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Pennsylvania Legislation Relating to Slavery

Abstract

The following acts have been taken, complete or in part, from the published volumes of The Statutes At Large of Pennsylvania and Laws of Pennsylvania. These extracts are not all-inclusive, but do cover the years 1725/6-1847, from the province's first general statement of the legal standing of blacks, full-blooded and mixed, and the treatment to be afforded them, up to the state's rewritten and strengthened prohibition of the kidnapping of free blacks and the seizing of fugitive slaves. Included are not only acts showing the status and the protection of slaves, whether residents or sojourners, but also those requiring resident slaves' proper enumeration. Not every act shown necessarily aids in identifying slaveholders and/or slaves, the object of the foregoing study; rather, the importance lies in the chronology of the legislation, which tells the situation of blacks at important points, and in the continuing anomaly of the laws' permitting slavery to exist in the state throughout the entire period. [*excerpt*]

Keywords

Adams County Historical Society, ACHS, Adams County, Pennsylvania History, Slavery, Slave, Servitude, Freedom, Anti-Slavery, Bondage, Gradual Emancipation, Pennsylvania Emancipation

Appendix

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The following acts have been taken, complete or in part, from the published volumes of *The Statutes At Large of Pennsylvania and Laws of Pennsylvania*. These extracts are not all-inclusive, but do cover the years 1725/6-1847, from the province's first general statement of the legal standing of blacks, full-blooded and mixed, and the treatment to be afforded them, up to the state's rewritten and strengthened prohibition of the kidnapping of free blacks and the seizing of fugitive slaves. Included are not only acts showing the status and the protection of slaves, whether residents or sojourners, but also those requiring resident slaves' proper enumeration. Not every act shown necessarily aids in identifying slaveholders and/or slaves, the object of the foregoing study; rather, the importance lies in the chronology of the legislation, which tells the situation of blacks at important points, and in the continuing anomaly of the laws' permitting slavery to exist in the state throughout the entire period.

I. This records the prevalent sentiment toward people of black African derivation, both free and enslaved, at a time when Pennsylvania's government was still firmly in the control of Quakers, who are usually seen as timeless champions of anti-slavery. It is the earliest law which contains a broad coverage of the position in society of blacks and the law in place when people of European background began to settle in what would become Adams county, less than a decade after the law's passage. [Passed March 5, 1725 (1726 New Style).]

AN ACT FOR THE BETTER REGULATING OF NEGROES IN THIS PROVINCE.

Whereas it too often happens that negroes commit felonies and other heinous crimes which by the laws of this province are punishable by death, but the loss in such case falling

wholly on the owner is so great a hardship that sometimes may induce him to conceal such crimes or to convey his negro to some other place and so suffer him to escape justice, to the ill example of others to commit like offenses:

For remedy whereof:

[Section I.] Be it enacted by Sir William Keith, Baronet, Governor of the Province of Pennsylvania, &c., by and with the advice and consent of the freemen of the said Province in General Assembly met, and by the authority of the same, That if any negro owned by any of the inhabitants of this province shall hereafter be convicted of any capital crime for which he or she shall suffer death, the justices with the freeholders before whom he or she shall be convicted shall immediately upon such conviction value such negro, which value by them set shall be allowed and paid to the owner out of the duties, fines and penalties arising from this and one other act laying a duty on negroes imported into this province and no otherways, and the provincial treasurer is hereby empowered and required to pay the same by order under the said justices' hands, which said order they are hereby required to make, seal and deliver to the owner of any negro executed as abovesaid.

[Section II.] And be it enacted by the authority aforesaid, That from and after the twenty-fourth day of June, one thousand seven hundred and twenty-six, for every negro imported or brought into this province from the West Indies or any other place who shall or may have been transported or sent away for being principal or accessory to any felony or grand or petty larceny or other misdemeanors there shall be paid by the owner, importer or possessor the sum of five pounds over and above the five pounds duty laid by an act of assembly of this province passed this sessions, which said duty shall be paid to the officer appointed to collect and receive the said duty imposed by the said-recited act. And all masters of vessels or others bringing into this province any such negroes shall within the space of twenty-four hours make entry, and upon oath or affirmation give a true account to the said collector of the number of negroes by him or them imported or brought in and to whom they respectively belong, whereupon the said officer shall forthwith give notice thereof to any one or more of the justices of the peace for the city or county where such negroes are or shall be imported, which justice or justices are hereby empowered and required immediately by warrant or otherwise to call before him or them the said master, owner or other person or persons importing such negroes as aforesaid, and to examine him or them upon oath or affirmation in order to discover which or how many of the said negroes are liable to the said duty of ten pounds per head, and then the said justice or justices shall deliver or cause to be delivered to the said collector a certificate or list of the number of negroes so imported which shall appear to them or as they shall judge to be within the meaning of this act, and thereupon the said officer shall proceed to collect and recover the said duty or take bond for the same; and all masters of vessels and others bringing into this province any such negroes, as likewise the said collector and all other persons, shall and are hereby required to observe and comply with the directions of the said act, in and about the execution of this part of this act, and under the same exceptions, restrictions and penalties as is appointed and set down in and by the said-recited act, excepting where the same is hereby expressly altered or supplied.

And whereas 'tis found by experience that free negroes are an idle, slothful people and often prove burdensome to the neighborhood and afford ill examples to other negroes:

[Section III.] Therefore be it enacted by the authority aforesaid, That if any master or mistress shall discharge or set free any negro, he or she shall enter into recognizance at the respective county court with sufficient sureties in the sum of thirty pounds to secure and indemnify the city, township or county where he resides from any charge or incumbrance they may bring upon the same in case such negro by sickness or otherwise be rendered incapable to support him or herself, but until such recognizance be given such negroes shall not be deemed free.

And if any negro be made free by the will or testament of any person deceased, then the executor or executors of the deceased or some other person shall enter into the like recognizance as above immediately upon proving the said will, or otherwise the said negro shall not be deemed free.

