

100 Years of Abolition:
The Gradual Abolition of Slavery in Pennsylvania

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Introduction

As I was studying the history of Colonial and Revolutionary America, as the enlightenment and revolutionary rhetoric struck the nation, the question over slavery became harder pressed. Critics of slavery called out the revolutionaries' hypocrisy in comparing British ruler to enslavement when the revolutionaries were actively enslaving people. Through this, more states began to implement some forms of abolition, whether gradual or immediate. What struck me was the timing of these provisions, specifically how Pennsylvania was the first state to enact the Gradual Abolition of Slavery while in the middle of fighting the revolutionary war and serving as the capital of this new nation, where debates about slavery raged in what is now Old Town Philadelphia. As I dug deeper, I uncovered a complex and unique story about abolition, one that began long before the United States was a thought, beginning in 1688 with Quakers in Germantown, when slavery was not legally bound in law, yet was customary. In 1738, when abolitionist Benjamin Lay had to be picked up and carried out of a Quaker Yearly Meeting for his antislavery stunts.

This thesis intends to answer the following questions: How and why did Pennsylvania abolish slavery? What conditions factored into decisions made in the creation of the 1780 abolition bill? What were the conditions of the enslaved in Pennsylvania and how did they resist slavery? How did the state enforce the law and groups and individuals opposed it? How did this bill constitute liberty for African Americans?

With the development and progression of Quaker activism against slavery, outside events, such as the Seven Years' War, and the aftermath of those events relating to labor, combined with increased resistance to enslavement by the enslaved and the rise of enlightenment and revolutionary thought and rhetoric helped produce an environment in which slavery's popularity

and use began to decline in Pennsylvania, eventually leading for this cultural transition to become codified into law. Despite being bound by law, enslavers tried to circumvent abolition any way they could, including selling an enslaved person to a buyer in another state and lying about others' free status of, resulting in the reformation of the Pennsylvania Abolition Society (PAS)---the first of its kind in North America---that would work to uphold the law through providing legal aid to people with freedom suits and through petitioning the government. This society did have flaws however as African Americans were not permitted to participate, leading prominent Pennsylvania African American community leaders, like Richard Allen, to found mutual aid societies, like the Free African Society (FAS), that helped other free Black men and women who sought legal aid, connect to the PAS and provided funding in times of need. Despite this perceived gain of freedom, White leaders would continue to attempt to undermine African Americans legal, political, and civil rights in their state.

Chapter 1: Pre-Revolution Abolition Movement: State's Beginning to the Formation of the Pennsylvania Abolition Society

Pennsylvania's Beginnings: (1664-1676)

King Charles II acquired the land that would become the colony of Pennsylvania following a triad of Anglo-Dutch Wars that concluded with the Treaty of Westminster in 1674.¹ This treaty included the return of seized land to the previous Lord who had held it.² As result, New Netherlands³ was returned to the British, as the land had been occupied by them since the 1664

¹ Treaty of Westminster, 9 February 1674. *European Treaties Bearing on the History of the United States and its Dependencies*, Davenport, Frances Gardiner

² Treaty of Westminster, Article 6, 1674.

³ The Dutch name for what would become Pennsylvania

Dutch surrender during the Second Anglo-Dutch War.⁴ Sir William Penn had been an admiral in the British Navy, and following his death in 1670, landholdings in the family's estate transferred to his son: William Penn.⁵ As a repayment of debt accrued to the amount of £16,000 that was supposed to be paid to William Penn's father, King Charles II granted Penn land west of the Delaware River in 1681.⁶ As a converted Quaker, Penn would use this land as a place of religious refuge for the Society of Friends (Quakers), a radical Protestant sect founded in England in the mid-seventeenth century and whose members faced persecuted in various European countries.^{7,8} In the process of creating Pennsylvania, labor was needed to construct this new society predicated on religious refuge and freedom. As contemporaries searched for laborers, the most common choice in the early Americas was immigrant indentured servitude, whose racial makeup was European and white. Enslaved labor was also widespread, mostly consisting of people who were stolen then sold on the west African coast and forcefully brought to the Americas. Slavery was not new to this region of North America, as the Dutch used enslaved laborers for fifty years prior to Penn's establishment. Penn would be sure to capitalize upon the existing institution as he preferred enslaved people over free laborers due to them being bound for life.⁹ However, his and other colonist' preference for slavery would lead to discussions about the morality of slavery from a religious standpoint, questioning if the forced bondage of Africans was compatible with Quaker values. As Pennsylvania's development ensued, the question of racial slavery's compatibility with the Quaker religion would coincide with the implementation of laws that created a type of caste system that placed Black people in a second-class group that faced inequitable laws based on their skin color.

⁴ Surrender of New Netherlands, 1668.

⁵ Andrew R. Murphy, *William Penn: A Life* (New York, NY: Oxford University Press, 2019), 7.

⁶ Reiss, Oscar. *Blacks in Colonial America*. Jefferson, NC: McFarland & Co., 2006. 90.

⁷ Reiss, Blacks in Colonial America, 90

⁸ Murphy, William Penn: A Life, 83.

⁹ Reiss, Blacks in Colonial America, 90.

Early Opposition to Slavery: (1676 – 1729)

Early antislavery thought within some Quaker circles ran contrary to William Penn's views on slavery and the treatment of enslaved Black people. In 1676 George Fox, founder of the Society of Friends issued a decree titled, *Gospel Family-Order: Being a Short Discourse concerning the ordering of Families, Blacks, and Indians*. While Fox's work is not a condemnation of slavery, it is a base for how he believed Quakers should treat those they enslaved. Fox declared all members of ones' family, in which he included enslaved people, should be treated humanely claiming "And therefore be not you negligent, nor slothful, nor careless in this, but do your Duty, and see that all your family may do their duties."¹⁰ Fox also uses Biblical precedent from Acts 8.27, claiming God commands them to preach and extend their religious views to those in their family, regardless of race, citing Philip's conversion of Ethiopians to Christianity.¹¹ This was to ensure everyone would know their way to Christian salvation. Furthering on conditions between enslaver and enslaved, Fox suggested that enslaved people should be set free after a "considerable Term of Years, if they have served them faithfully," similar to indentured servitude, and for the enslaver to not let the newly freed person depart empty handed when given their freedom.¹² Fox's reasoning for is due to the connection between the God-Human/servant relationship and the Family-Servant relationship, whereas humans, being the servant of God, are "set free from Sin and spiritual bondage" through God, and since it is commanded to "Be ye holy, as your heavenly father is Holy; and be ye merciful, as your heavenly father is merciful," Fox is claiming that God would be merciful to those who

¹⁰ Fox, George, *Gospel family-order: being a Short Discourse concerning the ordering of Families, Blacks, and Indians*, Barbados, 1696, 9.

¹¹ Fox, *Gospel family-order: being a Short Discourse concerning the ordering of Families, Blacks, and Indians*, 14.

¹² Fox, *Gospel family-order: being a Short Discourse concerning the ordering of Families, Blacks, and Indians*, 16.

made the enslaved free from bondage after said, “considerable term of years.”¹³ Thus, in Fox’s view, lifelong slavery was not compatible with Quaker beliefs.

Seven years after William Penn was granted the land that would become Pennsylvania, the first challenge against slavery occurred. The Quaker Meeting in an area in Northern Philadelphia, known as Germantown, protested slavery in 1688. In their protest, they condemn race-based slavery saying, “Now, tho they are black, we cannot conceive there is more liberty to have them slaves, as it is to have other white ones”¹⁴ Further professing their opposition to slavery Germantown Protesters said, “But to bring men hither, or to rob and sell them against their will, we stand against”¹⁵ To the protesters, slavery contradicted the colony’s created intent and, “undermined the spirit of Penn’s experiment in brotherly love and made ‘an ill report in all those countries of Europe’”.^{16,17} This was the first publicly recorded instance of Pennsylvanian opposition to slavery, and being so, the Germantown Meeting’s complaints were tabled after being sent to the Yearly Meeting in Philadelphia since they went against the colonial elite’s views on the subject as seventy percent of the Philadelphia Yearly Meeting’s members before 1706 were enslavers. They contested and subverted the issue by claiming the topic was “too weighty” of a subject to comment on, thus tabling it and moving on.¹⁸ While this initial anti-slavery protest was unsuccessful, future civil rights activists and author W.E.B. DuBois claims, “This little leaven helped slowly work a revolution in attitude of this great sect towards slavery and the slave trade.”¹⁹

¹³ Fox, *Gospel family-order: being a Short Discourse concerning the ordering of Families, Blacks, and Indians*, 16.

¹⁴ Graeff, Derick up de, *Germantown Protest*, 1688-04-18

¹⁵ Graeff, *Germantown Protest*, 1688

¹⁶ Graeff, *Germantown Protest*, 1688

¹⁷ Nash, Gary B., and Jean R. Soderlund. *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath*. New York: Oxford University Press, 2011, 11.

¹⁸ Reiss, *Blacks in Colonial America*, 91.; Nash and Soderlund, *Freedom By Degrees*, 11.; Philadelphia Yearly Meeting of the Religious Society of Friends, *Philadelphia Yearly Meeting Minutes, 1681-1746 [extracts]*, 7/5/1688.

¹⁹ W.E.B. DuBois, *Suppression of the African Slave Trade to the United States 1638-1870* (Millwood, NY: Kraus-Thomson Organization, 1954).21.

The attitude among the Society of Friends regarding slavery would shift in 1696 as a critique on Quaker slavery would become more widely accepted. Through this acceptance, a limited amount of agency would be permitted among those the Quakers enslaved. Partaking in this revolution of thought was William Southeby, who proposed the prohibition of slave importation and ownership.²⁰ He brought to the attention of the Philadelphia Yearly Meetings of Friends that due to the Quaker creed of nonviolence, the slave trade was in violation of their faith due to its “requisite of force.”²¹ In agreement, the Philadelphia Yearly Meeting discouraged its members from further engaging in enslavement, saying, “be Careful not to Encourage the bringing in of any more Negroes.”²² Furthering on this sentiment, the Meeting urged enslavers to, “be Careful of [the enslaved], bring them to Meetings, or have Meetings with them in their Families, and Restrain them from Loose, and Lewd Living as much as in them lies, and from Rambling abroad on First Days or other Times.”²³ In the context of the Society of Friends urging against the practice enslavement, their use of “careful,” is not cautioning followers against possible future danger caused by the enslaved, such as slave revolts. They are instead using it to tell fellow Quakers to care for the people they have enslaved and involve them in meetings, in the hope that they would not be desolate or estranged despite being denied influence in their surroundings. The Society of Friends was hoping to improve upon the livelihood of those in bondage by advocating for limited agency for enslaved people. If their rhetoric were to be carried out, Quaker enslavers would consider the perspective of those who they keep bound. Included in their statement is a recommendation to bring enslaved people to the Society’s meetings; since

²⁰ Nash and Soderlund, *Freedom by Degrees*, 44; Nicholas P. Wood, and Jean R. Soderlund. “‘To Friends and All Whom It May Concerne’: William Southeby’s Rediscovered 1696 Antislavery Protest.” *The Pennsylvania Magazine of History and Biography* 141, no. 2 (2017): 177–98. <https://doi.org/10.5215/pennmaghistbio.141.2.0177>.; Philadelphia Yearly Meeting of Friends Minutes, 7/23/1696.

²¹ Nash and Soderlund, *Freedom By Degrees*, 44

²² Minutes of the Philadelphia Yearly Meeting of Friends, 7/23/1696

²³ Nash and Soderlund, *Freedom by Degrees*, 44; Minutes of the Philadelphia Yearly Meeting of Friends, 7/23/1696

many of the higher-ranking members of the Society were enslavers, this stance would also be present within Quaker administrative decisions and declarations.

Working through the Pennsylvania Colonial Assembly, the antislavery ideas from the Society of Friends seeped into legislative decisions with the implementation of duties fees²⁴ on the importation of enslaved people into Pennsylvania. Even though the duty fee's intentions were not within the antislavery cause, its effects benefitted the antislavery cause due to it increasing the financial burden for enslavers trying to bring more enslaved people into the state. The first duty fee placed on enslaved laborers brought into Pennsylvania to be sold to enslavers would be enacted in 1705, a ten-shilling duty tax "per head" on enslaved people.²⁵ In 1710/1711, the Pennsylvania Assembly attempted to increase this duty to forty shillings per head but this raise was repealed by the Queen of England in 1713.²⁶ Following the New York City Slave Revolt of 1712, the Pennsylvania Assembly attempted to halt the importation of enslaved people by increasing the duty charge to twenty shillings, but again was denied the ability to do so by Great Britain.²⁷ Between 1715 and 1729, five more duty taxes were enacted by the Pennsylvania Assembly. The first of these additional duty taxes would be rescinded by Great Britain in 1719. However, subsequent Duty Acts would be passed by the Pennsylvania Assembly and tolerated by the British in 1718, 1722, 1726, and 1729.²⁸ Even though it seems that Britain

²⁴ A duty fee is like an importation tax.

²⁵ Du Bois, *Suppression of the African Slave Trade to the United States 1638-1870*, 204; *An Act for raising a Supply of Two Pence Halfpenny Per Pound and Ten shillings per head, also granting an impost and laying an excise on Sundry Liquors and Negroes imported into this Province for the support of Government and Defraying the necessary public charges in the administration thereof*. Passed January 12, 1705. In *The Statutes At Large of Pennsylvania*, Vol 2, 280.

²⁶ Du Bois, *Suppression of the African Slave Trade to the United States 1638-1870*, 205; *Laying a Duty on Negroes, Wine, Rum and other spirits, cider and vessels*, Passed January 12, 1705. In *The Statutes At Large of Pennsylvania*, Vol 2, 388.

²⁷ Du Bois, *Suppression of the African Slave Trade to the United States 1638-1870*, 206; *An Act to Prevent the Importation of Negros and Indians into this Province*. Passed June 7, 1712. In *The Statutes At Large of Pennsylvania*, Vol 2, 436.

²⁸ Du Bois, *Suppression of the African Slave Trade to the United States 1638-1870*, 210-211, 213.

sought to allow a relatively untaxed slave trade by keeping the duty low, after 1718 they seemed to not make any issue of the duty's increase: in 1726 the duty was increased by "one shilling and six pence" then three years later in 1729 it was increased by "two pounds," or forty shillings.²⁹ Up until this time, the Philadelphia slave trade was reliant on small shipments of enslaved people, normally in groups of two or three.³⁰ Despite these increased duties, there is evidence that this final duty was not enforced for the following three decades and the slave trade would not be interfered with by the assembly for that time.³¹

The Conditions of Enslaved and Freed African Americans in Pennsylvania (1700-1750)

While minimal and steady gains were being made in terms of Quaker-led abolition, it was also the Quakers elite who worked in the Pennsylvania Assembly to restrict the rights of freed Blacks and progressively implemented Black codes that lawfully enforced a race-based caste in order to protect their economic interests. Laws had to be implemented for race to become a strict legal category determining a person's status and rights, as the first governmental statutes in Pennsylvania neither restricted nor permitted slavery, thus leaving slavery's legality up to customs within the state.³² Up until 1700, "Blacks accused of crimes were tried in the same courts and under the same laws as whites, and on at least some occasions, received the same

²⁹ Du Bois, *Suppression of the African Slave Trade to the United States 1638-1870*, 213.; *An Act for Laying a Duty on Negros Imported into this Province*, Passed March 5, 1725-26. In *The Statutes At Large of Pennsylvania*, Vol 4, 53; *An Act for Laying A Duty on Negroes Imported Into this Province*, Passed May 10, 1729. In *The Statutes At Large of Pennsylvania*, Vol 4, 123.

