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BLACKS AND COLONIAL LEGISLATION
IN THE MIDDLE COLONIES

DISSERTATION
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CHAPTER I

BLACKS UNDER THE DUTCH

The Introduction of Blacks in New Netherlands

The introduction of black labor in the middle colonies finds its origins in the trade rivalry of the Atlantic during the seventeenth century. The rivalry between the Netherlands and Spain placed the former in possession of Blacks and also in possession of territory where black labor was profitable. The Dutch sought to increase commerce by enhancing the production of their possessions. Thus, this situation created a need for labor in those places.

From the desire to establish firm and absolute control of Atlantic commerce came the elements necessary to make slavery possible in New Netherlands. After forty years of struggle, de facto Dutch independence from the Spanish came in 1609. After the 1609 truce, the Dutch traders turned their attention to gaining Spanish possessions in the new world. The seventeenth century has been called "the age
of the great monopolies and grasping charters." The true image of a seventeenth century holding company came with the formation in 1602 of the Dutch East India Company. The Dutch East India Company had phenomenal success. It has been estimated that stockholders received four times their original investment in the first twenty years of the company's existence. With this astronomical success in mind, a group of merchants and capitalists obtained royal permission to organize the Dutch West India Company in 1621. Naturally, the Dutch hoped to strip the Iberian powers of their new world possessions as they had Portugal in the Far East.1

The Crown immediately sensed the importance of the Dutch West India Company and gave to it great concessions. The charter conferred a trading monopoly and the right to colonize in the new world. The charter also conferred their rights along the West Coast of Africa below the Tropic of Cancer. The Company was organized into five chambers. The most important chamber had control of New Netherlands. The colony of New Netherlands enjoyed only a minor role in

1Lucy M. Salmon, The Dutch West India Company on the Hudson (Poughkeepsie, New York: Lansing and Broas, 1915), pp. 16-17.
the enormous trading activities of the Company. The States General placed the burden of carrying the war squarely upon the shoulders of the Company by licensing it to commission privateers on the high seas in the name of the Crown. The Company "was to maintain armies and fleets, to build forts and cities, to carry on war, to make treaties of peace and of commerce." Most attention was given to the South American territories, but a settlement on the Hudson was also planned.

From the inception of the Company, the Dutch realized that the only effective means of controlling trade would emerge through holding territories. The only effective way

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2A.J.F. Van Laer ed., Rensselaer Bowier Manuscripts (Albany: University of the State of New York, 1908), pp. 87-89; Salmon, The Dutch West India Company on the Hudson, pp. 24-25. The authority of the Company summarized: The Company was given permission to make alliances and contracts with the princes and natives of the country, to build fortresses, to appoint and to remove civil, military, and judicial officers, to promote the settlement of fertile and uninhabited districts, to make good by all such means as could properly be employed all losses sustained through cheating on the part of false friends, or good or money improperly withheld from them, to apprehend deserters, to defend themselves if trade should be injured in spite of treaties, and to retain all prizes of war, subject to certain necessary deductions. Ibid. pp. 818, 24-25; The Charter of the Company is given in full in A.J.F. Van Laer ed., Van Rensselaer Bowier Manuscripts.

3Van Laer, Rensselaer Bowier Manuscripts pp. 87-89.
to control territories would come through settlement. Thus came the necessity of planting colonies. The Company needed efficient leaders, strong fleets, able troops and dynamic business management. Hoping to satisfy these needs, the States General gave the Company virtually complete autonomy.

During the struggle for trade the Dutch gained slaves and territory where slave labor was profitable. Short lived colonies were planted at Bahia (1624) and Pernambuco (1630). The Dutch put themselves in a very strong position in the West Indies trade. Through piracy in the name of the Crown, the Dutch seized numerous Spanish ships bearing captive African Blacks. Immediately, the Dutch sensed the importance of this black commodity of labor in the sugar industry of the West Indies and Brazil. The Company took more Portuguese possessions on the Africa Coast. Now it controlled the land in the new world and the source of black labor supply by which it could develop the land. The Company sent many of the captured Blacks to New Netherlands to meet its labor demands.4

The planting of New Netherlands began in 1624. With the model of the East India Company before it, the West India

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Company expected immediate returns from its investment. The latter had established a profitable trade in an area of richly populated countries, but New Netherlands was quite the opposite. The West India Company did, however, establish a profitable fur trade with the Indians. The profits from the Company's fur trade were a mere trifle compared to the rival Dutch East India Company's profits. The Dutch West India Company found its source of revenue steadily waning, and the increasing costs of maintaining a colony further cut profits. After seven years of disappointing results, the Company decided to launch a plan to "encourage the planting of colonies as settlements." The result was the patroon system of huge landed estates. Such a system, obviously, needed agricultural labor. 5

The geographical limits of New Netherlands covered the areas of the middle colonies. New Netherlands consisted of several frontier settlements: Fort Orange (Albany), Esopus (Kingston), New Amsterdam (New York City) Swaunendael (Fort Nassau), and Fort Casimir on the Delaware. The introduction of Blacks into this area came as a result of the need for agricultural labor.

5 Ibid.
The first Blacks in New Netherlands were prizes taken from Spanish vessels or Spanish territory. The introduction of Negro Slavery cannot be given an exact date, but it occurred within the first or second year of permanent settlement (1625-6). This introduction date of 1625-6 is supported by primary documents. First, a portion of this evidence consisted of "An Act of the Director and Council of New Netherlands" passed February 25, 1644. In essence, this act manumitted eleven "Company Negroes" after nineteen years of "faithful service." This would naturally place the arrival of the first Blacks at about 1625. Secondly, the Reverend James Michaelaus (First Minister of the Reformed Protestant Dutch Church in North America) complained in a letter dated August 11, 1628, that since the death of his wife, he was unable to get good servants for his household and "the Angola Slaves are thievish, lazy and useless trash." Thirdly, numerous references are found in Holland Documents (Records of the Dutch West India Company) to support this date. 

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The desire to outstrip the Spanish and Portuguese in the new world, obviously pointed to a need for labor. In regard to the use of Blacks in the West Indies, the Dutch felt that they were at a disadvantage. As early as 1625, complaints from the new world reached the States General of "being unprovided with slaves" thus, production was very low. Again, the cry went up declaring, that the development of New Netherlands was difficult, "being unprovided with slaves and also not in the habit of making use of them, they cannot supply their own inefficiency by the labor of others, as the Spanish and Portuguese easily do by that of the Blacks and Indians." Primarily, the Dutch interest in the West Indies centered upon developing trade rather than agriculture. At the same time, they did have an interest in developing New Netherlands agriculturally. As a result of this, the Dutch had an apparent need for labor in the West Indies, but not as great a need as in New Netherlands.7

The Patroon System erected by the Company needed labor. White labor was scarce, expensive, and undependable. The preamble of an early ordinance of the Director and Council of


New Netherlands best describes the injurious effect of this white, rebellious, servile class upon New Netherlands:

Many servants daily run away from their masters, whereby the latter are put to great inconvenience and expense; the corn and tobacco rot in the field, and whole harvest is at a standstill, which tends to the serious injury of this country, to their master ruin and to bring the magistracy into contempt. 8

After seven years of failure to draw an adequate number of Dutch settlers to New Netherlands, the Company offered patroonships as concessions in 1630. Among the "Freedoms, Privileges and Exemptions" of the patroon was the promise:

In like manner, the incorporated West India Company shall allot to each patroon twelve men and women out of the prize in which Negroes shall be found, for the advancement of the colonies of New Netherlands. 9

A later act changed the number of Blacks from sixteen to "as many as possible." This decree was repeated several times during the period of Dutch occupation of New York. 10

Despite a rebellious white servant class, there appeared little evidence of patroons requesting slaves. In general the patroon system met with disastrous results.

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8 O'Callaghan, Laws and Ordinances of New Netherlands p. 32.
The only successful patroonship was the Van Rensselaer Manor, and the patroon there was the only one who had extensively purchased slaves from the Company. In the quest to satisfactorily supply the colonists with slaves, the Company would exchange slaves if they proved unsatisfactory to purchasers. Jeremias Van Rensselaer said he exchanged his slave "because I found he was even more refractory and a useless, dirty beast."\(^{11}\)

The Dutch West India Company's grand plan called for slaves in New Netherlands. The Company wanted Brazil for both military and economic purposes. Militarily, Brazil served as an excellent base of operation from which the Dutch could intercept Spanish and Portuguese treasure ships. At the same time the Dutch could eventually launch attacks upon the major source of Spanish wealth, the mines in Mexico and Peru. Also Portugal could not exist without resources derived from her most flourishing colony, Brazil. Thus the Spanish would allot larger sums to support Portugal or revolts of desperation would occur within the Spanish-Portuguese Kingdom.

Economically, the development of Brazil served a two-fold purpose. Developing the sugar industry with slave labor would give the Dutch a monopoly on sugar.  

At the same time, New Netherlands grew essentially the same products as her neighboring colonies of North America; thus, she needed a market. It was hoped that supplying Brazil would solve this problem, and at the same time the Company could get rid of its surplus Blacks in Brazil.  

The Company hoped to produce "rye, wheat, barley, peas, etc. and cattle" in New Netherlands and export them to Brazil. In return, Dutch ships could "carry back to New Netherlands" recent Black arrivals from Africa. (This plan attempted to drive out "interlopers" who grew rich from simply trading food stuff and slaves to the Dutch.) It was also designed to drive out "Jews and Jobbers" who held Blacks in Brazil until demand was high and supply low.  

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The Company's motive for importing black labor appears with the grand plan of the Company for improving trade:

"but New Netherland would by slave labor, be more extensively cultivated than it has hitherto been, because the agricultural laborers, who are conveyed thither at great expense to the colonists, sooner or later apply themselves to trade, and neglect agriculture altogether, Slaves on the other hand, being brought and maintained there at a cheap rate, various other descriptions of produce would be raised, and by their abundance be reduced in price, so as to allow, when occasion would offer of their advantageous exportation hither and to other parts of Europe.\footnote{Ibid. Vol. II, p. 246.}

As earlier stated the patroons refused to take advantage of what the Company obviously considered an advantage, black labor. Perhaps the patroons were unable to purchase Blacks.

In a variety of ways the Company encouraged individuals to purchase slaves. In the "Advice of the Chamber of Accounts of the West India Company delivered at the Hague, May 27, 1647":

\begin{quote}
Coming now to the conquests of Brazil and New Netherland, it is notorious that all their profit and prosperity must proceed exclusively from the cultivation of the soil, and this cannot be better promoted than by population. It is, indeed, true that the supply and abundance of slaves, by whom the tillage of the soil must be accomplished, obviates the necessity of a great number of people who
\end{quote}
would otherwise be required for Agriculture. Nevertheless, if slaves are to be properly treated, they must have their particular owners, each of whom undertakes colonies, plantations and farms according to his circumstances and means, and endeavors by slave labor to derive therefrom, either for immediate support or for exportation, whatever can be a source of profit.\textsuperscript{15}

The Company also promised in several "fugitive servant" ordinances to do everything in its power to apprehend and deliver "runaways." This was part of the general theme to reassure patroons and farmers that black labor would be safe, profitable and stable.\textsuperscript{16} In general, inducing Dutch settlers to become slaveholders failed leaving the Company with numerous slaves. Thus, the Company emerged in New Netherlands as the largest slaveholder. In addition to being the largest slaveholder, the Company also held a monopoly on the slave trade. The only legal slave trader in New Netherlands until 1650 was the Company. In order to increase the importation of Blacks, the Company opened the slave trade to Dutch citizens in 1650.\textsuperscript{17}

\textsuperscript{15}Ibid. Vol. I, p. 245.


The fur trade produced the greatest source of income for the Company in New Netherlands but leasing of Blacks became a source of income also since the selling of Blacks was not as rapid as the Company had anticipated. The Company maintained a permanent assortment of 300 slaves, who were leased to the surrounding farmers and businessmen. The Company also maintained its farms (boweries). Since many small farmers could not purchase slaves, they were forced to hire them during planting and harvest time. Individual slave owners leased their slaves just as they did other private property. In the metropolitan areas, the Company's leasing of slaves destroyed much of the effective regulation of slaves. The Company Negroes lived in the newly created American ghetto, and moved about the town with few restrictions. Historically, the first New York City maintenance workers were African Blacks owned by the Company. The "Company Negroes" served as maintenance workers on New Amsterdam's streets (mostly Broadway) and they kept the fort in repair. The four directors of New Netherlands constantly indicated by their records that slavery was unprofitable to the Company and that the only way slavery would be profitable was under individual ownership.18

The Company's Negroes served in almost any capacity in New Netherlands just as any white servant from Europe. When pressured by the Indians and the English, the Dutch saw fit to arm Blacks, but certainly Blacks could only be armed under supervision. The nature of urban slavery forced the Dutch from the use of slaves solely for agricultural purposes. The cry for domestics absorbed much of the black female labor force of the Company.

The arrival of the first Blacks in New Netherlands occurred about 1625-1626. Perhaps because Dutch law did not recognize slavery, the governors never proclaimed a clear cut slave code. Rather they dealt with Blacks and black prob-

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19 According to Ulric Huber, Dutch jurist, (1636-1694): "We employ no other servants but free persons, whether men or women, who according hire themselves for such wages, for such time, and on such conditions as they are able to stipulate for; in consequence of which the master and his wife are bound, like the servants to observe the conditions of hiring." According to Hugo Grotius, Dutch jurist, (1538-1645) hiring was always conducted on a mutual basis. Huber reinforced this point: "It is the custom to give the servants, at the time of hiring them, a pledge or "ortel-penning" as it is called, which according to the usage of this country belongs to them without diminution of the wages stipulated for although according to laws it should be otherwise." Initially, if the master decided to call off the hiring after his "ortel-penning," the law required him to pay the servant one-eighth the original wage decided upon. Dutch law also required that servants give obedience to the masters or mistresses. If servants failed in this respect it was "permissible for the master to punish them with words." Although "beating" of male servants did take place, "beating"
lems on an ad hoc basis. As a result, the status of Blacks was somewhat indefinite and must be inferred from actions of the governors and from court records. Such sources make it clear that there were three levels of status. There were black slaves and black freemen. Between these two categories was a twilight zone of "half-slaves."

The most common type of legal action involving slaves were suits brought by masters to protect property rights. The most frequent cases were breach of contract involving the sale of slaves. Apparently the seller made either an explicit or implied warranty that the slave was in good health. If the slave then proved to be unsound, or worse yet, if he died, the buyer would be in court demanding reparation. Owners were also frequently in court to recover stolen slaves or to be compensated for the loss by theft. In these property cases, the Black did not, of course, appear in court.20

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When the Blacks, whether slave or free, went to court, they went to a special or "extraordinary" session. The records indicate that the slave was better off in the Dutch court than he would be later in the hands of English justice. In accordance with Dutch Law, masters were responsible before the law for the action and damage of their slaves:

The Heer Schout Nicasius de Sille, pltf. v/s Henry Bresser, deft. The pltf. says that deft's negro has struck a hole in the head of Capt. Jacob Berck's boy-demanding the fine. Deft. says, he has punished the negro, and if the Magistrates also will punish him they may do it; declaring to have heard from the mouths of the boys in the streets, that they had pelted each other with snowballs and that Capt. Jacob's boy had abused his negro, whereupon he gave him a blow on the head. The Court ordered the Officer to inform himself further.21

The courts seemed to dispose of minor violations of the law by slaves both expeditiously and fairly. Undoubtedly, the judges realized that in the act of passing judgement on a slave they were also affecting private property. A slave in jail represented a direct loss to his owner. A common


21Fernow, Court Minutes of New Amsterdam Vol. III, p. 97.
violation was "tapping" (drinking liquor) on Sunday.

A typical "tapping case" was:

Schout Pieter Tonneman, pltf. v/s the negroes of Cornelis Steenwyck, Govert Loockermans, and Thomas Hall. Defts. entering with Resolveert Waldron as interpreter, were, one by one, asked, if they had not drank one Sunday during the preaching, at Andries Joghemsen's house? Mattheu, the negro of Steenwyck, answers; drank brandy there in the afternoon during preaching. Swan, the negro of Sieur Govert Loockermans, answers and declares, that he was playing near Mr. Hans' and that Frans, Thomas Hall's negro, drew him away from there and that they went together to Andries Joghemsen's being in the afternoon as the preaching was nearly over, and that the preaching came out, whilst he was there; had not drank the second half quartern of brandy. Frans, Thomas Hall's negro, says, he went to Andries Joghemsen's in the afternoon, when the preaching was out. They declare, the three together, that they were there but once that day. The W: Court postpone the case until the next Court day.22

The black slaves were released to their masters, but the accused Whites were forced to return:

Schout Pieter Tonneman, pltf. v/s Andries Joghemsen, deft. Pltf. requests definitive judgment on the monies deposited by the deft. regarding the irregular tapping on the Sabbath to negroes and heard the 28. Feb. last. Deft. denies having tapped on a Sunday during preaching. Is asked if he will swear that he gave no drink either directly or indirectly, himself or by his wife, at the time when Steenwyck's negro played the Jews harp at Govert Loockerman's? Answers, Yes; and confirmed the same on oath at the hands of the President.

22Fernow, Court Minutes of New Netherlands Vol. IV, pp. 41-42.
Therefore Burgomasters and Schepens excuse him from the fine fixed therein and dismiss the Officer's demand and adopted conclusion herein. 23

If the conviction of a slave resulted in a fine, the master paid. Here the colonial court applied to slaves the Dutch rule that made the master responsible for the actions of his servants. An arrested slave remained in jail until his trial date or until his master posted bond:

Joannes Vervelen, pltf. v/s Eghbert Meinderzen, dept. Pltf.'s wife entering requests, that her husband may be discharged from the bail bond which he gave for the payment of the defts negro. Defts. wife entering says, if the Court so decid, it shall be done. Burgomasters and Schepens decree, that the defts. negro for the payment of whom the pltf. went security shall not be alienated, before the pltf. shall be released from the bailbond. 24

This requirement obviously kept many slaves' violations out of court since, a jailed slave could not work. This element may also explain the small number of cases in Dutch Colonial Court records involving slaves' violations.

In accordance with Dutch Law, slaves could not be used as witnesses:

But accomplices in a crime may not give evidence; nor yet any persons, whom the producer can order to give evidence, such as children, or women in of their husbands, and formerly, no doubt, the slaves. But our servants, being free and hired

23 Ibid. Vol. IV. p. 45.
for a short term, may not be included in the number of those whom we can command to give evidence.25

Dutch Colonial Court records reveal that this rule was not followed, however. Dutch Law prohibited non-christian slave testimony:

Jews and heretics may not be witnesses against orthodox believers. The law would have this understood of ordinary heretics, for gross heretics can give no evidence at all. But this rule is not followed among us in respect of heretics and but little investigation is directed to religion in this matter of giving evidence.26

It seems reasonable to conclude that the slave could expect a fair amount of justice. In interracial cases he was not presumed guilty. Consider the case of Clara Ebels:

Schout Pieter Tonneman, pltf. v/s Clara Ebels, deft. The Officer concludes, that deft. shall be condemned in a fine of one hundred guilders for having cut Samuel Etsal's negro's hand with a knife. Deft. acknowledges to have had a knife in her hand, when she was in the garden to cut potherbs, saying that the negro seized hold of her so indecently and threw her on the ground, that she was wholly ashamed of those, who might be looking and that it well might be, that the negro then might have wounded himself with the knife, but denies having cut him. The W: Court order the deft. to prove, that the negro had indecently thrown her on the ground.27

26 Ibid., p. 294.
27 Fernow, Court Minutes of New Amsterdam Vol. IV, p. 110.
In an English colonial court it would have been highly unlikely that such a case would have come to trial at all.

In the Ebels case, the fine was apparently paid to the corporation. Sometimes the court ordered a person who injured a Black to pay for the damages:

Wolfert Webber, pltf. v/s Jan Angola, deft. Plfts wife appearing says, deft. has stolen the wood which her servant man had cut in the bush. Deft. Jan Angola, a negro, answering states, that plft's servant had first stolen his wood and complains further, that said servant struck him with an axe on the head, but as he cannot speak Dutch, 'tis orderd that he shall being with him at the next Court day Domingo the Negro as interpreter and the other witnesses, who know any thing of the matter. Wolfert Webber, pltf. v/s Jan Angola, deft. Pltf. says, that deft stole four sticks of firewood from the bush belonging to Fredrick Hendrickx, boatman, and to him, the pltf., in company, and when Fredrick Hendrickx came into the wood he deft. attacked him and would have killed him, had not Joris Arissen prevented it. Deft. says, that Joris Arissen, Webber's serv­ vant, had stolen a part of his wood some days before, and further when he was fighting with Fredrick Hendrickx, the above named Joris struck him on the head with an axe. Pltf. says, that he bought the timber, which deft. says was stolen, from Abrosius the carter, to whom deft. was dound to deliver it. The W: Court having heard the verbal debates of parties and examined the witnesses order Joris Arissen to pay the surgeons fees for the blow, which he inflicted on deft's head with an axe and pay the costs. Adjourned as above. 28

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28Fernow, Court Minutes of New Amsterdam Vol. V, pp. 337, 341.
The disposition of this case was in accordance with Dutch Common Law which held: In law suits status of an injured person is determined by the court yet such a person was entitled to receive an indemnification of the surgeon's bill and loss and damage sustained by him.29

There appeared to no change in the number of judges at court in relationship to cases involving Whites and Blacks. To a twentieth century observer, Black Day at court would resemble a comedy scene. The comical element tended to be a need for an interpreter. Thus, neither the Dutch or African Black could understand each other. The most valuable person at Black Court Day Session was either a bilingual Black or White speaking both Dutch and the language of the African Black. Since both the Dutch West India Company and the English brought slaves directly from Africa to New Netherlands, the language barrier was important, not only in court, but in every aspect of slave-master relationship. Slavery existed in New Netherlands for only 38 years (1628-1664) and the majority of black imports came after 1650. This meant that the Dutch did not transplant the African language of most Blacks during Dutch Occupation of New Netherlands.

29Van Leeuween, Commentaries on Dutch-Roman Law, p. 477.
In court, the treatment of the free Black differed from that of the slave. Free Blacks were given the same rights as free Whites, while slaves were regarded as private property. In "tapping cases," for example, the court fined the master for law violations in accordance with Dutch Law which held that the master was responsible for the actions of his slaves. Free Blacks were fined or imprisoned for "tapping" just as free Whites.

Marriage in free black families did exist and was recognized before the law. As earlier stated, the status of a free Black and his family resembled more closely to a free White family than that of a slave family. An interesting case occurred in 1655 in which a free Black family made an attempt to save a young Black from slavery:

Anthony Matysen, a Negro, pltf. v/s Egberts Van Borsum, deft. Plft. sais he has not been paid by deft. for rearing his negro's child, which his wife is nursing; requests, therefore, that the child be declared free, when he promises to rear the same at his own expense. Deft's wife appearing says, she bargained with pltf's wife for the child for one year at least, and has not refused her payment of what she promised her in the presence of other negroes, Requests, as she will not keep the child any longer, that it be returned to her. Parties being heard it is ordered, that Anthony Matysen deliver the negro child up to deft., and the Egbert Van Borsum shall pay what he promised at the time, according to contract.30

30 Fernow, Court Minutes of New Amsterdam Vol. I, p. 298.
Evidence concludes that free Blacks held land in New Netherlands. When the English conquered New Netherlands, there was a rush to obtain English deeds of confirmation to land formerly held under the Dutch. The confirmation rush was more than just a formality. Among these early Deeds of Confirmation can be found records of free Blacks who owned land under the Dutch:

October 16, 1667 Deed of Confirmation from Gov. Nicolls to Manuel Sanders, a free Negro for a parcel of land, house and garden marked no. 11, lying on Manhattan Island, near Stuyesant's Bowery.

