I, 117.
- [97] *Stat. at L.*, IV, 59-64, (sections IX-XIII). Tippling-houses seem to have given a good deal of trouble. In 1703 the grand jury presented several persons "for selling Rum to negros and others" ... MS. Ancient Rec. of Phila., Nov. 3, 1703. *Cf.* also presentment of the grand jury, Jan. 2, 1744. *Pa. Mag.*, XXII, 498.
- [98] *Col. Rec.*, I, 380-381. "The great abuse and Ill consiquence of the great multitudes of negroes who commonly meete together in a Riott and tumultuous manner on the first days of the weeke." MS. Ancient Rec. of Phila., 28 7th mo., 1702; *ibid.*, Nov. 3, 1703.
- [99] "The Grand Inquest ... do present that whereas there has been Divers Rioters ... and the peace of our Lord the King Disturbers, by Divers Infants, bond Servants, and Negroes, within this City after it is Duskish ... that Care may be taken to Suppress the unruly Negroes of this City accompanying to gether on the first Day of the weeke, and that they may not be Suffered to walk the Streets in Companys after it is Darke without their Masters Leave" ... MS. Ancient Rec. of Phila., Apr. 4, 1717.
- [100] *Minutes of the Common Council of the City of Philadelphia, 1704-1776*, 314, 315, 316, 326, 342, 376; *Col. Rec.*, IV, 224, (1737).
- [101] "The Grand Inquest now met humly Represent to This honourable Court the great Disorders Committed On the first Dayes of the week By Servants, apprentice boys and Numbers of Negroes it has been with great Concern Observed that the Whites in their Tumultuous Resorts in the markets and other placies most Daringly Swear Curse Lye Abuse and often fight Striving to Excell in all Leudness and Obsenity which must produce a generall Corruption of Such youth If not Timely Remidieed and from the Concourse of Negroes Not only the above Mischeiffs but other Dangers may issue" ... MS. Court Papers, 1732-1744, Phila. Co., 1741.
- [102] "Many disorderly persons meet every evg. about the Court house of this city, and great numbers of Negroes and others sit there with milk pails, and other things, late at night,

and many disorders are there committed against the peace and good government of this city" *Minutes Common Council of Phila.*, 405.

- [103] *Pa. Gazette*, Nov. 12, 1761.
- [104] "An Act for preventing Accidents that may happen by Fire," sect. IV, *Stat. at L.*, III, 254 (1721); "An Act to prevent the Damages, which may happen, by firing of Woods," etc., sect. III, *ibid.*, IV, 282 (1735); "An Act for the trial of Negroes," sect. V, *ibid.*, II, 79 (1700); "An Act for the more effectual preventing Accidents which may happen by Fire, and for suppressing Idleness, Drunkenness, and other Debaucheries," sect. III, *ibid.*, V, 109, 110 (1750-1751); "An Act to prevent the Hunting of Deer," etc., sect. VII, *ibid.*, VI, 49 (1760); "An Act for the better regulating the nightly Watch within the city of Philadelphia," etc., sect. XXII, *ibid.*, V, 126 (1750-1751); repeated in 1756, 1763, 1766, 1771, *ibid.*, V, 241; VI, 309; VII, 7; VIII, 115; "An Act for regulating Wagoners, Carters, Draymen, and Porters," etc., sect. VII, *ibid.*, VI, 68 (1761); repeated in 1763 and 1770, *ibid.* VI, 250; VII, 359, 360.
- [105] *Cf.* the story of Hodge's Cato, told in Watson, *Annals of Philadelphia and Pennsylvania in the Olden Time*, etc., II, 263.
- [106] *Cf.* Achenwall, who got his information from Franklin, *Anmerkungen*, 25: "Diese Mohrenclaven geniessen als Unterthanen des Staats ... den Schutz der Gesetze, so gut als freye Einwohner. Wenn ein Colonist, auch selbst der Eigenthumsherr, einen Schwarzen umbringt, so wird er gleichfalls zum Tode verurtheilt. Wenn der Herr seinem Claven zu harte Arbeit auflegt, oder ihn sonst übel behandelt, so kan er ihn beym Richter verklagen." Also Kalm, *Travels*, I, 390.
- [107] "Yesterday at a Supream Court held in this City, sentence of Death was passed upon William Bullock, who was ... Convicted of the Murder of his Negro Slave." *American Weekly Mercury*, Apr. 29, 1742.
- [108] Kalm (1748) said that there was no record of such a sentence being carried out; but he adds that a case having arisen, even the magistrates secretly advised the guilty person to leave the country, "as otherwise they could not avoid taking him prisoner, and then he would be condemned to die according to the laws of the country, without any hopes of saving him". *Travels*, I, 391, 392. For a case *cf.* *Pa. Gazette*, Feb. 24, 1741-1742.
- [109] Acrelius, *Description of New Sweden*, 169 (1759); Kalm, *Travels*, I, 394 (1748); Hector St. John Crèvecoeur, *Letters from an American Farmer*, 222 (just before the Revolution).
- [110] When one of Christopher Marshall's white servants "struck and kickt" his negro woman, he "could scarcely refrain from kicking him out of the House &c &c &c." MS. Remembrancer, E, July 22, 1779.
- [111] Kalm, I, 394; St. John Crèvecoeur, 221. Benjamin Lay contradicts this, but allowance must always be made for the extremeness of his assertions. *Cf.* his *All Slave-Keepers Apostates* (1737), 93.
- [112] Acrelius, 169.
- [113] St. John Crèvecoeur, 221; Kalm, I, 394; Acrelius, 169. Personal papers contain numerous notices. "To 1 pr Shoes for the negro ... 6" (sh.). MS. William Penn's Account Book, 1690-1693, p. 2 (1690). A "Bill rendered by Christian Grafford to James Steel" is as follows: "Making old Holland Jeakit and breeches fit for your Negero 0.3.0 Making 2 new Jeakits and 2 pair breeches of stripped Linen for both your Negeromans 0.14.0 And also for Little Negero boy 0.4.0 Making 2 pair Leather Breeches, 1 for James Sanders and another for your Negroeman Zeason 0.13.0." *Pa. Mag.*, XXXIII, 121 (1740). The bill rendered for the shoes of Thomas Penn's negroes in 1764-1765 amounted to £7 7 sh. 3d., the price per pair averaging about 7 sh. 6d. Penn-Physick MSS., IV, 223. Also *ibid.*, IV, 265, 267. *Cf.* Penn Papers, accounts (unbound), Aug. 19, 1741; Christopher Marshall's Remembrancer, E, June 1, 1779.
- [114] Thus Cato had on "two jackets, the uppermost a dark blue half thick, lined with red flannel, the other a light blue homespun flannel, without lining, ozenbrigs shirt, old leather breeches, yarn stockings, old shoes, and an old beaver hat" ... *Pa. Gazette*, May 5, 1748. A negro from Chester County wore "a lightish coloured cloath coat, with metal buttons, and lined with striped linsey, a lightish linsey jacket with sleeves, and red waistcoat, tow shirt, old lightish cloth breeches, and linen drawers, blue stockings, and old shoes." *Ibid.*, Jan. 3, 1782. Judith wore "a green jacket, a blue petticoat, old shoes, and grey stockings, and generally wears silver bobbs in her ears." *Ibid.*, Feb. 16, 1747-1748.
- [115] *Amer. Weekly Mercury*, Jan. 31, 1721; Jan. 31, 1731; *Pa. Gazette*, Oct. 22, 1747; May 5, 1748; Apr. 16, 1761; Jan. 3, 1782; *Pa. Journal*, Feb. 5, 1750-1751; *Pa. Mag.*, XVIII, 385.
- [116] *Pa. Gazette*, May 3, 1775. Supported by advertisements *passim*.
- [117] MS. Dickinson Papers, unclassified. A farm with a stone house for negroes is mentioned in *Pa. Gaz.*, June 26, 1746. "Part of these slaves lived in their master's family, the others had separate cabins on the farm where they reared families" ... "Jacob Minshall Homestead" in *Reminiscence, Gleanings and Thoughts*, No. I, 12.
- [118] Kalm, *Travels*, I, 394. For treatment of negroes in the West Indies, *cf.* Sandiford, *The Mystery of Iniquity*, 99 (1730); Benezet, *A Short Account of that Part of Africa Inhabited by the Negroes* (1762), 55, 56, note; Benezet, *A Caution and Warning to Great Britain and Her Colonies in a Short Representation of the Calamitous State of the Enslaved Negroes* (1766), 5-9; Benezet, *Some Historical Account of Guinea* (1771), chap. VIII. For treatment in the South, *cf.* Whitefield, *Three Letters* (1740), 13, 71; Chastellux, *Voyage en Amérique* (1786), 130. For treatment in Pennsylvania *cf.* Kalm, *Travels*, I, 394; St. John Crèvecoeur, *Letters*, 221. Acrelius says that the negroes at the iron-furnaces were allowed to stop work for "four months in summer, when the heat is most oppressive." *Description*, 168.