³⁰ Wax, Darold D. "NEGRO IMPORTS INTO PENNSYLVANIA, 1720-1766." *Pennsylvania History: A Journal of Mid-Atlantic Studies* 32, no. 3 (1965): 255. <http://www.jstor.org/stable/27770347>.

³¹ Wax, Darold D. "Negro Import Duties in Colonial Pennsylvania." *The Pennsylvania Magazine of History and Biography* 97, no. 1 (1973): 24. <http://www.jstor.org/stable/20090706>.

³² Frame of Government of Pennsylvania, The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America

punishments.”³³ The subsequent enactment of racially discriminatory laws begins to show the difference between the early Quaker view on slavery and the emerging consensus around the relationship between race, legal status and rights. Customs were codified through the work of, “Quaker elite [who] dominated the assembly that legislated slave codes in 1700, 1705, and 1726 for controlling the number of slaves in Pennsylvania and also for restricting the small number of blacks who gained their freedom.”³⁴

The first of these laws distinguished servants from slaves. In 1700, “the Assembly recognized in law differences between the terms of servants, who served for a specified number of years, and slaves, who served for life. At about the same time, the lawmakers established separate courts for blacks.”³⁵ The separation of courts would allow for an inequitable justice system where people of color, no matter their condition of being free or enslaved, would be tried by two judges and six of the “most substantial freeholders³⁶ of the neighborhood,” rather than by a jury of their peers.³⁷ The inequity this created included race based sentencing for the same crime: capital offences for Black people included murder, rape of a white woman, buggery, and burglary, while those same offenses for white people, barring murder, would not carry the same capital punishment for another eleven years, but still contained harsh punishments such as “thirty-one lashings” and seven years of hard labor..³⁸ In addition to these inequitable punishments, a Black man convicted of attempted rape of a white woman was subject to

³³ Nash and Soderlund, *Freedom By Degrees*, 12

³⁴ Nash, Gary B. *Forging Freedom: The Formation of Philadelphia's Black Community, 1720-1840*. Cambridge, MA: Harvard University Press, 2003, 24.

³⁵ Nash, *Forging Freedom*, 12.; *An Act for the Trial of Negros*, Passed November 27, 1700. In *The Statutes At Large of Pennsylvania*, Vol 2, 77.

³⁶ Freeholder is a free person who holds land

³⁷ Nash and Soderlund, *Freedom by Degrees*, 12; Reiss, *Blacks in Colonial America*, 91.

³⁸ Nash and Soderlund, *Freedom by Degrees*, 12; *An Act against Rape or Ravishment*, Passed November 27, 1700. In *The Statutes At Large of Pennsylvania*, Vol 2, 7.

castration.³⁹ This punishment would be redefined in 1706: thirty-nine lashes, and branding on the forehead of the letters R or T, along with expulsion from the territory.⁴⁰

Pennsylvania laws created in 1726 cemented racial caste through the implementation of Black codes, placing further restrictions upon the freed Black population and those who were to become freed while also permitting re-enslavement. While these laws were not as restrictive as those of other colonies, but they still placed an unfair burden upon enslaved and freed Blacks. These laws regulated the movement of enslaved people by forcing them to carry a pass from their enslaver when travelling and included a 9-pm curfew.⁴¹ These provisions allowed whites in the region to ensure the enslaved were working according to their enslaver's instructions. In addition, an enslaved person could not legally meet with others without approval of their enslaver, thus depriving them of free will and agency and restricting their ability to forge friendships and communities. The 1726 laws also placed legal roadblocks in the way of freedom and made it possible for freed African Americans to become re-enslaved. While the costs of manumission, the act of one freeing their slave, were significantly lower than the 200 pound price in New York and New Jersey, Pennsylvania's manumission bond cost thirty pounds.⁴² This lowered price could be viewed as an incentive for enslavers to manumit the people they enslaved, but Gary Nash argues that the thirty pound price still had the effect of "discouraging those with the inclination to emancipate their slaves."⁴³ This law created a subjective basis upon which people who had gained their freedom could be sent back into

³⁹ Nash and Soderlund, *Freedom by Degrees*, 12.

⁴⁰ Nash and Soderlund, *Freedom by Degrees*, 12; *An Act for the Trial of Negroes*, Passed January 12, 1705-6, 1729. In *The Statutes At Large of Pennsylvania*, Vol 2, 235.

⁴¹ *An Act for the Better Regulating of Negroes in this Province*, Passed March 5, 1725-6. In *The Statutes At Large of Pennsylvania*, Vol. 4, 63.

⁴² Nash and Soderlund, *Freedom by Degrees*, 13; *An Act for the Better Regulating of Negroes in this Province*, Passed March 5, 1725-6. In *The Statutes At Large of Pennsylvania*, Vol. 4, 61.

⁴³ Nash and Soderlund, *Freedom by Degrees*, 13.

bondage. The law also stated, "if any free negro fit and able to work shall neglect so to do and loiter and misspend his or her time or wander from place [to place], any two magistrates next adjoining are hereby empowered and required to bind out to service such negro from year to year as to them shall seem meet."⁴⁴ This clause in the bill subjective is due to its inadequate objectivity: it does not specify what constitutes "misspending his or her time," nor does it specify how one was to neglect work, or for how long one must neglect work or misspend their time before they can be resent back into bondage. Another condition that would cause re-enslavement would be the marriage to a white woman.⁴⁵ Also, if a Black family were to be manumitted, their children could legally be taken from them and bound to service until the age of twenty-four for males and twenty-one for women, under the jurisdiction of the Overseers of the Poor⁴⁶ and with the consent of two justices. These laws led to the separation of Black families, even of those who

Despite these restrictions on the freed Black population, certain freedoms were allowed in Pennsylvania that were not permitted in other colonies which allowed for a limited amount of liberty. Gary Nash claims that although freed Blacks remained a subordinate class, liberty was still a possibility as they were not treated as much like property, retaining a status as a person, thus enabling them to "learn to read and write if the opportunity availed itself," and were able to own property.⁴⁷ Included in this, Georgia and South Carolina law only required the murderer of an enslaved person to compensate the enslaver, whereas Pennsylvania held Whites liable to punishment for the murder of an enslaved person.⁴⁸

⁴⁴ *An Act for the Better Regulating of Negroes in this Province*, Passed March 5, 1725-6. In *The Statutes At Large of Pennsylvania*, Vol. 4, 61-62.

⁴⁵ *An Act for the Better Regulating of Negroes in this Province*, Passed March 5, 1725-6. In *The Statutes At Large of Pennsylvania*, Vol. 4, 63.

⁴⁶ Overseers of the Poor were one of the first Poverty Assistance programs in what would become the United States, being created by Pennsylvania in 1705.

⁴⁷ Nash and Soderlund, *Freedom by Degrees*, 13.

⁴⁸ Nash and Soderlund, *Freedom by Degrees*, 13.

The institution of slavery played a large role in the development of the Pennsylvania colony with many of the elite class of whites perpetrating the institution. The first importation of enslaved individuals to William Penn occurred a few years following his reception of the British land grant in 1684. When the slave ship, the *Isabella*, transported one hundred fifty slaves to Pennsylvania, Quaker colonists “snatched up these newly arrived laborers,” and consequently set them to work clearing the land so houses could be built.⁴⁹ As the city of Philadelphia began to grow, so did the enslaved population. Prominent Quakers, and later politicians, like Samuel Carpenter, Isaac Norris, and Jonathan Dickinson, became some of the largest slave owners in the state.⁵⁰ Showing that wealthy elites were those who consisted of enslavers, sixty percent of the wealthiest estates in Pennsylvania, those whose worth exceeded two hundred pounds sterling, enslaved people.⁵¹

The institution of slavery expanded rapidly in urban Philadelphia compared to rural parts of Pennsylvania. Slavery in the city was seen as an investment rather than a tool: enslaved individuals learned a trade rather than being used as an unskilled laborer as was common on Southern plantations. Trades, job types and roles that were common for the city’s enslaved populous included working on, “ships at sea, docks, boatyards, and construction sites, in taverns, artisan shops, and the homes of prospering merchants, professionals, and officeholders.”⁵² Other jobs included, “bakers, cooper, carpenter, and tailor; small manufactures such as in a brickyard, brewery, or tannery.”⁵³ About two-fifths of enslaved people in Philadelphia worked for small manufacturers, artisans, and mariners.⁵⁴ Though violence coincided with enslavement and was

⁴⁹ Nash, *Forging Freedom*, 8.

⁵⁰ Nash, *Forging Freedom*, 9.

⁵¹ Nash, *Forging Freedom*, 9.

⁵² Nash and Soderlund, *Freedom By Degrees*, 15.

⁵³ Nash, *Forging Freedom*, 11.

⁵⁴ Nash, *Forging Freedom*, 11.

common in the city, Gary Nash argued that urban slavery provided for more favorable conditions among the enslaved in comparison to other locations: “Slaves were better fed, clothed, and housed, were often less confined, and had less physically debilitating labor, greater access to intellectual stimulation in a more cosmopolitan setting, and marginally better prospects of obtaining freedom.”⁵⁵

First Antislavery Activist Figures in Pennsylvania: Benjamin Lay and Anthony Benezet

The first vehement Quaker Abolitionist was Benjamin Lay, otherwise known as the “Quaker Comet.” Lay was a little person, a vegan who abhorred slavery and would do various activist stunts, expressing his dislike of the ability for one person to own another after visiting Barbados and experiencing the slave trade firsthand. In Barbados, “he saw an enslaved man kill himself rather than submit to yet another whipping” and other “barbarities” that traumatized him during his 18-month stay as a shopkeeper in the British colony.⁵⁶ This led Lay to write a book in 1737 titled, *All Slave-Keepers That keep the Innocent in Bondage; Apostate*, that included a mix of “autobiography, prophetic biblical polemic against slavery, writings by others, surreal descriptions of slavery in Barbados, and a scathing account of his struggles against slave owners within the Quaker community.”⁵⁷ On September 19, 1738, Lay traveled thirty miles on foot to the Philadelphia Yearly Meeting of Friends, with him a hollowed out book that contained an animal bladder filled with, “bright red pokeberry juice,” with a message to enslavers at the meeting.⁵⁸

⁵⁵ Nash, *Forging Freedom*, 11.

⁵⁶ Rediker, Marcus. “The ‘Quaker Comet’ Was the Greatest Abolitionist You’ve Never Heard Of.” Smithsonian.com. Smithsonian Institution, September 1, 2017. <https://www.smithsonianmag.com/history/quaker-comet-greatest-abolitionist-never-heard-180964401/>.

⁵⁷ IBID

⁵⁸ Rediker, Marcus. *The Fearless Benjamin Lay: The Quaker Dwarf Who Became the First Revolutionary Abolitionist*. (Boston, MA: Beacon Press, 2018.) 7.

When it was his turn to speak at the meeting, he announced that, “God Almighty respects all peoples equally, rich and poor, men and women, white people and black alike,” and that, “slave keeping was the greatest sin in the world,” asking those in attendance how they can, “profess the Golden Rule and keep slaves.”⁵⁹ After prophesizing, “Thus shall God shed the blood of those persons who enslave their fellow creatures,” Lay pulled out a blade, lifted the book with the pokeberry juice filled animal bladder and stabbed the book, allowing for the pokeberry juice to mimic blood as it ran down his arm.⁶⁰ The abolitionist would then splatter the juice onto the enslavers, signifying that those people are tainted with the blood of the enslaved, and that those Quakers who “failed to heed the prophet’s call must expect physical, moral, and spiritual death.”⁶¹ This stunt caused the room to delve into a panic while Benjamin Lay stood there quietly, watching them until several members in attendance “picked him up and carried him from the building.”⁶² Lay also conducted another abolitionist stunt, where he kidnapped a child of an enslaver to, “acquaint him with the grief of Africans who were torn apart from their families.”⁶³ After making it his life mission and Godly duty to expose “Man-stealers” and drive them out of the community, believing them to be the “spawn of Satan,” Benjamin Lay was the last person to be disowned by the Society of Friends for his “disorderly conduct” in the meetings and claimed that he was only “pretending to be one of [them].”⁶⁴

Anthony Benezet was a Quaker abolitionist born in France, educated in Belgium, then moved to Philadelphia in 1731, where he eventually became a to read.⁶⁵ In 1750, he began to

⁵⁹ Rediker, *The Fearless Benjamin Lay*, 7.

⁶⁰ Rediker, *The Fearless Benjamin Lay*, 7.

⁶¹ Rediker, *The Fearless Benjamin Lay*, 8.

⁶² Rediker, *The Fearless Benjamin Lay*, 8.

⁶³ Sinha, Manisha, *The Slave’s Cause: A History of Abolition*. New Haven, CT: Yale University Press, 2017

⁶⁴ Rediker, *The Fearless Benjamin Lay*, 8; Monthly Meeting of Friends of Philadelphia, *Philadelphia Monthly Meeting Minutes*, 09/26/1737.

⁶⁵ Sinha, *The Slave’s Cause*, 20

hold night classes for Black people in his home to teach them literacy, being one of the few contemporaries to consider Black and white children to have the same “intellectual potential.”⁶⁶ Benezet would also work as a writer, sending letters to other American and European antislavery advocates and compiling a collection of anti-slavery pamphlets.⁶⁷ Benezet wrote for the Philadelphia Yearly Meeting in 1754, authoring the *Pennsylvania Yearly Meeting’s Epistle of Caution and Advice*, asking the other Quaker members, “if we continually bear in Mind the royal Law, of doing to others, as we would be done by, we shall never think of bereaving our Fellow Creatures of that valuable Blessing Liberty; nor endure to grow rich by their Bondage.”⁶⁸ In questioning the enslavement of others on religious grounds, Benezet asks if it is an unchristian practice to steal “poor creatures” away from family for one person’s financial gain and suggests all who call themselves Quaker question the inhumane practice.⁶⁹

In the short time between when Quakers disowned Benjamin Lay and when they embraced Anthony Benezet, the Yearly Meeting had gone from quietly tolerating slavery, to publicly denouncing it. Benezet’s work represented the culmination of the Yearly Meeting of Friends slowly growing more antislavery leading up to 1754, where “Quaker leadership embraced abolitionism as part of the crusade for moral revitalization” and now, the group shifted to convince people outside of the Society as well as within to renounce slavery.⁷⁰ The Philadelphia Yearly Meeting leaders instructed members to “discipline any Friend who engaged in [importing and buying slaves].”⁷¹ Despite their hopes of being able to quickly rid their society of members committed to slavery, by 1762, leaders began to realize that it would be nearly

⁶⁶ Nash, *Freedom By Degrees*, 29.

⁶⁷ Sinha, *The Slave’s Cause*, 21.

⁶⁸ Philadelphia Yearly Meeting of the Religious Society of Friends, *Philadelphia Yearly Meeting Epistle of Caution and Advice, Concerning the Buying and Keeping of Slaves*, 1754.

⁶⁹ IBID

⁷⁰ Nash and Soderlund, *Freedom By Degrees*, 54.

⁷¹ Society of Friends, *An Epistle of Caution and Advice concerning the Buying and Keeping of Slaves*, 9/14/1754.

impossible to get all members to manumit enslaved people, but would continue antislavery actions and rhetoric from the top down.⁷²

From Pennsylvania's inception, slavery and the morality of forced bondage was debated within the Society of Friends. The creation of the colony instantly placed contradictions between its Quaker inhabitants' religious ideology and business practices. As laws were created by Quakers within the Colonial Assembly to restrict the movement of enslaved individuals into Pennsylvania and to restrict the lives of freed Black people through the installation of a racially motivated caste system that inequitably punished African Americans in the early 1700s. This overarching contradiction among Quaker lawmakers, including their views on enslavement and freedom for the enslaved together with their religious morals set the stage for a larger argument about enslavement itself. Through the activism of actions from Benjamin Lay and the writing of Anthony Benezet, abolitionism began in the state and would eventually lead to the Society of Friends to adopt an abolitionist stance by 1755.