October 19, 1667, Deed of Confirmation from Gov. Nicolls to Cleyne Anthony, a free Negro, for six acres of land lying on Manhattan Island.

Documentary evidence involving the existence of free Blacks in New York is lacking, but so is evidence concerning black slaves in general. The answer to the existence of Blacks in Dutch colonial documents may rest with Governor Andros' answer when asked how many Blacks lived in the New York colony. He said, "but a very few slaves."32


From Slave to "Half-Slave" to Free Black in New Netherlands

The arrival of the first Blacks in the middle colonies area (New Netherlands) occurred about 1625-6. Their legal status is not clear because no established slave laws or codes existed. For most of the period, African Blacks existed in the twilight zone between indentured servitude and clear-cut slavery. In the 1620's and 1630's Blacks were referred to as slaves but the 1640's saw the appearance of "half-slaves" and Free Blacks.

On February 25, 1644, eleven Blacks were manumitted but their freedom remained conditioned by continuing obligations to the Company. "The Act of the Director and Council of New Netherlands emancipating certain Negro Slaves therein mentioned "manumitted Paul Angola, Big Manuel, Little Manuel, Manuel de Gerrit de Reus, Simon Congo, Anthony Portugis, Garcia, Peter Santomee, Jan Francisco, Little Anthony, Jan Fort Orange. All of these Blacks had been taken as prize from Spanish vessels and had served the Company "for 18 to 19 years." They had "been long since promised their freedom" by the Company. At the same time, these Blacks had become "burthended with many children so that it is impossible for them to support their wives and children, as they have been
accustom to do, if they must continue in the Company's service."33

In this case as well as most other cases of manumission, the Company's conditions of freedom required the Blacks to render some type of service to the Company after manumission. A portion of the first manumission act (1644) declared:

Therefore we, the Director and Council do release, for the term of their natural lives, the above named and their wives from Slavery, hereby setting them free and at liberty, on the same footing as other free people here in New Netherlands, where they shall be able to earn their livelihood by Agriculture, on the land shown and granted to them, on condition that they, the above named Negroes, shall be bound to pay for the freedom they receive each man for himself annually, as long as he lives, to the West India Company or its Deputy here, thirty skepels (barn baskests--22½ bushels) of Maize, or Wheat, Pease or Beans, and one Fat Hog, valued at twenty guilders (89), which thirty skepels and the hog they, the Negroes, each for himself, promises to pay annually, beginning from the date hereof, on pain, if any one of them shall fail to pay the yearly tribute, he shall forfeit his freedom and return back into the said Company's Slavery.34

The land given these Blacks became legally theirs in 1664. Thus these Blacks became totally free when the Dutch West

33O'Callaghan, Laws of New Netherlands, pp 36-37.
34Ibid.
India Company collapsed in New Netherlands. The Blacks were also obligated to serve the Company "by water or on land," if their services were required but they would receive "fair wages from the Company." Another major condition of freedom was that the children of the manumitted slaves remain slaves of the Company. This eventually aroused some Dutch citizens against what they considered a "soulless" Company. Keeping permanent slaves and forcing the children of manumitted slaves to remain slaves was used as ammunition by citizens in their attack upon the autocratic rule of the four Directors of New Netherlands. 35

If the manumission of 1644 was the beginning of the free Negro in New York, ironically it was also the legal beginning of slavery since newly manumitted Blacks' children were decreed to remain in slavery forever. The right of private property held that anything produced during the period of indentured servitude was naturally the property of the owner which in this case was the Company. This was not the case with White indentures and it leads to the conclusion that this was only an emergency measure to calm aroused citizens.

The appearance of the first free Blacks in 1644 resulted from petition and protest. These Blacks, aided by several Whites, petitioned the Dutch West India Company for their freedom. After 1645, Dutch citizens often complained in the yearly "Remonstrance" that Blacks were being held unjustly for long periods of slavery. The Reverend Dom'e Dominus Johannes Megopolensis, "minister of the colony of Rensselaerswych," was instrumental in obtaining the manumission of the first eleven Blacks. Much of the opposition to slavery centered in the belief that a Christian, whether white or black, should not be a slave. In general there were others who applied pressure to have the Company manumit Blacks. Most of this pressure was applied through the "Remonstrance of the Deputies from New Netherlands." The Company did give ground on this matter but very reluctantly. Most of the manumission by the Company followed a definite pattern.36

Blacks And The Dutch Reformed Church

The Dutch Reformed Church, as an institution, manifested little interest in improving the lot of the helpless

African Blacks but church affiliated individuals showed concern. In the "Remonstrance of the Deputies, 1649," one of the "Reasons and Causes of the Great Decay of New Netherlands" was the violation of Dutch Law: some of whom have been manumitted on account of their long service, but their children continued to be slaves, contrary to all public law, that anyone born of a free Christian mother should not withstand being a slave and obliged so to remain."37 This action of the Company was a violation of Dutch Law which held that an individual's status was determined by his father.

The next yearly "Remonstrance of the Deputies" (1650) voiced a religious protest against the Company: "The Directors have made no effort to convert to Christianity either the Indians, or the Blacks or slaves owned by the Company there." The above complaint was a part of the yearly attack upon strict company control, but it composed only a small portion of the "Deputies' Digest of Excesses and Highly Injurious Neglect which New Netherlands had experienced since it has been under the Company."38 The thought must occur that this complaint concerning Blacks was additional ammunition which the Dutch settlers of New Netherlands used

to fight Director, Peter Stuyvesant.

Within a year, Director Stuyvesant issued a letter concerning the young Blacks:

The company's negroes, taken from the Spaniards, being all slaves, were on account of their long service, manumitted on condition that their children serve the company wherever it pleased. Of all the children, no more than three are in service viz. one which Stuyvesant has with him on the Co's bouweres one at the house the hope; one wench with Marten Kriger, who hath reared her from a little child at his own expense."39

Company records fail to indicate how the other young Blacks gained freedom. It seems doubtful that the Company gave them complete freedom, since all children were not manumitted. A more plausible explanation tends to indicate that Blacks, manumitted by the Company, eventually purchased their children from the Company. One fact seems certain, the church as an institution played a small role in obtaining freedom for Blacks. In the sixties, Director Stuyvesant established a catechism school for Black children owned by the Company. Delay in establishing this school centered around him finding a teacher.40

39Ibid., p. 342.
The Dutch Reformed Church's major concern centered not around manumission of Blacks, but their conversion to Christianity. Correspondence between two Dutch Reform Ministers (1661), sheds some light upon the church's policy toward baptism of slaves:

As to your inquiry regarding the administration of Holy Baptism to the Negroes, Indians, and their children:—The Classis deems it necessary that you observe the good rule of the church here in this land, where no one, who is an adult, is admitted to baptism without previous confession of his faith. Accordingly the adult Negroes and Indians must also be previously instructed and made confession of their faith before Holy Baptism may be administered to them. As to their children, The Classis answers, that as long as the parents are actually heathen, although they were baptized in the gross, (by wholesale, by the Papists), the children may not be baptized, unless the parents pass over to Christianity, and abandon heathenism.41

Church policy further reveals itself in the correspondence of Rev. Henry Selyns;

To the Classis of Amsterdam, (June 9, 1664): As to baptisms, the negroes occasionally request, that we should baptize their children, but we have refused to do so, partly on account of their lack of knowledge and of faith, and partly because of the worldly and perverse aims on the part of said negroes. They want nothing else than to deliver their children from bodily slavery, without striving for piety and Christian virtues. Nevertheless, when it was

41Ibid., p. 508.
seemly to do so, we have, to the best of our ability, taken much trouble in private and public catechism. This has borne but little fruit among the elder people who have no faculty of comprehension; but there is some hope for the youth who have improved well. Not to administer baptism among them for reasons given, is also the custom among our colleague.  

This correspondence further explains why the church took such a small role in advancing the manumission of African Blacks. The Dutch Reformed Church still based its hope on conversion of Blacks quicker than Indians. Blacks lived in communities with Whites, and thus went to the same churches. Slaves were truly captive audiences. Blacks resisted the church and its doctrine, especially those Blacks born in Africa. Black rejection of the Christian doctrine centered around the fact that Christianity only increased the mental burden of the slaves. In conclusion, church records show that Blacks became disenchanted with Christianity when conversion did not produce automatic freedom.

Within New Netherlands' regulations, there existed no fugitive slave law, but several "fugitive servant ordinances" existed. Obviously, these ordinances referred to both Blacks

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42Ibid., pp. 548-49.  
43Ibid., pp. 142, 150.
and Whites. From the frequency by which such regulations appeared, it seems apparent that this servant class was "numerous and hard to govern." As early as 1629, the West India Company promised "to do everything in their power to apprehend and deliver" runaways back to their masters.  

The next important "runaway" legislation was the ordinance of 1640. This ordinance best described the injurious effect of the rebellious servile class upon New Netherlands:

Many servants daily run away from their masters, whereby the latter are put to great inconvenience and expense; the corn and tobacco rot in the field, and whole harvests are at a standstill, which tends to the serious injury of this country, to their master ruin and to bring the magistracy into contempt.  

It was therefore decreed that runaways must, at the end of their term of indenture, serve double the time of absence, and make good all loss and damage to their masters; while persons harboring fugitives were obliged to pay a fine of fifty guilders. Two years later, (1642), an ordinance was passed against the harboring of fugitive servants which spelled out the implied, the meaning of the 1640 ordinance.

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44 Callaghan, Laws of New Netherlands, p. 7.  
46 Ibid.
This law clearly decreed that no more than one meal or one night's lodging could be given to a stranger without notifying the Director.\textsuperscript{47}

In 1648, "An Ordinance of the Director and Council of New Netherlands Fugitives from service" was passed which undoubtedly applied to the Company's Blacks. The Ordinance warned "all persons against harboring or entertaining anyone bound to service either to the Company or to any private individual here or elsewhere, and against lodging or boarding them at most longer than twenty-four hours." The penalty for this act required a fine of 150 F1. to anyone who made the complaint. This Ordinance was strengthened with more forceful provisions in 1658.\textsuperscript{48}

In 1656, the Dutch signed a treaty with the United English Colonies (New England Confederation of Plymouth, Massachusetts, Connecticut, and New Haven). Both parties agreed to return "fugitive servants." In the same year, the city of New Amsterdam passed an ordinance which automatically gave the death penalty to "whoever runs off to the French, English, or other Christian or Indian neighbors." The severity of this act may be explained by the constant state

\begin{footnotes}
\item[47] Ibid., pp. 24, 104.
\item[48] Ibid., p. 104.
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of hostility in which the Dutch colony found itself in the late 1650's and 60's. In 1663, the Virginia House of Burgesses passed an act entitled: "Relative to the pursuit of runaway to the Dutch." The act called for the pursuit of runaways at the expense of the government, and the need to correspond with the Dutch Governor on this matter.49

In colonial America, European nationalistic spirit disappeared when it came to the subject of returning runaways (black or white). The necessity to return fugitives appeared to be the first American consensus involving Blacks. The enforcement of such regulations was a difficult task since areas were unsettled and totally unorganized. At least, there was the desire to return these early lawbreakers to their masters. The most difficult fugitive to capture was the one who escaped to the forest. Unless the Indians could be induced to hunt down this fugitive, he was lost to the master forever.50 The Dutch fugitive laws served for regulations for all Blacks as well as those listed as servants and slaves. It is highly possible that the fugitive laws applied


50O'Callaghan, Laws of New Netherlands, pp. 216-17.
more readily to Blacks than to Whites since the master paid more for Blacks than Whites.

In 1664, Dutch rule ended in the middle colonies area, and thus ended the slave-indenture status of Blacks. Out of the New Netherlands Region came the colonies of New York, New Jersey and Pennsylvania with their individual control of slavery. After 1664, Blacks were either free or slaves. As far as the English were concerned, there was no middle ground by which Blacks could be protected by English Common Law. Slaves became outright property with no rights and they were governed as such. Free Blacks were despised by colonists but they were to be tolerated. Until the appearance of major slave codes in the middle colonies, Blacks, both slave and free, were governed strictly as a local problem.
CHAPTER II

AN OVERVIEW OF SLAVERY

New York

The year of 1664 spelled the end of Dutch rule in the middle colonies, but not the end of slavery which was to grow under the English. Slavery had been introduced as an integral part of the Dutch West India Company's grand scheme for American development. The demand for slaves fluctuated as individual colonies estimated their need for labor. Though the middle colonies would generally resist the importation of slaves, that resistance often collided with royal policy, which at all times attempted to expand the slave trade.

By October, 1664, the English had driven the Dutch from New Netherlands. The establishment of English rule had very little effect upon slavery, since both the Dutch West India Company and the Royal African Company had similar trade goals with relation to slaves. Both Dutch and English had the same desire to develop the area. The proprietor of
New York, the Duke of York, obviously hoped to realize large profits from his new provinces; he was also deeply involved with the Royal African Company.

Richard Nicolls was appointed Commander-Governor of the former New Netherlands area. Between October 26, 1664 and June 15, 1665, Nicolls issued several orders concerning Blacks formerly owned by the Dutch West India Company. The essence of the orders can be summarized in an order of June 15, 1665, the "Declaration of Confiscation of West India Company Estate." The confiscation was complete and included "Estate of Lands, Houses, Goods, Cattles, Negroes, Debts and all other revenue of what sort soever." Nicolls justified the confiscation as an act of war. So far as the Blacks were concerned, he also brought to an end raucous disputes over the ownership of West India Company slaves who were being claimed by individual Dutch and English.

After 1664, the control of slavery in the middle colonies developed as a matter of policy within the individual

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1State Library Bulletin History No. 2, May 1899: Colonial Records of New York (General Entries) Vol. I (1664-1665), pp. 122, 140-42, 116-117, 109, 174; (These records were discovered 50 years after the original Colonial Records were published).

2Ibid., p. 174.
colonies of New York, New Jersey and Pennsylvania. The Duke of York took New York as his private preserve. He granted the New Jersey area to John Lord Berkeley and Sir George Carteret. The Duke served as President of the Royal African Company. To an extent, he had essentially the same interest in developing the area with slave labor as the Dutch West India had. In spite of the similarity there was one important difference. The Duke of York later became King of England. Because of this, he could enforce his aspirations for the Royal African Company with royal authority. The Duke sent instructions after instructions to royal representatives ordering them to promote the importation of slaves by every possible means.\(^3\)

The Royal African Company held a monopoly of the slave trade from 1663 to 1698. The importation of slaves in the middle colonies increased, but the Royal African Company failed to realize a profit from this increase. Rigid policy control cut the Company out of making a profit in the middle colonies areas. The Royal African Company put a set price upon slaves regardless of age, sex, or skills of Blacks. The middle colonies required adult slaves with some degree of

skills. Thus, purchasers of slaves in this area refused to buy a total ship load of slaves as was the custom in the colonies to the south, where plantation labor required few or no skills. In the plantation areas even children could be utilized as a labor force. In the middle colonies children were considered to reduce the value of female Blacks.4

The basic source of labor in early New York was indentured servants. Laborers in British colonial New York fell into several categories. There were voluntary indentures, convicts, redemptioners, free willers, and Blacks. The first-four classes served various periods of indenture but they eventually became free members of society. The last group, the Blacks, who served a lifetime of indenture, were outside the pale of English law. Blacks were the most desired class of laborers since they served for life and appeared to be the cheapest form of labor. Blacks became permanent laborers while most indentured servants completed their period of indenture and began working for themselves.5

4Ibid., pp. 44-45.

The proportion of slaves to the total population of English colonial New York usually fluctuated from eleven to eight per cent. In his report to The Board of Trade, April 1678, on the description of New York, Sir Edmond Andros said, "but a few slaves" existed in New York. The first official United States Census (1790) listed 21,329 slaves out of a total population of 340,120. Between 1678 and 1790 several official and unofficial census reports were taken. The greatest concentration of Blacks could be found in the counties closest to the urban centers of New York City and Albany. Naturally, the former had the greatest concentration.

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The price of slaves served as a testimonial to their value. As a result of labor shortage, the market value of an able-bodied Black male vaulted from sixteen pounds in 1687, to forty pounds in 1700, to sixty pounds in 1720, and

by 1760 the market value of an adult male Black reached one hundred pounds, while children at ten years of age sold for forty pounds and up. Black females normally proved poor risks to purchase since they were susceptible to pregnancy; hence, productive work time would be cut. Children represented a capital gain for the master, but a slave child required the attention of the mother. Unless a master owned large numbers of slaves and maintained a Black-White nursery, children proved an inconvenience. On both the large and small rural estate, female slaves kept both their children and the master's children, but it was unprofitable unless there was a large number of children. In general, the nature of slavery in the middle colonies made the effective use of child-labor almost impossible. The small farms of the middle colonies used adult or semi-adult labor and young Blacks joined the labor force at age 12 or 13.

In rural areas the ideal slave to purchase was an able-bodied Black male. The nature of small farms called for a multi-talented individual. Such a Black could not qualify as a craftsman by 20th century standards but he could by 17th and 18 century standards. An indication of how skilled Black

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8 McManus, A History of Negro Slavery in New York, pp. 43-45.
workers performed can be found in the memoir of Mrs. Annie
Grant, when she gave a pre-revolutionary description of
Blacks on the plantations in the Albany area:

Of the inferior personages, in this dark drama
I have been characterizing, it would be tedious
to tell: suffice it, that besides filling up
all the lower departments of the household, and
cultivating to the highest advantage a most
extensive farm, there was a thoroughbred car­
penter and shoemaker, and an universal genius
who made canoes, nets, and paddles; shod horses,
mended implements of husbandry, managed the
fishing, in itself no small department, reared
hemp and tobacco, and spun both; made cider,
and tended wild horses, as they call them;
which it was his province to manage and to
break. For every branch of the domestic econ­
omy, there was a person allotted, educated for
the purpose; and this society was kept immac­
ulate, in the same way that the Quakers
preserve the rectitude of theirs; and indeed,
in the only way that any community can be pre­
served from corruption; when a member showed
symptoms of degeneracy, he was immediately
expelled, or in other words, more suitable to
this case, sold.9

Skilled slaves in colonial New York gave many rural
estates a high degree of self sufficiency. Mrs. Grant's
description verified that each Black had a particular task.
The rural estates in colonial New York were just the reverse
of the situation in southern colonies, for southern planta­
tions normally were not self-sufficient units.

9Annie Grant, Memoirs of An American Lady (New York:
Dodd, Mead and Co., 1901), p. 179.
In both rural and urban areas the most difficult Black to dispose of was normally an "aged or decrepit slave." The "aged and decrepit" slave became such a problem that an act was passed in 1773 to prevent them from becoming "burdensome on townspeople." Next to the "aged and decrepit" slave, the female often proved difficult to sell. Black women who bred too fast or sometimes who bred at all were sold. According to a New York merchant, John Watts, the age of a slave often prevented sale. Watts owned "a very good cook," but she refused to be "polite and charming to his wife and daughter." This middle-aged Black was shipped to Virginia to be sold. Final sale did come, but not until Watts repeatedly dropped the price to a point that he would accept "any offer."

Potential buyers refused to purchase such an aged Black. On the other hand, age might prove an asset in a Black female if she was middle-aged and unable to bear children. "For Sale" advertisements usually carried the reasons for sale of Black females; for example:

To be sold, a smart Negro Wench about 23 years old; the reason for parting with her is does not understand country work; she can

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be recommended as any Black ever was sold. For particulars inquire of John Burt Lying, goldsmith, living in Great George Street.12

Slaves in urban areas possessed some degree of skilled training. The key asset of such a Black usually centered upon his age, his skill, and whether or not he had had smallpox. The ideal urban slave to purchase was a "Negro Boy" who had had smallpox. Sale advertisements rarely listed price on these Black lads, as owners hoped for high prices as a result of competitive bidding. "Merchants and Tradesmen" often trained young Blacks in a particular business. Often skilled Blacks were sold outright with a particular business.

Tobacco Piper—a very good dwelling house with a kitchin store house, good stable, a pleasant garden with an orchard and about twenty acres of clay fit for making tobacco pipes, with two Negro slaves, utensils and other conveniences to carry on that business. It lyes opposite to Frogg Point at White Stone in the township of Flushing in Queen County.13

This type of sale often included slaves trained in a particular business. This allowed persons with proper capital to enter business even though their experience with the trade might be limited.

12 Rivington's New York Gazette, May 12, 1774.
13 New York Gazette, March 24-March 31, 1735.
Slave artisans in urban areas presented White artisans with much competition. Blacks employed in town worked as "coopers tailors, bakers, tanners, goldsmiths, naval carpenters, blacksmiths, weavers, bolters, sailmakers, millers, masons, candlemakers, tobacconists, cauldrons, carpenters, shoemakers, brushmakers, and glaziers." These Blacks were just as skilled as White artisans.\(^{14}\) Slave artisans worked so cheaply that they undercut free White artisans, who had to band together in associations to survive the competition. Petitions were circulated to keep out this Black competition. White artisans were sometimes driven from the colony for lack of employment.\(^{15}\)

For those who desired to use slave labor and avoid the maintenance of slaves, hiring was the best method. Slaves were hired throughout colonial New York. The purchase of a slave was a substantial investment and the owner needed to get full utilization of the slave's labor. Since many owners rarely had the need for full-time work, they generally leased the slaves for certain periods of time, with the


stipulation that the slave would return during planting and harvesting or any emergency. Returning to the master during leasing period ranged from once or twice a week to once a year. There were short termhirings where the slave was hired-out once or twice a week. Leasing was used by cautious slaveholders who could not safely predict their labor needs over long periods of time, and yet did not want to sell their slaves often.16 Wills of slaveowners often carried the stipulation that slaves were to be leased, with the profits going to the widow. They apparently felt that the problems of regulating slaves were too much a burden for a female.17 In general, hiring allowed a slaveowner to offset periods of idleness. Hiring of Blacks became highly desirable to small farmers, merchants and tradesmen, and all those who had fluctuating labor needs.

Wages for hiring varied according to the skill of the Black and the shortage of white labor. Long term hiring was sealed by a contract which usually stipulated clothing, food, training and amount of money received for the slave's


labor. Long-term hiring had one great disadvantage; Blacks were often mistreated and ill-fed, thus, decreasing the value of the property. In general, wages paid for hired Blacks remained high since there were no other laborers to be found.18

Cost of maintenance of slaves cut sharply into profits from black labor, unless they could be used throughout the year. Urban slaveowners had to feed, clothe and house their Blacks, but there was work year round for such a slave. This allowed maximum use of the slave, who usually worked for more than one person. Rural slaveowners found black labor less profitable. In order to offset such profit loss, these Blacks were allowed to grow truck crops which they sold in nearby urban areas. This was especially true in the New York City area. Blacks from the surrounding countryside including New Jersey-sold their surplus vegetables which they were allowed to grow. In order to combat this commerce, several ordinances were passed by the Common Councils of New York City and Albany to prevent black vending on the streets.19

Rural slaves often produced their own food, clothing, and other necessities. As a result of this, rural estates in colonial New York were self-sufficient.

In conclusion, because of the scarcity of white labor, colonial New York used Blacks extensively. The system was profitable, more so in the city than in the country. Black labor was efficient and productive; this was especially true for hired Blacks. By the latter quarter of the 18th century, the decline of slavery began in New York. It did not come because of a lack of efficiency and productivity, but because of a rapid increase in white labor. Ultimately, it became cheaper to employ free labor; thereby, completely cutting the cost of direct maintenance. Employers had no obligation to the free worker beyond paying them a wage. The decline of slavery in New York was in relation to the rise of the white population.