- [119] *Mercury, Gazette, and Pa. Packet, passim*. Most of the taverns seem to have had negro servants. Cf. MS. Assessment Book, Chester Co., 1769, p. 146; of Bucks Co., 1779, p. 84.
- [120] *Mercury*, Mar. 3, 1723-1724; Dec. 15, 1724; July 4, 1728; Aug. 24, 1732; *Gazette*, Feb. 7, 1740; Dec. 3, 1741; May 20, 1742; Nov. 1, 1744; July 9, Dec. 3, 1761; *Packet*, July 5, 1733.
- [121] "The laborers are generally composed partly of negroes (slaves) partly of servants from Germany or Ireland" ... Acrelius, *Description*, 168. Cf. Gabriel Thomas, *An Historical and Geographical Account of the Province and Country of Pensilvania* (1698), etc., 28.
- [122] *Mercury*, Jan. 16, 1727-1728; July 25, 1728; Nov. 7, 1728. *Gazette*, July 17, 1740; Mar. 31, 1743. "A compleat washerwoman" is advertised in the *Gazette*, Oct. 1, 1761; also "an extraordinary washer of clothes," *Gazette*, Apr. 12, 1775; Penn-Physick, MSS IV, 203 (1740).
- [123] *Gazette*, May 19, 1743; July 11, 1745; Nov. 5, 1761; May 15, 1776; Dec. 15, 1779. Cf. notices in William Penn's Cash Book (MS.), 3, 6, 9, 15, 18; John Wilson's Cash Book (MS.), Feb. 23, 1776; MS. Phila. Account Book, 38 (1694); MS. Logan Papers, II, 259 (1707); Richard Hayes's Ledger (MS.), 88 (1716).
- [124] Cf. the numerous allusions to his negro woman made by Christopher Marshall in his Remembrancer. An entry in John Wilson's Cash Book (MS.), Apr. 27, 1770, says: "paid his" (Joseph Pemberton's) "Negro woman Market mony ... 7/6." The following advertisement is illustrative, although perhaps it reveals the advertiser's art as much as the excellence and reliability of the negress. "A likely young Negroe Wench, who can cook and wash well, and do all Sorts of House-work; and can from Experience, be recommended both for her Honesty and Sobriety, having often been trusted with the Keys of untold Money, and Liquors of various Sorts, none of which she will taste. She is no Idler, Company-keeper or Gadder about. She has also a fine, hearty young Child, not quite a Year old, which is the only Reason for selling her, because her Mistress is very sickly, and can't bear the Trouble of it." *Pa. Gazette*, Apr. 2, 1761.
- [125] "Thou Knowest Negro Peters Ingenuity In making for himself and playing on a fiddle wth out any assistance as the thing in them is Innocent and diverting and may keep them from worse Employmt I have to Encourage in my Service promist him one from Engld therefore buy and bring a good Strong well made Violin wth 2 or 3 Sets of spare Gut for the Suitable Strings get somebody of skill to Chuse and by it".... MS. Isaac Norris, Letter Book, 1719, p. 185.
- [126] See above, pp. 32-34.
- [127] "Our Negro woman got leave to visit her children in Bucks County." Christopher Marshall's Remembrancer, D, Jan. 7, 1776. "This afternoon came home our Negro woman Dinah." *Ibid.*, D, Jan. 15, 1776.
- [128] Watson, *Annals*, I, 406. Cf. letter of William Hamilton of Lancaster: "Yesterday (being Negroes Holiday) I took a ride into Maryland." *Pa. Mag.*, XXIX, 257.
- [129] For the treatment of William Edmundson when he tried to convert negroes in the West Indies, cf. his *Journal*, 85; Gough, *A History of the People Called Quakers*, III, 61. Cf. MS. Board of Trade Journals, III, 191 (1680).
- [130] Kalm, *Travels*, I, 397. "It's obvious, that the future Welfare of those poor Slaves ... is generally too much disregarded by those who keep them." *An Epistle of Caution and Advice, Concerning the Buying and Keeping of Slaves* (1754), 5. This, however, is neglect rather than opposition.
- [131] Fox's *Epistles*, in *Friend's Library*, I, 79 (1679).
- [132] "An Exhortation and Caution to Friends Concerning buying or keeping of Negroes," in *Pa. Mag.*, XIII, 267.
- [133] Proud, *History of Pennsylvania*, 423; Gordon, *History of Pennsylvania*, 114.
- [134] "Several" (negroes) "are brought to Meetings." MS. Minutes Radnor Monthly Meetings, 1763-1772, p. 79 (1764). "Most of those possessed of them ... often bring them to our Meetings." *Ibid.*, 175 (1767).
- [135] Cf. MS. Yearly Meeting Advices, 1682-1777, "Negroes or Slaves."
- [136] Cranz, *The Ancient and Modern History of the Brethren ... Unitas Fratrum*, 600, 601; Ogden, *An Excursion into Bethlehem and Nazareth in Pennsylvania*, 89, 90; 1 *Pa. Arch.*, III, 75; *Pa. Mag.*, XXIX, 363.
- [137] Cf. Bean, *History of Montgomery County*, 302.
- [138] MS. Records of Christ Church, Phila., I, 19, 43, 44, 46, 49, 132, 168, 271, 273, 274, 276, 277, 280, 281, 282, 283, 288, 293, 306, 312, 314, 333, 337, 341, 342, 344, 352, 353, 359, 371, 379, 383, 388, 392, 397, 399, 416, 440, 441. Baptisms were very frequent in the years 1752 and 1753. Very many of the slaves admitted were adults, whereas in the case of free negroes at the same period most of the baptisms were of children.
- [139] William Macclanechan, writing to the Archbishop of Canterbury in 1760, says: "On my Journey to New-England, I arrived at the oppulent City of Philadelphia, where I paid my Compliments to the Rev'd Dr. Jenney, Minister of Christ's Church in that City, and to the Rev'd Mr. Sturgeon, *Catechist to the Negroes*." H. W. Smith, *Life and Correspondence of the Rev. William Smith*, I, 238.
- [140] "Many negroes came, ... some enquiring, have I a soul?" Gillies and Seymour, *Memoirs of the Life and Character of ... Rev. George Whitefield* (3d ed.), 55. "I believe near Fifty Negroes came to give me Thanks, under God, for what has been done to their Souls.... Some of them have been effectually wrought upon, and in an uncommon Manner." *A Continuation of the Reverend Mr. Whitefield's Journal*, 65, 66. "Visited a Negroe and prayed with her, and found her Heart touched by Divine Grace. Praised be the Lord,

methinks one Negroe brought to Jesus Christ is peculiarly sweet to my Soul." W. Seward, *Journal of a Voyage from Savannah to Philadelphia*, etc., Apr. 18, 1740.