Ch 2: The Decline of Slavery and Gradual Abolition

The decline and gradual end of slavery in Pennsylvania was a complex undertaking that required certain events to occur for the public to eventually reason that slavery was neither morally acceptable nor economically beneficial and that it contradicted their religious views on violence. The development of Quaker abolitionism would eventually shift to political-based abolition and change tactics from one that stressed converting individual enslavers by persuading them of the evils of slavery to one that worked to make gains through the political system that would remove enslavers' legal ability to enslave people. This shift in abolition was shaped by a culmination of different factors: outside events like the Seven Year's War that would cause a

⁷² Nash and Soderlund, *Freedom By Degrees*, 54-55.

labor crisis, rising enlightenment thought associated with American revolution, and resistance to slavery by the enslaved. These three factors worked associatively to produce an environment in which slavery's use began to decline within Pennsylvania culture, ultimately leading for a cultural transition to become codified into law.

Seven Years' War's and Import Duties' Effect on the Philadelphian Slave Trade (1756 – 1773)

The outbreak of the Seven Years War is the opening event that would lead to a decline in sentiment surrounding enslavement in Pennsylvania. While previous anti-slavery actions were taken by the Society of Friends, whose actions relied on religious justification for abolition and persuasion, the Seven Years War was the first outside event whose outcome unintentionally effected the institution of slavery. Before the war, between 1727 and 1754, about 58,000 Germans and 16,500 Irish indentured immigrants moved into Philadelphia.⁷³ When the war began in 1756, it affected the indentures already in Pennsylvania, and those who planned to immigrate to the future United States. People who were already indentured had the opportunity to flee to the British army to eliminate their indenture term of service, thus gaining themselves full-fledged freedom at the end of the war, while those who planned to immigrate did not due to the ongoing war.⁷⁴ This drop in immigration traffic through the Atlantic was astounding: in the six years prior to the war, there was an average of nineteen ships per year that disembarked in Philadelphia from Europe, while between 1755 and 1756 there were only three.⁷⁵ Though freedom through fighting in war was available and semi-legally justified for those European indentures, the same opportunities were not available to enslaved people. In fact, the deprivation

⁷³ Nash and Soderlund, *Freedom by Degrees*, 16.

⁷⁴ Nash and Soderlund, *Freedom by Degrees*, 16, 55.

⁷⁵Wax, Darold D. "Negro Imports in Pennsylvania, 1720-1766," 281.

of freedom via enslavement and participation in the slave trade occurred more frequently in Pennsylvania during and right after the war and led to the colony's involvement in slavery to paradoxically reach a peak. Between 1757-1766, approximately 1,290 African and West Indian enslaved people disembarked in Philadelphia, and by 1767, approximately fifteen percent of the household heads were enslavers, with the total number of enslaved individuals reaching 1,500 in Philadelphia and 4,000 more in rural areas of the colony.⁷⁶

Anti-slavery devotion of those in power would be present in the 1761 decision to enact, "An Act for laying a Duty on Negro and Mulatto Slaves imported into this Province." This act levied a ten-pound tariff on enslaved individuals being sold into Pennsylvania.⁷⁷ Failing to abide by the tariff included punishment for the violator through forfeiture of the enslaved person if it is found that they duty act was not paid.⁷⁸ The act included an exemption for enslaved people who are not to be sold in Pennsylvania: if one is to be working on a ship that docks in Pennsylvania, or is being enslaved by someone passing through or working for a short time, then the enslaver will not be subject to the duty fee.⁷⁹ While this was not the first duty fee to be enacted upon the importation of enslaved individuals entering Pennsylvania, this one differentiates with its degree of enforcement. Between 1731 and 1760, there is evidence that no duty fee was collected for on enslaved individuals entering Pennsylvania.⁸⁰ This 1761 bill grants "full power and authority" to the collector of this duty to conduct warrantless searches on "any place" where it is suspected that an enslaved person was imported without payment of the duty, thus providing for a broad

⁷⁶ Nash and Soderlund, *Freedom by Degrees*, 16 and 74; Forging Freedom, 10.

⁷⁷ An Act for laying a Duty on Negroes and Mulatto Slaves imported into this Province, 1761," Book of Laws, Pennsylvania Historical Society.

⁷⁸ An Act for laying a Duty on Negroes and Mulatto Slaves imported into this Province, 1761," Book of Laws, Pennsylvania Historical Society.

⁷⁹ An Act for laying a Duty on Negroes and Mulatto Slaves imported into this Province, 1761," Book of Laws, Pennsylvania Historical Society.

⁸⁰ Wax, Darold D. "Negro Import Duties in Colonial Pennsylvania." 26-27.

legal basis for its enforcement.⁸¹ The act's enforcement measures are personified by its chief collector, Thomas Coombe, who was described as conducting his duties with, "diligence and vigor," leading to Philadelphia merchants to realize this duty fee would be, "stringently enforced."⁸²

The Pennsylvania Assembly's ability to place an economic roadblock on the importation of enslaved people in the state is remarkable considering the economic and political turmoil amidst which it was passed. Reasoning for this bill has no given explanation within the Assembly's minutes, but Gary Nash hypothesized that a variety of factors, such as disease or wanting to limit the slave trade in the colony, contributed to its passage.⁸³ It is not likely that it was aimed at halting slavery altogether, as many people within the state's assembly were enslavers.⁸⁴ As this bill could be considered an anti-slavery measure, this characterization was not used until after the conclusion of the Seven Years' War. The subsequent white labor crisis would lead to the peak of enslavement in the state and showed that the bill was initially ineffectual in stopping the importation of enslaved people.

After the war ended and the increase of white laborers created a labor surplus, the rate of enslavement would begin to decline as the 1761 ten-pound import duty fee and maintenance of enslavement would be viewed as too high of a cost. This had a significant impact in the long run on slavery's abolition. With the increase in white workers, the ten-pound duty fee dissuaded people from purchasing enslaved people, leading to Thomas Riche, an active slave importer, to note in 1764, "the time is over for the sale of Negroes here," as the effects of a post-war

⁸¹ "An Act for laying a Duty on Negroes and Mulatto Slaves imported into this Province, 1761," Book of Laws, Pennsylvania Historical Society.

⁸² Wax, Darold D. "Negro Import Duties in Colonial Pennsylvania." 28.

⁸³ Nash and Soderlund, *Freedom by Degrees*, 71, 72.

⁸⁴ Nash and Soderlund, *Freedom by Degrees*, 72.

resumption in European immigration, a few years before the peak of enslavement would diminish.⁸⁵ Between 1764 and 1768, slave imports averaged sixty-eight people per year, leading the Pennsylvania Assembly to renew the duty act in 1768 since it was, “found by experience to be of public utility.”⁸⁶ After this extension, between 1768 and 1770, enslaved people were imported at thirty people per year, then importations “virtually stopped.”⁸⁷ This virtual stoppage is explained by Anthony Benezet reporting in 1773, “more slaves were exported than imported into Philadelphia,” and he remarked that he only “occasionally” saw an enslaved person who was brought into the city for sale.⁸⁸ Also in 1773, the Pennsylvania Assembly essentially legislated the slave trade out of existence with a bill that would, “raise the import duty on slaves so high as virtually to kill the trade with taxes.”⁸⁹ This 1773 bill doubled the import duty on enslaved people from ten pounds to twenty pounds, thus making the amount so high that it was not profitable to import more enslaved people.⁹⁰

These import duties were one of the key elements that led to the decline in pro-slavery rhetoric in Pennsylvania, leading into 1780 and the enactment of an *Act for the Gradual Abolition of Slavery* in the state. Another effect of the 1761 and 1773 Duty fees on importation was the diffusion of the enslaved population: high mortality rates associated with enslavement combined with the lack of enslaved people used to resupply the enslavers caused the

⁸⁵ Wax, Darold D. “Negro Imports in Pennsylvania, 1720-1766,” 255.

⁸⁶ *An Act to Continue an Act, Entitled “An Act for Laying a Duty on Negroes and Mulatto Slaves Imported into this Province” and Another Act, Entitled “A Supplement to An Act, Entitled ‘An Act for Laying a Duty on Negroes and Mulatto Slaves imported into this Province.’”* Passed February 20, 1768. In *The Statutes At Large of Pennsylvania*, Vol. 7, 158.

⁸⁷ Nash and Soderlund, *Freedom by Degrees*, 76.

⁸⁸ Wax, Darold D. “Negro Imports in Pennsylvania, 1720-1766,” 255.

⁸⁹ *An Act for Making Perpetual the Act, Entitled “An Act for Laying a Duty on Negros and Mulatto Slaves Imported into this Province and laying an additional Duty on the said Slaves”* Passed February 26, 1773. In *The Statutes At Large of Pennsylvania*, Vol. 8, 330.

⁹⁰ *An Act for Making Perpetual the Act, Entitled “An Act for Laying a Duty on Negros and Mulatto Slaves Imported into this Province and laying an additional Duty on the said Slaves”* Passed February 26, 1773. In *The Statutes At Large of Pennsylvania*, Vol. 8, 331.

Philadelphia enslaved population to be cut in half over the following decade.⁹¹ Gary Nash claims that this provision helped pave the way for gradual abolition to be enacted because slave ownership in the city had declined, effectively removing “significant political support” for enslavement.⁹² As the rate of enslaved and indentured laborers fluctuated due to the Seven Years’ War’s beginning and conclusion, and duty fees for trafficking enslaved individuals became applied and enforced during this time, both the war and legislation are contributing factors to the peak and decline of slavery in Pennsylvania between 1754 and 1780.

Resistance in Search of Liberation and Freedom

The enslavement of another human is a coercive act in which a person is stripped of their free will. The violent nature in which one imposed their will on another, to be used as an item for sale and labor, brewed an inhumane environment in which the enslaved took drastic measures to escape bondage. These measures include suicide, running away, and different minor forms of resistance.

Committing suicide was the most drastic and reactive form of resistance someone subjected to American enslavement. This required for the person upon which enslavement was forced to believe that death was a favorable alternative than to have their free will taken from them. By doing this, the enslaved person violently reclaimed their agency from their enslaver and

⁹¹ Nash and Soderlund, *Freedom by Degrees*, 71.

⁹² Nash and Soderlund, *Freedom by Degrees*, 71

deprived the latter of his power and property. Records from 1743, 1748, 1759, 1761, and 1764 record instances of slave suicide.⁹³ One suicide was witnessed by Quaker John Smith who saw an enslaver hit an enslaved person. After this, the enslaved person, “ran down to the End of the wharf and several [others] after him, when he got there, he swore if his master struck him again, he would jump off & drown himself—which the master unhappily doing—the fellow was as good as his word—jumped off & perished before anybody could save him.”⁹⁴ For the enslaved man, slavery as a fate worse than death itself.

While suicide was an extreme form of resistance undertaken by enslaved people, the act of running away from enslavement was the most common form of escaping it. In 1684, when the first slave ship, the *Isabella*, arrived in Pennsylvania, two enslaved people were reported as runaways just a few weeks after their arrival.⁹⁵ The occurrence of enslaved people running away was a “persistent, irremediable problem,” and plagued enslavers across the colonies and later states.⁹⁶ Enslavers would seek the return of the enslaved often through runaway advertisements in newspapers, such as the *Pennsylvania Gazette*, where descriptions of the enslaved were detailed. Tracking the number of advertisements for runaway slaves can be indicative of the state of slavery in the state of Pennsylvania. After enslavement’s peak, the number of runaways continued to increase in both Philadelphia and Chester counties showing that the desire to runaway increased the longer slavery persisted rather than it being correlated to the enslaved population in the state. In the 1760s, advertised runaways accounted for one of every 375 enslaved people in Philadelphia, or four advertisements per year, and in 1770, the advertisements

⁹³ Nash, *Forging Freedom*, 12.; Nash and Soderlund, *Freedom By Degrees*, 27

⁹⁴ Nash and Soderlund, *Freedom By Degrees*, 27.

⁹⁵ Nash, *Forging Freedom*, 8.

⁹⁶ Nash, *Forging Freedom*, 12.

increased to ten per year, or one per every ninety enslaved people.⁹⁷ Chester County's runaway rate slightly lowered in this same time: from one in 200 to one in 250.⁹⁸ Between 1776 and 1780, the enslaved population was diminishing, the "runaway rate [increased] to one of every twenty-six slaves per year."⁹⁹ This increase was influenced by the revolutionary war due to the chaos that allowed for enslaved people to escape, and the British military enticing enslaved people to run away from their masters under the promise of freedom.¹⁰⁰ While the number of enslaved people decreased in the mid-1760s, the increased rate of running away to flee enslavement, along with the increase of duty fees on the importation of enslaved people in 1761 and 1773, combined to become key factors in changing the sentiment surrounding slavery by enslavers since it was becoming more expensive to replace enslaved people who were running away at higher rates.

Black resistance to enslavement, the end of the Seven Years' War and restrictions placed upon the slave trade in Pennsylvania helped create an environment that made preserving the institution of slavery increasingly difficult. As the restrictions on the slave trade mounted, it became more expensive for enslavers to replace an enslaved person who had either ran away, committed suicide, or died from working or living conditions. This led employers who were displeased by these factors, especially "the high mortality and resistance of slaves," to move towards, "a clear preference for free and indentured white workers, who were now in plentiful

⁹⁷ Compilation of runaway advertisements from the *PA Gazette*, *Pennsylvania Chronicle*, *Pennsylvania Journal*, and *Pennsylvania Packet*, in: Nash and Soderlund, *Freedom by Degrees*, 76.

⁹⁸ Compilation of runaway advertisements from the *PA Gazette*, *Pennsylvania Chronicle*, *Pennsylvania Journal*, and *Pennsylvania Packet*, in: Nash and Soderlund, *Freedom by Degrees*, 76.

⁹⁹ Compilation of runaway advertisements from the *PA Gazette*, *Pennsylvania Chronicle*, *Pennsylvania Journal*, and *Pennsylvania Packet*, in: Nash and Soderlund, *Freedom by Degrees*, 95.

¹⁰⁰ Taylor, Alan. *American Revolutions: A Continental History, 1750-1804*. New York, NY: W.W. Norton and Company, 2016, 147, 229 and 320.

supply.”¹⁰¹ Slave resistance was also problematic for Quaker enslavers, since “it was obvious that the institution could be maintained only through coercion.”¹⁰²

Manumission, the act of an enslaver freeing an enslaved person, would be a considerable force in the long battle of the abolition of slavery, but between 1763 and 1774, Pennsylvania enslavers simply did not manumit enslaved people at a rate that would be significant enough to consider manumission an effective source of Pennsylvanian abolition. Between 1763 and 1774, only eighty-seven enslaved people were manumitted in Philadelphia.¹⁰³ While the rate of manumission was low, it is not revealing of public sentiment surrounding enslavement, as many prominent members of society pushing for the outlaw of slavery were themselves enslavers. Even Benjamin Franklin did not permit the people he enslaved to be free until he died, and he would become an Abolition Society President.¹⁰⁴ The number of manumissions would increase to ninety-five between 1775 and 1779 alongside the spread of revolutionary and enlightenment ideals but is still not a significant force in signifying public sentiment.¹⁰⁵

Religious to Political Abolition

By this point, the practice of enslavement was declining in popularity through a combination of outside factors, expressions of resistance, and the development of Quaker activism. New revolutionary furor was brewing in the colonies, but accusations of hypocrisy

¹⁰¹ Nash and Soderlund, *Freedom By Degrees* 77.

