

FREEDOM AND UNFREEDOM IN THE “GARDEN OF AMERICA:”

SLAVERY AND ABOLITION IN NEW JERSEY, 1770-1857

by

James J. Gigantino II

(Under the Direction of Allan Kulikoff)

ABSTRACT

This dissertation examines abolition in New Jersey between 1770 and 1857. It argues that the American Revolution did not lead white New Jerseyans to abolish slavery. Instead, the Revolutionary War and the years following it reinforced the institution of slavery in the Garden State. This dissertation first focuses on the factors that led New Jersey to pass the Gradual Abolition Act of 1804, specifically the rise of Jeffersonian Republicanism and the influence of Quaker abolition activists and then examines the elongated abolition period which followed the enactment of gradual abolition, beginning with the role of the children born under the law, those who I call slaves for a term. The role these children played in early national America challenges our understandings of slavery and freedom. Instead of a quick abolition process, slaves and slaves for a term in New Jersey continued to serve their masters in significant numbers until the 1840s and then in smaller proportions until the eve of the Civil War. The existence of slavery in a free state challenges our understanding of the rise of capitalism in the early republic as well as the role the North played in debates over nationwide slavery issues beginning in the 1820s. This long-standing relationship to slavery helped prevent the formation of a strong abolitionist base in

the 1830s and influenced Northern images of African Americans until the Civil War. Abolition in the North became very much a process, one of fits and starts which stretched from the Revolution to the Civil War and defined how Americans, white and black, understood their place in the new republic.

INDEX WORDS: New Jersey, Slavery, African Americans, Abolitionism, Gradual Abolition, Gradual Emancipation, American Revolution, Early Republic, Antebellum, Capitalism

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DEDICATION

To my parents, Lois and Jim Gigantino,
who have helped make me the man I am today

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This project began in the spring of 2005 ironically not in a course on early America but in Jim Cobb's recent United States history research seminar. After reading C. Vann Woodward's *Strange Career of Jim Crow* and his one short paragraph on the "virtually abolished" institution of slavery in the North made me pursue this topic for that seminar paper. Jim Cobb graciously stretched the definition of "recent history" and allowed me work on this project which engulfed my life for the last five years.

After I decided to pursue slavery in New Jersey as a dissertation topic, Allan Kulikoff readily volunteered to become my advisor, something for which I will be eternally grateful. I could have hoped for few better than him to help me grow as a historian. With a towering intellect unmatched by anyone I have ever met (or probably ever will), he has read each chapter far too many times than he probably needed to. With each draft, he challenged me to think about my work in the larger context of early America and made it, by far, better than it ever could have been without him. I thank him for everything.

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Figure 1: State of New Jersey (County Lines 1753-1824): Map created by R. Ryan Lash with information from Minnesota Population Center. *National Historical Geographic Information System: Pre-release Version 0.1*. Minneapolis, MN: University of Minnesota, 2004.

INTRODUCTION

In 1789, Catherine entered the world a slave in Hunterdon County, New Jersey. Like the thousands of other slaves in the Garden State, she worked day in and day out for her master, John Hagaman. Cate, as her master called her, forged relationships with other slaves in her surrounding community and at age twenty-two in 1811, bore her first child, a boy named Bob. Four years later, Catherine welcomed another addition to her family, a daughter named Hannah. Raising her children in Hunterdon County in the late 1810s and the 1820s, Catherine's day-to-day life resembled the experiences of slaves in New Jersey dating back to the first half of the seventeenth century, when Dutch settlers brought their slaves across the Hudson River from the colony at New Netherland. However, the date in which Catherine raised her family in New Jersey should cause significant pause: how could a slave and her family live in the Garden State at the same time the nation debated the Missouri Compromise and several decades after the New Jersey legislature enacted gradual abolition?¹

Growing up in suburban New Jersey, my teachers regaled our classes with intricate details of the Revolutionary battles at Trenton and Princeton and the idea that the Revolution had created freedom for all Americans. Numerous grade school field trips to Morristown and Monmouth solidified my young belief that the Revolution had been this magical event that transformed American society from unfreedom under the British to freedom under the new

¹ For information on Catherine, see Bill of Sale, John Hagaman to Charles Sutphin, February 16, 1856 regarding "slave for life" Catherine, Hunterdon County Slave Births, Manumissions, and Miscellaneous Records, Hunterdon County Historical Society (hereafter cited as HCHS). For birth records of Catherine's two children, see Hunterdon County Birth Certificates of Children of Slaves, New Jersey State Archives (hereafter cited as NJSA); Graham Hodges, *Root and Branch: African Americans in New York and East Jersey* (Chapel Hill: University of North Carolina Press, 1999), 6-33.

Patriot government. Not surprisingly, during an eighth grade school assembly when two Civil War reenactors visited our school and asked which one of them represented the “good guy,” I clearly answered the man wearing the blue uniform. I remember being shocked when the duo told us they had just talked to a group of eighth graders in Virginia and they had pointed not to the blue uniform but to the grey. Of course, I thought, New Jersey never had slavery. New Jerseyans had fought for the Union and the forces of right, those Virginians had to be wrong.

But then there remains Catherine. How does her story fit into our current historical understanding of slavery in the North? How does she fit into that naïve eighth grade understanding of antebellum America? Indeed, she becomes even more fascinating as by 1840, Catherine, without her children living with her, moved with her master to the neighboring town of Raritan. Curiously, after another ten years with Hagaman, the 1850 census recorded Catherine, now sixty-two, as a free woman. Somehow then, she had seemingly righted the unequal balance between slave and free. However, six years later, on February 16, 1856, Hagaman sold sixty-seven year old Catherine, his “slave for life,” for twenty dollars to Charles Sutphin of Sommerville as Hagaman prepared to move with his son Dennis and daughter-in-law Mary to Joshua, Illinois, forty miles west of Peoria.²

Catherine’s life as a slave and her 1856 sale challenge historians to rethink how Northern society looked in the years following the American Revolution. One visitor to the Garden State, Francisco de Miranda, the Spanish general, American ally, and future liberator of Venezuela, remarked how amazed he was at the state of Northern society when he came to New Jersey in 1783-84, a few years before Catherine was born. In his journal, he wrote that he had not

² Bill of Sale, John Hagaman to Charles Sutphin, February 16, 1856 regarding “slave for life” Catherine, Hunterdon County Slave Births, Manumissions, and Miscellaneous Records, HCHS. United States Census Schedules, 1830, 1840, 1850, 1860 for Amwell, New Jersey, Raritan, New Jersey, and Joshua, Illinois.

“encountered an individual who was ill clothed, hungry, sick, or idle.”³ Out of all of the places he had visited during his trip to America, de Miranda had never “seen any other place in which the people appear happier and on more of an equality” than New Jersey.⁴ Indeed, according to de Miranda, New Jersey was truly “the garden of America” as everyone sustained a high standard of living with few class divisions.⁵

De Miranda painted a very different image than the life many New Jersey slaves experienced. How then do we understand Catherine’s life in the midst of “the garden of America?” In a state where most scholars believed slavery had died off by the early nineteenth century, how did a “slave for life” continue in that condition through early 1856, only five years before the Civil War began? Is Catherine simply a historical oddity? An anachronism? Or is she something more?

In 1967, Arthur Zilversmit addressed the curious case of Northern slavery in his expansive work *The First Emancipation*. In a climate of newfound historical discoveries on slave rebellion and community, Zilversmit hoped to contrast the attitudes and experiences of those slaves who gained freedom in the wake of the Revolution to those in the South who gained it after the destructiveness of the American Civil War. In a detailed and political oriented account, Zilversmit laid out the debates between Quaker abolitionists and Northern slaveholders. He argued that the power of republican rhetoric from the Revolution made the key difference in

³ John Ezell, ed. *The New Democracy in America: Travels of Francisco de Miranda in the United States, 1783-84*. (Norman: University of Oklahoma Press, 1963), 72-73.

⁴ Ibid.

⁵ The term “Garden of America” or “Garden of North America” was a common term for New Jersey starting before the Revolution by visitors as well as state residents owing to New Jersey’s key role in supplying food for both New York and Philadelphia. Its position as a major grain and meat exporter to both the British and French Caribbean also contributed to this image. See David Fowler, “These were Troublesome Times Indeed”: Social and Economic Conditions in Revolutionary New Jersey,” in Barbara Mitnick, ed, *New Jersey in the American Revolution*. (New Brunswick, NJ: Rivergate Books, 2005). The current nickname, “Garden State” is credited to Abraham Browning of Camden, who called New Jersey the Garden State during the Philadelphia Centennial Exhibition on August 24, 1876 although it was not officially adopted by the state legislature until 1954, over the Governor’s veto.

convincing the Northern states to abandon slavery. Additionally, Zilversmit argued that since slavery had never been key to the Northern economy, Northerners held few firm convictions that it needed to be sustained.⁶

More recent works on slavery's role in the North began in the late 1980s when Gary Nash published his *Forging Freedom: The Formation of Philadelphia's Black Community*. Coupled with his and Jean Soderlund's work *Freedom by Degrees* on Pennsylvania and Shane White's *Somewhat More Independent* on New York City, this research pointed to the activities of the slaves themselves and not merely the rhetoric of the Revolution as critical to slave freedom in the North. Slaves affected larger events around them by running away, rebelling against their masters, or joining the British in occupied New York. Each work also pushed historians to look at the developing free community in the North in the early republic. Focusing on one city or state (Pennsylvania or New York) rather than on the North in general as Zilversmit had done, these three monographs made powerful contributions to understanding exactly how slaveholders, Quakers, and slaves all functioned in the years before and after gradual abolition. Importantly, White's work on New York also challenged the notion that the Revolution marked slavery for death. He argued that the institution strengthened itself in the 1790s, especially in New York City; the rhetoric of the Revolution had not proved as destructive as Zilversmit had thought.⁷

Roughly ten years after Nash's book first appeared, Graham Hodges published two books that focused on the African American experience in New York and East Jersey. Hodges' work emphasizes both the colonial story of slavery (his begins in 1613) as well as the development of

⁶ Arthur Zilversmit, *The First Emancipation: The Abolition of Slavery in the North* (Chicago: University of Chicago Press, 1967). Five years later, Edgar McManus followed up on Zilversmit's arguments and argued a very similar tact. See Edgar McManus, *Black Bondage in the North* (Syracuse: Syracuse University Press, 1973).

⁷ Gary Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720-1840* (Cambridge: Harvard University Press, 1988); Gary Nash and Jean Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and its Aftermath* (New York: Oxford University Press, 1991); Shane White, *Somewhat More Independent: The End of Slavery in New York City, 1770-1810* (Athens: University of Georgia Press, 1991).

a free black community in the years after the American Revolution. In dealing with the last two states that enacted gradual abolition (New York in 1799 and New Jersey in 1804), Hodges emphasizes the role of slaves themselves in their own abolition as well as the growth of the free black community in New York during the war and its place in the post-abolition world as a mecca of freedom for African Americans.⁸

The late 1990s saw not only the publication of Hodges' work but Joanne Pope Melish's *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780-1860* and Ira Berlin's award winning *Many Thousands Gone*. Berlin's differentiation between a slave society and a society with slaves marked Northern slavery as very much an institution weakened by the time of the Revolution and that ideas of free labor and revolutionary republicanism easily toppled it. Slavery, after all, had never been as firmly entrenched economically as the slave societies that developed in the American South; slavery in New York or Rhode Island never reached the heights of importance as in South Carolina or Virginia.⁹

Joanne Pope Melish's work challenged historians to think about slavery as not just an economic system but one structured by race and racial attitudes. Melish became the first historian to focus on the role of the children born under the gradual abolition laws and argued, unlike previous scholars, that the abolition movement did not lead to a quick transition to freedom. The children bound to serve their master until a future date of freedom, those Melish calls "statutory slaves," participated in a much broader discussion of race and anti-Southern sentiment in the first years of the new republic. Melish argues that Northerners wanted to distance themselves from the slave South and therefore whitewashed their previous history with

⁸ Hodges, *Root and Branch* and Graham Hodges, *Slavery and Freedom in the Rural North: African Americans in Monmouth County, New Jersey 1665-1865* (Madison, NJ: Madison House, 1997).

⁹ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998).

slavery and worked above all else to position themselves as defenders of freedom in opposition to the unenlightened South. Melish challenged our previous understandings of how the abolition period, the years after each state passed a gradual abolition law, functioned in the American imagination.¹⁰

In the last decade, three books, Leslie Harris' *In the Shadow of Slavery* on New York City, David Gellman's *Emancipating New York*, and Erica Dunbar's *A Fragile Freedom* on Philadelphia created location specific studies on slavery and its aftermath in the North. Harris' work focuses mainly on the period after 1799 and attempts to understand how free blacks created their own community in New York City. Gellman is much more interested in the move to abolition and emphasized the political debate over abolition in New York while Dunbar introduces a gender component into historical discussions of abolition by focusing solely on African American women and their role in the creation of a free black community.¹¹

Though each of these works advanced historical understandings of gradual abolition in the North, none challenged the basic structure of events: the ideas of the American Revolution caused states to pass gradual abolition laws which then created a free black community who then battled racism to secure their place in the early republic. My work challenges the notion that the American Revolution marked slavery for destruction and argues abolition played out in the first three decades of the nineteenth century, not between 1783 and 1804. Although the Revolution powerfully affected Americans, the war neither quickly nor radically changed most peoples' minds on questions related to slavery or race. While it certainly led to discussions of the idea of

¹⁰ Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and “Race” in New England, 1780-1860* (Ithaca: Cornell University Press, 1998).

¹¹ David Gellman, *Emancipating New York: The Politics of Slavery and Freedom* (Baton Rouge: Louisiana State University Press, 2006); Leslie Harris, *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: University of Chicago Press, 2003); Erica Dunbar, *A Fragile Freedom: African American Women and Emancipation in the Antebellum City* (New Haven: Yale University Press, 2008).

freedom, it did not force Americans to leave behind conceptions of race they had previously developed as British subjects.¹²

Instead of positioning the Revolution as the turning point in Northern attitudes towards slavery, we should instead see it as the first step in a much longer process in the development of African American freedom. The Revolution started Americans talking about questions of slavery and freedom, but to really understand how Northern whites thought of slavery, gradual abolition needs to be seen with a much wider lens than the one that views it as a quick transition from slavery to freedom. Abolition took place amidst the larger struggles in forming the new nation. Debates between Federalists and Jeffersonians, the growing power of capitalism, Northern dissension over the slave power, the internal slave trade, and the rise of a new abolitionist movement in the 1830s all influenced the pace and timing of the coming of freedom. Slavery's slow death in the North thus tells not of an easy agreement to extend revolutionary freedom to blacks but of a highly contested process that forced Americans to determine the shape of their new republic.

New Jersey stands as an excellent locale to study this transition from slavery to freedom. The state's compact design and its position as the "Cockpit of the Revolution"¹³ vividly illustrate how Americans interpreted the war and how its legacy impacted the formation of the nation during the Early Republic. Far from a backwater stop between Philadelphia and New York, the ebb and flow of armies and ideas made New Jersey central to revolutionary ideology. If anyone knew what freedom meant to Americans, Jersey men and women did. The debates

¹² Other social historians have questioned the Revolution's impact on American society on both the question of slavery as well as for women and poor whites. For two excellent works on the impact of the war on poor whites and women, see Billy Smith, *The "Lower Sort," Philadelphia's Laboring People, 1750-1800* (Ithaca: Cornell University Press, 1990) and Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (Urbana: University of Illinois Press, 1987). Also see Billy Smith, ed *Down and Out in Early America* (University Park: Pennsylvania State University Press, 2004).

¹³ This term gained prominence with the publication of Charles Lundin's work *Cockpit of the Revolution: The War for Independence in New Jersey* (Princeton: Princeton University Press, 1940).

over the meaning of the Revolution as well as the place of African Americans tested white New Jerseyans' understanding of that freedom. The decisions made in New Jersey reflected a much larger discussion that occurred everywhere from Pennsylvania to Massachusetts. The state's diverse racial, ethnic, and religious population, coupled with its strong economic relationship with both New York and Philadelphia made the state a confluence of the American experience and therefore an exciting and informative historical case study.

The Revolutionary War elongated view of slavery and abolition in the North begins in the Revolution where, as opposed to developing freedom, the war ended with the institution of slavery in New Jersey much stronger than before the war. Chapter one argues that the economic ruin the Revolution brought as well as racist-infused fear of free blacks caused New Jersey to reject abolition and move into the post-war period with a firmly established slave system. Few in New Jersey were willing to extend the accolades of freedom to African Americans either during or immediately after the war.

Chapter two argues that during the 1790s, debate over slavery and freedom began even as slavery strengthened. In this decade, Catherine, the slave whose master sold her in 1856, came of age as one of the thousands of slaves who helped New Jersey slaveholders keep their interest in bound labor in the years following the American Revolution.¹⁴ With an increase in the popularity of slavery in the state, white men like Catherine's owner solidified the institution in the years after the Revolution. However, abolitionist rhetoric also increased, with the birth of a statewide abolition society heavily supported by the state's Quaker community. This abolitionist rhetoric coupled with political realignments after the Jeffersonian Revolution of 1800 finally compelled the New Jersey legislature to pass a gradual abolition law in 1804.

¹⁴ Bill of Sale, John Hagaman to Charles Sutphin, February 16, 1856 regarding "slave for life" Catherine, Hunterdon County Slave Births, Manumissions, and Miscellaneous Records, HCHS.

The gradual abolition law did not end the debate over slavery in the North nor did it quell the concerns of numerous slaveholders. The transition from slavery to freedom was neither a quick nor painless process for slaveholders or their slaves. At the heart of my analysis of Northern slavery is the place of the children born after 1804 who became intertwined in a process that had begun in 1775. In chapter three I explore New Jersey's abolition period and how these children, whom I call *slaves for a term*, prolonged Northern interest in slavery well into the nineteenth century. Masters held onto these slaves for a term, essentially slaves in all but name, in order to extract as much labor as possible from them before they eventually achieved freedom. In addition, masters also used these children as leverage to keep the slave for a term's parents and siblings in bound labor relationships even if they had gained formal legal freedom themselves. The transition from slavery to freedom then became an individualized process dependent on local conditions and relationships with individual masters.

Catherine's two children, Bob and Hannah, both lived as slaves for a term. By 1830 however, the first census records available in New Jersey list neither child but show Catherine remained a slave to John Hagaman. Like many slaves for a term, Bob or Hannah could have been sold away from Catherine. The sales of slaves for a term then replicated not freedom but one of the key features of slavery: the separation of family. As a tradable commodity, these children marked for eventual freedom served to advance Northern slaveholders' interest in profiting from slaves far beyond the Revolution. More likely though, Hannah or Bob died before they exited slavery and shared a fate with fifty-four percent of American slaves who died before they reached the age of twenty-five.¹⁵

¹⁵ Ibid. Life expectancy statistics are for American slaves c.1830. See Robert Fogel, Ralph Galantine, and Richard Manning, eds, *Without Consent or Contract: Evidence and Methods* (New York: Norton, 1990), 285-86.

The continued use of bound labor challenges historians to rethink the American transition to capitalism. Arguments over this capitalist transformation have rested largely on the notion that gradual abolition quickly created a large and burgeoning class of free workers who could then move from the farms to the factories and help develop the North's economy. However, if bound workers who could not sell their labor freely in the open market made up a sizeable portion of the black population, this transition occurred neither quickly nor without sizeable resistance from slaveholders who continued to favor bound over free labor.¹⁶

In addition to perpetuating slavery in New Jersey, slaveholders took advantage of high demand for slaves in the South in the first two decades of the nineteenth century. They sold their slaves and slaves for a term away from New Jersey to Alabama, Louisiana, and Mississippi for a huge profit. The interstate sale of slaves undermined white commitment to gradual abolition and highlighted the fact that slavery or an interest in profits derived from slaves neither ended in the Revolution nor with the passage of a gradual abolition law. Instead, this illegal enterprise, which I explore in chapter four, became a battleground where abolitionists and slaveholders debated the extension of freedom to African Americans. The fact that the question of African American freedom remained unresolved even fifteen years after gradual abolition began in the Garden State changes abolition from an event into a process which began in the Revolution and extended into the Early Republic.¹⁷

In chapter five, I examine of how the rhetoric of the Revolution and the 1804 Gradual Abolition Act affected the lives of those born before the law came into effect. Since any child

¹⁶ Allan Kulikoff, *The Agrarian Origins of American Capitalism* (Charlottesville: University of Virginia Press, 1992), 111-112.

¹⁷ For more on the interstate slave trade from New Jersey, see Frances Pingeon, "An Abominable Business: The New Jersey Slave Trade 1818," *New Jersey History* 109 no. 3-4 (1991), 14-35 and Ann Patton Malone, *Sweet Chariot: Slave Family and House Old Structure in Nineteenth-century Louisiana* (Chapel Hill: University of North Carolina Press, 1992), 90-100.

born to a slave mother before July 4, 1804 remained a slave for life, thousands of New Jersey blacks remained in lifelong slaves after 1804. Although masters increasingly manumitted their slaves for life in the late eighteenth and early nineteenth centuries, these manumissions legally compelled slaves to live unfree lives until close to forty years of age, the maximum age a slave could legally be manumitted, ensuring that slaveholders profited as much as possible from their property before freedom. To force their recalcitrant masters to manumit them, Jersey blacks had to fight for their own freedom through consistent resistance and rebellion instead of gaining it as a matter of course.¹⁸

Like the slaves unaffected by gradual abolition, the free black community in New Jersey became an integral part of the larger story of slavery in the North. Free blacks in the first three decades of the nineteenth century lived in a world alongside enslaved blacks and slaves for a term. Just as the Revolution had not quickly transformed colonists' ideas on slavery, the state's gradual abolition law did little to alter perceptions of racial inferiority in the early 1800s. Chapter six argues that until 1836, New Jersey law recognized all blacks as *prima facie* slaves: property unless determined otherwise. With the burden of proof on African Americans to demonstrate their free status, many New Jerseyans still equated black with property and therefore inferiority. This relationship did not recede overnight and therefore had a profound effect on how Northern whites saw free African Americans. The colonization movement, the treatment of runaway slaves from the South, and the racism free blacks endured in the antebellum North all

¹⁸ Manumission in the South, especially in Maryland and Virginia became very common after the Revolution as it did in the North. For arguments on manumission in the South, see Eva Sheppard Wolf, *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner's Rebellion* (Baton Rouge: Louisiana State University Press, 2006); Barbara Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven: Yale University Press, 1985); William Williams, *Slavery and Freedom in Delaware, 1639-1865* (Wilmington, Delaware: SR Books, 1996); Patience Essah, *A House Divided: Slavery and Emancipation in Delaware, 1638-1865* (Charlottesville: University of Virginia Press, 1996); Peter Albert, "The Protean Institution: The Geography, Economy, and Ideology of Slavery in Post-Revolutionary Virginia" PhD Dissertation, University of Maryland, 1976.

had their foundations in the North's close association with slavery and its continued use through both slaves for life as well as slaves for a term. This close relationship to slavery also grounded the lackluster support for the nationwide abolition movement as well as abolition based political parties in the North. As white Northerners still saw a strong relationship between slavery and African Americans, many ignored the renewed call for abolition in the 1830s. 1804 did not provide a quick bookend to a colonial and revolutionary story: the Northern relationship to slavery continued into the 1830s and dramatically impacted free blacks in the development of the nation.¹⁹

The real end to slavery in the Garden State came not in 1804 but in 1846. Chapter seven explores how the state legislature, after pressure from newly formed abolition societies and blacks, officially abolished the institution of slavery. If the state emancipated all its slaves in 1846, how then did Catherine's master sell her ten years later? The answer lies in the 1846 law which did not unconditionally free all slaves. Instead it reclassified them as "apprentices for life" where they continued to serve their master in the same capacity as they did before. Therefore, like the 1804 Gradual Abolition Act, little about New Jersey's interest in bound labor changed. Catherine and the remaining slaves for life continued in bondage decades after the Revolution ended. Although by this point the number of slaves for life dwindled significantly, the 1846 law also did nothing to alter the status of the slaves for a term. Therefore any remaining slaves as well as slaves for a term still breathed life into a slave system which had long thought to be extinct.²⁰

¹⁹ Harris, *In the Shadow of Slavery*, 96-246; Hodges, *Root and Branch*, 187-262; 15 N.J.L. 266, Stoutenborough v. Haviland, Supreme Court of New Jersey, February Term, 1836.

²⁰ Bill of Sale, John Hagaman to Charles Sutphin, February 16, 1856 regarding "slave for life" Catherine, Hunterdon County Historical Society.

Catherine's 1856 sale represents much more than a historical anachronism: her life tells the story of slavery and abolition in the nineteenth-century North. Far different than de Miranda's "Garden of America," this elongated look at slavery in the North forces the question of abolition out of its previous home in revolutionary America and very much into the Early Republic and the Civil War era. The "Garden" did not represent the powerful creation of equality and freedom but instead was born of inequality and unfreedom. The abolition of slavery in the North from the Revolution to the Civil War became very much a process, one with a definite end only in the Thirteenth Amendment, the true end of slavery that banned even New Jersey's apprentices for life. Instead of a quick trajectory from Revolutionary rhetoric to abolition to freedom, slavery's end became a series of fits and starts which only gradually delivered the Revolution's promise of freedom to African Americans.

CHAPTER 1

SLAVERY IN A REVOLUTION OF FREEDOM

Prime, a slave to Absalom Bainbridge of Somerset County, experienced a very different American Revolution than most other American slaves. The freedom promised by Lord Dunmore of Virginia or the call of liberty from the British garrison in New York did not affect Prime's life as they did so many other African Americans. Instead of a new life in Nova Scotia or England, such as those enjoyed by other slaves who fought for the British, Prime ended the Revolution as the exact opposite of free: as a "slave of the State of New Jersey...liable to be sold as their property."¹

The clouds of war moved Bainbridge, Prime's owner, to quickly pick a side in the brewing conflict. In December 1776, Bainbridge declared his loyalty to the King, left his Hunterdon County estate, and volunteered for service with the British Army. As a redcoat and therefore traitor to the Patriot cause, the state of New Jersey confiscated all property Bainbridge left behind. Among his possessions was Prime, a slave. As Prime was a moveable piece of property, Bainbridge tried to ensure he did not fall in the hands of the Americans. At first, he sent Prime to live with family in Princeton but then moved him to his father-in-law's home in Monmouth. Bainbridge eventually transferred Prime to Long Island where he and his wife

¹ Petition of Negro Prime to the Legislative Council and General Assembly, Trenton, November 6, 1786, New Jersey State Library, Bureau of Archives and History Manuscript Collection (hereafter cited as BAH Collection), Legislative Records 1782-1787, New Jersey State Archives (hereafter referred to as NJS).

joined Prime in 1778. Unhappy with his life as a slave, Prime took advantage of the dislocation of war and ran away back to Somerset County in 1778.²

Jacob Bergen, the state official charged with the confiscation and sale of Loyalist estates in Somerset County, seized Prime as Bainbridge's property and thought about trying to sell him in the same manner as Bainbridge's land, houses, and other property. Luckily for Prime, Bergen "humanely declined" to send him "to sale like a beast of the stall" and instead recommended that Prime serve in the Continental Army in the public service to alleviate the debt caused by Bainbridge's defection. After serving for the duration of the war as a teamster, Prime left Continental service and moved to Trenton where he began life as a day laborer. Only a few months after the Revolution ended, a man named John Taylor appeared at Prime's home and claimed that he had bought him from Absalom Bainbridge's wife. At the same time, the state of New Jersey's legal team affirmed its previous contention that Prime, as part of a confiscated Loyalist estate, belonged to the people of New Jersey and any sale subsequent to that confiscation by Bainbridge or his family was null and void. Either as a slave to John Taylor or to the state, Prime lost the taste of freedom he had experienced both during and immediately after the Revolution: he returned to a life of bondage.³

After months of legal wrangling and a trip to the Supreme Court, the state of New Jersey in 1786 affirmed the legality of Prime's confiscation and the invalidity of Taylor's claims. A military veteran who honorably served the Patriot cause was set to be sold by the state to the highest bidder at the auction block. The case of Prime hits at the very heart of historical understandings of the Revolution and its meaning. Historian Gary Nash argues that the Revolution laid the groundwork for another revolution, one that would spread the spirit of 1776

² Ibid.

³ Ibid.

to African Americans, while New Jersey historian Giles Wright similarly argues that the Revolution undermined slavery in the Garden State. If the New Jersey legal system affirmed the state's right to both enslave and profit from Loyalist-owned slaves, was the Revolution really about the expansion of American freedom?⁴

New Jersey, a hotly contested battleground where British and American troops slogged through the mud of the well worn road between New York and Philadelphia, tramped through the snow at Morristown, and fought on the plains of Monmouth, felt the dislocation caused by war much more than in most of the other colonies. With almost three hundred separate military engagements as well as thousands of forays into the state by both belligerents to forage for food and supplies, New Jersey easily earned the name "The Cockpit of the Revolution."⁵

This chapter argues that in this cockpit, the American Revolution did not guarantee the freedom or even eventual freedom of African Americans. The Revolution, of course, allowed for thousands of blacks across the colonies to gain freedom inside British lines. It also gave Quaker abolitionists the chance to ally their abolitionist rhetoric which focused on the rights of humanity with a much broader discussion of the place of freedom in the age of Revolution. To many in New Jersey and other northern colonies, the thought of waging a war for freedom against England challenged their right to hold slaves in perpetual bondage. The Revolution then did much to spur discussion of the issue of liberty and allowed slaves to seek freedom with the British. The war though, simultaneously failed to advance any abolitionist agenda in New Jersey. While at one moment war can be an engine of change and propel discussion on difficult

⁴ Ibid. Gary Nash, *The Forgotten Fifth: African Americans in the Age of Revolution* (Cambridge: Harvard University Press, 2006), 67; Giles Wright, "Moving Toward Breaking the Chains: Black New Jerseyans and the American Revolution" in Mitnick, *New Jersey in the American Revolution*, 115. Also see Petition of Moore Furman to the Legislature Concerning the Custody of a Slave, May 19, 1785, BAH Collection, Legislative Records 1782-1787, NJSA and George Fishman, "Taking a Stand for Freedom in Revolutionary New Jersey: Prime's Petition of 1786" *Science and Society*, 56:3 (Fall 1992), 353-356.

⁵ Lundin, *Cockpit of the Revolution*.

issues like slavery, war can also stymie progressive elements in society due to its tendency to dislocate established social and economic relationships.

New Jersey, as the crossroads of the American Revolution, had so much dislocation and destruction that white New Jerseyans had a difficult time advancing abolition when British troops camped just a few hundred yards across the border in New York. The Revolution's disruptive power on the state's economy combined with constant British raiding and the fear that any attempt at abolition might result in a homegrown slave revolt, led nearly all New Jerseyans to slow the abolitionist spirit they witnessed firsthand in Pennsylvania. With so many other issues taking up the state's time, abolition failed to garner any significant support. Without the same firestorm of support those in Pennsylvania and New England mustered in the wake of the Revolutionary War, New Jersey emerged from the conflict more strongly reliant on slavery than ever before.

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Most historians hold up the 1688 Germantown antislavery petition as evidence that members of the Society of Friends had from a very early stage worked towards the goal of abolition in Pennsylvania. However, as historian Jean Soderlund has argued, Quakers in the Philadelphia Yearly Meeting, the meeting most New Jersey Friends belonged to, differed on abolitionism. It was here, though, amongst the Society of Friends, that abolition grew. Abolitionist Quakers knew they held a minority opinion in colonial America. Activist Anthony Benzet remarked in 1772 that Americans "would strenuously oppose the scheme of a total abolition of slavery." Instead there needed to be some type of middle ground, a gradual abolition program for American society in general. Although Benzet looked towards the Spanish slave system which guaranteed a slave's right to purchase himself from his master as a viable

alternative, the Philadelphia Yearly Meeting decided in 1774 to instead completely ban slavery among its members.⁶

Even after the Philadelphia Yearly Meeting's ban on slave ownership, progressive Quakers had to drag their reluctant fellow Friends along the path of abolition. The decision to abolish slavery led to ideological clashes in monthly meetings across New Jersey and Southeast Pennsylvania. In Shrewsbury, New Jersey, Samuel Allinson, a prominent Quaker abolitionist, remarked the cases of two slaves in 1772 dramatically divided the meeting and the Yearly Meeting had to step in to adjudicate the issue while in Chesterfield, New Jersey most members felt "discouraged from the apprehension of encumbrance which it might occasion to their outward estates and some few refuse at present" to liberate their chattel. Chesterfield continued to drag its feet on abolition and reported to their Quarterly in 1778 that many members still did not wish to free their slaves. Even though many Quakers left the Society over the question of slavery, some voluntarily and some not, the Society of Friends in the 1770s was the only ally New Jersey blacks had in the fight for freedom.⁷

At a local level in New Jersey, the decision by the Yearly Meeting spurred on a series of manumissions administered by local Quaker meetings. The Burlington Quarterly Meeting, the center of Quaker life in New Jersey, reported in 1775 that it appointed a series of committees at the Monthly Meeting level to convince recalcitrant members to obey the directive from the Yearly. By 1776, the Egg Harbor Monthly Meeting had freed all of its slaves, save one, and in 1778 the Burlington Monthly Meeting claimed all but a few slaves under age twenty-one had

⁶ Nash and Soderlund, *Freedom by Degrees*, 81-82, 89-90; Jean Soderlund, *Quakers and Slaves: A Divided Spirit* (Princeton: Princeton University Press, 1985), 8-14, 169-172; Nash, *Forging Freedom*, 42; Zilversmit, *The First Emancipation*, 78-83; Anthony Benezet to Samuel Allinson, October 30, 1772, Allinson Family Papers, Haverford College Quaker Collection (hereafter cited as HCQC).

⁷ Nash and Soderlund, *Freedom by Degrees*, 8-14; Samuel Allinson to Richard Hartshorne, December 26, 1772, Samuel Allinson Papers, Rutgers University Archives and Special Collections (hereafter RUASC); Zilversmit, *The First Emancipation*, 80; Burlington Society of Friends Quarterly Meeting Minutes, August 25, 1777 and February 23, 1778, Swarthmore Friends Historical Library (hereafter SFHL).

been freed. In Burlington, Samuel Allinson kept a register of those slaves freed by members of the Monthly Meeting as the state had not instituted any uniform record system for manumissions. To this point, county clerks recorded the few manumissions in the colony in the County Deed Books side-by-side with real estate sales. From 1776 to 1781, Allinson recorded forty-five manumissions including those of children freed once they reached the age of majority.⁸

Relatively small in number, Burlington Quakers' commitment to abolition took a substantial amount of moral courage and economic forethought. Obviously the loss of one's slave left Quakers without a bound labor force. Although those economic losses were significant, New Jersey required an even larger financial sacrifice as those owners recorded by Allinson had to offer up a sizeable bond in order to ensure their former slave did not become dependent on the local overseers of the poor. Enacted in the early 1700s as a way to dissuade owners from manumitting their slaves, the bond continued to work to convince many in the Chesterfield meeting to slow their support of the manumission process. This type of controversy occurred at the same time in Salem in 1777 when that Monthly Meeting indicted Charles Fogg for selling "two girls for such a number of years and under such circumstances as render their case little better than slaves and make it a breach of the rule of our yearly meeting." The abolitionist elements of the meeting rose to buy back one of the two girls (the other was unable to be repurchased) which illustrates how economic incentives drowned out abolitionist rhetoric in the years following the Society's ban on slavery.⁹

⁸ Society of Friends Burlington Monthly Meeting Manumission Papers and Book of Manumissions, New Jersey Abolition Society and Burlington County Abolition Society Papers, Burlington County Historical Society (hereafter cited as BCHS); Burlington Society of Friends Quarterly Meeting, August 28, 1775, August 26, 1776, February 24, 1778, SFHL.

⁹ Ibid. Zilversmit, *The First Emancipation*, 16-19. For how the manumission process played out in Pennsylvania, see Nash and Soderlund, *Freedom by Degrees*, 84-89. Also see Burlington County Papers, New Jersey Historical Society (hereafter NJHS) for the record book of a Quaker physician who recorded the births of all black children who belonged to Quakers in the city. For the case of Charles Fogg, see Salem Society of Friends Monthly Meeting Minutes, November 24, 1777 and February 23, 1778, SFHL.

Although many Quakers still opposed freedom for African Americans, many more in the 1770s desired to “erase the moral blot of slavekeeping” from their memory.¹⁰ In 1775, the Yearly Meeting remarked that abundant progress had been made in the promotion of abolition and “a considerable number (of blacks have) been restored to liberty.” There had been created a “concern for further proceedings in this weighty service.” By 1777, the Yearly Meeting claimed that only a few cases of slave ownership remained among the Society, therefore the focus of Friends should shift to a new imperative: the religious care of former slaves. In the years after the abolition directive from the Philadelphia Yearly Meeting, Quakers in both Pennsylvania and New Jersey were rife with guilt over their lapse in moral judgment in owning slaves. This guilt manifested itself in a coordinated effort to make amends for their previous poor behavior by assisting their former chattel to survive in their new role as freed blacks.¹¹

In 1779, Samuel Allinson headed the Burlington Quarterly Meeting’s effort to address the status of ex-Quaker slaves. He reported his committee met several times with those blacks “who have been restored to freedom...for promoting their instruction in the principles of Christian religion and the pious education of their children.”¹² Allinson and other Quaker abolitionists in Burlington County developed a system of religious and educational meetings in the early 1780s. Meeting at rotating meetinghouses in Burlington, Mount Holly, Crosswicks, and Mansfield, these religious sessions helped Quakers rid themselves of their guilt while at the same time allowing African Americans to develop a community in West Jersey at a time when the vast majority of African Americans in the state lived as slaves. Though the organizers of the meetings had a definite tone of moral superiority (that they needed to “educate” their “uneducated” ex-slaves), these religious meetings soon became not only about religion but

¹⁰ Nash and Soderlund, *Freedom by Degrees*, 91.

¹¹Philadelphia Society of Friends Yearly Meeting Minutes, September 27, 1775 and October 4, 1777, SFHL.

¹² Burlington Society of Friends Quarterly Meeting Minutes, August 30, 1779, SFHL.

afforded free blacks educational opportunities they would otherwise never have had. In 1783, while the Revolution wound down, Philadelphia Quakers formed a school dedicated to providing free black children with education while the Salem and Gloucester Quarterly Meeting began raising funds for its own school as early as 1780. However, the Salem Monthly had taken the initiative even earlier when in 1778 it created its own school to educate both freed and enslaved blacks. These educational and religious initiatives pushed Quakers ahead of any other Northern group as the prime advocates for both abolition and black equality.¹³

The discussion of the fate of slavery within the Quaker community informed a much larger debate about the role of slavery in the state as a whole. Many Quakers linked slavery within the Quaker community to the fate of the colonies and their relationship to Great Britain. In 1773, William Dillwyn asked how can the colonies, “when so loudly complaining of (England’s) attacks on our political liberty...tolerate and many of them greatly encourage this violent invasion of natural liberty, subjecting the Africans not only to the deprivation of all property but even to the most abject state of perpetual personal slavery?” In a similar vein, Samuel Allinson wrote to Patrick Henry in 1774 that the call for abolition has never been louder “for a candid consideration and just conclusions than at a time when many or all the inhabitants of North America are groaning under unconstitutional impositions destructive of their liberty.” In the same letter, Allinson questioned if God would forgive Americans for their failure to treat African Americans humanely. Indeed, Granville Sharp, one of Britain’s leading anti-slavery advocates, wrote to Allinson the same year where he claimed that if the colonists “hope to maintain their own natural rights and to have justice on their side that they ought not to deny the

¹³ Philadelphia Society of Friends Yearly Meeting Minutes, September 29, 1783; Burlington Society of Friends Quarterly Meeting Minutes, August 30, 1779, August 28, 1780, February 26, 1781, May 28, 1781, August 27, 1781, November 26, 1781, and November 25, 1782; Salem and Gloucester Society of Friends Quarterly Meeting Minutes, September 22, 1780 and September 20, 1782; Salem Society of Friends Monthly Meeting Minutes, May 25, 1778, August 31, 1778, and October 26, 1778, SFHL.

same rights to others by persisting in the practice of the most abominable and unchristian oppression.” He, like Allinson, questioned what God’s opinion on the subject of slavery would be and the fate of those who supported it in the colonies.¹⁴

Certain Quaker abolitionists stepped forward to advocate abolition as a political issue in addition to a moral one within the Society. In 1773 and 1774, petitions from Western New Jersey, where almost all Quakers lived, calling for an end to slavery in the Garden State flooded the legislature. These petitions asked for an easing of manumission restrictions as well as a revision of the state’s harsh slave code. In 1775, abolitionist Quakers in Chesterfield advocated the state enact a gradual abolition program which would have freed males at age twenty-one and females at age eighteen. Claiming that they wished to “avert the judgments of God from our heads,” these Chesterfield Quakers argued from a religiously and morally informed perspective that the state should abandon the slave system it had been tied to since its founding. The *Pennsylvania Gazette* replicated the use of religious ideology when it noted that several petitions had been filed with the New Jersey state legislature and the state needed to support abolition as “we are Children of one common father.” At the same time the petitions from Chesterfield arrived in the legislature, Burlington and Cumberland County Quakers added their voices to the debate. They argued, in line with Allinson and Sharp’s link to the American Revolution, that Americans must “show to the World a conduct consistent with the principles of that liberty, which we claim as our birthright.”¹⁵

¹⁴ William Dillwyn, *Brief considerations on slavery and the expediency of its abolition, with some hints on the means whereby it may be gradually effected.* (Burlington: Isaac Collins, 1773); Granville Sharp to Samuel Allinson, July 28, 1774 and Samuel Allinson to Patrick Henry, October 17, 1774, Samuel Allinson Papers, RUASC. For more on the “contradiction” between independence from Great Britain and the continuation of slavery in the colonies, see David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (New York: Oxford, 2006), 144-145 and David Brion Davis, *The Problem of Slavery in Western Culture, rev. ed* (New York: Oxford, 1988), 291-493.

¹⁵ Zilversmit, *The First Emancipation*, 91-93; Petition of Inhabitants of Chester Township, Burlington County to the General Assembly advocating the Gradual Abolition of Slavery, November 9, 1775, BAH Collection, Legislative

The call for abolition from the Society of Friends unleashed a firestorm of protest from New Jersey's non-Quaker population. Just as Chesterfield Quakers had a difficult time convincing their own members to free their slaves due to economic need, those who advocated it on the state level faced resistance from a diverse group of dedicated New Jersey slaveholders. In 1774, eighty-one angry Perth Amboy residents warned Governor William Franklin of the "dismal consequences" if an abolition law passed the legislature. The petitioners' sole argument against abolition was, in their minds, the real possibility of a black revolt if whites could not control blacks through slavery. They believed blacks were "the most barbarous in human matters" and that only slavery kept their barbarism in check. Without it, they would "invade the inhabitants and accomplish that unhuman design...to bring the white people into the same state that the Negroes are now in." They pleaded for Franklin to preserve "the liberty of the white people of this province" and to not let the white population fall into bondage themselves. Fifty-three residents of Middletown voiced their opposition to the Quaker abolition plan along similar lines, finding blacks "very troublesome by running about all times of night, stealing, and taking and riding people's horses and other mischief."¹⁶

The debate in the state legislature became one between the rhetoric of freedom and the fear of an impending race war. On the eve of the Revolution, New Jersey slaveholders used their fear of a black insurrection to effectively quell any further Quaker attempts at advancing an abolitionist agenda at the state level. New Jerseyans had developed a keen understanding of

Records, 1770-1781, NJSA; *Pennsylvania Gazette*, February 2, 1774; Petition of Inhabitants of Burlington County to the New Jersey State Legislature Advocating the Manumission of Slaves and Petition of Inhabitants of Cumberland County to the New Jersey State Legislature Advocating the Manumission of Slaves, BAH Collection, Legislative Records, no date, NJSA.

¹⁶ Petition of the Citizens of Perth Amboy to the General Assembly Opposing Slave Manumissions, January 12, 1774; Petition of Inhabitants of Middletown, Monmouth County to the Assembly Opposing slave Manumissions, February 2, 1774; Petition of Inhabitants of Monmouth County to the General Assembly opposing Slave Manumissions, February 2, 1774, BAH Collection, Legislative Records, 1770-1781, NJSA. For the introduction of more petitions to the legislature, see New Jersey General Assembly Minutes, Votes, and Proceedings,, September 19, 1776.

race: abolition had to overcome a significant hurdle in order to convince the majority of New Jerseyans to abandon their fear of hordes of barbarous blacks invading their homes and consorting with both their family and property.¹⁷

Additionally, the divisions between East and West Jersey, competing regions ever since they joined together as a single colony in 1702, developed even more strongly on the question of slavery as Quakers from West Jersey pushed for abolition while their East Jersey neighbors, including those angry Perth Amboy residents, feared what could happen if abolition became a reality. The Revolutionary War, since a majority of its destruction occurred in East Jersey, began to separate the state even further and would eventually compel East Jerseyans tired of the destructiveness of war to stand in the way of progressive West Jersey Quakers on the question of abolition.¹⁸

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While Quakers busily debated the abolition of slavery, British and American troops clashed all across New Jersey. In November 1776, after Lord Cornwallis routed George Washington's forces from New York, Patriots retreated across the Hudson and into Pennsylvania. Washington crossed the Delaware on Christmas night and razed Hessian garrisons at Trenton and Princeton a few days later. Within a week, the Americans settled into winter quarters at Morristown while the British peered at their garrison from their own in East Jersey.¹⁹

When the sleeping British army awoke in the spring of 1777, representatives from Newark demanded assistance from the state to defend the city against the renewed British threat.

¹⁷ Ibid.

¹⁸ I expand on this separation between East and West Jersey more extensively in chapter two.

¹⁹ Robert Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789* (New York, 2005), 360-369. Also see Lundin, *Cockpit of the Revolution*.

Presbyterian minister Alexander Macwhorter and another leading Newark resident, Elisha Boudinot, warned Governor Livingston of “the unhappy situation of this town being so contiguous to the Enemy who threatens us daily with an invasion.”²⁰ Luckily for Newark, the British withdrew that spring. However, the main bodies of both armies returned the next year to fight at Monmouth, which Joseph Clark, an officer in the Hunterdon County militia, claimed “roused the militia...they turned out with such a spirit...never did the Jerseys appear more universally unanimous to oppose the enemy.”²¹

After a victory at Monmouth, another cold winter at Morristown (1779-1780) made New Jersey no friend to most members of the Continental army. Harsh weather, lack of supplies, and poor living conditions affected both the health and discipline of the soldiers. Alexander Scammell, the Army’s adjutant general during the second encampment at Morristown, described the complete lack of discipline rampant among American soldiers, especially thefts from other soldiers and plundering the property of surrounding New Jersey residents. In January 1780, Rubin Parker received one-hundred lashes on the bare back for theft while in February the Continental Army executed another soldier for the same crime. The General Orders received by the First Continental Artillery Regiment on January 28, 1780 ordered all units to prevent soldiers from leaving the encampment to prevent plundering. The soldier’s exploits to nearby farms were motivated by the lack of food supplied by the Continental Army. By March, the unit’s supplies had dwindled so steadily that they had to send away their horses for want of hay and grain.²²

²⁰ Alexander Macwhorter and Elisha Boudinot to William Livingston, April 26, 1777, Edwin Ely Collection, NJHS.

²¹ Middlekauff, *The Glorious Cause*, 426-434.

²² First Continental Artillery Regiment Papers, NJHS.

Similarly, Adjutant General Scammell recorded death sentences in May for four soldiers of the Pennsylvania line after they plundered the house of Cornelius Bogart near Paramus.²³

The foraging for supplies to feed and clothe both the British and American armies remains the legacy of the Revolution in New Jersey. The constant threat of attack and raiding from British-controlled New York led the state legislature to call off any plans for abolition during the war. Historian Simon Schama argues that New Jersey housed “a ragged borderline between the two Americas, Loyalist and Patriot.” The “neutral zone of eastern and northern New Jersey, especially Monmouth and Bergen counties” was where “the violence was most brutal and blacks were most enthusiastic in committing themselves or in helping white Loyalists do so.”²⁴ An American solider, Thomas McCarty, remembered the brutal nature of this borderland when he recalled an engagement between his unit and a British foraging party in February 1777. McCarty claimed “we attacked the body and bullets flew like hail.” After the battle, McCarty learned that those men “wounded in the thigh or leg, they (the British) dashed out their brains with their muskets and run them through with their bayonets, made them like sieves. This was barbarity to the utmost.”²⁵

Blacks did participate in these clashes, as Schama argued, and helped make the borderline not only between Loyalist and Patriot America but between a free and slave America. Foraging parties made up of Loyalist partisans, including blacks, routinely engaged American militiamen in order to forage for wood to bring to New York City while others raided for food in

²³ Orderly Book, Alexander Scammell, Continental Army Adjutant General, NJHS. Of course, soldiers foraging for food did not only in New Jersey. Lt. John Speer of the Essex County militia stationed at Dobbs Ferry, New York in 1781 recorded several incidents where soldiers invaded neighboring farms along the Hudson River to gather both food and supplies as well. See New Jersey State Troops, Military Record Book, Captain John Craig’s Company of the Essex County Militia, July and August 1781, NJHS.

²⁴ Simon Schama, *Rough Crossings: Britain, the Slaves, and the American Revolution* (New York: Harper Collins, 2006), 113-114. For the idea of the “neutral zone,” also see Graham Hodges, *Slavery, Freedom, and Culture Among Early American Workers* (Armonk, NY: ME Sharpe, 1998), 67.

²⁵ Jared C. Lobdell, ed., “The Revolutionary War Journal of Sergeant Thomas McCarty,” *Proceedings of the New Jersey Historical Society*, 82 (1964), 45 as cited in Middlekauff, *The Glorious Cause*, 512-513.

Essex and Monmouth counties. For example, in 1781, Jonathan Dayton, then a militia Captain and later a United States senator, reported that he and his unit made up of men from Elizabeth, Newark, and Westfield attacked and captured a raiding party from Staten Island that had landed on the Jersey shore in order to seize a few dozen head of cattle and bring them back to New York.²⁶

The foraging armies not only left death in their wake but also wanton destruction. In 1777, Abraham Clark wrote that “two armies, one of which the most savage known among civilized nations, must have spread desolation through” the state.²⁷ The British and American forced burned thousands of New Jersey homes and confiscated crops and livestock. One such man, William Dow, petitioned the state legislature in 1779 for repayment of his property taken by Patriots. Dow claimed the military not only confiscated the ferry he operated across the Peapack River but took twelve of his sheep and occupied his house causing so much damage that he had to demolish it.²⁸ Hundreds more Patriot New Jerseyans filed claims with the state for damages committed by both sides after the state legislature in December 1781 authorized each county to gather damage reports from its residents as a result of either enemy action or by Americans. In Westfield, in Essex County, for instance, a total of 113 claimants filed damage claims ranging from Susanna Halsey who only lost household furniture and clothing to Daniel

²⁶ Schama, *Rough Crossings*, 114; Captain Jonathan Dayton’s Report, December 9, 1781, Jonathan Dayton Papers, Edwin Ely Collection, NJHS. For another report from Bergen County, see William Livingston to Jonathan Deare, March 1, 1779, William Livingston Papers, Edwin Ely Collection, NJHS. For other examples of foraging and British behavior in New Jersey, the murder of Hannah Caldwell remains perhaps the most powerful. See James Caldwell to William Alexander, October 25, 1778, James Caldwell Papers, Edwin Ely Collection, NJHS; Essex County Militia Papers, NJHS and Michael Adelberg, “An Evenly Balanced County: The Scope and Severity of Civil Warfare in Revolutionary Monmouth County, New Jersey” *Journal of Military History*, 73 (January 2009).

²⁷ Abraham Clark to James Caldwell, February 4, 1777, Louis Bamberger Collection, NJHS.

²⁸ William Dow to the Council and Assembly, April 23, 1779, BAH Collection, Revolutionary War Documents, NJSA. For another detailed damage claim, see List of Property Destroyed during the Revolution, Baldwin-Brown-Coe Family Papers, 1776-1893, NJHS.

Connet who lost eight sheep, a horse, two hogs, thirty fowl, tea, wheat, corn, and three hives of bees.²⁹

With damages piling up from British raids, residents of East Jersey who had lost the most property fiercely resisted parting with their slave property. As a measure of their pro-slavery feelings, slaveholders in Newark between 1775 and 1783 instructed the executors of their wills in the cases of nineteen different slaves to either transfer the slave to a family member or sell the slave and distribute the proceeds amongst their descendants. Statewide during the same period, 83 percent of slaves mentioned in wills were sold or bequeathed to a slaveholder's posterity while only 17 percent gained their freedom. In New York City, there remained a similar anti-freedom agenda in slaveholders' wills; between 1777 and 1783, only 14 percent of wills mentioning slaves granted them freedom while the remaining 84 percent retained their services for descendants or sold them.³⁰ The Revolutionary spirit did not infect the vast majority of New Jersey or New York slaveholders. This unwillingness among non-Quaker slaveholders to manumit their slaves or support statewide efforts at abolition had a direct correlation with the destruction of property in the state. East Jerseyans, the section of the state with the largest number of slaveholders and the most damage caused by the war, felt they had spent enough to ensure the triumph of American freedom. The state's request that they extend that freedom to their slaves in keeping with the rhetoric of the Revolution proved to be too much for them.³¹



²⁹ For damage claims, see Inventories of Damages by the British and Americans in New Jersey, 1776-1782, Legislative Records, NJSA. For claims specifically mentioned, see Westfield township claims numbers six and forty-one.

³⁰ Zilversmit, *The First Emancipation*, 242.

³¹ Newark will information derived from Essex County Wills, NJSA. For statewide totals, see Hodges, *Root and Branch*, 143.

Against the backdrop of the war, some Patriots began to call for black freedom just as Quakers had done. Americans, even those who held and wanted to continue to hold slaves, positioned their own battle against Great Britain as an abolitionist crusade to free themselves from bondage. In October 1776, the state assembly called for “deliverance from the galling yoke of slavery, the unparalleled unanimity of the American states in refitting the encroachments of despotism” while many in Bergen County continued to believe the war was one against slavery as late as 1783 when they argued the United States would continue as a vassal of British slavery if the nation approved the Treaty of Paris. Those who supported abolition adapted the idea of a war against British slavery and the fight for American freedom to the abolition of slavery. Samuel Allinson wrote to Governor William Livingston in 1778 and argued that “America first entered into the contest with Great Britain to avoid what she called slavery and to preserve and transmit to posterity her right to possession of liberty.” At the same moment however, Allinson claimed the United States “confirmed laws that hold thousands of human beings, children of the same common Father...in ignoble and abject slavery.” This dialectic that related the American fight for freedom to the Revolution, begun by Quakers, quickly became the battle cry for those non-Quakers who sought abolition.³²

In Philadelphia, men like Benjamin Rush began to openly equate the American fight for freedom with the abolition movement. In one article, Rush argued that the Pennsylvania legislature needed to “excise the cancer of slavery from the American body politic” while Americans simultaneously fought for their own freedom from Great Britain. Thomas Paine

³² New Jersey General Assembly Minutes, Votes, and Proceedings, October 5, 1776; Petition of Bergen County inhabitants to Council and General Assembly remonstrating against Articles 5 and 6 of the Treaty of Paris, May 3, 1783, State MSS Collection, NJSA; Samuel Allinson to William Livingston, July 13, 1778 in Carl Prince, Dennis Ryan, et al, eds, *The Papers of William Livingston* Volume II (Trenton: New Jersey Historical Commission, 1979), 387-388. For general connections between slavery as a political issue in the Revolution, see Davis, *Inhuman Bondage*, 144-145; F. Nwabueze Okoye, “Chattel Slavery as the Nightmare of the American Revolutionaries,” *William and Mary Quarterly* 37 no. 1 (1980): 5-28; Ari Helo and Peter Onuf, “Jefferson, Morality and the Problem of Slavery,” *William and Mary Quarterly* 60 no. 3 (2003): 583-614.

joined Rush and attacked the institution of slavery while drawing on a natural rights argument related to the American Revolution. In response to Paine, a New Jerseyan concluded in the *New York Journal* that freedom was the birthright of all men regardless of color. Destiny dictated that freedom would rid all who lived in America from future slavery. Accordingly, the author claimed no man should be born a slave in a nation which fully supported the rights of mankind to be free.³³

Unlike these more famous men, the most vocal abolitionist outside of the Society of Friends in Revolutionary New Jersey was Jacob Green, a Presbyterian minister from Morris County. Green, a native of Massachusetts and a follower of George Whitfield, left his home state bound for Georgia to work with Whitfield on the creation of a home for orphans. Waylaid in New Jersey because of a lack of financial backing for the orphans, Green decided to settle in the state and by 1746 secured the pulpit of Hanover Presbyterian in Morris County, a post he held until his death in 1790. A shy man fearful of public speaking, Green originally believed pastors should not involve themselves in temporal affairs. Soon after he began his ministry however, Green used his position to discuss a number of political and social issues. As a product of New England Puritan ideology, he firmly believed in the local control of church government and the power of the local congregation to decide important matters of faith. This independent streak challenged the control of his superiors in the New York Presbytery. Green claimed he fundamentally disagreed with how the church dealt with the education of ministers, the edict that preachers could not look at their notes while preaching (most likely because of his issues with public speaking), and how the presbytery had legislated “matters of conscious.” In 1779, Green

³³ Nash, *Forging Freedom*, 40-42; *New York Journal*, April 4, 1776.

abandoned the New York Presbytery and established, with his church, the independent Morris County Presbytery.³⁴

As both an avid supporter of the Patriot cause from the pulpit and as an active member of New Jersey's Provincial Congress and drafter of the state's 1776 Constitution, Green firmly allied himself with the independence movement. In a 1779 "Fast Day Sermon," published in pamphlet form, Green claimed "supporting and encouraging slavery is one of the great and crying evils among us." He asked New Jerseyans "can it be believed that a people contending for liberty should, at the same time, be promoting and supporting slavery?" Green argued that slaves "never forfeited their right to freedom; 'tis as the Congress say, a natural right, and an unalienable one." With this sermon, Green entered the debate on the role of slavery in the new nation begun years earlier by Quakers. Green's abolitionist belief came not from a firm sense of equality between blacks and whites but from the conviction, like Quakers, that Americans had sinned against God by acting in such a hypocritical manner.³⁵

In 1780, the editor of the *New Jersey Journal*, Shepard Kollock, published a two-part letter of Green's under the penname "Eumenes" where Green's call for liberty for African Americans reached a wider audience. In this letter, the Hanover minister articulated a clear vision of what Americans fought for: so "that we may be a free people; that we may enjoy the natural rights of mankind, that we may not be reduced to a state of mean and abject slavery." In his last sentence, Green challenged New Jerseyans to "cast an eye of pity on the negro slaves among us who are groaning under a bondage which we think worse than death." Although this

³⁴ David Mitros, ed, *Jacob Green and the Slavery Debate in Revolutionary Morris County, New Jersey* (Morris County Heritage Commission, 1993), 7-14; Jacob Green to the Synod of New York and Philadelphia, October 18, 1779, Presbyteries of Morris County and Newark Papers, NJHS.

³⁵ Jacob Green, *A Sermon Delivered at Hanover, April 22, 1778, Being the Day of Public Fasting and Prayer throughout the United States of America* (Chatham, 1779) as reproduced in Mitros, *Jacob Green and the Slavery Debate*, 35-44.

piece of Green's work is far less explicit than his Fast Day Sermon in its indictment of the United States' failure to abolish slavery, it shows that the idea of abolition, by 1780, was already in the air and talked about repeatedly on the streets of Newark, Trenton, and Princeton.³⁶

Only two months before Green's piece appeared in the *Journal*, Pennsylvanians had discussed the issue of slavery and abolition in earnest. Attacks on slavery had freely circulated on both sides of the Delaware and pro-slavery New Jerseyans waited anxiously to hear their neighbor's decision on abolition. On March 1, 1780, the Pennsylvania legislature became the first state to pass a legislative abolition program and pro-slave advocates across the Mid-Atlantic rose in protest. In November, "Eliobo" wrote to the *Journal* that the recent increase in interest in abolitionist sentiment had no basis in any real need for freedom from slaves themselves. "Eliobo" claimed a slave "lives free from all anxiety, perplexing cares, troubles and disappointments...a negro, while confined to his master's services, is just fulfilling what his education prophesied in his youth." The author rejected Green's link between the American Revolution and the plight of the slave and instead claimed it inappropriate to equate the slavery Great Britain exerted on the colonies with the slavery exerted on African Americans by the colonists as they were in two separate realms of understanding.³⁷

In a second letter attacking abolitionism a month later, "Eliobo" linked his argument to the Perth Amboy petition six years earlier and claimed that if abolition came to America, white civilization as Americans knew it would disappear. "Eliobo" argued every "effort of the negroes" will be "to establish upon our ruin" and create a "kingdom of Cuffie." In apocalyptic proportions, the author predicted that freed slaves would form an alliance with the Indians who, as savage as blacks were, would "sweep our land with sallies of murder and rapine. Then will

³⁶ *New Jersey Journal*, May 3, 1780 and May 10, 1780.

³⁷ *New Jersey Journal*, November 29, 1780. For passage of Pennsylvania Gradual Abolition Act, see Nash and Soderlund, *Freedom by Degrees*, 104-105. For spreading of abolitionist rhetoric, see Nash, *Forging Freedom*, 39.

the shrieks and cries of murdered children and the lamentation of assassinated friends weltering in gore" force Americans to realize abolition produced such destruction. Though certain non-Quakers had embraced abolition as an outgrowth of revolutionary rhetoric, many more continued to understand slavery in terms of a mechanism to control a potential race war if African Americans ever became free.³⁸

"Marcus Aurelius," another author writing in response to Jacob Green in the pages of the *New Jersey Journal*, joined with Eliobo and claimed that even the discussion of liberty for slaves could "stimulate servants to insurrection." Aurelius became even more enraged with the potential for revolt since he saw a clear difference between national freedom from the British and individual freedom of slaves. He argued that Green "in his heart knows they are measured upon two scales and have no connection with each other." Therefore, republican rhetoric did not develop easily. White New Jerseyans attacked the very notion that their liberty could ever be construed as equivalent to the liberty of a group so inferior to them. Their racism then not only informed their fear of a race war but also began the process that restricted how far revolutionary freedom could extend to African Americans.³⁹

As the debates in the newspapers waged on, New Jerseyans on both sides of abolition called for greater action at the state level to abolish or secure slavery in the early 1780s. Pro-slave forces marched on Jacob Green's church and sacked it while those who adopted the abolitionist viewpoint acted on their beliefs. On July 4, 1783, Moses Bloomfield, the father of future governor Joseph Bloomfield, mounted a platform in Woodbridge to celebrate the birth of the new nation. He told the crowd below that "as a nation we are free and independent—all men are created equal and why should these, my fellow citizens—my equals, be held in bondage?"

³⁸ *New Jersey Journal*, December 27, 1780.

³⁹ *New Jersey Journal*, January 17, 1781 and January 24, 1781. For more debates in the *New Jersey Journal* between Green and others, see January 10, 1781, January 24, 1781, and January 31, 1781.

He then freed all his slaves to adhere to the path Jacob Green and other abolitionists had set out for the young republic.⁴⁰

The passage of an abolition law in Pennsylvania reinvigorated the abolition debate and motivated not only men like Green but Quaker activists who had failed to pressure the legislature to pass an abolition bill five years earlier. In 1780, the *New Jersey Gazette*, the *Journal's* rival paper, published a series of articles attacking and defending the institution of slavery. The debate was instigated by John Cooper, a Quaker from Woodbury in Gloucester County who had advocated for abolition many times before and who knew Jacob Green through their shared service in the provisional legislature and on the ten-person committee that wrote the state's 1776 Constitution. Like Green, Cooper argued that the Revolution should force Americans to recognize African American freedom. Cooper claimed "in our public and most solemn declarations we say we are resolved to die free—that slavery is worse than death. He who enslaves his fellow creature must be worse than he who takes his life." As Cooper believed slavery a fate worse than death, he advocated a much more radical agenda than other abolitionists: the complete abolition of slavery instead of a gradual one.⁴¹

Like Green, Cooper's letter brought with it heavy resistance from New Jersey citizens but in a way far different than the fear of racial strife. Cooper's critics claimed that the state should not engage in the same type of abolition as Pennsylvania since the Revolution had caused so much devastation. One critic argued New Jersey had been "laid to waste and rendered desolate

⁴⁰ For the destruction of Green's church, see Schama, *Rough Crossing*, 111-112 and Hodges, *Root and Branch*, 143. For Moses Bloomfield, see Wright, "Moving Toward Breaking the Chains" in Mitnick, *New Jersey in the American Revolution*, 130.

⁴¹ *New Jersey Gazette*, September 20, 1780. Cooper also was elected to the Continental Congress in 1776, served five terms on the Legislative Council and a year on the state's Council of Safety. For more of Cooper's argument, see David Cooper, *A Serious Address to the Rulers of America on the Inconsistency of their Conduct Respecting Slavery* (1783).

by the ravages” of the British army. The Revolution had so dislocated New Jersey society that any alteration in the way the state operated could not be handled at this juncture.⁴²

The state legislature consistently made the same argument when from 1778 to 1780, Quaker abolitionists petitioned the legislature to end slavery. In 1778, Samuel Allinson claimed the “eyes of the world have been and are upon America” in the matter of slavery.⁴³ Although Allinson thought the eyes specifically looked towards Pennsylvania in its battle to enact gradual abolition, in writing to Governor William Livingston, he lobbied extensively for abolition in New Jersey as well. Livingston, a slaveholder himself, readily adopted the abolitionist ideology and freed his slaves. Through frequent exchanges with Allinson, the governor not only adopted abolitionism but became more educated and accepting of Quakerism. In July 1778, Livingston wrote to Allinson that “respecting the slavery of the Negroes, I have the pleasure to be entirely of your sentiments and I sent a message to the assembly the very last sessions to lay the foundation for their manumission.”⁴⁴ Allinson then had a powerful ally in the abolition fight. However, in the same letter, Livingston claimed the legislature “thinking us rather in too critical a situation to enter on the consideration of it at that time, desired me in a private way to withdraw the message.”⁴⁵ Though Livingston continued to advance anti-slavery sentiments in his remaining years in the Governor’s mansion, the wartime abolitionist agenda failed because too many in the state could not see past the devastation of war to effect any real societal change.⁴⁶

Pennsylvanians had a much different war experience than New Jerseyans which made them able to advance the cause of abolition in the midst of conflict. As historian Gary Nash

⁴² *New Jersey Gazette*, October 4, 1780. For other debates from Cooper and others in the *New Jersey Gazette*, see November 8, 1780, January 10, 1781, February 14, 1781, March 21, 1781, April 1, 1781, June 27, 1781.

⁴³ Samuel Allinson to William Livingston, August 12, 1778 in Prince and Ryan, *Papers of William Livingston*, Volume II, 407-414.

⁴⁴ William Livingston to Samuel Allinson, July 25, 1778 in Prince and Ryan, *Papers of William Livingston*, Volume II, 399-404.

⁴⁵ *Ibid.*

⁴⁶ Zilversmit, *The First Emancipation*, 141-42.

argued, the Pennsylvania state legislature had license to act on the abolition question in 1780 as the war had largely left the most populated regions of the state (this excluded the western and northeastern frontiers where fighting continued) after the Patriots expelled the British from Philadelphia. With little interaction between British and Patriot forces in the later three years of the war, state legislators did not have, as New Jersey legislators had, a war related excuse. The British continued to engage Patriot forces in New Jersey in skirmishes and foraging engagements from their base in New York City. As late as 1782, William Livingston complained the British intended “to continue their hostilities with greater vigor than ever” in New Jersey. The war served as an excuse for New Jersey’s political leaders to slow any radical societal changes. It did not serve to enact the ideals of freedom and equality that had so grounded the rhetoric of the battle with Great Britain. Instead of a conflict which revolutionarily changed the nation, the Revolution continued the status quo of colonial New Jersey society.⁴⁷

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Although the destructive force of the Revolution stymied the growth of an abolition movement, it served as cover for a few lucky blacks to escape from their recalcitrant masters. Slaveholders in Bergen County, the county with the largest number of slaves and the one most devastated by the war, suffered some of the largest losses which further pushed them away from supporting abolition. Richard Varick bemoaned in 1778 that “in the beginning of the war, my father had two middle-aged negroes and wenches—he has lost the wench...one negro died and the last wench and one negro left with the enemy.”⁴⁸ Varick’s two slaves who escaped slavery with the British joined hundreds more who heard the call of freedom the British had offered

⁴⁷ William Livingston to the Assembly, May 17, 1782 in Prince and Ryan, *Papers of William Livingston*, Volume IV, 414-415; Nash, *Forging Freedom*, 59.