- [141] "This afternoon a Negro man from Cecil County maryland preached in orchard opposite to ours. there was Sundry people, they said he spoke well for near an hour." MS. Ch. Marshall's Remembrancer, E, July 13, 1779.
- [142] "Then (the pror and Gov.) proposed to them the necessitie of a law ... about the marriages of negroes." *Col. Rec.*, I, 598, 606, 610; *Votes and Proceedings*, I, 120, 121; Bettle, "Notices of Negro Slavery as connected with Pennsylvania," in *Mem. Hist. Soc. Pa.*, VI, 368; Clarkson, *Life of Penn*, II, 80-82. Clarkson attributes the defeat to the lessening of Quaker influence, the lower tone of the later immigrants, and temporary hostility to the executive. More probably the bill failed because stable marriage relations have always been found incompatible with the ready movement and transfer of slave property; and because at this early period the slaveholders recognized this fact, and were not yet disposed to allow their slaves to marry.
- [143] *Stat. at L.*, II, 22. *Cf.* *Commonwealth v. Clements* (1814), 6 Binney 210.
- [144] St. John Crèvecoeur, *Letters*, 221; Kalm, *Travels*, I, 391. Kalm adds that it was considered an advantage to have negro women, since otherwise the offspring belonged to another master.
- [145] MS. Rec. Christ Church, 4239, 4317, 4361, 4370, 4371, 4373, 4376, 4379, 4381, 4404, 4405; MS. Rec. First Reformed Church, 4158, 4315; MS. Rec. St. Michael's and Zion, 109. Among the Friends there are very few records of such marriages. *Cf.* however, MS. Journal of Joshua Brown, 5 2d mo., 1774: ... "I rode to Philadelphia ... and Lodged that Night at William Browns and 5th day of the moth I Spent in town and Was at a Negro Wedding in the Eving Where Several pe^t Mett and had a Setting with them and they took Each other and the Love of God Seemd to be Extended to them".... A negro marriage according to Friends' ceremony is recorded in MS. Deed Book O, 234, West Chester. *Cf.* Mittelberger, *Journey*, 106, "The blacks are likewise married in the English fashion." There must have been much laxity, however, for only a part of which the negroes were to blame. "They are suffered, with impunity, to cohabit together, without being married, and to part, when solemnly engaged to one another as man and wife".... Benezet, *Some Historical Account of Guinea*, 134.
- [146] St. John Crèvecoeur, *Letters*, 222.
- [147] "Acco^t of Negroes Dr. ... for my Negroe Cuffee and his Wife Rose and their Daughter Jenny bo^t of W^m Banloft ... 76/3/10." MS. James Logan's Account Book, 90 (1714). "Wanted, Four or Five Negro Men ... if they have families, wives, or children, all will be purchased together." *Pa. Packet*, Aug. 22, 1778. *Cf.* also *Mercury*, June 4, 1724; June 21, 1739; *Independent Gazeteer*, July 14, 1792. *Cf.* however, Benezet, *Some Historical Account of Guinea*, 136; Crawford, *Observations upon Negro Slavery* (1784), 23, 24; *Pa. Packet*, Jan. 1, 1780.
- [148] This was not always the case. The MS. Rec. of Sandy Bank Cemetery, Delaware Co., contains the names of two negroes.
- [149] MS. Minutes Middletown Monthly Meeting, 2d Book A, 171, 558, 559; *Pa. Mag.*, VIII, 419; Isaac Comly, "Sketches of the History of Byberry," in *Mem. Hist. Soc. Pa.*, II, 194. There were exceptions, however. *Cf.* MS. Bk. of Rec. Merion Meeting Grave Yard.
- [150] Bean, *Hist. Montgomery Co.*, 302; Martin, *Hist. of Chester*, 80; Kalm, *Travels*, I, 44; *Pa. Gazette*, Nov. 15, 1775.
- [151] *Stat. at L.*, IV, 59; *Col. Rec.*, II, 18; 1 *Pa. Arch.* XI, 667; *Mercury*, Apr. 12, 1739; *Phila. Staatsbote*, Jan. 16, 1764, *Pa. Gazette*, Nov. 12, 1761. For an instance of a slave killing his master, *cf.* MS. Supreme Court Papers, XXI, 3546. This was very rare. *Pa. Mag.*, XIII, 449. According to Judge Bradford's statement arson was "the crime of slaves and children." *Journal of Senate of Pa.*, 1792-1793, p. 52; *Col. Rec.*, IV, 243, 244, 259; XII, 377; MS. Miscellaneous Papers, Feb. 25, 1780. *Cf.* especially MS. Records of Special Courts for the Trial of Negroes; *Col. Rec.*, IX, 648; MS. Streper Papers, 55.
- [152] In 1737 the Council spoke of the "insolent Behaviour of the Negroes in and about the city, which has of late been so much taken notice of".... *Col. Rec.*, IV, 244; *Votes and Proceedings*, IV, 171. As to pilfering Franklin remarked that almost every slave was by nature a thief. *Works* (ed. Sparks), II, 315.
- [153] The following has not lost all significance. "I was much Disturbed after I came our girl Poll driving her same stroke of Impudence as when she was in Philad^a and her mistress so hood-winked by her as not to see it which gave me much uneasiness and which I am determined not to put up with".... Ch. Marshall, Remembrancer, D, Aug. 4, 1777. *Cf.* also *Remarks on the Quaker Unmasked* (1764).
- [154] As shown by the very careless enforcement of the special regulations.
- [155] Except immediately following the negro "insurrection" in New York in 1712. *Cf.* *Stat. at L.*, II, 433; 1 *Pa. Arch.*, IV, 792; 2 *Pa. Arch.*, XV, 368.
- [156] "A negro man and a White Woman servant being taken up ... and brought before John Simcocke Justice in Commission for runaways Who upon examination finding they had noe lawful Passe Comitted them to Prison" ... MS. Court Rec. Penna. and Chester Co., 1681-88, p. 75; MS. New Castle Ct. Rec., Liber A, 158 (1677); MS. Minutes Ct. Quarter Sess. Bucks Co., 1684-1730, p. 138 (1690); MS. Minutes Chester Co. Courts, 1681-1697, p. 222 (1694-1695). For the continual going away of Christopher Marshall's "Girl Poll," see his Remembrancer, vol. D.
- [157] The following is not only typical, but is very interesting on its own account, since Abraham Lincoln was a descendent of the family mentioned. "RUN away on the 13th of September last from Abraham Lincoln of Springfield in the County of Chester, a Negro

Man named Jack, about 30 Years of Age, low Stature, speaks little or no *English*, has a Scar by the Corner of one Eye, in the Form of a V, his Teeth notched, and the Top of one on his Fore Teeth broke; He had on when he went away an old Hat, a grey Jacket partly like a Sailor's Jacket. Whoever secures the said Negro, and brings him to his Master, or to *Mordecai* Lincoln ... shall have *Twenty Shillings* Reward and reasonable Charges." *Pa. Gazette*, Oct. 15, 1730.