¹⁰² Nash and Soderlund, *Freedom By Degrees*, 76.

¹⁰³ Phila. constables' returns, 1775 and 1779–80 (adjusted to include the Northern Liberties and Southwark) and manumissions in: Nash and Soderlund, *Freedom by Degrees*, 81.

¹⁰⁴ Nash and Soderlund, *Freedom by Degrees*, xiii; Sinha, *The Slave's Cause*, 105.

¹⁰⁵ Phila. constables' returns, 1775 and 1779–80 (adjusted to include the Northern Liberties and Southwark) and manumissions in: Nash and Soderlund, *Freedom by Degrees*, 81 and 84.

were present when revolutionary activists began to compare their subjugation under British tyranny to being enslaved. These were truthful hypocritical points to have been made: the British did not enslave the colonists who ten years prior had believed they lived in the freest empire in the world, while the colonists were enslaving Africans. This played into the Quaker's wishes regarding slavery, but at the same time, Quakerism was becoming less popular and was even being silenced due to their pacifism in the revolution.¹⁰⁶ As the imperial crisis heated up, Philadelphia abolitionists moved beyond their Quaker roots and used the impending revolution as a platform to stage their arguments against slavery.

In 1766, the Philadelphia abolitionist Anthony Benezet would become a leading voice highlighting the hypocrisy of the American Revolutionaries' habit of comparing the British treatment of colonists to racial slavery when many of the revolutionaries were themselves slaveholders. In *A Caution and a Warning to Great Britain and her Colonies*, he asks how, "at a time when general Rights and Liberties of Mankind...are the subjects of universal consideration...how many of those who distinguish themselves as Advocates of American Liberty, remain insensible and inattentive to the treatment of thousands and tens of thousands of our fellow-men, who...are at this very time kept in the most deplorable state of slavery."¹⁰⁷

In 1771, Benezet would write another pamphlet, entitled, *Some Historical Account of Guinea* that would be used as a "comprehensive indictment of the slave trade and slavery."¹⁰⁸ In it, Benezet broadened his arguments against slavery by describing the "cruelties of the middle passage and the brutal nature of slavery in the Americas."¹⁰⁹ Within this work, he unequivocally

¹⁰⁶ Nash and Soderlund, *Freedom by Degrees*, 78.

¹⁰⁷ Benezet, Anthony. *A caution and warning to Great Britain and her colonies, in a short representation of the calamitous state of the enslaved Negroes in the British dominions*. Philadelphia:: Printed by Henry Miller, in second street, 1766. In Evans Early American Imprint Collection

¹⁰⁸ Sinha, *The Slave's Cause*, 23.

¹⁰⁹ Sinha, *The Slave's Cause*, 23.

condemned the notion racial of inferiority as a justification for enslaving Africans. Since he was a school teacher who opened a school for Black children, he was able to argue from his own experiences that there existed “‘ amongst [Black students] a variety of Talents, equally capable of improvement, as amongst....Whites.’”¹¹⁰ He dismissed notions of black inferiority as “a vulgar prejudice, founded on the Pride or Ignorance of their lordly Masters,” rather than as a product of biology, as those slaveholders insisted.¹¹¹ This work from Benezet became highly influential among the antislavery sects of colonial and British society. The founder of Methodism, John Wesley, and many others would use entire passages from Benezet’s work in their own writings and used his arguments to convert people into abolitionists.¹¹² Benezet would build upon his antislavery standing when writing letters to other abolitionists, in doing so creating a trans-Atlantic anti-slavery network that stretched from prominent Quakers in other colonies to European Royalty, thus establishing himself as the most prominent abolition activist prior to the American Revolution.¹¹³

In the spring of 1775, ten Philadelphians met in the Rising Sun Tavern and formed the Society for the Relief of Free Negroes Unlawfully Held in Bondage. As anti-slavery advocates and Quakers were unable to agree on a formal tactic to attack slavery, these ten people, Quaker antislavery theorists likeminded with Anthony Benezet, broke away to form the first “abolition society,” later called the Pennsylvania Abolition Society.¹¹⁴ They believed that, “reformers needed to expand their political tactics to end the evil institution.”¹¹⁵ The society would meet four times before disbanding due to its members becoming involved in the American Revolution, but

¹¹⁰ Sinha, *The Slave’s Cause*, 24.

¹¹¹ Sinha, *The Slave’s Cause*, 24.

¹¹² Sinha, *The Slave’s Cause*, 23.

¹¹³ Sinha, *The Slave’s Cause*, 24.

¹¹⁴ Newman, *The Transformation of American Abolitionism*, 18.

¹¹⁵ Newman, *The Transformation of American Abolitionism*, 18.

they did initiate some legal actions when lawyers intervened in six different cases: one involving a Native American woman and five people who claimed to have been illegally enslaved.¹¹⁶ The creation of the first abolition society reflected the presence and pervasiveness of anti-slavery though in Pennsylvania: though still not a majority view, this was the antislavery movement's first organization dedicated to fighting for its cause. The Society's creation also marked a shift in tactics from persuading individuals of the evils of slavery to attacking the institution at its core through judicial and legislative actions. The timing of this shift coincided with the emergence of enlightenment rhetoric during the revolution, that provided a similar shift in ideas about freedom and liberty that both abolitionists and revolutionaries addressed. The Pennsylvania Abolition Society would reform after the revolution and continue to fight against enslavement. Despite this short-lived beginning, the Pennsylvania Abolition Society would make an important connection for the future of abolition in the state: the abolitionists found an ally in George Bryan, who while in the opposition party would become the first Vice-President and second President of Pennsylvania, by advancing antislavery, and would succeed where the Quakers failed.¹¹⁷

At this time, it became more obvious of the Pennsylvanians legislative role in the abolition of slavery in the emerging state. In January of 1775, "the Pennsylvania Provincial Convention resolved...to urge the General Assembly to prohibit the importation of slaves," and later that year, the "Chester Country Committee of Correspondence petitioned the provincial legislature to pass a gradual abolition act."¹¹⁸ The sentiment for anti-slavery was still growing at this time, and while it was large enough to be passed by the Assembly, its inability to get approved by the Governor, ultimately being vetoed, showed that there was still work to do in

¹¹⁶ Nash and Soderlund, *Freedom by Degrees*, 80; Newman, *The Transformation of American Abolitionism*, 18.; Nash, *Forging Freedom*, 43.

¹¹⁷ Zilversmit, *The First Emancipation: The Abolition of Slavery in the North* (Chicago, IL: Univ. of Chicago Pr., 1967) 125.

¹¹⁸ Zilversmit, *The First Emancipation*, 125-126; Nash, *Freedom By Degrees*, 100

gaining public support to enact a full ban on slave importation. This, if enacted, would impact the upper classes of people who still forcefully imported people for enslavement, the people whom the 1761 Duty Act and 1773 reup on the Duty Act did not relatively effect.

In 1776, as the revolution against the British commenced, each colony wrote and submitted a constitution for their state. Pennsylvania's was controversial due it's the radical provisions and was described as having, "the most radical ideas about politics and constitutional authority voiced in the revolution."¹¹⁹ Liberal ideals in this new state constitution were so wide-ranging, such as the constitution's lack of governor, that it was described by conservative opposition as, "substitute a mob government," that amounted to, "a beast without a head," showing that the opposition believed this form of government too democratic to be safe.¹²⁰ This claim was due in part to the large electorate that would be permitted: anyone who was twenty-one years of age and who paid taxes.¹²¹ This allowed for ninety percent of men to vote, and without a race requirement, would technically extend African-Americans the same right as long as they met the standard.¹²² Within this constitution is language reminiscent of the United States Declaration of Independence when it declares, "that all Men are born equally free and independent, and that they have certain natural, inherent, and unalienable rights, among which are the enjoying and defending Life and Liberty."¹²³ Despite this, the 1776 Pennsylvania Constitution did not mention slavery or contain any antislavery measures, but it's rhetoric of equality would be used later to argue for abolitionism and the constitution was heavily cited by abolitionist legislators.

¹¹⁹ Nash and Soderlund, *Freedom by Degrees*, 100.

¹²⁰ Alan Taylor, *American Revolutions*, 359-360.

¹²¹ PA State Constitution, Section Six. 1776.

¹²² Alan Taylor, *American Revolutions*, 359.

¹²³ Pennsylvania State Constitution, Article One. 1776

1776 had an astounding development for Quaker Abolitionism: in September 1776 the Yearly Meeting of Friends, leaders decided to disown enslavers and, “urged local meetings to step up their efforts to obtain manumission.”¹²⁴ Though the Quaker appeal for anti-slavery and its admonishment of the practice of enslaving was useful as enslavement among Quakers had been declining, this threat of disownment pushed Quakers to choose between their religion and their perceived need to enslave people. In Philadelphia, only eight members of the Monthly Meeting of Friends remained enslavers, choosing to leave the rather than give up their human “property”.¹²⁵ This Quaker provision fomented a wave of manumission: “Forty-four Quakers freed 80 slaves in 1776. Twenty-eight owners freed 56 slaves in 1777 and 1778... Nine more Quakers reluctantly released their slaves in 1779 and 1780.”¹²⁶ This allowed for the Philadelphia sect of Quakers to announce that their establishment was now, “nearly clear” of enslaver members.¹²⁷ In this same period of time, only five percent of non-Quaker enslavers engaged in manumission.¹²⁸ By this time, public sentiment was beginning to align with the century-long Quaker activist move for abolition in Pennsylvania with meaningful results.

Creation of the Gradual Abolition of Slavery

George Bryan, a man connected to the Pennsylvania Abolition Society, took the lead in creating a gradual abolition bill three months after becoming President of the Supreme Executive Council.¹²⁹ The first time this bill was proposed, in August 1778 by an assembly member, it was

¹²⁴ Society of Friends, *Extracts from the Minutes of the Yearly Meeting*, September 23-28, 1776; Nash and Soderlund, *Freedom by Degrees*, 90; Newman, *Abolitionism*, 17

¹²⁵ Nash and Soderlund, *Freedom by Degrees*, 91

¹²⁶ Nash and Soderlund, *Freedom by Degrees*, 91.

¹²⁷ Nash and Soderlund, *Freedom by Degrees*, 91.

¹²⁸ Phila. constables' returns, 1775 and 1779–80 (adjusted to include the Northern Liberties and Southwark) and manumissions in: Nash and Soderlund, *Freedom by Degrees*, 81, 92-93.

¹²⁹ Nash and Soderlund, *Freedom by Degrees*, 100.

tabled in favor of a ban on the importation of enslaved people.¹³⁰ However, this importation ban was changed by the committee to such a degree that it is essentially a reenactment of the duty fees from 1761 and 1773.¹³¹ While opposition was present to the idea of abolition, the revolutionary furor of liberty was the main argument for the abolition of slavery and would help the prospect of abolition keep pushing. Council members in favor of the gradual abolition of slavery would claim that slavery was a disgrace for a country fighting for its liberty, pointing out the hypocrisies between the enslavement of a group of people, barring them from liberty, while fighting for liberty from another country.¹³²

The bill that would become the legal abolition of slavery was introduced to the assembly in November of 1778 with the focus of the assembly being on gradual abolition, as immediate abolition was not regarded.¹³³ The opposition to the bill in the assembly would use racist logic in their justification, claiming “Emancipation of the present generation of slaves would create difficulties since most of them were ‘scarcely competent of freedom,’” but the manumission of “Negro infants” would provide for “the gradual abolition of servitude for live...in an easy mode.”¹³⁴ This mode of gradualism would not free a single slave who was living since, “tampering with property would raise treacherous problems regarding compensation for slaveowners.”¹³⁵ Opposition to the bill came from rural counties where Scot and Scots-Irish Presbyterian enslavers used overtly racist reasoning in their 1779 petition claiming enslaved people were lazy and would not work unless forced to.¹³⁶

¹³⁰ Nash and Soderlund, *Freedom by Degrees*, 101.

¹³¹ Zilversmit, *The First Emancipation*, 126.; “An Act for the recovery of the duties on Negros and Mulatto Slaves which on the fourth day of July one thousand and seven hundred and seventy-six were due to this State and have since accrued and for appointing a collector of the said duties” Enacted into a Law in Philadelphia September 7, 1778.

¹³² Zilversmit, *The First Emancipation*, 126; Alan Taylor, *American Revolutions*, 466.

¹³³ Zilversmit, *The First Emancipation*, 126.

¹³⁴ Zilversmit, *The First Emancipation*, 126.

¹³⁵ Nash and Soderlund, *Freedom by Degrees*, 102.

¹³⁶ Nash and Soderlund, *Freedom by Degrees*, 102-103.

One reason for the success of the Gradual Abolition bill was due to the work of Anthony Benezet, who is said to have conducted interviews with each member of the Assembly to obtain votes for it.¹³⁷ Even though people began to distance themselves from Quaker-led abolitionism, Quaker figures would still play an active role in getting the Gradual Abolition of slavery enacted. As rural opposition grew, Anthony Benezet “visited every member of the [state] legislature,” to convince them to support the enactment of the bill.¹³⁸ The bill would be read and voted upon three times and would pass on March 1, 1780 with a vote count of 34 to 21.¹³⁹ This was the first anti-slavery bill legislatively enacted in the United States of America and was likely successful due to the provisions being gradually implemented, working as a compromise for the enslaver legislators who wanted to keep enslaving people for as long as they could.¹⁴⁰

An Act for the Gradual Abolition of Slavery in Pennsylvania, 1780

The Act for the Gradual Abolition of Slavery, condemned slavery and outlined the conditions that enslavers must follow in the increased regulation of slavery that would gradually lead to the abolition of slavery in the State of Pennsylvania.

It was announced to the Pennsylvania General Assembly by Speaker John Bayard and signed into law by the Clerk of the Pennsylvania General Assembly, Thomas Paine, and informed enslavers and enslaved people on the new rules regarding slavery. It begins with an attack on slavery claiming that gaining freedom from Britain was a blessing and that it was now, “our duty...to extend a portion of that freedom to others.” This passage invokes religion in its

¹³⁷ Zilversmit, *The First Emancipation*, 131.

¹³⁸ Turner, Edward Raymond. “The Abolition of Slavery in Pennsylvania.” *The Pennsylvania Magazine of History and Biography* 36, no. 2 (1912): 136-137. <http://www.jstor.org/stable/20085586>.

¹³⁹ Nash and Soderlund, *Freedom by Degrees*, 105.

¹⁴⁰ Nash and Soderlund, *Freedom by Degrees*, 108.

attack on race-based slavery when saying, “it is not for us to enquire, why, in the creation of mankind, the inhabitants of the several parts of earth, were distinguished by difference of feature or complexion,” and that “all are the work of an Almighty Hand.” Within this attack on slavery seems to be a sense of trying to connect the struggles of the enslaved facing bondage to the struggle the colonial Americans faced before the Revolutionary War. They claim that they are trying to undo the “sorrows” of those who had lived under bondage and that was imposed by the “assumed authority of the Kings of Britain,” that gave both the colonists and enslaved, “no effectual legal relief.” The comparison continues when the Pennsylvanians call their previous colonial condition as a “State of unconditional Submission, to which we were doomed by the tyranny of Britain.”¹⁴¹

Conditions regarding the future of the enslaved are outlined within this act. The act declares that after its passage, no one will ever be held under, “lifelong bondage,” and that children born after the passing of this law are still bound to serve their mother’s enslaver as an indenture until they are twenty-eight years old. Once they reach the age of twenty-eight, their enslaver must give them a bill of sale, signifying their freedom. This differs from the initial draft of the bill, which placed the age of freedom at eighteen for males and twenty-one for females.¹⁴² This act also makes void any previous laws on slavery that were not consistent with this new law.¹⁴³

To keep track and further regulate slavery within the state, this law created a registry of enslavers and the enslaved. An enslaver had to register himself as such and annually register his slaves. If the enslaver did not register them, then the enslaved person would become freed by

¹⁴¹ “An Act for the Gradual Abolition of Slavery” Enacted March 1, 1780, in Philadelphia, PA.