⁴⁸ Richard Varick to Philip Van Renssalaer, October 30, 1778, Varick Papers, New York Historical Society, as cited in Hodges, *Slavery, Freedom, and Culture*, 43-44.

them. British enthusiasm for offering African American freedom began in 1775 when Lord Dunmore, the last royal Governor of Virginia, promised freedom to any slave who joined him to fight against the American insurrection. Dunmore's promise to his Ethiopian Regiment spread far from Virginia and soon slaves in New Jersey and New York understood the British as a beacon of freedom. On June 7, 1779, the British commander of New York, David Jones, announced that "all Negroes that fly from the Enemy's Country are Free...no person whatever can claim a right to them." Jones' declaration far exceeded the limited scope of Dunmore's earlier announcement as Jones granted freedom to not only those able-bodied men who could join the British military but to women and children who managed to escape to Tory lines.⁴⁹

For the first time in American history, a powerful group of whites had offered freedom to slaves. Blacks in New Jersey understood the ideals of the Revolution and realized they could use them as a means to break their bonds of slavery. Thousands of blacks throughout the colonies took advantage of the dislocation in American society caused by the Revolution and ran away from their masters towards the only freedom available to them. Lutheran minister Henry Muhlenberg wrote that slaves wished "the British army might win, for then all Negro slaves will gain their freedom." The belief, according to Muhlenberg, was "universal among the Negroes in America."⁵⁰ For the most part, he was right. The British attracted thousands of slaves at their posts in New York and during their brief occupation of Philadelphia. During the war, the

⁴⁹ For David Jones quote, see Douglas Egerton, *Death or Liberty: African Americans and Revolutionary America* (New York: Oxford University Press, 2009), 84. For Henry Clinton's proclamation that year, see "Proclamation of Sir Henry Clinton" *Royal Gazette*, July 3, 1779. For Dunmore's Proclamation, see Nash, *Forgotten Fifth*, 26-27; Gellman, *Emancipating New York*, 38; Nash, *Forging Freedom*, 45; Berlin, *Many Thousands Gone*, 257-258; Wright, "Moving Toward Breaking the Chains" in Mitnick, *New Jersey in the American Revolution*, 127; Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: University of North Carolina Press, 1999), 156-163.

⁵⁰ Nash, *The Forgotten Fifth*, 30.

fugitive slave population of Philadelphia doubled while it quadrupled in New York City. Slaves from New Jersey spilled into both neighboring urban areas to seek a chance at freedom.⁵¹

Although impossible to gauge an exact number of slaves who ran away, runaway advertisements in New Jersey and New York newspapers provide a rough estimate of the general characteristics and quantity of slaves who fled the Garden State. From 1777 to 1783, the *New Jersey Gazette* ran fifty-five advertisements for runaway slaves. On a larger scale, runaway advertisements from both New York and New Jersey newspapers totaled 314 from 1776-1783. Most likely the quantity of newspaper advertisements does not accurately reflect the total numbers of slaves who left New Jersey, but from this sample emerges striking characteristics of this new free class of Americans.⁵² Overwhelmingly male (79.6 percent) and between the ages of sixteen and twenty-five (51.6 percent), the slaves who ran away from Patriots could be easily integrated into the British military structure. Of course, not all slaves who ran away became soldiers. Phillis Sparrow, a twenty-eight year old woman who belonged to Charles Suydam of New Brunswick left her master in 1776 as the fight for freedom had just begun and simply lived free in British-occupied New York. Similarly in 1777, Richard Stevens' slave from Hunterdon County left his master and fled to Staten Island after coaxing by Jinlay Drake, a man not one motivated by military service, while Peter Tallman, another New Jersey slaveholder, had to travel to Staten Island to attempt to recover his slave who left him near the end of 1782 when the war, and most opportunities for military service waned.⁵³

⁵¹ Dunbar, *A Fragile Freedom*, 22; Douglas Egerton, *Death or Liberty*, 89.

⁵² Using population data to make estimates on the movement of slaves from New Jersey to New York becomes problematic as New Jersey as a dearth of census data available before 1790. For the little data available, see Evarts Green and Virginia Harrington, *American Population Before the Federal Census of 1790* (New York: Columbia University Press, 1932), 105-112.

⁵³ *New Jersey Gazette* information was gathered by a search of all issues of the *Gazette* between 1777 and 1783 with the keyword “negro, slave, or black.” Additional statistical information on runways and New York papers from Graham Hodges and Alan Edward Brown, ed., “*Pretends to be Free*” *Runaway Slave Advertisements from Colonial and Revolutionary New York and New Jersey* (New York: Garland, 1994). For case of Phillis Sparrow, see Graham

As New York became the epicenter of free black life in the United States, New Jerseyans became wary of the increased number of runaways and attempted to stop blacks from reaching Tory lines. In May 1780, a resident of New Barbadoes in Bergen County complained that “twenty-nine negroes of both sexes have deserted within two weeks past” and that the numbers of runaways had steadily increased.⁵⁴ New Jersey militia units constantly looked out for escaped slaves and attempted to stem the flow of escapees from New Jersey. In 1777, Samuel Hayes, a major in the Essex County Militia, reported he had seized two slaves in Newark who had been on their way to New York to join the enemy. That same year, the owners of two slaves, Joe and Scipio, had been arrested by members of the Monmouth County militia under suspicion they intended to join the British. In 1782, one slave arrested for attempted escape to New York was “tied...to the tail of a horse...his feet were fastened in the stocks and at night his hands also.”⁵⁵ However, these actions barely scratched the surface of runaways who had left the state and, especially in the case of Somerset Sheriff Peter Vroom, who allowed a slave in his custody to escape to the British, did not effectively deter African American migration.⁵⁶

Many slaves left their masters and entered British lines from New Jersey since they did not need to go far to do so. As Erica Dunbar argues for Philadelphia, those slaves inside the city had easy access to join a British regiment or gain protection of British troops; they could ally

Hodges, ed, *The Black Loyalist Directory: African Americans in Exile after the American Revolution* (New York: Garland, 1996), 19. For case of Richard Stevens, see New Jersey Supreme Court Case File 34939, NJSA. For case of Peter Tallman, see Peter Tallman to William Livingston, April 20, 1782, Statesmen Papers, NJHS.

⁵⁴ Extract of a letter from New Barbadoes, May 27, 1780, *Documents Relating to the Revolutionary History of the State of New Jersey*, Second Series, Volume IV, New Jersey State Archives (Trenton, 1914), 445.

⁵⁵ Hodges, *Root and Branch*, 146.

⁵⁶ Harris, *In the Shadow of Slavery*, 55; Samuel Hayes to William Livingston, July 16, 1777 in Prince and Ryan, *Papers of William Livingston*, Volume II, 22 and William Livingston to Richard Bache, May 22, 1777 in Prince and Ryan, *Papers of William Livingston*, Volume I, 338; Peter Vroom to Sir Guy Carleton, c. 1782-1783, Revolutionary Era Papers, NJHS. For additional information on slaves leaving to British lines, see Hodges, *Slavery and Freedom in the Rural North*, 95 and Wright, “Moving Toward Breaking the Chains” in Mitnick, *New Jersey in the American Revolution*, 115. Cases of imprisoned slaves can also be seen in the New Jersey Council of Safety Minutes, May 12, 1777 and May 22, 1777, NJSA.

with them by “simply walking out of their master’s homes.”⁵⁷ As New Jersey became a constantly contested battleground between Patriot and Tory forces, British lines and the freedom they represented ebbed and flowed dozens of times over the course of the conflict. In many cases, slaves who were in the right place at the right time could latch onto a British unit marching outside of their master’s home and access the freedom the King’s troops offered. This is apparent in the case of Joseph Holmes of Upper Freehold in Monmouth County who reported that British forces confiscated two horses and a wagon and sent them along with his male slave to serve in the British army.⁵⁸ In a similar situation, Ennis Graham claimed his twenty-eight year old slave Oliver was carried off by a large body of Hessian soldiers on their way to the Battle of Trenton in December 1776 while Thomas Edgar of Woodbridge said he saw his thirty-five year old male slave in service with the British after he ran to them in December 1776. These slaves and others like them made up the 156 listed in the damage estimates submitted by owners to the state legislature as losses incurred by British forces.⁵⁹

While the Revolution brought with it a mass exodus of slaves to British lines, the end of the war saw yet another mass movement of slaves out of the United States to other British colonies. Loyalist slaveholders from the South left at war’s end along with their chattel to East Florida and the sugar islands of the West Indies. Those slaves that escaped their American masters in South Carolina joined their new British allies and evacuated to New York and then to Nova Scotia. In New York, former Jersey slaves waited with baited breath while the British decided what to do with them. The majority of those who joined the British ended up in a free black colony either in Nova Scotia or New Brunswick, Canada joined by the thousands of whites

⁵⁷ Dunbar, *A Fragile Freedom*, 21.

⁵⁸ Testimony of Joseph Holmes, Jr, *Documents Relating to the Revolutionary History of the State of New Jersey*, Second Series, Volume I, 380-81.

⁵⁹ Inventories of Damages by the British and Americans in New Jersey, 1776-1782, Legislative Records, NJSR. For specific claims mentioned, see Middlesex County Claim One and Middlesex County Claim 214.

who remained loyal to the King. British General Guy Carleton proclaimed that any black who had joined the British before 1780 had the right to leave the colonies and begin a new free life in Canada, Sierra Leone, or England itself. Not only a beacon of freedom in the American colonies, the British government's promise to evacuate those blacks who had long supported their cause made them the only force in the colonies committed to sustained freedom for African Americans.⁶⁰

Upon hearing of the British plan to remove thousands of former slaves from New York, New Jersey slaveholders erupted in panic and anger. Ninety Essex County residents filed a petition with the state legislature that questioned the commitment of both the British and American governments to the Paris Peace Treaty which included the restoration of American property rights. The petitioners claimed the British had not done enough “to restore property found within their lines” and refused permission for Americans to go into British lines to attempt to secure ownership of their slaves on an individual basis.⁶¹ Indeed, the British military punished anyone who helped Americans regain their property during the last few months of the war. For example, one police officer, Thomas Willis, suffered fines and exile from New York for helping to return Caesar to Elizabethtown after Caesar escaped his master.⁶²

Attuned to the unpopularity and potential future ramifications between Britain and the United States, the British in New York agreed to record information on each African American who left on British ships in 1783. The list of over three thousand blacks contained 175 ex-slaves from New Jersey bound for freedom elsewhere in the Empire. The list contained the names of

⁶⁰ Nash, *The Forgotten Fifth*, 42-46; Hodges, *Slavery and Freedom in the Rural North*, 105. For evacuation and the movement of Loyalist slaves to England, Sierra Leone, Canada, and Australia, see Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston: Beacon, 2006).

⁶¹ Petition of Inhabitants of Essex County to the General Assembly Concerning War Damages, May 5, 1783, BAH Collection, Legislative Records 1782-1787, NJSIA.

⁶² Hodges, *Root and Branch*, 156.

couples who ran away from their masters, such as Joseph and Betsey Collins who left Hackensack in 1779. Some, like Polly, a free black from Burlington, came to New York in 1776 searching for greater access to freedom than she could have attained with the Patriots. There, she met her husband, Job Allen, a former slave from the Eastern Shore of Maryland and together raised two small children before embarking for a new life in Port Roseway, Nova Scotia.⁶³ Others, like the two three-year-old slave children born in Sarah Haviland's Elizabethtown home and "taken" by two "Staten Island men," gained freedom not by their own ingenuity but through the help of other Loyalists who planned their escape.⁶⁴

This exodus of blacks to Canada represented a powerful step in the development of African American identity. However, they represented such a minuscule number of New Jersey's total black population that we must question the impact of the British abolitionist experiment. While the promise of future freedom motivated African Americans throughout the United States to lobby for their own freedom in the future, the vast majority of white New Jerseyans remained dead set against any form of abolition in the Revolution's aftermath. While the destructiveness of the conflict gave rise to opportunities to escape slavery, the institution and the chance for abolition became even further entrenched as the fear of the economic ramifications of abolition and possible black revolt captured the imaginations of slaveholders.⁶⁵

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Though Americans spoke of the Revolution as a war for freedom against the enslavement wrought upon them by King George, the King's troops represented one of the few places where

⁶³ Hodges, *Black Loyalist Directory*, 9-10 and 25.

⁶⁴ Vivienne Kruger, "Born to Run: The Slave Family in Early New York, 1627-1827" (PhD Dissertation, Columbia University, 1985), 559-633.

⁶⁵ Nash, *The Forgotten Fifth*, 67; Holton, *Forced Founders*, 156-157. Holton makes the point that for the majority of Virginia slaves, Dunmore's proclamation was a disappointment. It did not make abolition a goal of the war and only offered limited freedom to African Americans who managed to make it to British lines to fight. The same dynamic occurred in New Jersey as most New Jersey slaves never managed to escape their master's control and remained a slave in a society now firmly entrenched against the idea of abolition.

slaves could access freedom. A select few slaves throughout the colonies, however, sought freedom through service with Patriot forces. In New Jersey, like most states, slaves could not join the militia. Five days after Lord Dunmore's promise of freedom to Virginia slaves in 1775, George Washington purged his army of all blacks. Blacks under arms, Washington feared, would "render slavery more irksome to those who remain in it." Those enlisted blacks might become leaders of an uncontrollable liberation movement, one that would destroy American society in the same way the residents of Perth Amboy had warned regarding abolition in New Jersey.⁶⁶

Washington, facing a manpower shortage in early 1776, reversed his decision and allowed free blacks to serve. After the devastating winter at Valley Forge, he allowed Rhode Island to raise a regiment of slaves for Continental service. Efforts to enlist slaves continued in South Carolina and Georgia, but without significant support from Washington they failed to come to fruition. Even the realization that thousands of slaves left American lines to join the British failed to motivate the Patriots to alter their ideas on black freedom: slavery remained firmly entrenched. The racism that allowed for this firm entrenchment motivated some to advocate using African Americans in limited circumstances. William Livingston argued to George Washington in 1777 that if nothing else could restrain the barbarity of the British who had ravaged the New Jersey countryside in the preceding year, "it may not be improper to let loose upon them a few of General Stephen's tawny Yagers, the only Americans that can match them in their bloody work." The men Livingston referred to, black soldiers serving in Major

⁶⁶ Nash, *Forging Freedom*, 51-52; Nash, *The Forgotten Fifth*, 10-11; Dunbar, *A Fragile Freedom*, 22; Gary Nash, *The Unknown Revolution: The Unruly Birth of Democracy and the Struggle to Create America* (New York: Viking, 2005), 329; Henry Wiencek, *An Imperfect God: George Washington, His Slaves, and the Creation of America* (New York: Farrar, Straus, and Giroux, 2003), 227; "An Act for the better regulating the Militia," March 15, 1777, Acts G.A., 1st session, ch. XX, 26; "An Act for the Regulating, Training and Arraying of the Militia," April 14, 1778, Acts G.A., 2nd session, 2nd sitting, ch. XXII, 44-45; Robert Gough, "Black Men and the Early New Jersey Militia," *New Jersey History* 88 (1970), 227-238.

General Adam Stephen's Virginia brigade, could, because of their barbarity, fight the British on their own terms. Even when blacks did join the American cause, the ever present racism that stymied the growth of the abolition movement prevented any real chance at forward momentum of African American equality or freedom.⁶⁷

Enslaved blacks served in both the New Jersey militia and Continental Line despite the army's ban on the use of slaves. At least twenty-five soldiers' records remain and it stands likely that even more served as teamsters, servants, or in other non-combat roles. Many slaves served as substitutes for their masters. When Samuel Sutphen's owner, Barbardus LaGrange of Somerset County, fled to New York to side with the British, New Jersey confiscated Sutphen as part of LaGrange's estate. Casper Berger, a former redemptioner who had himself lived a life very similar to Sutphen in his early years, bought Sutphen and offered him freedom if he joined the military as his substitute and remained loyal to the Patriot cause throughout the Revolution. Sutphen fought at the Battle of Long Island, retreated through New Jersey with Washington's army, and returned to engage the enemy at both Princeton and Monmouth. In 1778, he joined the expedition to Fort Stanwix in New York State and his unit pursued Britain's Indian allies as far north as Buffalo. On his return south, Hessians and a company of British Highlanders crossed the icy Hudson River and ambushed his company at Mount Pleasant in Westchester County, New York. A bullet struck the button on his pants and the button along with the bullet drove into his right leg just above his ankle. Waylaid because of his injury for almost three months, Sutphen returned to Readington with his unit and served until 1780. Unlike the

⁶⁷ Nash, *The Forgotten Fifth*, 10-13; Nash, *Unknown Revolution*, 327-39; William Livingston to George Washington, February 22, 1777 in Prince and Ryan, *Papers of William Livingston*, Volume I, 250-51. For more on slaves serving in the military, see Egerton, *Death or Liberty*, 74-81; Philip Foner, *Blacks in the American Revolution* (Wesport, CT: Greenwood Press, 1975), Robert Greene, *Black Courage, 1775-1783: Documentation of Black Participation in the American Revolution* (Washington: National DAR, 1984), and Glenn Knoblock, *Strong and Brave Fellows: New Hampshire's Black Soldiers and Sailors of the American Revolution, 1775-1784* (Jefferson, NC: McFarland, 2003).

thousands who fled to the British lines, Sutphen's service did not translate into freedom. Casper Berger reneged on his promise and sold him to Peter Ten Eyck who then sold him to John Duryea who then sold him again to Peter Sutphen. Not until 1805 did Samuel manage to purchase his own freedom and end the bondage his service in the Revolution never did.⁶⁸

Other New Jersey blacks did achieve freedom by revolutionary service. John Ceasar, a private in the Fourth New Jersey, joined the army in December 1776 in Sussex County and served a long string of assignments in several units of the New Jersey line before his discharge in May 1783. For his service, he received western lands in 1800. Similarly, Oliver Cromwell of Burlington County joined the Second New Jersey regiment in 1777 at the age of twenty-six. Cromwell served at the Battle of Short Hills and several other engagements until his discharge in June 1783. Awarded not only a land grant in 1791 but a federal pension of ninety-six dollars a year, Cromwell emerged from the Revolution a landed free black with a pension for life.⁶⁹

Still other African Americans in New Jersey refused to serve with the American army after their masters sent them to serve. In 1778, twenty-two year old Boston, a slave to Ann Griffith, ran away from his mistress in order to avoid service with Patriot forces. Griffith realized that Captain William Cook, who had just recently surrendered his schooner *Revenge* to

⁶⁸ Revolutionary War Index Files, NJSA. Samuel Sutphen Federal Pension Application, Series M805, Roll 783, File R10321, August 15, 1832. Also see A Van Doren Honeyman, ed, "The Revolutionary War Record of Samuel Sutphen, slave," *Somerset County Historical Quarterly* 3: 1914, 186-90 as reprinted in Larry Gerlach, ed, *New Jersey in the American Revolution, 1763-1783: A Documentary History* (Trenton: New Jersey Historical Commission, 1975), 354-360. For more on Sutphen, also see William Schleicher and Susan Winter, "Patriot and Slave: The Samuel Sutphen Story," *New Jersey Heritage*, 1:1 (Winter 2002): 30-43. Casper Berger died in 1815, see Bergun Brokaw Account Book, 1812-1851, RUASC for his coffin purchase. For other cases of slaves who did not gain their freedom from service in the Revolution, see Benjamin Quarles, *Negro in the American Revolution*, (Chapel Hill, NC: University of North Carolina Press, 1961), 183-184.

⁶⁹ Revolutionary War Index Files, NJSA. Oliver Cromwell Federal Pension Application, Series M805, Roll 233, File S34613. William Nell, *The Colored Patriots of the American Revolution* (Arno Press, 1968), 160-61. Nell uses a *Burlington Gazette* article from the 1830s to describe Cromwell's service (the article is an interview with Cromwell). The article claims that Cromwell crossed the Delaware with Washington and fought at Princeton and Trenton but his pension application claims he did not enter service until 1777. For use of this information, see Wright, "Moving Toward Breaking the Chains" in Mitnick, *New Jersey in the American Revolution*, 129. See Nell, *Colored Patriots*, 160-165 for other cases of New Jersey blacks in the Revolution.

the Americans on the Delaware River, had Boston on board and asked Cook to return him immediately. Cook promised Griffith he would return Boston to her but soon after Boston told Cook he fled to avoid military service, he refused to allow Boston to return to his former mistress. Although Boston had fled to the British in order to secure his freedom, a freedom that he did not believe the Americans would offer him, Cook had other plans. In consultation with a local man named Martin Delany, he declined Griffith's request to return Boston not because of his steadfast support of African American freedom but because the pair believed they could garner up to 125 pounds in gold or silver money if they sold Boston. Although Cook fought against American forces, he had no commission from the British government and therefore the Patriots who captured him declared him a pirate. As an irregular combatant, he did not have to adhere to the British regulations regarding freedom of slaves. Indeed, one witness in Griffith's case to reclaim Boston overheard Cook say that "he would sell that Negro man to the first West Indian vessel that he met" and reap a huge reward. Boston then represented not only a desire for African Americans not to fight with American forces but the uncertainty that America's enemies would provide the freedom they had promised to slaves as well.⁷⁰

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The New Jersey legislature had long asserted their right to exert control over the colony's enslaved population. After the 1741 New York Slave Conspiracy, New Jerseyans imposed harsher slave codes to prevent uprisings similar to those that happened both in New York as well as in South Carolina around the same time. In 1750, two slaves, convicted of murdering their mistress in Perth Amboy, were burned at the stake for their crimes. The white population made

⁷⁰ John Stockton v. William Cook, New Jersey Supreme Court Case File 34416, NJSA.

sure all slaves in the town attended the execution to serve as a warning against future transgressions.⁷¹

Fear of black revolt remained a constant theme in the colonial period but reverberated in the Revolution as well. In 1772, Somerset County slaveholders were shocked when they learned their slaves began mass meetings that produced enough rebellious sentiments that two slaves from the area claimed that “it was not necessary (for slaves) to please their masters for they should not have their masters long.”⁷² The fomenting of rebellion in Somerset had been feared as masters continually observed their slaves disobeying the state’s slave code. The year before in the same county, Justice of the Peace Jacob Van Noorstrand recorded that he convicted ten slaves for ignoring the nine o’clock curfew and for theft.⁷³ Similar occurrences of rebellious slaves occurred in Middlesex County in 1771 when Isaac, a slave of Joseph Moore, stole from a neighbor’s house and continued during the Revolution when Bet, a slave of George Ryerson of Bergen County, burned down her master’s barn in 1780.⁷⁴

In 1774, slaveholders in Shrewsbury and Middletown complained to whom that their slaves increasingly ignored the curfew regulations and as in Somerset, met at night to create a plan to “cut the throats of their masters” and take over the state. In 1775, the Committee of Safety in Shrewsbury responded to the perceived threat of black revolt by banning all meetings of slaves and arrested any found off their master’s property. After confiscating their guns and

⁷¹ George Mellick Notebook, 89, Andrew Mellick Papers, NJHS. For 1741 New York Conspiracy, see Jill Lepore, *New York Burning: Liberty, Slavery, and Conspiracy in Eighteenth Century Manhattan* (New York: Knopf, 2005) and Peter Charles Hoffer, *The Great New York Conspiracy of 1741* (Lawrence, KS: University Press of Kansas, 2003).

⁷² Hodges, *Slavery, Freedom, and Culture*, 72.

⁷³ Dorothy Stratford, “Docket of Jacob Van Noorstrand” *Genealogical Magazine of New Jersey* 43 (1968): 58-67.

⁷⁴ New Jersey Supreme Court Case Files 21064 and 37213, NJSA. For other cases, see files 37216 and 37232, NJSA.

ammunition, the Shrewsbury city leaders instructed the militia to patrol for slaves fomenting rebellion and punish them with at least fifteen lashes on the bare back.⁷⁵

In 1779, after the British had been gradually pulling slaves away from their Jersey masters, Elizabethtown authorities put down their own slave revolt. In June 1779, a group of slaves planned to rise against their masters and murder them after coaxing by Loyalists and British forces in the area.⁷⁶ Reverend Alexander MacWhorter of Newark claimed, in 1777, that the town “looked more like a scene of ruin than a pleasant well cultivated village.” Former slaves in the employ of the British army invaded and assaulted at least three men in unprovoked attacks. One man was “cut and slashed” horribly while in addition “three women were most horribly ravished by them, one of them an old woman near seventy years of age, whom they abused in a manner beyond description, another of them was a woman considerably advanced in her pregnancy, and the third was a young girl.”⁷⁷ Although similar to other partisan attacks, the participation of black soldiers with the British challenged the racial dynamic that New Jerseyans had so long attempted to craft. With these wanton attacks against white authority, the original fears of the Perth Amboy residents who had warned Governor Franklin in 1774 of the dangers of abolition came to fruition.⁷⁸

Fear of slave revolt was by no means confined to New Jersey. In 1775, the densely slave populated Ulster and Queens Counties in New York reported foiling two separate revolts planned by slaves. In Ulster, slaves had designs to set fire to their master’s houses and then

⁷⁵ Hodges, *Slavery and Freedom in the Rural North*, 94-95.

⁷⁶ Newspaper extract from the *New York Packet and the American Advertisers*, July 1, 1779 in *Documents Relating to the Revolutionary History of the State of New Jersey*, Second Series, Volume III, 490. Also see Edwin Hatfield, *History of Elizabeth, New Jersey*, (New York: Carlton and Lanahan, 1868), 476; Nash, *Forging Freedom*, 45; Wright, “Moving Toward Breaking the Chains” in Mitnick, *New Jersey in the American Revolution*, 126.

⁷⁷ Reverend Alexander MacWhorter’s Letter in *Documents Relating to the Revolutionary History of the State of New Jersey*, Second Series, Volume I, 350-53.

⁷⁸ Petition of the Citizens of Perth Amboy to the General Assembly Opposing Slave Manumissions, January 12, 1774, BAH Collection, Legislative Records, 1770-1781, NJSIA.

attack the whites as they fled from the blaze, not unlike the 1741 conspiracy in New York City, while in Queens slaves for “many miles” were involved in a plot to “destroy the white people.”⁷⁹ Seven hundred miles to the south, South Carolina slaveholders panicked with the “dread of instigated insurrections” inspired by the British. Believing that a sloop carrying the new Royal Governor, William Campbell, brought with it weapons for slaves who joined the British cause, South Carolina slaveholders clamped down on any behavior slaves exhibited which could have been construed as rebellious.⁸⁰

Actual and rumored rebellion of blacks within New Jersey created significant fear among citizens of the state and the constant raids in Monmouth County by black loyalists led by Colonel Tye only exacerbated tensions. Tye, or Titus, a slave in Colts Neck in Monmouth County, belonged to John Corlies, a recalcitrant Quaker who refused to follow the edicts of the Philadelphia Yearly Meeting’s ban on slaveholding. The day after Lord Dunmore promised freedom for Virginia slaves, Titus ran away from his master and joined the British army. Like many others who fled to the British, Titus joined the British’s all-black units, the Black Brigade and the Black Pioneers. Titus returned to New Jersey as Colonel Tye and fought with British forces at the Battle of Monmouth. In 1778 and 1779, Tye led a band of mostly black guerrilla fighters who operated out of a base called Refugeetown on Sandy Hook. Attacking wealthy slaveholding Patriots, Tye and his band stole cattle for the British in New York and burned houses, seized guns, and took Patriot prisoners back to New York. In one 1780 engagement, Tye led a biracial group of thirty blacks, twenty white Loyalists, and thirty-two Queens Rangers to capture leading Monmouth County Patriot Barnes Smock. The party captured Smock along with twelve others defending his house, destroyed one cannon, captured two artillery horses, killed

⁷⁹ Gellman, *Emancipating New York*, 36.

⁸⁰ Sylvia Frey, *Water from the Rock: Black Resistance in a Revolutionary Age* (Princeton: Princeton University Press, 1991), 56-57.

Joseph Murray, an innocent bystander according to the Monmouth militia, and razed the houses of several other Patriots in Monmouth.⁸¹

Monmouth County residents decried the attacks by their former slaves and wrote to the governor to request emergency assistance. They claimed “it is not possible...to prevent the frequent ravages of the enemy...they have been in Shrewsbury twice since” our last petition.⁸² In response, Governor Livingston declared martial law and requested additional supplies and troops from the legislature to stop Colonel Tye’s attacks. With Livingston’s support, 210 men from Hunterdon and Burlington County marched to Monmouth to defend against Tye’s guerrilla forces.⁸³ However, during the summer of 1780, Tye continued to engage Patriot forces in Monmouth County and in September 1780 made his most dramatic attack when he attempted to capture Joshua Huddy, another officer in the Monmouth militia. After a fierce two hour battle at Huddy’s home in Toms River, Huddy managed to escape and Tye and his soldiers returned to their base on Sandy Hook. In the battle, Tye suffered a minor bullet wound to the wrist which, lacking appropriate medical treatment, became infected. Colonel Tye, the former slave who had brought so much fear to the county where he had toiled for so long, died of lockjaw only a few days after the raid at Toms River.⁸⁴

Colonel Tye’s death did not end the activities of the ex-slaves on Sandy Hook. Led by a new commander, Colonel Stephen Blucke, the black guerrilla fighters and their Loyalist allies

⁸¹ Schama, *Rough Crossings*, 114-115; Egerton, *Death or Liberty*, 65-67; Extract of a letter from Monmouth County, June 12, 1780 in *Documents Relating to the Revolutionary History of the State of New Jersey*, Second Series, Volume IV, 434-5; David Forman to William Livingston, June 9, 1780 in Prince and Ryan, *Papers of William Livingston*, Volume III, 423. Also see *New Jersey Gazette*, April 12, 1780.

⁸² Samuel Forman to William Livingston, August 6, 1780 in Prince and Ryan, *Papers of William Livingston*, Volume IV, 28-29.

⁸³ William Livingston to Asher Holmes, March 21, 1780 in Prince and Ryan, *Papers of William Livingston*, Volume III, 343-44. Also see Graham, *Slavery and Freedom in the Rural North*, 102.

⁸⁴ A Letter from Freehold, April 15, 1782 in *Documents Relating to the Revolutionary History of the State of New Jersey*, Second Series, Volume V, 424; Hodges, *Slavery and Freedom in the Rural North*, 105-106; Schama, *Rough Crossing*, 115-16. Huddy, even though he escaped from Colonel Tye, ended up in British hands again when in 1782 New Jersey Loyalists hanged him on Sandy Hook’s beach in retribution for the death of Philip White, a Loyalist killed by Patriot militiamen.

staged raids against several targets in New Jersey. In 1782, forty whites and forty blacks under Blucke's command attacked the salt works at Forked River and raided homes in the area. Black troops raiding Patriot targets did not end nor let up until 1783 when the Black Brigade departed from New York, the final British unit to do so.⁸⁵

The attacks of Colonel Tye and the black guerrilla fighters from Refugeetown instilled genuine fear among white slaveholders not just in Monmouth County but throughout the state. They wondered that if Tye could be so destructive against his former owners, how their slaves, if they gained freedom, would treat them. While the destructive impact of the war definitely slowed the path towards abolition in the state legislature, the fear of black revolt and the images of black violence used against whites in the Garden State caused many to question if the abolition of slavery making progress in Pennsylvania as well as New England was right for New Jersey. Fear of the consequences of such an abolition, the violence MacWhorter saw in Newark and the attacks Colonel Tye executed in Monmouth, helped prevent New Jersey whites from applying the lessons of freedom and independence from the American Revolution to those they still held in slavery.

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The shifting divisions within American society between Patriots, Loyalists, and neutrals turned New Jersey residents into flesh traders who sold slaves to finance the state's war machine. As the state lay on the path of both armies and the site of hundreds of smaller engagements, divisions between those loyal to the Crown and those loyal to the new nation became exaggerated. The new revolutionary government in Trenton demanded that residents take loyalty oaths and severely punished anyone who continued to support the King after 1776. With

⁸⁵ *New Jersey Gazette*, June 5, 1782; Hodges, *Slavery and Freedom in the Rural North*, 104-105; Hodges, *Slavery, Freedom, and Culture*, 44.

thousands of New Jerseyans fleeing to either New York or to the marauding British armies in New Jersey at the outbreak of the conflict and continuing throughout, Patriots confiscated property left by Loyalists and sold it to stem the tide of the rapidly deflating currency in circulation. Along with the land, houses, horses, kitchenware, and bedding, were slaves. These slaves, sold to the highest bidder, symbolized the continuation of the colonial slave system that equated black with property.⁸⁶

The sale of slaves was nothing new in New Jersey. Slave sales had been ongoing throughout the colonial period and during the Revolution itself. The pull of freedom from the British in New York and Philadelphia as well as the links many Americans made between freedom for themselves and freedom of African Americans strained the ability of slaveholders to control their slaves and defend the enormous amounts of capital they had sunk into their purchases. However, freedom's pull never changed the fundamental economic value whites assigned to blacks. Instead, the state government and residents in the state hardly participated and profited from slaves confiscated by Loyalists or from the British. In one 1782 example, John Bray, the captain and owner of the gunboat *Revenge*, as well as a slave trader, attacked the British cutter *Alert* and forced the ship to run aground. Salvaging "a quantity of powder, arms, a valuable chest of medicine," Bray reported to Governor William Livingston that he sent the ship's crew to Elizabethtown for exchange back to New York except for the eleven blacks he found on board. Instead of turning them over to the British as prisoners of war, Bray confiscated them with permission from a court of admiralty. In June 1782, he sold nine of the black men in

⁸⁶ For more on the confiscation of Loyalist property, see Michael Richards, "Patriots and Plunderers: Confiscation of Loyalist Lands in New Jersey," *New Jersey History*, (1968). For a brief discussion specifically of confiscated slaves, see Hodges, *Root and Branch*, 154.

Trenton at auction.⁸⁷ The same occurred when Americans captured the British ship *Triton* in October 1779 and six slaves went to auction in Burlington.⁸⁸

The seizure of Loyalist slave property in New Jersey had much more to do with both the hatred of Loyalists and the need to profit from their abandoned property than with a concerted effort by the state to sell African Americans. After the Declaration of Independence, members of New Jersey's Provincial Congress arrested Governor William Franklin and imprisoned the now deposed royal governor. New Jersey's first state legislature, seated in August 1776 under the state's new Constitution, set out to impose rigid guidelines to establish loyalty and maintain political control in a state which by the end of the year the British half occupied. The fifth law ever passed by the state, on October 4, 1776, warned of the presence of persons "so wicked as to devise the destruction of good government or to aid or assist the enemies of the state." It mandated that any New Jersey resident who levied war against the state or remained loyal to the Crown was guilty of high treason.⁸⁹ In 1778, the legislature enacted a stringent regulation which required the confiscation of property owned by those convicted of treason. The Commissioners of Forfeited Estates, created in each of New Jersey's thirteen counties, began to depose witnesses and establish the loyalty status of hundreds of New Jerseyans who had joined the British or never took an oath to the Patriot cause. The commissioners and the court system, through a series of inquisitions, brought cases of treason before a jury and after a guilty verdict, began the confiscation of Loyalist property. For example, in November 1779 the Commissioners of Forfeited Estates for Somerset County brought a case against Joseph Arrowsmith of

⁸⁷ John Bray to William Livingston, April 24, 1782 in Prince and Ryan, *Papers of William Livingston*, Volume IV, 397-398; Sale Advertisement in *Documents Relating to the Revolutionary History of the State of New Jersey*, Second Series, Volume V, 446.

⁸⁸ *New Jersey Gazette*, October 27, 1779.

⁸⁹ New Jersey Acts, Chapter V, "An Act to Punish Traitors and Disaffected Persons," October 4, 1776.

Hillsborough. A jury found Arrowsmith guilty of joining the British on Staten Island on July 5, 1777 which allowed for his estate, including a female slave, to be sold at auction.⁹⁰

New Jersey's Patriot community ecstatically supported the confiscation of Loyalist estates and in many ways encouraged the Patriot government to enact harsher anti-Tory laws. In 1781, ninety-eight Patriots in Morris County petitioned the legislature for a stronger law which allowed for the confiscation of property of those who had not overtly joined the King's army but supported the Crown by covert means. The petitioners claimed "a number of evil minded villains and disaffected persons...are frequently returning into this state in a secret and clandestine manner for the purpose of plundering and taking away the...property of the good inhabitants" of New Jersey. The Morris County Patriots demanded a law be passed to compensate them for their losses in property by confiscating the belongings of those covert guerrilla fighters who worked for the British.⁹¹ Similarly, Monmouth County residents applauded the confiscations in 1779 and asked the legislature to use the money raised to reimburse them for the property they lost from British raids including those from Colonel Tye.⁹² Many resisted the notion of Loyalists returning to New Jersey near the end of the war as they believed their treason should prohibit them from ever embracing the "bosom of our country" again. Using Benedict Arnold as a comparison, a group of Hunterdon County Patriots in 1782 wrote that the Loyalists, because they had joined the King's Army, had committed "the greatest

⁹⁰ For Arrowsmith case, see New Jersey Supreme Court Case Files 796 and 33638, NJS. Also see Somerset County summary accounts and miscellaneous, Department of Defense, Adjutant General's Office, Records of Commissioners of Forfeited Estates, 1777-1795, NJS. In 1777, when the state began to confiscate Loyalist property, they also allowed Loyalists to take a loyalty oath to escape the confiscation. See New Jersey Acts, Chapter XXXIV, "An Act of Free and general Pardon and for other purposes," June 5, 1777. For other examples of inquests into loyalism, see New Jersey Supreme Court Case Files 36022, 38615, 37878, 36644, NJS. Also, the records of 120 inquests in Essex County remain preserved; see Essex County Inquisitions of Loyalists, Department of Defense, Adjutant General's Office, Records of Commissioners of Forfeited Estates, 1777-1795, NJS.

⁹¹ Inhabitants of Morris County to the Council and Assembly, petition for a law to confiscate property of those who aid the enemy, May 28, 1781 in BAH Collection, Revolutionary War Documents, NJS.

⁹² Inhabitants of Monmouth County to the Governor, Legislative Council and General Assembly, Petition requesting payment for enemy damage through forfeited estates, May 25, 1779 in BAH Collection, Revolutionary War Documents, NJS.

cruelty and devastation," which included the murder of innocent women and children. They believed that the Loyalists had abandoned the nation in its time of need and should not be allowed to return or reclaim their confiscated property because their side lost the war.⁹³

The patriotic fervor against the Loyalists quickly turned to outrage among residents throughout New Jersey when the commissioners began to abuse their powers. Monmouth County Patriots, still wholeheartedly in support of taking Loyalist assets, complained about the dishonorable conduct of the commissioners operating in their county. The disposition of lands and property brought with it a dangerous side effect: the ability to gain a huge amount of wealth at a cut-rate price. The commissioners, when selling their bargains, manipulated the system to assist their friends, allies, and themselves. In Monmouth, the commissioners failed to adequately advertise the sales (they frequently published sale notices one day before the sale took place), failed to accept the highest bid for the property, accepted bids for property after the auction had closed, sold the estate as one cohesive sale instead of selling its contents in individual pieces, and failed to allow bidders to inspect property before the sale. These failures to follow the law forced the state government to enact even stricter regulations on the sale process where they took a more active interest into exactly what the commissioners did on the ground. In turn, the state government had a front row seat to the sale of the Jersey-born slaves it had confiscated and therefore owned.⁹⁴

⁹³ Inhabitants of Hunterdon County to the Governor, Council, and Representatives, 1782 in BAH Collection, Revolutionary War Documents, NJSA.

⁹⁴ Petition of Inhabitants of Sussex County to the General Assembly, concerning forfeited estates, March 17, 1779, Report of the Committee of the Legislative Council on the sale of forfeited Estates, May 1779, Petition of Inhabitants of Monmouth County to the Council and Assembly concerning the commissioner of Forfeited Estates, May 8, 1779, Petition of Monmouth County Commissioners of Forfeited Estates to the General Assembly concerning complaints against them, September 21, 1779, Petition of Monmouth County Commissioners of Forfeited Estates to the General Assembly concerning their previous petition, September 22, 1779, Petition of Inhabitants of Sussex County to the General Assembly, concerning forfeited estates, March 17, 1779 in BAH Collection, Legislative Records, 1770-1781, NJSA.

Surviving records that measure the extent of the American trafficking in confiscated slaves are in short supply. Records of the sales of individual estates, which contain estate inventories that list the presence of a slave, remain for only a few counties. These records indicate that the state confiscated and sold at least twenty-nine slaves.⁹⁵ However, Patriots were not the only ones to keep records of the confiscated property as Loyalists dispossessed of their wealth filed claims with the Loyalist Claims Commission formed at the end of the Revolution. A commission established by Parliament in 1783, the Claims Commission heard cases of Loyalists who left the United States in the aftermath of the Revolution. With a majority living in either England or Canada, the Commission allowed Loyalists to file claims to recoup some of the financial losses they suffered for their loyalty to the King. Using these records, at least thirty-one more slaves owned by Loyalists can be identified as confiscated and sold by the Americans.⁹⁶ Of course, these sixty slaves total only a small fraction of those most likely confiscated as extraneous records discuss even more slaves taken by the state during the Revolution.⁹⁷

Of the Loyalists who lost slaves to the Americans, the majority had joined the British army when it marched through New Jersey or had to abandon New Jersey with only what they could carry. John Hutchinson of Hanover in Morris County moved to New Jersey from Yorkshire in 1774 and when the Revolution broke out, sent three of his sons to serve in the

⁹⁵ Department of Defense, Adjutant General's Office, Records of Commissioners of Forfeited Estates, 1777-1795, NJSA. A significant number of inventories remain for Essex, Monmouth, Sussex, and Somerset Counties.

⁹⁶ Loyalist Records, American Revolution, Audit Office Records, Public Records Office, London, England (microfilm version in NJSA). For a guide to the claims files, see Peter Wilson Coldham, *American Loyalist Claims, Volume I*, (Washington, DC: National Genealogical Society, 1980). For New Jersey, also see Edward Alfred Jones, *The Loyalists of New Jersey: Their Memorials, Petitions, Claims, etc from English Records* (Boston: Gregg Press, 1972).

⁹⁷ For one example of additional information on a confiscated slave not listed in other records, see William Livingston to Thomas Bradford, June 3, 1780 in Prince and Ryan, *Papers of William Livingston*, Volume III, 413. Livingston claimed the slave, Andrew, is "legally the property of the state as his master's whole estate is confiscated to the public."

King's Army. One son, captured by Americans, died "a public ignominious death without just or lawful trial," while another died from an accident with a horse and the third drowned while in service to the Crown. After the death of his sons and the constant fines he accumulated for failing to serve with the militia (a total fine of 356 pounds over four years), Hutchinson feared for his own safety, "which became daily more precarious." He abandoned his Morris County estate in 1780 and fled to New York with his wife and daughters who eventually resettled in Nova Scotia. John himself died in 1781 while sailing back to England after his six year residence in America. His remaining son Frances, living in Nova Scotia along with his mother and sisters, filed claim with the British Government to repay at least part of his father's estate (Frances valued it at 3161 pounds) for the abuses his father suffered during the war and in recognition of his three brothers' service to the King. In addition to the land and crops, Frances argued that his father had lost one adult female slave and two male slaves, her children, when the Americans confiscated them. The Claims Commission settled the claim for 850 pounds.⁹⁸

Like Hutchinson, Thomas Leonard of Freehold in Monmouth County joined the British Army and rose to the rank of major during the initial two years of the war. Born in 1715 in Freehold, Leonard, unlike Hutchinson, grew up in colonial America and served as high sheriff of Monmouth County. He fought George Washington's forces at the Battle of Trenton where the Americans captured him and held him prisoner for two years. During that time, unable to protect any of his property, the state confiscated his estate (he valued it at 5456 pounds including 303 acres of farmland) including his four slaves. Exchanged in 1779, he retired from the army and

⁹⁸ Public Records Office, London, England. Loyalist Records, American Revolution. Audit Office Records, John Hutchinson, Hanover, Morris County, AO 13/18/270-91.

received half pay for the rest of the war before he evacuated to Nova Scotia where he settled in Parrsborough. The claims commission awarded him 1210 pounds.⁹⁹

While many Loyalists fled the state with their families, many others left their property in New Jersey to be sheltered by their wives. In July 1777, the Council of Safety recognized this issue and argued that the wives “obstruct(ed) the commissioners for seizing and disposing of the personal estate” by secretly moving property across the river into New York over time. The Council ordered the Bergen County militia to expel eighteen women to New York and “send them after their husbands” in order that the Commissioners could more easily confiscate their property.¹⁰⁰ In this way, the state believed wives always shared the political philosophy of their husbands and treated them as a cohesive pair instead of as two separate entities.

To avoid any danger of confiscation, many masters removed to New York with their slaves in tow, along with their wives and children, in order to not let them fall into the hands of the Patriots. Absalom Bainbridge, the owner of Prime mentioned at the beginning of the chapter, was among those, but Prime did not cooperate as he ran away from his master and back to New Jersey. However, some slaves did the opposite of Prime and resisted confiscation and sale by New Jersey officials by running away to their Loyalist masters. The slave of John Ackerman escaped from Andrew Hopper, his new master who had purchased him from Ackerman’s confiscated estate in 1778. He fled to Ackerman, then living in New York City, desperate not to live with the man who had purchased him from the state.¹⁰¹

Like New Jersey, other states also confiscated and sold slaves from Loyalist estates in order to finance the war effort. In Connecticut, Jeremiah Leaming joined the British along with

⁹⁹ Public Records Office, London, England. Loyalist Records, American Revolution. Audit Office Records, Thomas Leonard, Freehold, Monmouth County, AO13/18/360-74

¹⁰⁰ New Jersey Council of Safety Minutes, July 11, 1777, NJSA.

¹⁰¹ New Jersey General Assembly Minutes, Votes, and Proceedings, February 19, 1778.

his slave Pomp after Loyalists burned Norwalk in 1779. Pomp ran away from his Loyalist master but had to apply to the state legislature to gain his freedom as he belonged to the people of Connecticut as a part of Leaming's confiscated estate.¹⁰² Similarly, Southern states took great interest in confiscation of Loyalist slaves. Georgia and South Carolina both used these slaves as military laborers to build defense fortifications, as wagoners, or as servants. Both also used confiscated slaves as part of bounty schemes to recruit new troops. In 1781 and 1782, South Carolina offered a slave to every white man who joined the army. In addition, a slave would also be awarded to any soldier who could recruit twenty-five men. In Georgia, the state gave soldiers who participated in certain campaigns a slave each, used them to pay public officials' salaries, to finance the administration of the state government, and to pay off war debts. In all cases, the states opted to use African Americans to finance the war through their sale instead of as soldiers like the British.¹⁰³

New Jersey differed from other states in how it dealt with its confiscated slaves, especially near the end and after the Revolution. The New York Manumission Society successfully lobbied the legislature to free all remaining confiscated slaves in 1786 instead of selling them to the highest bidder. The state legislature even guaranteed their financial support with taxpayer dollars to care for them in their old age.¹⁰⁴ In New Jersey, the legislature made similar decisions to free slaves confiscated by the state, but only to those who proved they had supported the Patriot cause. No wholesale emancipation of slaves owned by the state took place.

¹⁰² Herbert Aptheker, ed, *A Documentary History of the Negro People in the United States* (New York: The Citadel Press, 1951), 12-13; Nash, *The Unknown Revolution*, 321-322; Page Smith, *A New Age Now Begins: A People's History of the American Revolution*, II, (New York: McGraw, 1976), 1343.

¹⁰³ Quarles, *Negro in the American Revolution*, 106-110; Nash, *Unknown Revolution*, 333; Robert Lambert, "The Confiscation of Loyalist Property in Georgia, 1782-1786" *William and Mary Quarterly*, 20:1 (January 1963), 80-94. Also see Fry, *Water from the Rock*, 104-106 and David Maas, *The Return of the Massachusetts Loyalists* (New York: Garland, 1989), 270-318.

¹⁰⁴ Gellman, *Emancipating New York*, 65-66; Kruger, "Born to Run," 559-663; Harry Yoshpe, *The Disposition of Loyalist Estates in the Southern District of the State of New York* (New York: AMS Press, 1967), 91-3.

In 1784, the legislature freed Peter Williams, a slave to John Heard of Woodbridge. Williams ran away from his master in 1780 and joined the Continental Army while his master served in the King's Army. The legislature granted freedom to Williams in recognition of his service to the Whig cause, not through a general influence of abolitionism or revolutionary rhetoric.¹⁰⁵

Two years after the legislature freed Williams, they read the petition of Negro Prime who had also fought in the Continental Army. Prime, described at the beginning of the chapter, received his freedom from the legislature after he successfully proved that he, like Williams, ran away from his Loyalist master and served the state of New Jersey. In 1789, the legislature passed its third and final emancipation act when it freed Cato, the slave of David Fitz Randolph of Woodbridge, who, like Williams and Prime, served in the military during the Revolution while his master fled to New York.¹⁰⁶

With only these three emancipation bills, the legislature made clear that it fully supported the continued sale of confiscated slaves and the continued bondage of those not under state control. The limited freedom granted these three slaves did not represent any wider notion of abolitionist sentiment within the state legislature. On the contrary, the decision to sell the remaining slaves (with the exception of these three) in the 1780s to generate revenue placed them firmly as defenders of slavery.¹⁰⁷



¹⁰⁵ "An Act for setting free Peter Williams, a Negro, late the Property of John Heard," Sept.1, 1784, Acts 8th G.A. 2nd sitting, ch.LIII, p.110.

¹⁰⁶ "An Act for setting free Negro Prime," Nov.21,1786, Acts 11th G.A. 1st sitting, ch. CLXXVI, p.368; "An Act for setting Free Negro Cato," Nov.25,1789, Acts 14th G.A. 1st sitting, ch. CCLXIX, p.538.

¹⁰⁷ Benjamin Quarles describes these emancipation laws as a referendum on how New Jersey society felt about the role of blacks in the new nation while he ignores that the state sold the rest of them. See Benjamin Quarles, *Negro in the American Revolution*, 184. For William Livingston on the sale of the remaining Loyalist slaves and how the state had no commitment to abolition, see William Livingston to James Pemberton, December 21, 1788 in Prince and Ryan, *Papers of William Livingston*, Volume V, 365-368.

Prime's account represents one of the precarious positions which the Revolution placed African Americans. Many used the fog of war to run away and leave bondage permanently through service with the British army or protection inside New York. Others managed to negotiate freedom by serving in the American military fighting against former slaves they might have lived only a few miles away. But the vast majority remained slaves; the rhetoric of freedom never extended to them; white New Jersey residents made sure of that.

The influence of Quakers and progressive non-Quakers like Jacob Green pushed the idea of abolition into the minds of many but the influences of the war going on outside their doors snubbed it out. Even though it was a war fought for freedom, the dislocations the Revolution brought to New Jersey society caused most slaveholders to fight against any form of abolition. The damage caused by the marauding armies was just too great. Coupled with damages they sustained, the exploits of Colonel Tye and other ex-slaves who joined the British army frightened whites into resisting abolition in order to prevent unleashing a black horde which would destroy the foundations of American society. In the end, it was the state, which through the confiscation and sale of Loyalist-owned slaves, acted out the true meaning of the Revolution. When faced with the question of whether the Revolution's rhetoric of freedom should be extended to African Americans, the state legislature liquidated its slave holdings in order to reap whatever profit it could from them. The state government firmly answered that the state had no responsibility or interest in ensuring that revolutionary freedom extend to African Americans. The Revolution itself then did little in the short run to make New Jerseyans accept a gradual abolition of slavery as it did in Pennsylvania and New England. Instead, it took twenty-one years after the Treaty of Paris for New Jerseyans to pass a gradual abolition statute. The memory of the idea of the Revolution in the twenty-one years after the event became far more important to the enactment

of gradual abolition than anything done between 1775 and 1783. The Revolution itself did not change the age-old colonial slave system, it actually reinforced it.

CHAPTER 2

RACE, RHETORIC, AND REPUBLICANISM: THE FATE OF SLAVERY IN THE NEW NATION

Julian Niemcewicz, the exiled Polish statesman and writer, moved to Elizabethtown in 1797 and married Susan Livingston Kean, the niece of former Governor William Livingston. He bought an eighteen-acre farm and settled into his new life as a gentleman farmer. After exploring his new hometown, Niemcewicz discovered that the local prison in Elizabethtown only kept “negro slaves who have deserted their masters.” After he left the jail, Niemcewicz wondered how in a “free and democratic Republic” the state and the general public could support such a system of escape and capture. How could slavery exist in a nation founded on the idea of freedom?¹

Niemcewicz’s questioning of American values and identity underscores the relationship the new nation had with slavery in the roughly two decades after the end of the American Revolution. While the War for Independence represented a birth of American freedom, the vast majority of slaves in the United States remained in bondage after the guns fell silent. As slavery solidified itself in the Deep South, the American Revolution began to transform the institution in both the Upper South and the North. During the war and in the years immediately after, Massachusetts, Pennsylvania, Connecticut, and Rhode Island all heard the call of freedom and began to end slavery in their states. Virginians, Marylanders, and Delawareans all questioned the institution of slavery, formed abolition societies, loosened manumission laws, and

¹ Metchie Budka, ed, Julian Niemcewicz, *Under their Vine and Fig Tree: Travels through America in 1797-1799, 1805 with some further account of life in New Jersey*. (Elizabeth, NJ: Grassman Publishing, 1965), 23.

manumitted their slaves in large numbers. Though none of the Chesapeake states enacted any form of judicial or legislative emancipation, the equation of the “slavery” the British imposed on Americans with the oppression black Americans experienced by whites made both Northerners and Southerners question their commitment to the peculiar institution. The rhetoric worked towards ensuring that the War for Independence granted liberty and freedom for some enslaved Americans.²

Unlike the New England states, New Jersey and New York, the two Northern states with the largest slave populations, failed to heed the Revolution’s early call for abolition. Instead of a gradual decline in the power of slavery, the 1780s and 1790s saw a marked increase in both the number of slaves and the popularity of the institution. Though abolitionist sentiment captured some popular support in both New York and New Jersey, it failed to make any real headway on the question of abolition. In New Jersey, the last state to enact a gradual abolition program, abolitionism slowly solidified its power base in the face of slavery’s increased pervasiveness. Many white New Jerseyans neither saw the link between the American Revolution and abolition nor did they change their view of the structure of society: a hierarchy of power with African Americans always at the bottom. In the end, no amount of prodding changed the minds of thousands of New Jerseyans who grudgingly accepted the onset of a “free” society but did everything possible to perpetuate an unfree one.

This chapter details how white New Jerseyans understood gradual abolition in a society that continued to value bounded labor. The influence of Quakerism, the New Jersey Abolition Society, and the rebellious actions of slaves themselves all helped to spur on popular thought

² For an overview of abolition movements in the North, see Zilversmit, *The First Emancipation*. For the South, see Berlin, *Many Thousands Gone*, 277-285 and Matthew Mason, *Slavery and Politics in the Early Republic* (Chapel Hill, NC: UNC Press, 2006), 9-16. For the link between slavery and the Revolution, see Melish, *Disowning Slavery*, 50.

about abolition. But only through New Jerseyans' desire to solidify a Northern identity based on freedom, demarking their "free" world separate from the "slave" South, did the state agree to the passage of a gradual abolition statute in 1804. The Revolution of 1800 gave Democratic Republican politicians the perfect opportunity to make this new vision of freedom central to their political message and solidify their power and influence. Abolitionists and Jeffersonian Republicans believed that gradual abolition would sever New Jersey from its association with slavery and allow Jeffersonians license to lead the now "free" state into the nineteenth century.³ Although abolitionists and other white New Jerseyans believed they had created a free state in 1804, gradual abolition did little to change deeply held racist beliefs or actually eliminate New Jersey's close relationship with slavery, which it continued to practice until the Civil War.⁴

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Like those in other Northern states, advocates for abolition in New Jersey attempted to enact gradual abolition in the immediate post-war period. Governor William Livingston's support for abolition, the chief advocate for abolition in the Garden State, stretched from the Revolution to his death in 1790. As a promise to himself as well as his abolitionist friends, Livingston wrote to the New York Manumission Society in 1786 and claimed "neither my tongue, nor my pen, nor purse shall be wanting to promote the abolition of what to me appears so inconsistent with humanity and Christianity...an indelible blot...upon the character of those who

³ Old School Federalists embraced the hierarchy of society and as a political party did little to support the abolition of slavery. The Jeffersonian Republican link to freedom and their position as the successes to the spirit of 1776 caught younger Federalists off guard and while they eventually began to accept a less hierarchical structure of American society to gain more support among the people, they did not do so fast enough to stave off the Jeffersonians in the first few years of the nineteenth century. See David Hackett Fischer, *The Revolution of American Conservatism: The Federalist Party in the Era of Jeffersonian Democracy* (New York: Harper & Row, 1965), 29-49, 164-166.

⁴ For the increased power of slavery in the North, see White, *Somewhat More Independent*, especially chapter one. For a brief discussion of the creation of separate identities between North and South, see Gellman, *Emancipating New York*, 144-149.

have so strongly asserted the unalienable rights of mankind.”⁵ Livingston strongly urged the legislature to pass an abolition law in 1785 and latch onto the ideas of freedom present from the Revolution. Quaker activist David Cooper, who wrote extensively on anti-slavery issues in the state, joined Livingston and introduced a bill that prohibited the importation of slaves and provided for a gradual abolition of slavery. However, due to the destruction and economic turmoil from which the state still had not recovered, the New Jersey legislature stripped out any mention of abolition from the bill. Livingston’s belief in humanity, Christianity, and the rights of man, ideas present in all post-revolutionary abolition movements, failed to sway the legislature to take the fateful step towards abolition.⁶

The language of antislavery became important and powerful to Livingston and other abolitionists in the 1780s. Antislavery activism and revolutionary republicanism sought to achieve the same goal: freedom for all Americans. Abolition advocates claimed that if the United States positioned its fight against the British as a war for freedom, Americans could not limit that freedom by the continuation of slavery. Republican rhetoric fused together religious ideology, human decency, and the Enlightenment belief in individual freedom, justice, and the rights of man. Abolitionists utilized this republican rhetoric against the “enslavement” of the American colonies by the British which eventually led to its use against the institution of slavery as well. For example, abolitionists in Hunterdon County called upon the state to restore the “reverence for liberty which is the vital principle of a republic” while they criticized the state for

⁵ William Livingston to the New York Manumission Society, June 26, 1786 in Prince and Ryan, *Papers of William Livingston*, Volume V, 255-256.

⁶ Zilversmit, *The First Emancipation*, 152-53 and Hodges, *Slavery and Freedom in the Rural North*, 115. For Livingston’s relationship to anti-slavery and Quakerism, see Michael Levine, *The Transformation of a Radical Whig under Republican Government: William Livingston, Governor of New Jersey, 1776-1790* (PhD Dissertation, Rutgers University, 1975), 213-215.

its continued interest in slavery when New Englanders and Pennsylvanians had seen it as anachronistic to life after the American Revolution.⁷

Livingston, who repeated arguments of abolitionists in Connecticut and Rhode Island, understood that the state legislature denied abolition in the immediate aftermath of the war for two key reasons. First, Livingston saw New Jersey's Revolutionary experience itself as not a path towards abolition but as a solidification of the slave power in the state. Livingston argued the legislature made a "fatal error" in its decision to sell the remaining slaves the state had confiscated from loyalists during the war. Livingston claimed the state's acceptance of the proceeds from the sales gave "a greater sanction to legitimate the abominable practice than anything that could be addressed for it." He questioned "what appearance of justice can any such State direct by law the manumission of slaves, without a compensation to the owners, as has and doth at the very time, avail itself of the proceeds in cash of the sales of similar slaves...it must be wrong in both cases or in neither of them."⁸ While Pennsylvania began to free its slaves in 1780 due, in part, to the power of Revolutionary rhetoric, across the Delaware New Jersey confiscated and sold slaves in order to finance its war for freedom. The Revolution, in Livingston's mind, did not spread freedom to New Jerseyans but instead reinforced a slave's status as property. While the state reaped the benefits of these sales and fed its need for cash both during and in the aftermath of the war, it could not stand up and demand that slaveholders surrender the children of their slaves without any form of compensation. The Revolution, for New Jersey then, represented a liability towards abolition instead of an impetus for its support.⁹

⁷ Melish, *Disowning Slavery*, 50-64. Memorial of Inhabitants of Hunterdon County to the Legislative Council and General Assembly, no date, New Jersey Abolition Society and Burlington County Abolition Society Papers, BCHS.

⁸ William Livingston to James Pemberton, December 21, 1788 in Prince and Ryan, *Papers of William Livingston*, Volume V, 255, 365-368.

⁹ For more on William Livingston's ideas on loyalist property, see Theodore Sedgwick, *A Memoir of the Life of William Livingston with Extracts from his Correspondence and Notices of Various Members of His Family*, (New

The affirmation that slaves equaled property both during and after the Revolution created the second and most powerful force that prevented Livingston and Quakers from forcing abolition in the 1780s. Livingston claimed “however desirous the western part of New Jersey may be...there are some of the northern counties whom too rapid a progress in the business would furnish with an excuse to oppose it altogether. It was my wish to have gone farther.”¹⁰ The western counties Livingston spoke of had a strong Quaker population who, by 1785, had mostly freed their slaves. The northern and eastern counties, those along the New York border, maintained the highest slave populations throughout the post-war period and had suffered the most devastation from the war. In the midst of the economic turmoil created in the Revolution’s aftermath, the power of their property rights superceded any idea of abolition discussed within the state. Pro-slavery supporters found strength in the hypocrisy of the state profiting from the sale of loyalist slaves while mandating others free their slaves without compensation. They also used their status as private property owners to defend their right to own slaves. From the 1780s on, the economic value and private property status of slaves constantly clashed with the abolitionist’s ideology of liberty and freedom. In this instance, pro-slavery forces managed to defeat the fast progress of abolition and prevented the rhetoric of the Revolution from influencing the economic realities of post-war early national America.¹¹

York: J&J Harper, 1833) and Carl Prince, *William Livingston: New Jersey’s First Governor* (Trenton, NJ: New Jersey Historical Commission, 1975), 20.

¹⁰ William Livingston to James Pemberton, October 20, 1788 in Prince and Ryan, *Papers of William Livingston*, Volume V, 357-359.

¹¹ Zilversmit, *The First Emancipation*, 146 and 152-53. For New York, David Gellman argues that although property was an important factor in the failure of abolition, the prevention of an imbalance of the racial order between whites and blacks represented another powerful reason to delay abolition in the state. In New Jersey, the fight against abolition, while mainly centered on property, undoubtedly had a racist component to it as New Jerseyans consistently defended their choice of gradual abolition over full abolition by claiming that whites needed time to educate African Americans and prepare them for their future lives as freed people. See Gellman, *Emancipating New York*, 45.

Slavery's economic pull even caught William Livingston in its snare. In 1787, Livingston freed his slave Bell in order to fulfill his desire to live, as he told the New York Manumission Society, a life without any relationship to slavery. However, soon after he freed Bell, he allowed his recently widowed daughter to live with him and bring her slaves into his home. Plagued with a frequent shortage of wage laborers to work his land, Livingston welcomed his daughter's slaves and allowed them to work as his servants until his death in 1790. The financial incentives slaves could bring to his farm outweighed Livingston's pro-abolition sentiments; this balance between rhetoric and economics played out all across New Jersey and New York and led both states to refrain from approving a gradual abolition law in the period immediately after the Revolution.¹²

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The failure of abolition in the 1780s led New Jersey down a road towards a stronger institution of slavery. Far from a dying tradition, white New Jerseyans solidified their acceptance of the peculiar institution and their excitement for its continuation. Although past historians had always dismissed slavery north of the Mason-Dixon Line as both insignificant and a fleeting fancy, Shane White demonstrated slavery in New York actually increased between the end of the Revolution and the enactment of gradual abolition. In the 1790s alone, the slave population in New York City grew by 22 percent and the number of slaveholders by 33 percent. Despite supposedly high interest in abolition during this period, New York City recorded few manumissions in the postwar period and slavery itself became a stronger and more dominant institution in New York City. New Jersey followed the path of its larger neighbor; in the period after the Revolution, the state actively increased its interest in slavery. Its citizens rejected the

¹² William Livingston to Bell, Bill of Manumission, October 1787 and Catharine Livingston Ridley to William Livingston, January 20, 1790 and William Livingston to Catharine Livingston Ridley, February 2, 1790 in Prince and Ryan, *Papers of William Livingston*, Volume V, 413-414 and 419-420.

ideas of equality that emanated from the War for Independence and settled back into peace with their slaves at their side. The Revolution itself had little immediate effect on slavery's end in the Garden State.¹³

Unlike New York City which saw a massive increase in the number of slaves between 1790 and 1800, New Jersey's slave population only increased by a little less than 9 percent. However, some parts of New Jersey attempted to dismantle slavery in the post-war period while others worked to strengthen it. At a county level, the number of slaves increased in seven of the state's thirteen counties between 1790 and 1800, the first decade where reliable population figures exist. As Table 2.1 depicts, the number of slaves grew at or above normal population growth in certain counties while other counties experienced a dramatic decline in the slave population.

Table 2.1: Slave Population Growth and Decline by County, 1790-1800

County	Slave Population (1790)	Slave Population (1800)	Percent Increase or Decrease
Bergen	2301	2825	+22%
Burlington	227	188	-17%
Cape May	141	98	-31%
Cumberland	120	75	-38%
Essex	1171	1521	+30%
Gloucester	191	61	-68%
Hunterdon	1301	1220	-6%
Middlesex	1318	1564	+19%
Monmouth	1596	1633	+2%
Morris	636	775	+22%
Salem	172	85	-51%
Somerset	1810	1863	+3%
Sussex	439	514	+17%

Counties such as Essex, Bergen, and Morris matched or beat New York's slave population growth. The post-war period continued the historical divide from the colonial period which

¹³ White, *Somewhat More Independent*, 27-36; Gellman, *Emancipating New York*, 46; Hodges, *Root and Branch*, 164-65; Hodges, *Slavery, Freedom, and Culture*, 50-52. Erica Dunbar argues that in Pennsylvania, slavery had already been slated for destruction by an alliance of Quakers, free blacks, and the glut of white labor available during the Revolution which differed greatly from the realities of life in New York and East Jersey. See Dunbar, *A Fragile Freedom*, 23.

separated East and West Jersey. Western counties decreased their reliance on slave labor in opposition to their Eastern neighbors. William Livingston's 1788 letter warning of the desire for abolition in the Western counties (Burlington, Cape May, Gloucester, Cumberland, and Salem) and the lack of desire for abolition in the Northern counties (Essex, Bergen, and Middlesex) played out in the actual growth of the institution of slavery in the last decade of the eighteenth century. Indeed, the New Jersey Abolition Society reported that by 1801, the Western part of the state had "but few slaves and the number of these continually diminishing." New Jersey, after the Revolution, became bifurcated into two societies, the West which ended its reliance on slavery and the East that cultivated its slave society in the years following the war.¹⁴

Looking at two towns, Newark and Morris Township, from the early 1780s to the early nineteenth century provides a more specific picture of how slavery functioned on the local level. The census schedules from 1798 through 1820 and the vast majority of the 1798 direct tax schedules no longer exist, while state tax records limit slavery's overall portrait since the state only taxed (and therefore recorded) male slaves aged fifteen to fifty. Another difficulty rests with the limited number of tax schedules which remain. Even with these limitations, local tax records give the best look at New Jersey society in the post-war period.