- [158] *Mercury*, Apr. 18, 1723; July 11, 1723; *Gazette*, May 3, 1744; Feb. 22, 1775; July 28, 1779; Jan. 17, 1782; *Packet*, Oct. 13, 1778; Aug. 3, 1779. One negro indentured himself to a currier. *Gazette*, Aug. 30, 1775. Such negroes the community was warned not to employ. *Packet*, Feb. 27, 1779.
- [159] The penalty was thirty shillings for every day. *Stat. at L.*, IV, 64 (1725-1726). There was need for regulation from the first. *Cf. Col. Rec.*, I, 117. An advertisement from Reading in *Gazette*, July 31, 1776, explains the procedure when suspects were held in jail. Such advertisements recur frequently. *Cf. Mercury*, Aug. 13, 1730 (third notice); *Gazette*, Dec. 27, 1774; *Packet*, Mar. 23, 1779.
- [160] For negroes carried off or who ran away at this time *cf. MS. Miscellaneous Papers*, Sept. 1, 1778; Nov. 19, 1778; Aug. 20, 1779; and others. Numbers of strange negroes were reported to be wandering around in Northumberland County. *Ibid.*, Aug. 29, 1780. In 1732 the Six Nations had been asked not to harbor runaway negroes, since they were "the Support and Livelihood of their Masters, and gett them their Bread." 4 *Pa. Arch.*, II, 657, 658.
- [161] So I judge from statistics which I have compiled from the advertisements in the newspapers.
- [162] *Mercury*, Apr. 18, 1723; *Packet*, July 16, 1778; *Gazette*, June 12, 1740; Feb. 4, 1775; Jan. 3, 1776; July 2, 1781; *Gazette*, Nov. 17, 1748; Feb. 21, 1775. "'Old Dabbo' an African Negro ... call'd here for some victuals.... He had three gashes on each cheek made by his mother when he was a child.... His conversation is scarcely intelligible"; MS. Diary of Joel Swayne, 1823-1833, Mar. 27, 1828. *Mercury*, Aug. 6, 1730; *Packet*, Aug. 26, 1779; *Gazette*, July 31, 1739-1740; *Mercury*, June 24, 1725; *Packet*, June 22, 1789; *Packet*, Dec. 31, 1778; *Gazette*, Sept. 10, 1741; July 21, 1779; Sept. 11, 1746; Oct. 16, 1776; July 30, 1747; May 14, 1747; Oct. 22, 1747; Aug. 30, 1775; Mar. 22, 1747-1748; July 24, 1776; Apr. 23, 1761; July 5, 1775; *Packet*, Jan. 26, 1779.
- [163] "My Dear Companion ... has really her hands full, Cow to milk, breakfast to get, her Negro woman to bath, give medicine, Cap up with flannels, as She is allways Sure to be poorly when the weather is cold, Snowy and Slabby. its then She gives her Mistriss a deal of fatigue trouble in attending on her." Ch. Marshall, Remembrancer, E, Mar. 25, 1779. "To Israel Taylor p order of the Com^s for Cureing negro Jack legg ... 4/10 To Roger Parke for Cureing negro sam ... /9/9." MS. William Penn's Account Book, 1690-1693, p. 8. A bill for £10 10 sh. 4d. was rendered to Thomas Penn for nursing and burying his negro Sam. Some of the items are very humorous. MS. Penn Papers, Accounts (unbound), Feb. 19, 1741. The bill for Thomas Penn's negroes, Hagar, Diana, and Susy, for the years 1773 and 1774, amounted to £5 5 sh. Penn-Physick MSS., IV, 253. An item in a bill rendered to Mrs. Margaretta Frame is: "To bleeding her Negro man Sussex ... /2/6." MS. Penn Papers, Accounts (unbound), June 5, 1742. St. John Crèvecoeur, *Letters*, 221. Masters were compelled by law to support their old slaves who would otherwise have become charges on the community. *Cf. Stat. at L.*, X, 70; *Laws of Pa.*, 1803, p. 103; 1835-1836, pp. 546, 547. In very many cases, however, old negroes were maintained comfortably until death in the families where they had served. *Cf. MS. Phila. Wills*, X, 94 (1794). There are numerous instances of negroes receiving property by their master's wills. *Cf. West Chester Will Files*, no. 3759 (1785). For the darker side *cf. Lay, All Slave-Keepers Apostates*, 93.
- [164] "Many of those whom the good Quakers have emancipated have received the great benefit with tears in their eyes, and have never quitted, though free, their former masters and benefactors." St. John Crèvecoeur, *Letters*, 222; *Pa. Mag.*, XVIII, 372, 373; Buck, MS. *History of Bucks Co.*, marginal note of author in his scrapbook. For the superiority of slavery *cf. J. Harriot, Struggles through Life*, etc., II, 409. Also Watson, *Annals*, II, 265.
- [165] It has been suggested that it was milder than the system under which redemptioners were held, and that hence "Quaker scruples against slavery were either misplaced or insincere." C. A. Herrick, "Indentured Labor in Pennsylvania," (MS. thesis, University of Pa.), 89. An examination of the Quaker records would have shown that the last part of this statement is not true. See below, chaps. IV, V.
- [166] It is of course possible that some of these negroes had been servants, and that their period of service was over.
- [167] "Where As William Clark did buy ... An negor man Called and knowen by the name of black Will for and during his natrill Life; never the Less the said William Clark doe for the Incourigment of the sd neagor servant hereby promise Covenant and Agree; that if the said Black Will doe well and Truely sarve the said William Clark ... five years ... then the said Black Will shall be Clear and free of and from Any further or Longer Sarvicetime or Slavery ... as wittnes my hand this Thurteenth day of ... June Anno; Din; 1682." MS. Ancient Rec. of Sussex Co., 1681-1709, p. 116.
- [168] "My will is that my negroes John and Jane his wife shall be set free one month after my decease." Ashmead, *History of Delaware County*, 203.
- [169] "I give to ... my blacks their freedom as is under my hand already" ... MS. Will of William Penn, Newcastle on Delaware, 30th 8br, 1701. This will, which was left with James Logan, was not carried out. Penn's last will contains no mention of his negroes. He frequently mentions them elsewhere. *Cf. MS. Letters and Papers of William Penn* (Dreer), 29 (1689), 35 (1690); *Pa. Mag.*, XXXIII, 316 (1690); MS. Logan Papers. II, 98