New Jersey

The initial introduction of Blacks into New Jersey occurred under Dutch occupation. After 1664, New Jersey became a proprietary colony; this proprietary period lasted

from 1664-1702. After 1702, it became a royal colony; this royal period lasted from 1702-1776. During both of these two periods the institution of slavery flourished and expanded.

The need for black labor found its expression in the earliest constitution for the colony of New Jersey. The proprietors, John Lord Berkeley and Sir George Carteret made special reference to slaves in their "Concessions and Agreements" of 1664. Through the "Concessions" the Lord Proprietors granted to those who would go out with the first governor on allotment of 150 acres of land and for every man servant 150 acres and for every "weaker servant" or slave over age fourteen years seventy-five acres of land.20

The object of these grants, according to the "Concessions" was that the planting of the said province may be more speedily promoted. Preferably, the proprietors wanted to develop New Jersey with white labor, but they were conscious that it was scarce so they made provisions for black labor although giving a distinct edge to white labor. Hence, from

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the very beginning of New Jersey's political existence slavery had legal recognition.\textsuperscript{21}

According to Evarts Greene and Virginia D. Harrington, the total number of slaves can accurately be estimated from five essential censuses: 1715, 1500; 1749, 4500; 1754, 5500; 1784, 10,501; 1790, 11,432.\textsuperscript{22} The percentage of Blacks remained constantly at 8%, although certain counties constantly exceeded this figure. The northeastern counties of Somerset, Middlesex, and Monmouth led the number of slaves. These county areas are adjacent to urban New York and were settled by the Dutch before 1664. Consequently, these counties offered the greater part of the opposition to the abolitionist

\textsuperscript{21}\textsuperscript{21}\textit{Ibid.}, p. 203.

\textsuperscript{22}\textsuperscript{22}E.B. Greene and V.D. Harrington, \textit{American Population Before the Federal Census of 1790}, pp. 106-112; other censuses taken or estimated were sometimes considered inaccurate: 1715, 22,500 total whites; 1,500 negroes; General Census of Thirteen Colonies; 1749, 61,383 inhabitants, white and black; 4,500 militia; 60 families of Indians, Governor Belcher, \textit{Ans. Quer.}, April 21, 1749 in \textit{New Jersey Archives 1st Series}, VII, 245; 1754, 80,000 whites; 1,500 blacks "pretty much conjectural;" Gov. Belcher, \textit{Ans. Quer.}, \textit{N.J. Archives, 1st Series VIII}, pt. 2, p. 84; 73,000 whites; 5,500 blacks, Bancroft, \textit{Vol. II}, pp. 389-91; 1784, 139,934 whites; 10,501 blacks, Franklin B. Dexter "Estimates of Population in American Colonies" \textit{American Antiquarian Society (1889) Proceedings, New Series V}, pp. 22-50; Dexter quotes this figure as an estimate of the General Assembly
cause, since they stood to lose the most from the abolition cause.  

The total number of Blacks entering colonial New Jersey will never be known. Perth Amboy served as the chief port of entry for slaves in eastern New Jersey. For western New Jersey, Cooper Ferry (Camden) the town opposite Philadelphia served as entry port. Since Blacks entered in such small numbers, they posed no problem. Despite royal instructions from Queen Anne to Lord Cornbury in 1702, urging him to encourage the importation of slaves, very few entered through the official ports. The records of the Custom House at Perth Amboy from 1698 to 1711 inclusively listed no slave entering; only 115 Blacks entered between 1718-1726. Slaves in the middle colonies had to be seasoned; buyers often thought it better that they come from the West Indies where Blacks were trained to adjust to slavery. Royal instructions insisted upon The Royal African Company supplying the slaves. In connection with these royal instructions, the same rules that applied for New York also applied to New Jersey and Pennsyl-


vania. The Royal African Company insisted upon selling slaves wholesale, thus their strict policy proved a failure in this area.25

Though few Blacks were purchased from the Royal African Company, Blacks were imported in substantial numbers. The unguarded shoreline of New Jersey served as a "port of entry" for Blacks in the middle colonies. Both New York and Pennsylvania erected high tariffs to ward off importation of Blacks slaves. The Board of Trade revoked these laws, but the two colonies constantly kept some type of tariff enforced even though they were revoked as soon as the Board reviewed them. New Jersey did not erect a high tariff comparable to the others until 1769.26 Those desiring to escape paying tariffs or legal entanglement smuggled slaves in along the New Jersey coastline.

The greatest concentration of slaves were in eastern New Jersey-an area of small towns. The Quakers settled mainly


in West Jersey, a region of large plantations. Slavery did exist there on a substantial scale but the region still possessed fewer slaves than the East. Many of the Quakers held small rural estate and there appeared much Quaker indifference to slavery. In general no effective opposition to slavery appeared before 1760, and wholesale Quaker manumission of Blacks did not occur until after the Revolution. Prior to this time the opposition was founded primarily on religious principles.27

From an economic viewpoint Blacks performed the same agricultural tasks as they did in New York but there were more small rural estates in eastern New Jersey. The Quakers settled western New Jersey with large estates; Blacks provided more specialized labor in this region.

There was one important economic exception; Blacks were used in mining and ironworks in New Jersey and Pennsylvania. This economic aspect was totally missing in New York. The use of Blacks in ironworks violated the rules of the Board of Trade. The Board insisted that Blacks be banned from training or working at ironworks as a part of their scheme to keep the colonials dependent upon the mother country. The Board

issued this ban after a series of complaints about the scarcity of ironworkers in the middle colonies. The English never tried to enforce this policy to any great extent. Thus many Black ironworkers existed.\textsuperscript{28}

In conclusion, in New Jersey the need for a large force of common labor produced the elements necessary for the institution of slavery to grow. The royal desire to fill this need with black labor supplied by the Royal African Company was never realized but the labor need was still there and Blacks arrived despite royal policy. As with New York, white indentured servants soon became proper members of society, thereby leaving a constant labor vacuum. The continuing wars of the colonial period reduced immigration to the colony. New Jersey agriculture created a continuous demand for labor. Eastern and southern New Jersey had large plantations, utilizing black labor, which enabled planters to bring several hundred acres under cultivation on a single farm. Hired laborers were scarce in a country where good land was abundant.\textsuperscript{29} The obvious need for Blacks existed down to


the Revolution even though the laws of the colony held out general inducements to the immigration of white settlers.

**Pennsylvania**

Just as with the other middle colonies, the introduction of black labor in Pennsylvania derived from a need for common labor in a land of plenty where the free individual worked for himself. The Dutch called the Pennsylvania area the South River. As early as 1639, Dutch colonial records listed Blacks in this area. Earlier the South River settlement collapsed because the Company's White indentured servants refused to venture beyond the safety of the shoreline causing a strong need for black labor along the Delaware. This need continued after Pennsylvania became an English colony. The Dutch were driven from this area and in due course the Crown granted it to William Penn. Hence, black slavery existed in Pennsylvania long before it was organized as a colony.  

Naturally, the number of Blacks increased when Pennsylvania became a colony. Records list their presence in Philadelphia County as early as 1684 and in Chester County in 1687. Penn mentions Blacks in his charter to the Free Society of

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Trade (1682). By 1702, there were many Blacks in Philadelphia, and the importation of Blacks developed into a regular business for the merchants of Philadelphia.31

According to Greene and Harrington the percentage of Blacks varied from 5.4% in 1715, to 8 1/3% in 1721; to 9% in 1730; 20% in 1766; and 1% [sic] in 1775. At best some of these figures are pure conjecture. The most accurate description as to the number of Blacks is that they remained a small percentage of the population.32 The first official census in 1790 recorded 10,274 Blacks as 2.3% of the total population. The 1790 figure was obtained by adding the total number of the Black population. By 1790 manumission was in full swing; thus many former Black slaves were then free.33

As with the other middle colonies the great majority of Blacks were in the urban area; the southeastern part of Pennsylvania—the Philadelphia area. There were a few Blacks in all the settled areas of Pennsylvania. The major portions of Blacks were owned in the English, Welsh and Scotch-Irish


Generally, Quakers did not own slaves, but there were Quaker landholders of large estates who did. As a general rule Germans held no slaves. In terms of occupation, the iron-masters usually owned several slaves, and by Pennsylvania standards they were considered to be large slaveholders. Iron foundries usually required large amounts of skill and semi-skilled labor, so it was ideal for black labor. The greatest deterrent to Blacks in colonial Pennsylvania hinged upon the high price of black flesh.

Weather conditions denied all slaveowners in the middle colonies the opportunity of neglecting proper upkeep of their Blacks. Frequently, Blacks fresh from Africa or the West Indies suffered severely with the slightest shift to cold weather. Normally, cold weather brought many cases of frostbite to newly arrived Blacks. The weather prevented the building of the traditional row of ill-constructed slave cabins. Obviously, Pennsylvania Blacks received much better treatment than those in the West Indies or southern colonies. Blacks lived in the master's house and often shared in the benefits of the other members of the family.

Blacks performed virtually every task in the Pennsylvania Colony. Females served as domestics and nurses, while

Black males worked essentially as they did in the sister middle colonies. Often these early Black American domestics were hired out. In general, males became house-servants or farmhands, but Blacks also served as "barbers, blacksmiths, miners, bricklayers, brushmakers, carpenters, coopers, carriers, distillers, hammermen, refiners, sailmakers, sailors, shoe-makers, tailors and tanners and iron foundry workers."35 As with the other colonies, the price of Blacks fluctuated from 40 to 100 pounds.

Economically, Pennsylvania developed along two lines unfavorable to black labor, small farming and manufacturing-commerce. Small farmers did not oppose black labor, but they were too poor to purchase a Black. The nature of small farming made slavery unprofitable since no great demand existed for one essential type of labor. Commerce proved equally unfavorable to non-skilled black labor. Manufacturing with its demand for skill fell into this category. In the domestic stage, manufacturing required labor with skills and masters were reluctant to attempt to train Blacks fresh from Africa. British regulations kept iron works industry free of numerous Blacks, but some obtained training in this area.

In regions beyond the Philadelphia area, little attention was paid to this regulation but Black ironworkers never became numerous. In accordance with British regulation, this industry remained the preserve of white indentured labor.  

The greatest impetus for black labor came on the eve of the Condemnation of Slavery as a moral wrong. Before 1700, most of Pennsylvania was a frontier. Few Blacks existed since struggling settlers could not afford the cost of a slave. The frontier thus restricted the growth of slavery. Between 1700 to about 1750, the region between the Delaware and the Susquehanna became quite densely populated. As the frontier receded, larger numbers of Blacks were needed. Between 1750 and the Revolution, agriculture developed along intensive lines and large, well-cultivated farms developed. Wealthy individuals appeared willing to buy slaves in great numbers, but the spirit of the times in Pennsylvania spelled the doom of slavery.  


Throughout the colonial period the Assembly fought the importation of slaves in Pennsylvania. In 1700, a duty of twenty shillings was imposed; later it was doubled. All Pennsylvania tariffs on slaves were declared void when reviewed by the Board of Trade, which struck down the laws in order to keep the channels of trade open to the Royal African Company. Yet, the Assembly kept on passing new tariffs and by so doing maintained a reasonably effective control of the trade.

Racial conditions also helped prevent the large scale development of slavery in Pennsylvania. From the beginning, the Germans abstained from owning slaves. The Rhineland artisans, German, Swiss and Dutch, who found Germantown in 1684 opposed slavery. They had no use for slaves in their skilled crafts. They opposed the thought of slavery in their new land of freedom, because slavery reminded them too much of conditions in their former homeland. In 1688, they drew up an official remonstrance against slavery and the slave trade and submitted it to the monthly meeting of friends in nearby Dublin. True, Germans owned large farms but many farmers had large families and the role of children and wife

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38 Turner, The Negro in Pennsylvania, pp. 5-9; Franklin, From Slavery to Freedom, p. 96.
was one of a laborer on the farm. Thus, German farmers had very little use for slave labor.\textsuperscript{39}

Quaker opposition to slavery developed gradually. The Germantown Protest of 1688 forced the Friends of Pennsylvania to consider the merits of slavery quite early. Over a period of 75 years, the Quakers eventually enlisted in the cause of abolition of slavery. By 1770, Quaker gradualism began to accelerate rapidly. According to Thomas Drake and Rufus M. Jones, John Woolman and Anthony Benezet seized the right moment to solicit Quaker support against slavery. As a result of Quakers retreating from Pennsylvania government, they were left completely out of the civic life of Pennsylvania. The anti-slavery cause served a two-fold purpose: it allowed Quakers to remove a moral wrong and it served to unite them once again. Woolman and Benezet saw this opportunity to gain support for their cause and took advantage of it.\textsuperscript{40}

The Scots-Irish had no great dislike for slavery, but frontier conditions did not favor slavery. At the same time,


\textsuperscript{40}Ibid., p. 519; Drake, \textit{Quakers and Slavery in America}, pp. 54-55.
the Scots-Irish were too poor to purchase slaves. Many simply cleared land and eventually sold it to the second wave of settlers. Because of this constant moving, they could never develop large plantations where black labor would be profitable. Before western Pennsylvanians became able to purchase Blacks extensively, the institution was in a decline. In conclusion, conditions never existed to cause Pennsylvania to have a large slave population.
CHAPTER III

THE FORMATIVE PERIOD OF BLACK STATUS 1664-1712

Duke's Law

The question of the status of slavery in English Common Law finds its roots in cases involving the rights and duties of subjects as against those of the Crown. The growth of the English colonies raised several basic questions concerning the position of English subjects living in the colonies. In the case of Blankard vs. Galdy (1694), Judge Holt answered this question by distinguishing settled from conquered colonies. In the former "all laws in force in England are in force there": in the latter, "the laws of England do not take place there until declared by the conqueror." If an infidel country is conquered, "their laws by conquest do not entirely cease, but only such as are against the law of God; and that in such cases, where the laws are rejected or silent, the conquered country shall be governed according to the rule
of natural equity."\(^1\)

Slavery existed in the middle colonies even before its position was established in English law. In 1677, the case of Butts vs. Penny, in English law recognized the status of slavery. It was declared "that Negroes being bought and sold among merchants of merchandise, and also being infidels, there might be property in them sufficient to maintain trover."\(^2\) This principle was followed in later cases. Even though it occurred late, the most important case involving black slavery in English Common Law was Somerset's Case (1772). Lord Mansfield held that "by the Common Law no man could have property in another and that as soon as a Negro came to England he is free; one may be villein in England but not a slave."\(^3\) This decision prevented slavery from being established in England by colonials or Englishmen. Cases decided in England's court had little effect and appeared to be but general decrees which ultimately had no meaning in the colonies, especially regarding private property of rebellious colonists. In general, by the time the English conquered the

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\(^2\)Ibid., pp. 264-5.

\(^3\)Ibid., p. 265.
middle colonies, slavery was an established institution and slaves were beyond the pale of English Common Law. English Common Law, which regulated servant-master regulation, had no effect upon the regulations of Blacks by the year 1664, as opposed to Dutch law which heavily influenced the regulation of Blacks in New Netherlands.

When the English arrived in the middle colonies (1664), they found the institution of slavery in existence, but laws explicitly governing Blacks were few. In New York and Pennsylvania, it appears as if The Duke of York's Law was eventually followed since no other laws governing servants and slaves existed. Duke's Law did not go into effect in New York until 1674 and in Pennsylvania until 1676. In contrast to this situation was the colony of New Jersey where laws were passed with reference to Blacks as early as 1664. The complete transition from Dutch to English rule took a period of twenty years. During this period Blacks were obviously governed as they had been under the Dutch. Many of the Dutch and non-English regions continued to follow Dutch law. This made little difference because the right of private property was recognized by both Dutch and Duke's Law. So the lot of a Black slave did not really change.
During the period of transition in New York and Pennsylvania, Duke's Law was gradually accepted. The legal status of Blacks in Duke's Law was not very clear but it was obvious that servant laws applied to both Black and White servants. Duke's Law prohibited "Bond Slavery" but it made the following exceptions:

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, In which Case a Record of such Servitude shall be entered in the Count of Sessions held for that Jurisdiction where Such Matters shall Inhabit, provided that nothing in the Law Contained shall be to the prejudice of Master or Dame who have or shall by any Indenture or Covenant take Apprentices for Term of Years, or other Servants for Term of years or Life.4

The status of Black servants changed very little with Duke's Law. Blacks fell under the jurisdiction of two types of laws, those that regulated all individuals and those that regulated the servant class. Masters were held responsible for acts committed by servants, but Duke's Law stressed the master punishing the servant rather than the government officials. "Servants and Labourers" were prohibited from "either selling or trucking any commodity whatsoever, during

the time of their service." Persons receiving such merchandise would return double the value of the merchandise to the master of the servant. All "servants and labourers" were required to perform a wholeday's work but masters had to allow them time for food and rest. Naturally, runaways were prohibited but it became necessary to authorize town sheriffs to arrest suspicious persons without a pass until they be proven a free man. The penalty for such violation was the doubling of the time of service. Dutch Law required a similar punishment. 5

In matters of servant education and religion, Duke's Law differed from Dutch Law. The law regarding instruction of children and servants decreed: "the Constable and Overseers" are required frequently to admonish the inhabitants of instructing their children and servants in matters of religion and laws of the country." Punishment for disobedience required that masters take servants to the local Justice of the Peace if one existed within ten miles. If not masters could punish the servant or child by inflicting such "corporal

punishment" as merited, not exceeding ten stripes.⁶

Legally, Duke's Law protected servants from "tyrannical and cruel abuse" by their masters. A servant could file his complaint with the local "constable or overseer;" if the complaint was proven valid the servant was temporarily placed under protection until the charge could be settled. If a master destroyed the eye or tooth of any servant, that servant was released from further service. A servant's complaint that could not be validated gained him three months of serving his master without pay. It seems highly doubtful that slaves were protected by this aspect of Duke's Law. Later laws in the middle colonies carried the same provisions but they excluded Black slaves. Duke's Law required that servants be limited to seven years of indenture, but there was an exception for life time servants (Blacks).⁷

Naturally, the Duke of York did not want to destroy his interest in the African slave trade. Logically he would recognize the institution that would cause this trade to grow. Duke's Law declared that "Bond Slavery" was prohibited but it made exceptions for servants indentured for life. The law


failed to declare clearly that only Black servants served for life but it did declare that "White Christian Servants" could not be held for life. Duke's Law which regulated free-men and White servants, likewise regulated Black servants. The number of Blacks in all of the middle colonies remained small until the close of the seventeenth century. Thus, there apparently was no need for special criminal law and courts of law explicitly for Blacks in New York until the beginning of the eighteenth century. Within the latter quarter of the seventeenth century there appeared laws in each colony that had bearing upon Blacks and their legal status.

New York

For twenty years (1664-1684), there was no legislation specifically regulating slaves. The first English law containing the word "slave" was "A Bill against Fugitive Servants and Entertainers of Them" passed by the New York Assembly, October 22, 1684. Most of the law related to servants, but there were portions that had reference to slaves. This law decreed that those "aiding or assisting any apprentice servant or slave" in his escape would be fined five pounds for each offense payable to the county and would then "make full satisfaction to the master" for all "cost, charges and damages" which the master claimed. Another section fined
persons ten shillings for entertaining or concealing servants, apprentices or slaves without the master's permission for every day of concealment or entertainment. This particular aspect of the law became a standard regulation in all the middle colonies. From the master's view point, social contact between Whites and Blacks appeared to be the most serious offense in the middle colonies. This battle apparently was a lost cause because numerous laws were passed to prevent Black and White socialization without fruitful effects.

Two days later the Assembly passed the first act which dealt specifically with "Slaves Labourers and Apprentices." This law sought to regulate the movement and activities of the entire servile class. Black slaves were prohibited from "giving, selling or trucking any commodity whatsoever" during time of their service. This act hoped to stop the growing practice of selling goods to servants. That is, individuals would "credit or trust" slaves and servants with "clothes, drinks and other commodities" which they obviously could not pay for. Then the creditor would take out a lawsuit against the servant or slave with the hope of obtaining either his

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money or obtaining a decree requiring the slave or servant to pay for the goods by working for him. This act "debarred" individuals from "maintaining" suits against "servants or slaves" with the intent of attaching a debt to them.\(^9\) This situation must have been common in all the middle colonies since all three passed similar laws at generally the same time.

The section of the 1684 Act deleted the word slave and simply stated servant. This section made it a crime for masters to exhibit undue "tyranny and cruelty" towards their servants. Masters accused of cruelty to servants were bound over to the next session of court. If found guilty, masters had to advance "good security" that it would not occur again in the future. In cases of maiming, the court had the power to release the servant from his master's service. A false charge resulted in the servant period of indenture being doubled. This section of the act also referred to White servants. As indicated by the action of The Board of Trade two years later, May 29, 1686.\(^10\) The Board sent instructions to

\(^9\)Ibid., pp. 157-159.

the Governor concerning inhumanity to Blacks and Indians:

You shall pass a law for the restraining of Inhuman Severities which by all masters or overseers may be used toward their Christian servants, or slaves, wherein provision is to be made that ye wilful killing of Indians and Negroes may be punished by death, and that a fit penalty be imposed for the maiming or them.  

Within this same section of the act passed October 24, 1684, the Assembly granted the right of "hue and cry to all masters and all Justices of the Peace" in recovering any runaway servant or slave. The total law enforcement system was put at the disposal of the runaway slave's master, but he first had to offer security that the cost incurred in the hunt would be paid. Once this had taken place, then the law declared: "all constables and inferior offences are hereby...empowered to press men, horses, boats and pinnaces ships to pursue such persons by sea or land and to make diligent hue and cry as by the law is required." Historically, this was quite a change since The Dutch West India Company personally held itself responsible to return any servant Black or White free of charge to the master. English law prior to this time


placed law enforcement at the disposal of slaveholders free of charge. The remainder of this act referred solely to apprentices and made no reference to Black slaves.

In conclusion, the first acts passed by the English in the colony of New York mentioning or recognizing slavery, October 22, and 24, 1684. These acts allowed the governing of Blacks to remain within the existing legal structure which regulated freemen and White servants. Judicial punishment of Blacks remained within the general criminal code and system of the colony. This remained the practice from 1684 to 1702. Legally, Blacks were classified with servants but this is not to imply that Blacks did receive equal protection before the law. It was not until 1702 that the law placed Blacks in a separate legal category. The Act of 1702 marked the beginning of legislation to formulate a comprehensive code for control of Blacks.