Both Newark and Morris Township saw an increase of male slaves between 1783 and the early nineteenth century; each possessed a viable system of slave labor undamaged by the influence of Revolutionary rhetoric. In Morris Township, the county seat of Morris County, the number of prime aged slaves increased from twenty-two in 1783 to thirty-five in 1805. Similarly, the number of male slaves in Newark, the county seat of Essex County, increased from fifty-nine in 1783 to sixty-four in 1811. Although these records suggest little change, they relay

¹⁴ White, *Somewhat More Independent*, 27-28; William Livingston to James Pemberton, October 20, 1788 in Prince and Ryan, *Papers of William Livingston*, Volume V, 357-359; 1790 New Jersey Census Schedules and 1800 New Jersey Census Schedules, Minutes of the Proceedings of the New Jersey Abolition Society, 52, HCQC.

a highly changing ownership dynamic. For tax years 1783 and 1789 in Newark, eighty-eight different owners owned the approximately sixty adult male slaves who lived in the city. Of the fifty-four slaveholders in Newark's 1783 tax digest only seventeen still appeared on the 1789 record as slaveholders. Of course as in many early American cities, especially in the post-war period, movement became quite common. However, most of these slaveholders held large amounts of property and by their very nature could not move easily from town to town. Indeed, out of the fifty-two slaveholders in 1789 who held sixty-four slaves collectively, thirty still appeared on the 1796 tax list but only eight held slaves. The other twenty-two disposed of their slaves, most likely through sale as the 30 percent increase in slaves in the period between 1790 and 1800 limited the probability of manumission. Funneling out the high turnover of slaveholders in Newark to the northern and eastern counties in general, a new collection of slaveholders took the reigns of slavery and expressed an active engagement with the institution. It was not a small cadre of older New Jerseyans who stubbornly kept their slaves and defended them against the enactment of gradual abolition; on the contrary, it was the new slaveholders who perpetuated the institution in the post-war period, at least in the North and East and stood against the rhetoric of the Revolution.¹⁵

A taxpayer's death, aside from movement, also removed names from the town tax digest and opened possibilities for slave freedom. However, despite significant interest in abolition in New England and Pennsylvania, few residents of New Jersey or New York manumitted their slaves by will or deed. In the period between 1783 and 1804, Newark slaveholders who died more often than not sold or transferred their slaves to new owners; the rhetoric of freedom seldom caused them to free their chattel. Out of a total of fifty-nine slaves owned by deceased

¹⁵ New Jersey General Assembly Tax Ratables, Morris Township (1783, 1789, 1796, 1802, and 1805) and Newark (1783, 1789, 1793, 1796, and 1811), NJSA. White, *Somewhat More Independent*, 30-33.

masters, only seven gained immediate freedom in the post-war period and three more gained freedom contingent on a required period of service. Economic interests of the owner outweighed their altruistic feelings even at death. For example, the Supreme Court heard from the estate of Augustine Bayles in 1785 in a case which pitted economic self-interest against altruistic manumission. Bayles of Morris County bought a male slave in 1780, Quamini, and promised him freedom at his death if Quamini would serve faithfully until then. On his deathbed, Bayles told Quamini he had indeed “been a good and faithful boy” and offered him his freedom. However, one of Bayles’ friends, Daniel Layten, questioned Bayles as to the status of his widow if he freed Quamini. Layten argued Bayles should think about his wife’s well-being before freeing his slave. Bayles, who died in 1782, quickly rescinded his manumission order and told Quamini to serve his widow until the end of her widowhood. Only then could he gain his freedom. In this case, manumission by will failed to provide immediate freedom to Quamini.¹⁶

Temporal factors forced Bayles to rearticulate his stance on slavery and forced him to reject freedom. Bayles’ widow, who eventually married another man, Thomas Faircloth, held Quamini after her widowhood ended in violation of her deceased husband’s wishes. Quamini sued for his freedom in 1785 and won his case based on the validity of Bayles’ deathbed decision. Though Quamini was one of the few slaves to eventually gain his freedom via will, his case represented the limits of abolition’s reach. Slaveholders frequently failed to free their slaves at death and in Quamini’s case, his new owner attempted to perpetuate his unfreedom despite a clear and legal manumission.¹⁷

¹⁶ New Jersey General Assembly Tax Ratables, Newark (1783, 1789, 1793, and 1796), NJS. Supreme Court of New Jersey Case File 31316, NJS; Hodges, *Root and Branch*, 167; Essex County Wills, NJS. All wills and probate records between 1783 and 1804 where deceased lived in Newark and had slaves are included in this search. Newark slaveholders disposed of a total of fifty-nine slaves in wills or probate records during this period.

¹⁷ Ibid.

Eighty-three percent of the slaves owned by deceased Newark slaveholders either went to the auction block immediately after their master's wills were probated where descendants divided the sale price or the slave became the property of their deceased master's spouse or child for a lifetime of continued bondage. Probate courts routinely approved the transfer of slave property from one generation to the next and helped solidify the continuation of New Jersey slave system. For example, in Hunterdon County in 1791, the executors of Edward Clifford's estate battled to sell two adult slaves after their owner's death. Clifford died interstate and his executors fought a habeas corpus petition which argued two slaves in his estate should be freed since no will existed to direct their status. His executors argued both slaves existed as part of Clifford's moveable estate and they should have sole power to decide to keep or sell them. The actions of his executors and their victory in court point to a reaffirmation of slaves as an important piece of property integral to life in the post-war period. Repeatedly, Jersey slaveholders muted the calls for abolition that emanated from the Revolution and worked to support slaves' continued bondage to subsequent generations of New Jerseyans.¹⁸

Sales of slaves in the Garden State kept up with new owner demand and did not decrease due to any pro-abolitionist thought. New Jersey slaveholders advertised 201 slaves for sale in New Jersey newspapers from 1784 to 1804, forty of them children attached to their parents. In a 40/60 split between male and female slaves, female slaves drew the most attention from potential New Jersey slaveholders and indeed seemed to become gradually more coveted as the years inched closer to the enactment of gradual abolition. As indentured labor declined over the latter

¹⁸ Essex County Wills, NJSA. Supreme Court of New Jersey Case File 34077, NJSA. Graham Hodges states that forty percent of wills in the 1790s across the entire state granted freedom for slaves. He provides no citation along with this assertion but does speak specifically of Monmouth County. His data for Monmouth County includes 1804-1809, outside of the scope of this chapter, limits the ability to make a direct comparison since it includes a very different dynamic in the post-1804 period when abolitionist sentiment dramatically increases. See Hodges, *Slavery and Freedom in the Rural North*, 126-127.

half of the eighteenth century, New Jersey slaveholders demanded more women capable of living in their homes as domestic servants instead of as manual laborers in the field. Slaves who engaged in manual or farm labor continued to be an important commodity, but slavery gradually became both an important economic institution and a status symbol where the highest elites could showcase their economic power by holding their domestic laborers in perpetual bondage as opposed to wage labor contracts. The popularity of slave sales among New Jersey residents, their failure to obtain freedom at their owner's death, and the constantly changing population of slaveholders all served to reinforce the vitality of the institution in the years that followed the Revolution.¹⁹

Aside from economic need, racism also played a key factor in muting Revolutionary ideas of freedom and thereby helped foster the continuation of slavery. Just as white New Jerseyans had warned of a potential race war if abolition passed during the Revolution, John Nelson Abeel, a Dutch Reformed minister who preached in both New York and New Jersey, complained of the dangers a close relationship between whites and blacks could bring. Abeel claimed "those negroes who are as black as the devil and have noses as flat as baboons with great thick lips and wool on their heads" along with "the Indians who they say eat human flesh and burn men alive and the Hotentots who love stinking flesh" could pose a danger to white

¹⁹ I conducted a survey of all advertisements containing the words "negro, slave, and/or black" in the following newspapers between 1784 and 1804 (the number in parenthesis is the number of issues searched): *Burlington Advertiser* (88), *New Jersey Gazette* (151), *New Jersey Journal* (936), *Jersey Chronicle* (52), *Political Intelligencer* (128), *Centinel of Freedom* (436), and *Federalist* (176). A total of 161 ads appeared in these papers (this does not include repetitive advertisements, ie the same slave advertised in multiple issues). Also see White, *Somewhat More Independent*, 36; Harris, *In the Shadow of Slavery*, 62; Hodges, *Slavery and Freedom in the Rural North*, 118. Hodges argues similarly that slave sales did not decrease and illustrate a lack of interest in manumission or abolition. Of course, private sales also made up a large number of slave sales during this period as well. Since no legal requirement existed to record such sales their number is a mystery. For examples of private slave sales, see Bill of Sale from John Smith to Caleb Crane, May 7, 1803, Louis Bamberger Collection, NJHS and Bill of Sale from Nelly Ten Eyck to Joseph Clark, November 12, 1798, Clark Family Papers, RUASC.

society.²⁰ Media reports of African American inferiority communicated this same sentiment to the larger community. A 1792 article claimed blacks bore “the marks of stupidity...in the countenances composed of dull heavy eyes, flat noses, and blubber lips...these are the characteristic features of the negro nation.”²¹ Abeel’s style of racism represented a much larger fear of the potential for abolition’s destabilizing effects on the racially defined social order. In New York, these racist attitudes laid the groundwork for the state’s failed attempts at gradual abolition in the 1780s. New Jerseyans, like their New York neighbors, continued to reject the ability of African Americans to live free nor did they accept that ex-slaves could function appropriately in white society.²²

The strengthened slave system in New Jersey caused by the increased demand for slaves in the 1780s and 1790s convinced the state legislature to pass a revised slave code in 1798 to collate and codify a variety of colonial era laws dating as far back as 1700 in order to regulate this now stronger institution. The 1798 Act reiterated that all blacks currently held in bondage would continue to serve their masters as slaves for their entire lives. It also confirmed the inclusion of any “Indian, Mulatto or Mestee” held in bondage at the time of the act’s passage in the definition of slave. The legislature’s reaffirmation of Indian slavery, in itself interesting since by the late 1790s most of New Jersey’s Indians either assimilated into white society or lived on the Brotherton Indian Reservation in Burlington County, resulted from a Supreme Court case one year earlier when a habeas corpus petition argued that Rose, “a North Carolina squaw,” should be set free from her owner since, as Rose’s lawyers argued, her Indian status “furnishes at least *prima facie* evidence of her being free.” Elisha Boudinot, a future Supreme Court Justice and gradual abolitionist himself, argued that the long history of African slavery in New Jersey

²⁰ John Nelson Abeel, undated 1780s sermon, John Nelson Abeel Papers, NJHS.

²¹ *New Jersey Journal*, February 4, 1792.

²² Gellman, *Emancipating New York*, 46; Davis, *Inhuman Bondage*, 153.

made their status as slaves secure while the slavery of American Indians held no basis in state law or practice. The defense pointed to slave laws passed in 1713, 1768, and 1769 which made “no discrimination...between negroes and Indians.” The Court agreed with the defense’s evidence and claimed Indian slaves “stand precisely upon the same footing...to be governed by the same rules as that of Africans.” Though the number of American Indian slaves in New Jersey most likely did not number more than a dozen by the turn of the nineteenth century, the 1797 Court decision and the 1798 statutory reaffirmation of Indian slavery strengthened the differentiation between “free” whites and “enslaved” non-whites. Despite the already collapsing slave systems in surrounding states, New Jersey sought to create a unity of unfreedom for non-white actors in post-Revolutionary America.²³

The 1798 Slave Act restricted the movement, assembly, and judicial standing of slaves as well as took a strong stance against the harboring of fugitive slaves. The law banned slaves from assembly in a “disorderly or tumultuous manner” and directed the penalty for such behavior to not exceed twenty lashes on the bare back. It also barred slave movement after ten o’clock at night. The law affirmed limitations on the ability of slaves to testify in any judicial case against a non-slave, a restriction long established in New Jersey. Ben, a slave in Hunterdon County, experienced this restriction when a court sentenced him to jail in 1786 for grand larceny despite his testimony that a white man, later identified as Benson Field, had actually masterminded the entire plot. Ben claimed Field enticed him to come along and act as a lookout while he broke

²³ “An Act Respecting Slaves,” March 14, 1798, Acts 22nd General Assembly, 2nd sitting; 6 NJL 374, State v. Van Waggoner, April 1797, Supreme Court of New Jersey; Gregory Evans Dowd, “Declarations of Dependence: War and Inequality in Revolutionary New Jersey, 1776-1815” in Maxine Lurie, ed. *A New Jersey Anthology* (New Brunswick, NJ: Rutgers University Press, 2002), 109-110; Jean Soderlund, “The Delaware Indians and Poverty in Colonial New Jersey” in Billy Smith, ed *Down and Out in Early America* (University Park, PA: Pennsylvania State University Press, 2004), 289-307. For an additional case about Indian slavery, see Abolition Society for Burlington County to William Allinson, October 23, 1805 and State v. John Maxwell, County of Sussex (On Habeus of Ruth, Samuel, Isaac, and Harry) and State v. Samuel Sherrerd, County of Sussex (On Habeus Corpus of Esther), New Jersey Abolition Society and Burlington County Abolition Society Papers, BCHS.

into the store and stole both clothing and money. Field, interrogated about the crime, denied his involvement and without corroborating evidence for Ben's testimony, the state sent Ben to jail and Field went free since a slave's word against a white man could not be trusted.²⁴

A revised law on the punishment of slaves passed in 1801 reinforced the harshness of the slave state in New Jersey and affirmed a lack of abolitionist interest. The 1801 law granted permission for state courts to sentence slaves convicted of arson, burglary, rape, highway robbery, attempted violent assault and battery, or attempted assault and battery with intent to commit murder to sale outside of New Jersey. Sale to the Deep South, discussed extensively in chapter four, represented a failure of the Revolution's ability to advance an abolitionist agenda in the post-war period. With each of these legal restrictions, slaves did not experience any new freedom from the Revolution; slavery did not die a gradual death between the Treaty of Paris and 1804. Rather, slaves experienced the opposite: a slave system with renewed vigor.

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Henry Wansey, a retired Englishman who came to New Jersey in the summer of 1794, observed that "although many regulations have been made to moderate (slavery's) severity, (it) is not yet abolished." The moderation of slavery Wansey spoke of related to the efforts of the other Jersey, the South and West, which began to dismantle the institution in the post-war period while their Eastern and Northern neighbors worked to strengthen it. The differences between the regions of the state set the stage for a battle between revolutionary pro-abolition sentiment and the forces which supported the continuation of slavery. Though in the 1780s and 1790s pro-slavery New Jerseyans frequently won out over their abolitionist rivals and plotted the state's course towards a strengthened slave society, abolitionists won a series of small victories which

²⁴ "An Act Respecting Slaves," March 14, 1798, Acts 22nd General Assembly, 2nd sitting; New Jersey Supreme Court Case File 35241, NJSA.

created their own alternative vision of freedom for the North. These kinks in slavery's armor planted the seeds that eventually spurred the legislature to enact gradual abolition in 1804.²⁵

The most powerful victory abolitionists garnered in the postwar period came in 1786 when the state banned the importation of slaves from Africa. The law prohibited both the importation of slaves directly from Africa as well as from other states who entered the United States after 1776, the date a direct tie-in to the idea of freedom embodied by the Declaration passed the same year. William Livingston took the lead on legislative attempts to end the trans-Atlantic slave trade and, allied with Quaker abolitionist James Pemberton, successfully targeted the trade for extinction. Joanne Pope Melish argues that efforts which occurred at the same time to dismantle the slave trade in New England served as a means to direct abolitionist thought to the most vile and sinful image of slavery instead of at the condition of slaves in their own towns and cities. In New Jersey, Livingston and his coalition actively fused the abolition of the slave trade and gradual abolition of slaves within New Jersey together. His coalition of abolitionists fought to pass both measures but, due to massive resistance, abandoned the plan. In a 1788 letter to Pemberton, Livingston argued that if he demanded both gradual abolition and the end of the slave trade, abolitionist forces in New Jersey ran "the risk of obtaining nothing; it is then prudence not to insist upon it but to get what we can and which obtained paves the way for procuring the rest."²⁶

After surrendering hope for gradual abolition, Livingston and Pemberton linked their focus on ending the slave trade to a much larger national coalition against the "barbarous custom" which infected American society. A 1790 newspaper article claimed that "the citizens

²⁵ Henry Wansey, *Journal of an Excursion to the United States of North America in the Summer of 1794* (New York: Johnson Reprint Collection, 1969), 100-101.

²⁶ William Livingston to James Pemberton, October 20, 1788 in Prince and Ryan, *Papers of William Livingston*, Volume V, 357-9; Melish, *Disowning Slavery*, 52-53; Zilversmit, *The First Emancipation*, 152-160.

of the United States so generally united” in the belief of the trade’s barbarity that it made an easy target to attack.²⁷ Of course, Southerners did not include themselves in this broad coalition as Georgia continued to import slaves until 1798 and South Carolina led the charge to reopen the slave trade in the early nineteenth century. However, the North and Upper South joined together to solve their long-standing complaint against King George’s failure to end importation. The fulfillment of the idea of freedom from the Revolution coupled with the economic value of sealing off Africa as a supply of fresh slaves grabbed Virginia and Maryland planters’ attention and also encouraged their Northern counterparts to target the slave trade for extinction. The end of the trade in New Jersey made slaves in the Garden State more valuable and therefore appeased pro-slavery forces in the northern and eastern parts of the state that had rejected gradual abolition with largely economic arguments. Livingston’s coalition therefore found common ground among white New Jerseyans and argued that abolitionist forces should settle for this momentous change rather than hold out for a gradual abolition plan. Abolitionist forces left their first tension ridden battle in the post-war Garden State with a victory but one which did not succeed at chipping away at slavery’s hold on New Jersey society.²⁸

Abolitionists’ second victory in the early 1780s made voluntary manumission of slaves easier. Pro-abolition forces argued that the colonial law, which required slaveholders to post a large bond in order to free a slave, made it very difficult for altruistic slaveholders to free their chattel. Though gradual abolition did not garner significant public support, northern and eastern New Jersey interests agreed to a lessening of manumission requirements to quell western abolitionists. The 1786 law allowed masters to manumit slaves age twenty-one to thirty-five without bond after an examination by two overseers of the poor and two justices of the peace

²⁷ *New Jersey Journal*, March 31, 1790.

²⁸ Zilversmit, *The First Emancipation*, 152-160; Berlin, *Many Thousands Gone*, 308-309; Davis, *Inhuman Bondage*, 153-4.

who certified that they did not pose a threat of falling onto the support of the townships.

However, the owner had to agree to support the slave if he or she ever required poor relief.

Abolitionists in the state secured the ability to free their slaves but did not overcome the widespread racist infused belief that free blacks could not compete or survive on their own.

Slaveholders who freed their slaves had to take responsibility for them, not white taxpayers.²⁹

Even though this win-win situation allowed slavery in the East and North to continue to grow while it provided the means of disarming slavery in the West and South, Burlington and Hunterdon County abolitionists wanted more from the state legislature. In 1792, abolitionists in those two counties petitioned the legislature to allow manumission of slaves under the age of twenty-one if the owner immediately signed an indenture with the now freed slave until age twenty-eight. These residents wanted to create their own unofficial version of gradual abolition and used the Pennsylvania Gradual Abolition law as a template. Although the law did not pass, their petition shows that they desired to systematically eliminate slavery from their region but wished to do so not through philanthropic manumission or a general emancipation but a graduated system which sought to extract several years of labor from a slave while the owner could live in relative comfort knowing that he or she actually had freed the slave years earlier.³⁰

The revised manumission law of 1786 played a major role in the creation of New Jersey's dual identity after the end of the Revolution. West and South Jersey used these laws to drive in high gear down the path of freedom and follow a different path than New York and East Jersey. Through relaxed manumission laws, West and South Jerseyans fulfilled the promise of freedom revolutionary republicanism held and served to increasingly divide the state along economic and

²⁹ An Act to prevent the importation of slaves into the State of New Jersey and to authorize the manumission of them under certain restrictions and to prevent the abuse of slaves" March 2, 1786, Acts 10th General Assembly, 2nd sitting; Zilversmit, *The First Emancipation*, 159

³⁰ Ibid and Burlington and Hunterdon Counties' petition to the Legislature for a law for the gradual abolition of slavery in New Jersey, May 1, 1792, State Library MSS Collection, NJSA.

ideological lines. In Burlington County, the county clerk recorded seventy-five manumissions between 1786 (when the new law went into effect) and 1800. From 1790 to 1800, while the East and North Jersey slave population grew, Burlington County's shrunk by 17 percent. The county clerk recorded exactly the same number of manumissions in the county between 1790 and 1800. Although new slaves had to have moved into the county while other slaves moved out, such a close relationship between population decline and manumission communicates that a vast majority of the decrease in West Jersey had to have occurred because of manumission.³¹

At the same time slavery strengthened itself in the East and North, abolitionists managed to moderate the treatment of slaves, something Joanne Pope Melish argues New Englanders did not do. The same 1786 law that loosened manumission restrictions and ended the slave trade also made it illegal for a master to abuse his or her slave. Though the law only dictated a fine for the offense, abolitionists viewed the codification of better treatment for slaves in the Garden State as a key step forward in lessening the impact of slavery on the slaves themselves. The law attempted to regulate behavior between masters and slaves in the same manner as the courts did in a case two years earlier when Monmouth County slaveholder Arthur Barcalow whipped his slave Betty for failing to follow his directions to return home. After the whipping, Betty proceeded home but Barcalow followed her and continued to beat her once she returned. A neighbor testified that Betty "was dead...(her) arm bloody and appeared to have been cut with a whip." The coroner concluded that Betty died of blunt force trauma by a broom stick wielded by Barcalow. The local courts convicted Barcalow of murder and held him accountable for his wanton mistreatment of Betty. Abolitionists made forceful pleas to ensure all mistreatment, not just Barcalow's extreme example, would be punished by law. Though the law proved difficult to

³¹ White, *Somewhat More Independent*, 28-30; Hodges, *Root and Branch*, 172; Burlington County Deed Books A, B, C, D, F, and H, NJSA.

enforce in the heavily pro-slave northern and eastern counties, abolitionists hoped slaveholders took notice of the new regulations and moderated their behavior.³²

The 1798 Slave Act reiterated the pledge to stop mistreatment of slaves and advanced another abolitionist agenda: education. Abolitionists, who mainly supported gradual instead of immediate abolition, argued that gradual abolition would gain support of the state's pro-slave counties and provide a period of education for African Americans to prepare them for the realities of free life. In 1798, they won a tactical victory with the inclusion of a provision to mandate masters throughout the state teach their slaves how to read. Literacy, a dangerous concept to Southerners who feared the literate slave could forge passes in order to escape, became a requirement of New Jersey's slave system. Abolitionists viewed literacy education as a way to advance their image of a slave system where masters would gradually teach their slaves to survive in the free world but again stopped short of enacting a gradual abolition plan. Though abolitionists won tangible victories in the 1780s and 1790s, each relied not on the state to mediate the condition of the slave but required the master to act differently with his or her chattel. With so much dependent on a slave's individual master, slaveholders in eastern and northern New Jersey could effectively ignore western calls. The economic realities of slavery and the defense of private property in the 1780s and 1790s continued to overwhelm New Jersey's abolitionist's desire for change.³³

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Though slavery's influence dramatically increased especially in East and North Jersey in the two decades after the Revolution, the republican rhetoric which failed to signal slavery's end in the 1780s did not die nor did the abolitionists who championed anti-slavery. Two groups

³² Ibid and New Jersey Supreme Court Case File 34201, NJSA.

³³ "An Act Respecting Slaves," March 14, 1798, Acts 22nd General Assembly, 2nd sitting; Hodges, *Root and Branch*, 116.

utilized republican rhetoric to force abolition onto the political stage in the post-Revolutionary state: Quakers and the New Jersey Society for Promoting the Gradual Abolition of Slavery. Quakers, particular active in the early 1780s with support from William Livingston, had largely rid their own society of slaveholding in the 1770s. New Jersey Quakers largely resided in the western and southern portions of the state, especially in Burlington, Salem, and Gloucester Counties. The pro-western support Livingston referred to during the debate over gradual abolition in the 1780s and the decline in the slave population due to loosened manumission requirements passed in 1786 had much to do with Quakers.³⁴

The proportion of free blacks in Quaker dominated West Jersey rose significantly during the post-war period. In 1800, 80 percent of African Americans in Burlington lived as free men and women while 91 percent of black residents in Gloucester County lived free. Eastern New Jersey did not possess the same freedom for African Americans; only 11 percent of Essex's black population lived free while 6 percent of Bergen County's African Americans owned themselves. Quakers worked extensively to advance abolition in the Garden State but accepted few free blacks into the society itself. However, Quaker meetings, once they worked to free slaves, made efforts to continue their care in religious matters though not as full members. For example, William Boen, a slave near Mount Holly in Burlington County, gained his freedom and John Woolman married him and his wife but “way not opening in Friends’ minds, he was not received” by the meeting as a member. Instead he remained affiliated with the meeting as a non-

³⁴ The best work on Quakers before and during the Revolution remains Soderlund, *Quakers and Slavery*. For more on Quaker abolitionism after the war, see Hodges, *Root and Branch*, 117. For population statistics, see Peter Wacker, *Land and People: A Cultural Geography of Preindustrial New Jersey* (New Brunswick: Rutgers University Press, 1975), 194 and M.M. Pernot, ed, *After Freedom* (Burlington, NJ: Burlington County Historical Society, 1987), iv.

member until 1814 when the meeting finally granted him membership status and continued in that status until his death.³⁵

Quaker monthly meetings in Burlington, Gloucester, and Salem counties organized frequent religious meetings for African Americans in the 1780s and 1790s, a continuation of the programs they started in the late 1770s. Meeting in various locations across the three counties, these times for worship helped form a stronger black community in the West. The Salem Monthly Meeting felt so passionately about the importance of these meetings to the African American community that they rearranged their regular worship schedule to allow blacks to use the meeting house at a more convenient time. The activism of Quakers in New Jersey to free blacks was due to, as the Philadelphia Yearly Meeting argued in 1789, a debt the Society of Friends collectively owed blacks for their participation in slavery throughout the colonial period. This “guilt” Quakers possessed made them the most active and most powerful lobby for African Americans in the Garden State. Though it frequently did not allow African Americans to join as full-fledged members of Quaker meetings, Friends became active players in state politics due to their belief that slavery must end.³⁶

Quaker desire to help African Americans also motivated them to work at the state and national level throughout the post-war period to advance the cause of abolition. In 1786, the Philadelphia Meeting for Sufferings, which included New Jersey, wrote to the New Jersey legislature to “restore this injured people to their natural right to freedom” and enact gradual abolition as quickly as possible. In 1788 they again called on the legislature to make stronger

³⁵ Ibid and For lack of Quaker acceptance into the society, see Harris, *In the Shadow of Slavery*, 51 and *Memorial of Mount Holly Monthly Meeting of Friends concerning William Boen, a Colored Man, read in the Yearly Meeting of Friends, Held in Philadelphia, 1829* (Philadelphia, William Sharpless, Printer, 1831).

³⁶ For information about the Quaker Meetings and African Americans, see Burlington Society of Friends Quarterly Meeting Minutes, 1781-1799, Salem Society of Friends Monthly Meeting Minutes, 1784-1791. For the cancellation of the regular meeting, see Salem Society of Friends Monthly Meeting Minutes, April 25, 1785. Also see Pennsylvania Society of Friends Yearly Meeting Minutes, 1789. All in SFHL.

restrictions against the slave trade and to advance the cause of abolition. In 1792, the Meeting of Sufferings sent a delegation to Trenton and met with members of the legislature and the Governor to discuss possible ways to encourage New Jersey to enact an abolition program. In the same year, Quakers from New Jersey, Pennsylvania, Delaware, and Maryland joined together to petition their state legislatures for the immediate abolition of slavery. They cited the “oppressed condition of the African race” and their position as “solicitors on their behalf” following the “precept and injunction of Christ” in attempting to mitigate their pain and suffering.³⁷ New Jersey Quakers again spoke in 1799 through the Philadelphia Yearly Meeting to the United States at large and called for the “spirit of meekness and wisdom in promoting” the abolition of slavery. New Jersey Quakers continually engaged with pro-slavery advocates and consistently invoked their special God-given mission as promoters of abolition in order to convince Americans to join their cause.³⁸

Though active at the national level, Quakers in New Jersey also saw the benefit of making inroads against slavery at a local one. John Hunt, a member of Burlington County’s Evesham meeting recorded his extensive outreach efforts to the county’s African American population and his work to convince recalcitrant Quaker slaveholders to give up their slaves and embrace the spirit of abolition. In July 1787, Hunt visited the house of Joseph and Mary Garwood, fellow members of the Evesham meeting, to convince them to manumit their slaves. Joseph Garwood, despite knowing Hunt would be visiting, failed to keep the appointment and Hunt instead “press(ed) things closest home upon” Mary. Ten days later, Hunt reappeared with fellow Quakers Samuel Allinson and Elizabeth Collins to speak to Garwood about his slaves.

³⁷ Petition of Quakers in New Jersey, Pennsylvania, Delaware, and Maryland to the Legislature Advocating the Abolition of Slavery, November 11, 1792, BAH Collection, Legislative Records, 1788-1796, NJSB.

³⁸ Philadelphia Meeting for Sufferings of the Society of Friends Minutes, December 21, 1786, October 15, 1788, November 15, 1792, and December 20, 1792, SFHL. Philadelphia Yearly Meeting of the Religious Society of Friends, *To Our Fellow Citizens of the United States of North America and others Whom it May Concern*. 1799.

Mary again stopped the trio from seeing her husband, claiming he “could not bear to let us see him (as he was) indisposed with bad fits.” Hunt wrote that he knew Garwood did not have “bad fits” and instead tried to evade having to confront the issue of slavery with his fellow Quakers. Garwood, perhaps embarrassed at feigning illness to hide himself, decided to sell his slaves instead of providing for their manumission. Even among Quakers, the abolitionist message failed to parlay all Northern fears about post-slavery Northern life and led to a continued insistence on slavery as a means of economic and social control.³⁹

Hunt, accompanied by various fellow abolitionists, visited several other Burlington County residents and tried on an individual level to convince them to embrace abolition. In 1787, Hunt and Samuel Allinson successfully convinced John Cox to manumit his slaves but failed to accomplish the same with Jacob Brown the following year. Hunt visited the home of Micajah Wills and his wife several times between 1787 and 1794 to try and convince them to free their slaves. Hunt ultimately failed to convince Wills to manumit his slaves but kept in close contact with them. In 1794 he attended a funeral of one of Wills’ elderly female slaves where he remarked that, while the slaves “behaved very sober,” the whites in attendance failed to keep quiet throughout the service, a jab at the demeanor of those who refused his abolitionist outreach.⁴⁰

Hunt’s abolitionist zeal did not stop at attempts to free slaves held in bondage. Hunt attended several of the meetings held in Burlington County by Friends to improve the religious education of blacks. Attended by both free blacks and slaves, the meetings not only discussed religious matters but important abolition issues as well. At one of these meetings in 1796, the organizers read information on the state of abolition in the North from the Pennsylvania

³⁹ John Hunt Journal, especially June 27, 1787; June 15, 1787; July 24, 1787; July 25, 1787; August 24, 1787; May 5, 1788, John Hunt Papers, NJHS.

⁴⁰ Ibid, especially July 15, 1787; August 24, 1787; and September 16, 1794.

Abolition Society and debated it along with the free and enslaved blacks in attendance. Hunt remarked one black attendee, Hannah Burros, engaged the various issues in the material well and brought out debate on the issues on abolition. He seemed to think very highly of Burros since seven months, later Hunt visited her in the hospital where she lived “quite deranged and lost her reason.” Hunt became emotional at her “sorrowful condition” and prayed for her recovery. Hunt and other Quakers active engagement with African Americans on abolition issues separated them from the remainder of white Northerners and made them a beacon of freedom in an otherwise recalcitrant state.⁴¹

Aside from their work as abolition advocates, members of the Society of Friends also provided needed educational services to African Americans. Thought of as another responsibility for their complicity with the institution of slavery, Monthly and Quarterly meetings throughout New Jersey routinely attempted, as they had done while the Revolution waged around them, to provide basic education for African American children. Between 1789 and 1791, the Burlington Quarterly Meeting reported it had handed out educational books to a number of African Americans while the Upper Springfield Monthly Meeting claimed it had started its own education program. The Salem Quarterly Meeting in 1790 solicited donations of funds to create integrated schools for poor white and black children. By 1793, the funds raised in the Quarterly’s constituent meetings funded the creation of three schools in Southwest New Jersey and another in 1794. As the Salem Monthly Meeting reported, a group of Quaker trustees controlled the schools while Quaker educators taught young white and black students. All of the Quaker schools mainly operated in the Western part of the state and served an integrated population which highlighted that Quakers thought of blacks very differently than did most other

⁴¹ Ibid, especially April 20, 1794; May 25, 1794; February 21, 1796; September 26, 1796; February 14, 1797; August 8, 1797; August 27, 1797

New Jerseyans. These schools continued even past the passage of the 1804 gradual abolition law and served as a way for Quakers to be important actors in the unfolding drama of unfreedom. Through their political activism and belief that blacks should receive both a religious and temporal education, Quakers fought against the unfreedom both legal bondage and its aftermath produced in the Garden State. They understood that even after legal freedom, African Americans could never live truly free lives without some form of assistance.⁴²

Quaker understandings of the unfreedom present in early national America compelled them to help create two of the largest free black schools in New Jersey. In the early 1790s, with assistance from the Free Black School in Philadelphia, Trenton Quakers formed a school devoted to the education of free black adults in the city. The school taught writing, reading, and arithmetic in evening classes year round. A similar organization formed in 1790, created the Burlington School Society for the Free Instruction of the Black People. The Burlington school struggled against local racism; it wrote, in 1793, to the leaders of the Free Black School in Philadelphia that it had encountered many in the white population who thought blacks too ignorant and unworthy to educate. The battle against these views pushed Quakers to provide services to African Americans so they could compete in the world of unfreedom perpetuated by racism and the state's still ever present relationship with slavery. All of their activities helped alleviate at least some of unfreedom's grasp on the newly freed and still enslaved.⁴³

Aside from their work in education, Quaker abolitionists also became very active in the New Jersey Society for Promoting the Abolition of Slavery, formed in 1793 with the assistance of the New York Manumission Society and the Pennsylvania Abolition Society. Abolition in

⁴² Burlington Society of Friends Quarterly Meeting Minutes, November 20, 1789, August 30, 1790, August 29, 1791; Salem Society of Friends Quarterly Meeting Minutes, May 17, 1790, September 21, 1792, September 20, 1793, September 26, 1794; Salem Society of Friends Monthly Meeting Minutes, July 25, 1791, June 29, 1795, June 25, 1810, SFHL. Also see Minutes of the Proceedings of the New Jersey Abolition Society, 53-54, HCQC.

⁴³ Association of Friends for the Free Instruction of Adult Colored Persons Papers, Appendix Letters, SFHL.

New Jersey had to rely on Quaker support before 1793 since the Garden State was the only state between Massachusetts and Virginia that lacked an independent abolition society. Calling upon the Declaration of Independence's "all men are created equal" doctrine, the newly formed New Jersey Abolition Society found fault with the state for withholding the principles of "justice...life, liberty, and the pursuit of happiness" from "an unfortunate and degraded class of our fellow citizens." With at least five county level auxiliaries which held monthly meetings and organized abolitionism at the local level, Quakers dominated the membership roster. In the Burlington County chapter, Quakers made up at least forty-five of the sixty-five total members. The Gloucester County chapter registered almost 40 percent of its members as Quakers. In pro-slavery East Jersey, all but four of the members of the Middlesex/Essex chapter came from the Society of Friends. The Hunterdon County chapter even met at the Friends' Meeting House. The New Jersey Abolition Society became the arm of Quaker outreach and provided them with a more organized way to attack slavery.⁴⁴

The Abolition Society structured its anti-slavery activities in two ways: legal support in manumission cases and lobbying state legislators to convince them to approve abolition. The relaxed manumission laws allowed West and South Jersey to dismantle its slave society while slavery in the East and North strengthened. The excitement of manumission in the West did not come without conflict from around the state. Between 1783 and 1804, state courts heard dozens of cases brought by the Abolition Society which demanded freedom for wrongly enslaved African Americans. They hoped the law could bring about the change they so desperately

⁴⁴ The Constitution of the New Jersey Society for Promoting the Abolition of Slavery (Burlington, 1792); Zilversmit, *The First Emancipation*, 173; *Trenton Federalist*, January 24, 1803; *New Jersey Journal*, February 20, 1793. For Pennsylvania Society's role in the creation of the New Jersey Abolition Society, see Joseph Bloomfield to Samuel Coates, March 13, 1793, Edwin Ely Collection, NJHS. My very special thanks to Tim Hack for supplying me the information on membership in the society. Hack created a database of the society members using the abolition society's records, church records, wills, and probates.

wanted. Immediately after its formation, Abolition Society President Joseph Bloomfield, the former attorney general of New Jersey, gathered selected manumission cases from 1775 to 1793, bound, printed, and distributed them to chapters throughout the state as a manual to help prepare future legal cases. In one such case, in Middlesex County in 1803, Frank, a free black, contracted with his wife Cloe's owner, Issac Anderson in 1778 to purchase her. The two agreed to the sum of 180 pounds and successfully completed the transaction. Cloe bore a son, Benjamin, a few years later but eventually separated from Frank and, due to subsequent medical difficulties, could no longer work herself. The overseers of the poor brought Cloe and Benjamin back to Anderson's home and forced him care for them. Cloe died less than a month later and Anderson raised Benjamin. Society lawyers filed a habeas corpus petition against Anderson and claimed Benjamin, now twenty-one, born of Cloe after her manumission, could no longer be held as a slave. Anderson agreed he did not have the right to hold Benjamin any longer but demanded one-hundred and fifty dollars in payment for the expenses relating to his education and care for the last twenty years. Abolitionists paid Anderson the one-hundred and fifty dollars and declared victory.⁴⁵

As in Benjamin's case, the courtroom sometimes provided the Abolition Society with limited means to procure the manumission of certain slaves. In one such case, Charlotte, a slave in Monmouth County, legally lived as a slave: no courtroom drama could save her. However, William Griffith, the future president of the Abolition Society, interceded and agreed to pay her master twenty-one dollars for her immediate release. Her owner told Griffith that he had

⁴⁵ New Jersey Society for Promoting the Abolition of Slavery, *Cases Adjudged in the Supreme Court of New Jersey Relative to the Manumission of Negroes* (Burlington, 1794); New Jersey Supreme Court Case File 33632, NJSA; Minutes of the Proceedings of the New Jersey Abolition Society, 7-10, HCQC; Hodges, *Root and Branch*, 167.

planned, if Griffith did not pay, to sell her to the West Indies where she could have garnered an enormous profit for her owner.⁴⁶

The prevention of slave sales to the South rose as perhaps one of the Abolition Society's greatest accomplishments. In May 1803, the group's lawyers litigated the case of the slave sloop *Nancy*. The *Nancy*, a ship owned by Ruben Pitcher, left Boston with four free blacks shackled in the hold. All held for small debts, some as small as six dollars, in the Boston jail, Pitcher bought them and took them to his home on Martha's Vineyard where he told them they would work off their debts on his farm. After a few days at the farm, Pitcher loaded the four blacks onto his ship and set sail for Savannah with a plan to sell all four souls into slavery for a huge profit. Pitcher docked in Egg Harbor, New Jersey for provisions where the four blacks managed to escape. The state confiscated the ship for violation of the state's anti-slave trading law and the New Jersey Abolition Society interceded and worked through the Courts to ensure all four continued to live in freedom. Although successful in this case, the members of the Abolition Society decried that such kidnappings and trading in slaves happened with much regularity along the coast from New Hampshire to Georgia.⁴⁷

Even when abolitionists and Quaker activism pushed their anti-slave agenda, freedom for blacks in the post-war period became increasingly precarious as slavery's grip tightened on white East Jersey society. New Jerseyans continued to try to keep their slaves as long as possible through sometimes duplicitous means. In one of these cases, Gilbert Randolph promised his Somerset County slave Cuff freedom at his death or when his son, James, came of full age as

⁴⁶ J. Cox to William Griffith, January 30, 1801, New Jersey Abolition Society and Burlington County Abolition Society Papers, BCHS.

⁴⁷ Elias Matthias to Rueban Pitcher, May 29, 1803, Elias Matthis to William Allinson, June 5, 1803, Account for Seizure of the Sloop Nancy, November 6, 1804, Statement of Sloop Nancy seized off Egg Harbor, May 1803, William Allinson to John Moore, June 17, 1803, New Jersey Abolition Society and Burlington County Abolition Society Papers, BCHS. Also see Minutes of the Proceedings of the New Jersey Abolition Society, 42, 82-83 and Burlington County Society for the Abolition of Slavery Papers, 42-46, HCQC.

long as Cuff remained a loyal worker. Instead of freeing Cuff as promised, Randolph told Cuff he would gain his freedom after ten additional years of service; a plan Cuff did not wish to adhere as he ran away soon after. In a similar 1790 case, Joseph Bloomfield argued that Silas, a child born to a slave mother who had been freed in her master's will with the condition that she serve a fifteen year indenture, should be free. The owner of the indenture, James Anderson, claimed since Betty worked for him as a slave under a fifteen year contract, the child should be considered a slave for the remainder of the term. Bloomfield countered that at the moment of her former master's death, Betty lived as a free woman under contract for fifteen years and therefore any child born during that fifteen year period could not be a slave. Using the logic behind gradual abolition, Bloomfield hoped to halt slavery's stain from succeeding generations, an argument with which the court wholeheartedly agreed. Abolitionists, who consistently had failed to make substantive changes in the law, instead utilized current state law to spread the prospect of abolition and to halt the spread of slavery.⁴⁸

New Jersey's Abolition Society primarily manipulated the law to help individual slaves gain their freedom but also hoped to change the law to push abolition toward fulfillment. Society members directly lobbied the state legislature and participated in various conventions with abolition societies around the nation. In 1794, a national convention of abolitionists, held in Philadelphia, elected Joseph Bloomfield president while he represented the infant New Jersey Abolition Society. At this formative meeting, the delegates called on Congress to halt the slave trade and argued that slavery's end must occur in order to "vindicate the honor of the United

⁴⁸ New Jersey Supreme Court Case File 34984; State v. James Anderson, New Jersey Society for Promoting the Abolition of Slavery, *Cases Adjudged in the Supreme Court of New Jersey Relative to the Manumission of Negroes*, 25-27.

States, the rights of man, and the dignity of human nature.”⁴⁹ Upon returning to New Jersey, Bloomfield and the Society used these ideas of universal justice to argue that New Jersey needed to enact an abolition plan in order to fulfill the nation’s principles of equality. Society members argued to the state legislature that “natural feelings of the human heart...acknowledged by Americans in their act of Independence, as among the most undeniable rights of man” demanded that the state assist in freeing enslaved blacks in the Garden State. Abolitionists armed themselves with this idea of revolutionary republican rhetoric formed both in New Jersey as well as in the national convention and took action in the 1790s to force the issue.⁵⁰

Bloomfield followed through on this republican ideal and, in a letter to Philadelphia merchant and friend Samuel Coates in 1795, wrote that he believed “in a great independent state whose constitution, laws, and general manners proclaim liberty and happiness to all her citizens,” slavery could never survive.⁵¹ Under his leadership, New Jersey Quakers, West Jersey abolition activists, and society members gathered petition after petition and forwarded stacks of signatures from abolitionist strongholds in Burlington, Salem, Monmouth, and Gloucester counties to the statehouse in Trenton in hope that a concerted show of abolitionist support would force the legislature to rethink their position on slavery. The petitions, signed mainly by Abolition Society members and Quakers, headlined by Joseph Bloomfield and Vice-President William Coxe, called on the legislature to take action using the “great principles of justice and truth” on the issue of “hereditary human bondage” which plagued the state. The society utilized rhetoric both from the Enlightenment and revolutionary republicanism but just as happened in the 1780s, this

⁴⁹ American Convention for the Promoting the Abolition of Slavery and Improving the condition of the African Race, *Minutes of the Proceedings* (Philadelphia, 1794).

⁵⁰ *Pennsylvania Gazette*, February 19, 1794; Joseph Bloomfield, Petition to the General Assembly of the State of Connecticut from the American Convention for the Promoting the Abolition of Slavery and Improving the condition of the African Race, MB Brainard Papers, Connecticut Historical Society. *New Jersey Journal*, February 5, 1794. For more on political activism of the society, see Minutes of the Proceedings of the New Jersey Abolition Society, 11-24, 58-62, HCQC.

⁵¹ Joseph Bloomfield to Samuel Coates, August 30, 1795, Edwin Ely Collection, NJHS.

latest effort by abolitionists failed to produce positive change. William Griffith, who succeeded Bloomfield as President, spoke of “common rights and happiness” as necessary ideas that must be instilled to New Jerseyans. With this rhetoric, society members closely aligned with the efforts of the state’s Quaker meetings and presented a full frontal assault against slavery in an effort to shame state legislators into providing an abolition law in order to link themselves to the spirit of independence which appeared in the Revolution. Frequently however, their calls for change met with deaf ears.⁵²

The New Jersey Abolition Society brought attention to the issue of slavery and provided a structure to organize Quaker antislavery in the state, but through its own actions the society betrayed its rhetoric. Much like the Quaker meetings that refused to let African Americans join their ranks, the Abolition Society in the 1790s failed to take any major action to equalize African American economic or social freedom with whites. Instead, the society focused on the legal bonds of slavery and, while it supported improving the actual state of inferiority African Americans experienced, it frequently failed to follow through. For example, in 1796, the Gloucester County chapter approved funds for the education of black children, an action the New Jersey Abolition Society forced it to rescind because it did not directly relate to legally enacting an abolition statute. Even in the society’s plea to the legislature in 1796, the abolitionists sought only to attack the idea of slavery and not its effects (as in lack of education in the above

⁵² Petition of Inhabitants of Burlington County to the Legislature, advocating the gradual abolition of Slavery, October 10, 1796, Petition of Inhabitants of Windsor Twp, Middlesex County, to the Legislature Advocating the Gradual Abolition of Slavery, 1796, Petition of the Inhabitants of Middlesex County to the Legislature Advocating the Gradual Abolition of Slavery, 1796, Petition of the Inhabitants of Monmouth County to the Legislature Advocating the Gradual Abolition of Slavery, 1796, Petition of the Inhabitants of Gloucester County to the Legislature Advocating the Gradual Abolition of Slavery, 1796, Petition of the Inhabitants of Gloucester County to the Legislature Advocating the Gradual Abolition of Slavery, 1796, BAH Collection, Legislative Records, 1788-1796, NJSA. William Griffith, *Address of the President of the New Jersey Society for Promoting the Abolition of Slavery* (Trenton, 1804). Advocates for abolition made frequent use of print media to advance their goals. For more examples of republican rhetoric, see the following: *New Jersey Gazette*, November 7, 1785 and March 13, 1786; *Jersey Chronicle*, July 11, 1795; *New Jersey Journal* May 2, 1792, October 6, 1790. Also see “An Oration delivered the evening prior to the commencement, 1786” Wells Family Papers, RUASC.

Gloucester case) or in its restrictive nature among living slaves. The society claimed they could be “consoled with the reflection that in a course of years, slavery would cease with the lives of those who *now* endure it” but could not fathom a world where slavery continued to perpetuate itself via subsequent generations. The choice to advance gradual abolition instead of immediate emancipation ignored the interests of any slave born before the society could convince the legislature to act and limited the society’s ability to fulfill their promise to support the rights of man. In 1804, on the eve of gradual abolition, the group reiterated its call for “the common blessings of liberty” to apply to only those children of slaves born in the future. William Griffith claimed the phrase “in New Jersey, no man is born a slave” should be the mantra of the Abolition Society. This idea sought to end slavery without freeing any slaves or improving their condition. Ironically, this played into the hands of slaveowners who wanted to perpetuate the institution.⁵³

Although they limited their assaults, the Society’s problems went beyond its lack of a larger mission. In 1798, the society had to table several key issues for further discussion due to the “the scattered situation of the society and the extreme difficulty of forming and efficient cooperation in those parts of the state where the necessity is the greatest.” This statement demonstrated that the group’s role in the abolition process, although important and integral, never rose to the significance of the societies in either Pennsylvania or New York. Those two organizations converged largely on one city, New York or Philadelphia, while the New Jersey Abolition Society tried to balance multiple branches across the entire state while it simultaneously received little support from the half of the state where the majority of slaves

⁵³ Gloucester County Society for Promoting the Abolition of Slavery Meeting Records, April 1796; New Jersey Abolition Society Papers, Minutes of the General Meeting, September 4, 1797; New Jersey Society for the Abolition of Slavery, testimony to the Legislature in favor of the law for the gradual extinction of slavery, February 1, 1804, State Library MSS Collection, NJSA.

lived. Members complained that its abolitionist agenda was derailed because few supporters took the time to travel to the eastern part of the state to do the work of the society. With a dearth of zealots and many more Quakers who happily talked about abolition in their counties largely devoid of slavery, the Abolition Society had a difficult time functioning to the maximum benefit of all concerned.⁵⁴

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The Abolition Society and Quakers positioned themselves as the saviors of enslaved African Americans in the post-revolutionary period. African Americans shattered this image of the white savior and advanced the cause of abolition by stealing themselves or rebelling violently against the authority of white society. Slaves' theft of themselves had been a major issue during the uncertain years of the Revolution when armies crisscrossed the state and trampled on the stability of New Jersey society. Available New Jersey newspapers in the post-war period (1784-1803) only published an average of 5.8 advertisements per year, an almost 40 percent decline from the numbers reached during the Revolution. However, these numbers probably do not represent the total number of slaves who ran away as many masters quickly recaptured escaped slaves and did not need to advertise for them. Demographically, male slaves made up almost 90 percent of runaways advertised in New Jersey newspapers. The median age of a runaway, twenty-five, (out of the ninety-one slaves with ages listed in the advertisement) deprived Jersey slaveholders of young male workers, the backbone of economic recovery in East Jersey after the Revolution had left it devastated. Without male laborers to harrow the fields, harvest the crops, or participate in the state's rebuilding effort, New Jersey's agricultural industry suffered

⁵⁴ For quote, see Committee of Publication Report, 1798, New Jersey Abolition Society and Burlington County Abolition Society Papers, BCHS. For examples from abolition society minutes, see Minutes of the Proceedings of the New Jersey Abolition Society, 47-58, HCQC.

decreased productivity. These issues created slaveholder discontent and forced them to question if the benefits of slavery warranted the continued headache of runaways.⁵⁵

The advertisements of runaway slaves occurred in the highest concentrations in the counties that saw an increase in their slave population between 1790 and 1800. These eastern and northern counties accounted for 86 percent of the advertisements that contained the owner's residence. Although eighty-one runaways from North and East Jersey represented a small fraction of the total slave population of that region, those advertised in runaway ads most likely accounted for only a small portion of the total number of runaways as Julian Niemcewicz's description of the Elizabethtown jail as teaming with runaway slaves represented far more than the one fugitive slave advertised in New Jersey newspapers that year.⁵⁶

One of these slaves, James Alford, challenged his master's authority when in 1794 he left his Rahway farm and headed towards Pennsylvania. In 1787 while working on his master's fields, Alford claimed he heard a divine voice which told him he would soon be free. The voice encouraged him to seek that freedom through the local Quaker meeting. After he snuck away to a Quaker meeting in Rahway, he met several abolitionists who understood the divine presence which had guided him to them. After seven years of attending Quaker meetings, Alford learned how to read and write and decided at age twenty-five to abandon his master and seek out freedom on his own. His master quickly attributed his escape to the activities of local Quakers

⁵⁵ Gellman, *Emancipating New York*, 160. I conducted a survey of all advertisements containing the words “negro, slave, and/or black” in the following newspapers between 1784 and 1804 (the number in parenthesis is the number of issues searched): *Burlington Advertiser* (88), *New Jersey Gazette* (151), *New Jersey Journal* (936), *Jersey Chronicle* (52), *Political Intelligencer* (128), *Centinel of Freedom* (436), and *Federalist* (176). Between 1784 and 1803 I discovered a total of 110 runaway advertisements. Between 1778 and 1783 I discovered a total of sixty. A search of New York newspapers during the Revolution revealed no significant increase.

⁵⁶ *Ibid.*

but did not know where Alford fled to, thus he could do nothing to recover him. However, any problems runaways caused on their own neither ameliorated nor ended the institution.⁵⁷

Slaveholders in New Jersey also feared active rebellion after the state legislature rejected gradual abolition. Slaveholder apprehension centered on the possibility of two types of rebellion: an organized attack on the slave system in the form of a quasi-Stono endeavor or individual and random attacks by slaves against whites. New York and New Jersey passed regulations in the wake of the Revolution which sought to limit the movement of African Americans to prevent them from fomenting organized rebellion. Northerners feared what blacks would do without supervision by whites; they demanded not only restricted movement of slaves but restricted activities. New York banned gambling and the use of lanterns to limit the possibility of arson by slaves while Newark residents joined together to prevent slaves from meeting together or leaving their master's home after ten o'clock at night. Even the convention of abolitionists in Philadelphia in 1794 warned that if abolition did not come soon a general insurrection, one very much like the Haitian Revolution which killed thousands of Frenchmen, would occur in the Mid-Atlantic. Indeed, news of the slave revolt in Haiti filled New Jersey and New York newspapers and Jerseymen and women heard the stories firsthand from ex-patriots who fled the island. Fear of a slave revolt became a mainstay of slaveholder thoughts.⁵⁸

Arson, a frequent tool of the enslaved to cause disorder and panic, had been utilized in the famous 1741 Slave Conspiracy, which forced both New York and New Jersey to pass increasingly restrictive slave ordinances during the colonial period. In the post-war period, New

⁵⁷ Account of James Alford (1769-1842), *Friends Weekly Intelligencer* 1 (1845), 246, 328, and 340. Thanks to Christopher Densmore of the Friends Historical Library at Swarthmore College for the transcription of this source.

⁵⁸ Harris, *In the Shadow of Freedom*, 49; Gellman, *Emancipating New York*, 45; Davis, *Inhuman Bondage*, 153; *Centinel of Freedom*, January 6, 1801 and January 20, 1801; American Convention for the Promoting the Abolition of Slavery and Improving the Condition of the African Race, Address of the Convention to the Citizens of the United States (New York, 1794), 4. For more information on French slaves in New Jersey, see G. Anderson to Robert Smith, February 22, 1798, New Jersey Abolition Society and Burlington County Abolition Society Papers, BCHS and Gersham Craft to Thomas Cope, January 4, 1804, Thomas Cope Family Papers, HCQC.

Jerseyans feared revolt and the use of fire yet again. In the 1790s, slaves set fires up and down the Atlantic seaboard, including East Jersey. Whites investigated and felt slaves in Newark and Elizabeth had planned to set fire to the two towns in an effort to launch a massive uprising. Whites in neighboring Middlesex County convicted three of their own slaves of planning a revolt and executed them. North and East Jersey had reason to fear their slaves would plot to not only destroy their property and gain their freedom but possibly murder them as well.⁵⁹

Slaveholders also contended with the possibility that their own slaves could attack them or their property. Crimes committed by slaves spiked in the late 1780s and 1790s, especially in northern and eastern New Jersey. Slaves committed both petty and violent crimes against their masters and master's property as a means to express their discontent with their continued enslavement. The rise in crime led Bergen County slaveholders to complain of the "many atrocities, acts of burglary, arson, robbery and larceny which have been committed by slaves in this County and this frequent running away from masters" and ask for stricter laws to prevent slaves from causing so much tension and damage to the economy of the state.⁶⁰ Margaret, a slave living in Bergen County's New Barbados, participated in one of the arsons the petitioners decried when she, a mother of five children who had a free black father, burned down her master's barn. Similarly, a county court convicted Sam, the slave of Newark's Caleb Hetfield, in 1785 for the rape of Mary Russel, a single woman, while Nance, a Sussex County slave, served her mistress coffee poisoned with arsenic in 1790. Jersey slaveholders then did not only have to wonder if their slaves would join others and create a full-fledged rebellion but with if their own

⁵⁹ George Fishman, *The African American Struggle for Freedom and Equality* (New York: Routledge, 1997), 129; Herbert Aptheker, *American Negro Slave Revolts* (New York: Columbia University Press, 1943), 218; Joseph Atkinson, *The History of Newark, New Jersey Being a Narrative of Its Rise and Progress* (Newark: William Guild, 1878); Hodges, *Slavery and Freedom in the Rural North*, 133.

⁶⁰ Petitions of the Freeholders and Inhabitants of Bergen County to the Legislative Council and General Assembly Concerning the Crimes Committed by Slaves, January 30, 1801, Department of State, Secretary of State AM Papers, NJSA.

would poison or rape them in the middle of the night. The fear of both types of rebellion again forced Jersey slaveholders to question their support for the continuation of slavery but, even coupled with the efforts of Quakers and abolitionists, failed to convince any in great numbers to abandon the state's slave system.⁶¹

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At the turn of the nineteenth century, Jersey slaveholders contended with constant assaults from the Quaker controlled Abolition Society, the potential for rebellion among their own slaves, the expanding differences between pro-slave and pro-abolition regions of the state, and the consistent ring of revolutionary republicanism in the background. Each undermined slavery in its own way and forced New Jerseyans to rethink their position on the institution, but no one of these factors propelled abolition forward on its own. Each time abolitionists brought forward an abolition bill, pro-slavery forces always managed to beat it back. At the same time abolitionists fought pro-slavery forces over gradual abolition, a process of identity redefinition was underway across the North. Northerners began to think seriously about their place in the developing nation. Their attempts at self-definition led them to create an imagined Northern community, one that spoke not of the evils of the institution of slavery but how the institution went against what they hoped the term "Northerner" meant. As the nation developed in the post-war period, Northerners saw the South increasingly defined by the institution of slavery and themselves by free labor. Indeed, Northerners identified themselves in opposition to Southerners. In an effort to define their own identity and vision of freedom, white New Jerseyans began to challenge the slave system in order to ally with the expanding concept of the

⁶¹ Hodges, *Root and Branch*, 179-80; Hodges, *Slavery and Freedom in the Rural North*, 133; New Jersey Supreme Court Case files 37209, 37210, and 37224, NJSA; *New Jersey Journal*, February 3, 1790.

“free” North. They wanted to make clear that New Jersey really was a product of the Revolution’s ideology of freedom; a stand against slavery could accomplish that goal.⁶²

The differences between North and South over the issue of slavery became readily apparent in the Constitutional Convention’s debate over congressional representation for slaves and restrictions on the slave trade. At the Convention, James Madison argued the states diverged on issues “not by their difference of size...but principally from the effects of their having or not having slaves.” Madison claimed the problem forming the United States lay not in a debate over large versus small states but “between the Northern and Southern.” South Carolina’s Charles Pinckney agreed that significant distinctions existed between Northern and Southern interests. Madison again identified that the “institution of slavery and its consequences formed the line of discrimination” between the two regions. At this convention, slavery rested as the key difference between North and South, a surprising fact since New York and New Jersey had done nothing to moderate slavery in their states while Pennsylvania, Connecticut, and Rhode Island (of course stubbornly absent from the Convention) all only started gradual abolition a few years before; slavery still existed in the vast majority of the North.⁶³

Northerners at the Convention consistently placed themselves as opponents of the South’s slavery and backhandedly claimed the North as free from the South’s evils. Rufus King, an adamant Massachusetts abolitionist, claimed “the people of the Northern States could never be reconciled to” the expansion of the trans-Atlantic slave trade and, in a committee chaired by New Jersey Governor William Livingston, successfully compromised on the issue of slave importation with representatives from the South. Though Massachusetts’ claim to abolition

⁶² For a brief discussion of the North versus South dynamic, see Gellman, *Emancipating New York*, 130-131, 141 and Melish, *Disowning Slavery*, xiv.

⁶³ James Madison, *Debates of the Adoption of the Federal Constitution in the Convention Held at Philadelphia in 1787; with a Diary of the Debates of the Congress of the Confederation* (Philadelphia: JB Lippincott, 1881), June 30, 1787 and July 2, 1787.

rooted itself in the Revolution, King's comments helped create this imagined North where abolitionism prevailed, a reality patently untrue. Pennsylvania's Gouverneur Morris made the comparison even starker when he claimed slavery "was a nefarious institution...the curse of heaven on the states where it prevailed." Morris boldly challenged Southerners to "compare the free regions of the Middle States, where a rich and noble cultivation marks the prosperity and happiness of the people with the misery and poverty which overspread the barren wastes of Virginia, Maryland, and the other States having slaves." Morris' ideas introduced the concept of the "best poor man's country" and the ability of the Middle Colonies, Pennsylvania in particular, to be a place where "noble cultivation" could make anyone successful. A place where the bonds of unfreedom did not apply, Morris and others believed in the power of the "free" North and the opportunities it could bring to a free people.⁶⁴

Morris acknowledged, at least tacitly, Pennsylvania, New York, and New Jersey's ties to slavery but highlighted their inherent difference with the South. He claimed after leaving New England, "and enter(ing) New York, the effects of the institution become visible. Passing through the Jerseys and entering Pennsylvania every criterion of superior improvement witnesses the change. Proceed south and every step you take through the great region of slaves" highlights the inherent differences between North and South. Morris' acknowledgement of slavery in the Mid-Atlantic linked North and South with the institution of slavery, but he quickly claimed that citizens of Pennsylvania and New Jersey viewed the slave trade, the standard practice of the South, as "so nefarious a practice." Connecticut delegate Roger Sherman widened this gap between Northern and Southern views of slavery with his observation that "the abolition of slavery seemed to be going on in the United States and that the good sense of the several States

⁶⁴ Ibid, August 8, 1787. For the idea of "best poor man's country" see James Lemon, *The Best Poor Man's Country: Early Southeastern Pennsylvania* (Baltimore: Johns Hopkins University Press, 1972) and Smith, *Down and Out in Early America*. For North versus South ideology, see Melish, *Disowning Slavery*, 3-6.

would probably by degrees complete it.” His fellow Connecticut representative Oliver Elsworth latched onto the idea of “good sense” and argued that “slavery in time will not be a speck in our country. Provision is already made in Connecticut for abolishing it and the abolition has already taken place in Massachusetts.” As an early capitalist, Elsworth argued that soon the number of potential “poor laborers” will expand so that they will be able to replace the nation’s slave population. In Elsworth’s mind, Connecticut, and the North in general, lived on the cutting edge of capitalistic development and their economic power would further separate them from the South’s continued insistence on slave labor.⁶⁵

Northern representatives made clear that they believed the North stood in opposition to the slavery of the South but their anti-Southern attitudes did not morph into pro-black ideology. New Jersey’s William Patterson claimed he “could regard negro slaves in no light but as property. They are no free agents, have no personal liberty” while Gouverneur Morris argued “the people of Pennsylvania would revolt at the idea of being put on a footing with slaves.” Northerners at the Convention positioned themselves against Southerners and embraced the concept of free labor in order to define their imagined community but still believed blacks lived in an inferior level of unfreedom. The community did not seek to ensure the ideas of freedom and equality that came from the Revolution changed the nature of unfreedom in the North. Instead, the imagined community sought to attack the idea of slavery and left the more difficult fight for equality for future generations to struggle with.⁶⁶

Many New Jerseyans came out of the Constitutional Convention with an understanding of their position in this imagined Northern community in opposition to Southern slavery. Joseph Bloomfield drew on the free labor of the North as a weapon in the abolition fight. Bloomfield

⁶⁵ Madison, *Debates of the Adoption of the Federal Constitution*, August 8, 1787, August 22, 1787.

⁶⁶ *Ibid*, July 8, 1787, July 11, 1787.

linked the fight over abolition in the state to the broader concept of economic opportunity, the need for the North to affirm the “best poor man’s country” on a larger scale. Bloomfield claimed the New England states

by their enlightened policy in general and with respect to the labor of freeman instead of slaves are daily obtaining advantages over the Southern states. The legislatures of the states southward of Delaware and Pennsylvania support the injustice and immobility of their citizens in the unnatural and cruel treatment of their fellow men (a system which) is not to be put in competition as the freeman.⁶⁷

Like delegates to the Constitutional Convention, Bloomfield sought to mold the idea of the North as a place free from the injustice of slavery, the very embodiment of the revolutionary republicanism that abolitionists used to argue their point. As slavery divided the country, Northerners saw the need to act to end slavery as a way to link themselves to ideals of the Revolution. With slavery ended, the North stylized itself a beacon of freedom, a fulfillment of the ideas the founding fathers imagined. Of course, this rhetoric ignored the plight which bound women, poor whites, and indentured servants on a daily basis. Instead, it existed as an imagined idea: the ideology of opportunity.⁶⁸

Jeffersonian Republicans in New Jersey managed to harness this anti-Southern identity to propel themselves to power in the Jeffersonian Revolution of 1800. New Jersey’s Democratic Republicans thought their Federalist neighbors moved too far from the ideas of the Revolution and grabbed the opportunity to use revolutionary rhetoric to their advantage. The Alien and Sedition Acts, Hamilton’s economic plans, and Jay’s Treaty riled already present distrust and dissent in the state and forced the creation of a structured opposition party to the Federalists. At

⁶⁷ Joseph Bloomfield to Samuel Coates, June 30, 1794, Edwin Ely Collection, NJHS.

⁶⁸ For additional examples of the New Jerseyans using this North-South dynamic, see Abraham Johnstone, *The Address of Abraham Johnstone, a Black Man, who was hanged at Woodbury in the County of Gloucester and State of NJ on Saturday, the 8th day of July last, to the People of Color* (Philadelphia: 1797); Newark *Centinel of Freedom*, September 20, 1797.

the close of the Revolution, agrarian debtors who battled the economic issues of the 1780s by emitting more paper money lost key elections in the 1790s to more conservative interests who styled themselves the Junto Ticket. This conservative elitist ticket, with significant support from Western New Jersey, later matured into the Federalist Party. The agrarian-debtors eventually latched onto Jefferson's promise of freedom for the small individual farmer.⁶⁹

New Jersey's Democratic Republican leaders saw the Federalists as a reaffirmation of traditional gentry controlled politics with a firm relationship to England (solidified in their minds by Jay's Treaty). Jeffersonians built a statewide infrastructure to combat the party they thought would move the nation further away from the values of the American Revolution. Values rested as the strongest solidifying force in the infant Jeffersonian Party. Jeffersonians built their philosophy on the idea of human equality and looked to the Rights of Man and the French Revolution as ideas Americans could channel in order to return back to the fundamentals of equality the Revolution exhibited. One key leader, Joseph Bloomfield, wrote "in Republican men alone can our glorious independence be established and perpetuated" to link the party to the Revolution and the ideal it represented. Similarly, Silas Dickerson, the first Jeffersonian Republican to be elected Speaker of the General Assembly in 1801, complained to his brother Mahlon Dickerson, the future governor, that the Federalists misunderstood the ideas of freedom and equality the Revolution signified. He hoped "the pure rays of the sun of Liberty" would "dissolve that stubborn clay from their eyes, put on by the hands of the oppressive Potter." Dickerson's use of "Liberty" created a dynamic where Democratic Republicans hoped to force

⁶⁹ Walter Fee, *The Transition from Aristocracy to Democracy in New Jersey, 1789-1829* (PhD Dissertation: Columbia University, 1933), 100-103, 127; Carl Prince, *New Jersey's Jeffersonian Republicans: The Genesis of an Early Party Machine, 1789-1817* (Chapel Hill: University of North Carolina Press, 1964), 7-18, 40-42; Joseph Bloomfield to Jonathan Dayton, March 8, 1804 as cited in Fee, *The Transition from Aristocracy to Democracy in New Jersey*, 127; Gavin Scott to Thomas Scott, October 23, 1800, Scott Family Papers, NJHS; Joseph Bloomfield to Ebenezer Elmer, December 28, 1800, Joseph Bloomfield Papers, NJHS.