- (1703). *Cf.* also Penn. MSS., Official Correspondence, 97.
- [170] *Col. Rec.*, II, 120.
- [171] Jane "a free negro woman" ... MS. Rec. Christ Church, 46.
- [172] "Whereas 'tis found by experience that free negroes are an idle, slothful people and often prove burdensome to the neighborhood and afford ill examples to other negroes" ... "An Act for the better regulating of Negroes in this Province." *Stat. at L.*, IV, 61.
- [173] "Our Ancestors ... for a long time deemed it policy to obstruct the emancipation of Slaves and affected to consider a free Negro as a useless if not a dangerous being" ... Letter of W. Rawle (1787), in MS. Rec. Pa. Soc. Abol. Slavery.
- [174] *Votes and Proceedings*, II, 336, 337.
- [175] "An Act for the better regulating of Negroes in this Province." *Stat. at L.*, IV, 61 (1725-1726).
- [176] "This is however very expensive for they are obliged to make a provision for the Negro thus set at liberty, to afford him subsistence when he is grown old, that he may not be driven by necessity to wicked actions, or that he may be at anybody's charge, for these free Negroes become very lazy and indolent afterwards." Kalm, *Travels*, I, 394 (1748).
- [177] *Cf. Votes and Proceedings, 1767-1776*, p. 30. The author of *Brief Considerations on Slavery, and the Expediency of Its Abolition* (1773) argued that the public derived benefit from the labor of adult free negroes, and that the public should pay the surety required. By an elaborate calculation he endeavored to prove that a sum of about five shillings deposited at interest by the community each year of the negro's life after he was twenty-one, would amply suffice for all requirements. Pp. 8-14 of the second part, entitled "An Account Stated on the Manumission of Slaves." He says "As the laws stand at present in several of our northern governments, the act of manumission is clogged with difficulties that almost amount to a prohibition." *Ibid.*, 11.
- [178] *Votes and Proceedings, 1767-1776*, p. 696.
- [179] *Stat. at L.*, X, 72.
- [180] Martin, *History of Chester*, 480; Watson, *Annals*, II, 265; *Pa. Mag.*, VII, 82; Davis, *History of Bucks County*, 798; MS. in Miscellaneous Collection, Box 10, Negroes; Morgan, *Annals of Harrisburg*, 11; Smedley, *History of the Underground Railroad in Chester*, etc., 27; *Pa. Mag.*, XII, 188; XXIX, 363, 365; MS. Rec. Christ Church, 46, 352, 356, 379, 400, 403, 404, 440, 441, 455, 475, 4126, 4330, 4356; MS. Rec. First Reformed Church, 4126, 4248; MS. Rec. St. Michael's and Zion, 97.
- [181] *Cf.* Conyngham's "Historical Notes," in *Mem. Hist. Soc. Pa.*, I, 338.
- [182] See below, p. 74.
- [183] MS. Miscellaneous Papers, 1684-1847, Chester Co., 101 (1764).
- [184] They were generally held longer than apprentices or white servants—until twenty-eight or thirty years of age, but many of the Friends protested against this. MS. Diary of Richard Barnard, 24 5 mo., 1782; M.S. Minutes Exeter Monthly Meeting, Book B, 354 (1779).
- [185] "I do hereby Certify that Benjamin Mifflin hath given me Directions to sell his Negro man Cuff to himself for the Sum of Sixty Pounds if he can raise the Money having Repeatedly refused from Others seventy Five Pounds and upwards for him." MS. (1769) in Misc. Coll., Box 10, Negroes.
- [186] *Pa. Gazette*, Mar. 5, 1751.
- [187] *Cf.* Benezet, *Some Historical Account of Guinea*, 134, 135, where he laments the difficulties under which free negroes labor. Also same author, *A Mite Cast into the Treasury*, 13-17, where he argues that negro servants should not be held longer than white apprentices.
- [188] "Die mährischen Brüder folgten diesem rühmlichen Beispiel; so auch Christen von den übrigen Bekenntnissen." Ebeling, in *Erdbeschreibung*, etc., IV, 220.
- [189] *Cf.* preamble to the act of 1780. *Stat. at L.*, X, 67, 68. A negro twenty-one years old was manumitted because "all mankind have an Equal Natural and Just right to Liberty." MS. Extracts Rec. Goshen Monthly Meeting, 415 (G. Cope).
- [190] MS. General Quarter Sessions of the Peace, Phila. Co., 1773-1780. Franklin, Letter to Dean Woodward, Apr. 10, 1773, in *Works* (ed. Sparks), VIII, 42.
- [191] In 1751 the number of negroes in Pennsylvania, including Delaware, was thought to be 11,000. *Cf.* above, p. 12. The negroes in Pennsylvania alone by 1780 probably did not exceed the same number. Of these 6,000 were said to be slaves. *Cf.* above, *ibid.* In some places by this time manumission was nearly complete. *Cf.* W. J. Buck, in *Coll. Hist. Soc. Pa.*, I, 201.
- [192] MSS. Misc. Coll., Box 10, Negroes.
- [193] MS. Rec. Pa. Soc. Abol. Sl., I, 19, 27, 29, 43, 67, and *passim*.
- [194] A MS. dated Phila., 1769, contains a list of persons who had promised to contribute towards purchasing a negro's freedom. Among the memoranda are: "John Head agrees to give him Twenty Shillings and not to be Repaid ... John Benezet twenty Shillings ... Christopher Marshall /7/6.... If he can raise with my Donation enough to free him I agree to give him three pounds and not otherwise I promise Saml Emlen jur ... Joseph Pemberton by his Desire [Five *erased*] pounds £3." MS. Misc. Coll., Box 10, Negroes.
- [195] Misc. MSS. 1744-1859. Northern, Interior and Western Counties, 191 (1782).
- [196] In 1779 a negro of Bucks County to secure the freedom of his wife gave his note to be paid by 1783. In 1782, having paid part, he was allowed to take his wife until the next

payment. In 1785 she was free. MS. Rec. Pa. Soc. Abol. Sl., I, 27-43. In 1787 negro Samson had purchased his wife and children for ninety-nine pounds. *Ibid.*, I, 67. James Oronogue, who had been hired by his master to the keeper of a tavern, gained by his obliging behavior sixty pounds from the customers within four years' time, and at his master's death was allowed to purchase his freedom for one hundred pounds. He paid besides fifty pounds for his wife. *Ibid.*, I, 69. When Cuff Douglas had been a slave for thirty-seven years his master promised him freedom after four years more. On the master agreeing to take thirty pounds in lieu of this service, Douglas hired himself out, and was free at the end of sixteen months. He then began business as a tailor, and presently was able to buy his wife and children for ninety pounds, besides one son for whom he paid forty-five pounds. *Ibid.*, I, 72. Also *ibid.*, I, 79, 91.

- [197] "Wanted to purchase, a good Negro Wench.... If to be sold on terms of freedom by far the most agreeable." *Pa. Packet*, Aug. 22, 1778. In 1791 Caspar Wistar bought a slave for sixty pounds "to extricate him from that degraded Situation" ..., his purpose being to keep the negro for a term of years only. MS, Misc. Coll., Box 10, Negroes. Numerous other examples among the same MSS.
- [198] "I, John Lettour from motives of benevolence and humanity ... do ... set free ... my Negro Girl Agathe Aged about Seventeen Years. On condition ... that she ... bind herself by Indenture to serve me ... Six years".... MS. *ibid.* Cf. MS. Abstract Rec. Abington Monthly Meeting, 372 (1765).
- [199] "I Manumit ... my Negro Girl Abb when she shall Arrive to the Age of Eighteen Years ... (on Condition that the Committee for the Abolition of slavery shall make entry according to Law ... so as to secure me from any Costs or Trouble on me or my Estate on said Negro after the age of Eighteen Years) ... Hannah Evans." MS. Misc. Coll., Box 10, Negroes. Cf. *Stat. at L.*, X, 70. At times this might become an unpleasant reality. Cf. MS. State of a Case respecting a Negro (Ridgway Branch).
- [200] Edmundson's *Journal*, 61. Janney, *History of the Friends*, III, 178.
- [201] Pennypacker, "The Settlement of Germantown," in *Pa. Mag.*, IV, 28; McMaster, "The Abolition of Slavery in the United States," in *Chatauquan*, XV, 24, 25 (Apr., 1892). For the protest against slavery and the slave-trade (*De instauranda Æthiopum Salute*, Madrid, 1647) of the Jesuit, Alfonso Sandoval, cf. Saco, *Historia de la Esclavitud de la Raza Africana en el Nuevo Mundo*, 253-256.
- [202] Pennypacker, *place cited*; Learned, *Life of Francis Daniel Pastorius*, 261, 262. Facsimile of protest in Ridgway Branch of the Library Company of Philadelphia.
- [203] The Monthly Meeting declared "we think it not expedient for us to meddle with it here." Pennypacker, *place cited*, 30, 31.
- [204] Watson, *Annals*, II, 262. "An Exhortation and Caution To Friends Concerning buying or keeping of Negroes," in *Pa. Mag.*, XIII, 265-270. This is said to have been the first printed protest against slavery in America. Cf. Hildeburn, *A Century of Printing*, etc., I, 28, 29; Gabriel Thomas, *Account*, 53; Bettle, *Notes*, 367.
- [205] Clarkson, *Life of Penn*, II, 78, 79.
- [206] Cf. Bettle, 372.
- [207] *Ibid.*, 373.
- [208] *Ibid.*, 377.
- [209] "Whereas several Papers have been read relating to the keeping and bringing in of Negroes ... it is the advice of this Meeting, that Friends be careful not to encourage the bringing in of any more Negroes" ... MS. "Negroes or Slaves," Yearly Meeting Advices, 1682-1777 (1696). "This meeting is also dissatisfied with Friends buying and incouraging the bringing in of Negroes" ... MS. Chester Quarterly Meeting Minutes, 6 6th mo., 1711. "There having a conscern Come upon severall friends belonging to this meeting Concerning the Importation of Negros ... after some time spent in the Consideration thereof it is the Unanimous sence of this meeting that friends should not be concerned hereafter in the Importation thereof nor buy any" ... MS. Chester Monthly Meeting Minutes, 27 4th mo., 1715. MS. Chester Quarterly Meeting Minutes, 1 6th mo., 1715. "This meeting have been for some time under a Concern by reason of the great Quantity of Negros fetched and imported into this Country." *Ibid.*, 11 6th mo., 1729. MS. Yearly Meeting Minutes, 19-23 7th mo., 1730. As soon as Friends had been brought to cease the importation of negroes, attack was made upon the practice of Friends buying negroes imported by others. Cf. MS. Chester Q. M. M., 11 6th mo., 1729; 9 9th mo., 1730. The MS. Chester M. M. M. mention 100 books on the slave-trade for circulation.
- [210] "We also kindly received your advice about negro slaves, and we are one with you, that the multiplying of them, may be of a dangerous consequence, and therefore a Law was made in Pennsylvania laying Twenty pounds Duty upon every one imported there, which Law the Queen was pleas'd to disanull, we would heartily wish that a way might be found to stop the bringing in more here, or at least that Friends may be less concerned in buying or selling, of any that may be brought in, and hope for your assistance with the Government if any farther Law should be made discouraging the importation. We know not of any Friend amongst us that has any hand or concern in bringing any out of their own Country." MS. Yearly M. M., 22 7th mo., 1714. This was written in reply to the London Yearly Meeting, and alludes to the act passed in 1712. See above, p. 3.
- [211] See above, p. 65. Cf. also P. C. Plockhoy's principle laid down in his *Kort en Klaer Ontwerp* (Amsterdam, 1662): "No lordship or servile slavery shall burden our Company." Quoted in Pennypacker, *Settlement of Germantown*, 204, 292.
- [212] "The Germans seldom hire men to work upon their farms." Rush, *An Account of the Manners of the German Inhabitants of Pennsylvania* (1789), 24. "They never, as a general thing, had colored servants or slaves." *Ibid.*, 24 (note by Rupp). "Slaves in