New York's first major slave code emerged in 1702. As with any slave code, "law and order" stood at the helm of legislation. This act officially sanctioned what was already an accomplished fact when it decreed that "here after it shall and may be lawful for any master or mistress of slave to punish their slaves for their crimes and offences at discretion." Legally, for the first time, the master's
discretion and the crack of his whip carried the full weight of the crown. The legislation made official what slave owners had always believed true. It placed slaves beyond the rule of the laws of England:

Where as slaves are the property of Christians and cannot without great loss or detriment to their masters or mistresses, be subject in all cases criminal, to the strict rules of the Laws of England.13

The Act of 1702 sought to regulate the movement of "faceless" Black who plagued the urban area of colonial New York (New York City, Albany and other towns). Congregations of Blacks were limited to no more than three slaves at any one time, unless at a place of employment of the master or mistress. The penalty for this violation carried "forty lashes across the naked back" by the town appointed "common whipper" for slaves.14

To assault or strike a "freeman or woman professing Christianity" carried corporal punishment short of life or limb for the slave. There was an element of mercy since the

14 Ibid.
law instructed the justice to fine or punish according to what they considered "reasonable."\(^{15}\)

The 1702 Law sought to remove the achilles' heel of urban slavery, socialization. The portion of the law designed to cut socialization was aimed at free whites since they frequently entertained slaves. This law prohibited "employing harbouring, concealing or entertaining men slaves" without the master's written or verbal permission. Violation of this act carried a fine of five pounds for each offense. At the same time, if an individual violated this act and the slave was injured, the violator paid the master for the injury to his property.\(^{16}\) Later insurrections and conspiracy proved that Black male slaves often socialized with Whites, male and female. This aspect of the 1702 Law was designed not only to cut entertainment, but also to prevent integrated thief rings. Numerous court cases revealed evidence supporting the existence of integrated thief rings. It was useless for a Black to steal silver candlesticks unless he had a white partner to melt it down and sell it.

\(^{15}\)Ibid.

\(^{16}\)Ibid.
The Act of 1702 reiterated a basic principle of American slavery when it held that in the final analysis, the master was responsible for his slaves and especially the damage created by him. A slave guilty of theft, trespassing or damage to a person or his property above the sum of five pounds became subjected to "corporal punishment" at the discretion of the Justice of the Peace, but as earlier stated, the master was still held responsible for the damage. The Law of 1702 terminated a long standing Dutch practice of slave testifying in court against free citizens:

And it is further Enacted by the authority aforesaid, That hereafter no slave shall be allowed good evidence in any matter, Cause or thing whatsoever, excepting in Cases of Plotting or Confederacy amongst themselves, either to run away, kill or destroy their Master or Mistress, or burning of houses, or barnes or barracks of Corn, or the killing of their Master's or Mistress's Cattle and that against one another, in w'ch case the Evidence of one slave shall be allowed good against another slave.17

The Act of 1702 was revived August 4, 1705 for seven years then repealed.

The struggle for an empire in America between the French and the English evoked several slave laws designed to maintain military security. Queen Anne's War (1702-1711)

worked an extreme hardship upon English security in regard to runaway slaves. In order to remedy this security leak, "An Act to Prevent Running Away Negro Slaves out of the city and county of Albany to the French At Canada" was passed, August 4, 1705.18

This law carried several penalties, depending upon the violations. Any runaway Negro "found traveling forty miles above the city of Albany at or above a certain place, Saratoga (unless in the company of his, her, or their master, mistress or such employed by them or either of them would be given the death penalty just as in the case of felony."19 Slaves living in Albany and the surrounding areas were subject to the same regulations and punishment, but court regulations differed. If a slave was caught, the owner was given two days after notification to appear with persons to appraise the captured Negro and the worth of the slave was set. If the slave was convicted and executed, the owner received the appraised price minus court cost. Re-enactment of this act or ones similar occurred frequently until after 1763.20

19 Ibid.
The latter two sections of the 1705 Law carried important provisions governing Blacks. This act set the price for slaves accidentally killed: "Every Negro slave, male or female, from age of fifteen years and upward being put for service at thirty pounds." The latter section of this act carried the important key to slavery at this particular time. This section of the act destroyed the concept that slavery would hereafter be controlled as a purely local institution by stating no clause within the act exempted slaves from regulations of the first major code of 1702, and that no city or county could erect laws to circumvent colony wide law. 21

The year of 1708 produced more severe slave regulations. In an act passed September 18, 1708, Whites were to be fined for "drunkening, cursing, or swearing" the sum of three shillings for each offense or to be committed to the stock for a period of four hours for drunkenness, and two hours for cursing or swearing. For the same offense, Blacks (both free and slave) were given as many stripes as the Justice of the Peace "shall think fit." The stripes were not supposed to

exceed forty stripes, unless it was the custom of the region.22

In February, 1708, Lord Cornbury (Governor of New York) reported to the Board of Trade:

A most barbarous murder has been committed upon the family of one Hallet by an Indian man slave, and a Negro woman, who have murdered their Master, Mistress and five children. The slaves were taken, and I immediately issued a special commission for the Tryal of them, which was done, and the man sentenced to be hanged, and the Woman burnt, and they have been executed. They discovered two other Negros their accomplices who have been tryed, condemned and executed.23

This murder triggered strong slave code legislation. This law declared any Black, free or slave involved in conspiracy or attempted murder of any White person, "shall be condemned to death" before three Justices of the Peace with one Justice constituting a quorum. The method of death would be left to the discretion on the Justice. The accidental killing of a White by a Black was excluded from the law. This act also set the general price for executed slaves at twenty-five pounds lawful money of the colony.24

22Ibid., pp. 617-618.
This act was another reversal in the legal status of Blacks. It was the first decree in New York which made the murder or attempted murder of Blacks not a crime. This considerably endangered the status of the free Black since it placed all Blacks, regardless of status, in the same category. It was definitely a law which applied to a racial group rather than a class group. This act went beyond the limits of petit treason since it sought to punish free Blacks.

New Jersey

Slavery had legal recognition from the very beginning of New Jersey's political existence. In 1664, Lord Berkeley and Sir George Carteret formulated New Jersey's first constitution, "Concessions and Agreements." This constitution implied that slaves were considered members of the settler's family. Twelve years later, in 1676, the West Jersey Proprietors established their constitution and followed the same practice.

According to the constitutions of both Jerseys, the Proprietors granted an additional number of acres to planter-settler, depending upon whether his servants were White, Black or a "Weaker Servant" (servant lacking skills and experience). The object of such land grant was to promote
"more speedily planting of the province,"25 (The allotted acreage is found in table one).

The "Concessions" apparently were designed to induce settlers to use white labor; since there were no Blacks in England, all able men servants coming over were white. On the other hand, settler-planters may have inherited the acres allotted to slaves since they never reached an expiration date in their servitude. Unconsciously, these grants served as a disadvantage to White servants; since they had to be given land after their service time had expired. Settler-planters chose Blacks and kept additional surrounding land for themselves.26

The earliest legislation in New Jersey bearing directly upon slavery was a provision in 1676 declaring that "if any man shall willfully or forciably steal away any mankind, he shall be put to death." This provision was contained in the "Capital Laws" passed by the General Assembly at Elizabeth-Town. Undoubtedly, this law referred only to Whites but it


26Ibid.
<table>
<thead>
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<th>Qualifications</th>
<th>For The Settler</th>
<th>To The Settler For an Able Man Servant</th>
<th>To The Able Man Servant</th>
<th>To The Settler For Weaker Servants And Slaves</th>
<th>To The Weaker Servants After Indenture Expire (Blacks excluded)</th>
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TABLE I--Continued

(West Jersey, 1676)

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<th>To The Able Man Servant</th>
<th>To The Settler For Weaker Servants And Slaves</th>
<th>To The Weaker Servants After indenture expire (Blacks excluded)</th>
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</table>

was applied to black slaves. It was designed to protect the master's black property rather than rights of a slave.²⁷

Within the "Capital Laws of Carteret Time" appeared further legislation prohibiting the "transportating and entertaining" of Blacks. Persons convicted of transporting Blacks paid a fine of five pounds and all such damages as the court declared. Persons "harbouring or entertaining" slaves forfeited ten shillings daily for each day of entertainment or concealment.²⁸ Another reference to slavery was found in the "Fundamental Laws" agreed upon by the proprietors and settlers of West Jersey in 1676. A portion of this initial law declared "that all, any persons and persons inhabiting the said province shall as far as in us lie, be free from oppression and slavery."²⁹ The Quaker founders of West Jersey faced a dilemma. Opposed in principle to slavery, they stated their theory in the Fundamental Laws. Yet slavery existed and they not only condoned its existence, but extended it.


²⁸Ibid., p. 239.

²⁹Ibid., p. 109.
West Jersey passed numerous laws relative to servants but they failed to use the term "slave." Although one law did contain the word "Negroes." Obviously, slavery existed and the omission of the word slave may be due to Quaker indifference to the institution. The same general rule applied to Pennsylvania which never passed an ordinance using the word "slave" but frequently used the word "Negro."

In 1692, "An Act for suppressing selling Rum and etc. to Negroes and Indians" declared that a convicted seller had to pay triple fine of five pounds. The closing section of this law indicated that giving "strong liquor" for medicinal reasons was not a violation of the act. This act may reveal the mildness of Quaker slavery and their view which considered Blacks and Indians as innocent children of nature. This law did not decree a punishment for Blacks receiving "strong liquor." Similar laws were passed in the middle colonies but they called for punishment of the black receiver as well as the white seller.

East Jersey found it necessary to pass "An Act against Trading with Negro Slaves." The preamble of the act declared that Blacks frequently stole from their masters and sold the

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30 Ibid., 512.
stolen goods miles from home. The purpose of the act was to penalize the receiver with the hope that Blacks would have no one to sell to. To accomplish this goal, persons were prohibited from "buying, selling or trading" with "any Negro slave or Indian slave" for any "rum, brandy, wine or strong drink or any other goods, wares or commodities, living or dead within this province." Convicted sellers paid a fine of five pounds for the first offense and ten pounds for each offense thereafter. This law sought to punish Blacks who "bring or offering to sell, barter or trade" any goods without his master's permission. This act authorized any White person to whip this "wayward Black" and the master had to pay the whipper a half a crown.31

By 1694, it became necessary to pass "An Act Concerning Slaves." This act sought to remove "the liberty [of Blacks] to carry guns and dogs into the woods" because Blacks used "hunting" as an excuse to kill hogs. Blacks could not carry guns unless accomplished by a White man authorized by the master. Unauthorized Whites found with armed slaves paid a fine of twenty shillings and ten shillings more for each

31Learning and Spicer, Grants and Concessions of the Lords Proprietors of New Jersey, pp. 254-5.
offense thereafter. Cases involving fines under forty shillings were tried by town court and over forty shillings cases went to county court. Persons convicted of lending guns to Blacks paid stiff fines. Owners of slaves possessing unbranded hogs were fined also. This 1694 law carried a standing feature of American slave codes; it once again prohibited the "harbouring or entertaining" Blacks without their masters consent. Also persons housing Blacks without their masters consent were fined. A key portion of this 1694 Act was designed to recapture runaways by authorizing any White person to capture the "runaway Black." The captor was paid ten shillings per slave and six-pence per mile for the distance traveled to return the runaway to his master. 32

In the following year, 1695, the Assembly of East Jersey passed another law to combat black crime. This act set up procedure for Blacks "taken into custody for felony or murder or suspicion of felony or murder." The trial of suspected Blacks took place before three Justices of the Peace, but only one constituted a quorum. Upon conviction by a "jury of twelve lawful men of the neighborhood," the Black

32Ibid.
was sentenced and executed.\(^{33}\)

The last section of the law required Blacks to be punished for larceny. Black offenders were taken before two Justices of the Peace and if convicted, the master was given ten days to restore stolen property. The Black received "corporal punishment" not exceeding forty stripes with the cost of punishment being paid by the master.\(^{34}\)

This act marked the trend of things to come in the middle colonies. It called for the establishment of special courts to prosecute Blacks. After this act Blacks became a special judicial problem handled by procedures especially adopted to their situation. This was the last act passed in either of the Jerseys before the surrender of the charters.

After the surrender of the charters in 1702, the New Jersey Colonial Assembly passed "An Act for regulating Negro, Indian and Mulatto Slaves," but it was disallowed. The next legislation designed to regulate Blacks came in 1712-13 as a result of the Insurrection of 1712 in New York City. In conclusion, between 1664 and 1702, regulation of Blacks had shifted from normal channels to a separate category. The

\(^{33}\)Ibid., p. 356.

\(^{34}\)Ibid., p. 356.
reason for this change was not that the Blacks were becoming militant, but that their numbers were increasing rapidly.

**Pennsylvania**

Between 1682 and 1700, there appeared no legislation in Pennsylvania governing Blacks. Theoretically at least, they were governed by the same laws which governed White servants. The only gesture which faintly resembled law governing Blacks was William Penn's "The Articles of the Free Society of Traders in Pennsylvania," 1682. Penn attempted to set a precedent for Pennsylvania that "Blacks" who were employed by the Company as "servants" should be free after fourteen years, provided that they would thereafter pay the society "two-thirds of what they are capable of on such parcel of land as shall be allotted to them."³⁵ Penn's "Articles," however, were ignored even by Penn himself since he owned slaves. It is possible that Penn may not have been conscious of the fact that he owned slaves. Penn was familiar with slavery because prior to this time he was one of the chief proprietors of West Jersey where slavery had existed. In regard to slavery, the "Articles" can only be recorded as

³⁵The Articles of the Free Society of Trader's in Pennsylvania, cited from The Pennsylvania of History and Biography Vol. VI, p. 45.
a noble gesture. During this period, one other law was passed which prohibited creditors from "attaching for debts Black and White servants." 36

The first English statute regulating Blacks specifically was passed in 1700. The preamble of this act declared that its purpose was to provide for a "speedy trial and Punishment of Negroes committing murder, manslaughter, buggery, burglary, rape, attempt of rape and other high heinous enormities and capital offense." This law required that Blacks charged with a crime would appear before a grand jury (of two Justices of the Peace and six substantial freeholders) to determine if they should be indicted. If indicted Blacks then would appear before a regular court. Sentences of the court were executed by the High Sheriff. 37

This law also set the penalty for various crimes. If any Black "shall commit a rape or ravishment upon any White woman or maid or shall commit murder, buggery or burglary, they shall be tried..., and shall be punished by death.


Attempted rape "on any White woman" was punishable by castration. Blacks convicted of larceny were whipped. The court decreed that a Black carrying weapons without the master's permission would receive a whipping of "twenty-one lashes" on his bare back." The last section of this act prohibited Blacks from meeting in "great Companies or numbers." Punishment for such gathering called for whipping "not exceeding thirty-nine lashes." This act was annulled by the Queen in Council on February 7, 1705.

The Assembly passed another "Act for the Trial of Negroes" on January 12, 1705-6. This act was not repealed until the State Assembly of Pennsylvania abolished slavery in 1780. The first act obviously contained a section offensive to the crown. The section involving "castration" of Blacks for attempted rape upon a White woman was changed. Blacks convicted of attempted rape....robbing, stealing or larceny received thirty-nine lashes and were to be branded on the forehead with the letter R or T. The convicted Black was ordered banned from the province "within six months" never to return unless prepared to meet death. The cost of confine-

38 Ibid.
39 Ibid., p. 79.
ment while waiting to be exported, was paid by the Black's master. The next important legislation resulted from the reaction of the Insurrection of 1712 in New York City.

40 Ibid., pp. 233-236.
CHAPTER IV

INSURRECTION AND ITS EFFECTS UPON BLACK STATUS

White Reaction to Black Insurrectional Fear

1712 marked the beginning of a new era of slave regulation in the middle colonies. Major slave codes which existed as a means of convenience rather than of security, had only existed in the middle colonies for less than a decade. Prior to 1712 Blacks were not considered a threat to public safety. All this was changed as a result of the Insurrection of 1712 in New York City. The Insurrection of 1712 did more psychological damage than material damage. It released fear which remained for decades to come.

The Insurrection in New York City resulted from much planning. The event was brief, but its effects were long range in scope. Shortly after midnight, April 7, 1712, the house of Peter Van Tilburgh was set afire by Blacks. This was the signal for the Insurrection to begin. As the cry of fire spread through the community, dazed and sleepy citizens
came to investigate the blaze. Awaiting the Whites were Blacks armed with "firearms, some with swords and others with knives and hatchets." As the Whites approached, shots were fired. The initial volley fired by angry Blacks killed "nine Christians (Whites) and about five or six wounded."
The Rebellious Blacks escaped to the "woods" thus sealing their fate. Governor Hunter ordered the startled militia to surround the "woods" and wait until morning. By morning the initial shock was over and the routine job of hunting these wretched creatures began. The brief skirmish in the "woods" resulted in the capture of the defeated Blacks, but not before six Blacks, realizing that the cause was hopeless, committed suicide. Eventually the Blacks were brought to trial: Twenty-seven were convicted and twenty-one were executed. One Black female was sentenced to execution but as a result of being pregnant she was spared. Other arrested Blacks were eventually released.¹ The methods of execution varied according to the horrendous thinking of the court:

Some were burnt others hanged, one broke on the wheel, and one hung alive in chains in the town, so that there has been the most exemplary punishment inflicted that could

be possibly thought of, and which only this act of assembly could justify. The execution of a slave brought out the pedagogical quality of early white Americans since it was designed to teach other slaves a lesson.

Reaction to the slave conspiracy produced the first major slave code in New York: "An Act for preventing suppressing and punishing the conspiracy and Insurrection of Negroes and other slaves" passed December 10, 1712. The code re-enacted many existing slave regulations and added new provisions. The following summary of the law will give the essence of each provision:

1. Trade with slaves forbidden unless with consent of master; penalty for this violation carried a fine triple the value of the thing traded and all contract with slaves void. (re-enacted)

2. Masters could punish their slaves for crimes at their discretion, not exceeding life or limb. (re-enacted)

3. Not more than three slaves were to meet together except in employment of the master and with his consent; punishment ranged from one to forty lashes, depending upon discretion

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2Ibid., p. 341.

3The word re-enacted means the law was already in existence. New means the law was being established for the first time.
of the Justice of the Peace. Any town or city could appoint a "common whipper" with the salary paid by the master, not exceeding three shillings per head. If a slave assaulted or struck a freeman professing Christianity, the Justice of the Peace evoked "corporal punishment" at his discretion, not exceeding life or limb. (re-enacted)

4. Employing, harboring, concealing or entertaining male slaves was forbidden. The master received five pounds for every day or night the offense took place. If the host concealed a slave, lost or dead, the violator forfeited the value of the slave. (re-enacted)

5. Masters who "made up or compromised forfeiture," forfeited double the sum thereof. One half to the informer and half for defraying public expense. (new)

6. Persons convicted of withholding information "from master or a Justice of the Peace" involving entertainment of slaves paid a fine of two pounds which was paid to the informer. If convicted persons did not have goods or chattel to pay the fine, they were committed to jail immediately. (re-enacted)

7. Any manumitted Negro or Indian knowingly entertained a delinquent or runaway slave, paid a fine of ten pounds to the master for every night or day such entertainment occurred. (new)

8. No Negro or Indian or Mulatto after December 10, 1712 could own, hold, or possess any house, lands, tenament, or inheritance within the colony. All property held by Blacks or Indians reverted to the colony. (new)
9. Since free Blacks were considered "an idle, slothful people and proved very often a public charge" no master could manumit a slave without providing a two hundred pound freedom bond, to be paid twenty pounds per year to the manumitted slave during his life. Executors of the will that manumitted Blacks had to advance the two hundred pound freedom bond, or the will became void. (new)

10. Any slave who killed, murdered (except by accident, or by law) conspired or attempted the death of any person other than a slave; or committed or attempted rape on any person not a slave; or shall be murdered by a slave, the slave faced being convicted before three or more Justices and five principal freeholders, seven agreeing was a majority, which could evoke the death penalty or any punishment the court decreed. (new)

11. A slave suspected of violations listed above went to jail upon a warrant issued by any Justice. An examination followed; if the slave appeared guilty, he was brought to trial without a grand jury hearing. If a slave refused a defense, this automatically stated that he was guilty, just as if he had confessed or convicted. If a slave defended himself, he did not have the right to challenge any freeholder. Convicted slaves were put to death immediately in a manner prescribed by the court. If any master sought a jury trial of twelve men, he had to pay a jury cost not exceeding nine shillings, but he did not have the right to challenge jurors. (new)

12. No slave could use any gun or pistol unless in the presence or under the direction of his master. Penalty for this violation was
not to exceed twenty lashes on the "bare-back" for each offense. (new)

13. Law officers failing or neglecting to execute this law forfeited the sum of two pounds each offense and; every freeholder summoned to jury duty who refused to serve forfeited the sum of twenty shillings. (new)

14. Cost for executing this act became the duty of the city or county where the slave was convicted or executed. The sum of each conviction and execution could not exceed three pounds. (new)

Enforcement of the slave code of 1712 created more problems than it solved. Governor Hunter explained the sum of these "inconveniences" to the Lords of Trade, November 12, 1715. According to the Governor, slaves became more despondent because many had been promised freedom if they performed their "duty faithful and diligent." Many slaveholders, who manumitted their slaves, made no provision in their will for the "security" which the Slave Code of 1712 required. These Blacks lost all hopes of freedom and became "careless servants." At the same time, this slave code "excited" Blacks to perform more insurrectional acts. For instance, Blacks who inherited any type of legacy were denied reception of it. All Blacks were denied ownership of any

type of property. Even free Blacks stood in danger of being placed in slavery if they could not produce a good behavior bond of two hundred pounds.  

As a result of Governor Hunter's influence and persuasion, the Slave Code of 1712 was revised on November 2, 1717. Changes related to manumission took place; first, the freedom or manumission bond was deleted and in its place, security had to be given to protect the town from Black pauperism; second, if an executor refused to give security, any other person could give it. These two changes never developed into a concrete rule since a manumitted slave often received no security.  

Nineteen of the slaves executed as a result of the "1712 Conspiracy" lived on in the annals of the courts because the owners were not compensated. At issue was the question whether or not the government has the right to destroy or confiscate private property without proper compensation. Prior to 1712, two laws (1705, 1708) were passed to set the value of convicted and executed slaves, but the execution of

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these laws obviously proved difficult. In an act passed December 23, 1717, provisions were made to compensate masters of executed slaves. The act designated that the colony should pay fifty ounces (silver) per executed slave. This action which made the colony responsible for executed Blacks did not satisfy The Board of Trade. Thus, on June 4, 1719, the board reversed the responsibility of cost and said the county where the Blacks were executed should pay rather than the colony. Action such as this allowed many rebellious Blacks to live because masters realized it was virtually impossible to collect for an executed slave.

New Jersey reacted to the Insurrection of 1712 in a manner similar to New York. The colony of New Jersey passed "An Act for Regulating of Slaves," its first major slave code, on March 11, 1713, which consisted of fourteen sections. The first section of this act prohibited any free person from trading or selling "rum, wine, beer, cider, or other strong drink or any other chattels, goods, wares, or

7Ibid., pp. 983-984.

commodities to any Negro, Indian, or Mulatto slave" without the master's consent. Violations for such offenses carried a penalty of twenty shillings for the first offense and forty shillings for the second and future offenses.9

Section two required that slaves caught five miles from home without a written pass be whipped. This whipping was not supposed to exceed twenty lashes. Captors of such runaways were paid a reward of five shillings and received sixpence per mile for returning the runaway to his master.10

Section three sought to deal with slaves belonging to another colony who entered New Jersey without a pass. Naturally this act prohibited unauthorized slaves from entering the colony without proper "license in hand." Such Blacks were treated as runaways and the local constable could arrest them upon sight. Such slaves received twenty lashes and were held until their master could claim them. The cost of whipping and returning slaves to their master was paid by the owners of the slaves. The proximity of the colonies of New


10Ibid., pp. 18-19.
York and Pennsylvania made such regulation absolutely necessary.\textsuperscript{11}

Sections four through seven described "the mode of trial and punishment of slaves for murder, conspiracy, rape, arson, burning any barn, stable, outhouse, stalk or stalks of corn or hay and mayhem." Section seven set the Justices', Collectors', and Constables' fees for such trial and activity related with bringing Blacks to Colonial justice. Blacks convicted of crimes listed above by "three or more justices and five of the principal freeholders of the county" were sentenced to death without the benefit of the clergy.\textsuperscript{12} Slaves convicted of manslaughter, burglary, felony, or stealing a sum above the value of five pounds suffered the penalty of death or the penalties declared by the court.