¹⁴² Ira Berlin, *The Long Emancipation: The Demise of Slavery in the United States* (Cambridge (Mass.), MA: Harvard University press, 2015), 68.

¹⁴³ “An Act for the Gradual Abolition of Slavery” Enacted March 1, 1780 in Philadelphia, PA.

default. This was made to ensure that people were not held in bondage after the date they were supposed to become freed.¹⁴⁴

The bill also extends rights to the enslaved that were not previously in the state's laws. The section allows enslaved people to bring their enslavers to court if they are "neglected" or "evilly treated" and are eligible for "relief." Not only does this provision include enslaved adult, but also enslaved children. There are, however, restriction placed upon enslaved people in court as they were not allowed to, "bear witness against a Freeman." This aspect of the law protects enslavers who are accused of mistreating enslaved people because often the only people who witnessed the abuse are enslaved people themselves. Within the court, further privileges are given to enslavers: if an enslaved person is subject to the death penalty, the jury is to "appraise and declare the value of such slave," and an order is made to the State Treasurer to compensate the enslaver for the appraised value.¹⁴⁵

Provisions are made within this bill covering the topic of runaway slaves. It contains the punishments for giving "relief or shelter...enticing away, dealing with, or harbouring, concealing, or employing" slaves. In addition to punishment, it gives the right to enslaved people who have runaway for more than five years to be determined as free while allowing enslavers to attempt to recover said enslaved person during that time.¹⁴⁶

There are exceptions to this law regarding people who do not reside in Pennsylvania who are visiting and bring their slaves. At the time, Philadelphia was the home of the US government, so any official who brought their slave with them did not have to abide by the same rules if the enslaved person was not in Pennsylvania for more than six months. This law extended to foreign

¹⁴⁴ "An Act for the Gradual Abolition of Slavery" Enacted March 1, 1780 in Philadelphia, PA.

¹⁴⁵ "An Act for the Gradual Abolition of Slavery" Enacted March 1, 1780 in Philadelphia, PA.

¹⁴⁶ "An Act for the Gradual Abolition of Slavery" Enacted March 1, 1780 in Philadelphia, PA.

officials, travelers and traders who were not in the state for the extended period. This bill attempts to prevent people from circumventing the new law by making long terms of indentured servitude illegal. By doing this, it prevents the enslaver from forcing an agreement of indentured servitude for longer than seven years unless the person is under the age of twenty-eight.¹⁴⁷

The Act for the Gradual Abolition of Slavery in Pennsylvania emphasized the immorality of slavery using religious rhetoric in their explanation for why slavery was to be abolished while also exposing the hypocrisy of comparing the enslaved condition to the colonies under British rule. The bill outlines the age at which enslaved people would become freed and creates a registry to ensure the law is being abided by. This bill also extends rights in court to the enslaved that were not previously granted to them. In addition, it allows runaways to become freed after being missing for five years while reassuring fugitive slave laws. It also gives exemptions to the law if someone not from the state is visiting, travelling, or working brings their slave with them and does not stay for more than six months. In an attempt to stop people from trying to circumvent the law, it banned long terms of indenture that could be interpreted as a form of enslavement.¹⁴⁸

The Seven Years' War, besides having enormous significance in the creation of the United States itself, had an impact on slavery in Pennsylvania. When the war began, it caused white people to interact with enslaved people more to increased labor demands. When the war ended, it caused a labor surplus due to people returning home from war. The Seven Years' War created a shift in daily life for Pennsylvanians that would enable changes to be made. This can be seen through Duty Act of 1761, enacted on the slave trade in the war's midst, making the importation of enslaved people more expensive for enslavers, then being doubled after the war in 1773,

¹⁴⁷ "An Act for the Gradual Abolition of Slavery" Enacted March 1, 1780 in Philadelphia, PA.

¹⁴⁸ "An Act for the Gradual Abolition of Slavery" Enacted March 1, 1780 in Philadelphia, PA

making the rate extremely high and economically unviable. This obstruction, combined with resistance from enslaved people, mainly be people fleeing enslavement, and a surplus in free laborers after the war led some people to become more receptive to the use of European laborers instead of enslaving people since the higher rate of runaways combined with the increased duty fees would force more economic pressure on enslavers. At the same time, Quaker abolitionism would die down due to the unpopular pacifistic ideals of the Quakers during the revolution, leading to a shift from religiously bound abolition that focused on changing the minds of individual members of society to one that would use the government to legislatively produce antislavery results and culminate into the creation of the future United States' first abolitionist society: the Society for the Relief of Free Negroes Unlawfully Held in Bondage. With slavery's use decreasing, it led to a diminished populous and political power of enslavers making it harder for the conservative, pro-slavery message to remain in the majority, especially with people in the Pennsylvania State Assembly, and lead to the eventual enactment of an Act for the Gradual Abolition of Slavery in 1780. Though this act was groundbreaking, being the first anti-slavery bill to be enacted, it was one that allowed for moderation by enabling enslavers to retain any person they had enslaved for a period of time and permitting them to keep any new child of their enslaved person indentured until they reached the age of twenty-eight.

Chapter 3: The Aftermath of Gradual Abolition

Backlash against the enactment of the Gradual Abolition of Slavery immediately ensued in 1780 as a larger form of protest against the idea of African Americans holding the same amount of liberty as white people. The first challenge against the bill had to do with the amount of time allotted to enslavers to register the people they enslaved with the state. Claiming

ignorance of the bill's provisions, the enslavers did not wish to lose what they believed was their property due to being late for registration. This issue was brought about and legitimately debated and enabled by the replacement of Pennsylvania General Assembly members in following the bill's enactment, when most of the people who voted on the bill were replaced in the next election, with sixty percent of the 1779 Legislators being replaced in a Conservative wave that hit Pennsylvania during the Revolutionary War, after the more liberal members of the legislature failed to keep prices low during the economic chaos of wartime.¹⁴⁹ After the newly elected legislative body voted against the extension on slave registration, enslavers began to circumvent the law by either selling enslaved people out of state or through kidnapping free people, claiming them to be enslaved, and selling them out of state.

These events would motivate Anthony Benezet to re-establish the Pennsylvania Society for Promoting the Abolition of Slavery and of the Relief of Free Negroes Unlawfully Held in Bondage, what would later become the Pennsylvania Abolition Society. This society focused on using legal routes to help those in need with legal fees/representation and worked through petitioning government bodies, leading initial abolition efforts. Though the PAS was a highly influential organization and worked tremendously in favor of African Americans by helping those in need of legal assistance that were on the cusp of being re-enslaved, they did have some major flaws that could not be glanced over, such as their legal expediency being “dispassionate,” the promotion of gradualism when they could have pressed further for immediatism, and the exclusion of Black people from membership in their society. Holes that were found in the PAS's efforts at assisting African Americans would be picked up by other African Americans in their creation of the first mutual aid society, the Free African Society. This organization would be

¹⁴⁹ Zilversmit, *The First Emancipation*, 133.; Brunhouse, Robert Levere. *The Counter-Revolution in Pennsylvania: 1776-1790*. Harrisburg, PA: Pennsylvania Historical and Museum Commission, 1942, 88-90.

used to help Black people in times of need, like in illness, unemployment, etc. Going into the nineteenth century, these groups would be the foundation for the creation and advancement of the Black community and liberty in Pennsylvania.

Immediate Effects/Reactions to the Bill (1780-1784)

Immediately following the *Gradual Abolition* bill's passage in the Pennsylvania Assembly enslavers within the assembly expressed disapproval for the bill. Twenty-three opponents of the bill issued a "stinging denunciation of the abolition bill."¹⁵⁰ They argued that the timing of the bill's enactment, during the Revolutionary War, showed disregard for other states and that it weakened revolutionary unity and that it may cause enslaved people to demand immediate freedom if the enslavers were to go South to fight in the war.¹⁵¹ They disapproved of this law not only because it threatened enslaver's property rights and profits, but also because they did not agree with the abundance of freedom that would be entitled to African-Americans as citizens, specifically having to do with the right to vote, holding office, interracial marriage, and the ability to be a witness against a crime, all actions that had not been allowed for African Americans and enslaved people since the first race-based laws enacted in the 1700s.¹⁵² It is interesting to note that there were twenty-three dissenters of the bill, considering twenty-one had voted in favor of the bill.¹⁵³ This is likely due to thirty-four percent of pro-abolition voters being enslavers themselves who only voted for the bill since it was a compromise that would allow

¹⁵⁰ Zilversmit, *The First Emancipation*, 131.

¹⁵¹ Zilversmit, *The First Emancipation*, 132.

¹⁵² Zilversmit, *The First Emancipation*, 132; Bills from Chapter 1

¹⁵³ Zilversmit, *The First Emancipation*, 132; Nash and Soderlund, *Freedom By Degrees*, 107.

them to retain the people they were enslaving.¹⁵⁴ Though enslavers argued against the gradual abolition of slavery from a revolutionary, war-cautious approach, or agreed with the bill simply as a compromise that would not affect them at the moment, a group from Lancaster County, where six of the county's eight delegates who voted against the bill resided, issued an anti-abolition petition to the Pennsylvania House before the bill was enacted that was considered to be so indignant that the Pennsylvania Assembly dismissed the petition.¹⁵⁵ In response to the anti-abolitionists' contentions with the Gradual Abolition bill, an advocate for the bill, who applied a pseudonym to remain anonymous, a "Liberal," responded to and answered every objection made, rebuking every point and giving explanation for why the counter-abolition movement was incorrect.¹⁵⁶

Opponents of this bill also came from an immediatist point of view, condemned it from the other side and did not believe it to be moral for enslavement to continue for another generation. One Quaker deeply criticized the Pennsylvania gradual abolition law in a newspaper saying, "'If we keep our present slaves in bondage and only enact laws that their posterity shall be free, we save that part of our tyranny and gain of oppression, which to us, the present generation, is of the most value.'"¹⁵⁷ Enslaved people also responded sourly to the news that their enslavement would not cease during their lifetime unless manumitted. African Americans responded to the enactment of this bill by running away from their enslavers, as a sign of discontent about the bill since it left them enslaved.¹⁵⁸ This increase in runaways was so significant that at the end of the 1780's decade when 222 people were manumitted in

¹⁵⁴ Nash and Soderlund, *Freedom By Degrees*, 108.

¹⁵⁵ Nash and Soderlund, *Freedom By Degrees*, 110.

¹⁵⁶ Zilversmit, *The First Emancipation*, 132.

¹⁵⁷ "To the Publick," *The New Jersey Journal*, Sept. 20, 1780, in Bruns, ed., *Am I Not a Man and a Brother*, 456-59 in: Nash and Soderlund, *Freedom By Degrees*, 111.

¹⁵⁸ Nash and Soderlund, *Freedom By Degrees*, 140.

Philadelphia, about three-fourths of them were runaways.¹⁵⁹ This implies that enslavers became inclined to agree to the enslaved person's request for freedom. Although the enslaver granted legal freedom for the enslaved person, the enslaver was not the reason for freedom, it was the actions taken by the enslaved that made the enslaver comply with their negotiation for their own freedom.

Following the 1780 enactment of the Gradual Abolition Bill, changes to the political makeup of the Pennsylvania General Assembly reflected a Conservative wave that hit Pennsylvania due to turmoil in the revolutionary war that caused for prices of goods and supplies to increase.¹⁶⁰ This resulted in sixty percent of the members of the new assembly to consist of freshman officeholders who held conservative views.¹⁶¹ This new political body would be pressured by enslavers who missed the November deadline to register the people they held in bondage: reasoning for failure to comply with the registration portion of the new bill came from claims of ignorance of the ordinance by enslavers.¹⁶² By failing to abide by the law and list the people they enslaved, enslavers were subject to loss of "property" via African American freedom. This caused large numbers of African Americans to claim freedom through their comprehension of the law and realizing that they had not been registered in accordance.¹⁶³ With these petitions from enslavers, the assembly became more open to modifying the law regarding registration, attempting to extend the deadline to register slaves to January 1782, almost two years after the law being enacted.¹⁶⁴ If it had been decided to extend the registration dates, it

¹⁵⁹ Nash and Soderlund, *Freedom By Degrees*, 141.

¹⁶⁰ Brunhouse, *The Counter-Revolution in Pennsylvania*, 88-90.

¹⁶¹ Zilversmit, *The First Emancipation*, 132.

¹⁶² Nash, *Forging Freedom*, 63.

¹⁶³ Zilversmit, *The First Emancipation*, 133.

¹⁶⁴ Zilversmit, *The First Emancipation*, 133.

would risk placing people who had legally gained their freedom and liberty back into enslavement.

With a possible extension to the registration deadline threatening African Americans who gained liberty due to their former enslaver's noncompliance with the bill became worried about the possibility of becoming re-enslaved. This led one group of emancipated African Americans to use their political agency, petitioning the Assembly to let them remain free.¹⁶⁵ Other newspaper appeals, and petitions were sent to the Assembly showing their disapproval for the possibility of re-enslavement.¹⁶⁶ Written in the *Freeman's Journal*, Cato, a man who's family achieved freedom due to their enslaver failing to register them with the state on time, pleads for his life not to be forced back into enslavement.¹⁶⁷ In this, he asks, "I am told the assembly are going to pass a law to send us all back to our masters. Why dear Mr. Printer, this would be the cruelest act that ever a sett of worthy good gentlemen could be guilty of. To make a law to hang us all, would be merciful, when compared with this law; for many of our masters would treat us with unheard of barbarity, for daring to take the advantage (as we have done) of the law made in our favor.—Our lots in slavery were hard enough to bear: but having tasted the sweets of freedom, we should now be miserable indeed.—Surely no christian gentlemen can be so cruel!"¹⁶⁸ To take back a provision of a democratically enacted piece of legislation that granted freedom to a person who had never legally or politically been considered a person and then take away that given freedom would be cruel. Also, within this letter, Cato calls out the hypocrisy of presenting such an option to be read to the Assembly and also questions what would happen to this bill in the future if laws were able to be enacted that alter an already enacted bill that granted

¹⁶⁵ Zilversmit, *The First Emancipation*, 133

¹⁶⁶ Nash and Soderlund, *Freedom By Degrees*, 112

¹⁶⁷ Cato, *Freeman's Journal* (Philadelphia, Pennsylvania) September 21, 1781.