Federalists to see how Jay's Treaty and the Alien and Sedition Acts failed to continue the legacy the Revolution promised.⁷⁰

Jefferson's disciples in New Jersey utilized the same type of language to propel their ascendancy to political power as abolitionists did. This revolutionary republicanism that spoke to so many Jersey men and women gave Jeffersonians real political power and opportunity to make substantial changes in the structure of New Jersey society. The unification of Jeffersonian ideology, anti-slavery, and revolutionary republicanism had much to do with the integration of abolition activists into the Jeffersonian Republican Party. Joseph Bloomfield, while President of the Abolition Society, organized extensively for Jefferson in New Jersey and eventually became the state's first Jeffersonian governor in 1800. Under his leadership and the leadership of at least six other Jeffersonian Abolition Society members who sat in the state legislature in 1804 when the bill for gradual abolition passed, Democratic Republicans and abolition activists spoke the same language of egalitarianism and united together for the same purpose. This link back to the "spirit of 1776" caused Northern Jeffersonians to vote against the Missouri Compromise years later. In that debate, Northerners argued that slavery and its expansion went against the Constitution's guarantee of a republican government and wholly against the liberty borne in the battles of the Revolution. Though Jefferson's party in the North conceded that the Constitution allowed slavery to exist at a local level, the national transformation of slavery could not be included in that exception to republicanism. Northern rejection of slavery and its westward expansion gained life in the battle to define North versus South in the post-war period. Jeffersonian Republicans linked slavery's continuation in the North with a failure of revolutionary republicanism. The Democratic Republican Party in New York similarly

⁷⁰ Ibid and Joseph Bloomfield to Ebenezer Elmer, December 28, 1800, Joseph Bloomfield Papers, NJSA; Silas Dickerson to Mahlon Dickerson, Mahlon Dickerson and Philemon Dickerson Papers, NJHS.

supported abolitionism in order to fulfill the promises of the equality their campaign so distinctively argued for. In the same way, Jeffersonians in New Jersey used the abolition of slavery as a political tool designed both to show New Jerseyans their revolutionary credentials for leadership and to create a Northern community based on the idea of freedom.⁷¹

New Jersey Jeffersonians, after their election in 1800, acted quickly to support anti-slavery legislation in order to not call attention to the hypocrisy of using revolutionary rhetoric to gain political office while maintaining the status quo for African Americans. The call for abolition in the Democratic Republican party came from both the already established anti-slavery activists like Joseph Bloomfield and William Parret, a Salem County member of the Legislative Council (the upper-house of the legislature) who served as the original Vice-President of the Abolition Society as well as from a grassroots level. In 1803, the Democratic Republican Association of Gloucester County, the county with the largest decrease in its slave population over the previous ten years, sent a petition to the state legislature asking it to end the institution of slavery. On the same day, a similar petition from a group of free blacks of Gloucester County also made its way to the state legislature. These local Jeffersonians elected Joseph Cooper as an assemblyman in 1803 who had not only been involved in grassroots political activism in Southwest New Jersey but also belonged to the county's chapter of the New Jersey Abolition Society. Cooper, along with other members of both the legislature and the Abolition Society, provided a conduit for anti-slavery activism to arrive in Trenton and forced the issue of abolition.⁷²

⁷¹ Alfred Young, *The Democratic Republicans of New York* (Chapel Hill: University of North Carolina Press, 1967), 529-532. For a larger look at Jeffersonian Republicanism and their link to the “spirit of 1776” and the growing division between Northern and Southern Republicans, see Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: WW Norton, 2005), 72-94 and 225-228.

⁷² For petitions, see *New Jersey Journal*, November 22, 1803. For the importance of localized republican societies, see Wilentz, *The Rise of American Democracy*, 40-71.

Jeffersonian Republicans reiterated their stance as abolition supporters through their campaign literature which sought to paint Federalists as proslavery advocates and enemies of revolutionary freedom. Jeffersonian attacks on the institution provided them cover from Federalist attempts to link them to Thomas Jefferson's slaveholding and a Southern identity in general.⁷³ Jersey Jeffersonians took seriously the idea that Northerners needed to distance themselves from the South, a mission the end of slavery could accomplish. In one Democratic Republican campaign advertisement, Jeffersonians admitted that Federalists condemned Jefferson and other national Democratic Republicans for their slaveholding. However, Democratic Republicans quickly pointed out George Washington, perhaps the most well-known Federalist, had "upwards of three hundred" slaves, many more than Jefferson himself. In this, Jeffersonians hoped to link Federalists to slaveholding.⁷⁴ In another advertisement Jeffersonians used a fictional conversation between two slaves to target a Federalist candidate:

Quacko: Oh no! Oh no! Sambo you right. I hear massa Parson semblyman too—is he?
Sambo: Oh yes, massa Parson assemblyman, an I wonder at dat, very much indeed—indeed indeed.

Sambo: Cleber man, indeed, no, he no cleber man, he keep negro slave and he tief too⁷⁵

Democratic Republicans argued since Parson, an assemblyman, held slaves and was therefore a thief, he should not gain the support of Burlington County voters. Jeffersonians tried to claim slaveholding as a negative feature of Federalist candidates but through their own campaign literature revealed their own racist assumptions. Abolitionists hoped to free slaves but did not perceive freed blacks, much less slaves, as equals. They actively tried to convince New

⁷³ Federalists consistently used Jefferson's link to slavery to attack him. In the election of 1800, Federalists in Philadelphia claimed Jeffersonians brought blacks to the polls and that "Mr. Jefferson's Congo Harem" attacked the very foundation of American democracy. See Fischer, *The Revolution of American Conservatism*, 165.

⁷⁴ Newark *Centinel of Freedom*, April 13, 1802. This is not surprising since the *Centinel* was a decidedly Republican newspaper without any pro-Federalist material in it.

⁷⁵ *A Dialogue Between Quacko and Sambo, addressed to the New Jersey Federalists, particularly those of Burlington County*, 1801, Political Broadside Collection, RUASC. "Assemblyman Parson" might refer to Assemblyman William Pearson, a long-time Federalist Assemblyman from Burlington County.

Jerseyans, particularly those in the Quaker Federalist stronghold of Burlington County, to vote against slaveholders and instead support the party which opposed the continued institution of slavery.⁷⁶

With abolitionist ideas poised to enter legislative discussion, Jeffersonians had to make a choice to support gradual abolition or seek a boarder immediate emancipation. The potential for wide support of any abolition measure in New Jersey took precedence. With slavery even more solidified in those locales, resistance from slaveholders and their representatives in the legislature became a major concern of Jeffersonians. A general abolition that challenged the private property rights of thousands of New Jersey residents would cause massive dissent. Even gradual abolition stirred Bergen County slaveholders to protest the act as “unconstitutional, impolitic, and unjustly severe in as much as we are entitled under our laws to protection of property.”⁷⁷

The Bergen County slaveholders were not alone as even George Washington feared what abolition could do to his property. In 1791, his private secretary, Tobias Lear, alerted him that his slaves residing in Philadelphia, the federal capital, could be subject to Pennsylvania’s gradual abolition law and could possibly be freed after six months residence. Pennsylvania law restricted any importation of slaves, even from domestic sources, and provided visiting slaveholders six months to transact business or transit through the state before state law freed their slaves. Washington ordered Lear to arrange to send the slaves back to Virginia after he confirmed the meaning of the law. Lear consulted with Attorney General Edmund Randolph and concocted a

⁷⁶ The relationship between Jefferson, Washington, and their slaves made headlines across the nation. In the 1790s, Jeffersonian Republicanism in the North identified with anti-slavery societies (though not exclusively) in New York. The rift between Northern and Southern Jeffersonians grew larger as the new nation consistently confronted slavery especially during the Missouri Compromise, with Northern Democratic-Republicans advancing a free soil agenda. See Wilentz, *The Rise of American Democracy*, 60-62 and 225-227.

⁷⁷ Bergen County petition to the Legislature requesting repeal of the NJ Abolition Act of 1804; January 4, 1806, State Library MSS Collection, NJSA.

plan to protect Washington's property by sending the slaves across the Delaware to Trenton. The act of crossing a state boundary and then reentering Pennsylvania, according to Randolph and Lear, restarted the six month clock. As long as Washington's slaves crossed into New Jersey at least twice a year, he could circumvent the Pennsylvania abolition law and successfully hold onto his slaves.⁷⁸

Although Washington's plan to perpetuate the ownership of his slaves played out in Pennsylvania, the same desire to preserve the private property rights of slaveholders occurred across the North including in New Jersey in the first few years of the nineteenth century. As one British contributor to the New Brunswick *Political Intelligencer* wrote on abolition, "I am sensible that this is a work which they (abolitionists) cannot accomplish at once. The emancipation of Negroes must, I suppose, be left in some measure to be the effect of time and manners."⁷⁹ The idea of time this author brought up rang true to members of the Abolition Society who felt the defense of immediate property rights presented too much resistance for a sustained victory. William Griffith, the leader of the New Jersey Abolition Society successfully argued that gradual abolition did not attack property rights since it focused on future property rights, not preexisting ones. Abolitionists and Jeffersonians who struggled with this property rights question chose to support gradual abolition as a more realistic measure to fight entrenched slaveholders who consistently defended their property rights against any incursion from abolition.⁸⁰

⁷⁸ Tobias Lear to George Washington, April 5, 1791, George Washington to Tobias Lear, April 12, 1791, and Tobias Lear to George Washington, April 24, 1791, *The Papers of George Washington Digital Edition*, ed Theodore J. Crackel (Charlottesville: University of Virginia Press, 2007). For information on Pennsylvania's six month law, see Paul Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity* (Chapel Hill: University of North Carolina Press, 1981), 49-55.

⁷⁹ *Political Intelligencer*, June 29, 1785.

⁸⁰ William Griffith to the Legislative Council and General Assembly of the State of New Jersey, February 1804, as reprinted in Clement Price, *Freedom Not Far Distant: A Documentary History of Afro-Americans in New Jersey* (Newark: New Jersey Historical Society, 1980), 77-79.

A graduated system of abolition solved many of the property rights questions brought by slaveholders but many still questioned if the state should require them to care for children born under the graduated system. In response, the state legislature created an abandonment system modeled after New York's which allowed slaveholders to abandon children born to their slaves to the local overseers of the poor after the abolition program went into effect. If a slaveholder surrendered a child before he or she reached the age of one year, the overseers bound the child out to service in the same way a poor white child would be. This system solved the immediate problem of slaveholder unwillingness to spend money on children from whom they would not gain lifetime service. Hesitant supporters of abolition in the legislature held up the abandonment clause as an invaluable protection to slaveholders, as the state could protect property rights while at the same time advance their abolitionist goal. The abandonment clause did, however, necessitate the separation of the child from his or her mother and father. With this process, New Jersey whites acknowledged that abolition served their interests far more than the interests of those whom it meant to free. White concerns, especially those that served to create an imagined community of virtuous whites, dominated the abolitionist discourse in New Jersey far more than black concerns all the way until final approval in 1804.⁸¹

Racism represented the other major factor in the Jeffersonian choice to pursue gradual abolition instead of immediate emancipation. The choice between gradual and immediate actually had already been made by the New Jersey Abolition Society to which most Jeffersonian abolitionists belonged. The Society mirrored other such societies across the North, most notably the New York Manumission Society, in their support for gradual instead of immediate abolition. Neither organization believed in the fundamental equality between whites and blacks. Many members of the New York Manumission Society, William Livingston included, continued to

⁸¹ Zilversmit, *The First Emancipation*, 194.

own slaves while they fought for gradual abolition. William Griffith, a slaveholder as well, spoke out against black voting rights and argued blacks could never be fundamentally equal. Abolitionists, and in turn Jeffersonians, questioned if an immediate emancipation would be consistent with the ideals of humanity and freedom they touted as their guiding light since they believed blacks could not function independently as free individuals in any meaningful capacity. Would it be humane to set people free who might not know how to care for themselves? The answer came a resounding “no” as abolitionists chose to advance gradual abolition since it provided a period of time for blacks to receive training and “education” on the meaning of freedom from whites. Abolitionists felt strongly that before freedom, blacks required a period of indenture, one which would both educate as well as protect them from a free world abolitionists thought they could not understand. Blacks continued in the unfreedom they had lived with for so long. Fearful of an immediate change in their circumstances, abolitionists believed blacks would live lazy and unproductive lives if immediate abolition became law.⁸²

This fear of masses of slothful ex-slaves pervaded New Jersey as the abolition movement pushed forward. Abolitionists and Jeffersonians successfully combated this fear with the creation of the indentured period before full freedom as a way for whites to still exert control over the black population. The fear of losing control of the world around them led abolitionists as well as average New Jerseyans to support gradual abolition. The indentured period created by gradual abolition also provided masters partial repayment for their lost property rights as well as

⁸² *New Jersey Journal*, October 10, 1792; Nash and Soderlund, *Freedom by Degrees*, 102; Gellman, *Emancipating New York*, 57; Harris, *In the Shadow of Slavery*, 57-58, 70-71; William Griffith, *Eumenes: being a collection of papers written for the purpose of exhibiting some of the more prominent errors and omissions of the constitution of New Jersey as established on the second day of July, one thousand seven hundred and sixty six and to prove the necessity of calling a convention for revision and amendment* (Trenton, 1799).

a period where whites could “teach” African Americans the mechanics of living a free life before they gained full freedom.⁸³

Gradual abolition took shape in the Garden State largely on the grounds of practicability. Slaveholder resistance, respect for private property, and the fear of the sudden spike of free blacks immediate abolition caused New Jersey whites to choose gradual over immediate abolition. The length of the required service period a child born under the law would have to serve to his or her mother’s master remained the last step in the finalization of the gradual abolition bill. The legislature started with a bill which required males to serve for twenty-one years and debated increasing the service requirement to twenty-eight years but instead settled on twenty-five, the same required under the New York law passed five years before. With the term of service settled, the legislature voted with only four dissenting votes in the General Assembly and one in the Legislative Council to approve the state’s Act for the Gradual Abolition of Slavery. The new law was set to enter into effect on July 4, 1804, the anniversary of American independence and, as abolitionists felt, an expansion of that same revolutionary republicanism to a new group.⁸⁴

The enactment of gradual abolition in February 1804 could not have passed the state legislature without the support of Democratic Republican legislators and Governor Joseph Bloomfield. Jeffersonian members of the New Jersey Abolition Society worked to advance the cause of abolition in the legislature and used both the rhetoric of the Revolution as well as anti-Southern sentiments to convince the legislature to overwhelmingly approve the bill. Federalist legislators who felt pressure from abolitionists in their own party, including almost all of the representatives of the Burlington County Federalist Delegation, aided Jeffersonian Republicans

⁸³ Ibid.

⁸⁴ New Jersey General Assembly Minutes and Proceedings of the Twenty-Eighth General Assembly of New Jersey, 1803-1804; Sweet, *Bodies Politic*, 250, 263.

in their quest to advance abolition. William Coxe, a key abolitionist and Burlington Quaker Federalist, chaired the committee on the bill in the legislature and allowed for bipartisan support of it throughout the legislative session. Finally, the bipartisan support from Quakers and abolitionists joined with the strong caucus system the Jeffersonian-Republican Party employed in the state legislature to produce success.⁸⁵ This caucus system forced those representatives from counties who still had a viable slave system (Essex, for example) to support the legislation instead of relying on the old tired property rights defense. The caucus system, a product of the fight for power from Federalists, led Jeffersonians to vote en masse for particular issues which won support in the caucus.⁸⁶

With the backing of Governor Joseph Bloomfield and grassroots support in Salem and Gloucester Counties, the Jeffersonian bloc successfully propelled the 1804 gradual abolition bill forward through the legislature. This bloc voting continued on anti-slavery issues after 1804. Between 1805 and 1811, Democratic-Republicans voted as a solid bloc on the three anti-slavery bills presented to the legislature. The consistency of Jeffersonian support for anti-slavery in the succeeding years illustrated the importance the party's caucus played. Without a strong method to bind the varying different regions of New Jersey together, economic realities of the institution

⁸⁵ Federalists had no such strong caucus system to regulate their votes therefore the Federalist party's abolitionists split with the non-abolitionist members. See Fischer, *Revolution of American Conservatism*, 54.

⁸⁶ For information on affiliation see Rudolph and Margaret Pasler, *The New Jersey Federalists* (Madison, NJ: Farleigh Dickinson University Press, 1975), 178-187. For the changing dynamic of politics in the Jeffersonian era, see Hodges, *Slavery and Freedom in the Rural North*, 135. For Jeffersonian Republican caucus system, see Prince, *New Jersey's Jeffersonian Republicans*, 107-116, 151 and Joseph Bloomfield to Ebenezer Elmer, July 6, 1802, Edwin Ely Collection, NJHS. For a different take on abolition in New Jersey, see Zilversmit, *The First Emancipation*, 194 and Egerton, *Death or Liberty*, 119. Zilversmit argues that since Federalists supported the measure as well, abolition was not a party issue while Egerton claims that it was the "solid block of Federalists" who supported the law only to be supported by some Republicans. In actuality, more Federalists in the legislature opposed the law than Republicans. It was not, as Egerton seems to argue, a repeat of the legislative fight in New York. Also see *New Jersey Journal*, February 21, 1804.

would have caused the bill to fail yet again. Jeffersonians made the difference in gradual abolition's advancement in the Garden State.⁸⁷

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While the Jeffersonians' caucus system mitigated the economic needs of counties with strong pro-slavery delegations, abolition in New Jersey arose from multiple factors. The efforts of Quakers and the New Jersey Abolition Society definitely planted the seeds of abolitionist thought and ideology in the public sphere in the state. Slaves themselves fought against the rigid institution by stealing themselves or rebelling against their owner's authority and power in eastern and northern New Jersey. The need for the North to distance itself from the institution of slavery and the inequality it represented also stands as a key factor in the way Jeffersonian Republicans framed the debate. The bill's effective date, July 4, 1804, to begin gradual abolition linked to the idea of revolutionary freedom. It provided Jeffersonians and abolition activists with a tangible relationship to the Revolution. The institution of slavery represented a lack of freedom, its destruction become necessary in order to prove the North did not exist the same as the South.

Jeffersonian Republicans' choice to attack the institution of slavery and not the actual condition of slaves (via the support of gradual abolition instead of immediate) limited the freedom their campaign promised to extend to all Americans. Unfreedom continued unabated for many. Jeffersonians mediated their own rhetoric and admitted to themselves that while all men were created equal, not all men were intellectually, morally, or physically equal. Equality could only reach so far in their minds. Democratic Republicans theorized that certain members of society, including slaves, could never quite reach the intellectual and moral ability required to enjoy full equality with white society. Therefore, even though they successfully fought for

⁸⁷ Ibid

abolition in the Garden State, Democratic Republicans did not believe blacks could ever be the equal of whites. The abolition movement then became less an attempt to improve the standing of slaves but one to help whites create a community, albeit an imagined one, where slavery did not exist. Northerners couched gradual abolition as whites granting freedom to blacks instead of blacks gaining freedom for themselves. This altruistic idea of abolition shaped the debate over gradual versus full emancipation as well as shaped white perceptions of their own “progressive” nature.⁸⁸

In the wake of gradual abolition’s passage, leaders of the abolition movement commended themselves for ending the cruel institution of slavery and the creation a free community. Joseph Bloomfield wrote to Silas Dickerson soon after the act passed, “your feelings respecting the abolition of slavery accord with the cordial gratification I experienced when I signed the abolition bill, the most important act ever passed or which can ever be passed by the legislature of New Jersey...may the genuine influence of philanthropy and liberty eradiate every heart and be as extensive as the human races!”⁸⁹ Bloomfield’s letter highlights the Jeffersonian emphasis on liberty but also the idea of Northern “philanthropy” which linked to white images of themselves bestowing freedom to blacks. This act of abolition solidified the imagined community. Whites could commend themselves for their assistance in the slave system’s destruction and perpetuate that idea of slavery’s end in their minds while at the same time ensure that their efforts did not actively do anything to assist the plight of slaves. Jeffersonians, and indeed many abolitionists, did not interest themselves in actually helping slaves. Joanne Pope Melish argues New England slaveholders advanced gradual abolition to enable the disappearance of African Americans. Instead of an attack on African Americans in

⁸⁸ Harris, *In the Shadow of Slavery*, 63.

⁸⁹ Joseph Bloomfield to Silas Dickerson, March 19, 1804, Edwin Ely Collection, NJHS.

general, Northern abolitionists concerned themselves much more with an attack on the institutionalized idea of slavery. Their crusade never really aimed at the elimination of African Americans but instead enabled Northerners to position themselves against the ideals of the South in the new nation. The need to remove blacks from Northern white society came later in the nineteenth century via the colonization movement when the republican ideals fostered by the abolition movement caused an unexpectedly large number of manumissions and a large number of now free blacks.⁹⁰

Bloomfield's letter also communicated the extent of anti-slave sentiment in the Garden State. His conclusion that the act was "the most important act ever passed or which can ever be passed" related to a long history of Jersey abolitionists settling for small changes in the slave law. In 1797, a gradual abolition act almost passed the state legislature when proponents allowed it to be amended with a restrictive slave code. Bloomfield himself had attacked the legislation but decided "the friends to manumission will not oppose the present bill as nothing will be left but a great deal gained," surrendering any attempt at bettering the condition of those currently enslaved for the promise to create a future without slavery.⁹¹ In the same manner, Bloomfield's predecessor, Governor William Livingston, compromised his abolitionist assault on slavery by ending the slave trade but not slavery itself. Livingston did not wish to "run the risk of obtaining nothing," and instead compromised to achieve at least some measure of success.⁹² Unlike the abolitionists of the 1830s and 1840s, early Northern abolition efforts concerned themselves not with the condition of the enslaved or with a larger battle against the evil or sinful nature of slavery. Instead, early abolitionist's insistence on gradual abolition and

⁹⁰ Melish, *Disowning Slavery*, 53. I cover the colonization movement and post-abolition free black life in chapter six.

⁹¹ Joseph Bloomfield to Samuel Coates, January 27, 1797, Edwin Ely Collection, NJHS.

⁹² William Livingston to James Pemberton, October 20, 1788 in Prince and Ryan, *Papers of William Livingston*, Volume V, 357-359.

their compromised acceptance of slavery's continuation in the North limits even their categorization as the abolitionists. In doing so, they helped perpetuate its existence in the North for sixty years after the 1804 law went into effect.

Early American abolitionists' insistence on a gradual abolition program and their reluctance to engage with the black community to seek immediate and tangible changes in the condition of the enslaved slowed the growth of black citizenship in the early republic. Unable to truly free themselves from the cloud of slavery, New Jersey slaves continued to live in the same manner as they had for the last 150 years, as property bound to their owners for life. The legacy of African American unfreedom continued. Even those who managed to negotiate manumission in the post-war period or immediately after gradual abolition took effect did not have an equal opportunity to harness the revolutionary freedom white abolitionists claimed to have provided for African Americans. Abolitionists did little to advance the idea of equal rights or equal treatment and consistently marginalized African American aptitude for freedom. While gradual abolition changed the nature of the institution of slavery in many Northern states and enabled Northerners to think of themselves as freedom's servants, the abolition movement failed to fundamentally alter the Northern racial dynamic which in turn sentenced slaves, their freeborn children, and free blacks to additional decades of unequal treatment.⁹³

⁹³ Gellman, *Emancipating New York*, 180; Melish, *Disowning Slavery*, 79.

CHAPTER 3

NOT QUITE FREE: SLAVES FOR A TERM IN POST-ABOLITION NEW JERSEY

In 1832, after crossing the Delaware River into Pennsylvania, Peter Chandler scribbled in his diary: “today left the land of slavery, New Jersey. The blacks are permitted to be held in bondage. Almost every farmer has from one to half a dozen slaves.” Chandler’s assessment of the state of slavery and labor relations after his seven-week tour of the Garden State stands in stark contrast to the historical memory of slavery less than fifty years later. In 1878, local historian Joseph Atkinson published his *History of Newark* where he boldly stated “slavery was abolished in New Jersey in 1820 to the everlasting credit of Newark, and to the imperishable honor and glory of its local press.” To Atkinson, when Peter Chandler began his journey in 1832, New Jersey stood against slavery as a true “land of liberty.”¹

Both authors’ statements contain essential components of the myth of slavery’s nineteenth-century demise in the North. Like most tall tales, the myth of Northern abolition arrives with certain elements of truth. The struggle to end the peculiar institution in the North resulted in a variety of systems of abolition. Vermont’s Constitution prohibited anyone “to serve...as a servant, slave or apprentice” within the state’s borders while the Massachusetts Supreme Court applied its own Constitution’s preamble that “all men are born free and equal” to judicially eliminate slavery there by 1790. Opposite of both Massachusetts and Vermont’s

¹ Peter Chandler Diary as cited in Francis McTeigue, “The Conditions under which Slaves Lived in New Jersey” (MA Thesis, Seaton Hall University, 1965), 4. For Chandler, also see Francis Pingeon, *Blacks in the Revolutionary Era* (Trenton: New Jersey Historical Commission, 1976), 5. According to Pingeon, Chandler was a businessman from Connecticut. Atkinson, *The History of Newark*, 171.

hardline approach to abolition, New Hampshire ignored its small enslaved population (150 in 1792) and failed to pass any measure against slavery until 1857. Even though the New Hampshire Declaration of Rights spoke the same language as the Vermont Constitution, it failed to free any slaves. A state revenue act passed in 1784 still taxed slaves as property and New Hampshire Supreme Court Justice Simeon Olcott, in 1788, claimed New Hampshire law recognized the legality of slave property since the New Hampshire Constitution did not specifically ban it from the state. Without a formal process of abolition, slavery died out on its own in the Granite State.²

Unlike Vermont, Massachusetts, or New Hampshire, the five other New England and Mid-Atlantic states all mandated a gradual end to slavery. Although the terms of slavery's demise remained different in each state, Rhode Island, Connecticut, Pennsylvania, and New Jersey all agreed to the "gradual abolition of slavery" while New York instituted essentially the same program under the header of "gradual manumission."³ Regardless of state, those currently held as slaves remained in bondage. Northern states granted freedom to children born to slaves after a certain period of service to the master of their mother. In contrast to the better known and better documented end of slavery in the American South, those held in bondage from Pennsylvania to Rhode Island never felt the effect of a true "emancipation," a release from a system of control. The word "emancipation" is nowhere to be found in the texts of the laws designed to end slavery. Instead, with the exception of New York, the states utilized the term "abolition." As a verb, to abolish means to destroy or to end the observance of. Indeed, the Northern lawmaker's choice of

² For a basic survey of abolition in the North, see Zilversmit, *The First Emancipation*. For abolition in Massachusetts and Vermont specifically, see 114-116 as well as Egerton, *Death or Liberty*, 93-121. Also see McManus, *Black Bondage in the North*, 160, 164-67. For specifics on New Hampshire, see Zilversmit, *The First Emancipation*, 117 and Melish, *Disowning Slavery*, 66.

³ Rhode Island's legislature titled its law "An Act authorizing the Manumission of Negroes, Mulattos and others and for the Gradual Abolition of Slavery," Connecticut had the "Gradual Abolition Act," Pennsylvania had its "Act for the Gradual Abolition of Slavery," and New Jersey passed the "Act for the Gradual Abolition of Slavery." New York's legislature agreed to the "Gradual Manumission Act."

wording truly defined how Northerners understood slavery's demise. With the passage of gradual abolition laws, the states interested themselves far more in the destruction of the institution of slavery by a prolonged gradual death rather than a quick kill.⁴

Peter Chandler could have met several of the thousands of New Jersey slaves born before the passage of the 1804 law. To his amazement, New Jersey residents still held 2,254 slaves in 1830, twenty-six years after lawmakers slated the state's slave system for destruction. Chandler's hyperbolic account of the slave population (11 percent of the state's African Americans lived as slaves) drastically differed from Atkinson's historical memory of slavery's demise twelve years before Chandler ever set foot in New Jersey. Where did all the slaves in Atkinson's account go and where did they all come from in Chandler's journal?

Both men's visions of slavery in the antebellum Garden State illustrate the complex issues regarding slavery's end and more importantly how Northern society defined slavery and freedom in this period. American conceptions of freedom emanate largely from Abraham Lincoln's clear dichotomy between slavery and freedom in his 1862 Emancipation Proclamation. Lincoln's declaration that all slaves "shall be forever free" stood in sharp contrast to the status of children born under Northern gradual abolition programs. The story of slavery and freedom in the Northern states was far more complicated. In the North, one stroke of the pen did not make anyone "forever free" or even created the perception that anyone lived free. Instead it drew a

⁴ Of course, New York's "manumission law" enacted the same type of gradual program as New Jersey or Pennsylvania's. It is however interesting that New Yorkers choose to use the word "manumission," the act of releasing slaves from bondage, rather than "abolition" like Pennsylvania had used. One possible explanation for its use is that one of the main group's advocating for slavery's end in New York was the New York Manumission Society while, for instance, in New Jersey, it was the Society for the Promotion of the Abolition of Slavery. For abolition of slavery in New York, see Hodges, *Root and Branch*, 168-173 and Harris, *In the Shadow of Slavery*, 70-71. For Pennsylvania, see Nash and Soderlund, *Freedom by Degrees*, 99-105. For abolition of slavery in Rhode Island and Connecticut, see Zilversmit, *The First Emancipation*, 119-124 and David Menschel "Abolition Without Deliverance: The Law of Connecticut Slavery 1784-1848" *Yale Law Journal*, 111:1, (October 2001), 188. Menschel makes a similar argument about the use of the term "abolition" instead of "emancipation." I argue that we should see this idea of "abolition" in the larger context of the entire North as well as a fundamental argument for the way Northern society saw their anti-slavery activities.

blurry line of demarcation between slavery and freedom, one which more often than not failed to prevent the exploitation of enslaved blacks and their freeborn children.⁵

This dichotomy between slave and free too cleanly delineates polar opposites. Instead of seeing early national America in bipolarity, we should look at it as a place where the term freedom was not a constant but a changing indistinct frontier. The abolition law promised all black children born after 1804 freedom, but what did that status really mean? Americans of all races and classes never lived truly “free” lives. Post-1804 black children functioned not unlike those Eric Foner claimed “believed themselves denied full liberty” as promised to them by the Revolution. Apprentices, indentured servants, redemptioners, slaves, free blacks, poor white wage laborers, and women all functioned in some level of unfreedom after the American Revolution. Instead of consistently identifying anyone not a slave as free, we should examine how people operated in Northern society and who held power over them. The ambiguous position into which the abolition law propelled black children allows us to see freedom not as an end process or foil to slavery but as an imagined goal they and the vast majority of Americans never quite consistently experienced in the early nineteenth century.⁶

February 15, 1804, the day the legislature approved gradual abolition, did nothing to change everyday life for slaves. Neither did July 4, 1804, the date the law went into effect. Newspapers still advertised slaves for sale, slaves still farmed their master’s land as they always had, and, to white Jersey residents, “Negro” still meant the same thing as “slave.” Although the actual gradual abolition law effectively did nothing for slaves, the law represented a capstone of abolitionist thought and sentiment that emanated from the American Revolution. The 1804

⁵ See White, *Somewhat More Independent*, 47-48 for a brief discussion of how historians have misunderstood the role these children played.

⁶ Eric Foner, *The Story of American Freedom* (New York: WW Norton, 1999), xvi. Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 1982), 27

gradual abolition law created a transitional period in New Jersey, the abolition period, where whites and blacks struggled to determine how slavery would end in the state, how Northern society defined freedom, and what the relationship between the races would be thereafter.⁷

This chapter seeks to understand how events in the abolition period changed the lives of post-1804 black children and in a larger sense argues for a new interpretation of the concept of freedom in post-Revolutionary America; by examining the mechanics of the gradual abolition process. Children born to slaves after 1804 provide a window into how New Jerseyans articulated freedom and how freedom functioned in their world. Far from being a gift from the Revolution's altar of freedom, gradual abolition in the North created a unique enclave for post-1804 black children, one near the bottom of the ladder of unfreedom as slaves in all but name. Writ large, gradual abolition replicated the prevalence of unfreedom already present in American society, disguised it as a grant of freedom, and bestowed it on a new group of Americans.⁸

♦ ♦ ♦

In February 1804 the state legislature approved a bill for the gradual abolition of slavery without much fanfare. No private parties, public celebrations or outpouring of positive public sentiment marked the state legislature's passage of the Act for the Gradual Abolition of Slavery. Sandwiched between a debate on the construction of a statewide turnpike road and a petition advocating an additional tax on dogs, the upper house of New Jersey's legislature informed the

⁷ I provide a more in-depth analysis of voluntary manumissions and their link to black life and the abolition period in chapter five. For the continuation of slave life in New Jersey, see Hodges, *Slavery and Freedom in the Rural North*, 148. For an in-depth discussion of the lack of change after passage of Northern gradual abolition laws, specifically in New England, see Melish, *Disowning Slavery*, 84-87. I adopt the term *abolition period* to describe the time period between 1804 and 1846. Leslie Harris uses the term *emancipation era* to describe this same period in New York; however I am skeptical about utilizing the term emancipation. I believe “abolition” more closely defines this period since it really is a period of transition, one where the actual institution of slavery is under attack which then leads to an eventual greater freedom over the long term.

⁸ Post-1804 black children met Orlando Patterson's definition of slavery: “the permanent, violent domination of natively alienated and generally dishonored persons.” See Patterson, *Slavery and Social Death*, 13.

General Assembly that it agreed with the contention that slavery must end in a graduated fashion.⁹

New Jersey's Act for the Gradual Abolition of Slavery declared children born to slave mothers after July 4, 1804 "shall be free, but shall remain the servant of the owner of his or her mother...and shall continue in such service, if a male, until the age of twenty-five years, and if a female until the age of twenty-one years." The abolition law essentially declared a freedom of the womb. The law freed all children born to slaves but required them to serve their mother's master until they reached a certain age.¹⁰

The service requirement for these Jersey children, like the service requirements in the other Northern states who enacted gradual abolition programs before New Jersey, respected the property rights of the slaveholder. The service requirement of the post-1804 child and the lack of any alteration to the parent's status sought to mitigate a slaveholder's monetary loss. Indeed, owners feared the new abolition period would confiscate their valuable investments. Lawmakers found it necessary, therefore, to shift the burden of freedom from the slaveholder to the slave, and the slaves' freeborn children, in order to satisfy Jersey slave masters.¹¹

In their landmark article on the economics of gradual abolition, Robert Fogel and Stanley Engerman contend that slaveholders in the North suffered capital losses on their female slaves. Since the gradual abolition law did not affect any currently enslaved males, slaveholders never lost any money invested in them. However, since the value of a female slave directly linked to her ability to reproduce, the loss of the product of that reproduction, children born after July 4,

⁹ New Jersey General Assembly Minutes, Votes, and Proceedings, Twenty-Eighth General Assembly, Second Session, 1803-04.

¹⁰ "An Act for the Gradual Abolition of Slavery," Feb.15, 1804, Acts 28th G.A. 2nd sitting, ch.CIII, p.251-254

¹¹ For property rights affect on abolition in New Jersey, see Hodges, *Root and Branch*, 192; Giles Wright, *Afro-Americans in New Jersey: A Short History* (Trenton: NJ Historical Commission, 1988), 25. Also see Robert Fogel and Stanley Engerman, "Philanthropy at Bargain Prices: Notes on the Economics of Gradual Emancipation," *The Journal of Legal Studies* 3 no.2 (June 1974), 379.

1804, equated to a long term capital loss to Garden State slaveholders. Fogel and Engerman estimated the “breakeven age,” or the age where the value of the work done by the slave equaled the value of the investment the master made in that slave, at twenty-six-years old. Therefore, if a master kept a slave from birth until the age of twenty-six, he suffered no loss but garnered no profit either. However, if the state forced emancipation of slaves before the age of twenty-six, the slave owner lost money on their investment. Since New Jersey law mandated freedom for male children at age twenty-five and females at twenty-one, New Jersey masters suffered a loss estimated at 4.7 percent.¹²

New Jersey slaveholders quickly recognized that the abolition law created a capital loss. In the New Jersey Supreme Court, Benjamin Covenhoven argued against a habeas corpus petition filed in support of his black child, Agnus, based on his loss if he held her for only twenty-one years as the law dictated. Covenhoven claimed he was “entitled to the service of Negro Agnus...for a longer time than the age of twenty-one years” since if he set her free at twenty-one she failed “to make full satisfaction for (her) bringing up.” In this sense, Jersey masters knew full well that the abolition law did not adequately compensate them for their monetary losses.¹³

Most New Jersey slaveholders rejected the idea of any type of emancipation program, fearful of any losses to their investment in human chattel. Even by shifting this loss from the slaveholder to the enslaved via the choice of gradual abolition instead of complete emancipation, slaveholders still lost almost 5 percent of their investments as well as the pure profits the

¹² Fogel and Engerman, “Philanthropy at Bargain Prices,” 389-391. Fogel and Engerman computed the age of twenty-six from statistics from the 1850 South. For more on the value of female slaves’ reproductive value, see Deborah Gray White, *Ar’n’t I a Woman? Female Slaves in the Plantation South* (New York: W. W. Norton & Company, 1987), especially chapter two. Also see, Jennifer Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: Univ. of Pennsylvania Press, 2004).

¹³ New Jersey Supreme Court Case File 37221, NJSA.

enslavement of their slaves' children could bring. In response to these concerns and in an attempt to garner support from the state's slaveholders, New Jersey's abolition program, like New York's five years before, included an abandonment clause. This section of the abolition law detailed the slave owner's right to abandon a black child to the local overseers of the poor. The law gave the overseers power to treat the freeborn child as a pauper, binding him or her out until the age of twenty-five or twenty-one, if male or female respectively. The slaveholder could therefore transfer their right of service to the township he or she resided in. The overseers, with state funds, supported them at taxpayer expense. Although not a perfect solution to the issue of property rights, the abandonment clause's inclusion in the final abolition act illustrated how slaveholders demanded the legislature make accommodations to them before they passed the law.¹⁴

Aside from respect for the property rights of slave owners, gradual abolition supported the white idea that slavery actually functioned to help African Americans: it existed as a paternalistic good. As discussed in the previous chapter, slavery in New Jersey began to adopt protections for slaves and sought to use the institution as a means to educate and "civilize" African Americans. The slave code's demand for masters to teach their slaves how to read, among other requirements, changed the face of slavery in the white imagination to be more about reform instead of the raw extraction of labor. The gradual nature of abolition in New Jersey reinforced the system's paternalist basis at least in the minds of many whites.

Among those wedded to this paternalistic belief was William Griffith, president of the New Jersey Society for Promoting the Abolition of Slavery. He asked in 1804, "What then is to become of the progeny of Blacks, who are now to be born free in the State of New Jersey, and

¹⁴ The 1804 Gradual Abolition Act specified that the state treasury would reimburse the local overseers of the poor three dollars a month for any expenses they incurred.

thereby to acquire the privileges of other inhabitants?” With this, Griffith pledged the Society to immediately set out to “establish a fund for educating a certain number of young men or boys of color” in order to make the transition from slavery to freedom a smooth process.¹⁵

The creation of a freeborn class of children required by law to serve an apprenticeship period created a new step towards freedom, one where abolition supporters believed the children’s paternalistic masters could educate them to succeed as free men or women. Choosing gradual—rather than immediate—abolition allowed white Jersey men and women to sooth their consciences with a system allied with their paternalistic view of slavery. Essentially, whites pushed for abolition but could not fathom a world in which blacks lived free without some form of guardianship. However, the paternalistic framework set up by Griffith and the other supporters of gradual abolition only reached so far. More frequent than not, this paternalistic idea of gradual abolition utterly failed to ensure education or protection for New Jersey’s young black children. In actuality, slaveholders largely ignored the calls of those who championed this preparatory stepping stone to freedom. Instead they attempted to extract every last cent of labor they could out of their slave’s children before they gained their freedom at adulthood.¹⁶

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Children born after 1804 to slave women presented white society with a problem: how should they be defined? Should they be treated like apprentices? Indentured servants? What

¹⁵ William Griffith, *Address of the President of the New Jersey Society for Promoting the Abolition of Slavery, to the General Meeting at Trenton on Wednesday the 26th of September, 1804*. (Trenton: Sherman and Mershon, 1804), especially pages 8-9. For a similar type of paternalistic ideology in New York, see Harris, *In the Shadow of Slavery*, 70-71.

¹⁶ Children certainly played a key role in understanding the end of slavery in the South after the Civil War. Mary Niall Mitchell uses children to understand the struggle over the idea of freedom and what freedom meant in practice. In a sense, the children, the first generation that would grow up as fully free individuals, painted the face of abolition in the South. I argue that children remained central to the institution of slavery in the North. They represented a challenge to Northern conceptions of freedom and that challenge eventually led to slavery’s end in New Jersey in the 1840s. See in *Raising Freedom’s Children: Black Children and Visions of the Future After Slavery* (New York: NYU Press, 2008), 1-7.

exactly could their roles be in the expanding North? To answer these questions, New Jerseyans embarked on a quest to understand the place of these not quite free African Americans in Northern society. Aaron, a post-1804 black child, participated in this quest when he stood trial for murder in Monmouth County in 1818 at age twelve. Born in July 1806, the abolition law required Aaron to serve until his twenty-fifth birthday to his mother's owner, Levi Solomon. Justices accused Aaron of killing Stephen Conelly, a two-year-old neighbor in September 1817 by throwing him down a nineteen foot deep well in a cornfield near his home. The state's case against Aaron centered on his own confession. Aaron originally proclaimed his innocence, but after an examination by the grand jury at the site of the crime, he confessed he indeed "took hold of his (Stephen) legs and threw him over" the rim and into the well. At the end of a lengthy trial, a white jury found this twelve-year old guilty of capital murder. After his conviction, his lawyers successfully appealed to the State Supreme Court.¹⁷

In the course of Aaron's appeal, the courts identified his case as *State v. Aaron, slave of L. Solomon* which suggests the court saw little difference between those born before and after the abolition law's passage. No official term existed to denote these children to make their legal and social status different from their slave parents. Aaron and the thousands of children like him lived tenuous lives, supposedly free but in reality seen by society as slaves. If Northern society thought of free persons as slaves, the value of freedom itself should be questioned. Like indentured servants, wage laborers under contract, women, and slaves, Northerners valued control over these actors' labor above any real development of true independence. Aaron and other freeborn children therefore saw freedom as a myth. Instead of celebrating his birth as an instance of increasing freedom for African Americans as previous historians have argued,

¹⁷ 4 N.J.L 231, Supreme Court of Judicature of New Jersey, *State v. Aaron, slave of L. Solomon* (1818). In his journal, John Hunt, a Burlington County Quaker, makes reference to Aaron's case. He claimed that Aaron threw Stephen down the well for revenge, of what is unclear. See John Hunt Journal, April 2, 1818, SFHL.

children born under gradual abolition laws joined in the harsh realities of life in the early republic where few ever lived quite free.¹⁸

The Court overturned Aaron's conviction and made clear, despite his case's label, he inhabited a new and special category, one marginally different than a slave. The key reason the Supreme Court granted Aaron an appeal rested on the lower court's refusal to allow Levi Solomon, Aaron's owner, to testify. The refusal stemmed from the lower court's contention that Aaron's slave status would have caused Solomon to mitigate the evidence against Aaron in order to retain his services. Associate Justice Samuel Southard, the future United States Senator who helped draft the Missouri Compromise, argued Solomon should have been allowed to testify in the case. Southard held children born to slaves after July 4, 1804 "are placed in all respects in the situation of persons bound to service by the overseers of the poor. Levi Solomon was not then the absolute owner of Aaron. Aaron was not the absolute slave of Levi Solomon. They stood in the relation of master and apprentice."¹⁹

Southard's holding demonstrates the legal and practical difficulties New Jerseyans had with the concept of these children. Southard rejected the idea that Aaron lived as a slave although the lower court and much of New Jersey society saw him as such. He and all other black children born after 1804 could claim legal status as apprentices. Aaron's case created a clear demarcation between slaves and these post-1804 children. Instead of living as a slave for

¹⁸ Ibid. For coerced labor in early national America, see Robert Steinfeld, *Coercion, Contract, and Free Labor in the Nineteenth Century* (New York: Cambridge University Press, 2001), 8-9. Steinfeld argues we must abandon the idea that free labor in the nineteenth century function in a similar ways to twentieth century free wage labor. Instead, coerced labor shared both similarities to wage laborers as well as slaves. Similarly, employers of wage laborers found ways to enforce regulations and compel performance despite the supposed "free" nature of the labor relationship. In this way, no one, not even the casual wage laborer lived a free life. Black children born after 1804 functioned in similar ways.

¹⁹ 4 N.J.L 231, Supreme Court of Judicature of New Jersey, *State v. Aaron, slave of L. Solomon* (1818). For more information on Southard, see Michael Birkner, *Samuel Southard: Jeffersonian Whig* (Farleigh Dickinson Press, Madison, NJ 1984), especially 35-37 for Aaron's case.

life, Aaron and others born after 1804 inhabited a different level of unfreedom, one privileged by the eventual removal of some bonds of control.²⁰

An 1836 Supreme Court case buttressed Southard's decision when it agreed that the status of the post-1804 black child resembled that of an apprentice. Ephraim, a "servant for a certain term of years" indentured to Edward Stille, ran away from Stille on July 15, 1833. Ephraim negotiated with Captain William Jenkins, who commanded the steamer *Thistle* on the Raritan River near New Brunswick, to give him passage to New York City in order to escape his master. Jenkins agreed and acknowledged Ephraim's status as a runaway. Stille, after he recovered Ephraim, sued Jenkins for \$1000 in damages, the sum of Ephraim's lost labor as well as the time Stille spent searching for him. The Court found for Stille and argued that since Jenkins knew Ephraim's status as a runaway he stood liable for the loss of his time from Stille. This finding depicted a relationship based on time served much like that of an indentured servant. Stille gained compensation for the loss of Ephraim's labor as opposed to an additional period of service, since the 1804 law restricted the time a master could hold their apprentices to only twenty-five years.²¹

Although the New Jersey Supreme Court decided Aaron, Ephraim, and others like them had characteristics of apprentices, the same court in 1827 decided a case which brought their status into question again. Thomas Morrell, the owner of Betty, a black child born after 1804, and her parents, promised the family freedom after seven years of faithful service. Instead of freedom, Morrell sold all three to Phineas Moore in 1817. Moore claimed he would free Betty's

²⁰ Patterson, *Slavery and Social Death*, 28. According to Patterson, those with the most restrictions were the slaves of a society. Indeed, this holds true for New Jersey. Black children born after 1804 lived one step above their slave for life parents since they had an eventual date of freedom.

²¹ 15 N.J.L. 302, Supreme Court of Judicature of New Jersey, Edward Stille v. William Jenkins, May term, 1836. Indentured servants especially in the colonial period who ran away or became pregnant had to serve their masters for an additional period in order to compensate their master for the loss of their labor during the time they were away or incapacitated. Since the law specifically gave freedom at a certain age, additional time for service was not an option to Jersey slaveholders.

parents before they reached the age of forty but never did. Moore sold Betty and her parents to Elihu Price in 1824. Betty's parents believed the original manumission promise Morrell gave them made them free so the trio ran away from Price. Price filed a petition to regain his property and successfully convinced a Justice of the Peace to rule in his favor. On appeal, the Supreme Court focused on the legality of the verbal manumission received by Betty's parents and further questioned Betty's status if that manumission was valid. How could Betty serve her mother's master as required by the abolition law when her mother no longer had a master to serve?²²

The justices felt the case hinged on the legality of Betty's assignability as property. In their holding, the Court ruled the abolition law specifically stated any child "born of a slave...shall remain the servant of the owner of his or her mother, and the executors, administrators, or assigns of such owner." Therefore, the "condition of service attached to the child from the circumstances of its birth...resulted from being born of a slave; it was separated at its birth from the fate and was no longer to follow the destiny of the mother." At the moment of birth the child existed as a separate legal entity from the mother, attached by kinship but not by law. In addition, since the law specified executors, administrators, or assignees possessed the same rights of ownership as the mother's owner, the child could be sold or transferred regardless of the status or wishes of the mother. The justices compared the transfer of these children to the "very familiar" transfer of real estate where a long succession of property holders existed.²³

Solidifying the transfer of these children as property remained only the first step in the Court's decision. Chief Justice Charles Ewing separated the status of black children born after 1804 from apprentices and indentured servants. He argued that

the case bears no analogy to that of an apprentice, and the reason of the one cannot fairly apply to the other...it is a sufficient answer to the argument to advert again to the act. It

²² 9 N.J. L 167, Supreme Court of Judicature of New Jersey, Oliver Ogden v. Robert Price and Joseph Price (1827).

²³ Ibid.

makes in express terms, the kind of servant now in question, assignable, whatever may be the rule with regard to an indented servant or an apprentice.

According to Ewing, the actual wording of the law made black children different than any other form of coerced labor. Although related, black children could not be categorized as true apprentices. They stood as legally special and existed in a completely separate sphere. Despite the legal wrangling, Betty's fate never wavered. The Supreme Court's decision solidified her status as Price's property and sent her back to him where she served out her required period of bondage.²⁴

The divergence between black children, apprentices, and poor white children grows larger if we reexamine Benjamin Covenhoven's case mentioned above. Covenhoven fought a habeas corpus petition with the argument that he should retain the rights to his female black child for longer than twenty-one years. He asserted that a fundamental difference existed between black children and white children by stressing "children of white paupers are in this place supported by the Town till they are eight years of age and then put out or if put out your money is paid in proportion to what they fall short of that age." Covenhoven believed not only that he should be paid some compensation in consideration of his capital loss but that both law and convention should see black children fundamentally differently than white. These post-1804 children truly existed on their own separate plane of unfreedom.²⁵

Aaron's murder trial elevated the post-1804 black child to a higher level of unfreedom based on the eventual promise of full legal freedom. Betty's case devalued that freedom by allowing black children born after 1804 to be bought, sold, and inherited by multiple generations of New Jerseyans. Indeed, the courts ruled that free people could be treated like real estate. The

²⁴ Ibid

²⁵ New Jersey Supreme Court Case File 37221, NJSA.

Supreme Court essentially mimicked the treatment these black children experienced on a daily basis: as a market commodity. Indeed, the thirst for these children's value as property made Isaac Holmes, an Englishman who traveled across the United States in the 1820s, record in his journal that one New Jersey farmer, who fathered children with all three of his female slaves, "could dispose of his own offspring...he sold them in the same manner as he would have disposed of his hogs." Based on their uniqueness, slaveholders carefully crafted their sale advisements to denote their legal status. In one 1805 advertisement, a Newark owner sold a male child by specifically inserting his birthday, May 16, 1804, to illustrate he failed to qualify for freedom under the gradual abolition law and therefore had extra value as a slave for life. When he sold his "negro girl named Harriet" in March 1825, Ralph Smith of Hanover assigned the remaining twelve years of Harriet's "term of service" to Isaac Brittin of Chatham. Likewise, the estate of Vincent Boisaubin sold nine-year Mathusin on July 11, 1834 "until he arrives to the full age of twenty-five years." One slaveholder even advertised "an active black male child, nine months old" for sale in 1816.²⁶

These advertisements of black children in the early nineteenth century resembled those of white indentured servants and apprentices in the eighteenth though as argued earlier, legally different. For example, in 1785, the *New Jersey Gazette* advertised "the time of a white servant boy, about sixteen years old, who has near three years to serve," while in 1782 Nicholas Low highlighted his sale of "a number of male and female servants hired for one or more years."²⁷ Similarly, an auction at the Taunton Iron Works in Evesham attempted to sell the "times of a

²⁶ For advertisement specifying exact birth date, see Newark *Centinel of Freedom*, April 30, 1805. For sale of the nine month old child, see *New Jersey Journal*, May 21, 1816. For other bills of sale see David Mitros, ed, *Slave Records of Morris County, New Jersey: 1756-1841* (Morristown: Morris County Heritage Commission, 2002), 106-107. For Isaac Holmes' account, see Isaac Holmes, *An Account of the United States of America, Derived from Actual Observations, During a Residence of Four Years in that Republic* (London: Caxton Press, 1832), 328. Of course, the idea of sale of slaves for a term had direct connections to the treatment of indentured servants when any remaining years of indenture could be sold.

²⁷ *New Jersey Gazette*, May 1, 1782 and January 17, 1785.

number of indented Irish servants" in 1785.²⁸ Nineteenth century sales of black children, according to Ewing's ruling, fell under a separate set of regulations than indentured servants or apprentices years before. However, the actual idea of sales of children for a defined number of years harkened New Jerseyans back to a past experience with the same phenomenon. Therefore it is not surprising that ordinary citizens imagined a link between the status of black children born after 1804 and apprentices or indentured servants, two classifications they already clearly knew and understood.²⁹

Sales of black children born after July 4, 1804 represented a significant part of all slave sales within the state. Between 1804 and 1824, 17.3 percent of advertisements in New Jersey newspapers boasted the services of these freeborn children.³⁰ Sales of post-1804 children occurred in one of two ways: along with their parents as an added accessory to their parents' sale or as an entirely separate commodity. Out of the advertisements found for freeborn children, 62 percent advertised their sale coupled with a parent. For example, Thomas Morrell, involved in the above referenced case that enshrined legal sale of freeborn children for sale in 1827, advertised a family for sale in 1811. Morrell manumitted his slave, Plymouth, on July 26, 1811 and advertised him and his family as a unit for sale ten days later. Plymouth, an "uncommonly industrious" carpenter, painter, butcher, and coachman with two and a half years

²⁸ *New Jersey Gazette*, April 25, 1785.

²⁹ For a discussion of indentured servants and other forms of indentured labor in the Mid-Atlantic, see Sharon Slainger, "To Serve Well and Faithfully" *Labor and Indentured Servants in Pennsylvania* (New York: Cambridge University Press, 1987), Farley Grubb, "The Auction of Redemptioner Servants, Philadelphia, 1771-1804: An Economic Analysis." *Journal of Economic History* 48 no.3 (1998): 583-603, and Farley Grubb, "Immigrant Servant Labor: Their Occupational and Geographic Distribution in the Late Eighteenth Century Mid-Atlantic Economy." *Social Science History* 9 no. 3 (1985): 249-276.

³⁰ I have conducted a survey of all advertisements containing the words "negro, slave, and/or black" in the following newspapers between 1804 and 1824 (the number in parenthesis is the number of issues searched): *East Jersey Republican* (4), *Washington Whig* (283), *Rural Visitor* (62), *New Jersey Journal* (2083), *Centinel of Freedom* (1248), *New Jersey Telescope* (118), *Federalist* (468), and *Miscellany* (43). A total of 289 ads appeared in these papers (this does not include repetitive advertisements, ie the same slave advertised in multiple issues). 50 of the 289 (17.3%) either were for a child born after July 4, 1804 or included a child born after July 4, 1799 with his parent.

left to serve along seven or ten years of service from his “industrious and prudent” nineteen-year old pregnant wife Phillis and their sixteen-month old freeborn son Mat. Sold for a term before their manumission took effect, their sale appeared to pay for Morrell’s grant of freedom. In contrast, the abolition law required their sixteen month old son, born March 27, 1810, to serve Morrell for twenty-five years. Mirroring Betty’s case years later, the subsequent manumission of his parents did not change his status. The purchaser of the family therefore would retain his services until March 27, 1835 while his parents gained their freedom years earlier. The child Phillis was pregnant with did, however, technically become free without any term of service attached since her mother did not belong to anyone at the moment of birth.³¹

Unlike Plymouth’s son, not all children born in the abolition period were lucky enough to stay with their family. Sarah Brocaw, born February 25, 1819 to a slave of John Autun in Bridgewater, lived with her mother for only four years before Autun sold her to Margaret McCain. Lucky for Sarah, McCain also lived in Bridgewater; distance did not prohibit mother and daughter from frequent visits. However, McCain, unable to support Sarah any longer, sold her to Franklin Township and her new owner, Bergen Brocaw. Sarah’s mother stayed behind in Bridgewater, still a slave to Autun. Similarly, Elizabeth Haines of Middlesex County forcibly separated mother and son in a property dispute between herself and the child’s master, Henry Force. Force hired out his twenty-nine year old slave Minner to Haines for four years. During that term, Minner had a male child, who served along with his mother to Haines. After the four-year term, Force refused to take both mother and child back. After repeated attempts to

³¹ Advertisement for sale in Newark *Centinel of Freedom*, August 6, 1811. It is however, troubling that Plymouth was sold for two years while his wife for seven or ten years. Therefore, this sale would have created two free parents before their child could gain his freedom at the age of twenty-five. For manumission record, see Essex County Certificates of Deeds and Manumissions, Book A, NJSIA. For registration of Mat, see Essex County Black Birth Book, NJSIA. Morrell did not register Mat’s birth until September, 1811, when conceivably he found a buyer for the family and needed to properly register the birth to complete the transaction.

surrender the pair to Force, Haines forced Minner out of the house and kept her son. She then sued Force for \$2000 to pay for two years of Minner's and eight years of her son's room and board, although it is conceivable that both labored for Haines during this period. Haines argued the boy "would be better without his mother" and described Minner as "of an ugly disposition." Leaving Minner's ability to raise her son aside, Haines' actions ripped mother and son apart from each other.³²

Although difficult, sales of these black children did sometimes come with happy endings. In 1821, Phillip Backer, a slaveholder from Chester, sold his slave Betty, to Susan Wills while he gave Betty's freeborn eighteen-month old child Harvey to Daniel Cary. It remains unclear as to why Backer sold Betty to one owner and then gave away Harvey to another, apparently without any compensation. However, even though the sale separated mother and son, a second sale five years after the original saw Betty transferred to Cary and reunited her with her then six-year old child.³³

Beyond mere sales, the assignability of these children affirmed the already established practice of using human chattel as a form of property in debt suits. The courts treated these children the same as any slave for life who came into the courtroom. In December 1817, Middlesex County resident John Debow lost his male slave, David, as well as Peter, a post-1804 black child, in a debt case brought by David Abeel. Similarly, Moses Scott "seized...one black woman, Susan, and child, cow, and horse" from Nicholas VanBrant, also of Middlesex. Both of

³² 20 N.J.L. New Jersey Supreme Court, 1846, *Overseers of Franklin v. Overseers of Bridgewater*, New Jersey Supreme Court Case File 12912, NJSA, Elizabeth Haines v. Henry Force, 1836 and 17 N.J.L. 385, Supreme Court of New Jersey, Henry Force v. Elizabeth Haines. The county court awarded Haines \$300 for her efforts in maintaining Force's two slaves. However, on appeal to the Supreme Court, the Court reversed the lower court's decision, citing that Haines should not have taken care of Force's slaves. Instead, there was a remedy to the situation aside from taking care of them herself: leave them to the local overseer of the poor who would then attempt to collect funds to support them from Force.

³³ For case of Philip Backer, see Mitros, *Slave Records of Morris County, New Jersey*, 105-06.

these cases foreshadowed what Chief Justice Ewing decided years later: children born after 1804 could be considered disposable property.³⁴

To buy or sell a human being stood in stark contrast to the idea that they were freeborn. The active participation of Garden State slaveholders in sales of these children highlighted the flexibility in the definition of freedom during the early republic. In contrast to the Supreme Court's idea that black children would "no longer follow the destiny of the mother," slaveholders and state law made sure their existence did not differ dramatically from their parents. Armed with a future date that would alleviate their position at the lowest level of unfreedom, New Jersey's black children continued to be ripped from their families, forced to labor for the benefit of their master, and whipped and punished as their master saw fit. They lived as unequal members of American society. Their eventual free status did not make any difference in the path their lives took. They lived not as free individuals but in a heavily shaded unfreedom like millions of other Americans. Even ninety years after the gradual abolition law passed, a New Jersey clergyman remembered these children as "temporary slaves," treated no differently than their parents. In this sense, black children born during the abolition period lived as *slaves for a term*.³⁵



³⁴ Middlesex Court of Common Pleas, Volume C, 1817, NJS. Also see New Jersey Supreme Court Case File 35040, NJS for another example of seizure of a slave woman for debt. Of course, slaves routinely served as property in exchange for debt. For an example, see the case of Job Dodd, Essex County Manumission Book A, NJS.

³⁵ John Bodine Thompson, "Readington Negroes" Address at the Readington, NJ Anniversary, October 17, 1894, RUASC. Joanne Pope Melish argues that how whites treated these black children illustrate their resistance to accept free people of color. She shows that whites did not distinguish these children, who she calls statutory slaves (I adopt the term slaves for a term since I see them inhabiting a temporary state of slavery one very much in line with conceptions of unfreedom), from real slaves because there was no effective difference in their treatment or employment. I tend to agree with Melish in the sense that the children fared no different from their parents in terms of treatment or lifestyle. However, slaveholders did make clear distinctions that these children were different by acknowledging they had absolute rights to the child for a predetermined number of years. See Melish, *Disowning Slavery*, 88-89. Also see Menschel "Abolition without Deliverance," 215-217 for a look at this issue from a legal standpoint.

Legally enshrined as not much higher in status than slaves themselves, these slaves for a term did have one legal right their parents did not possess: the promise to move out of the lowest form of unfreedom at a future date. The 1804 Gradual Abolition law mandated a registration system in each of New Jersey's thirteen counties to ensure adherence to this right. Within nine months after a slave mother bore a child, the law required the mother's owner to register the name, age, and sex of the child with the county clerk. Of course, since the children existed as legally separate from their mother, the law did not require the mother or father's name to be listed, though most registrations listed the mother. This registration, recorded by the county clerk in a "Black Birth Book," served as the proper proof of the child's date of birth to provide an accurate calculation of his or her eventual date of freedom.³⁶

Registration gained particular importance to slaveholders since it allowed the state to administer the third section of the abolition law: the abandonment clause. Section three required slaveholders to care for their slaves' children until they reached one year of age. After the child turned one and the owner properly registered him or her, the owner could elect to abandon the child to the care of the overseers of the poor. Those children, considered paupers of the township, would be liable to be bound out to anyone who chose to accept their indenture. Most importantly, the law allowed the county overseers to draw three dollars a month for their maintenance from the state treasury. With these payments, the state took the lead in financing and mediating the abolition process.³⁷

³⁶ For a discussion of the registration system, see Hodges, *Slavery and Freedom in the Rural North*, 149.

³⁷ Zilversmit, *The First Emancipation*, 196-99. Examples of advertisements of abandoned children can be found in Trenton *Federalist*, May 22, 1809 and May 29, 1809 as well as Newark *Centinel of Freedom* May 9, 1809 and April 24, 1810. Also, see Piscataway Township Records, Certificates of Abandonment for Negro Children born of slave parents (1805-07), RUASC. For an example of a town's request for payment from the state, see Chester Overseers of the Poor Records, 41, NJHS.

The abandonment system underscored the lack of freedom apprenticed children of all races received in the early nineteenth century. Listed by age and sex, the notice of each child was published in the same section of the newspaper as advertisements for the sale of slaves and other slaves for a term not abandoned to the state. This created a unity among the status of each of the three groups. Bought and sold via newspaper ads to the highest, or in the case of the abandoned children, the lowest bidder, New Jersey society recognized the limits of freedom. Born free, these children remained locked in a cycle of inferior treatment based on the color of their skin and an unwillingness of white society to change their perception of them. The sale or transfer of slaves for a term not only denoted them as slaves but damaged the familial foundation of future black community and remanded young African Americans to live as individuals instead of as part of a family. Yet again, vestiges of slavery inhabited the slaves for a term's lives.³⁸

Controversy surrounded the abandonment clause as soon as it became law. The state legislature instructed the overseers to give preference to “the owner or owners of the parent or parents of such abandoned children, if the said owner or owners shall see fit to retain or keep such abandoned children.” Many non-slaveholding New Jersey residents felt this plan abused the abandonment system since it bound the abandoned children to their former owners along with the three dollar a month stipend. Massive discontent over this practice spread like wildfire. Residents from around the state pleaded with the legislature to come to their senses for fear the care of black children would tax them out of their ability to pay. Sixty-four residents of Upper Saddle River argued the law should be repealed, “dreading the intolerable burden of accumulating taxes, which will infallibly take place under its continuation.” Widespread calls of

³⁸ Zilversmit, *The First Emancipation*, 196-199. Examples of advertisements of abandoned children can be found in *Federalist*, May 22, 1809, May 29, 1809, and June 26, 1809 as well as the Newark *Centinel of Freedom* May 9, 1809, April 10, 1810, April 24, 1810, and May 22, 1810. Also, see Piscataway Township Records, Certificates of Abandonment for Negro Children born of slave parents, RUASC.

foul play and fraud echoed through the halls of the state capital. Many felt the abandonment clause acted as a “thinly disguised scheme for compensated abolition” where masters who had no intention of surrendering their slave’s children could collect payments.³⁹

Support for the abandonment system waned as the bills began to pile up in the treasurer’s office. In 1806, bowing to public pressure, the state legislature repealed section three of the abolition law for children born after 1806 but kept it intact for children abandoned between 1804 and 1806. In 1806, the state spent a little over \$1500 on these children which amounted to just over 3 percent of state’s total expenditures that year. The following year, the state increased payments, amounting to 17.5 percent of state expenditures, and by 1809, over 27.1 percent of state outlays went to abandoned black children. With such a drain on the state budget, it is not surprising the legislature suspected foul play. In 1809 the large sums of money paid to maintain abandoned blacks “caused suspicions” that county overseers of the poor “misconstrued the law and thereby obtained drafts on the Treasury which are not strictly just and according to the letter and spirit thereof.” The legislature suspected the large sum “must have arisen from some misconduct of the law” and accused the local overseers of the poor as participating in an unsanctioned covert compensated abolition plan. To combat these abuses, the state suspended payments “in doubted cases” yet continued to spend another \$9300 between 1810 and 1811. Recognizing their failure to halt the abuse in the abandonment system, the state legislature finally ceased payments for all abandoned black children in 1811, noting that “in some instances

³⁹ “An Additional Supplement to the Act entitled ‘An Act for the Gradual Abolition of Slavery,’ November 26, 1808, Acts 33rd General Assembly, 1st Sitting, ch. XXXI, 112-113. Zilversmit, *The First Emancipation*, 199. Also see Arthur Zilversmit, “Liberty and Property: New Jersey and the Abolition of Slavery,” *New Jersey History* 1970, 224. For Upper Saddle River petition, see New Jersey State Archives, State Library MSS Collection.

the money drawn for their maintenance amount(ed) to more than they would have brought if sold for life.”⁴⁰

Although not specifically authorized under the 1804 law, the state legislature suspected that overseers awarded slaves for a term to their former masters, and in 1808 it instructed the overseers of the poor, if they could “find someone who will bind them out at no charge, then they are immediately to do so.” The legislature desired to seal the hole that hemorrhaged money ever since payments began. Although the state legislature crafted the abandonment policy, the local overseers of the poor implemented it in a way that benefited slaveholders as well as those who accepted abandoned black children into their homes. These actions left many in non-slaveholding areas of the state with a sour taste in their mouth for financing such a large welfare program for slaveholders.⁴¹



The prevalence of on-time registrations of slaves for a term, those executed within nine months of the child’s birth, measured the participation in the abandonment system since in order to abandon their black children masters had to register with the county clerk. As the table below indicates, registration statistics from seven of New Jersey’s thirteen counties show a very high level of on-time registrations during the years of abandonment payments and then a sharp decline afterwards. From this data, we can infer that slave owners took great interest in registering their

⁴⁰ “An Additional Supplement to the Act entitle An Act for the Gradual Abolition of Slavery, passed February 15th 1804” November 27, 1809, Acts 34th General Assembly, 1st sitting, Chapter LII, 200-201. Trenton *Federalist*, November 6, 1809. For suspending payments, see Newark *Centinel of Freedom*, November 14, 1809. For ending payments, see “An Act Concerning the Abolition of Slavery,” February 22, 1811, Acts 35th General Assembly, 2nd sitting, 313-314. For expenses from the state budget, see New Jersey Department of Treasury Day Books, Daybooks of Peter Gordon, Treasurer, Book Three, NJSA. Although I contend that the distributions from the state treasury were very high, so high that the state decided to stop payments, I disagree with Zilversmit’s assessment of the amount of how much is spent (he argues up to 40% of the budget).