Section eight tried to solve the extremely touchy question of who should pay for executed slaves. This section declared that each county should tax every slaveholder within the county in order to pay for executed slaves. The local Clerk of Court would gather a list of all healthy slaves over fourteen years of age. Then if a slave was executed the

\textsuperscript{11}\textit{Allinson, New Jersey Colonial Laws}, p. 19.
\textsuperscript{12}\textit{Ibid.}
clerk would divide equally the cost of the executed slave according to the number of slaves a particular individual owned. The value of the Black was determined by the local court.\footnote{Allinson, New Jersey Colonial Laws, p. 19.}

Section nine required that slaves be punished for attempting to ravish or strike any White. Any slave attempting to "ravish any White woman or man or presume to assault or strike any free man or woman professing Christianity" should suffer "corporal punishment not extending to life or limb."\footnote{Ibid.}

Section ten decreed that slaves stealing anything from the value of six-pence to five shillings shall receive thirty lashes on the bare back. The cost of such whipping was paid for by the master.\footnote{Ibid., pp. 19-20.}

Section eleven sought to punish Justices, Constables, and other officers of the Court. They were fined five pounds per offense for failure to carry out the provision of the act. Jurors were fined twenty shillings per offense.\footnote{Ibid., p. 20.}
Section twelve reiterated a standard feature in American Slave Codes. This section prohibited the concealing or entertaining of slaves. The fine was forty shillings for each offense.\textsuperscript{17}

Section thirteen prohibited any "Negro, Indian, or Mulatto" slave, manumitted after March 11, 1713-14 from "holding or possessing any House or Houses, land, Tenements or Hereditaments within this province." All bequests inherited by slaves after this date reverted to the state.\textsuperscript{18} A similar law was passed in New York, but four years later it was revoked because it created more acts of insurrection. It was not revoked in New Jersey until beginning of the Revolutionary Era, (1769).\textsuperscript{19}

The last section of the 1713-14 law demanded that Black not be manumitted without "security." Reasons for such an act were explained in the preamble of the act: "It is found by Experience that free Negroes are an idle; slothful people, and prove very often a charge to the place where they are."\textsuperscript{20}

\textsuperscript{17}Ibid.
\textsuperscript{18}Ibid.
\textsuperscript{19}Allinson, \textit{New Jersey Colonial Laws}, p. 20.
\textsuperscript{20}Ibid., pp. 20-21.
In order to prevent this from occurring, this law required that manumitted slaves be given "security of two-hundred pounds yearly." All wills failing to meet this provision were declared null and void. This provision remained in force until the Revolutionary era.21

In conclusion, New Jersey's first slave code was almost a carbon copy of New York's, which was passed first. On the other hand, the New York slave code contained more detail. The New Jersey Code did give citizens enough authority to deal effectively with the regulation of slaves.

Pennsylvania reacted to the Insurrection of 1712 quite differently than the other middle colonies. Pennsylvania obviously realized that its mildly enforced slave code was sufficient to maintain control of Blacks. But, in order to keep this tranquility, it was necessary to keep the number of slaves in Pennsylvania small. Pennsylvania resorted to what could be called a tariff war to prevent the importation of Blacks.

Before 1712, Pennsylvania utilized tariffs chiefly to obtain revenue. In 1700, the colony envoked a tariff of 20 shillings "for every male or female, if above sixteen years

of age, twenty shillings for every Negro under age sixteen six shillings." This act appeared to be designed to draw revenue rather than stop the importation of Blacks. In 1706, even though tariff on Blacks was doubled to forty shillings, revenue seemed to be the major purpose of the act. The 1706 Act prohibited slave traders from relanding in the province or in the lower counties of the New Jerseys. In 1711, the 1706 Tariff was extended. In 1712, the purpose of the tariff changed sharply.  

In 1712, the Pennsylvania Assembly passed a high tariff upon Blacks of twenty pounds. The preamble to the Act explains why it was passed:

Whereas divers plots and insurrection have frequently happened not only on the islands but also in the mainland of America by negroes which have been carried on so far that several of the inhabitants have been thereby barbarously murdered an instance whereof we have lately had in our neighbouring colony of New York: and whereas the importation of Indian slaves hath given our neighbouring Indians in this province some umbrage and dissatisfaction; for preven­tion of all which for the future.  

This act also authorized Custom Agents to search, seize, and

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23Ibid., Vol. III, pp. 117-121, 159.
sell all slaves illegally imported. This act authorized search and seizure of anyone's property. This act was disallowed in 1714.\textsuperscript{24}

In 1715, the Pennsylvania Assembly set to work and produced another tariff. On May 28, 1715, a tariff of five pounds was established. From 1715 to 1761, Pennsylvania kept a five-pound tariff in force. Most of the tariffs were either revoked or disallowed by The Board of Trade, but this process required several years and when one was revoked, the Assembly would simply pass another tariff law with the same duty of five pounds.\textsuperscript{25}

On March 14, 1761, the Assembly raised the tariff to ten pounds. This tariff created quite an uproar among Philadelphia merchants. The merchants sent petitions to the Governor which complained that the Pennsylvania tariff only increased the price of labor because there was an absence of black labor. White labor became quite expensive in Philadelphia. On the brink of the Revolution, February 26, 1773, the Assembly passed an act imposing a tariff of twenty pounds.\textsuperscript{26}

\textsuperscript{24}Ibid.
\textsuperscript{25}Mitchell, The Statutes at Large of Pennsylvania Vol. IV, pp. 123-128.
\textsuperscript{26}Ibid., Vol. VIII, pp. 330-332.
The Pennsylvania tariff diverted entering slaves to New Jersey. In 1713-14, the New Jersey Assembly passed a tariff of ten pounds "on Negro, Indian, and Mulatto slaves imported into the colony." This act remained enforced until 1721 when the fervor created by the Insurrection of 1712 had died. Thus, New Jersey's Governor and his Council did not see fit to erect a tariff again. On the other hand, much of the Governor's opposition stemmed from the instruction which prohibited his erecting a tariff because it injured the trade of the Royal African Company.27

After 1721, several attempts were made before New Jersey could erect a tariff against the importation of Blacks. In 1739-40, an attempt to obtain a tariff failed when the council defeated the bill on the third reading. On October 24, 1744, another bill was again defeated by the Council. This second rejection created a great split between the Governor and his Council and the Assembly. Hostility became such that the Governor had to give reasons why the bill was rejected. Naturally, the Governor was instructed to prohibit any tariff which would injure the trade of the Royal African Company. The Governor explained that there was a labor shortage and

27New Jersey Archives, 1st series, Vol. IV, p. 196.
and that the trade should not be stopped. First, there was a scarcity of laborers because many white laborers had gone on expeditions to the West Indies. Second, the manufacturers of Irish linen had reduced immigration from that country. Third, the wars in Germany had reduced immigration from that country. The Governor concluded that Black slave labor was absolutely necessary.\(^{28}\) By 1762, conditions had become intolerable because New Jersey had become a dumping ground for slaves. On January 20, 1762, the Governor wrote The Board of Trade, declaring:

I found by the minutes that they (The General Assembly) intended bringing in a bill to lay a small duty on Negroes imported into the Province, but, a message from me acquainting them with his Majesty's instructions would not allow my assenting to such bill, they dropped it. But at the same time, they represented to me the inconvenience the Province is exposed to, in laying open to free importation of Negroes.\(^{29}\)

The Governor further declared that New York's and Pennsylvania's tariffs had made New Jersey a landing spot for slaves which were to be run into both colonies. He also stated that New Jersey had too many Negroes and that further importation

\(^{28}\)New Jersey Archives 1st Series Vol. VI, pp. 384-385.

\(^{29}\)New Jersey Archives 1st Series Vol. IX, pp. 345-346; also see Vol. 17, pp. 333, 334, 335, 336, 338.
would work a great hardship upon the colony. 30

After a long struggle between the Government and the people, a tariff was finally passed in 1769. On November 16, 1769, a tariff act was erected which established a duty of fifteen pounds on imported slaves. The preamble of the act declared that its object was to encourage sober and industrious foreigners to settle in the colony. 31

From 1702 to 1776, the colony of New York enforced a tariff. Before 1712, New York established several tariffs which favored slaves imported directly from Africa. This action met with the approval of The Board of Trade because it officially favored the activity of the Royal African Trade Company. New York established a tariff on imported slaves which favored New Yorkers in the trade. New Yorkers paid a tariff of seven and one-half ounces of silver plate per slave imported directly from Africa. Non New Yorkers paid a tariff of ten ounces of plate per slave. The tariff was later dropped to five ounces for New Yorkers importing slaves. Non New Yorkers continued to pay the ten ounce silver plate. A similar price was paid for slaves not imported directly

from Africa. In 1732, New York in essence maintained its policy by erecting a tariff of "five ounces of silver pillar or Mexico Plate of forty shillings in Bills or Credit" on slaves from Africa. This tariff remained in force from 1732 to 1776. In order to appease The Board of Trade, and to show that it favored the interest of the Royal African Company, the Assembly erected a four pound tariff for slaves not imported directly from Africa. This tariff remained in force until 1776.32

In conclusion, the Insurrection of 1712 began the Tariff War between the middle colonies. New Jersey was the loser since it existed the longest without any tariff. She also had the greatest number of slaves illegally imported, and became the dumping ground for the other two colonies. Pennsylvania kept a rolling tariff in force by simply passing tariff after tariff. New York courted The Board of Trade and maintained a tariff which favored the African Slave Trade.

The Insurrection of 1712 alerted the middle colonies to the danger of slave uprisings. The next break-out of fear would come with the "Conspiracy of 1741." However, between

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1712 and 1741, there were some changes in slave codes. In New York, the next major slave code legislation appeared in the act of October 29, 1730. This act's chief provisions legally abolished all existing slave laws, but in reality, merely consolidated and re-enacted all of the existing slave laws. The provision which prohibited freed slaves from owning property failed to reappear in the re-enacted slave code of 1730, but a twenty-five pound fine was added to the provision which prohibited slaves from carrying any "guns or pistols" without their master's consent. The Slave Code of 1730 had no great event or conspiracy as its cause, but rather a general disgust occasioned by slave mischiefs.

In New Jersey the story was quite different. There were no laws passed, but New Jersey did experience what was believed to be an insurrection. In 1734, an uprising in eastern New Jersey, near Somerville, was feared. The dwellings of Blacks living remotely from their masters became "the rendez-vous for neighborhood Blacks." These gathering places became the scene of great feasting, with Blacks attending in large numbers. The feasting meal usually consisted of food stolen from their masters. It was claimed at one of these

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meetings that "hundreds" had entered a plot to gain their freedom and to massacre Whites. Whites traced the reason for such an insurrection to the Blacks' belief that they were being held in slavery contrary to the direct orders of King George. This insurrection was supposed to take place as soon as the weather became mild enough so that living in the woods might be possible. At a specified signal Blacks were to rise and massacre their masters. Buildings were to be set on fire and work animals were to be killed. Then the Blacks would flee to the Indians and eventually join the French. This plot was first discovered when a drunken slave talked too much. This slave and his companion were arrested and at their trial, the details listed above were brought out. Twenty slaves were arrested; several of them possessed poison. Swift retaliation followed; one was executed, some were whipped, others had their ears cut off. In comparison to New York's Insurrection of 1712 and the future Conspiracy of 1741, these Blacks escaped with light punishment. Slave owners hesitated to execute Blacks because it was for them a total financial loss.

To collect for an executed slave was almost impossible because the process took years. In conclusion, whether a plot actually existed ceased to be important since in the minds of Whites, it did exist. Blacks were treated as if they were guilty. It is certain that they were guilty of being black and were assumed guilty by the white society. From 1734-1741, conditions remained rather stable, but there were attempts to establish an importation tariff on slaves.

Pennsylvania changed its original slave codes of 1700 and 1705 in 1725-26. In that year, the Assembly passed "An Act for the Better Regulating of Negroes in this Province." The preamble stated that it became necessary to change the act of 1705 since Negroes "often commit felonies and other heinous crimes" which required the death penalty according to the law. This penalty worked such a hardship upon slaveholders that they often concealed the crime of the slaves. The owner would sell the slave and consequently, the slave escaped punishment and often repeated his crimes.35

Section one of the 1725-26 act struck at the heart of the problem by setting up procedure for owners of executed

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slaves to be paid. The act declared that any slave convicted of a capital crime should suffer the death penalty. The price of the executed slave was established by the court and the owner was paid from "export duties, fines, and penalties" gathered from the regulation of Blacks.  

Section two sought to check and stop the importation of slaves. The import duty for Black criminals who were imported from the West Indies or other places was set at ten pounds, five pounds above the normal tariff. Imported Blacks had to be registered within twenty-four hours. This registration normally consisted of presenting a list to the local customs official which would be checked for validity. This act sought to keep out "Black troublemakers" but the Assembly passed a similar act to keep out "White troublemakers" from Europe.  

The preamble of the third section of this act sounds like a broken record. New York and New Jersey used the same phraseology: "It is found by experience that free Negroes are an idle, slothful people, and often prove burdensome to

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36 Ibid., pp. 59-69.

the neighborhood and afford ill example to other Negroes." This act required masters who manumitted Blacks to establish a thirty pound freedom bond. This bond was designed to support the slave if sickness or other misfortune rendered him incapable of self-support. Wills manumitting Blacks that failed to carry this provision were declared null and void. Compared to the neighboring middle colonies, New York and Pennsylvania's law was in keeping with the general mildness of slavery in that colony as compared to slavery in the other middle colonies. 38

Section four declared "if any able-bodied free Negro failed to work, he would be sold into indenture on a "year to year" basis until he secured a job. Blacks set free under age twenty-one or children of free Negroes were made wards of the "overseer of the poor." Females were released at age twenty-one and males were released at age twenty-four. 39

Section five and six also were aimed at regulating free Negroes and Mulattos. Any free Black who entertained a Black slave forfeited the sum of five shillings for the first hour and one shilling every hour afterwards.

38 Ibid., pp. 59-64.
39 Ibid.
Any free Black or Mulatto trading or bartering with Black slaves without a license received a public whipping not exceeding twenty-one lashes. Free Blacks who refused to pay debts were ordered to make satisfaction by servitude.\(^{40}\)

Sections seven and eight were designed to fight interracial marriages and miscegenation. Ministers and pastors or magistrates performing marriages between a White and a Black paid a penalty of one hundred pounds. Any White man or woman cohabiting with any Black under the pretense of being married paid a fine of thirty pounds or were sold into indenture, not exceeding seven years. Children of such mixed marriages were sold into indenture until they reached the age of thirty-one. If a free Black male or female married a White, he or she became a slave for life. If any free Black committed fornication or adultery with a White, he was sold into indenture for seven years.\(^{41}\)

Sections nine and ten of this 1726-27 law established a curfew for Blacks and other regulations. Any Negro found in or near a tavern where strong liquors were sold, or found


\(^{41}\)Ibid.
absent from his master with permission after nine o'clock was whipped on his or her naked back at his master's expense. Punishment was not to exceed ten lashes. Any slave "taken up" ten miles from his master's house without his permission was whipped. This whipping consisted of not more than ten lashes. Cost of punishment was paid by the masters.42

Sections eleven and twelve dealt with employing Blacks. Masters were forbidden to allow slaves to hire themselves out or go to work on their own. Masters violating this law paid a penalty of twenty shillings for every offense. Employing, harboring, or entertaining slaves without the master's permission carried a fine of thirty shillings.43

Section thirteen authorized that all fines, forfeitures, and penalties created by this act would go into a fund to pay for executed slaves. It set the value of an executed slave. Debts involving Blacks which were under forty shillings were recoverable in any court. This act was in force until March 1, 1780, but there was a brief period in which it was temporarily repealed.44

42 Ibid.


44 Ibid.
The greatest enforcement of slave regulation in the middle colonies occurred in 1741. The severe winter of 1741 caught the wilderness city of New York nervous and tense. Several circumstances created elements of fear. To the north and west stood the French and the Indians, the threat of Spanish pirate raids, and unruly slaves who composed one-fifth of the population. The internal danger of slave insurrection was not wholly unfounded. Since the insurrection of 1712, the city had become more restrictive in its slave code and more stringent measures were adopted to prevent slaves from assembling. In spite of every precaution, slaves mingled and communicated; also, they communicated with crews of foreign ships. The fear of Spanish and French invasions and the presence of unruly slaves created a state of mind which exaggerated every danger and credited every rumor. England was at war with Spain and the French were pressing on the frontier. Many middle-aged men in 1741 were young men in 1712; and remembered the fearful excitement that existed which served as a common topic of conversation.45

45 Much of the alleged slave unrest of 1712 and 1741 was attributed to the presence of "Spanish Negroes." These were chiefly black sailors formerly considered free men in the West Indies but they suffered the misfortune of being
To the state of things, in a naturally nervous flux in the severe winter of 1741, was added the arrival of a Spanish ship which had been captured as a prize the crew of which was composed in part of Blacks, who were sold at auction as slaves. These "Spanish Negroes" objected to being sold into slavery and their rebelliousness or rumor of their captured on the high seas and sold as prizes due to their color. No consideration was given to their former state of freedom. Governor Hunter openly confessed in a letter to The Board of Trade (June 23, 1712) that he found this condition disturbing: "and by reason of their color which is swarthy, they were said to be slaves and as such sold, among many other of the same color and country, these two ("Spanish Negroes") I have likewise reprieved till her majesties pleasure be signified. Soon after my arrival in this government I received several petitions from these Spanish Negroes as they are called here, representing to me that they were freemen subjects to the King of Spain but sold as slaves. I secretly pitied their condition but having no other evidence of which they asserted than their own words, I had it not in my power to relieve them." This condition did not change. These blacks petition for their freedom in order to join the English Navy. The Spanish Governor of the West Indies sent letters of petitions and eventually held New York citizens prisoners in hope of obtaining the freedom of the captured "Spanish Negroes." The capture of free black Spanish subjects on the high seas prevailed well into the 19th century. This condition reinforced the concept that Anglo-American slavery used color as its bases.
rebelliousness was met with the whip. The presence of these slaves created only minor apprehension, but the citizenry suspected no evidence of any general plot and things moved on in their usual way until fire and panic struck the city.

On March 17, 1741, fire struck the fort and destroyed the King's chapel, the secretary's house as well as the barracks, and stables. The origin of the fire was believed to be accidental and the blame rested upon a plumber who unthinkingly left fire upon the roof of the secretary's house. Three days later, Captain Warren's house, near the fort, was found to be afire. Two days later, the storehouse of Mr. Van Zandt was discovered on fire. Still no general suspicions were aroused.

Three more days passed, then a barn was reported on fire and later in that day the house of a Mr. Thompson caught fire, which originated in the room where a slave slept. The next day, live coals were discovered under the stable of John Murray, on Broadway. This fire evidently was no accident, but the result of design and people began to be alarmed. The

next day, the house of a sergeant near the fort was seen to be on fire, and soon after, flames arose from the roof of a house near the fly market. The rumor now spread like wildfire through the town that it was the work of incendiaries. These incidents were scattered, but the public mind was in a state to believe almost anything.

Hysteria was increased by a statement of one Mrs. Earl, who said on Sunday, as she was looking out her window, she saw three Blacks walking up Broadway, talking among themselves. At that time she overheard one of them cry "fire! fire! scorch, scorch, a little damn by and by" and throwing up their hands laughing heavily. This conversation, linked with the fires which had occurred, caused people to believe that a plot was afoot to burn the town.

Many believed "Spanish Negroes" had set the fires because the government suffered the greatest damage, and others believed the entire Black population planned to burn down the city. To bolster this suspicion, a slave who belonged to Cornelius Roosevelt (a leading citizen) was seized after he was seen leaping from a window and then running through the garden. After this event, panic became widespread; reason had lost control. Many New Yorkers asserted it was a foreign or Catholic plot. The city was searched thoroughly and "night
watchers" were set up. Many citizens cried outside agitation and linked the burning of "seven barnes" in the village of "New wark" (Newark, N.J.) with the plot. Two slaves were executed as a result of this action.

Governmental action and panic set in. Every able-bodied citizen, including free Blacks, was ordered to serve his term. Those who refused were fined heavily. Each street had its own warden (public safety director). Lt. Governor George Clarke ordered all Blacks to assemble at the city hall. Whole families rented any vehicle available and moved their possessions to the countryside. City officials were also enveloped with emotion and began mass arrest of Blacks regardless of sex and age. City officials needed results for their efforts; therefore, they offered a reward (of a hundred pounds, full pardon and freedom) to anyone who would turn states' evidence. They thought this offer would produce desired results in view of the condition and mental attitude of the slaves who eventually spent from one to six months in jail. The urge to invent false testimony must have been strong, but to the surprise of the officials, no one confessed.  

46 Full accounts of the trial and city reaction were taken from presiding Judge Daniel Horsmanden's book.
On April 21, 1741, in the city of New York, Supreme Court trials began with Judges Phillips and Horsmanden presiding. A jury was called, but no evidence was presented. One of the first witnesses called was Mary Burton, a Negro indentured servant.

This indentured servant belonged to John Hughson, a White tavern keeper, who ran a place that served as the local meeting place for many Blacks. Testimony at the time of

The New York Conspiracy or A History of the Negro Plot With the Journal Proceedings Against Conspiration at New York in the Years 1741-2, printed in 1744. The following Newspapers served as cross-reference to Horsmander's book and to check the tempo of the city: The American Weekly, April 2, to September 20, 1741. The Boston Post Boy, May 8, 1741; The Boston Weekly Newsletter, April 9, to August 29, 1741. The above mentioned newspapers are located in the American Imprint Series. The question eventually arose in late 1741 as to whether a plot actually existed, but this question was never answered and most evidence indicated no plot existed. The only contemporary account was written by presiding Judge Horsmanden. The judge was born in Kent, England, 1693, and came to New York in 1730. Records revealed him to be in financial difficulty and he produced this book, The New York Conspiracy, that he hoped would solve his financial difficulty. Also, people began to question his action and he sought to assure them that a conspiracy existed and to what extent. William Smith (historian and contemporary of Horsmanden) said he was guilty of changing facts, altering testimony and examinations to prove a plot had existed. Smith accused Horsmanden of also writing this book to justify his position since he was the presiding judges; O'Callaghan, New York Colonial Documents Vol. VII, p. 528.
Mary's arrest indicated that this tavern was the headquarters of the plot and it was already confirmed that the stolen goods were received there. Earlier, when taken before the Grand Jury, this young indentured servant refused to take the oath, then she was threatened, but without success. She was promised full protection of the law, and freedom, and a hundred pounds, but silence prevailed. After all efforts failed, they ordered her sent to jail. This frightened her and she then accepted.

She confessed that her master, Hughson, had received stolen goods, but mentioned nothing of the fires. When she appeared before the court, the judges appealed to her religious belief by promising that the fiery lakes of hell were awaiting her soul if she did not confess. The fear of hell has caused many things and it caused Mary to give confession after confession. The prosecution had broken the case and rejoicing among the Whites prevailed.47

Mary Burton named Hughson and his wife as leaders of a plot to burn the city. She stated that three Blacks came to the tavern regularly; they often discussed burning the city and murdering the citizenry, and Hughson and his wife promised

47Horsmanden, Ibid.
to help. After the plot was completed, Hughson was to be governor and Cuff Phillips, a slave, to be King of the New York colony. Then Mary Burton rattled on naming Margaret Kerry. Margaret (Peggy) Kerry alias "Irish Newfoundland Beauty" served as a prostitute to Blacks and was the mother of a mulatto daughter. As a result of Mary Burton's confessions, Hughson, his wife, and many Black slaves were eventually executed.48

As Margaret Kerry's day of execution neared, she made a last desperate attempt to save her life. She confessed that slaves met at Hughson's tavern to plot the burning of the city. All of the slaves named by her were arrested and locked up indefinitely. These slaves began to confess; they followed what could be called the golden rule of the accused: "do others before they do you." Confess early and often became the motto of the detained slave, if he wanted to live.