¹⁶⁸ IBID

people liberty.¹⁶⁹ He also invokes religion, asking “what will our great father think of such doings?” implying that this cruel law, if enacted, would not be favorably viewed by God.¹⁷⁰ Another group of Black Philadelphians worked through the text of the Gradual Emancipation bill to ask whether or not the Assembly would vote to “pass an act to make slaves of those who they have freed by law, and to whom they restored ‘the common blessings they were by nature entitled to.’”¹⁷¹ The same day this petition was received, the assembly voted 27-21 against repealing or revising the 1780 Gradual Abolition law due to the pressure given to the Assembly by Black Pennsylvanians.¹⁷²

Circumventing the Law and Enforcing It: Re-Establishment of the PAS (1784 – 1789)

After the State Assembly voted not to alter the Gradual Abolition Bill in 1782, it continued to be subject to protest through petition and active circumvention of the law. Though more attempts would be made by enslavers to keep people enslaved through petition, at this point, in 1782, the Gradual Abolition of slavery bill enacted in 1780 was now beginning to be accepted as the reality of slavery’s fate in the state.¹⁷³ Despite this acceptance of reality, enslavers began to use different tactics to ensure they made a profit through circumvention of the gradual abolition law by selling the people they enslaved to a different state so the law would not apply to them. It was common for Pennsylvania enslavers to sell enslaved people to New York or even Maryland and Virginia, where pregnant women would be sold, ensuring that the family would be broken up and those women’s children, who the law intended to apply to, would not receive

¹⁶⁹ IBID; Nash and Soderlund, *Freedom By Degrees*, 112.

¹⁷⁰ IBID

¹⁷¹ Nash and Soderlund, *Freedom By Degrees*, 112-113.

¹⁷² Nash, *Forging Freedom*, 65.

¹⁷³ Nash and Soderlund, *Freedom By Degrees*, 113, Zilversmit, *The First Emancipation*, 137.

liberty.¹⁷⁴ This conduct turned into an evil tactic of kidnapping free African Americans, claiming they were enslaved and having them sent to the south. In response to enslaver's evasion of the new law, "Pennsylvania blacks ran away from masters who tried either to circumvent the Quaker State's gradual abolition law or more boldly attempted to kidnap free blacks into servitude."¹⁷⁵

Two of these re-enslavement cases prompted Anthony Benezet to reinstitute the Society of the Relief of Free Negros, later renamed as the Pennsylvania Abolition Society (PAS), after the original 1774 society. One of the cases that struck Benezet was one that resulted in the suicide of an African American man who faced re-enslavement. Benezet described the man as a freeman by "the most clear evidence", but he was denied writ of habeas corpus, thus subjecting him to removal from the state without being able to plead his case.¹⁷⁶ With the fear of being sent back into slavery and all loss of hope, this man hung himself the night before he was to be extradited.¹⁷⁷ The other case was of a man in the same situation as the last, but while on the ship that embarked from Philadelphia the man jumped off and drowned in the Delaware River.¹⁷⁸ Since Benezet was unsuccessful in achieving help from the 'Friends' committee for assisting free blacks, he and a group of Philadelphians, containing six of the original members, re-established the organization.¹⁷⁹ This relaunch of the PAS occurred in February 1784 and consisted of Quakers, but shortly after the first few meetings they began to branch out, trying to spread their network as broad as they could.¹⁸⁰ Through this branching out, the PAS was able to create a cross-denominational coalition of anti-slavery activists coming from different Churches in the

¹⁷⁴ Ira Berlin, *The Long Emancipation*, 74-75; Nash and Soderlund, *Freedom By Degrees*, 114-115; Nash, *Forging Freedom*, 91.

¹⁷⁵ Newman, *The Transformation of American Abolitionism*, 5.

¹⁷⁶ Nash and Soderlund, *Freedom By Degrees*, 115.

¹⁷⁷ Nash and Soderlund, *Freedom By Degrees*, 115.

¹⁷⁸ Nash and Soderlund, *Freedom By Degrees*, 115.

¹⁷⁹ Nash, *Forging Freedom*, 91-92.

¹⁸⁰ Nash, *Forging Freedom*, 92.

cities and countryside and who's professions varied from merchants to doctors, lawyers, businessmen and philanthropists.¹⁸¹ Of this newly diversified white group, Quakers retained the bare majority of people in the society and those within the top ten percent of the socioeconomic strata held a simple majority.¹⁸²

The Pennsylvania Abolition Society was the first society or group formed in the United States whose intention was to eliminate slavery in the United States. The PAS worked through two strategies: "petitioning and providing legal aid to African Americans."¹⁸³ Their goals were to make antislavery trends the basis for "firm abolitionist policies in government and law," and specifically favored the gradual abolition of slavery, as had been enacted in Pennsylvania.¹⁸⁴ The use of the government by the PAS as a critical ally showed how they believed the state, "had the legal tools and civil authority – the coercive power – to quash slavery and stand up to slaveholder opposition."¹⁸⁵ They believed that if the government could be used to coerce people into bondage, that it would also have the power lead to the gradual end of slavery. The PAS believed litigation against enslavers was important for their cause and by, "representing kidnapped free Blacks in court, by bargaining with slaveholders for a fugitive slave's freedom, and by requiring northern courts to protect the constitutional rights of Blacks," the PAS would be able to gradually wear away at slavery's legal standing.¹⁸⁶ In order to achieve this, the PAS scheduled quarterly meetings to plan their schedule to represent African Americans in court and to draft petitions.¹⁸⁷ The PAS was structured in a rigid committee model where different people were delegated into groups that had different tasks and these meetings were where the

¹⁸¹ Nash, *Forging Freedom*, 92; Newman, *The Transformation of American Abolitionism*, 4.

¹⁸² Nash and Soderlund, *Freedom By Degrees*, 116.; Nash, *Forging Freedom*, 92.

¹⁸³ Newman, *The Transformation of American Abolitionism*, 5.

¹⁸⁴ Newman, *The Transformation of American Abolitionism*, 20.

¹⁸⁵ Newman, *The Transformation of American Abolitionism*, 24.

¹⁸⁶ Newman, *The Transformation of American Abolitionism*, 5.

¹⁸⁷ Newman, *The Transformation of American Abolitionism*, 20.

committees would meet and discuss their plans.¹⁸⁸ This heavily structured society showed that it was no longer simply a religious organization, but that abolition required a functioning organized body structure and efficient movement to achieve its goals.¹⁸⁹

The Pennsylvania Abolition Society conducted their most impactful work in the state of Pennsylvania by helping represent Black Pennsylvanians in court. Though their work drafting legislative petitions would be wildly helpful in influencing for the anti-slavery cause nationally, the Gradual Abolition Bill was already enacted in Pennsylvania, meaning the law would need to be enforced and upheld rather than be petitioned for and implemented by Pennsylvania State Assembly. Thus, petitioning done by the PAS would be more beneficial in starting the national antislavery effort by petitioning other state and national institutions. The most important aspect of the PAS, however, was the network it created of elite activists that would work to better promote, “abolitionist action among political and legal offices.”¹⁹⁰ The way the network was structured allowed for “structured black-white relations in Pennsylvania through vigilant defense of the black populace, acting as “a legal aid system” throughout the Chesapeake by “using loopholes, technicalities, and narrow legal opinions to liberate African Americans on a case-by-case base.”¹⁹¹

After the PAS was re-established, their lawyers searched for ways to expand upon the law to apply it as broadly as they could. This immediately became utilized by African Americans in search of freedom through the Gradual Abolition Bill. If PAS lawyers were able to expand upon the bill, they would be able to challenge the way the law was to be interpreted. This would be

¹⁸⁸ Newman, *The Transformation of American Abolitionism*, 20-21.

¹⁸⁹ Newman, *The Transformation of American Abolitionism*, 21.

¹⁹⁰ Newman, *The Transformation of American Abolitionism*, 21.

¹⁹¹ Van Gosse, *The First Reconstruction: Black Politics in America from the Revolution to the Civil War* (Chapel Hill, NC: The University of North Carolina Press, 2021), 69.

key since the law would be interpreted by various people willing to challenge the law to keep people enslaved.¹⁹² Since there were so many cases that were submitted to the PAS, they were diligent in selecting cases they believed had the best chances to succeed and advance the cause. This selection of cases, that presented likely victories for the PAS was helped by the fact that the architect for the Act for the Gradual Abolition of Slavery, George Bryan, was sitting on the Pennsylvania Supreme Court, where these cases would ultimately be decided.

There were three main ways the PAS attempted to justify and help African Americans secure their freedom legislatively: enslaved people in Pennsylvania who had not been registered (as was an original contestation of the Gradual Abolition law), enslaved people brought into the state after the law was enacted, and other people wrongfully enslaved or indentured. After enslavers failed to register slaves in their possession to the state and the state decided not to recognize ignorance to the law, enslaved people who found out about these provisions pressed the PAS for help securing their freedom. Failure to register occurred with a “slave of John Steele,” where the court ordered him to free the unnamed woman after failing to register her in accordance with the law.¹⁹³ Immediately upon news of this, enslaver John Steele sold the woman to a man in New Jersey, who then sold her again after finding out that she was legally supposed to be free. After discovering this, the New Jersey man sold the woman again; at this point PAS lawyers went to the man, by the name of Jonas Phillips, to get her release of which he refused to honor. Because of this, the PAS obtained a writ of habeas corpus from a local judge to free her.¹⁹⁴

The provision of the Gradual Abolition law, providing for freedom to any enslaved person brought into the state of Pennsylvania after six months was repeatedly used to challenge

¹⁹² Nash, *Freedom By Degrees*, 119.

¹⁹³ Nash, *Freedom By Degrees*, 121.

¹⁹⁴ Nash, *Freedom By Degrees*, 121-122.

enslavement the help of the PAS. An example of this comes from a man named Moses Johnson, who fled his enslaver to fight for the British during the Revolutionary War, since the British Army promised freedom to enslaved people who escaped to their lines in line with Virginia Royal Governor Lord Dunmore's 1775 Proclamation. After being captured, the British were held as prisoners of war and Black members of the fighting force were sent to be sold. This caused Johnson to become re-enslaved in 1782 to a man who lived in Philadelphia. Two years after he became re-enslaved, Johnson contacted the PAS, who had recently reformed, to gain aid in achieving his freedom. In accordance with the Gradual Abolition law and with the help of the PAS, Johnson was able to obtain freedom by 1785, within a year of seeking assistance.¹⁹⁵

Another example of the PAS attempting to help people in need of securing their freedom comes from a peculiar case where a mother kept her biracial daughter as an indenture. The question comes from that mother attempting to make this ruling binding, as her daughter was twenty years old, and wanted to keep her in this state until she was twenty-eight or thirty years old. The PAS legal team would eventually give their opinion that, "the indenture in question being therefore not executed according to the acts of assembly enforce at the time it was made is void."¹⁹⁶ This is due to the mother's thinking that the age children of enslaved people would remain enslaved until they reached the age of twenty-eight. The age being set at twenty-eight only applied to enslaved people's children and the PAS member who wrote this opinion classified the child to the mother, who was not enslaved, as her child, thus subjecting her to prior laws about apprenticeship rather than considering the child to be enslaved. He invokes the *Acts for Regulating Apprentices* and the *Acts for the Relief of the Poor*, where people were permitted to send their child to work as an apprentice. However, these laws stipulated that once the child

¹⁹⁵ Nash, *Forging Freedom*, 66-67.

¹⁹⁶ *Written Legal Opinions by the Pennsylvania Abolition Society's Counselors*, 1787, Series IV: Manumissions, indentures, and other legal papers, at the Historical Society of Pennsylvania, August 8, 1787.

reached the age of eighteen for a female or twenty-one for a male, then the apprenticeship would no longer apply to their status.¹⁹⁷

In 1787, PAS would officially change its name to such, and in doing so the targets of their activism began to shift from local to national institutions. In doing this, they pushed their gradual anti-slavery message across the country and brought on the likes of prominent members of the American Revolution: Benjamin Franklin and Benjamin Rush. But, as the abolition society began to grow, problems engrained in their style of abolition would begin to show causing for the accusation of “dispassionate” reform to foment.

As the Pennsylvania Abolition Society continued their gradual work in abolition, they kept assisting in Pennsylvanian African Americans’ legal challenges, but altered their overall direction to focus on working national, petitioning to advance the Gradual Abolitionist cause outside of Pennsylvania. This shift in rhetoric would be suggestive of their acquisition of Robert Morris, Benjamin Franklin, and Benjamin Rush, three signers of the Declaration of Independence and Franklin being named the Society’s President, to help bolster the group’s reputation nationally.¹⁹⁸ Benjamin Rush, “suddenly threw himself into the cause of Philadelphia’s Blacks,” becoming the “Anthony Benezet” to the Black community over the following decade.¹⁹⁹

By 1788, the Pennsylvania Abolition Society had been functioning as Pennsylvania’s enforcement for the Gradual Abolition Act of 1780 as enslavers continually circumvented the law. Seeing many questions surrounding the law and flaws within it that did not account for its circumvention, with the support from the Society of Friends, the PAS used their petitioning strategies to campaign for and convince the Pennsylvania General Assembly to draft and pass

¹⁹⁷ IBID

¹⁹⁸ Sinha, *The Slave’s Cause*, 74.

¹⁹⁹ Nash, *Forging Freedom*, 104.

another law adding more provisions to the 1780 Gradual Abolition act.²⁰⁰ This new bill to be enacted was titled “An Act to explain and amend an act, entitled ‘An act for the gradual abolition of slavery.’” and did several things ranging from altering the original bill’s language and provisions to adding completely new legislation. The first section of the bill gave immediate freedom to any enslaved person whose enslaver brought them into the state, rather than freedom being granted after six months of being in the state.²⁰¹ Section two of this bill outlawed selling an enslaved or indentured person to another state.²⁰² This was made to ensure that people could not be deprived of the prospect of their freedom and was specifically targeted to stop enslavers from bringing pregnant slaves across state lines to give birth, an evil tactic by enslavers that would ensure them profit and relegate someone that would gain full liberty after twenty-eight years to a life of enslavement. This bill also required enslavers who have indentures to register them to the state so the state knows when to expect someone to gain their freedom and bans slave trading.²⁰³ Separating families was a major concern and as something that was irredeemably wrong the amendment to the bill includes a provision in section eight that outlaws the separation of enslaved families and extends this protection to the children of enslaved people who are indentured for the first twenty-eight years of their life.²⁰⁴ The Pennsylvania General Assembly also placed a huge punishment for anyone guilty of taking an African American out of the state for the purposes of enslavement, fining them one hundred pounds and sending them to work hard labor for between six months and a year.²⁰⁵

²⁰⁰ Sinha, *The Slave’s Cause*, 74.

²⁰¹ Pennsylvania General Assembly, *An Act to explain and amend an Act, entitled “An act for the gradual abolition of slavery.”*, Section I, In the Pennsylvania Historical Society, March 29, 1788.; “*An act for the gradual abolition of slavery.*”, Section X, Located in the Pennsylvania Historical Society, March 1, 1780.

²⁰² IBID, Sect. II.

²⁰³ IBID, Sect. III and VI.

²⁰⁴ IBID, Sect. VIII.

²⁰⁵ IBID, Sect. IX.

The PAS had, in essence, become the embodiment of the Gradual Abolition Bill, through support of African Americans in need legal assistance to gain their freedom, enforcement of the bill by bringing contentions to trial that otherwise would have been left silent, and now by petitioning to have the state assembly amend the Gradual Abolition Bill to curtail evasion of the law through loopholes. This was enabled by diligent legal work that helped advance the antislavery cause and worked to help enforce the bill. This was enough for the Pennsylvania General Assembly to realize the value and importance the PAS had within their government and decided to offer the abolition society incorporation into the government. By becoming incorporated into the government, the PAS was able to “raise money and receive bequests.”²⁰⁶ In a letter, a correspondent claimed that this action, “provided ‘force and stability’... to organized abolition,” since it, “put political representatives, judges, and even slaveholders on notice that the legally recognized body of activists could sue individuals in court, bargain with slaveholders for blacks’ freedom, and request civil authorities (sheriffs, jailers, justices of the peace) to support abolitionist activities.”²⁰⁷ Not only could the PAS use their legal skills to uphold Black liberty, but they now had the coercive power of the government to fight back against evaders of the law.