⁴¹ See Zilversmit, *The First Emancipation*, 196-99 and Zilversmit, “Liberty and Property,” 224.

slaves for a term as long as there was the hope of some monetary payment, but declined to do so when no such compensation existed.

Table 3.1: Slave for a Term Registrations by County⁴²

County	Total Registrations	Total Late Registrations	Total On-Time Percent	Total Before 1811	Late Before 1811	Late Before 1811 Percent	Total After 1811	Late After 1811	Late After 1811 Percent
Bergen	989	478	48.3%	429	84	19.6%	560	394	70.4%
Essex	274	111	40.5%	143	32	22.4%	131	79	60.3%
Sussex	205	84	41.0%	64	25	39.1%	141	59	41.8%
Morris	195	90	46.2%	67	17	25.4%	128	73	57.0%
Middlesex	407	215	52.8%	161	39	24.2%	246	176	71.5%
Monmouth	639	247	38.7%	227	29	12.8%	412	218	52.9%
Somerset	834	344	41.2%	315	72	22.9%	519	272	52.4%

Bergen County, the largest slaveholding county in the state, had the lowest registration rate while the next two most populous slave counties, Monmouth and Somerset, had two of the highest overall registration rates. In the years that immediately followed the enactment of gradual abolition, all seven counties showed similar rates of registration, Monmouth and Sussex being the high and low outliers. After 1811, all on time registration rates fell dramatically. As the state phased out the abandonment system, slaveholders were less excited and the state less interested in ensuring that registrations occurred in a timely fashion.

The failure of slaveholders to provide on-time registrations for their slaves for a term shows both how the state tolerated the continuation of slavery and how slaveholders sought to perpetuate slavery in this age of abolition. This toleration stemmed from many factors, primarily the longstanding lack of public support for the enactment of gradual abolition. Indeed, after the act passed the legislature, slaveholders across the state begged for its repeal. Morris County

⁴² Registration statistics come from the Black Birth Books in each of the seven counties. The Bergen, Essex, Sussex, Middlesex, and Somerset Birth Books are held by the New Jersey State Archives. The Morris and Monmouth Black Birth Books are published. See Mitros, *Slave Records of Morris County* and George Moss Jr, ed, *Black Birth Book of Monmouth County, New Jersey* (Freehold, NJ: Office of the County Clerk, 1989). The original Black Birth Book of Monmouth County, held at the Monmouth County Library and Archives, was also consulted for this project.

slaveholders complained the law was “unconstitutional insomuch as it takes from an individual, a considerable portion of their property, not for the support of government, without their will and consent,” while Bergen slaveholders felt “holders of such slaves an equal right to the unlimited services of their issue or offspring and more especially as they protect, clothe, and support the parents.” Indeed, 714 men in Bergen County signed this petition, almost 12 percent of the free white male population over the age of sixteen in 1800. Therefore, it stands likely the state, and indeed the counties themselves did not steadfastly enforce the registration law and its penalties given the large amount of public discontent, especially in those counties with high slave populations where slaveholders held local sway.⁴³

At first glance, the registration law actually looked promising for slaves for a term as it required slaveholders to recognize the inherent differences between children born after 1804 and their parents. However, the state never sought out those who did not register their slaves for a term nor had a punishment designed to compel registration. The law’s reliance on the disgruntled individual slaveholder to adhere to the requirements created a loophole which allowed some black children to fall through the cracks of the gradual abolition process, potentially to be held as a slave for life or sold out of the state. One Middlesex County slaveholder, Seth Dunn, registered Peter, his seven-year old slave for a term, in 1816 after he bought Peter from another master. Dunn claimed he had “reason to suspect that said child has not been duly registered” and therefore, without the registration no one would have known to enforce the change in Peter’s status when he turned twenty-five. Similarly, Robert Boggs of New Brunswick registered Harry, a three-year old black child whom he bought from a Somerset County native. The previous owner informed Boggs he “had never certified the age of the said

⁴³ For Morris County petition, see State Library MSS Collection, NJSIA. For the Bergen County petition, see State Library MSS Collection, NJSIA. For a discussion of executive toleration in Northern abolition laws, see Fogel and Engerman, “Philanthropy at Bargain Prices,” 381.

Negro boy Harry to the Clerk of the County of Somerset." In this case, the slaveholder knew the law, understood it, and failed to follow it.⁴⁴

Indeed, throughout the North, slaveholders did not only routinely fail to register children born to slave mothers but also failed to properly inform their black children of their ages and dates of freedom. Joanne Pope Melish argues many transient blacks stood ignorant of their actual birthdates or ages in the abolition period. Their masters never told them in order to extend the terms of service allowed to them under the law. In New Jersey, although no direct evidence of feeding children incorrect birthdates exists, registration records frequently point to the fact that many slaveholders in the abandonment period could have lied about the birthdates of their slaves for a term. John Wicoff, of South Brunswick, registered his slave for a term, Rachel, one day before the nine month deadline, while John Van Nius of North Brunswick registered Mary exactly nine months after her birth. Although inconclusive, registrations such as these remain suspect since it stands to reason a slaveholder would have traveled to the county seat sometime in the nine month period after the child's birth or, that he or she would otherwise register them ahead of the last possible deadline. The failure to register on time or at all stand out as acts of slaveholder defiance indicative of their general negative attitude towards the gradual abolition system.⁴⁵

Perhaps the failure of the registration process hinged on both New Jersey's lack of penalties levied against slaveholders who did not follow the law and a dearth of executives to

⁴⁴ Middlesex County Black Birth Book, 57 and 79, NJS. Throughout the North, slaveholders did not only routinely fail to register children born to slave mothers but also failed to properly inform their black children of their ages and dates of freedom. See Melish, *Disowning Slavery*, 91.

⁴⁵ I borrow the word "toleration" from Fogel and Engerman since the state's failure to actively enforce abolition is, in my view, an active toleration of its continuation. For example of the failure to register as well as registering close to the deadline, see Middlesex County Black Birth Book, NJS. For the case of Seth Dunn, see 57 and for Robert Boggs, see 79. For discussion of slave owners' failure to tell their slaves their proper dates of birth, see Melish, *Disowning Slavery*, 91. For failure to register children in New York and general ignorance of the provisions of the abolition law, see Rhoda Freeman, *The Free Negro in New York City in the Era Before the Civil War* (PhD Dissertation, Columbia University, 1966), 66-67.

enforce them. In contrast to New Jersey, Pennsylvania law specifically required registration of all slaves, not just slaves for a term. As an enforcement mechanism, Pennsylvania mandated that a non-registered slave immediately became free. For example, in 1789, Pennsylvania courts ruled that Samuel Moore did not register his slaves under the act; therefore they were entitled to their freedom. Similarly, in 1817, the Pennsylvania Supreme Court freed Belinda, a slave of John Montgomery of Carlisle, since in his registration he did not specify her sex, a requirement of the law. Both Pennsylvania cases exhibited the strong will of Pennsylvania officials to enforce both the letter and the spirit of the law, while New Jersey consistently failed to take any action to compel registrations or to compel slaveholders to follow the gradual abolition law. New Jersey state officials had no impetus to actually enforce the law and instead left the decision to register to the slaveholders themselves.⁴⁶

In sum, the entire registration and abandonment system served to benefit the slaveholder, not the slave for a term. In a larger sense, the failure to properly register slaves for a term and their continued sale illustrated how difficult movement between levels of unfreedom in the North became. Without a solid registration system, the promise of future movement to a higher level of unfreedom, the thing that made slaves for a term different, disappeared. Slaves for a term stood almost exactly the same as their enslaved parents. Though on paper the state firmly believed in abolition, in practice it yielded its abolitionist zeal to the raw economic interests of the slaveholders who used the abolition period as a way to extend the institution of slavery in the Garden State.



⁴⁶ For summaries of *Respublica v. Negro Betsey* (1789) and *Wilson v Belinda* (1817), see Paul Finkelman, *The Law of Freedom and Bondage: A Casebook* (New York: Oceana Publications, 1986).

The failure to guarantee the spirit of abolition to slaves for a term had significant practical consequences to their and their parent's lives. Since a large number of freeborn black children faced long service contracts to their mother's master (or in some cases their mother's former master) or his or her assignee (if the master sold the child to another), African American communities in the North had to adapt to the realities of life in the abolition period. Though many slaves gained freedom via manumission and entered the burgeoning free black community, many more remained tied to their master by the gradual abolition law. Far from a measure to eliminate slavery, the ties the law made between master and slave for a term perpetuated the institution of slavery and stymied the growth of black community.

In Newark, the state's largest city, 65 percent (427 of 656) of the free black population lived in their own households while the remaining 35 percent (229 of 656) lived in 126 white controlled households in 1830. In New York and Philadelphia, blacks living in white households occurred with much regularity in the early nineteenth century. Scholars have argued that living in white households was a transition point as blacks moved towards full freedom after manumission or gradual abolition. As the abolition period moved forward, manumitted slaves gradually moved out of their master's homes and created their own households. However, gradual abolition created a freeborn yet servile class of African Americans, one required to live in white households for a long period of service and slowed the progress towards a fully free Northern black community.⁴⁷

⁴⁷ 1830 Newark Census Schedules. 1830 is the first federal census which contains intact schedules for New Jersey. The white households that contained blacks made up 7.1% of the 1726 white households in Newark. Also see Graham Hodges, *Root and Branch*, 193, 201. Harris, *In the Shadow of Slavery*, 76. Nash and Soderlund, *Freedom by Degrees*, 76-78. White, *Somewhat More Independent*, 47. Gary Nash and Jean Soderlund contend the overseers of the poor bound out large numbers of black children during Pennsylvania's abolition period. These children lived in white households and perpetuated the institution of slavery in form. Some of these children undoubtedly lived as slaves for a term.

Sixty-three percent of white households that contained blacks only housed African Americans under the age of twenty-four. This tie of black children and young adults, the products of the Gradual Abolition Act, to white households drastically affected the formation of an independent African American community. With a large number of free black children facing long service contracts to their mother's master or his assignee, how did African Americans create a free community? This fundamental question, one yet unanswered by historians, posed a dilemma for many families caught in the middle of the fight over abolition not just in New Jersey but in Pennsylvania, New York, Connecticut, and Rhode Island where similar abolition schemes created similar predicaments. With some members of the family free, some slave, and some slaves for a term, family and community formation in the abolition period suffered by the hands of the very law created by the state legislature to end slavery, the institution which ironically had itself originally pulled families apart from one another.⁴⁸

Of those families who lived with this quandary, Ann and Rufus Johnson, a slave couple who belonged to Hannah Thomson of Hardwick Township in Warren County, exemplified it the best. Thomson freed the couple in 1828 but they continued to serve their former mistress in her household for wages and a roof over their heads. Thomson did not free the couple's four children, George, Mary, David, and Matilda, born between 1819 and 1825. Under the regulations of the abolition law, each child, regardless of the condition of his or her parents, had to continue to serve Thomson. Mary, born in 1821, could gain her full freedom in 1842 while David, born in 1823, could not have his until 1848. With their children forced into continued service, Ann and Rufus decided to stay in a servile labor relationship with their former owner in order to keep their family together. The abolition law, while intended to help end the horrors of

⁴⁸ 1830 Newark Census Schedules.

slavery in the state, actually propagated the system of marginal labor by linking entire families to white households in order to maintain family cohesion.⁴⁹

Similar to the Johnson's experience, the wedding of Sayers and Sarah Coe of Newark in 1796 created a household dominated by black labor. Sarah brought with her a twelve year old slave, Massy, from her parent's residence in Bloomfield. Massy eventually married one of her fellow slaves and by the 1820s, they and their five children, all slaves for a term, outnumbered the household's white residents. Massey's freeborn children remained in service to the Coe family under the gradual abolition law, just like their mother had done her entire life. At least one of the children, Peter, worked with Sayers Coe on the Newark and Springfield Turnpike in the late 1820s as a slave would with his owner. Peter stayed in the Coe household even after he reached the legal age of freedom in 1831. In 1834, Coe's financial records show Peter worked for him three years after he gained freedom. Indeed, Coe's granddaughter wrote years later that Coe had "many men in his employment, most of them being colored, and living under his own roof." Peter, one of these men, either could not or would not leave his family. Peter remained, now as a legally free man, in a labor relationship that mirrored the slavery from he had just escaped. Coe still held power over Peter even though he inhabited a higher level of unfreedom than his younger siblings. In light of this case, gradual abolition served to slow the process of freedom even more than the twenty-five years the law required Peter to serve. Peter extended his stay with the Coe family, indicative of how subordinate labor relationships in the North that

⁴⁹ Manumission of Ann and Rufus Johnson, Johnson Family Records, Anderson Family Papers, NJHS. 1830 Census Schedule, Hardwick Township, Warren County, New Jersey.

emanated from slavery had the same staying power as those seen in the post-emancipation South.⁵⁰

Many slaves for a term did not have the same luck as the Johnson children or the children of Massy. Either through subsequent manumission of their parents or through their sale away from their children, most of the slaves for a term in Newark lived without family members in the same household. Edward, the property of Rachel Van Dyke's parents, lived without either of his parents in the Van Dyke household in 1810. Rachel claimed her Grandfather purchased Edward as an infant and had "always been more like a father to him than a master." Paternalistic relationships aside, Edward had no family with him in New Brunswick and moved away from Rachel's parents' households with her uncle in August 1810. Ripped away from a household that at least had other adult female black women in it, Edward's experience as a child in early nineteenth century slavery matched hundreds slaves for a term across the North.⁵¹

Mary and Judith, two slaves for a term who belonged to Robert Rutgers, lived without their free black mother, Nancy Jackson, after Rutgers manumitted her in 1822. Serving the Rutgers family until they reached twenty-one years of age, Mary and Judith had the same style of life as Edward until their master died in 1824. At his death, Nancy petitioned Rutgers executors for custody of her three and four year old daughters. Rutgers' family agreed to give Nancy both slaves for a term if she agreed to maintain them and exonerate the Rutgers estate from any further responsibility for their care. In this case, although Mary and Judith had to live as slaves

⁵⁰ Sarah Parkhurst, "A Sketch of the Life of Sarah Coe (1774-1853), wife of Sayers Coe" (1893) in Baldwin-Brown-Coe Family Papers, NJHS. Sayers Coe Daybook and Account Book, NJHS. 1830 Newark Census Schedule, 287. Essex County Black Birth Book, NJSA.

⁵¹ Lucia McMahon and Deborah Schriver, ed, *To Read My Heart: The Journal of Rachel Van Dyke, 1810-1811* (Philadelphia: University of Pennsylvania Press, 2000), 108.

for a term without their mother for a short period of time, they were eventually reunited with their mother by her ability to care for them and the benevolence of Rutgers' executors.⁵²

The case of Nancy Jackson and her two daughters brings to light a key dilemma in the formation of northern African American communities. Instead of an entire community of free people attempting to weather the storm of racism and economic impediments, antebellum life for Northern blacks looked much more like that of Southern free blacks than previously thought. The key similarity is the formation of family and community in the midst of slavery. As in the South, Northern ex-slaves contended with the purchase of their children (or spouses) before they could even think about trying to contend with the other problems of life. In 1805, Michael Van Vheight sold the daughter of his slave Dinah to Cornelius Covenhoven. Unable to live without her daughter, Dinah bought her daughter back from Covenhoven for \$12.50 after she gained permission from Van Vheight in November 1805. Although Dinah remained a slave, the purchase of her child from another master highlighted the need for blacks, both slave and free, to attempt to join their families together above all else.⁵³

Like Dinah, Phyllis Bodley experienced the pain of life apart from her son Charles in Salem County. Charles, a slave for a term, had to serve his master, Robert Johnson of Salem, until 1852. In order to reunite her family and possibly form a household of her own, Bodley bought Charles from Johnson in September 1829 for one dollar. Owners replicated this benevolent transfer of slaves for a term to their parents elsewhere in the Garden State. Robert Ogden of Sussex County manumitted his two slaves, Leonard and Abigail, in 1812 and gave them custody of their two year old daughter, Julia, at that time. Similarly, Joseph Scudder of Monmouth County, master of Catharine Benham, born in 1821, sold her to her father Henry, a

⁵² Nancy Jackson to Estate of Colonel Robert Rutgers, December 2, 1824. Gerald Rutgers Papers, RUASC.

⁵³ Somerset County Manumission Book, NJSA.

free black man, for one dollar in 1822. On the same day, he manumitted Catharine's mother, Henry's wife Rachel, thereby completing the family of three. Eleven years later, Lucy Riley, a free black woman in Middletown, purchased her two children, slaves for a term belonging to John Holmes, for one dollar the day after she herself gained her freedom from Holmes. In all four of these cases, the master gave up his rights to the slave for a term in order to reunite them with their mother or father. If these altruistic transfers did not occur, the black Northern family would have remained fractured by the power and persistence of slavery in New Jersey.⁵⁴

Those who most vigorously opposed abolition in 1804 and the period shortly after it, the residents of Bergen County, brought up a crucial point in their petition to the legislature that directly affected the formation of free black families. Writing in 1806, the Bergen County residents claimed "no provision is made for the maintenance and protection of such children as may be born of the female children who are by the law to become free at the age of twenty one years before they shall attain to such age, for as we understand the law, such children will be free at their birth." Highlighting the slaves for a term specifically, the Bergen County petitioners wondered the legal status of children born to their slaves for a term before they reached the age of twenty-one and thereby gained their freedom. Although the legislature made no formal response to this issue, those children of slaves for a term, fully free at their birth, lived in their mother's masters' household until such time as the mother gained her legal freedom. For example, if a slave for a term had a child at age fourteen, her fully free child would live under her master's roof in the same manner as a slave for the next seven years. Even worse, the master of the slave for a term could refuse to care for the fully free child and surrender him or her as a pauper to the overseers of the poor to be bound out to another household. Both scenarios paint a

⁵⁴ Salem County Manumission Book, 95-97, NJSA. Sussex County Black Birth Book, NJSA. George Moss, *Manumission Book of Monmouth County, New Jersey* (Freehold, NJ: Office of the Monmouth County Clerk, 1992), 44.

very different picture of the results of gradual abolition than the altruistic one the state abolition society had hoped for. Gradual abolition served not as a way to end the institution of slavery in the North but one to invigorate it for multiple generations to come.⁵⁵

The continued existence of servile relationships in Northern households speaks to the long lasting impact of the institution of slavery on the black transition to freedom. Servile associations between former masters and former slaves, slaves for a term and their masters, and slaves for a term and their parents continued well into the antebellum period across the North. Although slaves for a term eventually gained some freedom after their term of service expired, the relationships formed between parents, children, and siblings frequently forced them back into a coercive labor relationship instead of propelling them out into the world of “free” labor. Though not permanent in the way slaves lived, these relationships extended for significant periods of time and therefore could be categorized as somewhat permanent or at least long-standing. For many slaves for a term the relationship did become permanent as twenty-five years (the age when male children could legally terminate their service) made up a significant portion of their lives. If the slave for a term reached the age of twenty-five, he could expect to survive for another thirty-five years; these children therefore lived an average of forty-two percent of their lives in a master-slave relationship. However, since fifty-four percent of American slaves failed to see twenty-five years of age, a condition of servitude was the only one most slaves for a term ever knew. Like many other Americans who lived in various stages of unfreedom in the early national North, freedom was a very distant, elusive, and largely unattainable status.⁵⁶



⁵⁵ Bergen County petition to the Legislature requesting repeal of the NJ Abolition Act of 1804, January 4, 1806. State Library MSS Collection, NJSA.

⁵⁶ Life expectancy statistics are for US slaves c.1830. See Fogel, Galantine, and Manning, *Without Consent or Contract: Evidence and Methods*, 285-286.

In addition to challenging African American community formation, the persistence of bound forms of labor forces a reevaluation of capitalism in the United States. Allan Kulikoff has argued that “the emancipation of northern slaves was a key part of the process of proletarianization” in that the “end of northern slavery...led to the growth of urban free labor.” If unfree labor still consisted part of the North’s economy in the early nineteenth century, how does this mesh with the transformation of American capitalism that seemingly progressed at the same time?⁵⁷

Like many other Northern locales, New Jersey became extremely interested in manufacturing and in turn the development of a wage labor capitalist economy in the nineteenth century. Peter Colt, superintendent of the Society for Establishing Useful Manufacturing in Patterson, penned his 1792 “Essays Urging Development of American Industry” in which he argued that the newly born United States and New Jersey specifically could and should begin to industrialize to create an effective manufacturing base. He contended that “in all the northern middle states, we have an abundance of unemployed peoples or other people not fully employed” that could serve as human capital to build a manufacturing industry. According to both Kulikoff and Colt, the slaves and slaves for a term freed in the wake of the Revolution and the Gradual Abolition Act would be the foot soldiers that would propel the nation forward to a new wage-based capitalist system.⁵⁸

In March 1809, the state legislature considered a plan to advance New Jersey’s commerce and manufacturing base though the introduction of a state lottery. Specifically, the lottery money would be used to make accommodations for trade at Perth Amboy, New Jersey’s largest port, and to create manufacturing plants in each of the state’s counties in proportion to the number of

⁵⁷ Kulikoff, *The Agrarian Origins of American Capitalism*, 111-112.

⁵⁸ Essays Urging Development of American Industry, Papers of Peter Colt, Colt Family Papers, RUASC.

free whites in each. Aside from the desire to improve the ports and the development of manufacturing, the lottery plan also gave money to a variety of other causes, such as building roads, canals, and the establishment of a university. In addition, the lottery plan entailed spending money to free slaves, most likely through a form of compensated emancipation. The inclusion of full abolition in the plan to advance commerce and manufactories in the Garden State suggests that New Jersey legislators believed that slavery held the state back from making the leap from an economy based on agriculture to one based on manufacturing. With a large proportion of slaves still in the population as well as the plethora of slaves for at term utilized as yet another form of bound labor, the transformation to individual negotiated labor contracts could not be completed until most of these became a truly free and unencumbered group of laborers. However, the lottery plan failed to provide any freedom for slaves in the Garden State, likely because the legislators did not wish to use any funds to actually improve the condition of African Americans. If New Jerseyans remained happy extending the institution of slavery into the nineteenth century, then their legislators need not act to destroy the labor system so many of their constituents hoped to continue.⁵⁹

The gradual abolition of slavery made up only one part of the larger capitalist transformation which occurred during the last decades of the eighteenth century and first decades of the nineteenth. In his work on the transition to a free labor economy, Robert Steinfeld holds that the abolition of slavery in the North attacked the longstanding use of imported contract labor (indentured servants and redemptioners) and forced Americans to reevaluate their understandings of free labor and free markets. Steinfield, as well as economist Farley Grubb, have noted that indentured labor survived after the Revolution as a popular and often highly valued labor source.

⁵⁹ *New Jersey Telescope*, March 17, 1809. Joseph Bloomfield to Ebenezer Elmer, January 29, 1800, Ebenezer Elmer Papers, RUASC. Aaron Kitchell to Joseph Bloomfield, December 20, 1808, New Jersey Letters Collection, 1800-1809, RUASC.

Similarly, Seth Rockman's work on early national Baltimore argues that American capitalists frequently hired slaves, indentured servants, and apprenticed children into their labor force. In the same way Rockman and Steinfeld challenge scholars to rethink the position of hired slaves and indentured servants on the spectrum of wage versus coerced labor, New Jersey's slaves for a term will force revisions in the chronology of the transition to capitalism in the North.⁶⁰

As nonpecuniary pressures abated with the end of many legally coercive measures to ensure indentured servants honored the terms of their labor contracts, American employers in the nineteenth century turned to pecuniary means to compel compliance with the business' rules and regulations. Withholding portions of paychecks or monetary penalties for sloppy or missed work became more prevalent to coerce workers to fulfill their obligations. This transformation to pecuniary measures altered the relationship between employer and employee. It represented a major milestone in the transition to a fully at will wage labor market. However, the presence of slaves for a term challenges this transition since these unique laborers could be easily controlled by nonpecuniary methods. Although they held a unique status, New Jersey society saw little difference between them and their slave parents. Employers could bring to bear all the force the slave system could muster to compel worker compliance. Instead of leading to a free wage labor marketplace, the gradual abolition of slavery in the North actually helped halt it by forcing so many African Americans to long nonpecuniary enforced servitude. Abolition trapped not only

⁶⁰ Robert Steinfeld, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture 1350-1870*, (Chapel Hill: University of North Carolina Press, 1991), 7-10, 130-139; Steinfeld, *Coercion, Contract, and Free Labor in the Nineteenth Century*, 3-8, 254-255; Farley Grubb, "Immigrant Servant Labor: Their Occupational and Geographic Distribution in the Late Eighteenth-Century Mid Atlantic Economy" *Social Science History* Summer 1985. Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009), 5-8. For the popularity of free labor over coerced labor, see Gary Nash, *The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution* (Cambridge: Harvard University Press, 1979), Salinger, "To Serve Well and Faithfully," and Hodges, *Root and Branch*, 103-107.

the slave for a term but his or her parents and siblings in labor relationships where they had little access to gainful wage labor employment.⁶¹

To look at the transition to capitalism in another way, the gradual abolition of slavery helped equate contract work with slavery in American minds which effectively worked to decrease the use of indentured laborers in the North by the 1820s. Kulikoff then would seem to be right, the abolition movement helped rid the marketplace of coerced labor when Americans began to view it as a close ally to race-based slavery. Since gradual abolition actually created an entirely new class of contract worker in the first few decades of the nineteenth century, slaves for a term, this transition was actually a wash; one group (indentured servants) disappeared while another (slaves for a term) took their place. However, since slaves for a term could be controlled through nonpecuniary means via the state's slave code, their presence in the Northern workforce represented a partial roadblock to the development of American capitalism and a persistent interest in bound labor. Like the South where hired slaves and term slaves whose masters promised them freedom in exchange for continued service competed with thousands of native-born and immigrant wage labors for gainful employment, the actors in the transition to capitalism in the North actually looked very similar to the South. The North's transformation represented a far more complicated and drawn out process than previously imagined.⁶²

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New Jersey's gradual abolition law and the abolition period which followed it had a profound impact on the way African Americans experienced freedom in the antebellum North.

⁶¹ Steinfeld, *Coercion, Contract, and Free Labor in the Nineteenth Century*, 3-9, 254-255, 290-294. Also see Farley Grubb, "The Disappearance of Organized Markets for European Immigrant Servants in the United States: Five Popular Explanations Reexamined." *Social Science History*, 18 no.1 (Spring 1994).

⁶² Kulikoff, *Agrarian Origins*, 111-112. Steinfeld, *Invention of Free Labor*, 130-139. Rockman, *Scraping By*, 5-8, 57-67. Rockman's term slaves bear similarities to New Jersey's slaves for a term. However, masters in Baltimore negotiated terms of service with term slaves while the legislature created slaves for a term. Similar term agreements occurred in New Jersey in the early nineteenth century, see chapter five.

Northern slaveholders denied that these newly born blacks or their parents had or could become free. Indeed, they resisted the power of abolition to alter the status of black New Jerseyans in every way. Instead of embracing abolition, whites reverted to their previous assumption: “black” equaled property. If the story of Northern abolition is anything, it is a story of how Northern abolition laws failed to fundamentally change the face of the first generation of freeborn African Americans. In this sense, Robert Fogel and Stanley Engerman’s study of Northern abolition was right: Northern slaveholders extracted as much as possible from their slaves for a term by denying them access to freedom. Although New Jerseyans sold slaves for a term to the Deep South for the first few decades of the nineteenth century in order to recoup their capital losses, slaves for a term kept in New Jersey also repaid slaveholders for any losses they suffered (I discuss the sale of slaves to the South from New Jersey more in depth in chapter four). By the longer service terms many of them served because of their families, slaveholders hesitant to sell their slaves away down South could be sure that Northern society willingly provided ways to extract more than the slave for a term’s value.⁶³

These children also challenge us to rethink what exactly the term *freedom* meant to early national America. Obviously, being freeborn did little to change a slave for a term’s legal or social standing: freedom did not emanate from the law. Likewise, freedom frequently did not emanate from white masters either. Freedom in the abolition period was neither clear nor concise; African Americans existed in one of many multiple gradations of unfreedom along with so many other marginal groups in American society. If freeborn black children never lived free lives as the abolition law dictated, the supposed free status of women, apprentices, indentured servants, and wage laborers should also be called into question. If one coerced labor group could be seen as analogous to real estate, how should we understand the others?

⁶³ Melish, *Disowning Slavery*, 107. Fogel and Engerman, “Philanthropy at Bargain Prices,” 379-391.

If we revisit the question posed earlier, “where did all the slaves come from” in Peter Chandler’s account of 1830s New Jersey, his pronouncement that every New Jersey farmer had slaves does not appear as inaccurate as previously contrived. Chandler’s hyperbole notwithstanding (not every farmer in New Jersey had slaves), slavery in the Garden State did not only exist as a condition of the 2,254 slaves the 1830 Census recorded. In actuality, thousands more slaves for a term lived lives largely indistinguishable from their slave parents to the naked eye of a passing traveler. Where did all the slaves go in New Jersey? Nowhere. Chandler accurately reported the widespread condition of unfreedom which pot marked freedom’s failure in early national America.

CHAPTER 4

TRADING IN JERSEY SOULS: THE INTERSTATE TRAFFIC IN SLAVES DURING NEW JERSEY'S ABOLITION PERIOD

Jacob Van Wickle sat in his Middlesex County home in the spring of 1818 with money on his mind. Van Wickle's scheme for profit did not rest on the growing industrial capacity of New Jersey but in the trade in an ancient labor force, slaves. He realized slaves sold in New Jersey at far below the prices Mississippi and Louisiana plantation owners paid for similar chattel from the Upper South. With this knowledge, Van Wickle embarked on a scheme to sell dozens of "cheap" New Jersey-born slaves to the hungry New Orleans market. As the ringleader of the largest slave trading organization in the Garden State, he helped destroy the promise of abolition.¹

This chapter details the interstate sale of slaves and slaves for a term that occurred during New Jersey's abolition period. The sale of slaves from north to south represented the largest loophole imbedded in Northern gradual abolition programs for it allowed the removal of slaves and slaves for a term from the grasp of the law created to eventually free them. Northern slaveholders saw sale to the South as yet another mechanism in their arsenal to advance their own economic interests. Just as most slaveholders in New Jersey used the mechanics of gradual abolition to keep their slaves for a term in bondage for extended periods of time, the sale of enslaved human cargo to southern states served the same purpose albeit in a more immediate manner. Instead of an elongated extraction of labor from slaves for a term and their otherwise

¹ For more on Van Wickle and his trading syndicate, see Pingeon, "An Abominable Business: The New Jersey Slave Trade 1818," 14-35.

trapped parents and siblings, sale to New Orleans or Natchez provided slaveholders with an immediate and potentially large profit. The growing marketplace allowed for huge profits to New Jersey slaveholders. In the same way, it also served to eliminate the institution of slavery from New Jersey while never changing the status of those slaves involved in the process. Sale to the South showed that most slaveholders never wavered in their support for the institution of slavery and resisted any attempt to alter the world of unfreedom they had helped create in the Garden State.

The question of unfreedom stood at the forefront of the traffic in human chattel. That New Jersey law allowed the transport of slaves out of state challenges us to rethink how exactly they felt about the whole process of gradual abolition. If New Jerseyans forced legally free slaves for a term to live as slaves in all but name up until the Civil War and sold other slaves and slaves for a term into a lifetime of servitude south of the Mason-Dixon line, why do we consider New Jersey a free state? Instead of a quick destruction, slave trading to other parts of the United States provided a way for slaveholders to end the institution but still profit from slavery and be culpable for its continuation. Transportation out of state eliminated the possibility for slaves to experience the freedom the revolutionary ideology had promised them. The world of unfreedom which permeated early national American life gave an inhospitable welcome to those slaves whose masters ignored the call of freedom and found a new way to exploit their property.

Though New Jersey whites largely ignored the continued subservience of slaves for a term in the Garden State, many white New Jerseyans rose up and rebelled against sales of slaves for a term out of New Jersey. When the full extent of such sales became apparent, New Jersey confronted the hypocrisy of their complicity in the institution of slavery. When Northerners could hide from or otherwise disassociate from the plight of the oppressed who lived in their

cities and towns, freedom never became an issue to be fought over. The prevalence of unfreedom hid the most hideous abuses of slavery and the system's continued hold over thousands of African Americans. When challenged by the realization of the very unfreedom in which they lived, certain white New Jerseyans responded with protective action. In the white Northern mentality then, slavery in their own backyards did not bother them as long as its brutality was kept inside the borders of unfreedom they saw every day in apprentices and poor laborers.

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The aftermath of the American Revolution led New Jersey to concern itself with not only the prohibition of the Atlantic slave trade but with the regulation of the internal trade in human chattel. In 1788, the state legislature introduced a requirement which mandated a slave had to give his or her consent in order to be sold to another state. The legislature's consent requirement involved a private examination of the slave by two impartial local officials, usually justices of the peace or inferior court judges. If the officials felt the slave consented to the transfer, they approved the sale and the slave could be sold or transported outside the boundaries of New Jersey. Lawmakers again enshrined the idea of consent in an 1812 law when they reiterated the restriction on sales of slaves without their consent and included the newly created slaves for a term under the same consent requirement. They further allowed for parents of slaves for a term to provide consent for children under age twenty-one. Both the 1788 and 1812 laws fostered an environment which allowed for the removal of slaves while acknowledging their humanity and right to determine at least some direction in their lives. Hundreds of slaveholders, however,

subverted the requirement of consent to make a profit. The spirit of abolition never infected them.²

Their status as chattel, not their humanity, made the transportation of slaves to points outside New Jersey beneficial to slaveholders. As property, slaveholders demanded the ability to transport their property across state lines, especially when they wished to move out of New Jersey to another state in the Union. Masters personally carried their slaves to every state and territory in the country, both those in the North as well as those in the South. Primarily, slaveholders from New Jersey removed their slaves to southern states where the law failed to recognize the restrictions on the enslavement of future generations. Some slaveholders, however, saw the difficulties in moving their slaves out of state and sold them before leaving. For example, an owner in 1812 sold an eighteen-year old female slave because he wished to move out of New Jersey and did not wish to take his slave with him. Likewise, an 1816 advertisement listed a twenty-seven-year-old woman for sale along with her two-year-old freeborn child since their owner desired to leave the state. Economic interests then motivated certain owners to either cash in on their property while still in New Jersey or to bring them along to their new homes outside the Garden State.³

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Slave owners across America saw the enhanced prospects in the newly formed Southwest and flocked to the newly formed states and territories of Alabama, Mississippi, and Louisiana. Economic opportunity spurred on by the invention of the cotton gin drew thousands of entrepreneurs and slaves. With the sudden influx of new residents, both black and white, the

² "A Supplement to an Act, intitled 'An Act to prevent the Importation of Slaves into the State of New-Jersey,'" Nov.26, 1788, Acts 13th General Assembly, First sitting, and "An Act supplemental to the act entitled An act respecting slaves," Feb.1,1812, Acts 36th General Assembly, Second sitting.

³ Newark *Centinel of Freedom*, September 29, 1812 and March 26, 1816.

three newly minted states formed a hotbed of growth in the nationwide market revolution. Some Jersey slaveholders seized the opportunity presented by the annexation of Louisiana to participate in this grand economic boom. Forty-one percent of the known and recorded removals where a master accompanied his slave to the South ended up in those three states.⁴

Although the registration of a slave's consent sounded like an enlightened gesture to legislators who wished to protect slaves from the ravages of the slave trade, its practical application demonstrated coercion, not consent. All of the African Americans who moved to Louisiana, Mississippi, and Alabama "freely consented" to the trip; however, it is difficult to believe any slave would have agreed to be removed from the wheat farms or urban lifestyles of New Jersey, where slavery at least seemingly had begun its gradual death, to New Orleans, where the enslaved toiled endlessly on the sugar and cotton plantations amidst dreadful heat, disease, and isolation. Perhaps a few slaves consented to travel to the South because of the ties between master and slave developed over the slave's lifetime or the lack of an alternative in the Garden State. More likely, slaves or slaves for a term knew they faced violent punishment if they failed to consent and therefore agreed to go. It is not surprising then that no record remains of any slave or slave for a term who refused to travel out of state.

In addition to the fear of violence, other cases of slave transfers reveal that the execution of the law hardly matched the letter of it. For example, in 1816, Abel Terrill of Elizabethtown brought thirteen-year-old Mulford to meet two judges of the Court of Common Pleas in an effort to transport him to New Orleans. Mulford, one of the unlucky children to be born in 1803 and

⁴ For a discussion of the market revolution and its impact on the Old Southwest, see Stephen Deyle, *Carry Me Back: The Domestic Slave Trade in American Life* (New York: Oxford University Press, 2005) as well as Josh Rothman, "The Hazards of the Flush Times: Gambling, Mob Violence, and the Anxieties of the Market Revolution," *Journal of American History* 95, no. 3 (December 2008), 651-677. For statistics on slave removals from New Jersey, see Bergen County Manumission Book, Essex County Manumission Book, Middlesex County Manumission Book, Somerset County Manumission Book, Sussex County Manumission Book, and Department of State Records, Secretary of State's Letters, Deeds, and Misc., NJSA. A total of nineteen personal removals by masters survive. Of course, these do not account for all of the records which must have been produced; only those which survived

therefore not entitled to gradual freedom under the 1804 gradual abolition law, lived his entire life as a slave; in a private examination, he testified that he indeed wished to travel with Terrill into the heart of the slave South in order to reunite with his mother who had already departed as a slave to New Orleans. In Mulford's case, his need to join his mother outweighed the alternative of life in New Jersey without either family or a master to whom he had lived with conceivably from his first memory. However, Mulford's case illustrated the limitations of the concept of consent. A child at only thirteen years of age, Mulford did not understand the ramifications of his removal to New Orleans. Although not a slave for a term, the 1812 slave trade law required any minor slave's parent to approve the transfer out of New Jersey. With Mulford's father unknown and his mother in New Orleans, both judges ignored the law and approved Terrill's travel plans. The court did not appoint a guardian or other responsible individual to weigh the consequences of a one-way trip from New Jersey. Those who enforced the law then could not be trusted to do so in a way which benefited the slave. Though Mulford's desire to reunite with his mother was a logical goal for a thirteen-year-old boy, Terrill's wish to move to New Orleans to expand his own economic opportunities trumped the protections created for slaves and slaves for a term during the abolition period.⁵

Like Terrill, John Tellarsk, also of Essex County, arranged for his nineteen-year old slave for life Peter to travel with him to New Orleans. Peter, also under twenty-one, had no knowledge of his parent's location; he claimed to not have seen them for ten or twelve years. Like Mulford, Essex County judges approved his transfer despite the lack of permission from his parents or another guardian. Both cases testify to the failure of informed consent but do not fully encompass how slaveholders exploited this as a loophole in order to undermine abolition. In September 1818, Willis Pope prepared his family and estate to move to Huntsville in the newly

⁵ Essex County Manumission Book B, 8, NJSIA.

created Alabama Territory. Pope arranged for Wilson, his fifteen-year-old slave for life and thirteen-year-old Sim, a slave for a term born in 1805, to move south with him. Margaret, the boys' mother, approved their removal to Alabama while she stayed behind in New Jersey. Sim, a freeborn child entitled to full freedom in 1830, traveled to Alabama to serve as a domestic servant without his mother. Although it is uncertain if Pope owned Margaret as well, it appears suspect that a mother would approve her sons' removal to the Deep South, especially when Sim's status as a slave for a term could easily have been lost in the slave territory of Alabama. If the Revolution and the resulting abolition period did anything to New Jersey blacks, it heightened their understanding of freedom. Removal of a freeborn child with the "approval" of his mother ran counter to the spread of republican rhetoric and freedom which helped enact gradual abolition. Sim and Wilson represented yet another two souls trapped in the uncaring and unforgiving world of unfreedom which surrounded the Northern abolition process.⁶

The loophole that allowed Margaret and Sim to be ripped apart also affected Chloe and her son. Chloe, of Newton in Sussex County, belonged to Ann Davison, the new bride of William Davison of New Orleans. Ann desired to unite with her husband in Louisiana and applied to take Chloe with her. Chloe's son, a slave for a term, belonged to another master, Lewis Phillips, who lived twenty-five miles away in Mount Hope. As slaves for a term existed as separate legal entities from their parents, Chloe did not live with him but saw her son on a regular basis. It remains puzzling then that Chloe, who lived a day's travel from her son, freely

⁶ Essex County Manumission Book B, 9 and 31-33, NJS. Although the enactment of gradual abolition did nothing to assist those slaves already held in bondage and, as I have argued, did little to help those born after 1804, slaves absorbed the rhetoric of republican freedom and individualism from the Revolution and used that to increase their individual circumstances. Many slaves tried to negotiate for their freedom (and many were successful) while others ran away in order to resist the system. It remains highly unlikely that Sim's mother would have freely consented to his removal, especially since, by 1818 in Essex County, there existed a sizeable and growing free black community which communicated the status of slavery in the South. See Harris, *In the Shadow of Slavery*, 73-74. For how blacks absorbed this republican ideal in regards to the ending of the transatlantic slave trade and the Revolutionary ideology in general, see Mason, *Slavery and Politics in the Early Republic*, 15-20.

consented to travel 1300 miles and eight states away from the child she had a real relationship with. Chloe lost her chance at any amelioration of slavery and indicated that the process of family destruction continued unabated in the abolition period.⁷

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Although some New Jersey slave owners moved to the Old Southwest, others moved their slaves to states north of Mason-Dixon. Owners frequently chose to move, along with their slaves and slaves for a term, to New York and Pennsylvania due to their proximity to New Jersey and the strong economic links between all three states. Unlike those Jersey slaves who left for the South, slaves and slaves for a term who moved to other Northern states enjoyed some protection in their new homes. New York and Pennsylvania, both in the complicated throws of their own abolition programs, absorbed many Jersey-born African Americans and equated them with their own. For example, Jane Carr of Sussex County successfully took Charlotte, her slave for a term, to Bucks County, Pennsylvania in 1815. Charlotte, at five years old, consented to the transfer and agreed to serve her “solid mistress” until she reached age twenty-one on May 17, 1831. Charlotte’s parents, Jim and Rachel, both testified and agreed that Charlotte should leave Sussex County and move with Carr to Pennsylvania. Carr and the county judges attested to her right to freedom emanating from her post-1804 birth, a right the laws of Pennsylvania recognized and upheld. In Pennsylvania at least, those removed out of New Jersey did not have their legal status negatively affected though the unpleasant effects of separation from family persisted.⁸

In some cases, leaving New Jersey for its neighbor, New York, actually improved the condition of a slave. Simon Hillyer removed his two slaves, Nance, and her twelve-year old daughter Jude, to New York State in 1813. Condemned to servitude for the rest of their lives,

⁷ Sussex County Manumission Book, NJSIA.

⁸ Ibid.

four years after Nance and Jude moved to New York the state legislature in Albany approved the first and only full legislative emancipation in the North. The 1817 law gave all slaves born before July 4, 1799, a group which included Nance, freedom as of July 4, 1827: Emancipation Day in New York. Additionally, the law extended New York's Gradual Abolition law to those blacks born after July 4, 1799 in another state who now resided in New York. With this extension, Jude, born in 1801 and therefore ineligible for freedom under New Jersey's gradual abolition law, also gained freedom under the New York regulation at age twenty-five in 1826. With this turn of events, Nance's consent to move to New York changed the course of both her life and her daughter's for the better. Freedom in New York became not so far distant for mother and daughter.⁹

Unlike those slaves who traveled to one of New Jersey's two neighbors, Phebe Ann Jacobs, a Morris County slave born in 1785 went on a different journey. Sold at a young age to the wife of John Wheelock, the second president of Dartmouth College in New Hampshire, Phebe became the personal servant of Maria, John's daughter. Maria married William Allen who in 1820 became the president of Maine's Bowdoin College. Phebe traveled with Allen to Maine and lived there in service to both the College and the Allen family until her death in 1850. In this case, removal to another state granted Phebe legal freedom unavailable in New Jersey. However, as she lived a portion of her life a slave, that slave status informed her future life. Like many other free black women, she continued to serve her former white owners as a domestic servant. When she crossed the border into New Hampshire, no immediate transformation

⁹ For removal petition of Nance and Jude, see Middlesex County Manumission Book, 134, NJS. For New York law, see "An Act Relative to Slaves and Servants" Laws of the State of New York, Chapter CXXXVII, March 31, 1817. For other examples of removal petitions to New York and Pennsylvania, see Middlesex County Manumission Book, 216, Sussex County Manumission Book, Somerset County Manumission Book, NJS. Also see "Petition of John Boyd to the Legislature Requesting Permission and Transport his slaves to New York, October 27, 1829" BAH Collection, Legislative Records, 1811-1934, NJS.

occurred. Phebe's legal status changed but her everyday life never altered. Legally, Maine and New Hampshire represented real and immediate freedom but, Maine, a state with only 929 African Americans in 1820 when she arrived, did not offer her any real alternative community better than the Allen household did. Even when transport out of state meant legal freedom, it forced ex-slaves into the larger world of unfreedom where they had little choice or power; freedom and unfreedom looked little different.¹⁰

Like William Allen, Joseph Hagaman, a respected physician and farmer from Princeton left the Garden State in 1812 bound for Ohio, a frontier state just nine years old, along with other New Jersey slaveholders in this frontier experiment. Hagaman successfully took three enslaved blacks with him to Cincinnati: fourteen-year old slave for life Mary, thirteen-year old slave for life Bob, and eight-year old slave for a term Anthony. Hagaman's move into Ohio further exemplified the failure of consent in the protection of blacks who left New Jersey. Thirteen-year old Bob and eight-year old Anthony both agreed to leave Princeton without approval from a parent or guardian. In both cases, Middlesex County judges ruled that no parent or guardian could be found to approve (or disapprove) the transfer. By the legislature's own terms, neither child had the right (or conceivably the mental awareness) to consent to leave the state; those who executed the law failed to see the measure as a protection. Mary's mother approved her transfer and abided by the 1812 law, but, interestingly, Mary's mother no longer lived as a slave. As a free black woman, she gave her consent to her daughter's transfer hundreds of miles away which effectively destroyed any chance of reuniting after Mary's service contract expired. Though moving to the free state of Ohio was significantly better than traveling to Louisiana or Alabama, Mary's removal suggested the parent of a minor slave could do little to stop any impending

¹⁰ Mrs. T.C. Upham, *Narrative of Phebe Ann Jacobs*. (American Tract Society, no listed publication date), 1-8.

travel. New Jersey's legal infrastructure worked for the betterment of the white owner, not to secure ties between black families.¹¹

Unlike Phebe's journey to Maine, the transportation of slaves and slaves for a term to Ohio did not automatically free any New Jersey slave who moved there in the abolition period. Formed from territory organized under the Northwest Ordinance in 1787, Ohio became a state in 1802. The Northwest Ordinance prohibited slavery or involuntary servitude while the Ohio Constitution of 1802 went further, specifically stating

There shall be neither slavery nor involuntary servitude in this State...nor shall any male person, arrived at the age of twenty-one years, or female person arrived at the age of eighteen years, be held to serve any person as a servant, under the pretense of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom...nor shall any indenture of any negro or mulatto, hereafter made and executed out of the State, or if made in the State, where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships.¹²

By its careful wording, the Ohio Constitution did not invalidate any legal claim to the service of Joseph Hagaman's slaves once they entered Ohio. Any New Jersey-born slave or slave for a term who resided in Ohio could continue to be held until the age of twenty-one if male and eighteen if female. Although not called slavery any longer, the children Hagaman brought as his personal servants did not escape their bound status when they crossed into the state. Instead, Ohio law reclassified them as apprentices and the former slaves for a term served as they had in New Jersey but without their families or familial surroundings. Conceivably, Hagaman, like the thousands of slaveholders in New Jersey, could have continued to keep his former slaves working for him after they gained legal freedom and therefore perpetuated New Jersey's slave society even further. Additionally, they also ran the increased risk of kidnapping and removal to

¹¹ Middlesex County Manumission Book, 127-130, NJS. For another example of removal to Ohio, see Moss, *Manumission Book of Monmouth County*, 10. In this case, John R. Schenck of Freehold removed nine year old slave for life Hannah, seven year old slave for a term Ned, and four year old slave for a term Jane with permission of their parents in 1812.

¹² Ohio State Constitution of 1802, Article VIII, Section 2.

Kentucky if they lived along the Ohio River in the southern part of the state which could have even further exacerbated their tenuous condition.

Legal scholar Paul Finkelman argues that despite the seemingly anti-slavery sentiment the Northwest Ordinance expounded, “slavery lingered so long in the Northwest at least in part because the Ordinance itself was ambiguous, internally inconsistent, and written by men who were uncertain of their own objectives.”¹³ Respect for slave property held in the Northwest Territory before 1787 perpetuated slavery in those states into the 1840s. However, with Hagaman’s move into Ohio, we must also include his adventure as another example of slavery’s ability to sustain and grow in locales committed to its end. The experience of these Jersey-born slaves and slaves for a term redefines what it was to be “free” in the “free North.” Far from the full legal, social, and economic freedom envisioned by abolitionists like Garrison, freedom in the North remained desperately problematic to African Americans. Neither gradual abolition nor the seemingly free soil of the Ohio River basin destroyed the bonds of servitude. White society in New Jersey took little notice of the sales’ violation of freedom, while the residents of Cincinnati who daily saw the slave South from their windows did little better.¹⁴

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Although many New Jersey slaveholders brought their slaves with them when they left the state, many more hoped to profit from the growth of the slave trade and the demand for slaves in the South while remaining in New Jersey. The sale of slaves to the Lower South without their owner traveling with them changed the dynamic of slavery in the Garden State.

¹³ Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson*, Second Edition (New York: ME Sharpe, 2001), 39.

¹⁴ For a discussion of the Northwest Ordinance and issues regarding slavery in the Northwest Territory, see Finkelman, *The Law of Freedom and Bondage*, 68-73 and Finkelman, *Slavery and the Founders*, 37-80. Finkelman looks specifically at Illinois and Indiana as two places where slavery continued in a de facto manner after the Northwest Ordinance and statehood. Finkelman argues, among other things, that respect for slave property and a lack of interest in ensuring the freedom of those held in bondage precipitated the continued presence of slavery in the Northwest Territory into the 1830s (Indiana) and 1840s (Illinois).

When slaves traveled with their masters, the defense of slavery as an untouchable economic system with so much capital bound up in it, worked quite well. New Jerseyans had to let owners leave with their slaves since to force abolition on them would challenge the very foundation of property rights that gradual abolitionists had so long tiptoed around. However, as independent market commodities, a slave's sale became a more vehement economic grab by slaveholders who wanted to profit from their property. These masters never came to the realization that abolition would eventually guarantee black freedom: they commodified slaves as a way to hide from the realities of the changing nineteenth century.

In 1818, the Charlestown, Virginia's *Farmer's Repository*, Charleston, South Carolina's *City Gazette and Daily Advertiser*, Baltimore's *Patriot and Mercantile Advertiser*, and the *New Orleans Chronicle* all published the same article which claimed New Jersey slaves perfectly complemented Southern agriculture. Articles in each of the papers advised "Jersey negroes appear to be peculiarly adapted to this market...as it is understood that they afford the best opportunity for speculation."¹⁵ Sales of New Jersey slaves to the South unaccompanied by their masters made the Garden State look not unlike the Upper South: a base of supply to fuel the fertile economy of the Old Southwest. Both New Jersey and the Upper South experienced economic shifts in the early part of the nineteenth century. As New Jersey's cities grew and the state shifted towards an economy less dependent on agriculture, the Upper South remained an agricultural power but one that veered production away from labor intensive tobacco to the cereals and grains New Jersey farmers had grown for decades. Slaveholders in New Jersey and the Upper South realized their slaves became less necessary on a daily basis so, just as those in Maryland and Virginia did, Jersey slave owners jumped at the opportunity to dump their slaves

¹⁵ *New Orleans Chronicle*, July 14, 1818, Charlestown, VA *Farmer's Repository*, August 12, 1818, *Baltimore Patriot and Mercantile Advertiser*, August 7, 1818, and Charleston, SC *City Gazette and Daily Advertiser*.

onto the open market. The wholesale transfer of slaves into the internal slave trade further stymied abolition's engine of freedom and represented a way slaveholders could extend the system of slavery and make a large profit at the same time.¹⁶

Of course, the link between the South and New Jersey did not spring up overnight. New Jersey farmers and businessman had long standing relationships with Southerners as the slave South was a key consumer of New Jersey's goods. Leather products, shoes, and clothing all moved south while Southern money traveled north. Southern planters on buying expeditions frequented Archer Gifford's Hunters and the Hounds tavern in Newark, which served as a well-known locale for New Jersey businessman to make deals with Southern slaveholders. Moses Combs, a boot and shoemaker, made his fortune selling his wares to the men who visited the Hunters and the Hounds. In one of the first shipments of products to the South, Combs sent two hundred pairs of sealskin shoes to Georgia. In subsequent consignments, demand went so high that one single shipment accounted for \$9000. Advertisements in Newark's newspapers echoed the demand for New Jersey shoes as one article advertised a buyer's intent to purchase five hundred pairs of "negro shoes of large sizes and good quality."¹⁷ From previous business transactions, New Jersey's business world forged connections with Southern slaveholders which eventually culminated in the transfer of a new form of goods: human cargo.¹⁸

John Marsh, a native of Rahway who moved to New York City, allured by the city's economic might and the possibilities for financial advancement, keenly understood the riches slave labor could bring. He eagerly sought profit and found it, not in New York where thousands of other Jersey men got rich, but in Louisiana. While in New York City, Marsh and his business

¹⁶ Zilversmit, *The First Emancipation*, 216; Melish, *Disowning Slavery*, 101-103; Fogel and Engerman, "Philanthropy at Bargain Prices" 381.

¹⁷ Newark *Centinel of Freedom*, January 30, 1810.

¹⁸ Frank Urquhart, *A Short History of Newark* (Newark: Baker Printing, 1916), 76-78 and 87-88. Also see Wright, *Afro-Americans in New Jersey*, 27-28.

partner William Stone, imagined they could stuff their pockets not with cotton but with the much sweeter sugar which grew on the plantations of southern Louisiana. In 1818, Marsh, his wife Eliza, and their infant daughter Sarah arrived at their newly purchased plantation at Petite Anse, about one hundred and fifty miles west of New Orleans. Of course, Marsh understood that unlike in New Jersey where masters worked in the fields, his fortune in sugar would be grown by slave labor.¹⁹

Marsh and others like him spurred on a windstorm of demand for slaves in the Old Southwest. As early as 1804, Daniel Clark, the first delegate from the Orleans Territory to the US House of Representatives, wrote to Jonathan Dayton, New Jersey's United States senator and asked "if the prohibition of the African trade" would be "mediated by repeal of the prohibition upon application to Congress at their next session" since the demand for slaves in the new territory was so high.²⁰ Just as South Carolina slaveholders realized the potential profit to be had in the sale of slaves to the Old Southwest when they reopened the transatlantic slave trade to their ports, New Jersey slaveholders understood that the men and women who worked on their farms could make them rich if they sold them to the cotton fields of the South. That demand set the background for New Jersey's largest interstate slave trade: the sale of human cargo between the Garden and Bayou states.

The predominant plot to remove enslaved blacks from New Jersey centered on two ringleaders: Jacob Van Wickle and Charles Morgan. Morgan, a Louisiana state legislator and cotton plantation owner in Point Coupee Parish, left his plantation in January 1818 in search of additional slaves to work for him. Originally planning to travel to Virginia with \$45,000 in cash

¹⁹ Malone, *Sweet Chariot*, 92.

²⁰ Daniel Clark to Jonathan Dayton, August 26, 1804, Jonathan Dayton Papers, NJHS. In the letter, Clark complains of the Governor of Louisiana who he believed encouraged free blacks to organize politically for their rights. Clark says "either the whole of the free people of Color will be immediately exterminated or the law in their favor will be put in operation only after the death of the last white man in Louisiana."

to solve his labor needs, Morgan detoured to New Jersey to visit his birthplace and his relatives who still resided there. This detour brought Morgan into contact with his brother-in-law, Jacob Van Wickle. Van Wickle, a former member of the Middlesex County Board of Chosen Freeholders, a justice of the peace, and a judge of the Middlesex County Court of Common Pleas, saw hundreds of newspaper advertisements for sales of slaves and slaves for a term in the years following 1804. Van Wickle realized that slaves in New Jersey could be bought at a fraction of the price they could be sold for near his brother-in-law's home in Louisiana. Van Wickle wanted to join in on the profits he knew slaveholders daily extracted from their slaves and slaves for a term.²¹

In a fit of raw economic fury, Morgan dropped the Virginia buying expedition and teamed up with Van Wickle to buy as many Jersey slaves as possible with his \$45,000. With the available cash reserves afforded the duo, they could buy at a minimum 150 slaves as the highest advertised price for a slave for life in New Jersey between 1804 and 1818 appeared in May 1816 when the *New Jersey Journal* advertised a nineteen-year old “smart, active” male who was “used to waiting and can garden.” His price: \$300. Traveler Isaac Holmes commented that the same able-bodied slave could be sold for up to \$800 on the New Orleans auction block for a \$500 profit! With so much money to be made, the team began to purchase as many slaves as they could find.²²

Since masters throughout New Jersey had no qualms about profiting from their slaves in the abolition period, the search for potential investments was not at issue. The main impediment to the exportation of so many slaves rested in the 1812 law and its requirement that slaves consent to leave New Jersey. The law entrusted the evaluation of that consent to the judiciary

²¹ Pingeon, “An Abominable Business,” 16-18.

²² *New Jersey Journal*, May 7, 1816; Holmes, *An Account of the United States of America*, 324.

who, according to the belief of the legislature, had to be above reproach as they inhabited such an exalted position. However, above reproach Jacob Van Wickle was not. Van Wickle used his power as a Middlesex County judge to falsify the consent of slaves under the 1812 law. In just six months, Van Wickle approved the removal of sixty slaves, thirteen slaves for a term, and two freed blacks. Many knew of his scheme as his name and connection to the slave trading syndicate resounded far from New Jersey. The same newspaper article in New Orleans that remarked how well Jersey slaves adapted to Louisiana claimed those “who bear the mark of Judge Van Wickle” were especially well suited for plantation life.²³

Although in the documents he filed with Middlesex County Van Wickle swore he properly judged the consent of those he examined, he routinely lied to the slaves by promising them high wages in the South and a safe return to New Jersey in the future. He also ignored the law since seventeen of the sixty slaves he interviewed were under twenty-one years of age and only one had a parent available, a parent who also agreed to leave New Jersey. He then further proceeded to attack the very notion of freedom when he approved the transfer of thirteen slaves for a term. Van Wickle certified the thirteen children, ranging from six weeks of age to nine years, “as far as they could answer...declared their willingness” to remove to Louisiana; Van Wickle took the crying of a six-week-old slave for a term for approval of a life of unfreedom in the Deep South. Isaac Holmes, who vividly recounted his remembrances of the slave trade in Middlesex County, referred to Van Wickle as an “outrage on humanity,” as he blatantly failed to certify any slave’s consent and ceded all pretense of legality in the service of his own profits.²⁴

Van Wickle’s illegal actions did not stop with simple abuse of judicial power. Through his son Nicholas, Van Wickle acted as Morgan’s agent in New Jersey. As a New Jersey resident,

²³ Middlesex County Manumission Book, 217-295, NJS. Pingeon, “An Abominable Business” 17-20. *Charleston, SC City Gazette and Daily Advertiser*, August 7, 1818.

²⁴ Ibid. For Isaac Holmes quote, see Holmes, *An Account of the United States of America*, 324.

Nicholas easily bought and accumulated slaves for eventual transportation to Louisiana at the “South River Establishment,” the name newspapers gave to Van Wickle’s estate. In New Jersey’s own slave castle, Judge Van Wickle examined his son’s purchases, certified their consent to leave for Louisiana, and confined them while they waited for transportation out of the Garden State. After living under guard at the “garrison,” another term used to describe Van Wickle’s home, the slaves Nicholas bought, along with those purchased by Van Wickle allies Lewis Compton, Peter Hendry, and James Brown, boarded two ships near Perth Amboy, the *Mary Ann* and the *Thorn*. The two ships carried a total of seventy-five enslaved souls.²⁵

Loading the human cargo on board the *Mary Ann* proved difficult. Local Quaker abolitionists filed a complaint with the local customs official to attempt to stop the departure. The complaint claimed the ship’s manifest invalidly reported the cargo onboard. After the Atlantic slave trade closed in 1808, federal law required every domestic slave trading vessel to file a manifest listing the number and characteristics of slaves under transport. Compared at the end of the voyage to the beginning, the manifest ensured the slaves who began the trip ended it without any additional non-American slaves. The local customs official, dumfounded at exactly what the Quakers disputed, failed to provide proper documentation to Morgan. Bypassing the customs official in Perth Amboy, Morgan completed a manifest and received the necessary forms from the New York customs office.²⁶

The *Mary Ann* sailed from New York Harbor, according to James Elain, a passenger on board during the trip to New Orleans, at eleven o’clock in the morning March 10, 1818. Elain thought he had booked a direct voyage to New Orleans but the ship soon came to anchor off the

²⁵ Pingeon, “An Abominable Business,” 17-24.

²⁶ Ibid, 23. For more information on ship manifest requirements, see David Lightner, *Slavery and the Commerce Power: How the Struggle Against the Interstate Slave Trade Led to the Civil War* (New Haven, CT: Yale University Press, 2006), 46.

coast of Sandy Hook. As the ship sat at anchor, a smaller ship approached the *Mary Ann*. A Perth Amboy based packet vessel, the *Thorn*, had thirty-six blacks on board along with Morgan, William Lee, who commanded the *Mary Ann* during its trip to Louisiana, and several other whites. As the crew loaded the ship with the slaves and their belongings, a lookout spotted a revenue cutter headed towards them, at that point less than four miles away. Quickly, Elain said the crew moved the blacks beneath the deck and stowed their luggage with them in the ship's hold to hide those who had just joined the ship and had not listing on the manifest. Elain correctly felt the crew's quick actions and the hasty departure of the *Thorn* signaled they did not want the revenue cutter to know what had just transpired.²⁷

With the slaves in the ship's cargo hold, the revenue cutter came along side the *Mary Ann* and boarded her. Elain remembered hearing the cutter's boarding officer accuse the ship's captain of smuggling, but an inspection of the ship's manifest satisfied him that no illegal activity was in progress. He released the ship to continue on its journey towards New Orleans. Lucky for the crew of the *Mary Ann*, the revenue cutter's boarding party failed to inspect the ship from bow to stern, less they would have found thirty-six black souls hidden below. Those thirty-six included seven slaves for a term. Morgan had forced several of them to board the ship bound for New Orleans when the slaves resisted boarding the ship. Morgan even tied up and carried one man on board the ship himself. Another barely managed to get on the ship before the hatch closed behind him. Morgan and his cohort clearly realized the men and women who boarded the

²⁷ Deposition of James M. Elain, concerning the exporting of slaves, May 22, 1818 in BAH Collection, Miscellaneous Depositions, 1743-1906, NJSIA. Also see Memorandum concerning the removal of slaves from Perth Amboy, March 10, 1818, BAH Collection, Documents in Chronological Order, NJSIA.

Thorn and *Mary Ann* had no wish to leave New Jersey and certainly no longer freely consented to travel to New Orleans.²⁸

The *Thorn*, after she dropped off one shipment of slaves to the *Mary Ann*, loaded on another group of slaves from Perth Amboy and left on its own trip to New Orleans, arriving shortly after the *Mary Ann* with another thirty-nine slaves aboard. However, upon arriving in New Orleans on the *Thorn*, Morgan found the *Mary Ann* seized by customs officials for falsifications to its manifest. The captain of the ship, William Lee, stood trial in New Orleans for sailing with false documents which included lying about the ages of the slaves under his charge to the extent that port officials claimed there was no way possible his slaves matched their supposed ages and descriptions. Lee argued that Van Wickle had signed off on all the petitions and therefore the transfers had legal authority but did concede his crew had taken at least five of the slaves on board the ship by force, a clear rejection of their consent. Lee's confession that he coerced five slaves onboard differed from an anonymous letter written to a New Brunswick newspaper which accused Van Wickle of only interviewing roughly half of the blacks who supposedly consented to leave New Jersey. More than just the five resisters cited in Lee's case, Judge Van Wickle likely lied about or coerced the consent of the majority of the blacks onboard the *Mary Ann*. Despite the difference of opinion in regards to force, Lee told prosecutors that Charles Morgan, and through him Jacob Van Wickle, were the ringleaders in the entire operation. However, regardless of overwhelming evidence pointing to a shady ring of collusion

²⁸ Pingeon, "An Abominable Business" 24-26; Deposition of James M. Elain, concerning the exporting of slaves, May 22, 1818 in BAH Collection, Miscellaneous Depositions, 1743-1906, NJSA; "Flesh for Sale," pamphlet series No. 1, *Addresses Before the Eastern Division of the New Jersey Board of Proprietors* (Perth Amboy, NJ. 1942), 36-37.

and deceit, a jury of sympathetic Louisiana slaveholders, eager for more slaves to flow from the North and Upper South, found Lee not guilty.²⁹

While slave masters consistently worked to sustain the slave system in New Jersey by sales of their chattel far from abolition's reach, many New Jersey residents recognized the abuses of the system and, unlike the jurors in William Lee's trial, spoke up against it. State officials indicted Charles Morgan and several others who participated in the Middlesex slave trading ring. No New Jersey court, however, ever indicted Judge Jacob Van Wickle, the mastermind who crafted the entire process via his signature on the consent agreements. In fact, Van Wickle appeared as a key witness for the prosecution in several of the indictments. Primarily, the charges against the slave trading ring centered on the removal of the freeborn slaves for a term. According to the indictments, these "servants for a term" were too young to consent to removal out of New Jersey; essentially the trading syndicate violated the 1812 removal law.³⁰

Many New Jersey residents identified the slaves for a term's transfer as an activity outside the boundaries of acceptable levels of unfreedom. In October 1818 after the courts handed down the indictments, 103 freeholders of Middlesex County petitioned the legislature for a new law, one which prohibited the type of trading the Van Wickle cohort engaged in. The petition argued

the intention of the legislature manifestly appears to have been to abolish slavery in this state as fast as was practical and to prevent slaves and children thus born free (denoted Servants for years) from being taken without their full and free consent out of the protection of these laws by which their rights and privileges were secured. Since,

²⁹ Pingeon, "An Abominable Business," 24-26; *New Orleans Chronicle*, July 14, 1818.

³⁰ Indictment of Charles Morgan for Exporting Slaves, Subpoenas of Nicholas Van Winkle, Court of Oyer and Terminer, Middlesex County, Arrest Warrant for Lewis Compton and James Edgar, Court of Oyer and Terminer, Middlesex County, June 1818, Subpoenas, the State v. Lewis Compton, Court of Oyer and Terminer, Middlesex County, Warrant to Arrest Charles Morgan, Court of Oyer and Terminer, Middlesex County, BAH Collection, Oyer and Terminar Documents, Hunterdon and Middlesex Counties, NJSA. Also see Indictment of James Edgar for Exporting a Slave, Court of Common Pleas, Middlesex County, Indictment of Peter Hendry for exporting a slave, Court of Common Pleas, Middlesex County, and Indictments for exporting slaves, Court of Common Pleas, Middlesex County, BAH Collection, Common Pleas (Bergen-Sussex Quarter Sessions), NJSA.

however, has arrived, not contemplated by the people of this State, when the restraint imposed by the legislature are insufficient to guard against the proceedings of persons whose thirst for gain and disregard the law of God and Man.³¹

With this language, the petitioners felt the slave trading syndicate violated the true intention of the Gradual Abolition Act. The petitioners demanded the legislature defend the “servants for years” and prevent slavery’s continuation by proxy in other jurisdictions. Citing “the high prices of the producer of the Southern States” because of the “prohibition by the United States of the slave trade from Africa,” they argued that New Jersey needed to act to stop the power of the market and prevent Jersey slaves from filling the demand for slaves in Louisiana, Mississippi, and Alabama.³²

Like the petition to the state legislature, other calls printed in New Jersey newspapers begged the state to take action to preserve the liberty and freedom of the freeborn slaves for a term. James Wilson, one of New Jersey’s United States Senators, even introduced a law in Congress to prohibit the interstate slave trade if “by the laws of such state, such transportation is prohibited.” In his support for the law, Wilson contended that “the traffic in slaves and servants of color had been carried on to considerable extent from the state of New Jersey and under color of this traffic, it was believed many free persons, or who were soon to become free, had been consigned to slavery for life.” Wilson’s argument highlighted that New Jersey leaders realized a significant loophole existed which while it allowed for the destruction of the state’s slave system (since it removed the slaves from the state), it never allowed for actual emancipation to occur as the slaves simply migrated to the South. Wilson’s bill in Congress ultimately soured Southern representatives as they became more interested in new sources of slave labor from the Upper

³¹ Petition of the Inhabitants of Middlesex County to the New Jersey Legislature opposing the transportation of slaves from New Jersey, October 28, 1818, BAH Collection, Legislative Records, 1811-1934, NJSIA.