[Section IV.] And be it further enacted by the authority aforesaid, That 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.

And if any negro be set free under the age of twenty-one years, or where there be any children of free negroes, it shall and may be lawful for the overseers of the poor and they are hereby ordered, with the assent of two or more justices of the peace, to bind out to service such negro or negroes, a man child until he comes to the age of twenty-four years, and a woman child to the age of twenty-one.

[Section V.] And be it further enacted by the authority aforesaid, That if any free negro or mulatto shall harbor or entertain any negro, Indian or mulatto slave or servant in his or her house without the leave and consent of their respective master or mistress, he or she shall forfeit and pay the sum of five shillings for the first hour and one shilling for every hour afterwards they shall be so harbored or entertained.

And if any free negro or mulatto shall barter, trade or anyways deal with any negro or other slave without license had as abovesaid, he or she shall make restitution to the party grieved and also be publicly whipped not exceeding twenty-one lashes.

[Section VI.] And be it further enacted by the authority aforesaid, That if any free negro or mulatto shall refuse or be unable to pay his or her fine or forfeiture as aforesaid, it shall and may be lawful to and for the justice before whom such matter is tried to order satisfaction by servitude.

[Section VII.] And be it further enacted by the authority aforesaid, That no minister, pastor or magistrate or other person whatsoever who according to the laws of this province usually [join] people in marriage shall upon any pretense whatsoever join in marriage any negro with any white person on the penalty of one hundred pounds.

[Section VIII.] And be it further enacted by the authority aforesaid, That if any white man or woman shall cohabit or dwell with any negro under pretense of being married, such white man or woman shall forfeit and pay the sum of thirty pounds or be sold for a servant not exceeding seven years by the justices of the respective county court, and the child or children of such white man or woman shall be put out to service as above directed until they come to the age of thirty-one years; and if any free negro man or woman shall intermarry with a white woman or man, such negro shall become slave during life, to be sold by order of the justices of the quarter-sessions of the respective county; and if any free negro man or woman shall commit fornication or adultery with any white man or woman, such negro or negroes shall be sold servant for seven years as abovesaid, and the white man or woman shall be punished as the law directs in cases of adultery or fornication.

And whereas a good regulation and suitable management of negroes is very much conducive to the safety and peace as well as advantage of those countries which are possessed of any number of them.

[Section IX.] Therefore be it enacted by the authority aforesaid, That if any negro shall at any time be found tippling or drinking in or near any house or shop where strong liquors are sold, or be found out of or absent from his master or mistress's house after nine o'clock at night without license from his said master or mistress, [he] shall be whipped on his or her bare back at his master's or owner's own cost, not exceeding ten lashes, by order of any justice of the peace.

[Section X.] And be it further enacted by the authority aforesaid, That whoever shall take up any negro above ten miles from his or her master or mistress's habitation who hath

not leave in writing from his or her said master or mistress or are not known to be on their service, he, she or they so taken up shall be whipped by order of any justice of the peace on the bare back at the owner's charge not exceeding ten lashes, and the taker-up shall have for his reward five shillings, with reasonable charge for carrying him or them home, paid by the master or mistress of the said negro.

[Section XI.] And be it enacted by the authority aforesaid, That no master or mistress of any negro shall hereafter for any reward, sum or sums of money stipulated and agreed upon betwixt them or upon any other pretense whatsoever permit or suffer his or their negroes to ramble about under pretense of getting work, give liberty to their negroes to seek their own employ and so go to work at their own wills, under the penalty of twenty shillings for every such offense.

[Section XII.] And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall employ or knowingly harbor, conceal or entertain other people's slaves at their houses, out-houses or plantations without the master or owner's consent, excepting in distress of weather or other extraordinary occasion, under the penalty of thirty shillings for every twenty-four hours he or she shall entertain or harbor him or them as aforesaid.

[Section XIII.] And be it further enacted by the authority aforesaid, That all the fines, forfeitures and penalties arising by this act shall go, one-half thereof for and towards the paying for negroes executed for capital offenses according to the direction of this act, to be paid into the hands of the provincial treasurer, and the other half thereof to the prosecutor; and shall be recovered in manner following, viz.: all those under forty shillings as other debts of the like value are recovered, and those above forty shillings to be recovered in any court of record in this province by bill, plaint or information, where no more than one impurance shall be allowed.

II. Reprinted here is Pennsylvania's law which eventually brought an end to forced servitude in the state. It was the first legislated statewide abolishment of slavery in the United States—Vermont prohibited slavery by its constitution in 1777, but was at the time an independent republic. By making abolition a drawn-out process, however, Pennsylvania allowed slavery to endure for more than three-quarters of a century after enactment. [Passed March 1, 1780.]

AN ACT FOR THE GRADUAL ABOLITION OF SLAVERY.

(Section I, P. L.) When we contemplate our abhorrence of that condition to which the arms and tyranny of Great Britain were exerted to reduce us, when we look back on the variety of dangers to which we have been exposed, and how miraculously our wants in many instances have been supplied and our deliverances wrought, when even hope and human fortitude have become unequal to the conflict, we are unavoidably led to a serious and grateful sense of the manifold blessings which we have undeservedly received from the hand of that Being from whom every good and perfect gift cometh. Impressed with these ideas, we conceive that it is our duty, and we rejoice that it is in our power, to extend a portion of that freedom to others, which hath been extended to us, and a release from that state of thralldom, to which we ourselves were tyrannically doomed, and from which we have now every prospect of being delivered. It is not for us to enquire why, in the creation of mankind,

the inhabitants of the several parts of the earth were distinguished by a difference in feature or complexion. It is sufficient to know that all are the work of an Almighty Hand. We find in the distribution of the human species that the most fertile as well as the most barren parts of the earth are inhabited by men of complexions different from ours and from each other, from whence we may reasonably, as well as religiously infer, that He, who placed them in their various situations, hath extended equally His care and protection to all, and that it becometh not us to counteract His mercies:

We esteem it a peculiar blessing granted to us, that we are enabled this day to add one more step to universal civilization by removing as much as possible the sorrows of those who have lived in undeserved bondage, and from which by the assumed authority of the Kings of Britain, no effectual legal relief could be obtained. Weaned by a long course of experience from those narrow prejudices and partialities we had imbibed, we find our hearts enlarged with kindness and benevolence towards men of all conditions and nations, and we conceive ourselves at this particular period extraordinarily called upon, by the blessings which we have received, to manifest the sincerity of our profession and to give substantial proof of our gratitude:

(Section II, P. L.) And whereas the condition of those persons who have heretofore been denominated negro and mulatto slaves, has been attended with circumstances which not only deprived them of the common blessings that they were by nature entitled to, but has cast them into the deepest afflictions by an unnatural separation and sale of husband and wife from each other, and from their children, an injury the greatness of which can only be conceived by supposing that we were in the same unhappy case. In justice, therefore, to persons so unhappily circumstanced, and who, having no prospect before them whereon they may rest their sorrows and their hopes, have no reasonable inducement to render that service to society which they otherwise might, and also in grateful commemoration of our own happy deliverance from that state of unconditional submission to which we were doomed by the tyranny of Britain:

[Section I.] (Section III, P. L.) Be it enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That all persons, as well negroes and mulattoes as others who shall be born within this state, from and after the passing of this act, shall not be deemed and considered as servants for life or slaves; and that all servitude for life or slavery of children in consequence of the slavery of their mothers, in the case of all children born within this state from and after the passing of this act as aforesaid, shall be and hereby is utterly taken away, extinguished and forever abolished.

[Section II.] (Section IV, P.L.) Provided always, and be it further enacted by the authority aforesaid, That every negro and mulatto child born within this state after the passing of this act as aforesaid who would in case this act had not been made, have been born a servant for years or life or a slave, shall be deemed to be and shall be, by virtue of this act the servant of such person or his or her assigns who would in such case have been entitled to the service of such child until such child shall attain unto the age of twenty-eight years, in the manner and on the conditions whereon servants bound by indenture for four years are or may be retained and holden, and shall be liable to like correction and punishment, and entitled to like relief in case he or she be evilly treated by his or her master or mistress, and to like freedom dues and other privileges as servants bound by indenture for four years are or may be entitled unless the person to whom the service of any such child shall belong shall abandon his or her claim to the same, in which case the overseers of the poor of the city, township or district, respectively where such child shall be so abandoned, shall [by indenture] bind out every child so abandoned as an apprentice for a time not exceeding the age hereinbefore limited for the service of such children.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid,

That every person who is or shall be the owner of any negro or mulatto slave or servant for life or till the age of thirty-one years, now within this state, or his lawful attorney shall, on or before the said first day of November next, deliver, or cause to be delivered, in writing to the clerk of the peace of the county or to the clerk of the court of record of the city of Philadelphia, in which he or she shall respectively inhabit, the name and surname and occupation or profession of such owner and the name of the county and township, district or ward wherein he or she resideth, and also the name and names of any such slave and slaves and servant and servants for life or till the age of thirty-one years, together with their ages and sexes severally and respectively set forth and annexed, by such person owned or statedly employed and then being within this state, in order to ascertain and distinguish the slaves and servants for life and years till the age of thirty-one years, within this state who shall be such on the said first day of November next, from all other persons, which particulars shall by said clerk of the sessions and clerk of said city court be entered in books to be provided for that purpose by the said clerks; and that no negro or mulatto now within this state shall, from and after the said first day of November, be deemed a slave or servant for life or till the age of thirty-one years unless his or her name shall be entered as aforesaid on such record except such negro and mulatto slaves and servants as are hereinafter excepted; the said clerk to be entitled to a fee of two dollars for each slave or servant so entered as aforesaid from the treasurer of the county, to be allowed to him in his accounts.

(Section VI, P. L.) Provided always, That any person in whom the ownership or right to the service of any negro or mulatto shall be vested at the passing of this act, other than such as are hereinbefore excepted, his or her heirs, executors, administrators and assigns, and all and every of them severally shall be liable to the overseers of the poor of the city, township or district to which any such negro or mulatto shall become chargeable, for such necessary expense, with costs of suit thereon, as such overseers may be put to through the neglect of the owner, master or mistress of such negro or mulatto, notwithstanding the name and other descriptions of such negro or mulatto shall not be entered and recorded as aforesaid; unless his or her master or owner shall, before such slave or servant attain his or her twenty-eighth year, execute and record in the proper county, a deed or instrument securing to such slave or servant his or her freedom.

[Section IV.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the offenses and crimes of negroes and mulattoes as well slaves and servants and [sic] [as] freemen, shall be inquired of, adjudged, corrected and punished in like manner as the offenses and crimes of the other inhabitants of this state are and shall be enquired of, adjudged, corrected and punished, and not otherwise, except that a slave shall not be admitted to bear witness against a freeman.

[Section V.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That in all cases wherein sentence of death shall be pronounced against a slave, the jury before whom he or she shall be tried shall appraise and declare the value of such slave, and in case such sentence be executed, the court shall make an order on the state treasurer, payable to the owner for the same and for the costs of prosecution, but in case of a remission or mitigation for the costs only.

[Section VI.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the reward for taking up runaway and absconding negro and mulatto slaves and servants and the penalties for enticing away, dealing with or harboring, concealing or employing negro and mulatto slaves and servants shall be the same, and shall be recovered in like manner as in case of servants bound for four years.

[Section VII.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That no man or woman of any nation or color, except the negroes or mulattoes who shall be registered as aforesaid shall at any time hereafter be deemed, adjudged or holden, within the territories of this commonwealth, as slaves or servants for life, but as free men and free

women, and except the domestic slaves attending upon delegates in Congress from the other American states, foreign ministers and consuls, and persons passing through or sojourning in this state, and not becoming resident therein; and seamen employed in ships, not belonging to any inhabitant of this state nor employed in any ship owned by any such inhabitant: [Provided such domestic slaves be not aliened or sold to any inhabitant] nor (except in the case of members of Congress, foreign ministers and consuls) retained in this state longer than six months.