Pennsylvania never were as numerous in proportion to the white population as in New York and New Jersey. To our German population this is certainly attributable—Wherever they or their numerous descendants located they preferred *their own* labor to that of negro slaves.” Buck, MS. *History of Bucks County*, 69. “Of all the nations who have settled in America, the Germans have availed themselves the least of the unjust and demoralizing aid of slavery.” W. Grimshaw, *History of the United States*, 79. The truth of these statements is revealed in the tax-lists of the different counties. Thus, in Berks County there were 2692 German tax-payers (61%) and 1724 (39%) not Germans. Of these 44 Germans held 62 slaves, and 57 of other nationalities held 92 slaves. 3 *Pa. Arch.*, XVIII, 303–430. In York County, where there were 2051 German property-holders (34%) and 3993 who were not Germans (66%), 27 Germans held 44 slaves as against 178 others who held 319 slaves. 3 *Pa. Arch.*, XXI, 165–324. (Both these estimates are for 1780.) In Lancaster County the property-holders included approximately 3475 Germans (48%) and 3706 not Germans (52%). Here 31 Germans held 46 slaves, while 200 not Germans held 402 slaves. 3 *Pa. Arch.*, XVII, 489–685 (1779). The records of the German churches rarely mention slaves.

- [213] The small number of negroes in Pennsylvania was often noticed. Burnaby, *Travels through the Middle Settlements*, 63, said “there are few negroes or slaves” ... (1759), Anburey, *Travels through the Interior Parts of America*, II, 280–281, said, “The Pennsylvanians ... are more industrious of themselves, having but few blacks among them.” (1778). Cf. Proud, *History*, II, 274. Estimates as to the number of Germans in Pennsylvania vary from 3/5 (1747, cf. Rupp’s note in Rush, *Account*, 1) to 1/3 (1789, *ibid.*, 54). For many estimates cf. Diffenderffer, *German Immigration into Pennsylvania*, pt. II, *The Redemptioners*, 99–108. Some few Germans had intended to hold slaves from the first. Cf. the articles of agreement between the members of the Frankfort Company (1686): ... “alle ... leibeigenen Menschen ... sollen unter Allen Interessenten pro rato der Ackerzahl gemein seyn.” MS. in possession of S. W. Pennypacker, Philadelphia.
- [214] Watson, (MS.) *Annals*, 530. The same spirit is apparent much later. “There generally appeared an uneasiness in their minds respecting them, tho all are not so fully convinced of the Iniquity of the practice as to get over the difficulty which they apprehend would attend their giving them their liberty” ... MS. Abstract Rec. Gwynedd Monthly Meeting, 278 (1770). “Perhaps thou wilt say, ‘I do not buy any negroes: I only use those left me by my father.’ But is it enough to satisfy your own conscience?” Benezet, *Notes on the Slave Trade*, 8.
- [215] *Votes and Proceedings*, II, 110; *The Friend*, XXVIII, 293, and following; A. C. Thomas, “The Attitude of the Society of Friends toward Slavery in the Seventeenth and Eighteenth Centuries, Particularly in Relation to Its Own Members,” in *Amer. Soc. Church History*, VIII, 273, 274.
- [216] “Ralph Sandiford C^r for Cash receiv’d of Benj^a Lay for 50 of his Books which he intends to give away ... 10” (sh.) MS. Benjamin Franklin’s Account Book, Feb. 28, 1732–1733.
- [217] Sandiford, *Mystery of Iniquity*, 43; Vaux, *Memoirs of the Lives of Benjamin Lay and Ralph Sandiford*; *The Friend*, L, 170; Thomas, *Attitude*, 274; Franklin, *Works* (ed. Sparks), X, 403.
- [218] Cf. *American Weekly Mercury*, Nov. 2, 1738, for notice in which the Friends’ Meeting denounces his *All Slave-Keepers ... Apostates* (1737). Cf. anecdotes related by Vaux; Bettle, *Notices*, 375, 376; *The Friend*, L, 170; Thomas, *Attitude*, 274.
- [219] Bettle, *Notices*, 378–382; Thomas, *Attitude*, 245, 275–279; Tyler, *Literary History of the American Revolution*, II, 339–347; *The Friend*, LIII, 190; Woolman, *Journal*.
- [220] Vaux, *Memoirs of Benezet*; *The Friend*, LXXI, 369; Thomas, 274, 275; Bettle, 382–387; Benezet’s own writings.
- [221] Thomas, 273. There must have been a great many other reformers of considerable influence, but of less fame, about whose work little has come down. Cf. “Thos. Nicholson on Keeping Negroes” (1767). MS. in Misc. Coll., Box 10, Negroes.
- [222] Cf. MS. Chester Q. M. M., 14 6th mo., 1738; 8 6th mo., 1743.
- [223] Needles, *Memoir*, 13.
- [224] Bettle, 377.
- [225] The MS. Chester Q. M. M., 8 8th mo., 1763, say ... “we are not quite clear of dealing in Negro’s, but care is taken mostly to discourage it” Three years later they add ... “clear of importing or purchasing Negro’s.” *Ibid.*, 11 8th mo., 1766. Cf. also *ibid.*, 10 8th mo., 1767; MS. Chester M. M. Miscellaneous Papers, 28 1st mo., 1765; MS. Darby M. M. M., II, 11, 12, 16, 19, (1764), 24, 27, 31, 33, 35, 38, 40, 42, 45, 46, (1764–1765). These references concern the case of Enoch Eliot, who, having purchased two negroes, was repeatedly urged to set them free, and finally did so. MS. Abstract Rec. Abington M. M., 28 7th mo., 1760; 25 8th mo., 1760. “One of the fr^{ds} app^d to visit Jonathan Jones reports they all had an oppertunity With him s^d Jonathan, and that he gave them exspectation of not making any more purchases of that kind, as also he is sorry for the purchace he did make” ... *Ibid.*, 24 11th mo., 1760; also *ibid.*, 24 11th mo., 1760; 20 9th mo., 1762; 29 10th mo., 1764.
- [226] MS. Yearly M. M., 23–29 9th mo., 1758, where Friends are earnestly entreated to “sett them at Liberty, making a Christian Provision for them according to their Ages etc”.... Cf. report about George Ragan: ... “as to his Buying and selling a Negro, he saith he Cannot see the Evil thereof, and therefore cannot make any satisfaction, and as he has been much Laboured with by this m^g to bring him to a sight of his Error, This m^g therefore agreeable to a minute of our Yearly M^g can do no Less than so far Testify agst him ... as not to Receive his Collections, neither is he to sit in our m^{gs} for Discipline until he can see his Error” ... MS. Abst. Abington M. M., 288 (1761). Cf. Michener, *Retrospect of Early Quakerism*, 346, 347; *A Brief Statement of the rise and Progress of the*

Testimony of the Religious Society of Friends, against Slavery and the Slave Trade, 21-24; Sharpless, *A History of Quaker Government in Pennsylvania*, II, 229; Needles, 13. For the fervid feeling at this time cf. *Journal of John Churchman* (1756), in *Friends' Library*, VI, 236.