³² Ibid.

South and from the North. They voted to not cut off their supply lines or strengthen the federal government's ability to regulate the internal slave trade.³³

In response to the public outcry against the internal slave trade, the New Jersey legislature passed a revised law on November 5, 1818 which, while it continued to require an individual slave's consent for removal, limited who could sell a slave out of state. The new law stipulated that in order for a slave to legally consent, their master had to live in New Jersey for a period of five years before they wished the slave to leave. The new law also prohibited the sale of slaves out of state or assignment to non-resident masters. With this new law, someone like Charles Morgan, who bought a slave and then a few days later attempted to remove him, could not legally transport him out of state. As a concession to support property rights, the legislature reaffirmed its commitment to protect non-resident slaves visiting the state from any form of abolition. The 1818 law, like the previous 1812 and 1798 laws, exempted visiting and transient slaves from both gradual abolition as well as the new slave trading ordinances. In this respect, the state legislature firmly took a stand in abolition's defense when it ensured New Jersey slaves and slaves for a term could not be exported out of state while it limited abolition to only Jersey-born or Jersey-resident blacks. Although far from free soil to its own slaves, state law specifically prevented any slave from another state to ever benefit from the gradual abolition law.³⁴

The outcry at the sale of these young slaves for a term to the Deep South channeled a fervent desire of many New Jerseyans to imagine themselves as distinct from the South. Just as they had done in the period between the Revolution and 1804, New Jerseyans firmly wanted to

³³ *Washington Whig*, August 31, 1818 and Newark *Centinel of Freedom*, December 29, 1818.

³⁴ An Act to Prohibit the Exportation of Slaves or Servants of Color Out of this State, November 5, 1818, *Acts* 43rd General Assembly, 3-6. Finkelman, *Imperfect Union*, 76. Also see 42-44 for similar restrictions in place in Connecticut and Rhode Island.

believe blacks in the Garden State had a chance at freedom. Hiding behind the mantra of property rights, New Jerseyans ignored the extension of slavery through the slaves for a term suffered but stood up to attack the wholesale exportation of children qualified for eventual freedom. The public nature of the debate over the Middlesex slave trading ring became too much for them to ignore. Just as Joanne Pope Melish argued for New England, the slave trade in the 1780s directed abolitionist thought to the most vile and sinful image of slavery instead of at the condition of slaves in their own towns and cities. The same happened in late 1810s New Jersey when those who pressured the legislature to impose strict limits on slave trading only did so when they could no longer ignore it; they did not become strict proponents of abolition since they lived so desensitized to the unfreedom they saw on such a routine basis that they never bothered to take notice of the plight domestic slaves lived in.³⁵

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As the legislature debated the 1818 law and it seemed likely to pass, John Marsh, the Rahway native turned Louisiana planter who desperately needed slaves for his new sugar plantation, began buying slaves before the opportunity to purchase them at cut-rate prices escaped him. Marsh and Stone's agents, among them William Compton and William Raburgh, bought several slaves for Marsh's estate in the last days of October before the legislature passed the stricter 1818 law. In addition to the slaves, the two men secured indentures from at least eleven blacks from New York City who agreed to serve in Louisiana for terms varying from three to five years for thirty to fifty dollars a year.³⁶ Compton noticed the outpouring of public sentiment against the slave trade and therefore decided a ship might cause too much attention to their plan. Instead, he traveled overland to Louisiana after he had his slave coffle "examined" by

³⁵ Melish, *Disowning Slavery*, 52-53.

³⁶ Malone, *Sweet Chariot*, 101. The indentures of these blacks can be found in the Avery Papers, Southern Historical Collection, University of North Carolina Chapel Hill (hereafter cited as SHC).

Judge Van Wickle. Compton left Perth Amboy on October 25 with four slaves in tow while two other agents of Marsh and Stone traveled with four of their own slaves in the same group. The coffle of eight slaves crossed the Pennsylvania border where authorities at Reading arrested them and took the slaves into custody. They suspected, as the *New Jersey Journal* reported, “that these poor, innocent sons of Africa, whose only crime is that of being black, were purchased in New Jersey, with an intention of being conveyed to the South.”³⁷

Like Pennsylvania, other states gave gangs of slaves heightened scrutiny as they looked for slaves who traveled from New Jersey destined for the Southwest. In Leesburg, Virginia, the *Genius of Liberty* alerted readers that “human beings entitled by the laws of our country to their freedom” might soon come into the area, controlled by “monsters that infest society, called soul drivers” who would parade these free blacks “manacled and groaning under the chains of oppression.”³⁸ Similarly, Virginia’s *Alexandria Gazette* told readers to closely “examine every drove of slaves passing through the state, and when this drove from New Jersey is discovered, effectual means will be taken to secure to them their rights, and to bring the villains who have kidnapped them to justice.”³⁹ Indeed, at the same time Compton’s slaves crossed the border, the Pennsylvania Abolition Society had been working to stop the illegal importation of slaves into the United States from foreign sources and therefore looked to this local incident as another indication that the work of abolition had not ended with gradual abolition.⁴⁰

The heightened interest in keeping New Jersey slaves in New Jersey resulted in Compton’s conviction in Lebanon, Pennsylvania of “unlawfully detaining blacks, men and

³⁷ *New Jersey Journal*, December 1, 1818; William Stone to John Marsh, December 10, 1818, Avery Papers, SHC.

³⁸ Leesburg, Virginia *Genius of Liberty*, November 24, 1818.

³⁹ *Alexandria Gazette*, November 14, 1818.

⁴⁰ Pennsylvania Society for Promoting the Abolition of Slavery to the American Convention for Promoting the Abolition of Slavery to be Assembled in Philadelphia, December 10, 1818, Papers of the Pennsylvania Abolition Society, Library Company of Philadelphia (hereafter cited as LCP).

women whom he had brought out of the state of New Jersey, after the passage of the late law, for the purpose of exporting them to Louisiana and Mississippi.”⁴¹ The Pennsylvania judge freed all of the slaves and thought he ensured their protection when he handed them over to two members of the Pennsylvania Abolition Society, William Wayne and Thomas Shipley. Unwilling to give up on his slave cargo, Compton traveled to Philadelphia and attempted to imprison the slaves once again only to be arrested by Philadelphia authorities for false imprisonment. Pennsylvania authorities transferred the now emancipated blacks back to New Jersey, but Compton once again pursued them and filed suit in New Jersey to reclaim them. Compton argued that since he had gained consent for the slaves’ transfer out of New Jersey before the 1818 law went into effect, his cargo should not be subject to that law. Eventually Compton’s persistence won out and the New Jersey courts re-enslaved the four blacks and handed them back to Compton. He transported them as slaves to Marsh’s Louisiana plantation where they served for the rest of their lives. Despite the law to solve the very problems caused by Compton and his cohort, both New Jersey and Pennsylvania justices allowed slave traders to circumnavigate the law and remove slaves who should have died in New Jersey as the last generation.⁴²

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William Raburgh, a soul dealer from Alabama, traveled along on Compton’s Pennsylvania expedition.⁴³ An agent for Marsh and Stone, he participated in not only the Louisiana trade but a separate one between New Jersey and Alabama. Like Compton, Raburgh bought slaves primarily from Somerset County for transport to the “Heart of Dixie” in the last few weeks before the stricter 1818 law went into effect. Raburgh purchased ten slaves and one

⁴¹ Newark *Centinel of Freedom*, December 15, 1818.

⁴² Minute Book, December 3, 1818, Papers of the Pennsylvania Abolition Society, LCP; *Genius of Liberty*, December 8, 1818; Pingeon, “An Abominable Business,” 28; Malone, *Sweet Chariot*, 99-103; William Stone to John Marsh, December 10, 1818, Avery Papers, SHC.

⁴³ There are several spellings for his last name, including: Raburgh, Raborg, Raborgh, Rayboy, and Rayburgh.

slave for a term from eight different owners, including one from his criminal partner, Lewis Compton. Raburgh set out from Somerville at the beginning of November 1818 with four slaves in tow bound for the South on the same route as Compton took into Pennsylvania. Like his fellow dealer, Pennsylvania authorities apprehended him near Reading and transported him and his slave coffle to Lebanon for trial. Pennsylvania authorities seized Raburgh's slaves along with Compton's and granted them all their freedom.⁴⁴

Raburgh followed Compton's lead and pursued his slaves back to New Jersey. The *Centinel of Freedom* warned: "we understand that Rayburgh, the noted Alabama dealer in human flesh, has returned to this state since he was dispossessed of his prey in Pennsylvania and has had the address again to seize three of the poor blacks and confine them in jail at Somerville."⁴⁵ Raburgh, arrested in Somerville and held on \$3000 bail, successfully defended both himself and defeated a habeas corpus petition filed on behalf of at least two of the slaves, Walter Wilson and his wife Jane. He, like Compton, reclaimed all four slaves lost in Pennsylvania, acquired legal title to them, and confined them in the New Brunswick jail until he could determine how he could most effectively extract them from New Jersey. With his identity already broadcast in the state's leading newspaper, Raburgh altered his original plan and opted for sea travel. He transported all four slaves on the sloop *Lydia* to New York harbor where he intended to travel with the group to Alabama by ship. In New York City, one of the slaves he managed to reclaim, twenty-one year old slave for life Jane Wilson, sued Raburgh in an attempt to gain her freedom.⁴⁶

⁴⁴ Malone, *Sweet Chariot*, 99-103, Newark *Centinel of Freedom*, December 15, 1818.

⁴⁵ Newark *Centinel of Freedom*, December 22, 1818.

⁴⁶ Malone, *Sweet Chariot*, 99-103, Newark *Centinel of Freedom*, December 15, 1818. Also see *New York City Hall Reporter*, Volume IV, No. 4, April 1819. For failed habeas corpus case in Somerville, see Supreme Court Case File 37799 (NJ v. William Raboy, February 1819), NJSA.

Jane Wilson, born in 1797, lived with her master William Skillman in Hunterdon County before Thomas Logan, a Bridgewater farmer bought her. Logan agreed to sell Jane, along with thirty-three year old Walter and twenty-one year old Hannah, to Raburgh, knowing that he intended to transport them to Alabama. Moved to Pennsylvania, given freedom, and then enslaved yet again in New Jersey, Jane Wilson ended up Raburgh's slave in New York City. Raburgh realized he needed to establish just cause for holding Jane and the other slaves since their exportation might be seen as illegal under New York's slave trade restrictions. He appeared before United States Supreme Court Justice Henry Brockholst Livingston, then riding circuit in New York State, and argued that Jane was a runaway slave and under the federal fugitive slave law, he required a certificate to certify her status as a runaway in order to transport her back to New Jersey. Livingston, who seemingly did not know or did not care that Raburgh intended to take Wilson to Alabama, issued a writ that entitled Raburgh to transport Wilson out of New York as a fugitive slave.⁴⁷

The New York Manumission Society learned of Jane Wilson's case and in March 1819, applied to Cadwallader David Colden, mayor of New York City, to issue a writ of habeas corpus on her behalf. In April 1819, Raburgh appeared with Wilson to answer the writ and defend his right to take her with him out of New York. Raburgh contended that Justice Livingston's certification "was conclusive on the subject and ought to preclude all further inquiry" and rested a large portion of his case on the certificate's entitlement to move Wilson anywhere he wanted. Additionally, Raburgh argued that the 1818 New Jersey law did not apply to Wilson since he acquired permission to remove her to Alabama on November 2, three days before the legislature passed the stricter 1818 law. Raburgh concluded that even if he did not take her out of New

⁴⁷ *New York City Hall Reporter*, Volume IV, No. 4, April 1819. For more on the 1793 Fugitive Slave Law, see Lightner, *Slavery and the Commerce Power*, 40-41.

Jersey and into Pennsylvania until November 7, two days after the effective date of the law, the 1812 law should control Jane Wilson's removal since he had initiated the removal process on November 2 under the less stringent regulation.⁴⁸

Colden disagreed and instead favored the approach of the Manumission Society which concluded that since Jane Wilson left New Jersey after November 5, 1818, she should be free, as the 1818 law stated. Colden rebutted Raburgh's argument on the superiority of Livingston's certificate when he claimed that a decision by one magistrate without the benefit of a jury, despite his high status, could not be conclusive. Colden wrote:

the more I reflect on that decision, the more I am induced to believe it is right. I am persuaded that the Congress of the United States could not, even if they had so intended, either consistently with the Constitution of the United States, or with any principles of civil liberty, leave to a single magistrate, who may be the very lowest in the United States, without jury, and indeed, without trial, to decide finally whether I may be dragged from my family and home upon the claim of one who may pretend a right to my services.⁴⁹

With this statement, Colden suggested, although not firmly, that Raburgh lied or misrepresented himself to Livingston to gain the certificate, which was true. More importantly, Colden attacked the very nature of Northern fugitive slave laws. His argument assailed the federal system which did not require a jury or more than the decision of a single judge. Colden put himself at the center of the ongoing debate over the role of the Northern states in returning fugitive slaves to the South and the right of the federal judiciary to summarily decide if a slave could be considered a fugitive. Angered by Raburgh's claim over Wilson, Colden contended that no

⁴⁸ Ibid. Quote from page 48. Also see Jacob Wheeler, *Reports of Criminal Law Cases with Notes and References Containing also a View of the Criminal Laws of the United States*. (Albany, NY: Banks and Gould, 1851), preface.

⁴⁹ *New York City Hall Reporter*, Volume IV, No. 4, April 1819, 50.

single magistrate had any right to decide on issues related to slaves especially when that decision resulted in a lifetime sentence of bondage.⁵⁰

In the end, Colden decided the 1818 law controlled all acts by New Jersey slave owners after the effective date of the legislation, that is, Jane Wilson, since Raburgh removed her from New Jersey after November 5, 1818, should be free as freedom was the appropriate legal remedy for illegal sales out of New Jersey. He ordered her taken to “any place in the city where she think she will be secure” and gave her the ability to start a new life as a New York free black instead of a slave for life in Alabama. Thomas Shipley, the treasurer of the Pennsylvania Abolition Society who had rescued her from bondage in Reading, proclaimed after he heard Colden’s verdict: “You could not have afforded me greater pleasure (than news of) poor Jane and her children’s triumph over such a base and villainous scoundrel.”⁵¹ The participation of the New York Manumission Society was perhaps the greatest reason for Wilson’s successful lawsuit. Their advocacy in her case definitely separated her from the majority of other New Jersey blacks who experienced abolition’s failures. Additionally, Colden’s position as president of the New York Manumission Society most likely did not hurt Wilson’s chances for freedom either.⁵²

Although New York eventually freed Jane Wilson, New Jersey courts failed to take seriously the issue of slave freedom. Despite the public outcry that pushed the successful passage of the stricter anti-slave trading law in 1818, no court ever convicted any of the members

⁵⁰ Ibid. It is interesting to note that although Colden attacked the nature of the fugitive slave law, he himself is a single judge deciding the fate of Wilson. He quickly claimed that he is not the final decider in the case of Wilson, claiming that Raburgh could try to appeal his decision and gain additional avenues towards regaining his property.

⁵¹ Nicholas Slabey to Thomas Shipley, October 22, 1819, Papers of the Pennsylvania Abolition Society, LCP.

⁵² *New York City Hall Reporter*, Volume IV, No. 4, April 1819, 50. Raburgh objected to Colden deciding the case based on his position as President of the Manumission Society. Colden rebuffed this objection by claiming “the objects for which the society was instituted appeared to the common cause of humanity and the duties incumbent on its members were such as every member of the community, whether belonging to the society or not, were morally bound to perform.”

of the Van Wickle slave trading ring for any violation of the 1812 law. Most of them lived safely out of justice's reach in Louisiana. Lewis Compton went to trial for the removal of one slave by force, the removal an infant slave for a term without proper consent, and for the removal of the four slaves to Pennsylvania. Prosecutors dropped charges in one case and a New Jersey jury found him not guilty on the remainder. Juries also found two other co-conspirators not guilty of any crime. An anonymous writer, calling himself "Humanity," wrote in a letter to Senator James Wilson that was published in the Trenton *True American* claiming that the "vast profits they realize (from the trade)...enable them to employ or retain the first counsels and attorneys in the state. By their money and through their connections, they can obtain" license do what they please without fear of prosecution. Humanity complained that "such a combination of numbers, wealth, and influence" outstripped any effort to punish them for their crimes.⁵³

However, all slaves exported to the South did not share the same fate. Northerners took on the search for wrongly transported slaves in earnest after the interstate slave trade between North and South ended. In December 1818, just as the trade slowed in New Jersey, a group of Virginians discovered several kidnapped black children taken from New York intended to be sold into slavery. The children, one of whom was the son of a free black woman, quickly returned to their Northern masters safe from Southern slavery. Likewise, *Freedom's Journal*, the country's first African-American newspaper based in New York City, published an 1828 article which announced the return of a local constable after a three month trip through Louisiana and Mississippi. His mission attempted to retrieve children sold south into slavery. Despite his best efforts, High Constable Garragues only brought home two boys, fifteen-year-old James Dailley and seventeen-year-old Ephraim Lawrence. Dailley's owner, originally from Woodbury, New

⁵³ *Trenton True American* article as reprinted in *Washington Whig*, August 31, 1818. Also see Pingeon, "An Abominable Business," 27.

Jersey, sold him to Patrick Pickard who took him and several others down the Ohio and Mississippi Rivers to Louisiana, where Pickard sold him to a local planter with the pretense that Dailley grew up in Virginia. Upon his return to New York, Dailley suffered from “a miserable state of health, from sickness and from the effects of repeated acts of cruelty and inhumanity” from which he was not expected to recover. Seventeen-year old Lawrence, on the other hand, did not have any physical defects from his trials in the South. Both prepared to give testimony in the case of Henry Carr, the man who kidnapped them, but Carr died in prison awaiting trial for his removal of these two freeborn children.⁵⁴

These types of kidnappings did not stop despite the newly enhanced laws against the slave trade. Many Northern blacks, free and slave, feared that kidnappers from the South would take them and sell them into the growing economy of the Southwest. In 1816, the Richard Mott, a Quaker anti-slavery activist from New York, lamented that “the abominable practice of kidnapping” had been routinely engaged in both in Delaware and Philadelphia. He claimed Boston officials routinely and openly allowing smuggled slaves from Africa make their way south to Georgia, Alabama, and Mississippi. In New Jersey, police arrested Andrew O’Conner in 1828 on charges that he kidnapped a slave for a term from Newark. Although police ultimately released O’Conner, they firmly believed several freeborn children had been kidnapped and taken from Newark, possibly to the South. Philadelphia witnessed a similar event in 1827. Authorities charged John Purned of Maryland with the abduction of free black children and their sale as slaves, another indicator that slaves for a term lived in a world where the line between

⁵⁴ Newark *Centinel of Freedom*, December 22, 1818 and *Freedom’s Journal*, January 18, 1828.

slavery and freedom ultimately rested in their ability to stay within the bounds of abolition's jurisdiction.⁵⁵

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The Louisiana slave trade, although the largest, did not account for all blacks who headed south during the abolition period. New Jersey slaves traveled against their will to several other Southern states in addition to Louisiana. Molly, a twenty-eight-year-old slave for life, left New Jersey for a term of ten years after being sold by her owner, Henry Van Pelt, to John Monfort of Georgia. Molly's slave for a term children, four-year-old Aaron and one-year-old Theodore, accompanied Molly as she agreed they would serve Monfort until their twenty-fifth birthdays, although whether they actually got their freedom once in Georgia remains unknown. Like Molly, Hannah, a slave of Joseph Quimby of Westfield, agreed in 1817, "not constrained by fear or threats to express her consent" to accompany her new master, a Savannah businessman, to his home in Georgia. Likewise, Hannah Green of Middlesex County agreed to be sold to Virginia as long as her new owner, James Cook, agreed to purchase and take along her four-year old slave for a term child, Rebecca Ann, who belonged to a Monmouth County slaveholder. In Hannah Green's instance, although her purchase by Cook pledged her to remove to the slave state of Virginia, it reunited her with her child and therefore solidified a family instead of breaking it apart as the exportation of slaves from the Garden State usually did.⁵⁶

Far different from the "voluntary" removals of slaves to other states, another set of removals assisted New Jersey's criminal justice system in expelling troublesome slaves from the

⁵⁵ John Cox to Richard Mott, December 14, 1816, HCQC. Also see *A Memorial of Purchase Monthly Meeting, concerning Richard Mott, deceased*, (New York: SS&W Wood, 1857), 14, 20-21. *Freedom's Journal*, August 8, 1828 and June 8, 1827. For previous attempts to kidnap freed blacks from the North, see Lightner, *Slavery and the Commerce Power*, 41-13 and Leslie Alexander, *African or American?: Black Identity and Political Activism in New York City, 1784-1861* (Chicago: University of Chicago, 2008), 34-35.

⁵⁶ Somerset County Manumission Book; Essex County Manumission Book, 10-11; Middlesex County Manumission Book, 271, NJSA.

state. In 1801, freeholders of Bergen County begged the state legislature to pass a law to “prevent or punish such flagitious acts” committed by slaves “and thereby protect the lives and property of your fellow citizens from the dangers they are now exposed to.” Specifically, the Bergen contingent decried “the many atrocities, acts of burglary, arson, robbery, and larceny which have been committed by slaves in this county and this frequent running away from masters who have treated them with the grateful humanity and indulgence.”⁵⁷ Three months later, the petitioners got their wish. The legislature passed a law that allowed state courts to send slaves out of the state if they committed arson, burglary, rape, highway robbery, or violent assault and battery with intent to commit murder. Catharine Mervit, one such slave who faced sale out of the state, stood trial in 1810 for murder in New Brunswick. After hearing the case, the Middlesex County Court rejected the murder charge and instead sentenced Catharine to three years of hard labor for the lesser crime of manslaughter. Hendrick Smock, Catharine’s owner, pleaded with the state legislature to release her from jail and allow him to sell her out of the state in order for him to recoup the loss of money he suffered from her incarceration. Smock believed “that this will equally answer the end of justice and at the same time enable him to receive the same satisfaction for his property.”⁵⁸ In the end, the legislature denied his request, citing the 1801 law which did not allow slaves convicted of manslaughter to be removed from New Jersey. Although it remains unclear as to how many slaves the criminal courts expelled from the state, the existence of this type of regulation highlighted New Jersey’s lack of commitment to ensure a true emancipation of slavery.



⁵⁷ Petitions of the Freeholders and Inhabitants of Bergen County to the Legislative Council and General Assembly Concerning the Crimes Committed by Slaves, January 30, 1801. Department of State, Secretary of State AM Papers, NJSIA.

⁵⁸ Petition of Hendrick Smock to the Governor and Legislative Council, Requesting a Pardon for His Slave, Catharine Mervit and related Papers, May 1811 in Department of State, Secretary of State AM Papers, NJSIA.

Economists Robert Fogel and Stanley Engerman first looked at the sale of slaves from North to South and argued that since the total black population in New Jersey did not grow at a rate similar to the decline of slaves between 1810 and 1820, a large number of slaves had to have been shipped out of state and therefore out of reach of census enumerators. Indeed, Fogel and Engerman contended that after 1811 when compensation payments to owners of slaves for a term ended, masters took advantage of the increase in prices caused by the rising demand in the South and the closing of the Atlantic trade by selling their chattel to Louisiana or Mississippi.⁵⁹

Historian Graham Hodges disputes the economists' conclusion and asserts that census data showed masters freed the very young and the aged while the prime field hands needed in Louisiana had been retained by New Jersey farmers. His data on 1820 Monmouth County bolstered his argument, since in the age bracket fourteen to twenty-six, the prime targets of slave traders, slaves outnumbered free blacks by almost three to one. However, by 1830, free blacks outnumbered slaves 262 to 97 in that same age population (now the twenty-four to thirty-six age bracket). This expansion over time suggests that slave owners freed these prime aged slaves or could have sold them away more often than Hodges admits.⁶⁰

Fogel and Engerman argued that a differential between the growth of the total black population and the decline of the slave population suggested that many slaves left New Jersey for the South. However, instead of only the movement between New Jersey and the South, we also should consider the migration of free blacks from New Jersey to other locations in the North. The movement of New Jersey slaves to New York and Pennsylvania (discussed in depth in the next two chapters), should account for any discrepancies if Fogel and Engerman incorrectly identified the extent of the Northern interstate slave trade. The addition of statistics from New

⁵⁹ Fogel and Engerman, "Philanthropy at Bargain Prices," 392-393.

⁶⁰ Hodges, *Slavery and Freedom in the Rural North*, 150, 160, 162.

Jersey, New York, Pennsylvania, and Connecticut, as table 4.2 illustrates, indicated that the complete region surrounding New Jersey did suffer a mild stagnation in black population growth.

Table 4.1: Rates of Growth of New Jersey Black Population, 1800-1830

Census Year	Total Free and Slave Population	Percent Increase per decade	Total Slave Population	Percent Decrease per decade
1800	16,824	n/a	12,422	n/a
1810	18,694	+11%	10,851	-12.6%
1820	20,017	+7%	7,557	-30%
1830	20,557	+2.7%	2,254	-70%

Table 4.2: Rates of Growth of Black Population, 1800-1830 in New Jersey, New York, Pennsylvania, and Connecticut

Census Year	Total Free and Slave Population	Percent Increase per decade	Total Slave Population	Percent Decrease per decade
1800	70,362	n/a	35,692	n/a
1810	89,094	+26.2%	26,973	-24.4%
1820	97,764	+9.73%	17,953	-33.4%
1830	111,907	+14.5%	2,757	-84.6%

The growth of total black population across the region stayed fairly consistent with the decline of the slave population. Between 1810 and 1820, when the slave population significantly decreased (by 9,020 slaves), the increase in the total black population amounted to 8,670, a difference of 350. This number does not account for the natural increase in the population over that ten year period. Like Fogel and Engerman's argument, these census figures suggest that a number of slaves left the North due to the internal slave trade. Of course, it is difficult to fully determine the extent of the internal slave trade from North to South. Only 121 petitions to remove slaves from New Jersey remain for the period between 1810 and 1820. Most likely there were many more since no petitions remain from Bergen County, the largest slaveholding county in the state. Indeed, many more slaves presumably left the North without fanfare or official license and therefore left no records.⁶¹

⁶¹ Fogel and Engerman, "Philanthropy at Bargain Prices," 392-393; Hodges, *Slavery and Freedom in the Rural North*, 212; White, *Somewhat More Independent*, 152-155. See Menschel "Abolition Without Deliverance: The Law of Connecticut Slavery 1784-1848" for a discussion of similar issues in Connecticut.

Fogel and Engerman, however, relied on raw census figures which depend on cloudy assumptions of slavery and freedom as interpreted by the local census enumerators. These assumptions impair our ability to quantify the numbers of men and women sent south. No clear rule existed on how to classify the freeborn slaves for a term. With uncertain instructions given to census enumerators, the census figures themselves do not accurately measure the process abolition took in New Jersey. Between 1806 and 1820, 2,294 slaves for a term were born in the nine of the state's thirteen counties with surviving records. These slaves for a term should have been classified in the 1820 census as free blacks under the age of fourteen years. Since these children did not legally exist as slaves, the census should have recorded that no slaves lived in New Jersey by 1820. However, the census recorded 1,452 slaves under the age of fourteen and another 6,421 free blacks of the same age. With this realization, not all of the slaves Fogel and Engerman counted in their estimates using the raw census data were not actually slaves at all. Many of them lived as slaves for a term. Some census enumerators recorded these freeborn blacks as slaves and others as free blacks which confirmed their largely unknown and indeterminate status.⁶²

A key example of this confusion rests in the family of Ann and Rufus Johnson, the same family who exemplified how slaves for a term extended the institution of slavery in the last chapter. Ann and Rufus, freed by Hannah Thomson in Hardwick in Warren County in 1828, had four children, all slaves for a term. Two years after the couple's manumission, the 1830 census showed Thomson's household consisted of six whites and eight blacks, five of them slaves.

⁶² Fogel and Engerman, "Philanthropy at Bargain Prices," 392-393.

Table 4.3: Rufus and Ann Johnson Family

Name	Age in 1830	Future year of Freedom
Rufus	41	n/a
Ann	40	n/a
George	11	1844
Mary	9	1842
David	7	1848
Matilda	5	1846

Of course, this joint household with eight blacks included more than the six members of the Johnson family. However, the 1830 records indicated that Thomson had five slaves and three free black men living in her household as indicated in table 4.4.

Table 4.4: 1830 Census Record of Blacks in Hannah Thomson's Household

1830 Census Record	Possible Name
Slave Male, 36-54	Rufus
Slave Female, 36-55	Ann
Slave Female, under 10	Mary
Slave Female, under 10	Matilda
Slave Female, 10-34	Unknown
Free Black Male, under 10	George
Free Black Male, under 10	David
Free Black male, 24-36	Unknown

It remains unclear as to why the census enumerator listed the female slaves for a term as slaves and the males as free or why he continued to list Ann and Rufus as slaves even though they gained legal freedom two years earlier. Living with their former master and their slave for a term children in the same household did not change their everyday living arrangements after freedom, but their legal status still should have been recorded as free.⁶³

Fogel and Engerman's central thesis then is confirmed. Slaveholders in New Jersey sold their slaves to the South in the waning years of Northern slavery. However, to more adequately understand this forced migration, we should recognize the inherent weaknesses in census date for

⁶³ For Manumission and Registration Documents for Ann and Rufus Johnson family, see Johnson Family Records, Anderson Family Papers, NJHS. Also see 1830 Census Schedule, Hardwick Township, Warren County, New Jersey, 440.

Northern black communities in the era of abolition. From the macro perspective, we should temper use of census data with the realization that its binary treatment of free versus enslaved missed the nuisances of life in early national America.

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Transport out of New Jersey defied the spirit of the 1804 Gradual Abolition Act. The popularity of the slave trade affirmed that New Jersey slaveholders had invested large sums of money in a legal form of property and they consistently wished to defend themselves against how the Gradual Abolition Act would affect their investments. Owners tried every conceivable way to limit the losses they knew abolition would cause them. This elongated end to slavery through continued enslavement or intrastate sale of slaves for a term allowed slaveholders to recoup at least a minimum amount of their losses. However, to make the profits they understood were possible when they originally purchased their slaves, sales to the South could be the only answer. It was in this reasoning that greed or financial necessity drowned out the work of abolitionists in the state and caused slaveholders to sell their chattel to men like Compton, Van Wickle, or Raburgh.

That non-slaveholders cried out against the sales of slaves and slaves for a term while they remained silent on the continued enslavement and sales of slaves in their own state owed to their lack of understanding to the forms of unfreedom around them. Whether bound by a state slave code, an indentured service contract, a redemptioner agreement, or simply as a poor white man, many in New Jersey could not accurately see the differences between what constituted slave and free.

CHAPTER 5

THE CHANGING FACE OF SLAVERY IN THE ABOLITION PERIOD

On July 22, 1811, Jonathan Skinner walked out of his home and into the streets of Newark to quell the “noisy and riotous” blacks. As a representative of the town charged with restoring order, several African Americans “knocked him down and left him senseless in the public highway.” Upon hearing of the attack against Skinner, a group of white Newarkers assembled the next day to find those responsible and punish them. The white mob made open war on the black community. It destroyed the home of one freedman and considerably damaged another. In the melee of revenge, the white rabble destroyed the furniture, beds, and looted several homes’ valuables which included a large quantity of playing cards, proof, the white mob claimed, that the original commotion on July 22 involved both enslaved and free blacks who consorted together and engaged in games of ill repute.¹

The attack against Skinner and the response by the white mob vividly illustrated the tension-ridden relationship between blacks and whites in the early national North. While the 1804 Gradual Abolition Act began the process of freedom for younger African Americans, those born before the law went into effect remained slaves. They had to navigate a sea of racism where they frequently found hardy resistance to freedom from their white neighbors. While the main theatre in the battle over slavery and freedom involved the younger slaves for a term, an almost equally important battleground subsumed those slaves untouched by the 1804 law. In the period when New Jerseyans struggled with their definition of freedom, those already enslaved

¹ *New Jersey Journal*, July 30, 1811.

blacks became key players to define the role African Americans would play in the waning years of the state's slave republic.

Historian Leslie Harris argues that slaves saw Northern gradual abolition laws as a signal whites had begun to recognize that the umbrella of freedom should cross the color line and include African Americans. However, in a society where slaveholders at the same moment sold their chattel to distant ports on the Mississippi and evaded the registration process of slaves for a term, the gradual abolition law in the period after 1804 represented not a new birth of freedom but a continuation of the legacy of unfreedom which controlled American life in the early national period. In 1800, on the eve of gradual abolition, over 12,000 men, women, and children lived as slaves in New Jersey. 1804 represented not a change to their status but a continuation of an age-old tradition of bondage.²

Life for African Americans became increasingly complicated since they now lived in a society with multiple gradations of freedom and unfreedom. The classic historical narrative of the formation of free black community in the North fails to notice thousands of quasi-free African American children born free under the law or the complicated process thousands of slaves went through to gain their legal freedom via manumission. To this point, historians have largely seen the 1804 Gradual Abolition Act not as an elongated story of abolition but as a quick transition from enslaved to free labor. Yet enslaved blacks lived alongside free blacks and slaves for a term for decades in all Northern states. The pivotal years of the abolition period, the years after 1804, created not a quick but a complex process to freedom, one where many masters attempted to continue a slave system in the North for as long as possible.

² Harris, *In the Shadow of Slavery*, 73. In 1800, 12,422 slaves lived in New Jersey while its total population totaled 211,149. Thus, 5.9% of the state's population was slave. In 1800, 3.5% of New York's population lived as slaves, while 9.6% of Delaware's, 0.6% of Rhode Island's, 0.4% of Connecticut's, and 0.3% of Pennsylvania's population lived as slaves. Therefore, at the dawn of the nineteenth century, New Jersey had the largest proportion of slaves in the North though fairly close to Delaware's.

This chapter examines those African Americans untouched by the Gradual Abolition Act, the slaves. It argues against the view that gradual abolition represented a boon to slaves and spurred on a quick transition to freedom. Antebellum Northern blacks struggled to gain legal emancipation from their uninterested and steadfastly opposed masters. It was not a time when whites realized the error of their ways and sought to make amends. Many African Americans took matters into their own hands and rebelled against their masters who sought to continue the legacy of unfreedom so common in New Jersey society. By attacks against their masters' body and property or by stealing themselves, African Americans understood the limits of the gradual abolition law and signaled to slaveholders that the system of slavery in the Garden State had to change. Manumission, one of the ways by which slavery in New Jersey changed in the abolition period, frequently did not bring immediate freedom but functioned as a way for slaveholders to quell their slaves long enough to extract as much labor and service as possible before they begrudgingly removed their bonds. The changes in slave life in the abolition period did not bring about a firm commitment to destroy the system of slavery in the Garden State but instead created a complex labor and social system to ensure slaveholders could extract the maximum amount of capital from their slaves even as gradual abolition trumped the idea of black freedom.³



³ Works detailing black life in the abolition period include Leonard Curry, *The Free Black in Urban America, 1800-1850* (Chicago: University of Chicago Press, 1981), James Horton, *Free People of Color: Inside the African American Community* (Washington: Smithsonian Institution Press, 1993), Leon Litwack, *North of Slavery: the Negro in the Free States*, (Chicago: University of Chicago Press, 1961), Elizabeth Bethel, *The Roots of African-American Identity: Memory and History in Free Antebellum Communities* (New York: Saint Martin's Press, 1997), Ira Berlin, *Slaves without Masters: The Free Negro in the Antebellum South* (New York: Vintage Books, 1974), Berlin, *Many Thousands Gone*, Harry Reed, *Platform for Change: The Foundations of the Northern Free Black Community, 1775-1865* (East Lansing, MI: Michigan State University Press, 1994), Robert Harris, *The Free Black Response to American Racism, 1790-1863* (PhD Dissertation, Northwestern University, 1974), White, *Somewhat More Independent*, Harris, *In the Shadow of Slavery*, Hodges, *Slavery and Freedom in the Rural North*, Hodges, *Root and Branch*, Hodges, *Slavery, Freedom, and Culture* and Fishman, *The African American Struggle for Freedom and Equality*.

The 1804 Gradual Abolition Act did not alter the relationship long solidified by legal code between master and slave. The system of slavery and its inherent harshness continued unabated. In 1808, four years after gradual abolition had begun, Cato, a slave of Abraham Cooper of Chester in Morris County, never felt the freedom so many historians have credited 1804 law with when Cooper severely beat him nearly to death. Like Cato, thirty-five-year old Benjamin, a slave of Robert Shaw of Sussex County, certainly did not see any abatement in his condition when Shaw sold him in 1819 for three hundred dollars. Nor did Abby, a twenty-nine-year-old slave, her husband Jack, and their two slave for a term children when Isaac Williamson, the governor of New Jersey, bought all four in 1826.⁴

On the surface, the above cases highlight the continuation of New Jersey's slave system, but they really represented some glimmer of change which sprouted from the idea of gradual abolition. Slaveholders began to understand that in a world with varying degrees of freedom and unfreedom so readily apparent, they could not continue the same age-old system of bondage without some alterations to keep it functional. In the same way the amelioration of slavery played out in the Upper South, New Jersey owners recognized slaveholding needed to change in order to maximize their control over their slave property. We know about Cato's mistreatment because Abraham Cooper stood before a criminal court to answer charges he made "an assault and did then and there inhumanely treat and abuse his said slave (Cato) by branding the said Cato who was thereby grievously wounded and hurt." That New Jersey courts concerned themselves with Cooper's actions, found him guilty, and fined him forty dollars illustrated that

⁴ Morris Court of Sessions, December Term 1808, State v. Abraham Cooper, as quoted in Mitros, *Slave Records of Morris County, New Jersey*, 108. For lack of change in the abolition period, see Hodges, *Slavery and Freedom in the Rural North*, 148. "Bill of Sale of slave, Robert Shaw to Benjamin Davids, March 17, 1819" from BAH Collection, Documents in Chronological Order, NJSA. Joseph Neuing to Isaac Williamson, April 13, 1826 and Bill of Sale for Jack, Abby, and Two Children from Isaac Halsted Williamson Papers, 1817-1846, RUASC. For slaves as property, see "Notice Hereby Given, Isaac Southard, Deputy Collector, 3rd District, NJ, September 19, 1817" Rutgers University Oversize Broadside Collection, RUASC. This source details slaves as property in the 1816 direct tax, specifically citing one slaveholder for failure to pay the tax.

the amelioration of slavery begun after the American Revolution helped New Jersey masters create new regulations to temper master-slave relationships while it preserved the institution as a whole.⁵

Similar types of amelioration occurred when a twenty-two-year-old slave requested that her master put her up for sale in 1810 or when a middle-aged slave also desired a “new place” to live in an 1814 advertisement. On both occasions, masters complied with their slave’s requests so as to not have to deal with the alternative: the risk of rebellion. Slaveholders therefore became quite cunning. While their behavior lessened the severity of the slave system, the alterations tried to keep the underlying institution as strong as possible. The court did not free Cato because his master had mistreated him nor did the masters of the two women who wished to escape. All continued to serve as pieces of property, and like slaves for a term, met with a similar effort to continue their life of unfreedom. The abolition period became a struggle of wits where owners mitigated their slaves’ call for freedom and found ways to cash-in on their labor or make a profit while slaves fought to gain the independence gradual abolition promised future generations.⁶

The 1809 collapse of the New Jersey Society for Promoting the Abolition of Slavery reduced political pressure to end slavery for those enslaved for life. A warrior against the institution of slavery, it could have helped destroy it in the Garden State but fell due to a tidal wave of indecision, inaction, and inconclusive results. Coupled with a lack of general public support for abolition, the Society admitted to the National Convention for Promoting the Abolition of Slavery in 1806 that it did not “make any considerable effort” to advance abolition

⁵ Morris Court of Sessions, December Term 1808, State v. Abraham Cooper, as quoted in Mitros, *Slave Records of Morris County, New Jersey*, 108.

⁶ For examples of slave sale advertisements at the slave’s request, see Trenton *Federalist*, April 2, 1810; Newark *Centinel of Freedom*, June 14, 1814, and *New Jersey Journal*, October 8, 1815.

in the Garden State. Three years later, even when it decried New Jersey's laws "regulating slaves and aiding their emancipation (were) in sundry points defective" they nonetheless folded at this, their last meeting.⁷

As argued in chapter two, the organization had always struggled with organizational problems, member morale, and the lack of a strong metropolitan center to ground itself. All took their toll on the group's lifespan. The minutes of the Society abound with irate complaints that members routinely failed to attend both state and local level meetings and that they lacked the interest or zeal to support abolition. Additionally, organizational failures routinely occurred when committees assigned to complete the work of abolition broke down either because of gross inaction or when members of the committees lived in far off corners of the state and could not effectively meet. For example, a committee appointed at the annual meeting in 1806 to appeal a negative decision in a manumission case reported at both the annual meetings in 1807 and 1808 it had done nothing. Not until 1809 when the committee again reported it never filed an appeal did a more active member volunteer to complete the task on his own. Despite continual admonishment of members for inaction and an attempt to reduce membership dues to attract more members, by 1809 the group held its last meeting and disbanded.⁸

The Society's local auxiliaries fared little better than their mother institution. The Gloucester County Society for Promoting the Abolition of Slavery held their last meeting in May 1806 noting "nothing further worthy of notice" deserved "their attention since last Meeting." The Burlington County branch, one of the most active since the county had such a high Quaker

⁷ Minutes of the Proceedings of the Eleventh American Convention for Promoting the Abolition of Slavery (Philadelphia, 1806) as cited in Zilversmit, *The First Emancipation*, 215. For the end of the New Jersey Society for Promoting the Abolition of Slavery, see Zilversmit, *The First Emancipation*, 214-15 and Hodges, *Root and Branch*, 192. For quote from last meeting of the Society, see Minutes of the Proceedings of the New Jersey Abolition Society, HCQC, 111-113.

⁸ Minutes of the Proceedings of the New Jersey Abolition Society, HCQC, 7-10, 73-77, and 99-113. Also see John Griscom to Thomas Cope, January 14, 1805, Thomas Cope Family Papers, HCQC for information on another committee which failed to meet.

population, held its last meeting in September 1809 where it bemoaned the fact that since September 1808 the auxiliary had been bankrupt and could only attract a pitiful attendance at its meetings. By 1807, only five members came to the annual meeting while its last meeting in 1809 only had three members present. The lack of a group of whites dedicated to alleviating the plight of African Americans stripped New Jersey blacks of an advocate that could have looked out for their interests, ensured gradual abolition commenced without pause, and helped slaves not covered under the 1804 law gain access to legal freedom. In contrast, while the members of New York's Manumission Society never supported full equality, they skillfully advocated for the 1827 emancipation law, established schools, and ensured fair treatment for slaves and slaves for a term. New Jersey's African Americans, both free and slave, had to go it alone and navigate the world of unfreedom entirely by themselves until abolitionism renewed itself in the 1830s.⁹

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The most powerful amelioration of slavery in the Garden State involved an increase in manumissions of slaves. Similar to the increase in manumissions elsewhere in the North and the Upper South after the American Revolution, a large number of slaves gained their freedom after 1804 due in part to the enactment of gradual abolition. As masters gradually realized their slaves would not sit on the sidelines as a carnival of freedom grew around them, they altered the dynamics of the slave system. Negotiation between slaveholder and slave accelerated to stem the tide of possible losses due to the extra-legal paths out of bondage opened by the Revolution's republican rhetoric. Some masters freed their slaves by will after death, accepted payment by

⁹ For information and quote on Gloucester County Society for Promoting the Abolition of Slavery, see Minute Book and Miscellaneous Papers, Campbell Library, Rowan University, New Jersey. For Burlington County Society, see NJ Society for Promoting the Abolition of Slavery: Burlington County Branch, Minutes 1793-1809, HCQC, 57-59. For importance of New York Manumission Society, see Curry, *The Free Black in Urban America*, 153-54 and Hodges, *Root and Branch*, 192-193. Tim Hack was gracious enough to transcribe and send me the minutes of the Gloucester County auxiliary.

slaves for their freedom, or negotiated transitional labor arrangements where slaves gained legal freedom after a period of dedicated service much like the slaves for a term served under the gradual abolition law. However, in most cases, slaveholders desired not to open the floodgates of freedom but worked to ensure maximum profits in the midst of the slave system's downfall. These mechanisms of "freedom" actually represented yet additional ways owners forestalled the end of slavery.¹⁰

After the legislature passed the revised 1786 manumission law which allowed owners to manumit slaves between the ages of twenty-one and thirty-five without bond, slave manumissions became more common and palatable to some slaveholders. The revised 1798 slave code further expanded the possibility of manumission to those up to the age of forty. This law controlled the manumission of slaves throughout the abolition period and served to provide legal freedom for slaves while it protected the public from expenses to care for underage, indigent, or elderly slaves. County clerks recorded these manumissions in a special manumission book, required by an addendum to the 1798 law, passed in December 1804. This requirement, approved six months after the gradual abolition law went into effect, perhaps recognized an increase in manumissions might shortly begin.¹¹

Between 1804 and 1846, county clerks recorded 1755 manumissions of New Jersey slaves.¹² Many acquired freedom in exchange for continued dedicated service. A negotiated

¹⁰ Harris, *In the Shadow of Slavery*, 73; White, *Somewhat More Independent*, 48. The South, especially Virginia, saw a significant number of slaves freed in the wake of the Revolution, see Peter Albert, "The Protean Institution: The Geography, Economy, and Ideology of Slavery in Post-Revolutionary Virginia" (PhD Dissertation, University of Maryland College Park, 1976) and Eva Wolf, *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner's Rebellion* (Baton Rouge, LA: Louisiana State Press, 2006).

¹¹ New Jersey State Laws, "Act to Prevent Importation of Slaves into NJ and Authorize Manumission under certain restrictions, and prevent abuse of slaves" March 2, 1786, "An Act Respecting Slaves," March 14, 1798, "An Act Supplementary to the 1798 Act Respecting Slaves," December 3, 1804. Before 1804, county clerks recorded manumissions in County Deed Books along with sales of real estate.

¹² This figure is the sum of all manumissions recorded by county clerks in the following counties: Bergen, Burlington, Essex, Middlesex, Monmouth, Morris, Salem, Somerset, and Sussex. Therefore, the number could have

relationship, this form of manumission represented an agreement between slave and master where continued faithful service led to a future date of freedom. For example, on March 7, 1809 John Runk promised his slave Jack freedom if he served an additional eight years, seven months, and seven days which, on October 14, 1817, Jack completed. Runk discharged him from any further obligation. Similarly, Benjamin Youmans of Sussex County bargained with his slave Daniel in 1805 to faithfully serve for four additional years when he could then gain his complete freedom. Cato, the slave of Elijah Hunt of North Brunswick, also agreed to serve his master in 1810 for nine additional years. In Cato's case, his master's death before the expiration of the nine year term did not negate his service agreement as he continued to serve Hunt's heirs.¹³

These negotiated service contracts represented a practical application of the new manumission law. While slaves smelled the freedom that they thought the abolition law represented, negotiated contracts became a lifeline to slaveholders. It freed them from the bothersome task of ensuring slave obedience as slaves now had the achievable goal of future freedom to work towards while it simultaneously allowed slaveholders to reap the benefits of a slave's continued service. Negotiated contracts, while they granted eventual freedom, mimicked the restrictions slaves for a term experienced at the same moment in time. In both cases, masters attempted to extend the bonds of slavery for as long as possible.¹⁴

The creation of negotiated service contracts affected how New Jersey slave buyers and sellers conducted sales of their chattel property. Buyers of slaves, although they could still purchase a slave without restrictions on their service, frequently saw advertisements for slaves

been significantly higher since there were other counties not represented in this sample. It is difficult to judge the validity of this figure against census data since, as argued in chapter four, the census data after 1800 counted some slaves for a term as slaves and some as free.

¹³ Certificate of Emancipation for Negro man Jack by John Runk, March 7, 1809, BAH Collection, Documents in Chronological Order, NJSA. Sussex County Manumission Book and Middlesex County Manumission Book, NJSA.

¹⁴ For the importance of arrangements to keep slaves productive, see Davis, *Inhuman Bondage*, 193-95.

sold for a term before manumission or for terms of service until adulthood for young slaves not eligible for gradual freedom under the 1804 law. An 1809 advertisement featured the sale of a twenty-six-year-old male slave for seven years and six months before his agreed upon manumission date while a 1810 advertisement included a seventeen-year-old boy's service until he reached the age of twenty-five, the age of freedom if he had been born after 1804. Jacob Plume of Newark bought one of these juvenile slaves, five and a half year old Jack, from Jabez Canfield in 1807. As a condition of the sale, Plume agreed to manumit Jack when he reached the age of twenty-five. Jacob Plume sold young Jack six years later to his brother Joseph who then sold him to John Stewart who then sold him to James Glass. Glass sold Jack yet again in 1816 to Moses Condit. After at least six different owners, no sources remain to tell of Jack's fate. Even though Jack could have gained legal freedom in 1827, he represents a much larger issue; at least six different owners (and indeed many more who purchased slaves similar to Jack) still highly valued bound labor and continued their participation in a system they understood as marked for eventual extinction. Like the slaves for a term, Jack represents a consistent interest in slavery and its continuation.¹⁵

Though slaves hoped to negotiate agreements to serve a limited number of years in exchange for freedom, some slaves did not attain such beneficial terms. Sales for a term of years during the abolition period could also mean a lifetime in bondage. In Morris County, John Budd sold his slave John to John Crane of Essex in 1809. Budd required John to serve Crane for fifty years before he could gain his freedom, essentially until the eve of the Civil War. In this

¹⁵ For cited newspaper advertisements, see Trenton *Federalist*, October 30, 1809 and Newark *Centinel of Freedom*, December 11, 1810. For other good examples of advertised sales, see Trenton *Federalist*, August 6, 1810, September 24, 1810, January 27, 1812 and Newark *Centinel of Freedom*, November 11, 1806 and December 15, 1812. For Jack's sale, see Bill of Sale, Jabez Canfield to Jacob Plum, November 2, 1807 with addendums dated April 22, 1813, August 7, 1813, May 15, 1816, and August 10, 1816, Munn Family Papers, NJHS. See Burlington County Manumission Book B, NJSA for another descriptive account of a purchase of a slave for a term of service before manumission (Manumission of Robert Taylor, 1822). Also, the same source has another good description of manumission at the age of twenty-five (Manumission of John Romes, 1821).

manner, sales for a term elongated service contracts of slaves and essentially perpetuated the institution, the exact opposite outcome many slaves hoped to avoid by negotiations with their masters.¹⁶

The manumissions slaves and slave masters negotiated reveal a much more complicated process of freedom than previously imagined in the North. African Americans in the early national North could be slaves, slaves who had negotiated a future date of freedom with their masters, slaves for a term, or legally free blacks. Some level of unfreedom inherent in these four different positions in society show that the Northern economy in the first three decades of the nineteenth century actually looked surprisingly similar to the South. Seth Rockman's work on how slaves slated for eventual manumission in Baltimore made up integral components of the capitalist marketplace resembled New Jersey's economy. The mixed process of manumission illustrated that owners recognized bound forms of labor as valuable to the growing state. Owners created a myriad web of indentures and service requirements to hold onto their property despite the calls for freedom that helped pass the Gradual Abolition Act. These agreements successfully forced African Americans into the world of unfreedom around them and helped masters evade any real abatement of the institution.¹⁷



While many slaves marked the rocky road towards freedom by negotiated service contracts, others earned it in their masters' wills. Manumission by will ensured masters the continued service of their slaves for their lifetime with a minimum of economic disruption. During New Jersey's abolition period, 190 of the state's 1755 slave manumissions (10.8 percent) occurred after the death of the slave's owner. For instance, David Johnson of Newark ordered

¹⁶ New Jersey Supreme Court Case File 34616, NJSA.

¹⁷ Rockman, *Scaping By*, 5-8, 57-67.

his executors to manumit his slave Cuff within one month of his death in 1814 while Samuel Randolph of Piscataway manumitted his two slaves, Sensor and Primus, at his death in 1811.¹⁸

A small portion of slaveholders channeled the patriotism and feelings of liberty and ordered their slaves freed as a matter of right. Ezra Darby, a United States congressman and member of the New Jersey General Assembly, wrote his will in 1796, eight years before he voted for the Act for Gradual Abolition. He harkened back to the ideals of freedom from the War and wrote “I was intended to give him (his slave Frank) his freedom which I consider the birthright of all mankind as he has been so faithful to me and I know not the time I may die, I should think myself guilty to leave him in the detestable state of slavery.” Even with these high-minded ideals, Darby firmly believed in the servitude of juveniles as they needed white masters to prepare them to become eventually free. Therefore Darby gave a complicated set of conditions to Frank’s freedom. If Darby died before Frank reached the age of twenty-one, Darby’s will stipulated that Frank should be sold until he reached the age of twenty-five years of age. If Darby died after Frank turned twenty-one, he could be freed immediately. Darby died in 1809 when Frank had just turned twenty-five; therefore Frank gained his freedom immediately and did not have to endure sale to another master.¹⁹

Other owners went beyond granting their chattel mere freedom and provided their former slaves with freedom dues to assist in the transition out of slavery. In 1806, Alexander Carmichael’s will directed his executors provide a “suitable support and maintenance” for his slave Will out of his personal estate. Similarly, John Doughty of Morris Township in 1825 left two lots of land and the accumulated interest and principal of a bond to his former slaves Abraham, Peter, and Jacob. However, these grants of money or land were not mere charity; they

¹⁸ Middlesex County Manumission Book, NJSA; Will of David Johnson, Essex County Wills number 10839, NJSA.

¹⁹ Essex County Manumission Book, 55, NJSA.

ensured the owner's descendants would never be answerable to their former property in the case the now freed slave became destitute. Bergen County resident Peter Bourdett provided his slave, Caesar Jackson, a lot of land with a house in his will along with a grant of freedom; however his heirs had to petition the legislature in 1840 to manumit Caesar as he was older than the forty year ceiling imposed by the 1798 law. The legislature agreed to bend the law and manumit Caesar as well as give him title to his new homestead mainly because they did not fear a propertied freedman would fall on the public's support and require poor relief.²⁰

Although they sometimes granted freedom, slaveholders who died in the abolition period routinely used their wills as another method to continue the system of slavery even after death. A survey of slaveholders' wills who died between 1804 and 1815 in Newark and Morris Townships shows only two granted their slaves immediate freedom. Manumission by will in New Jersey frequently functioned in the same way as negotiated contracts: freedom in exchange for a term of service. For example, in 1805, Jeremiah Baldwin left instructions for his executors to sell his slave Jack for a term of years until he reached the age of thirty-one when he would be free. In a similar fashion, Aaron Mellick, the main character of *The Story of an Old Farm*, a local history of New Jersey agricultural life in the early national period written by Mellick's son in the late 1800s, ordered upon his death his executors should sell four of his eight slaves to various owners including Jonathan Dayton, New Jersey's United States senator, for terms of service until they reached age twenty-eight at which point they would be free.²¹

²⁰ Will of Alexander Carmichael, Morris County Wills number 1373, NJSA. Will of John Doughty as excerpted in Mitros, *Slave Records of Morris County New Jersey*, 108-109. "Act for the Relief of Caesar Jackson of Bergen County," February 4, 1840, *Acts 64th General Assembly, 2nd Sitting*, 19-20.

²¹ A survey of wills of both Newark and Morristown residents at the New Jersey State Archives shows twenty-eight wills that involve slave property. Also see Will of Jeremiah Baldwin, Essex County Wills number 10326, NJSA. Inventory of Aaron Mellick, Estate of Aaron Mellick Papers, NJHS. Will of Aaron Mellick, April 22, 1803, Andrew Mellick Papers, NJHS. For commentaries on *The Story of the Old Farm*, see Kenneth Marshall, "Ain't No Account" Issues of Manhood and Resistance among Eighteenth Century Slaves in Nineteenth Century Literature Pertaining to Central New Jersey" (PhD Dissertation, Michigan State University, 2003).

More common than grants of eventual freedom, the death of a slave's master usually equaled continued servitude; the ideals of the Revolution or gradual abolition did not touch the raw economic power slavery represented. Eighty-two percent of the wills of Newark and Morris Township residents either mandated the sale of the deceased's slave property or ordered them awarded to a relative for continued bondage. Mellick, although he provided for the freedom of half of his slaves, ordered the remaining four sold and the money distributed to his heirs. Similarly, Lydia Williamson of Elizabethtown ordered her slave Peter sold along with the rest of her estate in 1814 and be distributed to her son and grandchildren. A master's death represented something of a mixed bag. If a slave was lucky, it could bring immediate or near access to freedom, but usually ripped apart families through estate sales or maintained the status quo indefinitely.²²

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South Carolina's Denmark Vesey's path to legal freedom stands out as perhaps one of the greatest tales of luck and chance in the history of American slavery. Winning the East-Bay lottery in 1799, Vesey purchased his freedom with \$1500 in lottery profits and started a career as a free black carpenter. This practice of self-purchase radiated to the North as one component of the negotiated exchange between slaves and slaveholders. These individualized agreements exchanged a lump sum cash payment for freedom. Although negotiated contracts of additional years of service were more common in New Jersey than lump sum payments, since not every slave had the same luck as Denmark Vesey, the hiring out of slaves happened on a regular basis and some slaves managed to exchange cash for freedom.²³

²² Inventory of Aaron Mellick, Estate of Aaron Mellick Papers, NJHS; Will of Lydia Williamson, Essex County Wills number 10871, NJSA.

²³ Douglas Egerton, "*He Shall Go Out Free: The Lives of Denmark Vesey* (Lanham, Maryland: Roman and Littlefield, 2004), 73.

A slave's hiring out reflected their dual status as both people and property. Hiring out of slaves represented New Jersey slaveholder's desire to benefit not only from the products of a slave's labor but from their status as a capital investment. As an investment, a hired out slave could produce a steady flow of income for both his master and himself. Just as slaveholders sold their slaves to the Deep South, hiring out reinforced a slave's identity as a market commodity. While hiring out gave slaves access to freedom, it created another way for slaveholders to continue to view their slaves as property instead of people. For example, Sam, a slave of Bergen County's John Blauvelt, agreed to an annuity plan in exchange for his freedom in 1809. Sam paid his master fifty dollars a year for four years to cover the complete cost of his purchase. In a similar way, Simon, the slave of Jeremiah Fisher, opted for a single lump sum of \$200 to cover his cost in 1831.²⁴

A total of fourteen manumissions recorded in New Jersey contained mention of self-purchase; however this number most likely represented one smaller than the actual. Since slaves and masters negotiated purchase agreements on an individual basis and no law required self-purchases to be registered, the number of these personal agreements between slaves and masters remain unknown. In any case, self-purchase represented not the power of the abolition law but the uncanny ability of slaveholders to profit even when they knew slavery eventually would end in the Garden State. It perpetuated a slave's status as a market commodity and ensured that a slave's freedom came with a high price tag.²⁵



²⁴ Jonathan Martin, *Divided Mastery: Slave Hiring in the American South* (Cambridge: Harvard University Press, 2004), 17-20. For Sam's self purchase, see White, *Somewhat More Independent*, 152. For Simon's self purchase, see Somerset County Manumission Book, NJSA.

²⁵ Martin, *Divided Mastery*, 17-20.

Slaveholder desire to extract a sizeable amount of labor or profit from their slaves before they gained freedom can be measured by examining the age when a master granted that freedom. Since New Jersey law allowed slaveholders to manumit slaves between the ages of twenty-one and forty, slaves manumitted at an age closer to the bottom of that spectrum pointed more towards altruism or an answer to the call of liberty from the Revolution while an older age pointed towards a demand by the master to extract more labor and service time from their slave before freedom. Additionally, manumissions near the upper end of the age bracket could imply a master's desire to rid themselves of their slaves before the slaves' productive potential began to steadily decline (the period after age forty). Of the 1755 manumissions recorded after 1804, 1029 (58.6%) contained the age of the slave. With a statewide mean and median age at manumission of roughly thirty years, a county by county survey of ages points to a relationship between the age of manumission and the relative strength of slavery in those localities.

Table 5.1: Mean and Median Ages of Slaves at Manumission by County²⁶

County	Median Age	Mean Age	Total Slaves with Age Data	Total Slave Population, 1810
Bergen	33	31.9	119	2180
Burlington	25.5	27.5	30	93
Essex	30	31.2	220	1129
Middlesex	30	30.1	130	1298
Monmouth	31	31	228	1504
Morris	31.3	31.1	26	856
Salem	22	24.2	29	29
Somerset	34	32.8	224	1968
Sussex	27	27.9	23	478

Just as the popularity of slavery caused a divide between East and West Jersey in the move towards gradual abolition in the 1790s, most counties in West Jersey had ages for manumission below the state mean and median while masters in Somerset and Bergen, the counties with the highest slave population in 1810, kept their slaves on average three years

²⁶ Data compiled from each county's manumission books. Note that both Cape May and Gloucester County had two few ages listed in their manumission books to make any real comparison to the other counties.

longer than statewide slaveholders and eleven to twelve years longer than Salem slaveholders, the county with the least number of slaves. Quakerism, support for the Gradual Abolition Act, and feelings of liberty from the Revolution helped West Jersey slaves gain abolition at younger ages while slaves in the East had to live much longer periods in bondage. Those counties with a stronger slave presence then fought more consistently to stop the end of slavery or at least delay it. The abolition period, for at least the majority of New Jersey's slaves, became an elongated road, not a quick cut-off, due to their community's resistance to black freedom.

William Griffith, one of these owners who delayed his slave's manumission until an advanced age, incidentally while he served as the leader of the state abolition society, illegally manumitted his chattel after age forty. Quamino Baccau, Griffith's slave, described his 1806 manumission in a narrative written in 1851:

'Would you like to be free?' and I said, '*I don't know, Sir.*' That was all I said. He then stood and paused a little while in silence, and I went on working the same as before. At last he said, 'I've made up my mind to give you free;' and, says I, 'You give me free, master!' Oh, it all came on me so unexpected!²⁷

With this exchange, Baccau (and his wife) gained an unexpected freedom but not by any manner of justice or liberty from Griffith. In 1806, the forty-four-year old Baccau did not qualify for manumission based on his advanced age; a problem Baccau claimed "Griffith probably kept purposely out of sight." Griffith, who lived in a region heavily dominated by Quaker ideology (Burlington County) and served as the president of the group primarily concerned with the freedom of slaves, made sure to extract the maximum amount of labor from Baccau before lying to the local judges about his age in order to rid himself of Baccau's care as he advanced in years.²⁸

²⁷ William Allinson, *Memoir of Quamino Baccau: A Pious Methodist* (Philadelphia: Henry Longstreth, 1851), 13-14.

²⁸ *Ibid*, 15.

The realization that most slaves freed by manumissions in New Jersey entered the free world at age thirty or older suggests that the transformation of the Northern slavery was not brought about by rhetoric or republicanism. If a slave reached the age of thirty, he or she could expect to live another thirty-two years. Therefore almost half of a slave's existence had been lived as a piece of property. This of course did not include the 51 percent of slaves who, by age twenty-one, the earliest possible manumission age, had died. The people who emerged from slavery as manumitted slaves and slaves for a term was on average an aged one who had bore the brunt of slavery's curse instead of the Revolution's gift of freedom.²⁹

In light of the economic power and the evidence that manumission frequently contained loopholes, strings, or restrictions, historians should hesitate at expounding the virtues of manumission in the abolition period. Instead of an immediate revolutionary freedom, Northern manumission in the early nineteenth century actually served to prevent or otherwise stymie the growth of a truly independent community. Gradual abolition did not cause everyone to turn towards altruism. Slaves had to conduct individual negotiations in order to gain legal freedom; no mantle of liberty did it for them. These manumissions included restrictions or commitments which required many slaves to continue to serve their masters in order to attain that promise of freedom. Slaveholders held onto their slaves for significant periods of the slaves' lives (at least half) to extract desired service and then dumped them to absolve their responsibility for their old age care. Manumission, like gradual abolition itself, represented another way for slaveholders to restrict instead of assist slaves, in the world of unfreedom they all lived in.³⁰

²⁹ Life expectancy statistics are for US slaves c.1830. See Fogel, Galantine, and Manning, *Without Consent or Contract*, 285-286.

³⁰ Eva Wolf makes a similar argument in her work on race and liberty in Revolutionary Virginia. Slaveholders there thought manumission should be reserved for those slaves who had completed a long term of dedicated service. Although she claims masters thought of manumission as a reward, the idea of extracting as much labor as possible from the slaves matches closely to mine. See Wolf, *Race and Liberty in the New Nation*, 28-29. For other sources on manumission in the abolition period, see Peter Kolchin, *American Slavery, 1619-1877*, (New York: Hill and



Female slaves had always been a valuable commodity to slaveholders as their reproductive potential gave slaveholders a way to expand their capital holdings with each successive generation. The Gradual Abolition Act's freedom of the womb made slave women even more valuable in New Jersey since they could continually reproduce children who then could either be sold into the internal slave trade or used as pawns to tie themselves and their parents into longer term service contracts. Of course, slave women could not only reproduce but also provided continued labor and service for their owners. Rachel Van Dyke, a seventeen-year-old white student in New Brunswick wrote extensively on the presence of two female slaves, an older female slave born in Guinea and a younger woman named Sylvia, who preformed domestic responsibilities in her parent's household. Families across the North, like the Van Dyke's, kept female slaves employed in their homes in the abolition era. Like thousands of other slaves, the two in the Van Dyke's home continued to serve but in a new capacity, as ones who could now propagate the system of slavery in its final years of life.³¹

Across the state, the sexes of slaves for a term born after 1804 appeared in nearly equal proportions, a statistic expected for a standard population. For example, Monmouth County had almost an exact fifty-fifty split between male and female slaves for a term. However, the manumission records of the same period showed owners freed their male slaves in greater proportions than females. Of those manumission records which contained an age, there existed a 58-42 percent split between male and female slaves. The median age of manumitted females in

Wang, 1994), 76-78; Berlin, *Many Thousands Gone*, 234-236; Fields, *Slavery and Freedom on the Middle Ground*, 5-6.

³¹ McMahon and Schriver, *To Read My Heart*, 44, 135, 176, 220. Graham Hodges makes a similar argument about the increasing popularity of female slaves amongst Northern owners, see Hodges, *Slavery and Freedom in the Rural North*, 154-55.

the counties with higher slave populations came remarkably close to matching the median age of manumitted males as the table below relates.

Table 5.2: Slave Median Ages by Sex at Manumission by County³²

County	Median Female Age	Median Male Age	Total Slaves with Age Data	Total Slave Population, 1810
Bergen	32	33	119	2180
Burlington	23	29.6	30	93
Essex	30	31.7	220	1129
Middlesex	30	30.2	130	1298
Monmouth	30	31.6	228	1504
Morris	26	33.2	26	856
Salem	21.5	25.6	29	29
Somerset	32	33.5	224	1968
Sussex	25	29.8	23	478

For example, in Bergen and Somerset, only about one year separated the median age of females and males while in Middlesex it was almost the same. That slaveholders held female slaves almost as long as male slaves instead of selling them for a profit on the open market suggests owners took into consideration their female slave's reproductive potential when they made manumission decisions. In addition, since masters freed male slaves in greater proportion than female slaves, they recognized that a large portion of the potential profit of female slaves came from their childbearing ability, an ability that gradually declined after age thirty. Therefore it is not surprising that Northern slaveholders decided to free their now aging, less productive, and less fertile female slaves after they had bore their masters a number of slaves for a term. Masters perpetuated a world of unfreedom in New Jersey not only by the extension of these women's own servitude but by the additional decades of service they reaped from their slave women's children.³³

³² Data compiled from each county's manumission books. Note that both Cape May and Gloucester County had too few ages listed in their manumission books to make any real comparison to the other counties.