[Section VIII.] (Section XI, P. L.) Provided always, and be it further enacted by the authority aforesaid, That this act, nor anything in it contained, shall not give any relief or shelter to any absconding or runaway negro or mulatto slave or servant, who has absented himself from his or her owner, master or mistress, residing in any other state or country, but such owner, master or mistress, shall have like right and aid to demand, claim and take away his slave or servant as he might have had in case this act had not been made. And that all negro and mulatto slaves now owned, and heretofore resident in this state, who have absented themselves or been clandestinely carried away, or who may be employed abroad as seamen, and have not returned or been brought back to their owners, masters or mistresses, before the passing of this act may, within five years be registered as effectually as is ordered by this act concerning those who are now within this state, on producing such slave before any two justices of the peace, and satisfying the said justices by due proof of the former residence, absconding, taking away or absence of such slave as aforesaid; who, thereupon, shall direct and order the said slave to be entered on the record as aforesaid.

(Section XII, P. L.) And whereas attempts may be made to evade this act by introducing into this state negroes and mulattoes bound by covenant to serve for long and unreasonable terms of years, if the same be not prevented:

[Section IX.] (Section XIII, P. L.) Be it therefore enacted by the authority aforesaid, That no covenant of personal servitude or apprenticeship whatsoever shall be valid or binding on a negro or mulatto for a longer term than seven years, unless such servant or apprentice were at the commencement of such servitude or apprenticeship under the age of twenty-one years; in which case such negro or mulatto may be holden as a servant or apprentice respectively according to the covenant, as the case shall be until he or she shall attain the age of twenty-eight years, but no longer.

[Section X.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That an act of assembly of the province of Pennsylvania, passed in the year one thousand seven hundred and five, entitled "An act for the trial of negroes," and another act of assembly of the said province, passed in the year one thousand seven hundred and twenty-five, entitled "An act for the better regulating of negroes in this province," and another act of assembly of the said province passed in the year one thousand seven hundred and sixty-one, entitled "An act for laying a duty on negro and mulatto slaves imported into this province," and also another act of assembly of the said province, passed in the year one thousand seven hundred and seventy-three, entitled "An act for making perpetual an act for laying a duty on negro and mulatto slaves imported into this province and for laying an additional duty on said slaves," shall be and are hereby repealed, annulled and made void.

III. This legislation records Pennsylvania's response to the federal government's call to each state to provide operating money for the year, with the added requirement that all inhabitants, black and white, be counted. In theory at least, this law could have given an accurate accounting of slaveholders and slaves in that year and in other years in which there was similar legislation; apparent differences in interpreting at the township level, however led to differences in recording. [Passed March 21, 1782.]

AN ACT TO RAISE EFFECTIVE SUPPLIES FOR THE YEAR
ONE THOUSAND SEVEN HUNDRED AND EIGHTY-TWO.

(Section I, P.L.) Whereas the United States of America in Congress assembled have, by their resolution of the thirtieth of October, demanded of the several states in union such effective supplies as may enable them to carry on the war with vigor and effect, and improve our late successes into a full establishment of independence and peace:

And whereas it is the desire of the representatives of the freemen of this state to comply with the said resolutions:

[Section VIII.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the assessor of each township, ward or district, with the two assistant freeholders, of the proper township, ward or district, shall, immediately after the said assessor shall become possessed of the quota or sum of money charged as aforesaid by the commissioners, assess the same equally and impartially on all and every person and persons and on all the estates, real and personal within their respective townships, wards and districts, made taxable by this act and shall make return thereof to the said commissioners before the expiration of ten days.

[Section IX.] (Section X, P. L.) And be it enacted by the authority aforesaid, That the following enumerated articles shall be, and are hereby made taxable and no other, to wit: The time of servitude of all bound servants above the age of fourteen years; all negro and mulatto slaves above the age of twelve years....

IV. This act seeks to prevent abuses of the 1780 abolition act by strengthening or amending some of its provisions: the trafficking of slaves in and outside Pennsylvania is further limited; resident slaves' children are to be registered soon after birth. The latter stipulation resulted in Adams county's two decades of recording the births of children of slave mothers. [Passed March 29, 1788.]

AN ACT TO EXPLAIN AND AMEND AN ACT ENTITLED
"AN ACT FOR THE GRADUAL ABOLITION OF SLAVERY."

(Section I, P. L.) For preventing many evils and abuses arising from ill disposed persons availing themselves of certain defects in the act for the gradual abolition of slavery passed on the first day of March in the year one thousand seven hundred and eighty:

[Section I.] (Section II, P. L.) Be it enacted, [and it is hereby enacted] by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That the exception contained in the tenth section of the aforesaid act relative to domestic slaves attending upon persons passing through or sojourning in this state and not becoming resident therein shall not be deemed or taken to extend to the slaves of such persons as are inhabitants of or resident in this state or who shall come here with an intention to settle and reside, but that all and every slave and slaves who shall be brought into this state by persons inhabiting or residing therein or intending to inhabit or reside therein shall be immediately considered, deemed and taken to be free to all intents and purposes.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That no negro or mulatto slave or servant for term of years (except as in the last exception of the tenth section of the said act is excepted) shall be removed out of this state with the design and intention that the place of abode or residence of such slave or servant shall be