The Pennsylvania Abolition Society was a groundbreaking organization whose members did tremendous works for the advancement of the anti-slavery cause. What was specifically unique about the PAS was that as the movement gained steam, most well-known abolitionists tended to only pick up the high profile cases for prosecution while the PAS continued to, “address blacks’ everyday legal needs.”²⁰⁸ Despite their great work, the organization had shortcomings that are too obvious not to call into question, specifically having to do with their slow, incrementalistic, conservative style of legal work, its choice of only supporting gradual

²⁰⁶ Nash and Soderlund, *Freedom By Degrees*, 128.

²⁰⁷ Newman, *The Transformation of American Abolitionism*, 22.

²⁰⁸ Newman, *The Transformation of American Abolitionism*, 84.

abolition efforts, and its exclusion of African Americans. Their slow and conservative legal tactics did not permit any other style of abolitionism that warranted expediency and they did not want to push the government “too far on the abolitionist cause,” even warning a group of southern Pennsylvanian abolitionists to, “Be careful to join moderation to your zeal...proceed [only] with safety and usefulness”²⁰⁹ Also, the legal work was very time consuming and took painstakingly long amounts of time for legislation to be altered or court cases to be concluded.²¹⁰ In their gradualism, the PAS showed they did not value the freedom of African Americans who were alive, delegating full liberty to future generations. They truly did believe that their movement would destroy slavery slowly and this route would be the easiest to achieve since it is in a way, a form of compromise.²¹¹ However, the PAS could have pushed judicially for the immediate abolition of slavery, as had been done in Massachusetts.²¹² There, in one of the 1781 Quock Walker Cases, *Jennison v. Caldwell* where lawyer Levi Lincoln argued that slavery “violated ‘the law of nature,’ ‘the law of God,’ and the Declaration of Independence.”²¹³ The court would rule in favor of Quock Walker and his lawyer “on the grounds that the state constitution, declared that ‘all men are born free and equal,’” outlawing slavery in the state.²¹⁴ The PAS could have advocated for the immediate abolition of slavery on those same grounds, as the 1776 and 1790 state constitutions of Pennsylvania both state, “all men are born equally free and independent.”²¹⁵ They could have also used a similar argument in accordance with the voting requirements in those same constitutions, that did not have a racial barrier, thus allowing free Blacks to vote.²¹⁶ Simply, the PAS’s moderation showed by not pressing for immediate abolition.

²⁰⁹ Newman, *The Transformation of American Abolitionism*, 44.

²¹⁰ Newman, *The Transformation of American Abolitionism*, 4.

²¹¹ Newman, *The Transformation of American Abolitionism*, 20.

²¹² Nash and Soderlund, *Freedom By Degrees*, 119.

²¹³ Sinha, *The Slave’s Cause*, 68.

²¹⁴ Sinha, *The Slave’s Cause*, 68-69; Gosse, *The First Reconstruction*, 166.

²¹⁵ PA Constitution, Article I; 1790 Pennsylvania Constitution, Article IX, Sect. I, 1776.

²¹⁶ PA Constitution, Section VI.; 1790 Pennsylvania Constitution, Article III, Sect. I, 1776.

Perhaps one of the biggest downfalls of the PAS was their non-inclusion of African Americans, as they did not start admitting them into the society until the 1830s.²¹⁷ This non-inclusion and hardline stance on conservative gradualism left no room for emotional appeals . from enslaved people grounded in their lived experiences to give their testimony on the horrors of enslavement that surely would have changed public perception quicker.²¹⁸

Black Community Leaders and Mutual Aide Societies (1787-1790)

After the enactment of the Gradual Abolition of slavery, those who had been enslaved in rural areas began searching to reconnect with family members from whom they had been separated. As a consequence of this and the search for work, many of the newly liberated African Americans began to move into the city of Philadelphia. In the first census from the United States, the 1790 Census says there were 6,537 people considered, “All other free persons,” and 3,737 enslaved people in the state of Pennsylvania.²¹⁹ In Philadelphia, there were 1,420 people in the category of “all other free persons,” and 210 enslaved people in the city in 1790, making the Black population only five percent of the Philadelphia population.²²⁰ Despite only making up a small proportion of Philadelphia’s population in 1790, the largest concentration, about one-fifth, of the free Black population in Pennsylvania was in the city due to the migration of free Black people from rural areas and led to the city being the “largest free Black community in the United States.”²²¹

²¹⁷ Newman, *The Transformation of American Abolitionism*, 83.

²¹⁸ Newman, *The Transformation of American Abolitionism*, 4.

²¹⁹ U.S. Census Bureau: Population of the United States as returned at the First Census, by states: 1790

²²⁰ U.S. Census Bureau, First Census of the United States, Summary of population, by counties and townships: 1790: Philadelphia; Nash, *Forging Freedom*, 71.

²²¹ Nash, *Forging Freedom*, 72 and 102.

Enslaved African Americans did not have the advantage given to whites for community development, and after becoming free, had to develop a sense of community of their own from scratch and fill in the holes that the Pennsylvania Abolition Society had in terms of helping improve the lives of African Americans. Richard Allen, while preaching in a city nearby Philadelphia to an interracial group of people, saw firsthand how the segregation in society had permeated the religious realm, as he was asked to preach to his African American congregants early in the morning, 5 am, so the Black congregation did not disrupt the white service.²²² After discussing the possibility of creating a separate church society for Black people, the Free African Society (FAS) was founded by Reverend Richard Allen and Absalom Jones in 1787 with the “two-fold objects of a beneficial and moral reform society” based in “a love of the people of their complexion whom they beheld with sorrow, because of their irreligious and uncivilized state.”²²³ With this, Black community leaders in Philadelphia, like Allen, Jones, Moses Johnson, and Cyrus Bustill “created a tradition of community mobilization alternating with deferential negotiation, public service mixed with defiance.”²²⁴ Founded with the objective of creating a sense of community, the FAS was modeled after white benevolent societies and was “organized to help free blacks in times of illness, unemployment, or other emergencies.”²²⁵ Jones and Allen both hoped that the FAS would grow into an “interdenominational church for Philadelphia’s African American population.”²²⁶ In planning for the future development of African American society and culture in Philadelphia, this group worked with the PAS, the “fulcrum of white benevolence toward former slaves,” as well as with ex-slaves operating and making their own of

²²² Nash, *Forging Freedom*, 98.

²²³ Gosse, *The First Reconstruction*, 64

²²⁴ IBID

²²⁵ Willard Sterne Randall and Nancy Ann Nahra, *Forgotten Americans: 15 Footnote Figures Who Changed American History* (New York, NY: Addison-Wesley, 2006). 153; Nash, *Forging Freedom*, 98.

²²⁶ Julie Winch, *A Gentleman of Color: The Life of James Forten* (New York, NY: Oxford University Press, 2002), 139.

the organization that would bring about their own advancement.²²⁷ In May 1790, the FAS and PAS discussed a plan that would, “improve the conditions of free Blacks,” in Philadelphia and out of this came a joint committee to canvas the city, in doing so obtaining a list of all the Black families.²²⁸ The FAS also was an individual actor in trying to secure land for a Black cemetery and would regularly keep record of marriages.²²⁹ In addition to helping free Blacks in times of need, or helping to create a Black community, the FAS worked closely with the PAS, with Richard Allen using his white lawyer contacts in the PAS to help any Philadelphian African American who was in danger and needed legal assistance.²³⁰

Mutual Aid Societies were created by a new generation of black people who were recently enslaved and not far removed generationally from African ancestors. The Free African Society was not the first mutual aid society to form in the United States, but it was the first in Pennsylvania. The first mutual aid society created in the new nation was the Free African Union Society in Newport, Rhode Island, but the society failed to make any serious impact besides being the first of its kind to be formed with the goal of providing financial assistance to Black Americans.²³¹ Unfortunately, the Rhode Island Society was perpetually short on funding. Their situation was so dire that even office holders were occasionally unable to pay membership dues, ultimately resorting to buying lottery tickets in the hope of raising funds.²³²

These societies would be just the beginning of many more mutual aid societies that would later be created and spread through out the northern states. The more influential and long-lasting mutual aid societies, like the African Methodist Episcopal Church and New York African

²²⁷ Nash, *Forging Freedom*, 99.

²²⁸ Nash, *Forging Freedom*, 109.

²²⁹ Nash, *Forging Freedom*, 109.

²³⁰ Newman, *The Transformation of American Abolitionism*, 5.

²³¹ Sinha, *The Slave's Cause*, 131.

²³² Sinha, *The Slave's Cause*, 131.

Society would be founded in and 1800 and 1808.²³³ Smaller localized mutual aid also began to spring up after the 1800's as the free Black population began to grow in the North.²³⁴

Going into the nineteenth century, the Abolition movement would be centered around the gradual abolition style of the PAS as they would be the focal point of abolitionism for the following twenty years. At the same time, the FAS would be the beginning of mutual defense societies that would work to advance and create Black community development in Pennsylvania. Following the 1790s, the push for Black advancement would persist with the help of the PAS and other mutual defense agencies. However, with the Gradual abolition of slavery being enacted in the state, only time would end slavery: if the bill remained unaltered slavery would come to an end, which it did in 1847.²³⁵

Epilogue: Enfranchisement

Pennsylvania was the first state in the new nation to legislatively abolish slavery. It accomplished this feat through gradual means and was aided by the rise of Quaker abolitionism, a labor shortage and subsequent surplus caused by the Seven Years' War and, enacted duty fees that helped the enslavement of others become less prominent in the state. Nor would abolition have been possible without the resistance from enslaved people, who would runaway as a form of protest, gaining freedom and exacerbating the economic stress placed on the enslaver if they chose to replace the runaway slave with another enslaved person. After the 1780 abolition bill was enacted, opposition immediately formed on both sides, from antislavery activists to anti-abolitionists, with immediatists arguing that the process took too long, being too gradual,

²³³ Sinha, *The Slave's Cause*, 131, 141.

²³⁴ Sinha, *The Slave's Cause*, 133.

²³⁵ Nash and Soderlund, *Freedom By Degrees*, 111.

and the anti-abolitionists and enslavers attempting to keep people enslaved for as long as they can. Enslavers would try to work around the bill, selling the people they enslaved to another state, avoiding gradual abolition, or bringing a pregnant enslaved woman to another state to have the child there, then selling that child.

Abolitionist Anthony Benezet would become so distraught after witnessing resistance to re-enslavement that he reformed the Pennsylvania Abolition Society to help enforce the provisions of the bill by assisting African Americans in need of legal help. To stop people from circumventing the law, the PAS would go on a petitioning campaign to alter the 1780 Gradual Abolition law, creating provisions that would stop said circumvention. This society did so well on its own that it eventually became incorporated into the Pennsylvania General Assembly, gaining a public backing to their cause. As the PAS was a legally oriented organization, mutual aid societies began to form in the United States to supplement its work, and the Free African Society was able to function by filling in the holes that the PAS did not fill, such as assistance to sick or, unemployed Black Americans, or in other emergencies.

As the first state to legislatively abolish slavery through gradual means, Pennsylvania saw a host of new issues regarding the expression of political agency by formerly enslaved people. Black Pennsylvanians now faced the herculean task of joining a supposedly free society having to abide by rules written by people who held prejudiced views on racial equality. The most effective way to express political agency and to contribute to the alteration of society is through voting, but even after becoming free, customs and laws surrounding the right to vote for freed African Americans were hazy and up to the interpretation of whichever white man was enforcing voting 'laws.' Although the state constitutions from 1776 and 1790 did not include a race requirement to vote, it was up to local customs of different localities. After becoming upset

over the advancement of African Americans, after democrats in the state claimed election fraud due to African Americans being allowed to vote in the election they ended up losing. This prompted an 1837 court opinion by Judge John Fox, where he incorrectly interprets and creates assumptions about Pennsylvania history and legal documents, in the process creating a myth surrounding African Americans' right to vote. This led to the disfranchisement of African Americans through the state constitutional convention of 1837. Through racism and falsehoods, white people in Pennsylvania were able to take away the right to vote for a group of people, changing the framing of the State's original constitutions.

Enfranchisement

A hallmark and cornerstone of one's political agency is participation in democracy through enfranchisement, the ability to vote. Since the United States Constitution provides individual States the ability to determine enfranchisement laws and requirements, the State of Pennsylvania was able to have different laws for the right to vote than other states. Signed by Benjamin Franklin in 1776, the first state constitution of Pennsylvania, section six declares, "Every freemen of the full age of twenty-one years, having resided in this state for the space of one whole year next before the day of election for representatives, and paid public taxes during that time, shall enjoy the right of an elector: Provided always, that sons of freeholders of the age of twenty-one years shall be intitled to vote although they have not paid taxes."²³⁶ The 1776 state constitution was especially liberal for its time since it did not contain property requirements. This relatively liberal state constitution is described as the only one in the colonies that was, "particularly democratic."²³⁷

²³⁶ Plan or Frame of Government for the Commonwealth or State of Pennsylvania; PA Constitution, Section Six. 1776.

²³⁷ Taylor, *American Revolutions*, 370.

These requirements to vote would be changed in the 1790 State Constitution to: “In elections by the citizens, every freeman of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector: Provided, that the sons of persons qualified as aforesaid, between the ages of twenty-one and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.”²³⁸ While both are very similar, only the 1790 Constitution places further residency and tax requirements, a key item that is excluded from these articles is race as a prerequisite for enfranchisement. This combination of exclusion for property and race as a voting requirement meant, in theory, that any freed African American who was able to pay taxes would become enfranchised shortly after gaining their freedom. They would not have to face the roadblock of becoming a property owner first, which would have barred at least thirty-nine percent of Philadelphia’s free black population who resided in white households in 1810.²³⁹ This would also allow for more enfranchisement between families who share a household or lived on another person’s property to vote

Unfortunately for freed African Americans, similarly to how customs dictated the legality of slavery in Pennsylvania, customs also dictated the enforcement of enfranchisement. While there was no racial requirement to vote, the size of the Black population in each city played a large factor into deciding who could vote; the commonwealth’s western counties, which had small populations of free blacks, tended to allow them to vote. Eastern counties with larger populations of free blacks—especially Philadelphia—discouraged them from voting. As the Black population increased, so did the likelihood of customary black disfranchisement. This prejudice was confirmed in people’s interpretations of the State Constitution. Since the framers of

²³⁸ Pennsylvania Constitution, Article 3, Section 1. 1790.

²³⁹ Nash, *Forging Freedom*, 161; I choose 1810 due to it being 30 years after the passing of the 1780 Gradual Abolition Bill, thus the bill would have been in effect for two years.

Pennsylvania's constitution used the term 'freeman' to describe who would be voting, many white officials excluded black people from being categorized this way due to their past status of bondage.²⁴⁰ This paved the way for voter suppression by local white officials due to the ambiguity of the definition of 'freeman' in correlation with their customs.²⁴¹ In western Pennsylvania counties of Bucks, York, Dauphin, Cumberland, Juniata, Westmoreland, and Allegheny, free Black men were allowed to vote, but in Philadelphia, officials did not assess African Americans for taxation, thus allowing them, through their customs, to deny them the right to vote.²⁴²

This invokes the question of what the framers of the state constitutions were intending in the enfranchisement clauses; Benjamin Franklin, whose sole signature lie at the bottom of Pennsylvania's 1776 Constitution may have used the term "freeman" specifically to include African Americans in voting eligibility. Since the language of the Constitution states the only requirement is to be a free man and pay taxes, Franklin's private view condemning slavery may have led to his decision to directly omit race from enfranchisement.²⁴³ This is plausible due to Franklin's past and what he would become later in life. Benjamin Lay had a friendly relationship with Benjamin Franklin, with Franklin publishing Lay's Quaker works and accomplishments in the Philadelphia Gazette while simultaneously owning slaves.²⁴⁴ Even though Franklin was exposed to Quaker anti-slavery sentiment, he still abused the system which Lay abhorred. After the midway point of the century, Franklin "experienced a kind of conversion to antislavery

²⁴⁰ Price, Edward. "The Black Voting Rights Issue in Pennsylvania, 1780-1900." *The Pennsylvania Magazine of History and Biography* 100, no. 3 (1976): 356.