³³ Curry, *The Free Black in Urban America*, 8; Harris, *In the Shadow of Slavery*, 80; Dunbar, *A Fragile Freedom*, 28.

With a higher proportion of female slaves of child-bearing age than males of an equivalent age in the overall slave population during the abolition period, the majority of slave sale advertisements not surprisingly announced the sale of female slaves and reinforced their new status as a market commodity. Of the 241 advertisements surveyed between 1804 and 1824 that advertised the full transfer of title (not a sale for a term), 144 or 59.8 percent marketed slave women while only 40.2 percent announced the sale of men. Of this female population for sale, those advertised with an age (125 advertisements) had a median age at time of sale of twenty-one years, which could have meant that some of them had already bore children under the Gradual Abolition Act and then were sold while still at a prime age for childbearing. Male slaves advertised for sale with an age (eighty-seven notices) had a slightly lower median age of nineteen years where their usefulness as laborers for long periods of service in their prime could be valuable.³⁴

As profitable market commodities, owners confronted several options in their quest to extract the maximum value from their slave chattel and extend Northern slavery. First, owners could continue to own their female slaves as well as their slave for a term children and manumit the female as she neared forty years of age. Second, owners could sell their female slaves and any slaves for a term she produced to the labor markets of Louisiana and Mississippi and reap a large and immediate profit. Third, slaveholders could sell their female slaves and any slaves for a term in the local marketplace and make a profit which, though not as large as if he or she sold them to the Deep South, was both legal and easily executed. Any of these options illustrated that

³⁴ I have conducted a survey of all advertisements containing the words “negro, slave, and/or black” in the following newspapers between 1804 and 1824 (the number in parenthesis is the number of issues searched): *East Jersey Republican* (4), *Washington Whig* (283), *Rural Visitor* (62), *New Jersey Journal* (2083), *Centinel of Freedom* (1248), *New Jersey Telescope* (118), *Federalist* (468), and *Miscellany* (43). A total of 241 ads for the complete transfer of the slave (not for a term or for hire) appeared in these papers (this does not include repetitive advertisements, ie the same slave advertised in multiple issues).

revolutionary rhetoric failed to attract the majority of slave owners in early national New Jersey. Logical economic choices became the order of business for slave life in the abolition era North.

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In every discussion of manumission white New Jersey residents feared the same thing: the potential that an ex-slave could become a pauper and chargeable to law abiding taxpayers. Lawmakers and New Jersey citizens loathed spending their tax money to care for indigent residents, especially ex-slaves. The umbrella of freedom did not cover those ex-slaves unable to care for themselves after manumission. This persistent fear, one felt across antebellum America, had much to do with the world of unfreedom in which most Americans lived. Even for “free” whites who labored their whole lives, there existed a great possibility they would one day fall on hard times and be sent to the local poor house. Lawmakers knew the harsh realities of life for white workers and also knew that free blacks faced difficult obstacles to create a truly free existence. Therefore, New Jersey mandated that if an ex-slave fell upon the care of the overseers of the poor, his former master, no matter how long since manumission occurred, be charged with his or her care. This requirement reminded former slaves that no matter how far they moved away from their former enslaved status, they always had a tie to their former master and former life as a slave.³⁵

In 1824, the New Jersey Supreme Court affirmed this requirement in a case which centered on the care of William, the former slave of Samuel Canfield. The overseers of the poor of Chatham Township cared for William to the tune of one dollar a week. They sought to recoup some of that money from Canfield’s heirs, his two sons John and Benjamin. Canfield helped the

³⁵ Of course, other states also attempted to limit the public’s responsibility to provide services to indigent slaves. For an example from Virginia, see Wolf, *Race and Liberty in the New Nation*, 29-30; for Rhode Island see Oscar Reiss, *Blacks in Colonial America* (Jefferson, NC: McFarland, 1997), 76-77; for New York see A. Leon Higginbotham, *In the Matter of Color: Race and the American Legal Process: The Colonial Period* (New York: Oxford, 1978), 145-47

township's case by a provision in his will where he specifically charged his sons to care for William. With perhaps an air of clairvoyance, Canfield also included a clause that empowered his executors to sell any part of his estate to care for William if John and/or Benjamin "neglect(ed) or refuse(d) to comply." In an appeal from the lower court, the Overseers of Chatham argued that since Canfield owned William before his death, despite manumission or a change in circumstance afterwards, Canfield's heirs, not the public, bore responsibility for William's maintenance. The Supreme Court agreed and ruled that if previous ownership could be proven, the master or his heirs must accept responsibility. No slave or ex-slave, the Court mandated, should become a ward of the state.³⁶

As in William's case, the Court decided a month later that another slave, Jack, should be cared for by his master, John Mount, and not the local township. Mount left his slave behind when he moved from East Windsor to New York in 1802. Jack operated as a free man after the departure of his master and became a pauper in nearby South Brunswick. The overseers of the poor in South Brunswick contended that any slave manumitted by his master assumed legal settlement in the township his master resided in at the time of the manumission and therefore East Windsor should pay for the cost of his maintenance. With this logic, South Brunswick's overseers shipped Jack to East Windsor. Manumission then represented a constant reminder of the former life of a slave, not a new beginning. Although this link did not halt the movement of slaves after their legal freedom from travel to New York, Newark, or anywhere else in the state, it created a firm public policy that an ex-slave could never really escape his or her history. The bonds of unfreedom could, under the right circumstances, scoop them back up and deposit them across the state in a town where they might not have lived for the last twenty or thirty years.

³⁶ 8 N.J.L 52, Supreme Court of New Jersey, Township of Chatham v. Executors of Samuel Canfield, September Term 1824.

After East Windsor sued to rid the township of Jack who had already cost them \$88.75 in living expenses and costs related to the trial, the Court, in an interesting twist, ruled Jack's manumission was actually invalid. No manumission took place when Mount left New Jersey since he filed no formal manumission document and never subjected Jack to an examination by the overseers of the poor to determine if he might one day be in the position he found himself in. As a slave, albeit one with a master who did not know it, he retained no tie to East Windsor. Instead, South Brunswick could attempt to find Mount in New York and sue him to recover the costs they incurred for Jack's care.³⁷

Similar to the issues regarding slaves, the problem of caring for slaves for a term who completed their service requirement and became indigent vexed the residents of New Jersey. As their legal status was in constant flux, Overseers of the Poor did not know if they should be considered the same as manumitted slaves, white paupers, or something entirely new. In 1820, the state legislature made clear slaves for a term should be considered residents of the township where they were born unless they lived in a new jurisdiction for a period of seven years. Their status therefore was different than their parent. Instead of maintaining a link to the township where they gained freedom, slaves for a term became linked to their hometowns unless they established residence elsewhere.³⁸

Sarah Brocaw put the 1820 law to the test. Free at age twenty-one after her required term of service, Brocaw lived in Franklin Township, where her last owner, Bergen Brocaw, also lived. As a free woman, Sarah lived not unlike many other whites and blacks who struggled to keep

³⁷ 8 N.J.L 64, Supreme Court of New Jersey, Overseers of the Poor of South Brunswick v. Overseers of the Poor of East Windsor, November Term, 1824. Also see East Windsor Township Overseer of the Poor Records, NJHS. For another case of an ex-slave's disputed care, see Theodorus Bailey to Joseph Hornblower, January 15, 1822, Isaac Nichols and Lewis Thibou, Overseers of the Poor of Newark to Joseph Hornblower, March 28, 1822, and Joseph Hornblower to Theodorus Bailey, January 12, 1822, Joseph Hornblower Papers, NJHS.

³⁸ "An Act for the Gradual Abolition of Slavery, and for other Purposes Respecting Slaves," February 24, 1820, Acts 44th GA, 74-80.

their heads above absolute poverty. Eventually, she too fell on hard times and Franklin sent her to the township poorhouse. Franklin sued Bridgewater Township, the location of Sarah's birth, to recoup the expenses for her care. Although Bridgewater officials argued that Franklin had been the location of her transition from slavery to freedom, the Supreme Court ruled in the 1846 case that since Brocaw did not live in Franklin for more than seven years, Bridgewater technically held responsibility for her care as her birth city. In the contest over Sarah's future, the abolition law and subsequent acts of the legislature linked Sarah back to her previous life as a slave for a term although not as strictly as the law did for slaves. She, as a freeborn child, could eventually establish a new residence and, in the eyes of the Overseers at least, separate herself from her enslaved past, something manumitted slaves could never do.³⁹

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The process of manumission, almost entirely dependent on the slaveholder, provided some slaves with newfound legal freedom during the abolition period but did not limit their ability to gain freedom in other ways. For those slaves who failed to come to an agreement with their master during negotiations over their continued service, freedom still remained attainable. Many such slaves absorbed the ideals of the 1804 Gradual Abolition Act and sought their freedom through extralegal means, primarily through self-emancipation. Fugitive slaves, a problem in New Jersey since colonial times, heightened during the abolition period due to the draw from increasingly free New York City as well as from slaves seeing freedom more readily on Jersey soil through the rising number of free blacks.⁴⁰

New York's 1799 Gradual Manumission Act and the resulting voluntary manumissions in that state in the first decade of the nineteenth century created a burgeoning free black

³⁹ 20 N.J.L. New Jersey Supreme Court, 1846, *Overseers of Franklin v. Overseers of Bridgewater, New Jersey*

⁴⁰ For an overview of fugitive slaves during the abolition period in the North, see Harris, *In the Shadow of Slavery*, 72-74; White, *Somewhat More Impendent*, 149.

community just a few miles from New Jersey. Frequently a beacon of freedom, slaves equated liberty with New York City, not only because of its approval of gradual manumission but also for its status as a British outpost during the American Revolution. Many Jersey-born slaves made the mad dash across the Hudson to the safety and freedom British troops offered. Again, in the abolition era, New York became a symbol of freedom to slaves, as well as free blacks from all across the United States. The city's Municipal Almshouse records noted blacks from locations as disparate as New Jersey, Pennsylvania, South Carolina, Maryland, Virginia, Bermuda, the West Indies, and Africa. New Yorkers truly lived in a worldly city. Slaves who fled from bondage sought out New York in order to both blend into the growing metropolis as well as to seek assistance and fellowship with its black community.⁴¹

To New Jersey slaves, New York represented accessible freedom. In 1807, twenty-eight-year-old Frank made his attempt at freedom from his master's home in Orange. Leaving with a "brown cloth coattee, white dimity vest, and a common hat" Frank rebelled against his master in order to join relatives in New York City. In Frank's case, running away to New York accomplished the dual goals of freeing himself and reuniting with his family. In contrast, twenty-year old farmer and blacksmith Jack left his Woodbridge home in 1814, hoping to make a new life for himself in New York City using the skills he learned as a slave. With no family in New York, Jack's road to freedom depended on his own ingenuity as well as assistance from the city's black and white abolitionist communities.⁴²

Escaped slaves did not only head for New York City. Twenty-year old Lewis stole himself from his master in Princeton in 1811 and headed for Trenton. His owner thought he would travel to Philadelphia or even Baltimore. Bill, a slave to Israel Crane in Newark in 1816

⁴¹ Harris, *In the Shadow of Slavery*, 73.

⁴² Newark *Centinel of Freedom*, October 6, 1807 and June 14, 1814. For support from New York City residents towards fugitive slaves in the early nineteenth century, see Hodges, *Root and Branch*, 167.

made it to Philadelphia along with a nineteen-year old “Irish lad.” Some slaves even embarked on a journey farther than either New York or Philadelphia such as twenty-five-year old Joel and his twenty-seven-year old wife Sarah abandoned their Elizabethtown masters and set out for Boston together in 1807. Indeed, family relations dictated where many slaves fled to. Rachel emancipated herself from her Trenton mistress and navigated to either Amwell or Sussex County because she possessed “connections” there. Rachel’s choice of Sussex stood in stark contrast to the anonymity Philadelphia or New York provided a slave. With only 747 free and enslaved blacks out of a total population 25,549 in 1810, Rachel’s chances of quick identification and return to her mistress stood significantly higher than a slave who escaped to a city with a larger African American population.⁴³

Newark, New Jersey’s largest city with its own sizeable free black population, also presented an opportunity much like New York City for self-emancipated slaves. Forty-year-old Sam left his Princeton master in 1811 and headed to Newark as did Morristown native Elias Mills and Mt. Pleasant slave Jinney later that same year. In 1818, Betty, a slave in Elizabeth ran away but remained in the same county as her master, quite possibly as her owner thought, “lurking around Newark, Elizabeth, or Bellville.”⁴⁴

Gary Nash and Jean Soderlund have argued that runaways in Pennsylvania damaged the institution of slavery during that state’s abolition period by robbing slaveholders of a key labor force: young men in their late teens and twenties. Examining runaway advertisements there, Nash and Soderlund found that young males made up two-thirds of runaways. Likewise, New Jersey newspapers advertised significantly more male than female slaves. Of the 154 advertised

⁴³ *New Jersey Journal*, July 14, 1807 and October 20, 1807; *Trenton Federalist*, March 4, 1811; *Newark Centinel of Freedom*, October 22, 1816.

⁴⁴ *Trenton Centinel of Freedom* March 12, 1811, October 22, 1811, November 19, 1811. *New Jersey Journal* February 17, 1818.

fugitives in New Jersey newspapers between 1804 and 1824, only 32 advertised women while the remaining 79.2 percent advertised for men. Even though the supermajority of fleeing male slaves damaged the viability of the institution of slavery, we should remember that as the abolition period progressed, female, not male slaves became more prized for their reproductive potential. The escaped male slaves interrupted economic production in the state but did not destroy the long-term propagation of unfreedom that slaveholders increasingly became interested in through both female slaves and slaves for a term.⁴⁵

The average escaped slave in the Garden State was a young male in his late teens or early twenties. Of all the advertisements listed in newspapers, the median age for runaways in the state stood at twenty-two years of age. For males alone, the average age remained twenty-two while the median female absconder looked only six months younger. Flight from a master represented a small proportion of the slave population but created concern amongst slaveholders. Fearful that their slaves might deprive them of their economic livelihood, slaves forced masters to negotiate terms of manumission or sale. In exchange for a promise to not run away for a certain period of time, slaves could eventually earn their freedom if their master agreed. Therefore, although only a fraction of slaves in the state left their masters via extralegal means, their actions spurred on hundreds more to treat their slaves as real economic commodities which could be lost at any moment. However, the contracts made sure freedom came on the master's timetable when they could most capitalize on their investments instead of by the power of any revolutionary rhetoric.⁴⁶

⁴⁵ Nash and Soderlund, *Freedom by Degrees*, 140-142. Statistics for runaway advertisements come from a survey of all advertisements containing the words “negro, slave, and/or black” in the following newspapers between 1804 and 1824 (the number in parenthesis is the number of issues searched): *East Jersey Republican* (4), *Washington Whig* (283), *Rural Visitor* (62), *New Jersey Journal* (2083), *Centinel of Freedom* (1248), *New Jersey Telescope* (118), *Federalist* (468), and *Miscellany* (43).

⁴⁶ *Ibid.*

Slaves who ran away from their masters sometimes retained that freedom whether they found it in New York City, Newark, or Boston. Other times, slave owners' rewards for their property propelled men across the region to hunt for the escapees. In other cases, escape forced owners to contemplate the future of their relationship with slavery. In certain instances, Jersey slaveholders realized the trouble to find their slaves would exceed the value they could eventually extract from them if they did manage to capture and repatriate the offender. In 1829, William Prall of Amwell in Hunterdon County decided to manumit his absconded slave John instead of continue pursuit. Perhaps failing to convince his master to manumit him in other ways, John's flight forced Prall to acknowledge his slave's independent status and desire to be free. Prall made a conscious economic decision based on strong financial evidence to free John, a decision not dissimilar to those other slaveholders made on a daily basis to keep their slaves in bondage. Unlike the many others who tried to sustain a gradually dying institution, Prall cut his losses and ended his relation with slavery twenty-five years after gradual abolition had begun.⁴⁷

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Self-emancipation was one of the ways slaves had to resist slave owners' desire to use them and their children as property. Through other forms of resistance and rebellion, slaves damaged slaveholders' capacity to continue New Jersey's slave system and helped them achieve the freedom and liberty promised by the Revolution and the Gradual Abolition Act. Local historian Andrew Mellick recorded such an event in Millstone where Hendrick Bergen's slaves caused regular trouble for their owner. Frequently arrested for stealing from neighbors, Bergen's slaves' actions consistently fought against his ability to harness their labor. Similarly, in 1806, Christopher's owner informed John Abel, a minister in Newark, that she forbade her slave from

⁴⁷ Certificate of Emancipation for John, slave of William Prall, August 23, 1829, BAH Collection, Documents in Chronological Order, NJSA.

taking communion because he had “behaved for some time past in an unbecoming manner” and had been uncooperative.⁴⁸

Large numbers of these disorderly slaves gathered in Newark on several occasions in the first few years after the state passed gradual abolition. Assembling at night, they caused so much trouble for the white residents of Newark that a committee formed to enforce the applicable sections of the slave law designed to disperse them. Local leaders divided the township into four districts and appointed ten men in each to vigorously enforce the law. The committee created to stop blacks from gathering after dark apparently did not adequately solve the problem since in 1811 an anonymous letter to the editor of the *Centinel of Freedom* decried the behavior of slaves and slaves for a term on the Sabbath. The writer accused these blacks of “most scandalous” behavior including “hovering around the Church doors yelling and hoping to the great disturbance of those” who worshipped inside.⁴⁹

The case of Jonathan Skinner mentioned earlier only serves to show how New Jersey whites and blacks lived in a world very much contested over the issues of slavery. Similar isolated disturbances occurred on French Street in New Brunswick in 1815 while a massive jailbreak in April 1812 at the State Prison heightened the fears of white New Jersey society. Nine men, all black between from ages eighteen to fifty, escaped state custody when they pierced a hole through the wall of the jail’s south wing. In a story syndicated in newspapers as far south as Raleigh, North Carolina, the jailbreak exacerbated white fears of losing control of their slaves.

⁴⁸ Notebook number four, 749, Andrew Mellick Jr Papers, NJHS. William Vangener to Rev John N. Abel, August 23, 1806. John Nelson Abeel and Gusavus Abeel Papers, NJHS.

⁴⁹ Newark *Centinel of Freedom*, October 3, 1809 and February 26, 1811. *New Jersey Telescope*, September 26, 1809.

If men like Skinner could be beaten in the street and criminals could roam free, whites feared that radical change could potentially come right to their doorsteps.⁵⁰

Assaults on masters challenged masters' control and their racial hegemony even more than the general assaults. Sam, the slave of the editor of the *Washington Whig*, burned his owner's barn to the ground along with the help of his fellow slave, Chloe in 1816. Similarly, in 1813, thirteen-year-old Ann Hitchens of Hunterdon County poisoned her master and mistress in an attempt to free herself from bondage. While Hitchens only received seven years in prison due to her young age, the courts sentenced Sam and Chloe to transportation and sale out of the state which therefore continued New Jersey slavery in other jurisdictions and failed to uphold the spirit of the Gradual Abolition Act.⁵¹

Indeed, the very existence of crimes that required transportation from the state demonstrated the conflicted nature of slavery during the abolition period. At its very heart, transportation meant that white society felt the slave did something so horrid that he or she should not be allowed to remain in New Jersey. In Sam and Chloe's case, the arson of their master's barn harkened back to images of the 1741 New York Slave Conspiracy. Whites continued to see fire, a dangerous weapon in the slave's arsenal, as a threat into the nineteenth century. Slavery in the North remained an institution that valued slave obedience, control, and the extraction of economic surplus. Actions like those of Sam and Chloe solidified white fears

⁵⁰ New Brunswick Common Council Minutes, July 7, 1815, NJHS. Trenton *Federalist*, April 6, 1812, *Raleigh North Carolina Star*, April 17, 1812.

⁵¹ *Washington Whig*, January 22, 1816. Interestingly, Sam pleaded not guilty and had a trial before being sentenced to transportation out of state. Chloe had two indictments against her, one for arson and the other for theft. She pleaded guilty to both and the court sentenced her to transportation out of New Jersey. These events happened in Essex County. For Ann Hitchens' case, see "Petition of several inhabitants of Hunterdon County to the Governor and Legislative Council, for mercy for Ann Hitchens," May 1817, BAH Collection, NJ State Legislature, Petitions, Resolutions, Transactions, Accounts and Miscellaneous Papers, c1700-1845, NJSA.

and caused them to pass laws and engage in negotiations with their slaves to protect themselves from loss of their property and, in the case of Ann's master and mistress, their own lives.⁵²

In the abolition period, rebellion against white authority not only originated from slaves but from slaves for a term as well. In one such instance, Benjamin Anderson, a seventeen-year-old slave for a term in 1823 assaulted his master near Woodbury in Gloucester County. Anderson's conviction and sentence of three years at hard labor at the state prison showed that slaves for a term realized the limits of the Gradual Abolition Act and resorted to violence to escape a slave system which entrapped them. Though the "rebellion" in the above cases ultimately landed each of the slaves in jail or transported to the South, masters realized slavery, although dying, was not quite dead yet. Although the possibility of their slave property stealing themselves, murdering, burning, or otherwise fomenting rebellion in the name of the expansion of freedom made some slaveholders think twice about continuing a slave system marked for eventual destruction, but most never wavered in their support of such an institution.⁵³

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Slaves in the abolition period did not live isolated lives. The increased number of manumissions allowed a sizeable free black population to grow in the Garden State and created opportunities for the enslaved to socialize with the free. Just as the white mob that sought revenge for the attack on Jonathan Skinner thought free and enslaved socialized together, Rachel Van Dyke, a teenage girl from New Brunswick, saw both free and enslaved blacks intermingle when she visited Halfpenny Town, a shanty village along the Raritan River in New Brunswick in 1811. Upon her arrival, Van Dyke exclaimed "Unfortunate creatures! What a pity it is that any of your race ever left your native country. There you would have been innocent as well as

⁵² Ibid.

⁵³ Trenton *Federalist*, June 30, 1823.

ignorant—but here you are slaves.”⁵⁴ Van Dyke identified the group who gathered on this particular Sunday as one made up of both free and slaves; however both lived in squalor along the river. Although some white masters prohibited slaves from intermingling with free blacks for fear the free would entice the slaves to run away, many free African Americans routinely communicated, socialized, and even lived with those still enslaved with the tacit approval of New Jersey masters. The Catherine Market in New York City saw interaction between enslaved New Jersey blacks and free New Yorkers on an almost daily basis. Traveling with their white masters to market to sell their farms’ produce, many slaves joined in the selling of their own wares. Aside from simple bartering, New Jersey slaves made social inroads with free blacks. Dance competitions after the market closed pitted Ned, the slave of Martin Ryerson of Tappan, New Jersey against other blacks from across the region. These social outlets, born in the slave culture of colonial New York and New Jersey, survived to encompass both those free and slave in the abolition era.⁵⁵

In New Jersey, Silvia Dubois, a former slave who gained her freedom in the late 1790s, remembered how slaves and free blacks joined together to celebrate General Training Day, the day when the local militia mustered. Dubois traveled to Flemington to see the muster in 1805 and described Training Day as filled with dancing, laughter, music, and most of all, rum. Free African Americans like herself socialized with enslaved blacks who she claimed frequently slipped away to attend the festivities. Removing to their master’s homes after absconding to drink and dance, Dubois claimed “they’d get licked—good God, how they’d get licked! Why, they’d tie ‘em right up and lick’em to death—cut ‘em into pieces—cut ‘em all into string.” In both of these instances, the white world not only intersected with the black but the free with the

⁵⁴ McMahon and Schriver, *To Read My Heart: The Journal of Rachel Van Dyke*, 44.

⁵⁵ Hodges, *Root and Branch*, 211-13 and Thomas DeVoe, *The Market Book* (New York: Printed for the Author, 1860), 344-45

enslaved. Free blacks like Dubois socialized with those who met their master's lash later in the evening at these militia musters as well as on a frequent basis at markets or on the streets of any city in the state.⁵⁶

The African Association of New Brunswick represented another place where masters allowed slaves to interact with free blacks. Founded in 1817, the Association's primary mission related to funding an African school originally developed by the Presbyterian Church. In its first year it boasted forty-five members both free and slave. For enslaved members, the organization required reduced dues payments and the permission of their master. Like some Southern slaveholders who shared their church world with their slaves, these permission certificates, filed with the organization's charter and minute book, illustrated that slaveholders realized the world of slavery changed after the state passed gradual abolition and altered their conduct in order to continue to propagate control over their slaves.⁵⁷

While Southerners feared free and enslaved consorting together, New Jersey slaveholders recognized the utility of the arrangement. Both as a means to subdue a slave's complaints for wider freedom and to accomplish the greater purpose of keeping their slaves working, many owners even allowed their slaves to develop much more personal bonds with free blacks through formal marriage ceremonies held by white ministers. Although these marriages had no legal basis and partners could be sold away from each other, the marriages signified that slave owners began to alter the fabric of slavery in response to the changed conditions of the abolition period. Additionally, these marriages also served to support reproduction and therefore contained a more sinister motive since slaveholders could then enslave any slaves for a term produced by the

⁵⁶ Jared C. Lobdell, ed. C.W. Larison, *Silvia Dubois, A Biography of the Slave Who Whipt Her Mistres and Gанд Her Freedom* (New York: Oxford, 1988), 67-75. Quote on page 74. Larison interviewed Dubois to create her narrative in 1883 and printed it the same year himself.

⁵⁷ African Association of New Brunswick (NJ), Minute Book, 1817-1824, RUASC. Also see Mechal Sobel, *The World They Made Together* (Princeton: Princeton University Press, 1987), 192-200.

union. The Presbyterian Church in Morristown and the Morris County Clerk's office recorded forty black marriages between 1804 and 1842. Nineteen involved two slaves marrying each other, twelve joined two free people together, while the remaining nine wed a slave to a free person. Since the Presbyterian Church in New Jersey supported both slavery and colonization, these marriages could only have been completed with the permission of the slaves' owner. For those between free and slave couples, the slave had less reason to run away and more reason to stay in their master's service. The same phenomenon went on in Bergen County. Both free and enslaved blacks frequented Bound Brook's Presbyterian Church while the Dutch Reformed Church not only accepted enslaved and free black members, it married them as well. Marriage frequently crossed lines of freedom in antebellum New Jersey and these free and enslaved blacks lived hybrid lives under significant control of one spouse's master while remaining in a state close to freedom at the same time.⁵⁸

Securing freedom for one slave in New Jersey was a particularly difficult task while gaining freedom of oneself and one's partner represented a tall order, one very few slaves managed. Since a typical slaveholding in the Garden State consisted of only one or two slaves, most slave couples fought not one master but two to gain freedom. Husband and wife Betsey and Thomas Winner of Acquacknock, both freed on the same day by the same owner, represented a very small portion of black marriages who easily migrated between slavery and freedom. Frequently, one spouse convinced his or her master to free them and then he or she had to purchase the other spouse. Sam Hall, a freedman in Somerset County, purchased his wife, Read, and their daughter, Sarah, in 1824 and freed both immediately afterwards. Sam's wife luckily fell within the approved age range for manumission. Certain slaves could not convince

⁵⁸ Mitros, *Slave Records of Morris County, New Jersey*, 77-81. Bergen Reformed Church Records, Bergen County New Jersey, RUASC. Bound Brook Presbyterian Church Records, RUASC. For further examples of marriages between free blacks, see Daybook of Thomas Morrell, 1809-1838, Morrell Family Papers, NJSIA.

their spouse's master to manumit nor raise enough money to purchase before their partner reached the age of forty and therefore no longer could be freed under state law. Jane Berry's four person household in 1830 included herself, two children, and her husband. Her husband, over the age of forty when Jane purchased him, remained a slave owned by her. Berry's husband, listed in the 1830 census as the property of his wife, could not serve as the head of the household as he was not free. Jane, according to the census enumerator, served as the head of the family even though she was a woman.⁵⁹

Although many masters hoped it would not happen, the intertwinement of free and enslaved blacks enticed slaves to seek freedom as they did not have to look farther than their own communities to see the possibilities of freedom. Jersey slaves combined the promise of freedom from the Revolution and gradual abolition with their everyday observations of free black men and women living in their communities. Free blacks then, either overtly or by their presence in the communities spurred on runaways in the abolition period. Two Pompton slave masters advertised for the return of two Bergen County slaves, Joe and Jack, in 1807. Thought to be "at the Jersey races and supposed to have gone into New York or to Tappan near the North River with some other blacks attending the races from that quarter," these two Jersey slaves escaped to New York with the help of free blacks from New York City. In a parallel fashion, twenty-four-year old Tom and seventeen-year old James Roberts left their Newark masters in 1809, "seduced away by a stout black man named Sam Thomas who calls himself free." Finally, thirty-nine-year old Robert Thompson fled his Elizabeth owner in 1814 along with a free black man named Volantine. As a nest egg for his new life and perhaps to repay himself for the years of toil he spent in bondage, Thompson stole \$600 from his master before he left. In all three

⁵⁹ Somerset County Manumission Book, NJSA. 1830 Census Schedules, Newark. The three households are listed on pages 291, 308, and 325.

cases, free blacks helped facilitate the escape or provided support for it. Consorting with free blacks represented another way slaves resisted their masters' desires for continued servitude.⁶⁰

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The blacks who attacked Jonathan Skinner and frightened Newark society were actually some of the luckiest African Americans who lived in early national New Jersey. Free to roam the city at night, play cards, and drink, these individuals, even if some of them were enslaved, represented a population removed from the harsh system of slavery New Jerseyans still propagated. New Jersey slaveholders created new methods to hold onto their bound labor after the passage of the Gradual Abolition Act, methods which far exceeded sales out of New Jersey or the continued service of slaves for a term. Even though the Gradual Abolition Act made no immediate impact on the lives of New Jersey residents, it forced slaveholders in the Garden State to determine the myriad ways they could continue to reap the benefits of slavery in a state which had slated it for destruction. Through complex manumission requirements, service contracts, sales, or simply by holding their slaves indefinitely, New Jersey slaveholders continued to keep slavery alive north of the Mason-Dixon line deep into the Antebellum era.

In other ways, however, gradual abolition ameliorated slave life. Masters relaxed their demands of slaves, stopped beating them as harshly, and allowed them greater room to socialize with other enslaved and free blacks. All of these ameliorations came from the demands for greater freedom of the slaves but also, in the minds of the masters, served to quell revolt and dissent. They served as a stopgap measure which created incentives for slaves to continue their servitude or gave owners the ability to profit from the decline of the state's slave system.

Slaveholders' resolve to hold onto their bound labor challenges us to rethink the role of African Americans in the antebellum North. It should force us to understand the abolition period

⁶⁰ Newark *Centinel of Freedom*, May 26, 1807 and April 25, 1809. *New Jersey Journal* September 27, 1814.

as a process of maneuvering and negotiation instead of a quick transaction which spread freedom to all involved. The world of railroads, telegraphs, and steam engines contained various shades of unfreedom from slaves to slaves for a term to free blacks to white wage laborers to women to immigrants. Slavery did not die a quick death. Instead, as the 1804 mandated, slavery slowly faded from the Northern landscape but only in spite of resistance by whites.

CHAPTER 6

A WHOLLY UNFREE LIFE: FREE BLACKS IN ABOLITION ERA NEW JERSEY

Prime, the former slave of loyalist Absalom Bainbridge who gained his freedom in 1786 from the New Jersey legislature for meritorious service in the American Revolution, wrote to the Hunterdon County Court of Common Pleas in Trenton as a now free man to ask them to absolve him of a fine levied for his failure to attend militia duty. In the letter, Prime argued he did not possess “an equal right with white state subjects as I cannot hold land, serve on juries, nor be a witness, nor sue for debt” therefore he should not be required to serve in the militia. Caught in the middle of a changing world of slavery in the Garden State, Prime’s case challenges us to rethink the status of free blacks in the abolition period. Were they really free? To what extent did they function as unfree subjects in a state still keen on continuing a slave system?¹

Prime’s appeal illustrates the complexity in which free African Americans lived during the abolition period. Legally free, but deprived of most legal rights and responsibilities whites in New Jersey held, the fine levied against Prime showed the transformative process which occurred in the years after the American Revolution. While the transformation from subject to citizen remade white Americans with new responsibilities designed to defend the infant republic, free African Americans stood without a clear role in the new nation. They lived in a state of

¹ Petition of Negro Prime to the Honorable Court in Trenton (no date) from Dept of Education, NJSL, Bureau of Archives and History, NJSIA. For a history of African Americans in the New Jersey militia, see Gough, “Black Men and the Early New Jersey Militia.” Gough contends free blacks and slaves were exempted from required militia service throughout the post-Revolutionary and abolition periods. Eric Foner makes clear that free blacks lived in “halfway houses of semifree labor” in the nineteenth century which I agree with. However, I believe their status has more to do with free black’s relationship to the slave society which continued in the North rather than racism of whites against a wholly free population. See Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York, 1995), xxvii-xxviii.

flux: civil society had a difficult time categorizing them. That Hunterdon County fined Prime for his failure to attend militia drill showed that in some instances white Americans felt blacks should have taken an active responsibility in the defense of American liberty. More frequently however, whites made sure free African Americans in the North lived in a shade of unfreedom only marginally different than the one they had just escaped from. These not quite fully free African Americans made up the core of New Jersey's antebellum black population and consistently lived with obligations and duties imposed upon them by the state as well as white society. These obligations created a system of unfreedom designed to exclude the free yet undesirable population from accessing sustainable and independent lives. Although Prime and others like him lived in the most advanced state of unfreedom in comparison to slaves or slaves for a term, their lives remained colored by a lack of economic, political, and social opportunities all held over from the slave society which still functioned in the Garden State.

Freed people like Prime navigated a landscape full of white faces in antebellum New Jersey. Although legally free, these blacks fought through torrents of racism and restriction to carve out a place for themselves. This chapter shows how the web of duties and obligations imposed on blacks stymied the growth of a truly "free" African American community in the antebellum North. Through an analysis of how New Jersey's free blacks created their own community, formed their own churches, fought for education for themselves and their children, I argue that life for African Americans in the abolition period was a constant battleground. White New Jerseyans waged a campaign of resistance and repression against African Americans when they stripped free blacks of their voting rights, supported the colonization movement created by homegrown colonizationist Robert Finley, and raised legal barriers to make New Jersey a land hostile to Southern fugitive slaves. This chapter argues the slave system New Jersey propagated

throughout the abolition period forced free blacks into a subservient and nearly unfree existence in the antebellum Garden State.

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Racism and white perceptions that blacks could not exercise the tenets of proper citizenship pervaded Northern society in the abolition period and set the tone for the future treatment of antebellum African Americans. The desire for equal rights pervaded black thought in the abolition period. Prime, the former slave of loyalist Absalom Bainbridge mentioned above, complained how he could never serve on a jury and did not have the right to sue in court. These two important rights granted to white males but denied to free blacks limited African American access to freedom. As the abolition period moved forward, New Jersey consistently made clear that free African American residents of the Garden State did not have the same rights as white residents. In an attempt to relate back to the common revolutionary cry of “no taxation without representation,” the *Colored American* in 1841 identified how a Morristown free black man paid taxes on his house and eighteen acres of good land but had “never been allowed to vote, nor even to send his children to the public school.”² This web of legal and societal restrictions relegated free blacks to an isolated level of unfreedom only tangentially higher than their previous enslaved status.

The key to New Jersey’s animosity towards ex-slaves was that most New Jerseyans did not understand the different gradations of unfreedom present in the African American community. As argued in chapter three, Northerners frequently saw little difference in the shades of unfreedom that separated slaves, slaves for a term, and ex-slaves. With significant numbers of slaves and slaves for a term living in their communities until the 1830s, the nation’s racialized system of slavery made it quite easy for whites to identify color with servitude. As the

² *Colored American*, June 19, 1841.

Colored American explained in 1837, “in those parts of the free states where people of color most abound, as on Long Island and in New Jersey, there the progress of the cause of human rights has been the slowest and the prejudice is strongest.”³ Race and white perceptions of what race meant became the driving factor in the creation of the web of unfreedom by New Jersey whites. To most whites, black equaled slave, therefore they had a difficult time adapting to the reality of a society filled with ex-slaves who yearned for economic, social, and political opportunities after they freed themselves from slavery.⁴

The web of unfreedom which snared free blacks emanated from state law which reflected the attitudes and opinions of most Northern whites. In 1821, the New Jersey Court of Errors and Appeals (the highest court in New Jersey) decided a case where the plaintiff accused the defendant of helping his slave abscond by allowing him passage on board his ship. The defendant claimed he did not know the black man was a slave and therefore should not be liable for any reparations to the plaintiff. However, the Court affirmed that in New Jersey, “all black men were *prima facie* slaves” and therefore without solid proof of their free status, they should always be treated as such. Despite the gradual abolition law passed seventeen years earlier and the increased number of manumissions which occurred in the law’s wake, the Court of Errors refused to grant recognition of that freedom to legally free African Americans in the abolition period. This decision, littered with shades of the US Supreme Court’s Dred Scott case decades later, showcased that white Northerners consistently denied freedom to thousands of now legally free African Americans in the same manner as Roger Taney did in 1857. With this legal doctrine, Northerners created a hybrid mechanism to extend the institution of slavery. They

³ *Colored American*, April 8, 1837.

⁴ Joanne Pope Melish argues a similar idea that whites could not accept free blacks in society. I agree but contend that they did not need to accept free blacks because they never abandoned the system of slavery. See Melish, *Disowning Slavery*, 84-88.

retained the services of their slaves for a term or slaves for as long as possible while simultaneously continued to order their society by slavery's racialized structure. The law and the racism already present in Northern society saddled free blacks with an impossible burden. As *prima facie* slaves, white society consistently challenged them to prove their free status and even when proved, never truly accepted them as equals. They therefore could never become citizens of the republic or enjoy most of the freedoms and immunities of that citizenship.⁵

Five years after the decision by the Court of Errors and Appeals, the Supreme Court of New Jersey reaffirmed it. In this case, the plaintiff again accused the defendant of participation in the theft of a slave by providing passage to New York City. Similar to the 1821 case, the defendant claimed ignorance of the legal status of his passenger. The Supreme Court in 1826 copied the decision of the Court of Error and Appeals and ruled that "all black men in contemplation of the law are *prima facie* slaves and are to be dealt with as such. The color of the man was sufficient evidence that he was a slave until the contrary appeared." Both the legal and societal understanding that all blacks in the abolition period be treated as slaves caused the legislature to decline to advance black legal rights.⁶

Even by 1840, New Jersey whites remained slow to change their understandings of freedom for blacks. In that year, Thomas Booth, an anti-slavery advocate, wrote to Samuel Allinson, Jr. the son of a Quaker anti-slavery activist in West Jersey to criticize the state for its failure to repeal the 1798 slave code law that restricted slaves from testifying in court against anyone except another slave and mandated free blacks observe a ten o'clock curfew. It also prohibited "disorderly" conduct among both slaves and freed blacks. The law also barred freed blacks from owning a firearm or begging. That the legislature never acted to modify this law,

⁵ Gibbons v. Morse, 7 N.J.L., Court of Errors and Appeals, 1821.

⁶ Boice v. Gibbons, 8 N.J.L., Supreme Court of New Jersey, 1826.

even thirty-six years after it passed the Gradual Abolition Act, pushed blacks into a level of unfreedom just above slaves and slaves for a term. Stripped of legal rights and believed to be by the majority of whites as no better than slaves, African American access to the benefits of their legal freedom remained far more limited than they had ever imagined on the day of their manumission.⁷

As the nineteenth century wore on, the state Supreme Court decided that legally free African Americans, by now outnumbering slaves in the state, needed a legal designation other than as *prima facie* slaves. In 1836, the Supreme Court overturned its previous precedent and in a case which involved the position of slaves for a term, the Court ruled “this presumption ought no longer to be admitted, both from the notorious fact, that the generality of persons of this description in this State, are not in truth held as slaves *now*.” The Court finally recognized that African Americans in the Garden State lived in several gradations of unfreedom and the law needed to delineate the sometimes confusing differences between them. However, the details of the case show that the Court did not rule in this manner for any altruistic motivation but to protect the rights of buyers of slaves for a term and slaves, something which continued with much vigor into the 1830s. The case revolved around the necessity of an owner to clearly define the conditions of service of the property for sale, as a slave, a slave for a term, or as an indentured servant bound to serve until adulthood. The Court ruled that

the presumption that he (a fifteen-year-old black male) is subject to service till the age of twenty-five, is much stronger than that the aged man of color, is a slave. The possessor of such a boy may have a qualified property in his services, with a right to dispose of the same with a control of his person. And selling him without a special disclosure of his right, he must from analogy to the law of chattels, be held under an implied warranty of such a right. It further appeared in evidence, that the boy was, in truth, an indented

⁷ Thomas Booth to Samuel Allinson Jr, January 19, 1840, New Jersey Abolition Society and Burlington County Abolition Society Papers, Burlington County Historical Society.

servant, bound to serve to the age of twenty-one years. But...the presumption, and of course the implication is...a special apprentice under our act of assembly.⁸

This 1836 decision ended the legal unification of free and enslaved blacks into one congruent category of analysis but did so only to perpetuate the slave system. The Court made it easier for slaves and slaves for a term to be bought and sold while at the same time gave free blacks the right to be seen as legally free under the law. However, after white society so long unified the unfreedom of free and enslaved blacks, no court decision could help Northern whites quickly abandon its overly simplistic identification that black automatically equaled slave. Northern whites accepted by the 1830s that multiple gradations of slavery and freedom coexisted but continued in their own minds and in their daily lives to perpetuate the active use of the slave system as well as its divisive racialized components.

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The strongest mechanism for the advancement of true independence, the right to vote, was one many free African Americans actually enjoyed after 1776. New Jersey, unlike any other state, the 1776 Constitution allowed any citizen the right to vote as long as he or she possessed fifty pounds of property. In the years after 1776, state officials confirmed that any person regardless of gender or race could vote in state elections. Although this historical curiosity most notably highlighted white women's ability to vote decades before Seneca Falls, these "petticoat electors" joined not only white men at the polls but free black men and women as well. Beginning in the 1790s, free black men and women exercised their constitutional right to vote in the Garden State. In one famous case, Governor William Pennington escorted a young free black woman to her polling station in Essex County where he voted alongside her. With the practice of universal propertied suffrage common after the Revolution, the majority of the state

⁸ 15 N.J.L. 266, Stoutenborough v. Haviland, Supreme Court of New Jersey, February Term, 1836.

legislature agreed that all inhabitants of the state could vote so long as they met the property requirement. The legislature felt so strongly about the right of women and blacks to vote that it considered amending the state election law to include the following:

It is the true intention and meaning of this act that the inspectors of election in the several Townships of this State shall not refuse the vote of any widow or unmarried woman of full age, nor any person of color of full age, provided each of the said persons shall make it appear on oath or otherwise to the satisfaction of the said inspectors that he or she is worth 50 pounds clear estate, proclamation money of this state.⁹

The above language never passed into law not because the legislature did not want to protect voting rights but believed it superfluous: the Constitution already clearly spelled out who could and could not vote. In the debate, one state legislature remarked “our Constitution gives this right (to vote) to maids or widows black or white.”¹⁰

Although the legislature initially supported universal propertied suffrage, soon after women and free blacks began to vote regularly, white males called for their disenfranchisement. These calls to restrict the right to vote came after the rise of Jeffersonian Republicanism when key races for legislative seats turned on who widows and free blacks voted for. Republicans feared the additional female and African American votes could challenge their plan to oust the ruling Federalist Party. The control of the statehouse and the governor’s mansion (since the legislature appointed the governor) hinged on only a few votes around the state. In 1800, some of the bitterest fighting emanated from Essex County where Republicans lambasted Federalists for their dastardly un-American electioneering. Specifically, Democratic Republicans argued “Federal corruption displayed itself some time since, in its blackest colors, at Elizabeth-Town,

⁹ Newark *Centinel of Freedom*, November 7, 1800.

¹⁰ Atkinson, *The History of Newark*, 143; Moss, “The Persistence of Slavery and Involuntary Servitude in a Free State,” 307-08. For women voting, see Judith Apter Klinghoffer and Lois Elkins, “The Petticoat Electors:” Women’s Suffrage in New Jersey, 1776-1807,” 12, *Journal of the Early Republic*, 1992. Newark *Centinel of Freedom*, November 7, 1800. Leslie Harris describes how blacks voted for Federalist candidates in New York in the early 1800s primarily because they saw a connection between the Jeffersonian Party and the slaveholding South. See Harris, *In the Shadow of Slavery*, 91-92.

when they brought forward many free blacks as also the widows and maids of that place, and persuaded them to vote for the federal ticket.”¹¹ In the same election, which coincidentally propelled them to power in the legislature, Republicans accused Federalists of “receiving among other votes known to be illegal those of negro wenches” as well as “votes of British officers on half pay, of Frenchman with no property, and pauper negro women.” With insults shuttling back and forth and the outcome of two competing political ideologies in the balance, Republicans challenged the openness of the electorate that the state constitution authorized.¹²

New Jersey’s Democratic Republican Party identified the votes of women and free blacks as “corrupt” and signaled their desire to reinforce the male centric political world which had briefly been shattered by the state Constitution. Although the legislature had consistently upheld women and blacks’ right to vote since 1776, Republicans sought to show New Jerseyans that widows and blacks voting for Federalist candidates were not true Americans and therefore subverted the democratic process in the same way Christine Stansell argues the new nation’s republicanism informed early American men of women’s inherent inferiority. Even though Republicans supported gradual abolition in 1804, they did so to paint a portrait of freedom for white voters, those they believed the true trustees of American freedom. Attacking voting rights for blacks aligned well with their assumptions of black inferiority.¹³

Republicans continued to identify Federal “corruption” by feeding the pro-Federalist Trenton newspaper reports that slaves frequently came to the polls holding already completed Federalist ballots claiming “Massa be good, he gibbe my holiday. De tory again be de bes men of all he say, so de paper I tick in de box as he said, and I be no more slave, ‘cause I vote for a

¹¹ Newark *Centinel of Freedom*, December 9, 1800.

¹² Edmund Raymond Turner, “Women’s Suffrage in New Jersey, 1790-1807,” *Smith College Studies in History*, 1:4, July 1916, 175 and 179.

¹³ Ibid, 180; Stansell, *City of Women*, 19-20.

fed” after an 1802 election. In this way, Republicans tied free blacks to the enslaved and show both as unworthy to access political freedom in the same way they did with women. It indeed mirrored how the law treated all blacks no matter their legal status as slaves. Similarly, in 1807, a Republican legislator claimed the Trenton city election of 1802 should be declared invalid since the “vote of a negro slave, the property of another negro slave, elected one of the members” in this tight race that resulted in an equal number of Federalists and Democratic Republicans in the 1802-1803 legislative session. This tie prevented either party from naming a governor, thus leaving the state without a chief executive for that year. Federalists defended this election when they claimed the slave whom the Republican legislator referred to actually lived as a free black woman and met the appropriate property qualifications. The message that blacks and women were detrimental to the good order of American politics, regardless of the truthfulness of the evidence brought to bear by Republicans, began to convince some New Jerseyans that only white males could handle the responsibility suffrage entailed.¹⁴

In 1806, the “corruption” involving women and blacks voting rose to an entirely new level when Essex County residents voted to decide where the new county courthouse would be built. Newark, in the northern half of the county and its county seat, spared against Elizabethtown, the largest population center in the southern half of the county. The competition for the courthouse between the northern and southern parts of the county caused, according to Republican sources, Elizabethtown voters to stuff the ballot boxes with votes for their city. In addition, Newark residents sent to monitor the polls in Elizabethtown saw women, blacks, and young boys voting en masse. These spies reported back that the election would be lost if Newark did not start its own irregular voting program. Ballot box stuffing began in earnest with men, women, boys, and slaves appearing at the polling stations to vote for Newark as the site for the

¹⁴ Ibid and *Federalist*, November 30, 1807.

courthouse. Men even went home after voting and dressed themselves as women in order to vote a second, third, or fourth time. In the end, small towns like Acquacknonk, a neighbor to Elizabethtown with about three hundred and fifty voters reported a vote total of over 1900, with a majority of them for Elizabethtown.¹⁵

Lewis Condict, the member of the state legislature who attacked the election results in Trenton in 1802, led a legislative battle spurred on by the flagrant disregard for election law in Essex County to restrict the vote to only propertied white men. In 1807, Condict introduced a bill that eliminated voting rights for women, blacks, and non-citizens. Condict argued that to allow those groups the right to vote represented “striking evidence of the miserably defective system of New Jersey elections” and it was “highly necessary to the safety, quiet, good order, and dignity of the state” to restrict voting to male citizens only.¹⁶ Of course, Condict’s logic ignored that propertied white men stuffed as many if not more illegal ballots in the Essex County courthouse election. He and Republican legislators used the opportunity to attack the viability of female and African American voting in an effort to enhance his own vision of appropriate political participation.

After the Republicans convinced a majority of New Jerseyans that white, propertied men must monopolize political power, the Republican Party prevented any opposition from the mainly Federalist white female population and those African Americans entitled to vote. State legislators, looking at the embarrassing situation in Essex County, felt limits on suffrage would produce an electorate better able to defend the nation’s fragile democratic experiment. Women and slaves served as scapegoats for the lack of morals and integrity both men and women propagated at the voting booth in Elizabethtown and Newark in 1806 as well as the promotion of

¹⁵ Ibid, 181-182. Andrew Mellick, Jr. Papers, Notebooks, NJHS. Klinghoffer and Elkins, “The Petticoat Electors: Women’s Suffrage in New Jersey, 1776-1807” also discuss this important county courthouse election.

¹⁶ Turner, “Women’s Suffrage in New Jersey, 1790-1807,” 184.

white male political superiority in the early republic. Although the restrictions on voting had more to do with women than blacks since proportionally fewer free African Americans qualified to vote, the attack on both groups showed that white Republican men saw unfreedom as a condition shared by various populations. Although Jeffersonians spearheaded the effort to eliminate black and women's voting rights, certain Federalists wholeheartedly agreed with these restrictions. William Griffith, a Federalist and the President of the New Jersey Abolition Society, argued against the "perfectly disgusting" practice of women's suffrage and for the disenfranchisement of "restless, ignorant, and vicious aliens, Negroes, and transients."¹⁷ The restructuring of political power to men allied not only Jeffersonians against Federalists but also brought out the racism and belief in African American inferiority that abolitionists who chose gradual instead of immediate abolition felt.

Women, caught in some of the same undetermined positions in the transition from colony to state, had very similar unsure positions in American life. After they gained significant economic and social power during the Revolution, the dictates of Republican Motherhood challenged their now elevated position and argued against their active engagement in state politics. As one woman wrote in the Trenton *Federalist*, "this restriction I am persuaded (it) is entirely agreeable to the generality of women. 'Tis true that our principles teach us not to meddle with war or military affairs...nor do we meddle therewith (as I conceive) when we in a quiet and sober manner, give out votes for men of principle."¹⁸ Men in the legislature responded to a threat against their manhood to defend the principles of decency and morality via restricted suffrage. If women represented a threat to early American male power, African Americans of any variety shared the same umbrella of unfreedom. As *prima facie* slaves, even though they

¹⁷ Fisher, *Revolution of American Conservatism*, 329.

¹⁸ *Federalist*, September 19, 1808.

were legally free, white society delineated the proper positions of all unfree members of society and placed freed African Americans squarely in a place where freedom could not be accessed through political activism.¹⁹

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On a cold November morning in 1834 during one of the heaviest snowfalls Salem County had seen in years, a great commotion awoke John Mason Brown along with most of the other residents along Market Street. Rushing to the street to see the uproar, Brown spied two black men, two black women, and their four children being forced to walk in chains from their beds in only their shirts. Led by the local constable and a posse of about ten strangers, a Philadelphian he later learned was named Donahower drew both a pistol and a knife to make the group of African Americans walk faster. The sheriff of Salem County approached Donahower and attempted to arrest him for breaking the peace but Donahower swung his knife towards the sheriff and threatened to stab him if he tried. Seeking to reclaim the eight African Americans as fugitive slaves from the South, Donahower felt his authority as a slave catcher trumped all civil authorities. Unfortunately for him, the sheriff disabled him and arrested him.²⁰

The above scene illustrated New Jersey's role as a border state between the slave South and the "free" North. At a time when both whites and state law mandated Jersey born blacks should be considered slaves, the state reiterated its stand against African American freedom through its hostility to fugitive slaves from the South. New Jersey's unique position as a Northern state with roughly one-third of its land below the Mason-Dixon Line led fugitive slaves from Delaware to spill into New Jersey in the 1820s. Others came from Maryland and Virginia via Pennsylvania and crossed the Delaware to enter the Garden State. With an increase in

¹⁹ Turner, "Women's Suffrage in New Jersey, 1790-1807," 184-85.

²⁰ Diary of John Mason Brown, December 29, 1834-December 31, 1834, RUASC.

fugitive slaves entering New Jersey, the state legislature passed a personal liberty law in 1826 which mirrored the federal fugitive slave law of 1793. The New Jersey law, like the federal law, mandated those who sought to apprehend a fugitive slave had to prove the identity of the slave before an inferior court judge. The judge, if he felt the person who appeared before him matched the description of the alleged fugitive, could then remand the slave to the custody of his or her master. However, the New Jersey law gave fugitives an additional protection designed to prevent the very scene that Salem County saw in 1834. The state law mandated that a slave catcher had to first announce himself to a New Jersey judge who then turned over the case to the county sheriff who would actually go out and arrest the alleged fugitive. This provision answered the pleas of both black and white New Jerseyans who reviled at the thought of slave traders kidnapping freeborn blacks or slaves for a term. Just as when whites stood up against the exportation of blacks to the Deep South, they similarly lobbied for a law to prevent kidnapping of freemen and women, a most vile and awful act they wished never to be associated with. The image of the “free” North absolved of slavery needed to be protected at all costs.²¹

Although the laws, restrictions, and racism present between state residents and Jersey born blacks highlighted Northern society’s anti-black feelings, how Northerners treated non-native African Americans proves that whites saw little difference between slavery and freedom in the new republic. Antebellum New Jersey whites rejected any attempt to use New Jersey as an asylum for runaways from the slave South. As they saw all blacks as slaves, Jersey men and women treated the fleeing Southerners the same as the property many of them still held and help send them back to their masters in Virginia, Maryland, and elsewhere. Since the state lay along

²¹ New Jersey State Laws, Supplement to an act concerning slaves, December 26, 1826. Paul Finkelman, “State Constitutional Protections of Liberty and the Antebellum NJ Supreme Court: Chief Justice Hornblower and the Fugitive Slave Law.” *Rutgers Law Review*, 767. Also see Cooley, *A Study of Slavery in New Jersey*, 34 and Melish, *Disowning Slavery*, 83-88.

the path many escaped slaves took from the South to freedom, New Jersey constantly had to reexamine its position on slavery. Running almost exactly the same route as the modern day New Jersey Turnpike, the Underground Railroad shepherded fugitive slaves from the southwest coast overlooking the Delaware up to Camden and northeast towards New York City. In either New York or Philadelphia, the fugitive slave integrated into the larger black communities and could either stay in those large metropolises or move even further north to Canada.²²

The well-trodden road in southwest New Jersey along the Delaware River allowed residents of Cumberland, Salem, Gloucester, and Burlington counties to see these escaping blacks quite frequently. Areas with large Quaker populations, many of these counties counted few slaves even during the height of the institution in the late eighteenth and early nineteenth century. These communities not only contained Quakers but a considerable number of free blacks as well. Living in places such as Springtown in Cumberland County, free blacks who had escaped from the South joined together with local ex-slaves and Quakers to develop an oasis of equality in a desert of unfreedom. A waypoint along the Underground Railroad, places like Springtown became the center of the fight over the status of fugitive slaves in the North.²³

Severn Martin, born in Virginia in 1785, was one of these escaped slaves who challenged New Jersey to re-examine its identity in regards to slavery. Martin worked in Northampton County, Virginia where he rose to the position of plantation foreman at age nineteen. His mistress allowed him to hire himself out as a shoemaker but she soon died and he became the property of one of her grandsons who moved with Martin to Kentucky. After considerable service to his new master, Martin thought he had finally gained his freedom when his master died. However, he soon learned he had been sold to a Northampton, Virginia planter named

²² Wright, *African Americans in New Jersey*, 39-41.

²³ Ibid.

William Christian. After he served Christian for two years, the treatment his new master afforded him grew intolerable and Martin fled the state and sought asylum in the North. After a brief stay in New York City, Martin moved to Slab Town about five miles from Burlington City, New Jersey. There, he worked as a day laborer for a little over a year and saved enough money to buy a small one acre plot of land with a house. He married a woman he met in Burlington and started to live the life he had always dreamed of.²⁴

That life was short-lived when in 1836 the Burlington County sheriff arrested Martin in the street near his home as a fugitive slave. The sheriff based the arrest on the testimony of a free African American who had worked alongside Martin and with whom Martin had confided his true legal status. A fifty dollar reward broke the seal of friendship between Martin and his co-worker and Severn Martin went before a judge in Burlington County who decided that indeed he was a fugitive slave from Virginia and remanded him to the custody of his master's agents who had been looking for him. Martin's case, one which followed the law exactly, showed how quickly an integrated member of New Jersey society could be ripped away from his home and family without the slightest outcry from a society supposedly dedicated to the concept of freedom. The ease at which prosecutions of fugitive slave cases in antebellum New Jersey went on demonstrates that New Jersey retained some of its pro-slavery feelings beyond 1804. Even though the Constitution guaranteed the rights of masters to recover their escaped slaves, no massive statewide call to change the law began in response to such cases. Instead, Martin's case illustrated the pervasive lack of interest New Jerseyans had for ensuring the continued freedom of African Americans. Luckily for Martin, his mostly Quaker neighbors bought him from his

²⁴*Pennsylvania and NJ Slave Trade, The Case of Severn Martin, 1836*, RUASC. "Slave Case, William Christian v Negro Sam alias S. Martin, copy of proceedings," August 12, 1836. Burlington County Court of Common Pleas, Unprocessed Loose Papers, Fugitive Slave Law Cases, NJSA.

master for eight hundred dollars which thereby allowed him to stay in the Garden State instead of returning to slavery.²⁵

Like Martin, a Burlington County judge sent Nancy, the slave of John Cooper of Queen Anne's County, Maryland back to the South on little more than the word of her white master. Born in 1809, Cooper's father gave her to his son John around Nancy's tenth birthday. She ran away five years later and lived in New Jersey as a fugitive during the height of the state's abolition period. Twenty-six years old in 1835 when Cooper finally found her, Nancy had three children of her own, all born in New Jersey. Along with Nancy, the Burlington County Court ordered that her three children, born under the 1804 gradual abolition law, be sent back as the property of John Cooper. A point of law seen through Nancy's case, New Jersey did not extend the protections of the gradual abolition law to those born of slaves who entered the state illegally. By quickly handing Nancy and her three freeborn children back to her master, the state continued its record of defending the institution of slavery and the unfreedom which it spread.²⁶

Of course, this was not surprising as the state consistently refused to support the interests of its own Jersey-born slaves for a term. Indeed, many in New Jersey rallied against the fugitive slaves and called on the legislature "to prevent the disgracefulness of riot and bloodshed which are almost daily taking place and prevent the supremacy of the laws being trampled upon by lawless hoards of Negroes and runaway slaves emigrating from other states."²⁷ To the one hundred and twenty-five who signed this petition, New Jersey soil was not and should not be free

²⁵ Ibid. Several other accounts of Fugitive Slave trials in South Jersey illustrate the same ideas as the Severn Martin case. For more, see "Minutes of Gloucester County Fugitive Slave Hearings," Gloucester County Manumission Records, NJSA. Also see Supreme Court Case File 34339, NJSA. In addition, the Gloucester County Manumission book lists the manumission of Ignatius Taylor from Kent County, Delaware who gained his freedom after a consortium of New Jerseyans bought him from his master in the same way as Severn Martin gained his freedom with the help of his Burlington County neighbors; see Gloucester County Manumission Book, NJSA.

²⁶ "Matter of Negro Nancy and her three children, 1835." BAH Collection, Burlington County Court of Common Pleas, Unprocessed Loose Papers, Fugitive Slave Law Cases, NJSA. Finkelman, *An Imperfect Union*, 76, 144.

²⁷ Petition of Inhabitants of New Jersey to the Legislature opposing the harboring of escaped slaves, January 30, 1837 and February 1, 1837, BAH Collection, Legislative Records, 1811-1934, NJSA.

to both those who came searching for it or for those born on it. Instead Northern whites wished to withhold freedom from African Americans regardless of their legal status or their birthplace.²⁸

Although most fugitive slave cases involved a transfer of the slave from freedom to slavery with a quick stop before a judge, others created conflict. In these conflicted cases whites and blacks arose to support fugitive slaves. In 1835, a biracial community defended Alexander Helmsly, claimed by his owner Goldsborough Price of Queen Anne's County, Maryland. At twenty-three years of age, Helmsly fled his Maryland master since he felt that freedom "was a state of liberty for the mind...there was a freedom of thought which I could not enjoy unless I was free." He claimed his escape emanated from "a natural wish to be free." Helmsly left Maryland for New Jersey where someone told him "people were free and nobody would disturb me." Working for about nine years in Evesham and then Northampton, Helmsly married and had three children. In October 1836, a few Southern men who passed through Burlington County found out his status as an escaped slave and quickly wrote to his master's executor (his master had died after his escape) in Maryland who gave them permission to act on his behalf to recover Helmsly and remand him back into bondage.²⁹

Arrested and placed in the county jail to await trial, Helmsly secured a team of abolitionist lawyers who worked quickly to get a number of local residents to testify on his behalf to prove his free status. Six weeks after his initial arrest, Helmsly's case went before local judge George Haywood. Helmsly described Haywood as Virginia born and "like the handle of a jug, all on one side and that side against me."³⁰ His lawyer produced seven witnesses over two days, three white men, two black men, and two black women who gave evidence that contended

²⁸ "Matter of Negro Nancy and her three children, 1835." BAH Collection, Burlington County Court of Common Pleas, Unprocessed Loose Papers, Fugitive Slave Law Cases, NJSIA. Finkelman, *An Imperfect Union*, 76, 144.

²⁹ Benjamin Drew, *A North Side View of Slavery, The Refugee or the Narratives of Fugitive Slaves in Canada* (New York: Negro University Press, 1868), 32-35. Quotes from 33 and 34.

³⁰ *Ibid*, 35-36.

Helmsly lived not as a slave but as a freedman in Burlington County. His owner's agents in New Jersey produced four of their own witnesses, all white men who planned to testify that they knew Helmsly as a slave. Three of the four did while the fourth changed his testimony and agreed with the idea that Helmsly lived as a free black in New Jersey. That a cadre of both whites and blacks rose to defend this fugitive slave showcased that in some instances, locals who knew a particular suspected fugitive fought against society's inferior view of them. Like those fights that prevented the sale of slaves for a term via the interstate slave trade, fugitive slave cases propelled the mechanics of slavery into the forefront of New Jerseyans' minds. In some cases, when faced with the grisly specifics of what their determined fight to defend slavery would cause, certain whites act to defend the freedom of an individual. In this sense, fugitive slave cases were yet another battleground over the concept of freedom in the North.³¹

Though unfreedom permeated New Jersey society in the antebellum period and most New Jerseyans gave freed blacks treatment no different than slaves, some Northerners began to see that New Jersey society was gradually changing and that it needed to stand against the institution of slavery. The focal point of these cases, the moment when the freedom of an individual, not an abstract group of people, hung in the balance radically changed the way Northerners thought about how they should express freedom legally. Even though in some instances people fought to protect fugitives, in most cases, as in Helmsly's, these resistance activities proved too little too late. Haywood found in favor of Helmsly's master and ordered his repatriation to Maryland.³²

After Burlington County Judge George Haywood found in favor of his master, Alexander Helmsly's lawyers presented Haywood with a writ of habeas corpus to bring the case before

³¹ "Proceedings in the case of Nathan, alias Alexander Helmsly, 1835" BAH Collection, Burlington County Court of Common Pleas, Unprocessed Loose Papers, Fugitive Slave Law Cases, NJSIA.

³² Ibid.

New Jersey Chief Justice Joseph Hornblower. The case, *State v. The Sheriff of Burlington*, centered on the constitutionality of the New Jersey personal liberty law of 1826 and the Federal Fugitive Slave Act of 1793. In his decision, Hornblower radically changed the way New Jersey responded to fugitive slaves when he claimed in 1836 that a single judge could not decide the question of freedom alone. The same year where he and the rest of the Court rejected that all blacks lived as *prima facie* slaves, Hornblower argued that any question of a slave's status could only be decided upon by a jury as required by the due process rights the state's constitution guaranteed all New Jerseyans. As a question of fact, the identity of a fugitive slave and the decision to remove him or her into a state of slavery had to be decided by a jury instead of a lone judge. Justice Hornblower argued that a jury needed to answer these questions less a freeman be "separated forcibly and forever from his wife and children" or be "permitted to enjoy with them the liberty he inherited and the property he has earned."³³

With his decision, Justice Hornblower single-handily remade the idea of personal liberty in the antebellum North. Coupled with the rejection of blacks *prima facie* status, the Hornblower decision tells us that only by the 1830s had New Jersey society started to gradually change its perception of African American inferiority and servile status. Up until that point, and indeed in many cases after that, state law restricted the rights of both enslaved and free blacks to the lowest reaches of unfreedom possible. However, with this decision, New Jersey stood out as the only state which mandated a trial by jury. Pennsylvania, Massachusetts, and New York all moved much slower to create similar protections. Pennsylvania's legislature defeated the proposition overwhelmingly and Massachusetts, usually the hotbed of anti-slavery sentiment in the North,

³³ Finkelman, "State Constitutional Protections of Liberty and the Antebellum NJ Supreme Court: Chief Justice Hornblower and the Fugitive Slave Law," 769-773, quote on 772. Helmsly gained his freedom with Hornblower's decision and moved north to Canada to ensure that a judicial decision or act of the legislature would not rob him of the gift fate had bestowed upon him. As an escaped slave, he had triumphed over the system that worked to ensure the return of men like him by pretending to be a free man all along.

did little to quickly remake its own laws to follow New Jersey's lead. Indeed, the mid-1830s represented a turning point in the abolition period. Although slow to recognize differences between enslaved, free, and quasi free, New Jerseyans post-1836 understood how even legally free blacks continued to live within the bonds of unfreedom. That is not to say that most Northerners desired to radically change society's precepts; on the contrary, they were still very interested in buying and selling slaves and slaves for a term throughout that decade and beyond. It does however illustrate that Northern whites after the mid-1830s grew more accepting of free African Americans or at least the concept that freedom could be shared with the formerly enslaved.³⁴

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At the same time New Jerseyans restricted African American's political and legal rights, the colonization movement rose as an embodiment of the rejection of black accessibility to citizenship in the new nation. Robert Finley, a Presbyterian minister from Basking Ridge, helped found New Jersey's branch of the American Colonization Society (ACS). Between 1816 and his death in 1817, Finley became extremely active both at the national and state level in the new "back to Africa" movement. Finley, when he published his *Thoughts on the Colonization of Free Blacks*, strongly believed African Americans could not survive as freed people in the United States. Finley argued that as the free black population in the North "increases greatly, and their wretchedness too as appears to me. Everything connected with their conditions, including their color is against them; nor is there much prospect that their state can ever be

³⁴ Ibid, 769-774. The *Colored American* reported the Hornblower decision to the New York area's black population; see *Colored American*, April 22, 1837. After the judicial decision, the state legislature passed a law in February 1837 which authorized a three judge panel to determine the status of a fugitive slave with a provision that if either side preferred a jury trial, a jury would be empanelled. An 1846 law again reiterated the idea of a jury trial.

greatly ameliorated while they shall continue among us.”³⁵ This argument sustained the unfreedom most African Americans endured. Moreover, Finley firmly understood the colonization movement as ordained by God. In this way, little could stand between colonization supporters and their goal to “save” the free African American population. Before he assumed the Presidency of the University of Georgia, Finley wrote “the progress which the Colonization scheme has made is to me plain indication that it is of God” and that those he left in charge in New Jersey should “devote to it your heart and soul...as the noblest means of servicing God and man that will ever be presented.” Finley firmly believed only the grace of God could change the fate of thousands of New Jersey blacks.³⁶

Many of the same type of “progressive” members of Northern society who had previously fought for and succeeded at passing gradual abolition laws joined the newly formed American Colonization Society and its affiliate chapters across the North. Like Finley, many of these men fundamentally believed free blacks could never truly experience freedom in Northern society. Their skin color and history as an enslaved race could never truly make them equal partners and equal citizens. The law not only limited their access to legal differentiation from slaves, white society did as well. Most early colonization advocates believed that only by shipping free blacks across the Atlantic could the state truly help the black population. Augustus Taylor, an early member of the ACS, claimed “the scheme of gradually eradicating the evil of slavery by colonizing the free blacks on the Coast of Africa” should be made post-haste in order to free the state from the bonds of slavery.³⁷ Indeed, this statement ignored the fact that

³⁵ Robert Finley to John Mumford, February 1816, reprinted in Isaac Brown, *Biography of Robert Finley*, 99. For the beginnings in New Jersey, also see *Centinel of Freedom*, December 6, 1816 and Marion Thompson Wright, “New Jersey Laws and the Negro” *Journal of Negro History*, 28:2, April 1943, 180.