thereby altered or changed or with the design and intention that such slave or servant if a female and pregnant shall be detained and kept out of this state till her delivery of the child of which she is or shall be pregnant or with the design and intention that such slave or servant shall be brought again into this state, after the expiration of six months from the time of such slave or servant having been first brought into this state without his or her consent, if of full age, testified upon a private examination before two justices of the peace of the city or county in which he or she shall reside, or being under the age of twenty-one years, without his or her consent testified in manner aforesaid, and also without the consent of his or her parents if any such there be, to be testified in like manner aforesaid, whereof the said justices or one of them shall make a record and deliver to the said slave or servant a copy thereof, containing the name, age, condition and then place of abode of such slave or servant, the reason of such removal and the place to which he or she is about to go. And if any person or persons whatever shall sell or dispose of any such slave or servant to any person out of this state or shall send or carry or cause to be sent or carried any such slave or servant out of this state for any of the purposes aforesaid, whereby such slave or servant would lose those benefits and privileges which by the laws of this state are secured to him or her and shall not have obtained all such consent as by this act is required testified in the manner before mentioned, every such person and persons, his and their aiders and abettors shall severally forfeit and pay for every such offence the sum of seventy-five pounds to be recovered in any court of record by action of debt, bill, plaint, or information at the suit of any person who will sue for the same, one moiety thereof when recovered for the use of the plaintiff, the other moiety for the use of the poor of the city, township or place from which such slave or servant shall be taken and removed.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all persons who now are or hereafter shall be possessed of any child or children born after the first day of March, one thousand seven hundred and eighty, who would by the said act be liable to serve till the age of twenty-eight years, shall on or before the first day of April one thousand seven hundred and eighty-nine, or within six months next after the birth of any such child, deliver or cause to be delivered in writing to the clerk of the peace of the county, or the clerk of the court of record of the city of Philadelphia in which they shall respectively inhabit the name, surname and occupation or profession of such possessor and of the county, township, district or ward in which they reside and also the age (to the best of his or her knowledge) name and sex of every such child or children, under the pain and penalty of forfeiting and losing all right and title to every such child and children, and of him, her or them immediately becoming free, which said return or account in writing shall be verified by the oath or affirmation of the party which the said clerks are hereby respectively authorized and required to administer, and the said clerks shall make and preserve records thereof, copies and extracts of which shall be good evidence in all courts of justice when certified under their hands and seals of office. For which oath or affirmation and entry or extract the said clerks shall be respectively entitled to one shilling and sixpence and no more, to be paid by him or her who shall so as aforesaid make such entry or demand the extract aforesaid:

And whereas the practice of separating which is too often exercised by the masters and mistresses of negro and mulatto slaves or servants for term of years, in separating husbands and wives and parents and children, requires to be checked so far as the same may be done without prejudice to such masters or mistresses.

[Section V.] (Section VI, P. L.) Be it enacted by the authority aforesaid, That if any owner or possessor of any negro or mulatto slave or slaves or servant or servants for term of years shall from and after the first day of June next separate or remove or cause to be separated or removed a husband from his wife, a wife from her husband, a child from his or her parent or a parent from child, of any or either of the descriptions aforesaid, to a greater distance than ten miles with the design and intention of changing the habitation or place of

abode of such husband, or wife, parent or child, unless such child shall be above the age of four years or unless the consent of such slave or servant for life or years shall have been obtained and testified in the manner hereinbefore described, such person or persons shall severally forfeit and pay the sum of fifty pounds with costs of suit for every such offense to be recovered by action of debt, bill, plaint or information, in the supreme court or in any court of common pleas, at [the] suit of any person who will sue for the same, one moiety thereof when recovered, for the use of the plaintiff the other moiety for the use of the poor of the city, township or place from which such husband or wife, parent or child shall have been taken or removed.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall from and after the passing of this act by force or violence take and carry or cause to be taken and carried, or shall by fraud, seduce or cause to be seduced, any negro or mulatto from any part or parts of this state to any other place or places whatsoever with a design and intention of selling and disposing or of causing to be sold, or of keeping and detaining, or of causing so to be, as a slave or servant for term of years, any such person and persons, their aiders and abettors, shall on conviction thereof in any court of quarter sessions for any city or county within this commonwealth forfeit and pay the sum of one hundred pounds to the overseers of the poor of the city or township from which such negro or mulatto shall have ben taken or seduced as aforesaid and shall also be confined at hard labor for any time not less than six months nor more than twelve months and until the costs of prosecution shall be paid.

V. This law describes Pennsylvania's septennial census of taxable residents, in place since 1779, which adds for the first time the requirement that all slaves be counted also. Similar provisions appear in the state census acts of 1807, 1814, and 1821. The law permits the accurate number of slaves who were considered taxable property in those census years to be known, had each township and borough reported as directed. [Passed March 7, 1800.]

AN ACT TO PROVIDE FOR THE ENUMERATION OF THE TAXABLE
INHABITANTS AND SLAVES WITHIN THIS COMMONWEALTH.

Whereas it is ordained and established by the fourth section of the constitution of this commonwealth "that, within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law." Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the several counties of this commonwealth shall, on or before the first day of June next, issue their precepts to the respective township, town and ward assessors, or in case of their absence or inability, to one of the assistant assessors, requiring them, within sixty days after the date of such precept, to make out two complete lists, in alphabetical order, containing a just and true account of the names and surnames of every taxable person of the age of twenty-one years and upwards, whether male or female, resident within their respective township, town, wards, or districts; and it shall also be the duty of the said commissioners and assessors to cause the number of all negroes, mulattoes and people of color, held as slaves within their respective counties, to be carefully and accurately taken in a separate list, distinguishing their sexes, and, as near as may be, their several ages....

VI. The legislation here repeats the provisions of the 1820 act to prevent kidnapping. It also details the legal steps necessary for the removal of fugitive slaves from Pennsylvania. For the first time, it guarantees fugitives the right of habeas corpus. This law was a major factor in many ensuing tense, even violent, situations in the state. In 1842, the United States Supreme Court, on appeal, found part of this act to be in direct opposition to the 1793 federal law relating to fugitives and declared it unconstitutional. [Approved March 25, 1826.]