²⁴¹ Price, "The Black Voting Rights Issue in Pennsylvania, 1780-1900," 356.

²⁴² Price, "The Black Voting Rights Issue in Pennsylvania, 1780-1900," 357

²⁴³ "Benjamin Franklin's Anti-Slavery Petitions to Congress," National Archives and Records Administration (National Archives and Records Administration, August 12, 2019). <https://www.archives.gov/legislative/features/franklin>.

²⁴⁴ Waldstreicher, David. *Runaway America Benjamin Franklin, Slavery, and the American Revolution*. New York, NY: Hill and Wang, 2006, 82

belief,” believing that slavery was, “wrong, inefficient, and impolitic.”²⁴⁵ In 1790, Benjamin Franklin would sign a petition to the first Congress to asking for the abolition of slavery and the end of the slave trade.²⁴⁶ Though this 1790 petition to Congress could be considered, “symbolic,” since Franklin was near the end of his life, the fact that this petition was the last “public act” made by Franklin gives this petition heightened significance.²⁴⁷

The language of the voting rights clause could have been changed when state officials decided to rewrite their constitution in 1787 and it was even proposed to change enfranchisement to include only, “white adult males.” This would not come to be, as a convention leader would later note, due to fears over the interpretation of the law could be used to, “disenfranchise dark-skinned Caucasians.”²⁴⁸ Benjamin Franklin had been invited to the Constitutional Convention but was somewhat of a non-factor in the Constitution’s construction due in his old age causing him to fall asleep during convention debates.²⁴⁹ This could have been a time for Franklin to explain his interpretation of the 1776 state constitution’s use of the word, “freeman,” and who he meant by it, but instead Franklin’s tendency to not be verbally outspoken combined with his old age left this word’s interpretation to remain up to local officials.

Disfranchisement

For the next thirty years, the question of Black suffrage would not be debated too heavily by African Americans and whites. This would change however in 1837, when the question

²⁴⁵ Waldstreicher, *Runaway America*, 194

²⁴⁶ Benjamin Franklin's Anti-Slavery Petitions to Congress,” National Archives and Records Administration (National Archives and Records Administration, August 12, 2019), <https://www.archives.gov/legislative/features/franklin>.

²⁴⁷ Waldstreicher, *Runaway America*, 236; “Benjamin Franklin's Anti-Slavery Petitions to Congress,” National Archives and Records Administration (National Archives and Records Administration, August 12, 2019), <https://www.archives.gov/legislative/features/franklin>.

²⁴⁸ Price, “*The Black Voting Rights Issue in Pennsylvania, 1780-1900*,” 357.

²⁴⁹ David Waldstreicher, *Runaway America Benjamin Franklin, Slavery, and the American Revolution* Runaway America, 229

would return, resulting in the constitutional disfranchisement of African Americans. The question over what constituted a freeman in the context of the colonial era recirculated into Pennsylvania society after racial tension began to swirl. As European immigrants began to use racial epithets to show their frustration towards the idea of an upwardly mobile African American populous, when in reality the perception of Black wealth had been inflated, creating a racist reputation towards the Black community and causing for resentment among some members of the white community.²⁵⁰ The notion of the Philadelphia Black community being considered, “well off,” was due to the wealth inequality within said community where the, “wealthiest tenth of the population controlled seventy percent of the community’s total wealth.”²⁵¹ As more immigrants began to move to Pennsylvania, an economic depression worsened racial tensions between the disadvantaged, where whites began to regard the right to vote as a sign of, “social status and superiority.”²⁵² In an 1837 election in Bucks County, Pennsylvania, after the Whig candidate won election narrowly against the Democratic candidate, the Democrats protested the results and claimed the election to be fraudulent after learning African Americans had voted at several polling places.²⁵³

This protest would be sent to the Court of Quarter Sessions of Bucks County, where Judge John Fox would deny African Americans the right to be considered “freemen,” thus the right to vote. The historical context and information Fox uses to argue against the rights of African Americans to be considered freeman comes from his incorrectly interpreted versions of historical documentation of the laws in Pennsylvania including Penn’s Colonial Charter of

²⁵⁰ Smith, Eric Ledell. “The End of Black Voting Rights in Pennsylvania: African Americans and the Pennsylvania Constitutional Convention of 1837-1838.” *Pennsylvania History: A Journal of Mid-Atlantic Studies* 65, no. 3 (1998): 282-283.

²⁵¹ Smith, “*The End of Black Voting Rights in Pennsylvania, 1780-1900*,” 283.

²⁵² Smith, “*The End of Black Voting Rights in Pennsylvania, 1780-1900*” 287.

²⁵³ Price, “*The Black Voting Rights Issue in Pennsylvania, 1780-1900*,” 358.

Privileges of 1701, the Galloway's Province Laws of 1705, and the Pennsylvania Constitutions of 1776 and 1790.

First, he sites Penn's Colonial Charter of Privileges of 1701 as founding a, "community of white men exclusively – an English Colony. But almost simultaneous with the settlement of the province, negro slavery was introduced to it."²⁵⁴ This is incorrect in three instances. One, Pennsylvania had not been founded first by the English, as had been a Swedish and Dutch controlled area before the British were given the land by treaty. Secondly, with the Dutch using slaves in the area that would become Pennsylvania, when the community was created by England, it was not exclusively white men from England since there would also likely be Dutch and enslaved Africans there. Third, with his use of, "almost simultaneous with the settlement of the province," Fox is trying to place English people's settlement of the land as happening just before enslavement was introduced, thus undercutting the truth that slavery had been there prior to British occupation.

Second, Fox interprets the 1705 Galloway's Province law's inclusion of the word, "negroes," to imply enslaved people because, "probably at that day, all negroes in Pennsylvania were slaves."²⁵⁵ By these means, Fox concludes that it is, "impossible to believe that the wretched negro could have been supposed to have any immunities, either under the charter from the king, or the charter of privileges."²⁵⁶ From these statements, it is factually incorrect to assume that all Black people in 1705 Pennsylvania were slaves. The first form of protest against slavery in the state occurred nearly twenty years prior to Galloway's Province laws, when in 1688 the

²⁵⁴ Fox, John. "Opinion of the Hon. John Fox, president judge of the judicial district composed of the counties of Bucks and Montgomery, against the exercise of Negro suffrage in Pennsylvania," 5.

²⁵⁵ Fox, John. "Opinion of the Hon. John Fox, president judge of the judicial district composed of the counties of Bucks and Montgomery, against the exercise of Negro suffrage in Pennsylvania," 5-6.

²⁵⁶ Fox, John. "Opinion of the Hon. John Fox, president judge of the judicial district composed of the counties of Bucks and Montgomery, against the exercise of Negro suffrage in Pennsylvania," 6.

Germantown protest occurred, marking the first anti-slavery protest in the state. Eight years later in 1696, the Society of Friends (Quakers) encouraged their members to no longer engage in enslavement. Just as plausible as it is to believe, “the word negro manifestly implies a slave,” it is plausible to assume that there had been manumission occurrences. This makes what was impossible in Fox’s mind a possibility since a manumission would then create a black man into a freeman.

Third, Fox places his interpretation of the 1776 Pennsylvania Constitution’s voting clause with incorrect or misleading historical context. He contends that since slavery was still legal, as the act for the gradual abolition of slavery was still four years in the future, that the constitution did not, “comprehend, free negroes among freemen. Who were to enjoy the rights of an elector, but left them as they found them, an abject and degraded race.”²⁵⁷ Fox also claims that the framers of the constitution acted as if, “no such being as negroes were in existence.”²⁵⁸ This is very misleading since there were black freemen in Pennsylvania prior to 1776, there was a price of \$30 to manumit ones slave in 1726, so it would not be possible to contend that there was never a free Black man. It is also incorrect to assume that the framers of the 1776 constitution acted as if there were no such thing as Black people considering Benjamin Franklin, whose sole name is at the bottom of the constitution, privately despised slavery starting at least by the 1760s. This provides that at least one of the framers acknowledged the existence of African Americans, thus making this statement null.

Even in the 1790 Constitution, which was the present constitution, Judge Fox incorrectly interprets the framer’s intentions about voting rights. When claiming that “certainly then there

²⁵⁷ Fox, John. “*Opinion of the Hon. John Fox, president judge of the judicial district composed of the counties of Bucks and Montgomery, against the exercise of Negro suffrage in Pennsylvania,*” 7.

²⁵⁸ IBID.

was no equality in their condition with the whites, who made them bond or free at their pleasure.”²⁵⁹ Through these interpretations of prior laws, Judge John Fox made it illegal for African Americans to vote on the basis that they were not considered, “freemen,” under that state’s constitution.

The issue of Black enfranchisement in Pennsylvania would become a topic of debate in the 1837-1838 State Constitution convention, where it was being sought to construct a new constitution. For this issue, judges took opinion from three lawyers, including two who had been members of the 1790 State Constitutional convention and were framers of the 1790 Constitution.²⁶⁰ In this constitutional convention, it was said that the convention has the right to discuss any issue that has been raised.²⁶¹ Included with this is the notion that enfranchisement laws were desired to be consistent all throughout the state.²⁶² On January 20, 1838, the man referred to as Mr. H had been one of those two lawyers present at the 1790 Constitutional Convention disagreed with the outcome of Judge John Fox’s conclusions from the Buck’s County case. Mr. H and the other lawyer who was present, “concurred in affirming the right of suffrage to the negro.”²⁶³ Despite framers of the 1790 State constitution dispelling the ruling from Judge Fox about the intent of the framers, the debate over whether African Americans would be allowed to vote continued with opponents of Black enfranchisement using Judge Fox’s opinion and drawing upon racial prejudices.²⁶⁴ Through this, it was noted that if African Americans were to be granted voting rights, then they would also be allowed to hold office and

²⁵⁹ Fox, John. “*Opinion of the Hon. John Fox, president judge of the judicial district composed of the counties of Bucks and Montgomery, against the exercise of Negro suffrage in Pennsylvania*,” 8.

²⁶⁰ Olbrich, Emil, “*The Development of Sentiment on Negro Suffrage to 1860*,” (Madison, WI., 1912), 19.

²⁶¹ 1837-1838 Pennsylvania Constitutional Convention Proceedings and Debates, Volume X, 1/20/1838, 97.

²⁶² IBID

²⁶³ IBID

²⁶⁴ Price, “*The Black Voting Rights Issue in Pennsylvania, 1780-1900*,” 360.

asserted that, “white citizens would never accept Blacks in these positions.”²⁶⁵ Democrats also warned that if African Americans were granted political equality it would cause an influx of “southern blacks who would expect equal treatment.”²⁶⁶

Before the Constitution went to a final vote, there were appeals for Black Enfranchisement, most notably of those was Robert Pervis’s, *Appeal of Forty Thousand Citizens Threatened with Disfranchisement*. This appeal begins by stating a warning for the future of all people in the State of Pennsylvania, that if any group of people can become disfranchised by the majority, then it poses the threat of despotism to all.²⁶⁷ In the appeal it is noted that in the 1790 State Constitution’s voting clause, that the option to include the term “white” was available, but it was stricken out at the convention, keeping the option constitutionally protected for African Americans to vote.²⁶⁸ Towards the conclusion of the Appeal, Pervis is trying to convey to the voters that their prejudices about the inferiority and stereotyping of Black people was wrong, and to prove his point, he listed the number of community advancing facilities including the number of Black churches, schools, and libraries.²⁶⁹ Within this final attempt to attack stereotypes, Pervis also includes information about “mutual relief” societies that, “expend upwards of \$7,000 annually, for the relief of their members when sick or disabled.”²⁷⁰

As the debate concluded and a vote was to be counted, for the additional suffrage article, the vote came out to “seventy-seven to forty-five,” and in the vote to approve the changes to the constitution, the results were a “113,971 to 112,759,” in favor of its ratification in a disheartening

²⁶⁵ IBID

²⁶⁶ Price, “*The Black Voting Rights Issue in Pennsylvania, 1780-1900*,” 361.

²⁶⁷ Pervis, Robert. “*Appeal of Forty Thousand Citizens, Threatened with Disfranchisement*.” (Philadelphia, PA., 1838.). 1.

²⁶⁸ Pervis, “*Appeal of Forty Thousand Citizens, Threatened with Disfranchisement*,” 5.

²⁶⁹ Pervis, “*Appeal of Forty Thousand Citizens, Threatened with Disfranchisement*,” 11.

²⁷⁰ Pervis, “*Appeal of Forty Thousand Citizens, Threatened with Disfranchisement*,” 11.

concrete inclusion of race as a requirement to vote.²⁷¹ From 1837 until ratification of the fifteenth amendment of the United States constitution by Pennsylvania, African Americans were denied their enfranchisement, the greatest notion to one's agency.

Following the enactment of the Gradual Abolition of Slavery in 1780, the question over the legality of Black enfranchisement within Pennsylvania's 1776 and 1790 constitutions would stay relatively untouched and uncontested, thus allowing local customs and officers to dictate the meaning of the constitution's suffrage laws. This allowed Black freemen to vote in areas where there was a low Black population, while in Philadelphia, a tax requirement barred free African Americans from voting. This changed following European immigrant's discontent with what they perceived as Black upward mobility. This led to an outcry by democrats after losing an 1837 election in Bucks County. The democrat's claim was voter fraud due to the permission of African Americans to vote in the country. This prompted a local judge, John Fox, to look over the state's constitution to conclude whether Black people were enfranchised. His decision came back negative after he incorrectly interpreted and assumed Pennsylvania history and legal documents. The question over Black enfranchisement would then be sent to a constitutional convention, where it was hoped by racist democrats that the suffrage clause in the state's constitution would be changed to have a race requirement. After debate and appeal between both parties, the new state constitution disfranchising African Americans was voted in and enacted, causing for African Americans to be without the greatest form of agency one can gain in a democratic society: the right to vote.

In doing this, Judge Fox effectively worked to erase and alter history by creating racist myth in justification for Black disfranchisement, dismissing the past century of anti-slavery

²⁷¹ Price, "*The Black Voting Rights Issue in Pennsylvania, 1780-1900*," 361-363.

efforts in the colony and state in order to return African Americans to second-class citizenship. This disfranchisement would not be overturned until the enactment of the 15th Amendment, leaving African Americans in Pennsylvania without full political agency for thirty-two years.

While the 1780 abolition bill was successful in eliminating slavery in Pennsylvania and was the first step towards the improvement of African Americans' lives in the United States, it was not a radical bill by any means. "If the 1780 law was a death sentence for slavery in the state," Gary Nash would observe, "it was a sentence with a two-generation grace period, and one meant both to avoid an abrupt or disruptive end of slavery and to accomplish abolition at little cost to those who claimed ownership over other human beings."²⁷² While the bill would allow for the eventual freedom of enslaved people's children, there would not be a time when the African American citizenry would have the same liberties as white Pennsylvanians since the last person to be enslaved in the state became free in 1847 and the alteration of the state constitution, barring African Americans from voting, was done in 1838.

²⁷² Nash and Soderlund, *Freedom By Degrees*, 111.