On June 16, the Governor stated that the reward of 100 pounds and other privileges would be withdrawn on July 1, 1741. This really created a flood of confessions in order to meet the deadline.

48Horsmanden, Ibid.
Mary Burton's confession made her the heroine of the city. She continued to have revelations, naming numerous prominent citizens, but they apparently were above suspicion. She named a Catholic priest, John Ury. He was arrested and brought to trial. The prosecution relied heavily upon the fact that he was Catholic, and the English hostility generated toward Spain. A letter from Governor Olgethrope of Georgia sealed his fate. The letter reported that Spanish priests in Florida had formed a conspiracy to murder English colonists; the priests were in the disguise of dancing masters, physicians, and other occupations. Further damaging evidence was that the priest could read and speak Latin; this certainly meant that he was in league with the Pope and Spain. Allegedly, the priest had been seen preaching to and swearing in Blacks for his plot. A confectioner reported that the priest came into her shop and purchased some wafers.

The trial of the priest revealed deep religious prejudices. Many people of Irish descent were believed to be a part of this popish plot. Governor Clarke admitted fear, because many of the soldiers garrisoned at the fort were Irish. Five soldiers were arrested, but all were eventually pardoned. Twenty-one whites were arrested and four were executed.
Mary Burton's confessions and official court action resulted in the arrest of one-hundred and fifty-four Blacks (mostly slaves) and twenty Whites. Thirty-one were executed; eighteen hanged (four Whites) and thirteen burned at the stake. Seventy Blacks were exiled and sold to the West Indies. Five White Catholics were exiled: Hughson's father and four brothers.  

The executions proved to be rather cruel according to present day standards. For a period of three months, two people per week were executed; one by hanging and one by burning. Slaves were burned alive or hanged with the citizenry looking on and screaming "burn em, burn em." Slaves were ordered to watch the execution of other slaves because it served as an object lesson for those who might forget their places. All of the executed were left to rot away in chains or at the stake. The smell of decayed flesh engulfed

49Doubt arose to the point that even heroin Mary Burton was driven from the city. Some citizens even questioned whether she should receive the reward. Ironically, Mary Burton was only sixteen and legally not an adult. She could not be given complete freedom until twenty-one, but she was old enough to testify and send scores to death and jail. The court made her a ward of the deputy clerk until age twenty-one. Even the Governor expressed doubt because none of the executed made dying confessions before being executed and defended their innocence until the end. Calendar of Council Minutes, p. 341.
the city and proved most unbearable with the incoming sea breeze.

The strain and the state of emergency worked hardships upon the citizenry. New Yorkers gave up tea and began to drink whiskey and wine in place of water. Vendors sold fresh country water on Broadway, since it was believed wells had been naturally poisoned since at least 1740. Citizens refused to enlist for military duty on the French frontier because they feared for the safety of their families. This caused the Governor to ask the Duke of Newcastle for more funds because the price of enlistment went up. Through the urging of the Governor, the assembly passed an act which required "night watches" to be established since the troops were needed on the frontier.50

The General Assembly passed all of the riot control legislation that the Governor requested. An Act establishing citizen "night watches" also stated that those who could not stand watch had to furnish arms and ammunition. Later, another act was passed to strengthen the "watches" and it required all to stand watch or be heavily fined. In the same

act, the penalty for obstructing firemen or destroying firefighting equipment was great. An act was passed which heavily fined tavern keepers who served strong drink to slaves or indentured servants. Also, "disorderly and unlawful gaming housings" were prohibited to Blacks with owners being fined for violations.

The Governor asked for and received his emergency control bill in case of domestic or foreign troubles. The bill was enacted twice. The General Assembly provided an act which called for the "mending and keeping in repair the public wells and pumps in the city of New York." The General Assembly also passed an act making jury duty mandatory. In connection with the judiciary system, the legislature extended the term of the Supreme Court three times in the spring and summer of 1741 and the circuit court "up Albany River" was cancelled for one year due to the trial of "Black conspirators."51

The reasons for the panic are varied, but they can be synthesized. Panic created a reign of terror and everyone suspected his neighbor of being a member of the plot. Another cause for panic was the mass, unreasonable prejudice which often accompanies race relations and especially slavery, or is present in a society which holds an oppressed minority within its midst. Also, the oppressor's feeling of guilt and danger is important because it is believed that the oppressed will strike if given an opportunity. Suspicion always accompanies injustice and slavery is no exception. Oppression toward the slave served a two-fold purpose; it released the master's hate and frustration. The conspiracy shows what righteous citizens will do to defend their home against what they consider danger. In conclusion in discussion of the plot, it is important to note that some believe that the Plot of 1741 was the beginning of the end of slavery in New York City, because the citizenry began to fear the slaves' presence even more. As for the Black, they were the accused and then left without counsel for defense, and compelled to rely for justice upon the fairness of an excited community and a prejudiced court.

In New York, slave regulations after 1741 centered less on preventing insurrections and conspiracies. May 14, 1745
saw a re-enactment of an old slave law designed to prevent runaway slaves from carrying intelligence to the French in Canada. "An act to prevent aged and decrepet slaves from becoming burdensome within this colony" was passed March 8, 1773. This act will be discussed in detail in succeeding pages. The last major colonial act related to disciplinary action occurred on March 8, 1773. This act will be discussed in detail, but it warrants being mentioned now. This re-enacted law sought to prevent slaves from buying "Spiritous liquor." Violators of this act such as tavern and innkeepers paid a fine of forty shillings for each offense. After 1775, legislation related to slaves revolved around the abolition of the institution of slavery in New York. The abolition of slavery in New York took place during the period of statehood. This aspect will be discussed later in this work.52

The Conspiracy of 1741 caused alarm, but not legislative reaction in New Jersey. From 1741 to the Revolutionary Era only two acts involving Blacks were passed. The first legislation occurred in 1751: "An Act to restrain tavern keepers and others from selling strong liquors to servants, Negroes and Mulatto slaves and to prevent Negroes and Mulatto

slaves from meeting in large companies, from running about at night and from hunting or carrying a gun on the Lord's Day." Tavern owners had to take an oath declaring that they would not sell "strong liquor" to slaves without the master's consent. Blacks were prohibited from meeting in companies or more than five unless in the service of their master. This act did not restrain Blacks from attending worship service or funerals. Blacks violating this act received twenty lashes. Slaves were placed on a nine o'clock curfew. Violation of this curfew carried a whipping of twenty lashes. The second act amended the Slave Code of 1712, by abolishing special trials for slaves. The colony found its special courts proceedings "inconvenient." From 1769 down to the Revolution no further acts were passed which directly affected slaves.

The Conspiracy of 1741 produced no legislative reaction in Pennsylvania. In reality, the entire period from 1726 to 1780 was characterized by no important legislation concerning Blacks as a group. The colony had established it's slave code in 1726. Blacks were still governed by laws passed

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54 Ibid., pp. 307-8.
during the period but they were the same laws which governed Whites. Since Blacks were not able to pay fines they were usually whipped. In 1750-1751 Blacks were forbidden on penalty of whipping to participate in horse-racing or shooting-matches. In 1760, hunting on Indian land or other people's land was also forbidden.55

Urban Regulations

The greatest concentration of Blacks in the middle colonies could always be found in the colonial urban areas of Albany, New York City and Philadelphia. Thus, regulations in these areas always provided for strict control, but in reality, strict control of Blacks in urban areas usually failed. Whites often became alarmed at the sea of black faces floating in the urban streets. Naturally, many Blacks were working or on errands for their masters, but others were simply moving about. Policing the Blacks from the streets was usually a fruitless task, since it called for consulting the slave's master. Slaveowners usually gave their slaves passes or some type of written permit. All laws involving Blacks which were passed by the colonial assembly at Albany were passed again by the Common Councils of Albany and New York

City. The passing of the laws by the Councils made them city ordinances.

The City Records of Albany held numerous ordinances regulating the movement of Blacks. The Insurrection of 1712 and the "Negro Conspiracy of 1741" created great apprehension on the part of Albany slaveholders although both events took place in New York City. Much of the generated fear sprang from the fact that most of the slaves in Albany were employed in domestic service. During both events, Albany reacted in a similar manner to the New York City lawmakers by establishing "nightwatches," and tightening control by simply enforcing the slave codes adopted by the Colonial Assembly. In 1741, the fear of being poisoned loomed extremely high, thus the Common Council of Albany passed an ordinance prohibiting Blacks from "fetching" water from the river or wells of the city during the time of "divine service or preaching on the Lord's Day."56 This was a reaction to conditions in New York City whose wells had developed a natural poison since 1740, but even New Yorkers believed slaves were responsible. Albany also wanted to leave this task to nature, not Blacks.

Throughout the colonial period, the Common Council of Albany fought the battle of Blacks and "Strong Liquor:"

August 1, 1703-Resolved, that the Constables doe take their turnses upon the sabbath day to inspect all the Tavern keepers within the Citty, that all Indians & Negroes found in any Tavern as aforesaid, that such Tavern keeper so found to draw Strong Liqueur whatsoever to any Negro or Negroes, Indian or Indians, whatsoever, upon the Sabbath Day as aforesaid, shall pay as a fine for each such Default the summe of 6s, for any such Indian or Indians so found, and for the Negroes according as the acts of Assembly directs. 57

Due to numerous changes made in the ordinance above, it appears that the battle against "Strong Liquor" was a lost cause. Albany used another approach in 1768: The city sold lots for the purpose of "commerce" to four Albany business-men with the reservation that "It is also resolved that if any of the above shall keep a bad house or sell liquor to Negroes, upon proof, they shall forfeit their lots." 58

Each new slave code held provisions for requiring non-selling to slaves unless with the master's permission, but local ordinances sought to remove the right of the master's permission on Sundays. As late as 1773, "An Act for the Better Regulations of Public Inns and Taverns"

prohibited "selling Spiritous Liquor of any kind, to any Apprentice, Servant or Negro or other Slave." The penalty of this act declared any "Innkeeper or Tavern-keeper" incapable of receiving any tavern license for three years." The Tavern-keepers Act of 1773 was next to the last act that the Colonial Assembly passed involving Blacks.59

Keeping Blacks off the streets of colonial Albany constantly posed a problem. In 1686, an ordinance required that Blacks could not drive a "carte" within the city limits with the exception of a beer wagon. In 1733, the Common Council of Albany passed an ordinance "to prevent Negroes and Indian slaves from appearing in the streets after eight at night without lantern and lighted candle in it."60 Earlier, the Council of Albany twice re-enacted an ordinance which stipulated:

And be it further ordained by the Authority aforesaid that no Negro or Indian slaves above the number of three do assemble to meet together on the Lord's day or any other time, at any place from their master's service, within this city and the liberties thereof, and that no such slave to go armed at any time with gun, sword, club or any other kind of weapon whatsoever under the

penalty of being whipt at the public whipping post fifteen lashes unless master or owner of such slave will pay six shillings to excuse the slave.61

The latter portion of the ordinance which prohibited Blacks from carrying weapons remained in force throughout the colonial period. New York City passed several ordinances restraining Black behavior on their only day of rest, the Sabbath, beginning in 1682.62

At the close of the colonial period (1773), the city of Albany maintained its usual slave code but punishment was limited and uniformed. The Common Council decreed that the maximum punishment for violation of any city ordinances should not "exceed forty lashes." Shortly after statehood was achieved, the "lashing" penalties were replaced with monetary fines paid by the master. Blacks violating ordinances prohibiting "the profanation of the Lord's Day" would be locked up for four hours or until sundown. Blacks gambling with money or valuables received forty lashes and the master


was fined three shillings. Much of this gambling centered around raffles. Blacks were still prohibited from driving "carte and wagons" within the city. A penalty of three shillings was levied against the owner of the vehicle. A limit of three Blacks could travel within the city at night if at least one possessed a lantern and be accompanied by a White person.63

Geography presented Albany with a peculiar problem. The proximity of Albany and its surrounding area to Canada lured many Black runaways. During the struggles for the empire in North America, the penalty for a runaway was death.64 Peace time saw a relaxed enforcement of the law. The death penalty hinged around military intelligence. Slaves were known to carry valuable information involving British military movements and installations. Ironically, this situation reversed itself during the Revolution; the Loyalists and the British Army often depended upon Blacks to lead them around and through American colonial lines. The

63Laws and Ordinances of Mayor Recorders Alderman and Commonalty of the City of Albany, pp. 11-12, 18, 28-30, 37, 40, 49, (American Imprint Series).

Albany area served as a rendezvous point for Loyalists who desired to leave the country with their slaves during the Revolution. If Loyalists left the country by way of New York City, their slaves were confiscated by the Colonial Army. Getting to New York City was the greatest danger.

A "Common Whipper" was appointed to carry out floggings decreed by city and colony-wide ordinances. Often Blacks served as floggers if Whites did not desire the job. In the latter portion of the colonial period, salaries were established for such positions, and it evolved into a white monopoly.

Colonial New York City faced similar problems as Albany, but on a more varied scale. The New York City area held the greatest concentration of slaves in the middle colo-


nies. Colonial laws prohibited slaves from purchasing and selling without the consent of their masters. New York City offered an open market for Long Island, Northern New Jersey and New York City slaves to sell their surplus vegetables and fruits. In much of colonial New York, slaves were allowed to maintain gardens and sell their surplus. This served a two-fold purpose; it supplemented the master's food supply and it made the slave happy. In 1740, the Common Council of New York City prohibited "henceforth the selling of vegetables." Slave vending did not limit itself to garden produce. Earlier, 1715, the Assembly passed "An Act for preserving Oysters" which declared "that it shall not be lawful for any Negro, Indian or Mulatto slave to sell any oysters in the City of New York at any time whatsoever upon the penalty of twenty shillings for every offence to be paid by the master or mistress of such slave or slaves. Ordinances prohibiting slaves from vending had a multi-purpose: First, they restricted greatly the unknown movement of slaves;

second, they removed an unknown source of income from the hands of slaves; third, they enabled merchants to maintain a monopoly.

Most attempts to prevent slaves from buying and selling proved fruitless since statute after statute met with little success. Acts designed to restrict black vending often were aimed at slaveowners. In many instances, slaveowners instructed their slaves to peddle goods which normally required licences. Thus, slaveowners avoided buying a license and other restrictions connected with the particular occupation. In connection with slaves and extra income, Robert Livingston (Secretary for Indian Affairs) wrote to The Board of Trade in 1701 that many slaves received daily three times more than what British soldiers were paid. It must be observed that the British Army was never accused of overpaying its troops. Nevertheless, slaves did have income and this further clouded regulations restricting entertainment and the general movement of slaves.

Untracked black movement confronted New York City Colonials with a mounting problem. The Common Council of

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New York City (1731) passed a sweeping urban slave code. No more than three blacks were allowed to assemble on Sunday to "sport, play or make noises and disturbance." Naturally Blacks were prohibited from being armed with weapons. No Blacks above the age fourteen were allowed in the streets after dark unless in the company of master or some "white company." Even in the company of their master a maximum of three blacks were allowed with one possessing a lantern. Black betting was prohibited since it was believed to encourage theft. In connection with this, colonial raffles obviously were open to anyone with the price of a ticket. Restrictions were placed upon the burials of Blacks, since it was suspected that funerals were used to "plan plots and conspiracies." This regulation limited "no more than twelve slaves to a funeral with the exception of carriers of the body and grave diggers." The Code of 1731 contained "a law punishing slaves, who shall ride disorderly through the streets."

Urban slavery centered very much on the hiring of slaves. Black movement went untracked since hiring of Blacks naturally would require the mitigating of slave codes which restricted the number of Blacks assembling. In order to combat this, The Common Council of New York City passed "a law
appointing a place for the more convenient hiring of slaves: "that all Negro, Mulatto and Indian slaves that are let out to hire within this city, do take up their standing, in order to be hired, whereby all persons may know where to hire slave as their occasion shall require, and also owners of slaves discovered when their slaves are hired."71

Philadelphia differed sharply from New York City and Albany because it passed very few laws explicitly regulating Blacks. Obviously, this difference lies in the paucity of Blacks in Philadelphia, the mildness of slavery in Pennsylvania and in the governing generally of servants and Blacks by the same laws. At the same time, the city administration played second string to the Assembly. It may have been that they never saw a need to pass numerous laws because the Assembly, as in New York, had completed the task. The Common Councils of Albany and New York City in many instances simply echoed the laws passed by the General Assembly.72


The Common Council of Philadelphia passed several laws regulating Blacks. In 1732, the Council passed an ordinance to prevent "the frequent and tumultuous meeting of the Negro slaves especially on Sunday for Gaming, Cursing and Committing other disorders." This ordinance also sought to regulate the movements of "children and White servants." Laws of this type appeared in all the middle colonies from the beginning of their political existence to the Revolution. From the frequency of such laws, it appeared that all attempts to prohibit Black and White from socialization on their day of rest proved fruitless. In 1738, the Council passed a familiar law, in which it sought to prevent "Black Mulattoes and Indian servants and slaves" from holding disorderly meetings.73 The other urban areas of the middle colonies passed similar laws.

As a result of the fear created by the Conspiracy of 1741 in New York City, the Council evoked a curfew which prohibited slaves from moving about the city "half an hour after sunset."74 This law completed Philadelphia's ordinances regulating slaves.

74 Ibid., p. 405.
CHAPTER V

MANUMISSION AND ABOLITION

New York

The question of manumission in New York was almost as old as the institution of slavery in that particular colony. The question of manumission first appeared when Dutch citizens began to question the status of children born to black servants and the right of Dutch citizens to hold black Christians who had served what they considered too long a period of indenture (nineteen to twenty years). The Dutch West India Company resolved the problem by manumitting the particular Blacks in question, but it kept the children born during the period of indenture. This only temporarily answered the problem since the issue was to rise again during the English period.

The New York colonial assembly refused to pass an ordinance calling for the conversion of slaves. The Board of Trade sent several sets of instructions directing the Governor
to have a bill passed calling for the conversion of Blacks and Indians. But, slaveholders declined to christianize slaves on the grounds that it would emancipate them. In 1699, Governor Bellomont asked the assembly to pass a bill calling for the conversion, Blacks and Indians. The assembly refused on the grounds that conversion of Blacks would "emancipate them from their slavery and loose them from their service for they the English have no other servants in this country but Negroes."

In 1706, the assembly came to grips with the situation by passing "An Act to Encourage the Baptizing the Negroes, Indians and Mulatto Slaves." The preamble to the Act declared: "whereas divers of her Majesty's good subjects, inhabitants of this colony now are and have been willing that such Negro, Indian and Mulatto slaves who belong to them and desire the same, should be baptized, but are deterr'd and hindered therefrom by reason of a groundless opinion that hath spread itself in this colony, that by the baptizing of such Negro, Indian or Mulatto slave they would become free and

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ought to be set at liberty." In order to put an end to such doubts the act decreed that "baptizing of any Negro, Indian or Mulatto slave shall not be any cause or reason for the setting them or any of them at liberty." The act moved one step further by declaring that the "state and condition" of the mother determined the status of the children.³ This act obviously increased the conversion of Blacks, but many New York colonials continued to believe that Christianity carried an element of equality.

Church records cite many baptisms and possible conversions, but the introduction to Christianity did not change the status or condition of Blacks. A contemporary account gives a picture of the deplorable conditions of Negroes about 1710:

The Negroes were much discouraged from embracing the Christian religion upon account of the very little regard showed them in any religious respect. Their marriages were performed by mutual consent only, without the blessing of the Church; they were buried by those of their own country or complexion in the common field, without any Christian office; perhaps some ridiculous heathen rites were performed at the grave by some of their own people. No notice was given of their being sick that they might be visited; on the contrary frequent discourses were made in conversation that they

had no souls and perished as beasts.\textsuperscript{4}

Many New Yorkers believed the Conspiracy of 1712 was a direct result of extending Christianity to the Blacks. "Spanish Negroes" held captive were suspected in the conspiracy, and simultaneously, it was believed that these former Christians never submitted psychologically to slavery. They held fast to the doctrine that a Christian could not be held a slave.

The Slave Code of 1712 considered free Blacks as "an idle and slothful people [who] proved very often a public charge." The Slave Code of 1712 sought to punish free Blacks who entertained slaves. At the same time, the code also tried to stop the creation of free Blacks totally by requiring that manumitted Blacks be given a freedom bond of two hundred pounds to be paid to the manumitted Black at the rate of twenty pounds per-year. Wills that carried a manumitting clause but failed to provide the freedom bond were declared null and void. All Blacks were forbidden to own land within the colony and all property owned by Blacks prior to the Insurrection reverted to the state.\textsuperscript{5}


These harsh provisions spurred free Blacks to more insurrectional acts. In 1717, these provisions were abolished and manumission continued down to the Revolutionary Era.

The 1770's produced the notion that the abolition of slavery would occur soon, but it took fifty years of legislation to convert this notion into a reality. Just prior to statehood, manumission had increased sharply. Manumission came through wills and some were made outright before the death of the master. Often masters allowed slaves to purchase freedom since they feared the revolutionary spirit would rob them of their black property.

Under the guise of the revolutionary spirit some slaveholders saw an opportunity to get rid of "aged and decrepit" Blacks. The General Assembly sought to remedy this condition. On March 8, 1773, the General Assembly passed "An Act to prevent Aged and Decrepit slaves from becoming burdensome within this colony." In order to get rid of unwanted Blacks, owners would "pretend" to sell unwanted Blacks to persons unable to maintain them. Since the new owners could not maintain support, the Blacks went "begging for common necessities of life" (food, clothing, and shelter). Such Blacks gathered

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in townships and eventually became the "burthens" of town's people. This legislation fined any slaveowners, who allowed his slave to go "begging," ten pounds or the equivalent in the owner's goods. The law declared the sale of "aged and decrepit slaves absolutely void." A fine of twenty pounds was levied against all persons participating in the sale. This act would be amended later.

During the American Revolution, both sides made use of Blacks. Ironically, Lord Dunmore (1776) called for Black enlistment and placed pressure upon the Continental Army to consider using Blacks. Dunmore's proclamation declared any slave free if he joined forces with the British.

The British made use of Blacks in New York chiefly as guides, laborers, teamsters, and secret messengers. The ruthlessness of the colonists' violence upon the loyalists caused their slaves to serve the British. The British promise of freedom forced New York officials to declare all loyalist's slaves free. Records of the British army in New York show Black enlistments.

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Ibid.

8Minute Book of a Board of General Officers of the British Army in New York, 1781, New York Historical Society Collections Vol. XIL, p. 130; Minutes of the Committee and of the First Commission for Detecting and Defeating Conspiracies in the State of New York Vols. I and II, December 11,
The British used numerous Blacks and they took countless numbers of American-owned slaves at the end of the war. British confiscation of slaves led to long diplomatic harangue over the return of these slaves. Americans refused to pay debts owed to the British unless the slaveowners were compensated.