[In 1837, Edward Prigg, agent for a Maryland slave owner, seized Margaret Morgan and her children in York county and took them out of the state, not however in accordance with Pennsylvania law. Prigg insisted that by federal law he was entitled to return the woman, who had reportedly escaped from her master in 1832. Prigg was indicted for kidnapping, then tried and convicted in York. He appealed, and the state of Maryland joined in his efforts through the court system of Pennsylvania. The State Supreme Court eventually upheld Prigg's conviction, but the appeals did not stop with that. Ultimately, the highest court in the land found in favor of Prigg.]

AN ACT TO GIVE EFFECT TO THE PROVISIONS OF THE CONSTITUTION
OF THE UNITED STATES, RELATIVE TO FUGITIVES FROM LABOR,
FOR THE PROTECTION OF FREE PEOPLE OF COLOR,
AND TO PREVENT KIDNAPPING.

Sect.1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same, That if any person or persons shall from and after the passing of this act, by force or violence, take and carry away, or cause to be taken or carried away, and shall by fraud or false pretence, seduce, or cause to be seduced, or shall attempt so to take, carry away, or seduce, any negro or mulatto from any part or parts of this commonwealth, to any other place or places, whatsoever, out of this commonwealth, with a design and intention of selling and disposing of, or of causing to be sold, or of keeping and detaining, or of causing to be kept and detained, such negro or mulatto, as a slave or servant for life, or for any term, whatsoever, every such person or persons, his or their aiders and abettors, shall on conviction thereof in any court of this commonwealth, having competent jurisdiction, be deemed guilty of a felony, and shall forfeit and pay, at the discretion of the court passing the sentence, any sum not less than five hundred, nor more than two thousand dollars, one half whereof shall be paid to the person or persons who shall prosecute for the same, and the other half to this commonwealth; and, moreover, shall be sentenced to undergo a servitude for any term or time not less than seven years, nor exceeding twenty-one years, and shall be confined, and kept to hard labor, fed and clothed, in the manner as is directed by the penal laws of this commonwealth for persons convicted of robbery.

Sect.2. And be it further enacted by the authority aforesaid, That if any person or persons shall hereafter knowingly sell, transfer, or assign, or shall knowingly purchase, take a transfer or assignment, of any negro or mulatto, for the purpose of fraudulently removing, exporting, or carrying such negro or mulatto out of this state, with the design or intent by fraud or false pretences of making him or her a slave or servant for life, or for any term, whatsoever, every person so offending shall be deemed guilty of a felony, and on conviction thereof, shall forfeit and pay a fine of not less than five hundred dollars, nor more than two thousand dollars, one half whereof shall be paid to the person or persons who shall prosecute for the same, and the other half to this commonwealth; and, moreover, shall be sentenced, at the discretion of the court, to undergo a servitude for any term or time not less than seven years nor exceeding twenty-one years, and shall be confined, kept to hard labor, fed and clothed, in the manner as is directed by the penal laws of this commonwealth for persons convicted of robbery.

Sect.3. And be it further enacted by the authority aforesaid, That when a person held to labor or service in any of the United States, or in either of the territories thereof, under the laws thereof, shall escape into this commonwealth, the person to whom such labor or service is due, his or her duly authorised agent or attorney, constituted in writing, is hereby authorised to apply to any judge, justice of the peace, or alderman, who on such application, supported by the oath or affirmation of such claimant, or authorised agent or attorney, as aforesaid, that the said fugitive hath escaped from his or her service, or from the service of the person for whom he is duly constituted agent or attorney, shall issue his warrant under his hand and seal, and directed to the sheriff or any constable of the proper city or county, authorising and empowering said sheriff, or constable, to arrest and seize the said fugitive, who shall be named in said warrant, and to bring said fugitive before a judge of the proper county, which said warrant shall be in the form or to the effect following: [Here is shown the form of the warrant to the sheriff or constable.]

Sect.4. And be it further enacted by the authority aforesaid, That no judge, justice of the peace or alderman, shall issue a warrant, on the application of any agent or attorney, as provided in the said third section, unless the said agent or attorney shall, in addition to his own oath or affirmation, produce the affidavit of the claimant of the fugitive, taken before and certified by a justice of the peace or other magistrate authorised to administer oaths, in the state or territory in which such claimant shall reside, and accompanied by the certificate of the authority of such justice or other magistrate, to administer oaths, signed by the clerk or prothonotary, and authenticated by the seal of a court of record, in such state or territory, which affidavit shall state the said claimant's title, to the service of such fugitive, and also the name, age and description of the person of such fugitive.

Sect.5. And be it further enacted by the authority aforesaid, That it shall be the duty of any judge, justice of the peace or alderman, when he grants or issues any warrant under the provisions of the third section of this act, to make a fair record on his docket, of the same, in which he shall enter the name and place of residence of the person on whose oath or affirmation the said warrant may be granted and also if an affidavit shall have been produced, under the provisions of the fourth section of this act, the name and place of residence of the person making such affidavit, and the age and description of the person of the alledged fugitive contained in such affidavit, and shall within ten days thereafter, file a certified copy thereof in the office of the clerk of the court of general quarter sessions of the peace or mayor's court, of the proper city or county; and any judge, justice of the peace or alderman, who shall refuse, or neglect to comply with the provisions of this section, shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not exceeding one thousand dollars, one half to the party prosecuting for the same, and the other half to the commonwealth; and that any sheriff or constable, receiving and executing the said warrant, shall without unnecessary delay, carry the person arrested before the judge, according to the exigency of the warrant; and any sheriff or constable, who shall refuse or wilfully neglect so to do, shall on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not exceeding five hundred dollars, one half to the party prosecuting for the same, and the other half to the commonwealth, or shall also be sentenced to imprisonment, at hard labor, for a time not exceeding six months, or both.

Sect.6. And be it further enacted by the authority aforesaid, That the said fugitive from labor or service, when so arrested, shall be brought before a judge, as aforesaid, and upon proof, to the satisfaction of such judge, that the person so seized or arrested, doth, under the laws of the state or territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge to give a certificate thereof, to such claimant, his or her duly authorised agent or attorney, which shall be sufficient warrant for removing the said fugitive to the state or territory from which he or she fled: Provided,

That the oath of the owner or owners, or other person interested, shall in no case be received in evidence, before the judge, on the hearing of the case.