- [227] Bettle, 378; Sharpless, II, 229. Cf. also *Journal of Daniel Stanton*, in *Friends' Library*, XII, 167.
- [228] MS. Abst. Abington M. M., 328, 336, 347, 351, 358, 368, 372, 398; MS. Min. Sadsbury M. M., 1737-8—1783, pp. 270, 290; MS. Min. Radnor M. M., 1772-1782, pp. 63, 66, 71, 102, 103, 107, etc.; MS. Min. Women's Q. M., Bucks Co., 26 8th mo., 1779; 30 8th mo., 1781; MS. Darby M. M. M., II, 87, 91, 93, (1769), 178 (1774), 180, 181, 184, 186, 190 (1775), 309, 312 (1780); MS. Women's Min. Darby M. M., 2 2d mo., 1775; 30 3rd mo., 1775; 3 8th mo., 1780; 31 8th mo., 1780; MS. Extracts Buckingham M. M., 128, 130, 136 (1767-1768); MS. Diary of Richard Barnard, 24 9th mo., 1774; 7 6th mo., 1780; MS. Journal of Joshua Brown, 11th mo., 1775; above all the MS. Diary of James Moon, *passim*. Cf. Sharpless, *Quakerism and Politics*, 159-178; Whittier's introduction to John Woolman's *Journal*.
- [229] Futhey and Cope, *History of Chester Co.*, 423.
- [230] Cf. Abst. Rec. Gwynedd M. M., 201, 204, 213, 218, 240, 270, 271, 273, 278, 280, 307, 311, 312, 316, 321, 322, 323, 336, 348, 374, 471; MS. Papers Middletown M. M., 1759-1786, pp. 386, 388, 389, 390; Franklin, *Works*, (ed. Sparks). VIII, 42.
- [231] *Brief Statement*, 49.
- [232] MS. Yearly M. M., 27 9th mo., 1776; *Brief Statement*, 24-27; Needles, 13; Thomas, 245; Sharpless, *History of Quaker Government in Pennsylvania*, II, 138, 139.
- [233] *Brief Statement*, 31-35; Needles, 13; Sharpless, II, 226. For some years the Meetings continued to make regular reports on this subject. "7th No Slaves among us and such of their Offspring as are under our Care are generally pretty well provided for." MS. Rec. Warrington Q. M., 25 8th mo., 1788.
- [234] In the absence of a plantation system slavery in Pennsylvania never was profitable in the same sense as in Virginia or South Carolina, and where white labor could be obtained slavery could not compete. Cf. Franklin, *Works*, II, 314, 315 (1751). But as it was almost impossible to obtain sufficient white labor, or at least to retain it, slavery as it existed in Pennsylvania was profitable throughout the colonial period. For the strong desire to import, see above, chap. I. For the high prices paid in the first quarter of the nineteenth century for the right to hold negroes to the age of 28, see below, p. 94.
- [235] This is my judgment after a careful investigation of the Friends' records. Adam Smith, who had not seen these records, but who wrote just when the work was being completed, thought differently. *Wealth of Nations* (ed. Rogers), I, 391.
- [236] Other sects followed the example of the Friends, cf. Ebeling, IV, 220, but their work was mostly significant in connection with the legislative work of the Assembly. For the effects of the work of the Friends cf. Bowden, *History of the Friends*, II, 221.
- [237] *Votes and Proceedings*, 1767-1776, p. 696.
- [238] 1 *Pa. Arch.*, VII, 79; *Journal of House of Rep.*, 1776-1781, p. 311.
- [239] *Col. Rec.*, XII, 99; *Pa. Packet*, Sept. 16, 1779; *Journals of House, 1776-1781*, pp. 392, 394, 399, 412, 424, 435; *Packet*, Mar. 13, 1779; Dec. 25, 1779; Jan. 1, 1780; *Gazette*, Dec. 29, 1779; Vaux, *Memoirs of Benezet*, 92. The distribution of the vote seems to have had no political, no religious, and probably no economic significance. The measure was popular in and out of the Assembly. *Packet*, Dec. 25, 1779; *Jour. of House, 1776-1781*, p. 435. An earlier bill had been published in the *Packet*, Mar. 4, 1779. It is very interesting. The bill as finally drafted became the first act for the abolition of slavery in the United States. Accordingly its authors had to do much original and constructive work. In the course of the work their ideas underwent some change, and the transition is easily seen in comparing the first bill of 1779 with the act as passed in 1780. In some respects the first is more liberal than the second; in other respects less so. Thus at first it was intended to make the children of slaves servants until twenty-one only. (*Packet*, Mar. 4, 1779). "A Citizen" discussing this objected that the master would receive inadequate compensation for rearing negro children, and urged that the age limit be made twenty-eight or even thirty. (*Packet*, Mar. 13, 1779), and so pay for the unproductive years, which was but just. The law made the age twenty-eight. On the other hand it was at first proposed to continue the prohibition of intermarriage and the permission to bind out idle free negroes. (*Packet*, Mar. 4, 1779). Both these provisions were omitted from the law.
- [240] *Stat. at L.*, X, 67-73; 2 Sergeant and Rawle, 305-309. Many of the Friends thought that negroes ought not to be held after they were twenty-one. Cf. MS. Rec. Pa. Soc. Abol. Sl., I, 23. Very many masters lost their negroes through failing to register them, through ignorance of the provision requiring registry, or through carelessness in complying with it. Cf. Rush, *Considerations upon the Present Test-Law*, (2nd ed.), 7 (note); *Journals of House, 1776-1781*, p. 537, and following; 4 *Pa. Arch.*, III, 822. Cf. Christopher Marshall's Remembrancer, F, Oct. 10, 1780: ... "gott our Negro Recorded." Cf. *York Herald*, Apr. 26, 1797. The limit was extended to Jan. 1, 1783, in favor of the citizens of Washington and Westmoreland counties, previously under the jurisdiction of Virginia. *Stat. at L.*, X, 463. Runaways from other states were of course not made free by this provision. Cf. sect. VIII of act.
- [241] The repeal of this section was proposed the next year, but failed by three votes. Cf. *Journals of House, 1776-1781*, p. 605. It was finally repealed in 1847.
- [242] Sect. X of act.
- [243] For the view that it was drafted by William Lewis, cf. *Pa. Mag.*, XIV, 14; Robert E. Randall, *Speech on the Laws of the State relative to Fugitive Slaves*, 6; Horace Binney,

Leaders of the Old Bar of Philadelphia, 25. There can be little doubt, however, that full credit should be given to Bryan. "He framed and executed the 'act'" ... Obituary notice in the *Gazette*, Feb. 2, 1791. Cf. inscription on his tomb-stone, copy in Inscriptions in the Burying Ground of the Second Presbyterian Church Phila. (MS. H. S. P.); *Mem. Hist. Soc. Pa.*, I, 408-410; Konkle, *Life and Times of Thomas Smith*, 105.