The strain of war had forced the Continental Army to use Blacks. New York used free Blacks with great reluctance. The strain of the long war in New York pressured the use of slaves as soldiers. As a last resort, the legislature of New York State passed "An Act for raising Two Regiments for the Defense of this State on Bounties of Unappropriated Lands." The act gave slaveowners five hundred acres of bounty land for each slave allowed to serve for a period of three years in the Revolutionary Army. After this three year period of enlistment was over, the slave was "declared a free man of this state." The act illustrated the great emergency which the Revolutionary Army found itself in the latter


days of the war.

During the war, concern about Blacks was expressed by various colonial committees. The various committees in charge of public safety viewed Blacks as a threat, thus curfews were declared. These committees also apprehended runaways. At the beginning of the war in New York, it was assumed that these committees should disarm all Blacks with weapons, but by the end of the war, Blacks, both slave and free, were armed.10

The next slavery legislation followed immediately after the war, May 12, 1784: An Act for the speedy sale of the confiscated and forfeited Estates within this State, and for other purposes therein mentioned." The bulk of this act referred to the confiscated estates of the loyalists. The act required that slaves of loyalists should be supported from the money gained by the sale of loyalist estates. This act was amended approximately two years later (May 1, 1786) so as to manumit all loyalist slaves. This manumission took effect at the point of confiscation. These manumitted slaves were not to be maintained at the expense of the state unless

they were "aged or decrepit" slaves, unable to maintain their own support.\textsuperscript{11}

Key legislation appeared in "An Act granting bounty on hemp to be raised within this state" passed April 11, 1785. This 1785 act prohibited the sale of Blacks in New York. For each such offense the seller forfeited the sum of one hundred pounds lawful money in New York. This did not prohibit the sale of slaves already in the state. Slaveowners manumitting slaves had to register them with the local authorities. Owners in the counties of New York and Albany registered them with the mayor or recorder of the city. Owners were prohibited from manumitting slaves over fifty years of age unless they gave some form of security to provide for their upkeep. The owners had to demonstrate that the slaves had "sufficient ability to provide for themselves." An owner's failure to have a manumitted slave certified and registered usually cost him a penalty. This law certified that able-bodied Blacks under fifty who were manumitted by will would be considered valid even if there was no freedom bond. Another important aspect of this act gave Blacks the right of trial by jury,

"in all capital cases according to the course of the common law." This in a sense gave Blacks the right of due process of law.\(^{12}\)

On February 22, 1788, "An Act concerning slaves" revised all existing slave laws of the state of New York. The essence of this legislation was:

That every negro, mulatto, or mestee, within this state, who at the time of the passing of this act, is a slave, for and during his or her life, unless he or she, shall be manumitted of set free, in the manner prescribed in and by this act, or in some future law of this state.

That the children of every negro, mulatto or mestee woman, being a slave, shall follow the state and condition of the mother, and be esteemed, reputed, taken and adjudges slaves to all intents and purposes whatsoever.

That the baptizing of any negro, or other slave, shall not be deemed, adjudges, or taken, to be a manumission of such slave.

It was further enacted that slaves should not be imported, or those imported since June 1, 1785 and sold as slaves under a penalty of 100 pounds, be declared free; that any person buying or receiving a slave with intent to remove such slave out of this state, to be sold, should forfeit 100 pounds and such slave be free.

The law enacted prohibitions against concealing or harboring runaways; against trafficking with slaves; against selling liquor to slaves; made owners of slaves liable to

persons damaged by thefts committed by slaves, to the amount of 5 pounds or under. Slaves were to be committed to prison for striking a White person. Slaves were to be entitled to jury trials in capital cases; slaves were not to be witnesses in any case, except in criminal cases in which evidence of one slave was to be admitted for or against another slave.\textsuperscript{13}

Masters were forbidden to allow their slaves to go about begging. Pretended sales of aged or decrepit slaves to persons unable to keep and maintain them forbidden, and such sales declared void. To these provisions were added the following:

That if the owner or owners of any other slave, shall be disposed, to manumit and set at liberty, such slave, and such owner or owners, or any other sufficient person, for, or in behalf of such slave, shall and do, at the court of general sessions of the peace, for the city or county, where such negro or other slave shall dwell or reside, enter into a bond, to the people of the state of New York, with one or more surety or sureties, to be approved by such court, in sum, not less than two hundred pounds, to keep any slave from becoming or being any charge to the city, town or place within this state, wherein such slave shall be free, according to such manumission of the owner or owners of such slave. And further, if any such slave hath been or hereafter shall be made free, by the last will

\textsuperscript{13}\textit{Laws of the State of New York, 1788, pp. 75-77 (American Imprint Series).}
and testament of any person deceased, and if the executor or executors of such person so deceased, or in case of the neglect or refusal of such executor or executors, if any other sufficient person, for, and in behalf of such slave, shall and do, enter into such surety as aforesaid, in manner aforesaid, then the said slave shall be free, according to the true intent and meaning of such last will and testament. And moreover, that if any person shall, by last will or otherwise, manumit or set free, his or her slave, and no such certificate or security as aforesaid be given or obtained, such slave shall nevertheless, be considered as free from such owner, his or her executor, administrator and assigns. But such owner, his and her hiers, executors and administrators, shall remain and be liable to support and maintain such slave, if the same slave shall become unable to support and maintain himself or herself.¹⁴

Thus, in substance, the law relating to manumission became:

1. Slaves under 50 years of age and able to support and maintain themselves, and so certified by the proper officers, might be manumitted by will or otherwise, without security being given for their support in case they should become unable to support themselves. The master was thus freed from all further liability on their account.

2. Any other slave, whatever his age or condition of ability, might be manumitted by will or otherwise, and become free on a bond being given for his support in case of his becoming unable to support himself.

3. If any person, by will or otherwise, manumitted a slave, and no certificate or security was

given, the slave nevertheless became free; but the owner, executors and heirs were liable for the support of the slave if he became unable to support himself.

On March 22, 1790, "An Act to amend the Act entitled "An Act concerning slaves" decreed that slaves convicted of a capital offense might be transported (sold) out of the state by his master on the certificate of the court which convicted the slave. Transportation (selling) would serve as punishment. Slaves under fifty years of age and able to support themselves were given right of appeal to the court of General Session when the "overseers of the poor failed to grant certificates of manumission." Failure to present slaves with certificates of manumission had kept Blacks in slavery long after the legislature had declared them free.15

Further changes in laws relating to manumission came on March 2, 1792. The state treasurer was ordered to reimburse towns supporting slaves manumitted as a result of the confiscation of states. Reimbursement could only be given if slaves were supported just as the town's other poor people were supported.16


Since Quaker slaveowners often had manumitted slaves without regard to following formal procedures established by the state, it became necessary to legalize such manumission. This was accomplished by a law passed in March, 1798.\textsuperscript{17}

On March 29, 1799, New York passed its first important legislation designed to achieve the gradual abolition of slavery. This legislation decreed:

That any child born of a slave within this state after the fourth day of July next, shall be deemed and adjudged to be born free: Provided nevertheless that such child shall be servant of the legal proprietor of his or her mother, until such servant if male shall arrive at the age of twenty-eight years, and if a female at the age of twenty-five years. That the master of the mother shall be entitled to the services of such child.\textsuperscript{18}

The next legislation relating to slavery was passed April 8, 1801: "An Act concerning slaves and servants." Much of this legislation simply reenacted existing slave law but there did appear substantial changes. Persons traveling with their slaves gained permission to leave and enter the state of New York with their slaves. Persons had the right

\textsuperscript{17}Laws of the State of New York, 1798, p. 289 (American Imprint Series).

\textsuperscript{18}Laws of the State of New York, 1799, p. 721 (American Imprint Series).
to live in the state for one year with their slaves before "permanently moving" from the state with their slaves. Requirements allowed residents to take their slaves from the state but they had to bring them back or face heavy penalties. Children born to slaves within the state after July 4, 1799 were declared free on the conditions enacted in the act of 1799.  

Legislation of 1799 provided for eventual manumission of slave offsprings. This aspect of the act was amended in 1802 and 1804. The 1802 amendment provided that black children abandoned by persons entitled to their service were to be given pauper benefits. These benefits were given until the offspring reached age four, unless his parents were declared "decrepit or infirm." Then the infants were bound to the overseers of the poor. The act of 1799 had given slave owners rights to the service of any children born to slaves for twenty-eight years. Many owners released their claim to child services at birth, in effect abandoning them. Once the owners assumed support for the offspring, he was legally obligated to support the offspring until age twenty-eight and entitled the child service. An Act passed April 8, 

19Laws of the State of New York, 1801, pp. 615-616.
1804 amended the period of obligation. The change of 1804 provided that persons entitled to services of the black offspring could abandon his responsibility for the offspring if the abandonment was certified by the "Overseer of the Poor." The "Overseer" had to certify that the young black could support himself. The age of abandonment varied depending upon the sex of the black: "male, the age of twenty-one and female, age of eighteen years."\textsuperscript{20}

Obviously, the abolition of slavery was believed near. Owners could not sell their slaves to out-of-state buyers but he could sell slaves to residents of New York. Out-of-state buyers temporarily became citizens of New York in order to buy cheap black flesh, since New York slaveowners faced the feared problem of non-compensated emancipation. In 1807, the law required that only persons living in the state ten years were able to carry their slaves out of the state. Also, leaving the state had to be permanent. This provision did not include black or white indentures. Licence had to be obtained to move these slaves. Failure to obey this legislation carried a penalty of two hundred and fifty dollars per black.\textsuperscript{21}

\textsuperscript{20}Laws of the State of New York, 1802 and 1804, pp. 82 and 145.

\textsuperscript{21}Laws of the State of New York, 1807, pp. 197-199.
In order to combat black abductions, an act to prevent the kidnapping of free people of color was passed April 1, 1808. The penalty provided for a sentence of not more than fourteen years and a second conviction provided for a life sentence.\(^\text{22}\)

Legally, manumitted Blacks had few rights before the law. Legislation designed to extend their rights was passed on February 17, 1809. Blacks were given rights equal to Whites. Slave marriages were made legal and children of such unions were declared free. If former slaves could provide for their children and wished to do, owners were released from their legal requirement of providing support for the child until he reached adult status. The child was immediately declared free if the parents and owner agreed. Blacks could sue and be sued, hold property and have their grievances heard in court. This act gave Blacks some rights as citizens.\(^\text{23}\) Thus, this was the first attempt of the state to put manumitted Blacks on the same plane as Whites.

The year 1810 brought another effort to eliminate slavery from the state of New York. This desire to eliminate

\(^{22}\)\textit{Laws of the State of New York, 1808, pp. 108-109.}

\(^{23}\)\textit{Laws of the State of New York, 1808, pp. 29-30.}
slavery was clearly expressed in an act passed March 30, 1810. This act eliminated the importing of Blacks totally unless the importer remained within the state for nine months. Failure of the importer to meet this requirement allowed the slave to be declared free. It also tried to prohibit manumitted slaves from surrounding states from entering New York under the pretense that they were indentures. Owners would manumit their Blacks in an adjacent state then take them to New York and sell them as indentures. Thus, they compensated themselves by selling what was legally a free man. In order to combat this practice, all indenture contracts were declared null and void and Blacks who had entered such contracts were declared free. This act lowered the age at which manumitted Blacks could be freed to age twenty-one. This act by no means ended the legislation relative to Blacks and slavery but future legislation only served to reinforce legislation already passed or legislation seeking to put Blacks and Whites on an equal plane.

Many manumitted Blacks voted and often slaves presented themselves as free Blacks and proceeded to vote. On April 9, 1811, the State Assembly came to grips with the problem by

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passing its first law affecting Black suffrage: "An Act to prevent Frauds and Perjuries at Elections and to prevent Slaves from voting. This law declared:

That whenever any black or mulatto person shall present himself to vote at any election in this State, he shall produce to the inspectors or persons conducting such election a certificate of his freedom, under the hand and seal of any one of the clerks of the counties of this State, or under the hand of a clerk of any town within this State.\textsuperscript{25}

In order for a Black to prove he was free, he had to appear before a judge who certified that he was a free man. A certificate of freedom contained the free Black's age, place of birth and time of manumission. This certificate had to be vouched for by a judge, recorded and then issued to the Black. Without such credentials, Blacks were denied the right to vote. In addition, the Black was required to take an oath that he was a free man. At times, the voting official required witnesses to give proof of the Black's free status.\textsuperscript{26}

Regarding the right of suffrage, prior to 1821, the voting requirements for free Blacks were the same as for Whites. But, in the state constitution of 1821, there were

\textsuperscript{25}\textit{Laws of the State of New York, 1811 Vol. VI, pp. 278-289.}

\textsuperscript{26}\textit{Ibid.}
no property qualifications for Whites, but there were for Blacks. Whites either had to pay taxes or provide highway labor. Blacks were allowed to vote only if they were citizens of the state for three years and possessed debt free property valued at over two hundred and fifty dollars. This qualification remained until after the Civil War.

The War of 1812 created a need for troops, thus the state of New York turned to wholesale recruiting of Black units. In an attempt to recruit troops, the state reenacted an old Revolutionary War Act calling for the raising of Black regiments. This was done by: "An Act to authorize in raising of two regiments of color," passed October 24, 1814. As with the Revolution, such an act symbolized the desperation of the United States Army. Washington had been seized and burned by the British and all seemed lost. The act established military procedures that lasted until the early 1850's. The commissioned officers of these "regiments of color" had to be White. Naturally, slaves had to obtain the master's permission, and the master received a bounty. Only after serving a three year enlistment was the Black declared

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a free man unless he was discharged sooner. After being declared a free man, the master was not obligated to support the Black. Officers and privates were paid the same as all United States troops and a bounty of twenty dollars was paid. This act further indicated the tenor of the times since the state assembly was using many means to bring about the abolition of slavery in New York. 28

The final blow against slavery was struck in 1817, when it was declared that every Negro, Mulatto, or Mestee within this state, born before the fourth day of July, one thousand seven hundred and ninety-nine, shall, after the fourth day of July, one thousand eight hundred and twenty-seven be free. 29 This officially ended slavery but there still remained a few slaves who were unable to support themselves. They remained slaves until death.

New Jersey differed from New York in placing restrictions on slaves from the beginning. The initial constitution of the colony held out inducement for white labor in the hope of eliminating as many Blacks as possible. Later in the

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28 Laws of the State of New York, 1814, p. 22.
29 Laws of the State of New York, 1817, pp. 137, 136-144.
colonial period, New Jersey tried many times, but without success, to prevent the importation of Blacks into the colony. The shoreline of New Jersey invited smuggling. Though custom records reveal very little importation, the number of slaves grew. The law of New Jersey had continuously attempted to restrict slavery because the colony was trying to stimulate immigration of white labor.

Just as New Jersey fought the importation of Blacks, it also fought manumission. As with New York, the question of manumission came as a result of the Insurrection of 1712 in New York City. New Jersey took the same course as New York had taken. In 1713, the Assembly erected a barrier to manumission which lasted for almost seventy-five years. The initial law of 1713 declared that:

Whereas it is found by Experience, that the free Negroes are an idle sloathful people, and prove very often a charge to the place where they are, Be it therefore enacted...That any master or mistress, manumitting and setting at liberty any Negro or Mulatto slave, shall enter into sufficient security unto Her Majesty, Her Heirs and Successors, with two sureties, in the sum of two hundred pounds to pay yearly and every year to such Negro or Mulatto slave during their lives the sum of twenty pounds. And if such Negro or Mulatto slave shall be made free by the will and testament of any person deceased, that then the executives of such persons shall enter into security as above, immediately upon proving the said will and testament, which if refused to
be given, the said manumission to be void and of none effect. 30

In 1769, the Assembly passed a tariff that reflected long range grievances against slavery. The preamble to the act of 1769 stated that it was passed because "neighboring colonies found their tariffs upon the importation of Blacks to be very beneficial in the introduction of sober, industrious foreigners as settlers and in the promotion as the spirit of industry among the inhabitants in general." According to the Act, the tariff would be used to support those who had been "public support." This act, which has been attributed to Quaker influence, tried to prevent neighboring colonists from buying slaves in New Jersey. Purchasers not living in New Jersey one year had to pay the county collector fifteen pounds. 31

Efforts toward manumission and eventual abolition were largely the work of Quakers. Between 1750 and 1780, Quakers gradually developed opposition to slavery. During this period, the attack upon slavery ceased to be purely from an economic standpoint and gradually shifted to one of an

31 Ibid., pp. 315-16.
opposition against a human evil. The Quakers led this humanitarian attack upon slavery. Many individual Quaker slaveholders desired to manumit their slaves, but the slave code of 1712 required that a yearly freedom bond of two hundred pounds be posted in the county court. In the late 1760's, Quakers began to petition the Assembly to have the provision calling for the removal of the freedom bond. In 1769, the Assembly reenacted and established a freedom bond of just two hundred pounds to be paid at the rate of twenty pounds per year. The entire bond did not have to be posted as did the one of 1713. Owners desiring to manumit Blacks only had to guarantee to pay if the manumitted slave became unable to support himself, or if the slave was unable to support himself at the time of manumission.32

Quaker opposition developed in a gradual manner. Faint Quaker opposition appeared as early as 1696. The Quakers of New Jersey and Pennsylvania voted in this yearly meeting to recommend to fellow friends to stop further importation of slaves. A stronger recommendation was made in the 1738 yearly meeting. Condemnation as a result of owning slaves existed but Quaker slaveholders lived with it.33

32Ibid.

33See Rufus Jones, The Quakers in the American Colonies, pp. 509-521.
John Woolman (1720-1772) was responsible for directing and intensifying Quaker opposition to slavery and eventually procuring the dismissal of slaveholders from the meeting house. At age 23, Woolman began serious thinking about the keeping of slaves. He first devoted much time to familiarizing himself with the institution of slavery.

He traveled about as a missionary among friends, north and south, urging slaveholders and non-slaveholders to abolish slavery. Woolman's writing never took the hardline attack against slavery which Garrison's did a century later. He used reason and compassion in appealing to slaveholders. In 1754, he published "Some Consideration on the Keeping of Slaves." A key portion of this essay carried Woolman's essential message and quiet persuasion:

that a life guided by the wisdom from above, agreeable with justice, equity, and mercy, is throughout consistent and amiable, and truly beneficial to society; the serenity and calmness of mind in it affords an unparalleled comfort in this life, and the end of it is blessed. And [it is] no less true than they who in the midst of high favours remain ungrateful, and, under all the advantages that a Christian can desire, are selfish, earthly, and sensual, do miss the true fountain of happiness, and wander in a maze of dark anxiety, where all their treasures are insufficient to quiet their minds. Hence, from an insatiable craving, they neglect doing good with what they have acquired, and too often add oppression to
vanity, that they may compass more. O that they were wise, that they understood this, that they would consider their latter end!34

Woolman concluded that slavery was not in harmony with the Bible.

After 1750, Quaker opposition to slavery increased as a result of Woolman's writing and quiet persuasion. Woolman died in 1772, but by this time the abolition of slavery had become a popular cause. In 1773, the New Jersey Quakers presented eight petitions to the Assembly from Burlington, Monmouth, Cumberland, Essex, Middlesex, and Hunterdon County. These petitions described evils arising from slavery. Other petitions called for reform such as prohibiting the importation of slaves or liberalizing the manumission or curtailing importation. In the late 1770's more petitions were presented, but matters concerning the Revolutionary War were too pressing for the Assembly to debate the right or wrong of slavery. In the Philadelphia Yearly Meeting of 1776, the Society denied the right of membership to Quakers who persisted in holding Blacks as slaves.35

34 Thomas E. Drake, Quakers and Slavery in America, p. 57; also see pp. 51-61, 68-71, 107, 155, 189, 200; Rufus M. Jones, Quakers in the American Colonies, pp. 509-521.

35 Thomas E. Drake, Quakers and Slavery in America, p. 87; also see pp. 71-84.
In New Jersey slaves did participate in the Revolutionary War, but there existed no law giving them freedom as a result of military service. Many Blacks served in place of their masters, but freedom depended upon the master's discretion rather than upon public law as it did in New York. New Jersey's Constitution of 1776 contained no provisions for freeing Blacks as Pennsylvania did four years later.

On March 22, 1786, an act was passed which sought to prevent the importation of slaves. It was based on moral grounds. It was entitled "An Act to prevent the importation of Slaves into the State of New Jersey, and to Authorize the Manumission of them under Certain Restrictions, and to prevent the Abuse of Slaves." The preamble of this act read:

Whereas the principles of justice and humanity require that the barbarous custom of bringing the unoffending Africans from their native country and connections into a state of slavery ought to be discontinued, and as soon as possible prevented; and sound policy also requires, in order to afford ample support to such of the community as depend upon their labor for their daily subsistence, that the importation of slaves into this state from any other state or country whatsoever, ought to be prohibited under certain restrictions; and that such as are under servitude in the state ought to be protected by law from those exercises of wanton cruelty too often prac-

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ticed upon them; and that every unnecessary obstruction in the way of freeing slaves should be removed. 37

The act levied a fine of fifty pounds for bringing slaves into the state who had been imported from Africa. After 1786, the fine was to be twenty pounds. It did allow persons coming into the state as permanent residents to bring their slaves for the time of their stay, but they were not allowed to sell them in the state. To the relief of many, the act provided for the manumission of able-bodied slaves between the ages of twenty-one and thirty-five without further personal obligations. Manumitted Blacks convicted of felony or any crime above petty larceny or convicted more than twice of petty larceny or any equivalent crime against the community "were within one month after being released to move out of the state and remained in exile for life or until the court decreed his return." Any exiled Black caught within the state was sold into slavery for the remaining period of his banishment. 38


This law also prohibited manumitted Blacks from other states from traveling or remaining in New Jersey. Manumitted Blacks were not allowed to go out of their own county where they were freed without a certificate from two Justices of the Peace of that county or township. Such certificates had to be co-signed and sealed by the County Clerk. Two years later, the Act of 1786 was supplemented. Ships outfitted for the slave trade in the state were confiscated. Blacks could not be removed from the state where they had resided for twelve months without their consent. Their consent had to be certified in accordance with the act. Slaves committing criminal offenses were to be judged and punished in accordance with due process of the state. The law also declared that Blacks should be taught and instructed in reading. 39

Passage of the acts of 1786 and 1788 has been credited to Quaker influence. A Society for Preventing the Abolition of Slavery was formed in New Jersey in 1786. In 1793, it adopted a Constitution, which provided for an annual meeting of members from the entire state and county meetings semi-annually. The society was active in securing the passage of laws for the gradual abolition of slavery and in securing

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protection for Blacks before the court as provided for by law.\textsuperscript{40}

In the 1790's manumissions were frequently occurring. For example in 1794, "An Act for the Manumission of Certain Slaves, Late the Property of William Burnet Deceased," was passed. This act declared and mentioned ten Blacks, male and female, to be manumitted and set free and appointed guardians for the children. It also required that bonds be given to insure against manumitted Blacks becoming public charges. The preamble contained no reason for passing such an act, but it probably passed because the Blacks had become a burden to the estate and the executors sought to relieve it through the intervention of the legislature.\textsuperscript{41}

On March 14, 1798, an act was passed entitled: "An Act Respecting Slaves." This extensive act contained thirty-two sections, but most of these sections simply codified existing slave laws. There were a few provisions which illustrated that slavery was far from dead in New Jersey.

\textsuperscript{40} Henry S. Cooley, \textit{A Study of Slavery in New Jersey}, pp. 23-24.