Sect.7. And be it further enacted by the authority aforesaid, That when the fugitive shall be brought before the judge, agreeably to the provisions of this act, and either party allege, and prove to the satisfaction of the said judge, that he or she is not prepared for trial, and have testimony material to the matter in controversy that can be obtained in a reasonable time, it shall and may be lawful, unless security, satisfactory to the said judge, be given, for the appearance of the said fugitive, on a day certain, to commit the said fugitive to the common jail for safe keeping, there to be detained at the expense of the owner, agent or attorney, for such time as the said judge shall think reasonable and just, and to a day certain, when the said fugitive shall be brought before him by habeas corpus, in the court house of the proper county, or in term time, at the chamber of the said judge, for final hearing and adjudication: Provided, That if the adjournment of the hearing be requested by the claimant, his agent or attorney, such adjournment shall not be granted, unless the said claimant, his agent or attorney, shall give security, satisfactory to the judge, to appear and prosecute his claim, on the day to which the hearing shall be adjourned: Provided, That on the hearing last mentioned, if the judge committing the said fugitive, or taking the security as aforesaid, should be absent, sick or otherwise unable to attend, it shall be the duty of either of the other judges, on notice given, to attend to the said hearing, and to decide thereon.

Sect. 8. And be it further enacted by the authority aforesaid, That the officers which may or shall be employed in the execution of the duties of this act, shall be allowed the same fees for service of process, that sheriffs within this commonwealth are now allowed for serving process in criminal cases, and two dollars and fifty cents per day, for each and every day necessarily spent in performing the duties enjoined on them by this act, to be paid by the owner, agent or attorney, immediately on the performance of the duties aforesaid.

Sect. 9. And be it further enacted by the authority aforesaid, That no alderman or justice of the peace of this commonwealth, shall have jurisdiction, or take cognizance of the case of any fugitive from labor, from any of the United States or territories, under a certain act of congress, passed on the twelfth day of February, one thousand seven hundred and ninety-three, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters;" nor shall any alderman or justice of the peace, of this commonwealth, issue or grant any certificate or warrant of removal, of any such fugitive from labor, as aforesaid, except in the manner and to the effect provided in the third section of this act, upon the application, affidavit or testimony of any person or persons whatsoever, under the said act of congress, or under any other law, authority or act of the congress of the United States; and if any alderman or justice of the peace of this commonwealth, shall contravene the provisions of this act, take cognizance or jurisdiction of the case of any such fugitive as aforesaid, except in the manner herein before provided, or shall grant or issue any certificate or warrant of removal as aforesaid, then, and in either case, he shall be deemed guilty of a misdemeanor in office, and shall on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not less than five hundred dollars, nor exceeding one thousand dollars, the one half to the party prosecuting for the same, and the other half to the use of this commonwealth.

Sect. 10. And be it further enacted by the authority aforesaid, That it shall be the duty of the judge or recorder, of any court of record of this commonwealth, when he grants or issues any certificate or warrant of removal, of any negro or mulatto, claimed to be a fugitive from labor, to the state or territory from which he or she fled, in pursuance of an act of congress, passed on the twelfth day of February, one thousand seven hundred and ninety-three, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," and of this act, to make a fair record of the same, in which he shall

enter the name, age, sex and a general description of the person of the negro or mulatto, for whom he shall grant such certificate or warrant of removal, together with the evidence and the name of places of residence of the witnesses, and the party claiming such negro or mulatto, and shall within ten days thereafter, file a certified copy thereof, in the office of the clerk of the court of general quarter sessions of the peace, or mayors court of the city or county in which he may reside.

Sect. 11. And be it further enacted by the authority aforesaid, That nothing in this act contained, shall be construed as a repeal or alteration of any part of an act of assembly, passed on the first day of March, one thousand seven hundred and eighty, entitled "An act for the gradual abolition of slavery," except the eleventh section of said act, which is hereby repealed and supplied, nor of any part of an act of assembly, passed on the twenty-eighth day of March, one thousand seven hundred and eighty-eight, entitled "An act to explain and amend an act for the gradual abolition of slavery," except the seventh section of this last mentioned act, which is hereby supplied and repealed.

VII. This represents another attempt to stop abuses of prior fugitive slave legislation by additional restrictions on slave traders and catchers. [Approved April 17, 1827.]

AN ACT TO PREVENT CERTAIN ABUSES OF THE LAWS
RELATIVE TO FUGITIVES FROM LABOUR.

Whereas, It is represented to the legislature, that abuses of the several acts of congress and of this state, relative to fugitives from labor or service have been committed by persons who have purchased fugitives, alledged to be the slaves and property of inhabitants of other states, and have afterwards under color of such purchases arrested or caused to be arrested such fugitives within the limits of this state: And whereas, The traffic in slaves, now abhorred by all the civilized world, ought not in the slightest degree to be tolerated in the state of Pennsylvania: Therefore,

Sect.1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all sales that shall hereafter be made within this state of any fugitive or fugitives from service or labor, who at the time of such sale or sales shall be within the limits of this state, shall be utterly null and void; and if any person or persons, under color or pretence of any such sale or sales, shall seize, arrest, or by intimidation, seduction or fraud shall remove or cause to be removed from this state, any such fugitive or fugitives thus sold or attempted to be sold, he, she or they so offending, shall forfeit and pay the sum of five hundred dollars, one half thereof to the use of the commonwealth, and the other half to the use of any person who shall sue for the same.

VIII. This act revises the 1826 kidnapping law that was declared unconstitutional. Its language is stronger and its restrictions more sweeping, forbidding private citizen and law officer alike from taking any steps leading to the removal from Pennsylvania of fugitive slaves. It also repeals the said 1826 act, as well as those parts of the 1780 abolition act which authorized the bringing into and the keeping of slaves in the state under certain conditions and which denied slaves the right to bear witness. After the passage of this

act, the only slaves permissible in Pennsylvania were her own, those born before abolition and those born to slave mothers after it. Already attractive to southern slaves as a place of relative safety en route to more distant destinations or as a permanent home, Pennsylvania became more so after the passage in 1850 of a stronger, harsher federal fugitive slave act. Traffic on the underground railroad increased; some of its routes and stations were in Adams county. [Approved March 3, 1847.]