- [244] Vermont had forbidden slavery by her constitution of 1777. Poore, II, 1859.
- [245] Its significance in this respect is remarked by Bowden, *History of the Friends*, II, 220. Connecticut and Rhode Island provided for abolition in 1784, New York in 1799, New Jersey in 1804. The same was accomplished in Massachusetts in 1780, and in New Hampshire in 1792, by construction of the constitution. Among many instances where Pennsylvania pointed to her great act with pride, cf. *Acts of Assembly, 1819-20*, p. 199; 4 *Pa. Arch.*, VI, 242, 290. Albert Gallatin, writing to Charles Brown, Mar. 1, 1838, says: "It is indeed a great subject of pride ... that as one of the United States she was the first to abolish slavery" ... *Writings* (ed. Adams), II, 523, 524.
- [246] 1 Dallas 469; 14 Sergeant and Rawle 443-446; 1 *Pa. Arch.*, VIII, 720.
- [247] *Pa. Mag.*, XV, 372, 373. The selling-price elsewhere was greater since it included the price of the posterity.
- [248] Brissot de Warville, *Mémoire sur les Noirs de l'Amérique Septentrionale*, 19.
- [249] *Minutes of Assembly, 1787-1788*, pp. 104, 134, 135, 137, 159, 164, 177, 197; *Packet*, Mar. 13, 1788; *Diary of Jacob Hiltzheimer*, 144.
- [250] *Laws of Pennsylvania* (Carey and Bioren), III, 268-272. Despite this many negroes continued to be sold out of the state, and in 1795 the Pa. Soc. Abol. Sl. was asking for a more stringent law. Cf. MS. Rec. of Soc., IV, 191. Also MS. Supreme Court Papers, nos. 3, 4, (1795). As late as 1796 the author of the *Reise von Hamburg nach Philadelphia* says: "Häufig kommen, in Philadelphia vorzüglich ... grosze Transporte von Sclaven von Africa vorüber," p. 24.
- [251] 1 Dallas 491, 492; 2 Dallas 224-228; 3 Sergeant and Rawle 396-402; 2 Yeates 234, 449; 3 *id.* 259-261; 4 *id.* 115, 116; 6 Binney 206-211; MS. Sup. Ct. Papers, I, 1; MS. Rec. Pa. Soc. Abol. Sl., I, 197.
- [252] 2 Rawle, 204-206; 1 Penrose and Watts 93. Cf. *Min. of Assembly, 1785-1786*, pp. 168, 169.
- [253] 14 Sergeant and Rawle 442; Brissot, *Mémoire*, 20.
- [254] Brissot, *Mémoire*, 21. Cf. the severe censure in *Why Colored People in Philadelphia Are Excluded from the Street Cars* (1866), 23.
- [255] Art. IX, sect. 1.
- [256] *Journal of the House, 1792-1793*, pp. 39, 55.
- [257] MS. Docket Supreme Court of Pennsylvania, XXVII, 379. The suit was on a writ "de homine replegiando." Cf. Stroud, *Sketch of the Laws Relating to Slavery in the Several States of the United States of America* (2d ed.), 227 (note); MS. Docket of the High Court of Errors and Appeals, 1780-1808, p. 126; *Pa. Gazette*, Feb. 3, 1802; Report of Pa. Soc. Abol. Sl. in *Minutes Sixth Convention Abol. Soc., Phila., 1800*, p. 7. It was the different decision of an exactly similar question that abolished slavery in Massachusetts. Cf. *Littleton v. Tuttle*, 4 Massachusetts 128.
- [258] *Journal of Senate, 1792-1793*, pp. 150, 151; 1798-1799, p. 149; *J. of H., 1799-1800*, pp. 76, 123, 153, 160, 172, 190; *J. of S., 1799-1800*, p. 223; *J. of S., 1800-1801*, pp. 134, 135; *J. of H., 1802-1803*, p. 218; *J. of H., 1811-1812*, pp. 24, 216; 4 *Pa. Arch.*, IV, 757, for Governor Snyder's message.
- [259] *J. of H., 1796-1797*, pp. 283, 308, 354, 355; *J. of H., 1797-1798*, pp. 75, 269; *J. of H., 1798-1799*, pp. 20, 354; *J. of H., 1799-1800*, pp. 23, 76, 93, 123, 153, 160, 162, 172, 176, 190, 236, 303, 304, 306, 309, 310, 313, 314, 330, 358, 376; *J. of S., 1799-1800*, pp. 144, 223, 235. The bill passed the House 54 to 15. *J. of S., 1800-1801*, p. 175; *J. of S., 1801-1802*, p. 24.
- [260] *J. of H., 1802-1803*, pp. 361, 362; 1804-1805, p. 61; *Pa. Gazette*, Feb. 1, 1804; *J. of H., 1811-1812*, pp. 58, 67, 216; *J. of S., 1820-1821*, p. 33; *Phila. Gazette*, Mar. 6, 1821; *J. of S., 1820-1821*, pp. 105, 308, 469, 531, 532, 535, 536. For the provisions of such a bill—the abolition of slavery and of servitude until twenty-eight—compensation of owners—permission for negroes to remain slaves if they so desired—cf. *House Report no. 399* (1826); *J. of H., 1825-1826*, pp. 370, 375, 396, 497, 498. Also *J. of S., 1841*, vol. I, 249, 294.
- [261] The numbers were 1790, 3737; 1800, 1706; 1810, 795; 1820, 211; 1830, 67; 1840, 64 (?). The U. S. Census Reports do not mention any after 1840, but it is said that James Clark of Donegal Township, Lancaster County, held a slave in 1860. Cf. W. J. McKnight, *Pioneer Outline History of Northwestern Pennsylvania*, 311. It is necessary to remark that the U. S. Census reported 386 as the number of slaves in 1830. As this was an increase of 175 over the number reported in 1820, it aroused consternation in Pennsylvania and amazement elsewhere, so that a committee of the Senate was immediately appointed to investigate. Their account showed that there had been no increase but a substantial diminution in numbers; and that the U. S. officers had been grossly careless, if not positively ignorant in their work. *J. of S., 1832-1833*, vol. I, 141, 148, 482-487; *Hazard's Register*, IV, 380; IX, 270-272, 395; XI, 158, 159; *African Repository and Colonial Journal*, VII, 315.
- [262] Cf. *J. of S., 1821-1822*, pp. 214, 215.
- [263] *Minutes Tenth American Convention Abol. Sl., Phila., 1805*, p. 13.
- [264] *Stat. at L., X*, 71.

- [265] *Respublica v. Richards*, 2 Dallas 224–228; *Commonwealth v. Smyth*, 1 Browne 113, 114; *Laws of Assembly, 1847*, p. 208. This law was affirmed by the courts in 1849. Kauffman *v. Oliver* 10 *Pa. State Rep.* (Barr), 517–518. It was at times contested by the citizens of other states, as in the famous episode of J. H. Wheeler’s slaves in 1855. *Cf. Narrative of Facts in the Case of Passmore Williamson*. In this case the Federal District Court held that Pa. had no jurisdiction over the right of transit. In 1860 a negress was brought from Va. to Pa. She was at once told that she was free; but when her master returned she went back with him. *Phila. Inquirer*, Aug. 29, 1860.
- [266] *J. of H., 1821–1822*, pp. 628, 637, 950; *J. of S., 1821–1822*, pp. 325, 330, 331. For a vivid description *cf. Parrish, Remarks on the Slavery of the Black People* (1806), 21.
- [267] If the mother had absconded before she became pregnant. *Commonwealth v. Holloway* (1816), 2 *Sergeant and Rawle* 305. *Cf. Niles’s Weekly Register*, X, 400.

BIOGRAPHICAL NOTE.

89

Edward Raymond Turner was born May 28, 1881, in Baltimore, Maryland, where he obtained his earlier education. After receiving the degree of Bachelor of Arts at St. Johns College, Annapolis, 1904, he taught in the Baltimore schools. He entered the Johns Hopkins University in 1907, and was Fellow in History 1909–1910.

Transcriber’s Note

A reference to p. 111 in note 87 on p. 29 seems incorrect. The final page of this text is p. 88.

The following likely printer’s errors were corrected:

p. 7	The Manufac[t]urer	Added.
p. 26	Cf / <i>Cf</i>	Italic.
p. 27 n. 30	<i>Col. Rec.</i> [.] I, 61;	Added.
p. 47 n. 40	[<i>in Mem.</i>] <i>in Mem.</i>] <i>Hist. Soc. Pa.</i>	Font error.

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