\textsuperscript{41} New Jersey, Acts of the Forty-Fourth General Assembly of the State of New Jersey, p. 74.
For example, slaves were to remain in slavery until manumitted by the manner prescribed by law. Slaves could not be a witness in court unless in criminal cases where one slave might be a witness for or against another. Arrested runaway slaves from other states were jailed and the cost of capture had to be paid by their master. The remaining provision of the act reenacted existing slave legislation.\footnote{42}

By the beginning of the nineteenth century, the Abolition Movement was in full swing in New Jersey. On February 15, 1804, "An Act for the Gradual Abolition of Slavery" was passed. Section one declared:

"that every child born of a slave within this state, after the fourth day of July next, shall be free; but shall remain the servant of the owner of his or her mother, and the executors, administrators or assigns of such owner, in the same manner as if such child had been bound to service by the trustees or overseers of the poor, and shall continue in such service, if a male, until the age of twenty-five years, and if a female, until the age of twenty-one years."\footnote{43}

This act provided that every person entitled to the service of such children should obtain a "certificate" containing the

\footnote{42}{William Patterson, \textit{Laws of the State of New Jersey}, pp. 307-313.}

\footnote{43}{Joseph Bloomfield, \textit{Laws of the State of New Jersey}, pp. 103-4.}
name, age, and sex of the child, from the Clerk of the County Court. If a slaveowner wished to abandon his right to the service of the child, proper notice of abandonment had to be given within one year after birth.\footnote{Ibid., pp. 104-5.} Owners were responsible for supporting black infants up to one year regardless of their intent. Abandoned black infants were declared paupers and bound out by the Overseer of the Poor, males were bound until they reached twenty-five; a female, until she reached twenty-one.\footnote{Ibid., pp. 104-5.}

Later in 1809, provisions were made simplifying the filing of such certificates and recording deeds of manumission. As a result of owners abandoning their responsibility for black infants, much fraud developed. The Act of 1804 provided that money would be obtained from the Treasury to support the black infants. This eventually led to the repeal of the act in 1811 because of the great sums of money being taken by citizens who declared very high expenses for maintaining the child.\footnote{Ibid., pp. 106-9, 141-143.}
In 1812, an additional act was passed that served as a support for the existing laws protecting Blacks. Slaves were forbidden to be removed from the state without their consent; violation of this law was kidnapping. If under twenty-one, the parent had to give his consent. Slaveowners had to return all slaves taken from the state, or give proof within ten days in Court as to why they had not. Such persons were declared criminals. Six years later the more severe Act of 1818 was passed. The Act of 1820 will repeal the acts of 1812 and 1818 in respect to penalties for kidnapping slaves.47

The Act of 1820 definitely illustrated an attempt to abolish slavery in New Jersey. Its intent was gradual manumission. The act eliminated a great loophole in prior acts by decreeing a fine for failure to register black births. A penalty for failure to file the birth certificate was five dollars and an additional one dollar for each month until filed. A fine of two thousand dollars and two years imprisonment was the penalty for attempting to export a slave out of the state. Slave trading vessels were subject to search and seizure. Resistance to law officials engaged in searching

vessels could result in a fine of two thousand dollars and imprisonment for two years to four years. New Jersey residents could take a slave from the state but they had to bring him back. Failure to do so resulted in a fine of one thousand dollars or imprisonment of one or two years. This act repealed many provisions of prior acts which called for lesser penalty in cases of kidnapping slaves.\textsuperscript{48}

Additional laws were passed in 1826 and 1837 with regard to runaway Blacks. A Black accused of being a runaway slave was taken before a Judge of Common Pleas or a Justice of the Peace. If convicted, the judge or justice issued a warrant to remove the Black from the state. In 1837, the number of judges was extended to three and the runaway was given trial by jury, unless he admitted his guilt. It was also made a misdemeanor for any judge or justice to issue any certificate for removal without a trial.\textsuperscript{49}

New Jersey adopted a new constitution in 1844 which contained a Bill of Rights. Section one read:

\begin{quote}
all men are by nature free and independent and have certain natural and inalienable rights,
\end{quote}

\textsuperscript{48}Acts of the Forty-Fourth General Assembly of the State of New Jersey, pp. 74-80.

\textsuperscript{49}Josiah Harrison, A Compilation of the Public Laws of the State of New Jersey, pp. 146-148.
among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property and of pursuing and obtaining safety and happiness."\textsuperscript{50}

The anti-slavery forces assumed that slavery had been abolished by the state constitution as in Massachusetts and Pennsylvania.

In New Jersey, the issue came up for adjudication before the New Jersey Supreme Court in 1845 and Errors and Appeals in 1846. The court held the section in question was "a general proposition that men in their social state are free to adopt their own form of government and enact their own laws; that in framing their laws they have a right to consult their safety and happiness, whether in the protection of life and liberty or the acquisition of their property. [The Chief Justice further added] the framers of the Constitution never designed to apply this language to man in his private, individual or domestic capacity; or to define his individual rights or interfere with his domestic relations or his individual condition."\textsuperscript{51}

\footnotesize
\begin{itemize}
\item \textsuperscript{50} Statutes of the State of New Jersey, (1847), p. xxi.
\item \textsuperscript{51} New Jersey Reports Vol. XX, pp. 347-375, 368-387; Ibid. Vol. XXI, p. 699.
\end{itemize}
The Chief Justice accurately summarized his decision: "That as the right of property which the defendant had in the person and to the services of the colored man, William as his slave, when the constitution was framed and adopted, was a clearly established legal right, it is not impaired or taken away; but by the express words and true spirit of the constitution is reserved to and continued in him." In essence, the cases declared that a slave remained a slave until manumission. The right of private property was maintained as it would be again eight years later in the Dred Scott Case. Contrary to dominant sentiment, New Jersey was and remained a slave state until the Emancipation Proclamation was issued, 1863.

Finally, in 1846 slavery was abolished by law but former slaves were declared apprentices for life. The law declared that all slaves not manumitted were apprentices. Most of the old provision regulating slaves were reenacted to regulate Black apprentices. For instance, penalties regulating the enticing away, harboring or misusing apprentices were the same as those which regulated slaves. Much of the criminal law was reenacted. Apprentices could not be carried

\[52\text{New Jersey Reports Vol. XX, pp. 372-373.}\]
out of the state or sold to a non-resident.\textsuperscript{53}

Close examination of the 1846 Act reveals some real changes in the status shift from slave to apprentices. The most important change was that children born to Black apprentices were absolutely free from birth and not subject to any manner of service whatsoever. They had to be supported by the master until age six, after which they were to be bound out to service by the Overseer of the Poor. In a sense, this act raised Black apprentices to the status of fellow White apprentices and servants. This sale of an apprentice had to be in writing and with the consent of the apprentice, expressed by his signature. Black apprentices could legally file complaints against their master in a court of law.\textsuperscript{54} In conclusion, this act was not designed to abolish slavery, as the Thirteenth Amendment was, but it did provide for the final extinction of slavery.

Opposition to slavery in Pennsylvania had its beginning in the seventeenth century. The famous Germantown Protest of 1688 gave Pennsylvania the distinction of issuing the first written anti-slavery protest in North America. The four

\begin{itemize}
\item \textsuperscript{53}Statutes of the State of New Jersey, pp. 382-390.
\item \textsuperscript{54}Ibid., pp. 382-390.
\end{itemize}
Germantown Quakers who signed the protest were recent arrivals to Pennsylvania and were quite shocked to see slavery in their new land of liberty. At the same time, they had no use for slaves in their skilled crafts; they recommended that Quakers neither buy nor sell slaves.  

The Germantown protest struck a serious defect in Quaker philosophy. Since Quakers were professors of peace, how would Quakers react to a slave revolt such as had occurred in Barbados? A portion of the protest made this pointed inquiry:

[If Blacks] - joint [sic] themselves, fight for freedom, and handle their masters and mistresses as they did handle them [the Negroes] before. Will these masters and mistresses take the sword at hand and war against these poor slaves, like, we are able to believe, some will not reguse to do? Or have these Negroes not as much right to fight for their freedom as you have to keep them slaves?—Now consider well this thing they adjured Friends, if it is good or bad [to] handle these blacks in that manner? We desire and require you hereby lobingly [in order that we might be] satisfied in this point,... [and that we might] satisfy likewise our good friends and acquaintances in our native country, to whom it is a terror or fearful thing that men should be handlled so in Pennsylvania.  

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56 Cited from Thomas E. Drake, Quakers and Slavery in America, p. 12.
The Germantown Protest was read at Philadelphia Yearly Meeting of 1688. This pointed protest forced the Quakers at least to face the question of slavery. It was Quaker opposition in both New Jersey and Pennsylvania that led to its gradual abolition. What generally applied for Quakers and slavery in New Jersey more than equally applied for Pennsylvania. There was one essential difference between Pennsylvania and the two remaining middle colonies. Quaker formal and informal influence was against slavery and it kept the institution small. The mildness of the institution deleted the necessity to pass numerous laws. Two major factors held slavery in check. Germans refused to own slaves and the Quakers gradually gave up the institution of slavery which led to its gradual abolition. The spirit of the Revolution definitely served as a factor.

In general, manumissions were frequent in Pennsylvania, but an opposition did appear as a result of the Insurrection of 1712. In 1726, the Assembly passed an act requiring a freedom bond of thirty pounds. This bond remained the same until it was abolished in 1780.57

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Pennsylvania successfully fought the importation of slaves for several reasons. Slavery discouraged immigration of white labor and skilled craftsmen opposed the presence of black craftsmen. The tariff of importation was so successful that in 1761 the merchants of Philadelphia complained to the Assembly that white labor was too expensive. In general, Pennsylvania laws were designed to keep the colony as free of Blacks as possible. It was not until the 1770's that argument against slavery shifted from one of pure economics to one of opposition to a human evil. By the time of the Revolution, slavery was condemned in most parts of Pennsylvania. This made the implementation of the Revolutionary spirit much easier. Slavery was abolished in Pennsylvania in 1780.

As a result of general condemnation of owning slaves, the institution was legally abolished in 1780. It was done by: "An Act For Gradual Abolition of slavery." The most essential provision declared:

That all persons, as well as negroes and mulattoes as others who shall be born within this state, from and after the passing of this act, shall not be deemed and considered as servants

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for life or slaves; and that all servitude for life or slavery of children in consequence of the slavery of their mothers, in the case of all children born within this state from and after the passing of this act as aforesaid, shall be and hereby is utterly taken away, extinguished and forever abolished.  

Children born to slaves after 1780 were obligated to serve their master for twenty-eight years. Masters could abandon these black infants, whereupon they were bound over to the overseer of the poor until they reached age twenty-eight. The act further called for slaves to be registered (name, sex and age) in local courts; in order to prevent Blacks from being re-enslaved, the act required that Blacks could only be bound out as apprentices for seven years. Slaves employed as seamen or similar employment, which normally sent the slave out of the state, had to be registered within five years after passage of the act. By this act sought the legislative to make Blacks equal to Whites before the law. Slaves were to be "adjudge and corrected and punished" in the same manner as other "inhabitants of the state." Slaves were also admitted as witnesses in court against freemen.  

60 Ibid., pp. 67-73.
The act made provisions for runaways. The reward for capturing a slave became the same as that for returning a servant to his master. Obviously, this represented a reduction in the reward. Runaways from other states had to be returned also. Slaveholders were allowed to bring and remain with slaves in Pennsylvania for a period of seven years before the Blacks became eligible to be manumitted by the terms of this act. "Members of Congress, foreign ministers and consuls" were allowed to bring their slaves to the various conventions held in Philadelphia. At the Constitutional Convention of 1787, George Washington complained bitterly that Quakers were enticing domestic slaves, owned by the members of the convention, to run away from their masters. Washington believed life without domestic Blacks was intolerable. This provision, which allowed slaveholders to remain with their slaves for seven years, indicates that the state was more interested in getting rid of Blacks than the institution of slavery. 61

The State of Pennsylvania did offer relief to slaveholders from neighboring states who came to Pennsylvania to

escape the British. These individuals were given six months to comply with the Gradual Abolition Act of 1780. Later in 1781, slaveowners in Westmoreland and Washington Counties asked for a redress of certain grievances in connection with slavery. As a result of resetting boundary lines between Virginia and Pennsylvania, these shareholders formerly lived in Virginia and followed its rules. Thus, they asked for time to comply with the slave law of Pennsylvania. The legislature granted them the service of their slaves until age thirty.62

From a surface view, the Abolition Act of 1780 appeared to abolish slavery but those desiring total destruction of slavery quickly pointed out its faults. This act possessed two glaring faults: first, it was easily evaded and second, it was an act for gradual abolition only. Some Pennsylvanians kept the slave trade open. Slaveowners still sold slaves out of the state especially children before they became eligible to be freed at age twenty-eight. Pregnant black females were sent south of the state line so that the child could be born a permanent slave. In 1788, the legislature moved to relieve this problem.63


63 E. Drake, Quakers and Slavery in America, p. 96.
As a result of this pressure from friends and other abolitionists, the legislature of 1788 sought to clarify the Act of 1780. The slave trade was prohibited under a penalty of one thousand pounds. The births of infants born to slaves had to be registered. Black slave couples, husband and wife, could not be separated without their consent. Pregnant black female slaves were not to be sent out of the state. This act moved to block all loopholes in the Act of 1780. Even this action did not quite satisfy the strong anti-slavery forces in the state, but the legislature passed no more anti-slave legislation.  

Though Pennsylvania had provided for the gradual abolition of slavery, persons of anti-slavery persuasion continued to push for immediate abolition. The first attack upon slavery came in the courts. The declaration of rights in the state constitution of 1790 declared all men were born equally free and independent, thus possessing an inalienable right to life and liberty. The anti-slavery forces believed that slavery was contrary to the state constitution. Adjudication of the matter occurred in the famous case Negro, Flora vs. Joseph Graisberry. After seven years of litigation (1795- 

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1802) it was finally decided that slavery legally existed before Pennsylvania adopted a constitution, thus slavery had not been abolished.65

When the attack upon slavery in the courts failed the abolitionist did not lose heart. The later attacks upon slavery came in the form of resolutions, bills and petitions in the legislature. In 1797, the House received a resolution and offered a bill calling for the abolition of slavery. The fate of this bill was indefinite postponement. It was offered in the Senate and it met with a similar fate. The abolitionists tried again and again to obtain a bill from the legislature. Attempts were made in 1803, 1804, 1811 and 1821.66 Each attempt met with less and less enthusiasm. Pennsylvania never possessed a large slave population. After the turn of the century, this number diminished greatly each year, and so did the public interest in this dwindling number. Slavery in Pennsylvania was to die the slow death of gradual abolition.

66Ibid., 83-88.
The decline of slavery in the middle colonies was indeed one of gradualism from a numerical standpoint:

**TABLE II**

**OFFICIAL CENSUS, 1790-1860**

<table>
<thead>
<tr>
<th></th>
<th>1790</th>
<th>1800</th>
<th>1810</th>
<th>1820</th>
<th>1830</th>
<th>1840</th>
<th>1850</th>
<th>1860</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>21,324</td>
<td>20,343</td>
<td>15,017</td>
<td>10,088</td>
<td>75</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Jersey</td>
<td>11,432</td>
<td>12,343</td>
<td>10,851</td>
<td>7,557</td>
<td>2,243</td>
<td>674</td>
<td>236</td>
<td>18</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>3,737</td>
<td>1,706</td>
<td>795</td>
<td>211</td>
<td>403</td>
<td>64</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


The above chart indicates that New York had the greatest slave population by 1790 and that complete abolition of slavery occurred first in that state. Reasons for such a rapid decline are by 1800, the New York legislative quickness struck at the heart of the problem when it passed laws indicating that all slaves under fifty and able to support themselves could be released without manumission bond being
posted. Wills calling for manumission but failing to provide a freedom bond were not declared void. Any slave regardless of his age could be manumitted without bond but if unable to support himself, support had to be given by the master. New York also made it easier for a master to abandon his responsibility for a black infant, thus making infants the ward of the overseer of the poor. Finally, in 1817, New York declared all slaves born before 1799, to be freed in 1827. This striking legislation appears as an anomaly since there was an absence of strong Quaker anti-slavery agitation in New York. Slavery would hang on longer in New Jersey than in New York because the agriculture of Jersey made slavery profitable.

New York developed along lines of diversified agriculture, thus requiring skill which the New York farmer did not want to take the trouble to teach or was unwilling to teach Blacks. New Jersey with its truck farms required a lesser degree of skilled labor. Before slavery could gain a foothold in Pennsylvania it was publicly condemned.

Pennsylvania was the first of the thirteen colonies to provide for the gradual abolition of slavery, but it left those awaiting manumission with little protection. If an owner transported a slave out of the state, there was no
requirement that the slave be returned. Pennsylvania's proximity to Delaware and Maryland led to the development of a substantial, illegal interstate slave trade. Thus, many Pennsylvania Blacks were sold into permanent slavery before they reached the age of manumission. Newly arriving slave owners were permitted to bring their Blacks with them for a period of six months. On the balance, Pennsylvania law appears to have been less concerned with the abolition of the institution of slavery than it was with getting Blacks out of Pennsylvania.

Slavery remained as an institution longer in New Jersey. Even though prodded by intense Quaker anti-slavery agitation, New Jersey slaveholders refused to manumit their slaves on a wholesale basis as New Yorkers did. Economically slavery was more profitable in New Jersey than the other middle colonies. New Jersey eventually passed legislation similar to that of New York, but such legislation lagged fifteen to twenty years behind New York. New Jersey did not abolish slavery until the Thirteenth Amendment to the federal constitution.
CHAPTER VI

Conclusion

By 1626, Blacks had arrived in New Netherlands but their legal status had not been determined. The Dutch West India Company became the major influence in determining the status of Blacks in New Netherlands but the Company faced numerous problems. During the Dutch occupation black status fell into three different categories. There were, of course, slaves owned by the Company and private individuals. Individual Dutch slaveholders viewed and treated their Blacks as if they were property. Their treatment was beyond the pale of Dutch law. Regulations protecting Dutch indentured servants from their masters did not apply to these Blacks but they were held liable for crimes committed against society. As with any property, they were protected from the outside world. There was an absence of slave legislation in New Netherlands, thus regulation of slaves was done on an ad hoc basis.
Being the largest slaveholder in New Netherlands allowed the Company to create different categories of Blacks. The Company brought all Blacks in as slaves but after an extended period of slavery, they were sometimes converted either into "half slaves" or free Blacks. Regulations governing Dutch indentured servants usually governed "half slaves," since no extensive black legislation existed. The Company created yet another class, Free Blacks. The regulations governing these individuals were the same as those governing Dutchmen. Court records reveal that they were given some protection before the law as well as being liable to it. As members of the community they were allowed to own property. Freedoms and privileges enjoyed by "half slaves" and free Blacks would disappear when the English conquered New Netherlands in 1664. Just as with Virginia the situation had become a fixture in the region but wholesale laws governing slaves were yet to come in the middle colonies region.

After 1664, when New Netherlands became English colonies, New York took the lead in passing legislation governing Blacks. The reason for such an obvious trend rested with their numbers in the colony at the time but of far more importance was the social setting. New York City and Albany were urban areas, thus causing much social intercourse.
It became important very early to establish set regulations for Blacks. These regulations could not qualify as slave codes since they developed on a gradual basis.

New Jersey developed in quite a different way. It was essentially a rural region and the governing of Blacks in the rural areas resembled, very much, that of later southern slavery. Problems concerning Blacks in New Jersey could always be handled on the local level. Thus no immediate need developed to pass wholesale slave codes in New Jersey even though they were in fact passed.

The picture in Pennsylvania developed differently from the other two colonies. The number of Blacks in Pennsylvania was small and the governing of Blacks mild due to Quaker influence. Blacks in the urban areas of Philadelphia did not pose the problem which confronted New York City and Albany. The small number of slaves and mild Quaker treatment appears responsible for this.

With the coming of the eighteenth century a change occurred in the regulation of Blacks in the middle colonies. New York and New Jersey began to develop slave laws, but not rigorous codes. This was to change with the Insurrection of 1712 in New York. Legislative reaction to this insurrection illustrated the apprehension Whites were developing toward the
institution. Naturally, New York issued its first major slave code, but New Jersey did likewise and Pennsylvania used tariffs to control the institution. These codes sought to totally regulate Black movement.

In essence, the Slave Code of 1712 remained in effect in both New York and New Jersey until after the Revolution. Both colonies simply reenacted the same legislation or passed new legislation to strengthen existing legislation. Pennsylvania refused to enter the legislative battle but instead she initiated her own tariff war against the institution. The tariff, as well as Quaker attitudes toward slavery, and the economic development of the colony once and for all eliminated major slave codes from the colony.

Examination of the slave codes revealed an interesting picture. New York did more to legally establish the status of Blacks. The colony left very little to the imagination or to chance. Its codes were the most severe but enforcement proved quite different since much of the slavery was in urban areas. Regulation of Blacks in urban areas usually proved fruitless since Black and White socialization could not be stopped as was the case in rural areas such as New Jersey.

Legally, only New York established the definition of a slave. It declared that a Black infant derived its status
from the mother. At the same time, the colony declared that conversion to Christianity did not automatically bring freedom. Oddly enough both, New Jersey and Pennsylvania refused to pass such legislation. Reason for such may be due to strong Quaker influence in these colonies but Black Christians were still held in slavery. On the other hand, perhaps the legal status of slaves was never questioned.

In both, New York and New Jersey, slave codes placed slave trials in special courts. Such arrangements remained until after the Revolution. Blacks could not testify in courts unless against another Black. In general, after 1700, Blacks disappeared from courts and those cases appearing usually involved Blacks as private property not as human beings. Such cases did not require the presence of Blacks in regular court.

In conclusion, legislation regulating slavery was generally shaped by the desire to make profits. To pass severe legislation was one thing but to enforce it was another matter. The nature of the economy in the middle colonies required skilled labor. Such a skilled Black was valuable. Since a Black represented such a large investment it was only sensible to take good care of this property. Owners hesitated to subject their valuable property to legislative decrees.
An example of such loss came in the wake of the Insurrection of 1712. Eighteen Blacks were executed, but six years later the owners had not been paid for those Blacks by the government. Doubt exists as to whether the owners were ever paid and if they were whether the amount allotted by the legislature covered the value of the slave. In many instances owners might shield their slaves from accusations of crime. Obviously, they did so because they feared to lose valuable property. They would often sell a recalcitrant slave in order to prevent a total loss.

Laws regulating Blacks in the middle colonies sought to protect society from them. Laws regulating slaves in the middle colonies sought to protect the master's property and to define that property's position in relation to the outside world but little was done to protect the slave from the master's abuse. Laws governing free Blacks also sought to protect society from them. Legislation restricting slave movements usually applied to free Blacks. Under the English, their lot was worse than that of a slave since the slave was at least protected as a species of property.
BIBLIOGRAPHY

I. Primary Sources

Albany, N.Y. Minutes of the Albany Committee of Correspondence, 1775-1778 and Minutes of Schenectady Committee, 1775-1779 Albany: University of the State of New York, 1923-25.

Laws and Ordinances of Mayor Recorders Alderman and Commonalty of the City of Albany, American Imprint Series.


Harrison, Josiah, comp. A Compilation of the Public Laws of the State of New Jersey Camden: Josiah Harrison 1883.


Rensselaer Bowier Manuscripts, Albany: University of the State of New York, 1908.


Contemporary Newspapers

The American Weekly, April 2, 1741-September 20, 1741.

The Boston Post Boy, May 8, 1741.

The Boston Weekly Newsletter, April 4, 1741-August 29, 1741.

New York Gazette, 1741.

Rivington's New York Gazette, 1741.

New York Gazette, 1741.

II. Secondary Sources

Books


**Periodicals**


---


Wright, Marion T. "New Jersey and the Negro." *Journal of Negro History*, XXVIII (1943), 160-204.