AN ACT TO PREVENT KIDNAPPING, PRESERVE THE PUBLIC PEACE,
PROHIBIT THE EXERCISE OF CERTAIN POWERS HERETOFORE
EXERCISED BY JUDGES, JUSTICES OF THE PEACE, ALDERMEN AND
JAILORS IN THIS COMMONWEALTH, AND TO REPEAL CERTAIN SLAVE LAWS.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That if any person or persons shall, from and after the passage of this act, by force or violence take and carry away, or cause to be taken or carried away, and shall by fraud or false pretence entice or cause to be enticed, or shall attempt so to take, carry away or entice any free negro or mulatto, from any part or parts of this commonwealth, to any other place or places whatsoever out of this commonwealth, with a design and intention of selling and disposing of, or of causing to be sold, or of keeping and detaining, or of causing to be kept and detained, such free negro or mulatto as a slave or servant for life, or for any term whatsoever, every such person or persons, his or their aiders and abettors, shall be deemed guilty of high misdemeanor, and on conviction thereof, in any court of quarter sessions of this commonwealth, having competent jurisdiction, shall be sentenced to pay, at the discretion of the court passing the sentence, any sum not less than five hundred nor more than two thousand dollars; one half whereof shall be paid to the person or persons who shall prosecute for the same, and the other half to this commonwealth; and moreover, shall be sentenced to undergo a punishment, by solitary confinement in the proper penitentiary, at hard labor, for a period not less than five years, nor exceeding twelve years; and on conviction of the second offence of the kind, the person so offending shall be sentenced to pay a like fine, and undergo a punishment, by solitary confinement in the penitentiary, for twenty-one years.

Section 2. That if any person or persons shall hereafter knowingly sell, transfer or assign, or shall knowingly purchase, take a transfer or assignment of any free negro or mulatto, for the purpose of fraudulently removing, exporting, or carrying such free negro or mulatto out of this state, with the design or intent, by fraud or false pretences, of making him or her a slave or servant for life, or for any term whatsoever, every person so offending shall be deemed guilty of a high misdemeanor, and on conviction thereof, in any court of quarter sessions of this commonwealth, shall be sentenced by such court to pay a fine of not less than five hundred dollars, nor more than two thousand dollars; one half whereof shall be paid to the person or persons who shall prosecute for the same, and the other half to this commonwealth; and moreover, shall be sentenced, at the discretion of the court, to undergo a punishment by solitary confinement, at hard labor, in the proper penitentiary, for a period not less than five years nor exceeding twelve years.

Section 3. That no judge of any of the courts of this commonwealth, nor any alderman or justice of the peace of said commonwealth, shall have jurisdiction, or take cognizance of the case of any fugitive from labor from any of the United States or territories, under a certain act of congress, passed on the twelfth day of February, one thousand seven hundred and ninety-three, entitled "An Act respecting fugitives from justice, and persons

escaping from the service of their masters;" nor shall any such judge, alderman or justice of the peace of this commonwealth, issue or grant any certificate or warrant of removal of any such fugitive from labor, under the said act of congress, or under any other law, authority or act of the congress of the United States; and if any alderman or justice of the peace of this commonwealth, shall take cognizance or jurisdiction of the case of any such fugitive, or shall grant or issue any certificate or warrant of removal as aforesaid, then, and in either case, he shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not less than five hundred dollars, nor exceeding one thousand dollars; the one half to the party prosecuting for the same, and the other half to the use of this commonwealth.

Section 4. That if any person or persons claiming any negro or mulatto, as fugitive from servitude or labor, shall, under any pretence of authority whatsoever, violently and tumultuously seize upon and carry away to any place, or attempt to seize and carry away in a riotous, violent, tumultuous and unreasonable manner, and so as to disturb or endanger the public peace, any negro or mulatto within this commonwealth, either with or without the intention of taking such negro or mulatto before any district or circuit judge, the person or persons so offending against the peace of this commonwealth, shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court of quarter sessions of this commonwealth, shall be sentenced by such court to pay a fine of not less than one hundred dollars, nor more than one thousand dollars, with costs of prosecution; and further, to be confined in the county jail for any period, at the discretion of the court, not exceeding three months.

Section 5. That nothing in this act shall be construed to take away what is hereby declared to be invested in the judges of this commonwealth, the right, power and authority, at all times, on application made, to issue the writ of habeas corpus, and to inquire into the causes and legality of the arrest or imprisonment of any human being within this commonwealth.

Section 6. It shall not be lawful to use any jail or prison of this commonwealth, for the detention of any person claimed as a fugitive from servitude or labor, except in cases where jurisdiction may lawfully be taken by any judge, under the provisions of this act; and any jailor or keeper of any prison, or other person, who shall offend against the provisions of this section, shall, on conviction thereof, pay a fine of five hundred dollars; one-half thereof for the use of the commonwealth, and the other half to the person who prosecutes; and shall, moreover, thenceforth be removed from office, and be incapable of holding such office of jailor or keeper of a prison, at any time during his natural life.

Section 7. That so much of the act of the general assembly, entitled "An act for the gradual abolition of slavery," passed the first day of March, one thousand seven hundred and eighty, as authorizes the masters or owners of slaves to bring and retain such slaves within this commonwealth, for the period of six months, in involuntary servitude, or for any period of time whatsoever; and so much of said act as prevents a slave from giving testimony against any person whatsoever, be and the same is hereby repealed.

Section 8. That the act passed March twenty-fifth, eighteen hundred and twenty-six, and all laws of this commonwealth which are hereby altered, be and the same are hereby repealed.