³⁶ Robert Finley to Rev. George Moodhull, March 22, 1817. Office of the President, University of Georgia Presidents File, 1801-1819, Hargrett Library, University of Georgia. Finley served as President of the University of Georgia for about six months before his death after conducting a tour of the state.

³⁷ *The African Repository and Colonial Journal*. Volume I, November 1825, No IX, 282.

thousands of slaves and slaves for a term continued to toil on New Jersey farms. It instead held up New Jersey as a land of liberty and asked the state to stand up again to help eliminate the institution of slavery as was done in 1804.

Like Taylor, most colonization supporters ignored the precise differences in levels of unfreedom present in the Garden State throughout their debates. United States Senator Theodore Frelinghuysen, a key supporter in the 1820s, asked “citizens of New Jersey, we appeal to you—survey your cultivated fields, your comfortable habitations, your children rising around you to bless you. Who, under Providence, caused those hills to rejoice and those valleys to smile? Who ploughed those fields and cleared these forests? Remember the toils and tears of black men, and pay your debt to Africa.”³⁸ Like the Quakers before them, Frelinghuysen asked New Jersey society to repay the great debt owed to African Americans for their former service as slaves. The New Brunswick chapter of the ACS echoed the same sentiments when it claimed that “the slave trade was a great national sin and we who are a part of the nation are bound to wipe away as far as we can the evils produced thereby.”³⁹ With their guilt ridden messages, colonization society members told a fairly common tale of unfreedom, one continually repeated throughout the nineteenth century. The movement admitted that blacks, no matter what their legal status, would always live in some form of unfreedom and never access true independence in the United States. Unlike the equally guilt ridden Quakers, colonization members sought to sever the relationship between white and black through shipments of freed men and women to Liberia instead of attempting to solve the issue at home. Colonization then gave form to all the negative legal and societal connotations Northern whites possessed.

³⁸ Speech by Theodore Frelinghuysen as cited in Michael Caputo, *New Jersey's Role in the African Colonization Movement*, Montclair State College, 1965, 9.

³⁹ New Brunswick Colonization Society Minutes, New Brunswick Colonization Society Papers, RUASC.

Although Presbyterian Minister Phillip Hay recognized slavery still existed in New Jersey, like other colonizationists he resolved to remove all free blacks as the only alternative for them to become free. In an 1826 sermon, he counted more than “15,000 (African Americans) free under the act of the Legislature of 1804. The same causes that have operated in former years to degrade and deprave will still continue to operate” for these slaves for a term once they gained legal freedom.⁴⁰ Men like Hay saw a connection between the economic and social unfreedom slaves for a term exited slavery into. However, he came to the same conclusion that in order to repay the debt owed to these freeborn children, American society had to rid themselves of responsibility for them. Senator Frelinghuysen in 1824 similarly recognized that the “exigencies of circumstance may properly prevent (slavery’s) prompt abolition” and therefore the legal and societal fusion of free and enslaved black’s status during the abolition period served to restrict access to black freedom for years to come.⁴¹ As all blacks no matter their legal status existed in the same world of unfreedom, colonization supporters realized the only way to eliminate unfreedom from the state was to let slavery die a natural prolonged death and work to send those legally freed from bondage out of the state. Colonizationists therefore desired the wholesale elimination of unfreedom instead of an amelioration of it.

The debate over elimination of unfreedom versus amelioration went on with Southern slaveholders as well. Southerners and New Jersey slaveholders feared the ACS acted as an abolition society in disguise. In a sermon that contrasted colonization and abolition, colonization supporter Calvin Colton cited the main difference between the two was that colonization focused on the free African American making a choice to leave the United States instead of an

⁴⁰ Philip Hay, *Our Duty to our Colored Population: A Sermon for the Benefit of the American Colonization Society, Delivered in the Second Presbyterian Church, Newark, July 23, 1826*. Newark: W. Tuttle and Co, 1826.

⁴¹ Theodore Frelinghuysen, “An Oration: Delivered at Princeton, NJ November 16, 1824 before the New Jersey Colonization Society,” (Princeton: Princeton Press, November 1824).

involuntary change in status as abolition programs dictated. Both the national and the local ACS chapters in New Jersey consistently reiterated their belief that the only way to address the lack of support for abolition (and the reconstruction of black life afterwards) involved removing ex-slaves from the United States as quickly as possible: removal trumped any efforts to help ex-slaves elevate themselves to a higher level of unfreedom.⁴²

Many ACS members' racist sentiments informed their support of wholesale removal as opposed to amelioration of condition. Lucius Elmer, an early member in New Jersey, prayed that colonization could free "the country from the living pestilence of a numerous black population."⁴³ Elmer represented a large portion of the white population who saw all African Americans regardless of their legal status as a detrimental threat to Northern society. They echoed the state law's judgment that blacks lived beneath white society. To support this contention, another member of the society indicted black moral character, claiming it "is far more debased than any part of the white population" and therefore unworthy of access to any progressively higher levels of unfreedom.⁴⁴ Elmer and others like him supported colonization as it served as a mechanism to eliminate an entire group of undesirables from the United States.

The program of removal gained significant support from around New Jersey. The ACS petitioned the state legislature and proposed that although "the love of liberty and the feelings of humanity have produced the emancipation of a great number" of African Americans, their "degraded situation in which those who have been freed from slavery remain...(and) will probably remain while they continue among the whites."⁴⁵ Petitions like this one propelled the state legislature into action in yet another attempt to limit the availability of freedom to African

⁴² Calvin Colton, "Colonization and Abolition Contrasted," 1839, RUASC.

⁴³ *The African Repository and Colonial Journal*. Volume I, November 1825, No IX, 281.

⁴⁴ *Freedom's Journal*, March 30, 1827.

⁴⁵ Petition of Inhabitants of New Jersey to the NJ legislature, advocating Colonization of Freedman in Africa, November 4, 1816, BAH Collection, Legislative Records, 1811-1934, NJSIA.

Americans. In 1824, the state legislature ordered the Governor to communicate New Jersey's support of colonization to all of the other states in the Union as well as to Congress. The state hoped all could work towards a more unified plan to start a full-fledged nationally coordinated colonization system. With this law, the state again affirmed its belief that even free blacks did not have the right to access freedom in the early republic.⁴⁶

Although colonization gained popularity both with the state government and with many white New Jerseyans, most free blacks rejected the concept of moving back to Africa. Across the river in Philadelphia, free blacks loudly proclaimed their opposition to removal especially to the white controlled colony of Liberia. While some looked towards Haiti with its black government as a possible immigration destination, many more attacked the colonization movement for its lack of interest in working with the free black community. Ministers from African American churches in New Jersey rejected the movement largely because it modeled itself after the white dominated slave system. These ministers and indeed most African Americans believed the ACS message was not only clouded by racism but by a desire to continue the oppression and denial of freedom to free blacks which slaveholders had been engaged in for the last two hundred years in the Garden State.⁴⁷

New Jersey blacks insisted the colonization scheme had more to do with sustaining a society dedicated to the oppression of African Americans than encouraging black freedom. As whites who supported colonization generally agreed free blacks had little chance at true freedom in the United States, they implicitly argued that African Americans could never become equals to

⁴⁶ "Resolutions relative to the gradual emancipation of people of color and their colonization in a foreign country," New Jersey State Acts, Dec.30, 1824.

⁴⁷ *Centinel of Freedom*, December 7, 1819. "The Colonization Scheme Considered in its Rejection by the Colored People in its tendency to uphold caste in its unfitness for Christianizing and Civilizing the Aborigines of Africa and for putting a stop to the African Slave Trade: In a Letter to Theodore Frelinghuysen and Benjamin Butler from Samuel Cornish and Theodore Wright, Pastors of the Colored Presbyterian Churches in the Cities of Newark and New York." (Printed by Aaron Guest, Newark, 1840).

whites or independent citizens of the new nation. Colonization to African Americans then became a movement of “slaveholders who wanted to continue to subjugate free blacks” in New Jersey in the same way the white majority had done throughout the abolition period. To accept this movement would be to reject the limited social and economic mobility they had gained as legally free men and women.⁴⁸

Attacks against colonization ran frequently in black newspapers in the tri-state area. They informed freed people that the Society’s main goal was “ultimately to get rid of the free population” of African Americans.⁴⁹ The removal of black residents from the Garden State, as one writer argued, blinded Jerseymen to the real problems the nation faced in the expansion of freedom to African Americans. In New Jersey, whites used colonization as an excuse to evade the pressing issue of the final eradication of slavery and perpetuate a system of unfreedom to all blacks. The black press, of course, highlighted the hatred towards free African Americans many colonizationists expressed which served to create a clear connection between the power and influence of the slaveholders and colonization’s role in restricting access to freedom.⁵⁰

Colonization proved to be a unifying force among New Jersey’s black community. Most free blacks opposed the colonization plan as an attack on their ability to rise as citizens of the republic, but some decided removal to Africa would solve their problems much more quickly and efficiently than a prolonged struggle for equality in the United States. The debate over colonization took place amongst blacks as well as between white and black. Chief among these black supporters of colonization was the African American Association of New Brunswick, an organization founded in 1817 with both free and enslaved members dedicated to raising funds to develop educational opportunities for young black men to become teachers and ministers both in

⁴⁸ Ibid.

⁴⁹ *Freedom’s Journal*, June 8, 1827.

⁵⁰ *Freedom’s Journal*, June 2, 1838, October 6, 1838, October 13, 1838, January 19, 1839, July 21, 1838.

the United States and abroad. The African School, a venture of the Presbyterian Church's Synod of New York and New Jersey, claimed funds from a number of organizations including the African American Association of New Brunswick. The first professional school for blacks in the United States, the African School's mission satisfied the "special duty devolved on the American people to raise up preachers and teachers for the African race at large."⁵¹

Though not a direct part of the colonization society's organization, the African School's leadership came from its very ranks and espoused its sentiments. The majority of ministers trained at the school eventually left to work closely with the ACS in Liberia itself. The African Society of Newark, another mixed slave and free black society, joined in the New Brunswick Association's mission of colonization in the 1820s and 1830s to support not only the educational aspects of the African School but the policy of colonization in general. Pro-colonization Presbyterian minister Edward Griffin preached to his white parishioners about the integral role the African American Association of New Brunswick and its black leadership played in the creation of the Parsippany school. Griffin's sermon contained shades of both racism as well as ACS style paternalism as he described Association President Peter Upshur as "forty-eight years of age with an intelligent eye, a large and prominent forehead, and a general physiognomy indicative of vigorous intellect. He is... much respected by the whites and exerts a benign influence over his colored brethren."⁵² Indeed, this "benign influence" that Upshur exerted earned much praise from Griffin who argued the New Brunswick Association set an example to all African Americans as to what their character should be.⁵³

⁵¹ Rev. Edward Griffin, *A Plea for Africa: A Sermon preached October 26, 1817 in the First Presbyterian Church in the City of New York before the Synod of New York and New Jersey at the Request of the Board of Directors of the African School Established by the Synod.* (New York: Gould, 1817), 34.

⁵² *Ibid.* 70.

⁵³ African Association of New Brunswick, New Jersey, Minute Book, RUASC; Marion Thompson Wright, *The Education of Negroes in New Jersey* (New York: Arno Press and the New York Times, 1971), 78-83; Hodges, *Root and Branch*, 219-20; Newark *Centinel of Freedom*, December 3, 1816.

Jeremiah Gloucester, one of the first students who enrolled in the African School, wrote to the members of the African American Association of New Brunswick where he detailed his view of the future of free blacks in New Jersey. Gloucester claimed African Americans lived in ignorance and that only education, by people like him, could bring true power and respect to them. Indeed, Gloucester and the members of the New Brunswick Association firmly believed that colonization and education would finally allow African Americans to become “men of sound and culture” taking their place in a larger world order. The empowerment Gloucester and others like him gave many ex-slaves who joined the New Brunswick Association definitely helped them challenge the rest of the free black community. However, the African School and the New Brunswick Association operated in a much larger world of racist assumptions and pro-slave sentiments. Support for colonization did not absolve them of the perception of inferiority ACS members believed permeated the African American community. All continued to live in a form of unfreedom their pro-colonization beliefs could not puncture.⁵⁴

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Stripped of their right to vote, marginalized as slaves despite their free status, and declared undesirable by the colonization society, free blacks in the abolition period attempted to mitigate their status of unfreedom by building their own free community. Owning and controlling one’s own household without white interference became the highest hope of antebellum Northern black freedom. Many free New Jersey blacks decided to travel to Philadelphia or New York to alleviate the stresses of New Jersey’s harsh line against black freedom. Philadelphia’s African American population, for instance, came from as far as Lancaster and York in Pennsylvania as well as Delaware and West Jersey. The city possessed more than 20 percent of the state’s total black population while less than 10 percent of

⁵⁴ African Association of New Brunswick, New Jersey, Minute Book, RUASC.

Pennsylvania's white population. By 1800, an African-American living in Pennsylvania more likely lived in Philadelphia than anywhere else in the state. New Jersey slaves recognized this growing population and crossed the Delaware to join it as did many more ex-slaves who left to the east and went to New York with its growing industry and plethora of opportunities.⁵⁵

Despite the legal definitions which stymied black freedom, New Jersey's African Americans rallied together to create their own independent communities in the Garden State. Newark, the largest city, attracted many ex-slaves. A locale rich with commercial potential on the road from New York to Philadelphia, Newark grabbed the attention of most former slaves in the abolition period. In 1830, one hundred and eight households in Newark's city limits contained exclusively African Americans. A total of 427 free people of color, roughly two-thirds of the free black population of the city lived in households headed by a free black. With an average size of just under four people, these households became the bedrock of Newark's free community. Of course, like in New York City, this transition to free households entailed a drawn out process. Unfortunately, the earliest census records to survive only detail households in 1830, therefore a true comparison to New York and Philadelphia can only be tangentially formed. However, as the free black population grew, they increasingly moved out of their white master's homes and into ones they created. By 1820, New York blacks reached the same success it took New Jersey blacks to reach ten years later. With only a five year head start on its abolition period, New York's faster movement in creating a large proportion of free black households most likely had to do with the stagnant growth of the black community due to immigration out of the Garden State. Newark drew ex-slaves from the surrounding countryside but could not compete with New York or Philadelphia. With many ex-slaves bypassing Newark

⁵⁵ For movement of blacks from New Jersey to New York and Philadelphia, see Hodges, *Root and Branch*, 212, Nash, *Forging Freedom*, 72-73 and 136-37, White, *Somewhat More Independent*, 152-55, Hodges, *Slavery, Freedom, and Culture among Early American Workers*, 75.

for larger cities, the growth of Newark's free black households in the antebellum period could not match the rate of growth in New York.⁵⁶

Two main thoroughfares divided Newark: Broad Street with its shops and hotels bisected the city from east to west while Market Street ran north to south. The majority of Newark's independent black households in 1830 rested in the northeast sector of Newark: north of Broad and east of Market. Data from the 1835 Newark City Directory indicates the vast majority of Newark's black families (72 percent) lived in this quadrant of the city while only 16 percent lived north of Broad and west of Market. Another 10 percent of free blacks resided South of Broad Street. Like many blacks in New York, Newark's African Americans took up residence in close proximity to their houses of worship. The large concentration around the Zion Methodist Church in New York's fifth ward bore close resemblance to the African Methodist Church at the corner of Academy and Plane Streets in northeast Newark. Twenty black households surrounded that church while another nine surround the Baptist Church two blocks South on the corner of Academy and Halsey Streets. Like in New York, most black families attempted to either live near their church or near other black families. A large concentration on the extreme Northeast side of town near the corner of High and Nesbit Streets contained fourteen black families while groupings of two or three houses remained standard throughout the city. Only six households stood isolated from at least one other free black home nearby.⁵⁷

Previous scholarship on independent black living arrangements in the antebellum North argues that free African Americans lived in diverse non-segregated neighborhoods. The

⁵⁶ 1830 Newark Census Schedules; Hodges, *Root and Branch*, 193-94.

⁵⁷ For distribution of blacks in New Jersey, see Peter Wacker, "Patterns and Problems in the Historical Geography of the Afro-American Population of New Jersey, 1726-1860" in Ralph Ehrenberg, ed, *Pattern and Process: Research in Historical Geography* (Washington DC: Howard University Press, 1975), 49-50. Also see Peter Wacker and Paul Clemons, *Land Use in Early New Jersey*, (Newark: New Jersey Historical Society, 1995) and Peter Wacker, *Land and People, A Cultural Geography of Preindustrial New Jersey: Origins and Settlement Patterns*, (New Brunswick, NJ: Rutgers University Press, 1975). White, *Somewhat More Independent*, 171-7; *Directory of Newark for 1835-6* (Newark: Newark Daily Advertiser, 1835).

arrangement of black households in Newark confirms that blacks there as in New York and Philadelphia lived in integrated neighborhoods: no official segregation existed. However, with an overwhelming concentration of Newark's free blacks in one section of town, indeed in three small enclaves in that section, black life in practice existed as a segregated experience. Although not legalized or even socially enforced, economic relationships, racism, and a lack of social mobility forced many free blacks into less central locations in the city. The grouping of blacks around houses of worship as well as in small groups in other areas illustrated that blacks clustered together in order to both provide some semblance of community as well as safety from whites. Since blacks rarely lived isolated in a sea of white households, white Newarkers did not fully accept free blacks into their neighborhoods.⁵⁸

Whites in Newark feared the free African American population would grow too large too fast. The state's 1798 Act Regulating Slaves contained a provision that prohibited free blacks from travel to a county other than their home without permission from at least two local judges. In an effort to enforce this law and fight against the growing free black community in Newark, the city called a meeting in 1812 "to adopt measures for the removal of free blacks not resident here and to prevent riots at night." Astutely, Newark's leadership attempted to slow the black population's growth from other areas of the state and therefore lessen the perceived problems blacks created in the city. With both the state and city supporting a restriction of black movement and independent community growth, blacks settled in uncontested sections of town in order to limit their exposure to the potential white onslaught. These restrictions limited the

⁵⁸ For black living arrangements in the North, see Nash, *Forging Freedom*, 169, Hodges, *Root and Branch*, 193, Harris, *In the Shadow of Slavery*, 74-75, and White *Somewhat More Independent*, 171. Peter Wacker discusses distribution of African American population in the state and Newark specifically, but only in 1840 and 1860. His research shows that as the city grew in size, black households expanded beyond the Northeast quadrant of the city. By 1860 large clusters of households existed in the extreme East side, the Southeast side along the Passaic River, and in the Northwest quadrant. See Wacker, "Patterns and Problems in the Historical Geography of the Afro-American Population of New Jersey, 1726-1860" in Ehrenberg, *Pattern and Process*, 49-67.

ability of free blacks to rise out of the lowest levels of unfreedom while they reinforced white New Jersey society's belief in black inferiority.⁵⁹

Although independent living remained the pinnacle of black success, many Newark blacks failed to achieve this level of independence. By 1830, as argued in chapter three, free black residence in white households either to stay with their slave for a term children or as a transition point to freedom became quite common. Domestic service in Newark's white households was a common way for free blacks to earn a living, one that largely replicated the world of slavery they had previous lived in. It therefore represented a status only marginally higher in the world of unfreedom. Black female domestics served their master and mistress in the same way a slave woman did. Of Newark's white households which contained free blacks, 62 percent contained only female free blacks, either adult women, female children under twenty-four, or a combination of the two. This statistic buttresses the centrality of domestic labor to the post-gradual abolition vision of free black life. White families either hired these free black women as live-in domestics or manumitted their slaves and hired them to continue in their households even after manumission. For example, in 1870, the Wyckoff family of Readington Township in Hunterdon County mourned the death of 105-year-old Mat, a former slave of the family who lived continuously with them since age six in 1771. Mat gained her freedom but continued service to her former master's family until the day she died.⁶⁰

Non-domestic forms of labor further replicated the system of slavery supposedly marked for extinction by the 1804 law. In Monmouth County, white farmers created a cottager system

⁵⁹ Newark *Centinel of Freedom*, March 10, 1812.

⁶⁰ Stephanie Stevens, *Outcast: A Story of Slavery in Readington Township, Hunterdon County New Jersey*. (Whitehouse Station, NJ: Merck and Company, 2003), 49-51. New York experienced the same type of free black living arrangements but at a much earlier point in time. By 1790, a third of the city's free blacks lived in white households, a statistic which could not be matched by Newark until 1830. As Shane White asserts, a much larger proportion of white households in the early nineteenth century used free black labor in the same way Newarkers did in 1830. By 1810, almost sixty-nine percent of white households utilized free black labor within them, a significantly higher number than Newark had twenty years later. See White, *Somewhat More Independent*, 46-55.

where sharecropping became the only way free blacks could gain use of land. Samuel Wright, a sheep farmer in Upper Freehold, offered Isaac Vincent, a free black from Middlesex County, a job in 1809. As a wage laborer, Vincent toiled on Wright's farm during the growing season. Impressed with Vincent's work, Wright offered Vincent an annual contract in 1810 which included a salary, a house on the property, and a small plot of land to grow his own crops. In what Graham Hodges calls "mild slavery," Vincent's relationship with Wright marked a transition step between slavery and true independent capitalist system.⁶¹

Similar to Vincent's relationship to Wright, William Walters, a free black man from Hopewell Township in Cumberland County, worked on Enoch Burgin's 160 acre farm in 1804. Although unclear if Walters received a house like Vincent did, Walters lived and worked on Burgin's land thereby eliminating his ability to work as an independent wage laborer for the highest bidder. Although these cottager relationships occurred among white workers and acted as a form of wage labor, they represented labor inside the larger sphere of unfreedom which all Americans lived in. Just as in the Reconstruction South, whites perpetuated the slave labor system in an effort to continue to reap the benefits of bound labor (in this setting based on an annual contract) and potentially hide from the realities of the changing dynamics of the capitalist economic transformation. The relationship between masters and slaves for a term discussed in chapter three had clear connections to these cottager and domestic service relationships. All three attempted to extend the use of black bound labor as far as possible into the abolition period.⁶²



⁶¹ Hodges, *Slavery and Freedom in the Rural North*, 161-63.

⁶² Ibid, 1804 Tax List, Hopewell Township, Cumberland County, RUASC.

Armed with their own households and a greater unity given to them through their resistance of the colonization movement, the formation of a free African American community and culture in the midst of racism and slavery came early on in the abolition period. Locales like Sylvia Dubois' nightclub in Somerset County's Hopewell Township, the same woman who met enslaved and free blacks at local militia days, brought free blacks together in the abolition period to create a true community. The nightclub, "an interracial milieu where cockfights, fox chases, prizefights, and prostitution took place," created a lively social outlet for ex-slaves desperately trying to find some semblance of order in white dominated New Jersey society. Pinkster, another biracial celebration with roots in the Dutch colonial period of the state's past, focused on dancing, music, and fellowship. Celebrations like these joined freed people together and laid the groundwork to create organizations and support networks to support the ex-slaves' religious experiences, education, and economic success.⁶³

Many celebrations and much community organization centered on the church, one of the first institutions where whites and free blacks attempted to renegotiate their pre-abolition roles. Like in the South where blacks and whites sought to make a world together, New Jersey whites and blacks used the church as a mechanism to iron out their place in a society made up of free, quasi-free, and enslaved blacks. Whites and blacks attended the same churches in New Jersey, just as in Virginia in the 1780s and 1790s. However, frequently those churches did not welcome the large numbers of blacks Virginia churches did. For example, between 1804 and 1818, New Jersey's Hanover Presbyterian Church admitted only three free blacks while it admitted three times as many enslaved blacks as members. Likewise, Stone House Plains Dutch Reformed Church admitted only three free blacks between 1804 and 1850. The free blacks and slaves who attended these white dominated churches suffered inferior treatment both figuratively and

⁶³ Harris, *In the Shadow of Slavery*, 88; Hodges, *Root and Branch*, 221-223, quote on 221.

literally. For instance, slaves and freed blacks in New Jersey sat in segregated balconies and pews, a physical reminder of how whites felt they did not belong. In Alexander Macwhorter's First Presbyterian Church of Newark, African Americans sat on the windowsills instead of the pews during evening prayers while blacks in Lamington Presbyterian Church in Bedminster sat segregated in the church balcony and, after 1856, were buried in a separate burial ground near the church. Unlike the relative united church-going of Southerners, the intermingling of African Americans in many New Jersey churches was held to a minimum.⁶⁴

During the state's abolition period, many churches created a hybrid African American membership roster where slaves and free blacks routinely joined together for worship. The Dutch Reformed Church in Rockaway admitted Martha, the slave of George Wyckoff and several other slaves of local owners to church membership while it also admitted several free blacks to create a mixed roster just as Hanover Presbyterian had. These hybrid communities grew over time as both new members joined and as slaves gained their freedom and continued to attend the same church, especially true for those who lived with their former white masters or as servants in white households. For example, at least four free blacks joined the Reformed Dutch Church in Middlebush in the 1830s after they had gained their freedom from church members.⁶⁵

Like in the South, white masters encouraged African Americans to marry in the church as well as be baptized. As marriage and baptism both served, in the white imagination, to stabilize the otherwise unstable black life, white churches encouraged these ceremonies. In this way, whites used the church to mold their society to be consistent with their belief in black inferiority.

⁶⁴ Vital Records of Hanover Presbyterian Church, NJHS; Stone House Plains Dutch Reformed Church Register, 1747-1901, NJHS; John Cunningham, *Newark* (Newark, NJ: New Jersey Historical Society Press, 1988), 131; Mechal Sobel, *The World They Made Together: Black and White Values in Eighteenth Century Virginia* (Princeton, 1987), 178-213; R. Gloria Landers, *Pioneers, Pastors, and Patriots: The 250-Year History of Lamington Presbyterian Church* (Bedminster, NJ: Lamington Presbyterian Church, 1990), 69. A special thanks to Reverend William Davis and his wife Doris for helping me uncover this last source for me.

⁶⁵ Stevens, *Outcast: A Story of Slavery in Readington Township*, 151. Reformed Dutch Church of Middlebush, NJ Subscription List, October 6, 1832, Van Liew Family Papers, RUASC.

In many churches, the rolls of marriages and baptisms of blacks far exceeded the number of black members. The black community, in many cases without its own strong institutions in the early abolition period, gravitated towards white churches for these important ceremonies. Methodist minister Thomas Morrell married ten free black couples between 1816 and 1835 while he baptized several more. The Westfield Presbyterian Church recorded twenty-four black members from 1804 to 1843 but its minister presided over marriages and baptisms of many blacks who did not join the church. Indeed, Westfield Presbyterian's records illustrated that whites and blacks joined together for these important ceremonies in the abolition period. For example, the free black child of Prime and Hannah joined sixteen white children in a mass baptism on June 5, 1808. The abolition period in New Jersey represented a mixed bag for blacks. Some sat in segregated pews while other seemed to share almost equally in church experiences; just as in the previous chapter in regards to manumission, the abolition period became very much defined by both either a local master or a local community.⁶⁶

Although many blacks worshipped in heavily white dominated and segregated churches in New Jersey, others joined churches where whites and blacks shared their religion more equally. The Scotch Plains Baptist Church in Essex County routinely admitted black members and responded equitably towards claims they made and made against them. In 1816, a church committee investigated the conduct of member Aaron Ball Jr's physical treatment of a slave for a term while in 1818 gave a fair hearing to "our colored brother Thomas Ell in regard to some reports against him" and acquitted him of any misconduct. Similarly, an argument between two free black church members, Peggy and Hannah, ended after a church committee worked with

⁶⁶ William McKinney, Charles Philhower, and Harry Kniffin, *Commemorative History of the Presbyterian Church in Westfield, NJ, 1728-1928* (Westfield, 1929), 350-459. Daybook of Thomas Morrell, 1809-1838, Morrell Family Papers, NJSA. For more on Thomas Morrell, see Kenneth Rowe and Michael McKay, ed, *The Journals of the Rev. Thomas Morrell: Dissent and Reform in the United Methodist Tradition* (Historical Society, Northern New Jersey Conference, The United Methodist Church, 1984)

them to solve their differences amicably. Likewise, ministers at Trinity Cathedral, an Episcopal Church in Newark, admitted, baptized, married, and buried hundreds of African Americans both free and slave in the abolition period. In places like Trinity and Scotch Plains, free blacks created a community where they could experience a modicum of freedom in a world otherwise dominated by their unfreedom.⁶⁷

Active engagement in Trinity Episcopal waned in the mid to late 1820s when ex-slaves in New Jersey as well as across the nation recognized that in the new era of abolition there existed no reason to continue to worship in biracial churches. The unity the fight against the colonization movement caused *The Colored American*, a New York based African American newspaper, to argue that freed blacks starved “for the breadth of life...no one cares for their souls...there are a few...who go to the white churches, but they cannot get it there because they are not allowed equal privileges in the said to be God’s houses nor at his table.” The newspaper spoke of Morristown specifically, where it exclaimed “there are three hundred poor, outcast, oppressed colored people not allowed to worship God in the houses that their sweat and blood has helped to build.” Many white dominated churches lacked black input in services, church government, and basic equality between the races in ritual and function. Many former slaves around the state and indeed the nation reevaluated their worshipping practices. Blacks wished to replicate the independent living they started to experience in the abolition period in their church life as well.⁶⁸

Similar to what occurred in New Jersey, the free community in Philadelphia created independent churches as early as 1806. In that city, John Gloucester, an ex-slave from Tennessee, helped found and minister the First African Presbyterian Church in 1807. Building

⁶⁷ Trinity Cathedral Papers, NJHS. The Baptist Church of Scotch Plains New Jersey Papers, 1747-1837, NJHS.

⁶⁸ Quote from *The Colored American*, June 19, 1841.

on the experiences of their neighbors, ex-slaves grew increasingly tired of worship without any say in church structure or government. In 1822, Christopher Rush, a black Methodist, created the first black church in Newark on Academy Street. This church, the predecessor to St. John's Methodist and the later Clinton Memorial AME Zion Church, drew membership from many blacks who had previously worshipped in biracial churches. Newark's black Methodist church became a hotbed of community where blacks from New Jersey tied themselves into larger discussions of slavery and abolition. On August 1, 1838, Samuel Ward, a future agent of the Anti-Slavery Society of Canada, led a meeting at the church in commemoration of Emancipation Day in the British West Indies. Because of the lack of freedom most African Americans felt in New Jersey, free blacks celebrated the rites of August first rather than the rites of July 4, the day gradual abolition began. After enslavement ended, their community had grown to be much larger and more transnational than ever before.⁶⁹

The blacks who worshipped sitting on the windowsills of the First Presbyterian Church in Newark underwent a similar reinterpretation of their religious practices during the abolition period. Yearning for more active participation in their church services and a central role in the church itself, a group of African American members withdrew from the First Presbyterian Church in 1831 to set up their own. The African Presbyterian Church on Plane Street, not far from the African Methodist Church, created another focal point for African Americans to unite. The African Presbyterian Church and Methodist Church created infrastructure and an organization base to advocate and work towards issues important in the black community. Religious life became a mirror to look onto Northern society in the antebellum era. As slaves for

⁶⁹ Cunningham, *Newark*, 131. Curry, *The Free Black in Urban America*, 186-87. Leslie Harris also looks at how former slaves in New York City also decided to stop worshipping with their fellow white church members during that state's abolition period. See Harris, *In the Shadow of Slavery*, 82-84. For Emancipation Day ceremonies, see JR Kerr-Ritchie, *Rites of August First: Emancipation Day in the Black Atlantic World* (Baton Rouge, 2007), 136.

a term and slaves gained freedom via manumission or by the tenants of the abolition law, they gradually increased their freedom by degrees of religion. The increase of black religious power in the 1830s represented a break between early and late abolition periods. It represented the emergence of a still unfree group of citizens but one who seized freedom and endeavored to make the idea of it a reality.⁷⁰

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Jersey churches not only played a major role in creating community, but spearheaded one of the largest movements in the first half of the nineteenth century: the education of the now growing free African American population. Two months after New Jersey began its abolition program, William Griffith, president of the Society for Promoting the Abolition of Slavery, proclaimed “it is not enough to have made beginnings or even some advances” there remained much work to be done. Specifically, Griffith questioned “what is to become of the progeny of blacks who are now to be born free in the State of New Jersey and thereby to acquire the privileges of other inhabitants?” Americans feared the possibility of the introduction of masses of uneducated, illiterate, and unsavory free blacks into American society. They believed this influx could spell disaster for the fledgling country. Griffith, and the members of the society, proposed a fund to educate these new slaves by means of Sabbath Schools. Classes for these institutions met on Sundays after public worship services concluded. These schools, according to the Abolition Society, provided religious instruction; the subtext being that the non-religious could never become true American citizens. They also taught “sobriety, honesty, diligence...the practice of cleanliness, frugality, manners, and all the domestic virtues.” With this mission, the Abolition Society proposed to “civilize” the “uncivilized” newly freed population and turn them

⁷⁰ Cunningham, *Newark*, 131; Curry, *The Free Black in Urban America*, 186-87.

into proper republican citizens able to exercise the rights of an American citizen or at least the appearance of that ability.⁷¹

The Abolition Society's plan for education created a way that whites could tame the otherwise uncivilized blacks who had now left the bonds of slavery but still lived inferior lives. In the years after the gradual abolition law passed, the Society ordered its branches across the state to "encourage the admission of black children into schools of their respective neighborhoods especially those who evince favorable dispositions and the promise of genius" as well as to promote "private associations in compact neighborhoods in which the people of color abound, for the purpose of opening and conducting evening schools...or to institute First Day or Sunday Schools." In the same spirit as Griffith, the committee requested members of the Abolition Society "endeavor to set foot in their respective districts family visits among those who are housekeepers and to collect those who are single" and educate them in "good manners, industry, economy, and cleanliness." Thus, in their orders to the local auxiliaries, the Society again sought to correct deficient morals and educate blacks to become civilized members of society instead of providing the assistance required to propel them both economically and socially forward in their new status as freed people.⁷²

Some auxiliaries followed through on the recommendations of the statewide leaders and in the years immediately after 1804 became some of the first "social workers" in New Jersey. Five members of the Burlington County Abolition Society went into white homes where free blacks lived and worked to encourage those freed people to send their children to schools that taught the "good manners, industry, and economy" the statewide society suggested. Although

⁷¹ William Griffith, *Address of the President of the New Jersey Society for the Promoting the Abolition of Slavery to the General Meeting at Trenton on Wednesday the 26th of September, 1804*. (Trenton: Sherman and Mershon, 1804), 7-10. Quotes on pages 7, 8, and 10.

⁷² Report of the Committee of Publication of the New Jersey Society for Promoting the Abolition of Slavery, 1804, reprinted in Permot, M.M. ed. *After Freedom* (Burlington, NJ: Burlington County Historical Society, 1987), 59-61.

the auxiliary units of the statewide society set out on a new mission to educate those newly freed African Americans, the statewide abolition society's infrastructure and in turn the county level auxiliaries disintegrated only a few years into the abolition period. No statewide organization sought to envision black education again.⁷³

Sabbath schools, some sponsored by churches and some supported by private donations took the place of the Abolition Society after it crumbled. Sabbath schools, Sunday schools, or First Day schools had three common characteristics especially in the twenty years after gradual abolition began. First, mainly whites, both male and female, led the schools as teachers and administrators. Second, the curriculum focused primarily on reading, writing, and basic mathematics. Finally, the schools advanced biblical reading knowledge and prayer meetings usually to instill some sort of religious or moral lesson or meaning to the black students. These schools gained popularity in the early nineteenth century especially among African Americans because they lacked any other alternative for education. In Philadelphia, over two-thirds of the Sabbath School population was African American. In New Jersey, most Sabbath schools had all black or nearly all black pupils. Although several schools in New Jersey integrated white and black in some marginal way, such as the First Day School in Succasunna in Morris County which opened its doors in 1814, most Sabbath schools attracted more blacks than whites and therefore remained largely segregated. In some places in New Jersey, this segregation came about not by happenstance but by deliberate planning. One reader of the *Colored American* complained how Morristown had two schools simultaneously in session, one for whites and the other for blacks. The major difference in the segregated classroom was a wide spectrum of ages from youth to elderly who sat ready to learn. The Sabbath school existed as one of the only

⁷³ Marion Thomson Wright, *The Education of Negroes in New Jersey*, 63-64.

means of education for many newly freed blacks in the greatly restrictive world of early national America.⁷⁴

One of the earliest Sabbath schools in the abolition period began in 1815 in Elizabeth with the formation of the Elizabethtown Free School Association. With a mission statement to “afford instruction to the ignorant,”⁷⁵ the school started without the intention of educating blacks but soon after its founding, a group of white teachers of a small independent black school asked to join as one part of the larger organization; a request the Association granted. The School for People of Color, one of three schools, the others included the segregated School for the Instruction of White Female Children and another school for white males, enrolled about eighty pupils of both sexes and all ages and divided them into classes based on their ability to read multi-syllable words and the New Testament. In this way, the school taught both literacy as well as religious values, a subject which by the 1830s took on a more central role in the schools. This model of a larger organization controlling segregated white and black schools saw replication in Newark in the 1820s in the Female Department of Colored School of the Newark Academy.⁷⁶

With a very similar set of rules to the Elizabethtown Free School Association, the Female Department of the Colored School in Newark reported in September 1821 that the school’s “offers of instruction are too much neglected and many who know not how to read would rather spend the Holy Sabbath in groups lounging about our streets in profanity and idleness than spend an hour for the more excellent attainment of knowledge.”⁷⁷ The school reiterated the common assumption that blacks, even when offered education and “uplift,” possessed values

⁷⁴ Ibid, 70-73 and *Freedom's Journal*, June 8, 1827, *Colored American*, June 19, 1841. Anne Boylan, *Sunday School: The Formation of an American Institution, 1790-1880* (New Haven, CT, 1988), 22-25.

⁷⁵ *New Jersey Journal*, December 19, 1815.

⁷⁶ *New Jersey Journal*, December 17, 1816; Boylan, *Sunday School*, 25-26.

⁷⁷ “Report of the Female Department of Colored School in the Newark Academy, September 2, 1821.” Colored Sabbath School Reports, 1819-1822, NJHS.

contradictory the attainment of equality and full citizenship. Two months later, the superintendent of the Colored School again complained:

Our streets are overrun with ignorance and profanity and often the Sabbath is made a season of almost ungovernable excess of noise and confusion, especially the evening when boys of all descriptions and color lurking along our walks intrude upon the peaceful abodes of those who live on our public streets and like the heathen manifest a want of that decorum which distinguishes a land of light from a land of heathenish darkness.⁷⁸

With this report, the leadership of the Colored Sabbath School remarked not only on the problems of African American education but how the education of “boys of all descriptions” could cure the lack of morality and provide decorum again for the streets of the city. Many of these reformers, who detested poor whites as well as blacks, saw education of the uncivilized as their goal. In an attempt to “civilize” the unbridled masses which threatened to destabilize society, these Sabbath Schools provided more moral education in line with white assumptions of black inferiority.

Far from the “progressive” reformers who fought for the abolition of slavery, the early education reformers painted a very different story of what actually happened to these newly freed men, women, and children. The Sabbath Schools existed as hotbeds of racism, not uncommon at a time when a black student’s father, mother, sister, or brother could have easily been sold to a distant corner of the state or, in the extreme sense, sold to a far worse place: Louisiana, Mississippi, or Alabama. Not surprising, Northern white “reformers,” living in the midst of a still very active slave system where legalized slavery and quasi-slavery of children freed under the 1804 law remained part of everyday life, had negative views of African Americans and thought that a “civilizing” education to correct their loose morals and negative behaviors was the only warranted course of action. Indeed, this had been put into practice by the colonization

⁷⁸ Report of the Female Department of Colored School in the Newark Academy, December 2, 1821. Colored Sabbath School Reports, 1819-1822, NJHS.

society. Still living in some sort of subservient economic and social relationship with their former white masters, the education system in the early abolition period could not and did not attempt to truly educate anyone. In this sense, free African Americans not only failed to gain significant legal distinctions and protections after abolition but also failed to secure an education which could help them survive the state of destitution and desperation that slavery had left them in. Without an education, the abolition period relegated blacks to a lesser degree of freedom than could have been obtained if whites supported full black education.⁷⁹

Local governments and the state did not do much to try and alleviate the lack of black education. The state legislature tried to create a public education system with schools set up to promote the instruction of poor and African American children but it failed to follow through when fiscal conservatives in 1829 diverted the money earmarked for the program towards other purposes. Again, the state rejected a central role in the amelioration of the status of free blacks. However, Newark had already begun to make taxpayer funded contributions to schools for poor children. Educating forty-five children in 1813, the school on Market Street only provided education to a handful of African Americans due to both its limited size as well as its integrated nature. Children competed against each other to gain one of the “charity scholar” spots on the school’s roster. Indeed, when government run common schools started to open in greater numbers in New Jersey, they often refused admittance to black candidates. One letter to the editor in *The Colored American* decried how his thirteen-year-old son could not attend the common district school even though they lived as citizens of New Jersey and paid taxes. Without a strong government interest in financing black education, real change in the education

⁷⁹ Marion Thomson Wright, *The Education of Negroes in New Jersey*, 72-74. Wright claims that a key lesson the Newark Sabbath School taught was “Servants, obey your masters” which creates a connection to the desire to educate black students about moral values rather than any significant mental improvement.

system came only when African Americans gained control over their own schools, churches, and changed the tenor of education policy.⁸⁰

Black control of schools and the transition away from a curriculum designed to “civilize” began as an outgrowth of the Convention movement and anti-colonization mobilization in the 1830s. Elite African Americans, those who had acquired an education and some financial success in abolition era New Jersey, grabbed the reigns of Northern African American education and formed their own schools. In 1828, one of the first black schools opened in Newark supported by taxpayer funds from the Town Council. A year after it opened, the editors of the Newark based *Centinel of Freedom* recognized that blacks had begun to take command of education away from whites and argued for continued white control by claiming that “if there is now no colored school in operation, we should say there is a culpable neglect on the part of the colored people, many of whom are able, and ought to take a deep interest in the education of their children. They are however, very lax on the subject. The school ought to be organized...by...a committee of white people.”⁸¹ With this statement, whites began to shift blame for the failure of African American education to the black community, underlining their “lax” demeanor. The only hope for redemption would be to hand over the school to white leadership and follow the model of education previously enacted in other black schools.⁸²

Members of the free black community and the students at the school did not heed the advice of the paper’s editors and elected a committee to oversee the school in 1830. The members of the committee felt that “nothing was more essential to the well-being of their race than education” which signified that elite members of the black community started to take a

⁸⁰ Ibid, 68. Newark Town Records, April 24, 1813, July 2, 1813, and October 13, 1813, NJHS; *Colored American*, May 18, 1839.

⁸¹ Newark *Centinel of Freedom*, June 16, 1829.

⁸² Marion Thomson Wright, *The Education of Negroes in New Jersey*, 111. Also see Curry, *The Free Black in Urban America*, 155.

more active interest in providing education to fellow freed people to try to carve out a base of power in an otherwise white world. They rejected the proposition that blacks either were lax or needed morality driven education. They believed blacks needed a rigorous education to compete in the marketplace.⁸³

Black controlled schools opened not only in Newark but across the state. Some started in basements, like the Colored School founded in the cellar of the African Presbyterian Church in Newark, while others followed the private school model and opened in New Brunswick, Princeton, and Perth Amboy. By the 1840s, education of blacks had gradually shifted to government funded schools with African American educators at the helm. For example, in 1842, a municipal supported black school administered by Elymas Rogers, the future pastor of the African Presbyterian Church in Newark, taught spelling, reading, writing, geography, and arithmetic to his students in Trenton while neglecting to focus the curriculum on subjects aimed at “civilizing” them.⁸⁴

However, this control by black educators and the black community did not come without friction. In 1840, the same Trenton school run by Rogers became embroiled in conflict. The school, built by contributions from parishioners at the city’s only black church, had a board of trustees who had continually served since the founding of the school. Members of the local black community objected to the continued relationship between the church and the school, bringing the matter to court and expending enough money “at law to have built a new school house and to have supported a well trained and qualified teacher.” In this sense, both a generational and class issue developed between the older elite members of the board of trustees and the younger less affluent members of the community who objected to the status quo. Instead

⁸³ Ibid.

⁸⁴ Marion Thomson Wright, *The Education of Negroes in New Jersey*, 116-117, Giles Wright, *African Americans in New Jersey*, 31-32; Hodges, *Root and Branch*, 219-20.

of improving their condition by gaining an education in the community school, the members of the black community's infighting caused a regression of the progress made in the last twenty years. Now, the community's children were "consign(ed)...to ignorance, to misery, to degradation" instead of an education.⁸⁵

Many leading African Americans believed education stood as essential to the well-being of the community. Despite the drive for it, many if not most freed people in the North could not rise to any significant social or economic standing because of both a lack of education and a lack of opportunity: unfreedom still controlled their lives. The majority of Northern blacks toiled in unskilled or low level jobs holding onto the lowest portion of the socio-economic ladder. As the North's underclass, freed blacks worked as laborers in projects ranging from highway construction to canal building. Even those with a formal education achieved from a Sabbath or private school or a skill learned during their time as a slave found it difficult to accelerate outside of the lowest reaches of society because of their race. Both legal and societal restrictions kept blacks out of certain occupations for fear that they would either incite revolt of the enslaved (for instance the ordinances discussed in the previous chapter that limited free black movement and therefore their ability to become part of a true capitalist system) or for the benefit of whites competing for the same positions. In the abolition period, the unfreedom blacks experienced more likely than not meant not only the lack of an education but poverty and hardship.⁸⁶

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Quamino Baccau, slave of William Griffith, President of the Abolition Society, who gained his freedom in 1806 found nothing but destitution in his new life. Freed along with his wife at the age of forty-four, Baccau claimed he "don't know much about freedom but wouldn't

⁸⁵ Ibid and *Colored American*, December 12, 1840.

⁸⁶ Harris, *In the Shadow of Slavery*, 77-79; Curry, *Free Black in Urban America*, 16-22.

be a slave ag'in, not if you'd give me the best farm in the Jarsies." Baccau understood there existed a distinction between slavery and freedom, the actual idea of freedom (what it entailed, how it functioned, and how it would affect him) never quite hit him primarily because he continued to live an impoverished life as a freedman. Economic conditions for free African Americans during the abolition period granted a degree of freedom or unfreedom depending on how successfully the ex-slave accessed economic opportunity and power. Dying in 1851 at the age of eighty-nine, Baccau worked for most of the remainder of his life as a contract worker employed to his former owner. After Baccau appeared before the judges of the local court who approved his manumission, he "returned to work as though nothing had occurred out of the usual line." Freedom did not look substantially different than slavery for Baccau. Later, Griffith promised Baccau "that he would teach him how to get along" in freedom and hired him at ten dollars a month. Although Griffith might have truly wanted to teach Baccau and his wife how to succeed in freedom, the endeavor failed as both did not have the tools to compete with whites for jobs or education.⁸⁷

Although Baccau demonstrated his desire never to become a slave again, the line between slavery and freedom in the North was sometimes blurred by the lack of economic opportunity the newly freed slave possessed. Some blacks in the abolition period sought support from the overseers of the poor when they failed to become economically viable themselves. From 1807 to 1816 in Newark, the overseers of the poor paid twenty-nine claims that involved African-Americans. These claims focused mainly on women and children. Seven of the claims paid cash directly to black women while only two involved payments to a man. The overseers also paid out funds for black funerals (two claims) and for medical care (four claims). The overseers had

⁸⁷ William Allinson, *Memoir of Quamino Baccau: A Pious Methodist* (Philadelphia: 1851), 14-18, quotes on pages 14 and 16.

no qualms about ejecting someone from the town whom they felt did not require town assistance as Newark authorities recorded the removal of two impoverished free blacks to their hometowns (Springfield and New York) thereby confirming that although in some cases the government assisted poverty stricken former slaves, more likely than not they attempted to shirk their responsibility to care for the poor. Though the overseers continued to follow the tenets of English Poor law, as argued in chapter five, those decisions attacked the very heart of free black identity. Blacks frequently lacked economic independence and viability therefore they continued to live like the thousands of poor whites who also lived in various states of unfreedom.⁸⁸

The difficulties of living in unfreedom led some ex-slaves to become so poverty stricken that they reentered slavery under the state's poor laws. Thomas Truxton, owner of Phebe and her daughter in Cranbury in Middlesex County, sold them to Boston, Phebe's husband, a free man, for sixty-five pounds in 1796. Living as a free woman with her husband and child, Boston died after the turn of the century and Phebe and her daughter Elizabeth fell on hard economic times. Seeking support from the Overseers of the Poor of the Township of West Windsor for her family in 1813, the overseers inferred that instead of a sale, the transaction between Truxton and Phebe's husband was tantamount to manumission. The overseers ordered Truxton to pay for the upkeep of Phebe as the law required a master to care for his former slave to prevent the taxpayers of a township from doing so. Truxton, angered by the possibility of a prolonged series of payments to support Phebe, completed a bill of sale and sold her as a slave to William Covenhoven. The idea that a master could re-enslave a former servant hits at the heart of what

⁸⁸ Newark Town Records, Records of the Overseers of the Poor, 1807-1816, NJHS. Three other towns with examples of Overseers caring for blacks are Woodbridge, Upper Freehold, and Shrewsbury Townships. Payments involving African Americans were a very small proportion of total claims and mostly dealt with children and women. See Upper Freehold Town Books and Shrewsbury Overseer of the Poor Book, Monmouth County Library and Archives. Also see Woodbridge Township Overseer of the Poor Records, Woodbridge Township Records, RUASC.

freedom meant in the early national North. Instead of a clear differentiation between slavery and freedom, Phebe's status as an impoverished widow changes how the state thought about her and her daughter's identity. Poverty in freedom did not only mean suffering in the material sense for the newly freed slave. It could have meant, as in Phebe's case, that the government promoted a free person's resale into slavery despite his or her legally free status. Legally free did not mean fully free. Only economic success could completely remove a slave from the reaches of slavery; a feat that increasingly became harder to accomplish.⁸⁹

With most African Americans prevented from receiving government assistance and a combination of racism and governmental regulations restricting them from gainful employment and a proper education, the same type of progressive reformers who started black schools and lobbied for the abolition of slavery set up private organizations designed to assist the poor. One of the largest and longest operating organizations of this kind came to life in Newark in 1803. The Newark Female Charitable Society's ranks teamed with the wives of prominent businessmen, senators, state legislators, and other government officials, many of whom worked to begin gradual abolition in 1804. Formed after a plea by Andrew MacWhorter, longtime minister of the First Presbyterian Church of Newark, the Female Charitable Society sought to provide poor relief in the city to as many people as possible. The women divided the city into different zones and a female manager took responsibility for each zone and any relief provided to anyone in that area. Each manager visited the homes of the applicants for relief to judge their "their characters and circumstances" as any "immorality exclude (d) (the applicant) from the patronage of the society." These reformers, like many others in the early nineteenth century, provided an amelioration of poverty but included with it an assessment of the morality of the

⁸⁹ Habeas Corpus Petition against William Covenhoven, Middlesex County, 1816. New Jersey Supreme Court Case File 34538, NJSA.

individual as well. This process echoed the calls for the “civilizing” of blacks in the newly created black Sabbath Schools and served to unify the unfreedom poor whites and blacks experienced on a daily basis from their more affluent fellow citizens.⁹⁰

After its founding, the Female Charitable Society quickly distributed food and other tangible relief supplies (the woman rarely distributed cash) to hundreds of Newark residents. However, in order to provide these relief supplies, the women forced the applicants to accept certain conditions to bring them in line with the Society’s vision of moral and proper conduct. Chief among these requirements required women seeking assistance to surrender their children to be bound out before they provided assistance. To African American families, the separation of parent and child remained a common refrain in the abolition period. Those who refused to surrender their children to the overseers of the poor received no support from the Society along with their disdain. African Americans, and indeed all those who suffered unfreedom by the way of poverty, were left on their own in the abolition period to eek out a living as best they could with limited resources, limited assistance, and limited opportunities. Freedom did not really mean free. It was a masquerade for many blacks who lived in a constant struggle for power and economic opportunity, a fight to grasp onto one of the very basic degrees of freedom in the early republic. In this fight over economic freedom, blacks not only suffered discrimination based on race but class as well. As they inhabited the familial sphere of unfreedom many poor whites did, those with money in New Jersey society frequently snubbed them not only because of their legal

⁹⁰ “Constitution of the Female Charitable Society” and “Society Meeting Minutes,” Newark Female Charitable Society Papers, NJHS. *The Record of the Newark Female Charitable Society for a Hundred Years, 1803-1903*. (Newark: Newark Female Charitable Society, 1903). Alexander MacWhorter, D.D., “A Charity Sermon Delivered for the Female Charitable Society, Instituted for the Relief of Poor and Distressed Widows and for the Instruction of Poor Children,” (Newark: W. Tuttle & Co, 1805) in Kinney Family Papers, NJHS. “Petition of the Female Charitable Society of Newark to the General Assembly, requesting Incorporation”, October 18, 1811, BAH Collection, Legislative Records, 1811-1934, NJSA; Stansell, *City of Women*, 30-36.

inferiority but also because of their lack of ability to remove to any higher level of economic unfreedom.⁹¹

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Against the odds, some African Americans advanced economically, lived independently, and owned property. They clearly portrayed what historian Leonard Curry called “capitalist zeal” in the abolition period. A large number of those who did manage to challenge the white hegemony of the North had some assistance from their former owners as they transitioned from slavery to freedom as mentioned in the previous chapter. Benjamin Coe, too old by the Revolution to serve in the military, enlisted his slave Cudjo as a substitute and freed him for his service at the end of the War. Coe granted Cudjo not only his freedom but one acre of prime real estate in Newark. Men like Cudjo eventually controlled over seventy-five businesses in the city by the 1830s including barbers, carpenters, and blacksmiths.⁹²

An even more economically important transaction occurred in Morris County in 1833 when twenty years after gaining his freedom, Joseph Adams’ former master’s daughter, Elizabeth Kemble, sold Adams twenty-three acres of land for one dollar. This huge gift to a former slave made sure that he or his family did not fall onto the rolls of the overseer of the poor. All these gifts attempted to give former slaves the ability to stand on their own and make independent choices in an era when freedom and independence for African Americans sold at a premium. Important to note though, these gifts stand remarkably different than Baccau’s continued labor for William Griffith after his freedom as a contract laborer, a system which reduced Baccau to poverty while it continued to provide Griffith with a steady source of

⁹¹ Ibid.

⁹² J.Gardner Bartlett, *Robert Coe, Puritan: His Ancestors and Descendants, 1340-1910* (Boston, 1911), 102-104. Also see Cunningham, Newark, 91 and Reverend Alexander MacWhorter, Extract of a Letter, March 12, 1777, *New Jersey State Archives*, series 2, 1: 350-353.

household labor. Providing land and independence for their former slaves in the abolition period represented the best possible way for ex-slaves to gain true freedom in the North. With economic independence, freedom need not be fully shaded in mystery.⁹³

Gaining financial support from a former owner made the transition from slavery to freedom much easier economically; however not all slaves had that opportunity. Some, through their own savings from the time they worked as slaves as well as their work after gaining their freedom enabled them to purchase independent homes. Prince, the former slave of Joseph Hall of North Brunswick, gained his freedom in 1830 at the age of thirty-six. Primus, Prince's father, married a woman named Flora whose daughter, a former slave for a term named Dinah, married Prince in 1834. This marriage motivated Prince to buy a lot of land with a house on Spring Street in New Brunswick. Near the Raritan River, the Spring Street home lay in close proximity to Halfpenny Town, described by Rachel Van Dyke in the previous chapter. This low-income racially mixed area most likely had many blacks living in it at the time Prince, his wife, ailing father, and mother-in-law all moved in.⁹⁴

Three years after moving onto Spring Street, Prince purchased another lot adjacent to his property. Dinah, Flora's daughter and Prince's wife died in 1838 leaving her estate to her mother. Primus died soon after Dinah and only Flora and Prince remained in the house. Flora, who inherited her daughter's estate, felt her daughter's will granted her ownership of the house. On her deathbed, she left all her property, including the Spring Street house to her niece Theodosia, who, with her husband, physically removed Prince from the house after Flora's death. The ex-slave who worked to buy the property in the first place had been cheated out of

⁹³ Ibid and Will of John Doughty as excerpted in Mitros, *Slave Records of Morris County New Jersey*, 96 and 108-109.

⁹⁴ "Proceedings under the Martin Act in the Nature of Foreclosure. Search and Search Fees. In the Matter of the Title to Lot Number 23 in Block Number 17, Situated on the Westerly Side of Spring Street in the City of New Brunswick." Edwin Corwin McKeag Papers, RUASC.

his hard work due to his mother-in-law/step-mother's greed. After years of neglect from Theodosia and her decedents, the house went into foreclosure. In 1908 the foreclosure court's investigation of the property ruled Flora's claim to the house invalid and awarded the property to Prince's daughter from his second marriage, his only known living descendent. Although Prince died in New Brunswick in 1888 without his original home, Prince's experience tells us that the purchase of land for African Americans became a real possibility especially in the later part of the abolition period. Even without direct help from his master, Prince managed to harness his "capitalist zeal" and rid himself of the restrictions the market and white society placed upon antebellum New Jersey blacks.⁹⁵

Prince stands as an example of the hundreds of other blacks across the North who owned property and succeeded despite incredible disadvantages during the abolition period. Communities of free blacks like Middle Township in Cape May County created integrated opportunities for men like Prince and their families. The local tax assessor noted thirty-three black heads of household in a town that never had more than twenty slaves after 1783. Free African Americans from surrounding towns in South Jersey migrated towards Middle Township and created this large community. The majority of these heads of households (82 percent) held no land. Instead the tax assessor listed them as either singlemen or as householders⁹⁶ with either cows or horses. As singlemen or householders the majority of the black community lived a

⁹⁵ Ibid. Also important to note is that Dinah, Prince's first wife, lived as a slave for a term before marrying Prince. In 1908, the report on the foreclosure claimed that her original owner "sold her as a slave" to a second owner until she came of age. Even in 1908, New Jersey still believed that slaves for a term actually were slaves with the only caveat that they would gain freedom at a future predetermined date.

⁹⁶ New Jersey assessors used the tax category "single men" to denote unmarried males over the age of sixteen with no land, no horse, and who worked for a wage from someone other than his father. The term "householder" was used to describe men (although it could also describe landed widows) who were married, or more specifically, responsible for others under the same roof as their own. These men had no significant landed property in the borders of the township and either lived as cottagers on other men's land or acted as wage laborers on other farms while living on small plots of rented land that did not operate as farms. For more clarification, see Wacker and Clemens, *Land Use in Early New Jersey*, 98, 242, and 247.

marginal existence either on rented land or lived on other people's land as cottagers or tenant farmers. This confirms that a majority of the free black population in the state continued to exist on the margins of society even after they gained legal freedom. However, 18 percent of the population managed to acquire title to land and run rather large farms. With an average size of about seventy acres, the six free blacks who ran their own farms did so quite successfully. Nero Amosen, the owner of a seventy-five acre tract in the township managed to not only acquire the property but pass it to his descendants thereby creating economic opportunity for subsequent generations. This one small community in South Jersey illustrates the scale at which blacks remained in inferior positions both economically and socially, while at the same time highlights the success of a small percentage of the population. As only 18 percent of the black population owned their own land, the vast majority of Northern blacks never removed themselves from the bonds of unfreedom fastened as slaves: they merely lived in freedom's shadow. Property accumulation then represented both evidence of black ability to fight the system of oppression created in New Jersey while at the same time illustrated how racial discrimination limited that ability among the majority of the African American population.⁹⁷

Perhaps the most successful black settlement in terms of economic power and independence could be found on the Palisades just south of the New York State line in Bergen County. Skunk Hollow, a portion of Harrington Township, founded in 1806, provided a "haven" for rural free black field hands and subsistence farmers. A significant number of them were former slaves or descendants of former slaves. At its height, Skunk Hollow held thirteen families and about seventy-five inhabitants. The first lot owned in the town belonged to Jack Earnest, a freed slave who paid \$100 for his freedom. Earnest recalled he gathered the money to

⁹⁷ Middle Township, Cape May County Tax Lists, 1783, 1785-86, 1789-97, 1802, 1805-1810, NJS. Will of Nero, Will Book A, Cape May County Surrogate, 99-100, NJS.

buy the lot in Skunk Hollow by “hard industry” and moved to his new piece of land eager to begin a new independent life. The community attempted to use their combined experience to create a truly subsistence economy. With their own church and minister, the community managed to live largely independent of the outside world. Like other forest dwellers in both the United States and Europe, this settlement proclaimed the achievement of a significant amount of independence for Jersey blacks. However, the settlement’s primary reason for existence derived from its ill-suited farmland. Most of the lots in Skunk Hollow were wooded and unproductive even when cleared. As historical archeologist Joan Geismar argues, “Skunk Hollow exemplifies a case of economically marginal land sold to socially marginal people.” Even if African Americans in the North managed to harness enough resources to buy their own land, that land usually was located on the margins of acceptability. Like the non-landowning farmers in Cape May, Skunk Hollow existed as an example of a marginal people living a marginal existence unable to truly grasp onto the freedom which economic viability brought.⁹⁸

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To answer the original question which started this chapter, were free blacks really free, we must look at both the restrictions white society imposed on them as well as how the black community grew in the face of that restriction. Most of white society in the early abolition period saw free blacks as little more than slaves which the state’s legal code confirmed. The colonization movement and the lack of political rights painted blacks in the white imagination as inferior and unworthy of access to the new American republic. As both classist and racist, the unfreedom free blacks experienced in the abolition period prevented their access to higher levels

⁹⁸ Joan Geismar, *The Archaeology of Social Disintegration in Skunk Hollow: A Nineteenth-Century Rural Black Community*. (New York: Academic Press, 1982), 3-32, quote on page 12. For another successful rural black experience, see Thomas Doerflinger, “Rural Capitalism in Iron Country: Staffing a Forest Factory,” *William and Mary Quarterly*, 59:1, January 2002, 11.

of freedom and opportunity the same as women and impoverished whites. We therefore should see free blacks united under the same restrictions and obligations as many of these other marginal groups.

Like women who used the rhetoric of republican motherhood to carve themselves a place in nineteenth century America, Northern blacks latched onto the negative overtones of the colonization movement and used it as a rallying point to grow their own community separate but intertwined with Northern whites. Through the creation of their own churches, the control of their own education, and by the creation of their own households, black New Jerseyans carved out an enclave of their own. It is imperative historians remember they created this enclave in the midst of a still functioning slave system. The images of slavery in the North had not magically disappeared in the years after gradual abolition. The slow death of slavery in New Jersey caused whites to continue to relate “black” with “slave,” an identification which took over thirty years to eliminate legally and countless more to eliminate socially. Therefore, blacks continued to live with the legacy of slavery well after their chains had been removed. They could never become fully free even in the free North.

CHAPTER 7

SLAVERY'S END? THE CLOSING OF THE ABOLITION PERIOD AND THE PERSISTANCE OF SLAVERY

After the Burlington County branch of the New Jersey Society for Promoting the Abolition of Slavery went bankrupt and disbanded in 1808, William Newbold, a former member of the Society from Springfield Township and a Quaker, believed slavery remained a major problem both in New Jersey and in the United States. Writing to his brother George in 1823, William claimed “slavery as it now exists amongst us, politically demands that something should be done...morality and philanthropy echoes to the call and asks for an amelioration and final extinction.” As a longtime abolitionist, he suggested they “form an association...to embrace the willing minded” to engage in the “gradual and final emancipation of slaves within the United States upon moderate and rational principles of with the free consent of their holders.”¹ By the early 1820s then, Newbold and at least a few other Quakers in New Jersey realized they had left the task of ending slavery unfinished. With a society still very interested in slaves, slaves for a term, and the racialized power that the slave society had created, how did the Garden State end slavery and why did it take so long?

In short, the relegation of African Americans to the lowest levels of unfreedom regardless of their legal status continued into the 1830s because of the lack of powerful opposition voices and relatively small number of blacks in a rapidly growing state. With no state or local abolition societies, the restriction of free black voting rights, and black’s precarious legal status, those inclined towards repression had a blank check to continue the system of oppression established

¹ William Newbold to George Newbold, May 6, 1823, HCQC.

long before 1804. Indeed, this lack of change extended not for only a few years but for dozens. When no active voices rose to challenge the restrictive social order from continuing, white Northerners had no impetus to change. The question then is why did no one challenge the continuation of slavery in New Jersey? Why did William Newbold stand alone among Quakers, the usual suspects blacks routinely counted on to challenge the institution of slavery? This final chapter examines slavery's end and looks at how, despite the presence of Quakers, the free soil movement, and the second abolition movement created in the 1830s, slavery continued in the Garden State until the eve of the Civil War.²

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At nearly the same moment the Quaker-dominated state abolition society crumbled, Quaker meetings throughout New Jersey lost interest in African Americans. Once strong supporters of abolition, black education, and religious life, by 1810 the majority of Quakers seemed to have begun to suffer from the same type of amnesia many others in New Jersey possessed. The majority of their work ignored the continuation of the slave system in the state and instead focused primarily on the slave trade and slavery in the South. The Philadelphia Meeting for Suffering recorded very little discussion on black life in general but when they did, the members concerned themselves not with the plight of those who labored in slavery's slow death but the incidents of kidnapping of free blacks which stirred Americans across the North. In 1812 the meeting petitioned the legislature to support the state law which made it more difficult to remove a slave from the state to the Deep South while in 1816 they petitioned Congress to enact a stronger fugitive slave law which discouraged the speedy return of suspected slaves without proper procedures to prevent kidnapping and the zealous pursuit of profit by slave traders. By 1826 they continued to advocate for the recovery of free persons captured by

² Melish, *Disowning Slavery*, 84.

Southern slave traders as well as petition the Pennsylvania legislature for a more secure law on its prevention.³

Aside from the internal trade, the Philadelphia Yearly Meeting focused on the continued trade of slaves across the Atlantic. In 1824 the committee visited Washington and argued for increased naval patrols in the Atlantic to prevent the importation of slaves to both President James Monroe and Secretary of State John Quincy Adams. The next year they “desired to keep alive to this deeply affecting concern” and distributed pamphlets around the state to call attention to the inhumanity and injustice which continued despite the 1808 prohibition on the trade. By 1826, the members of the meeting were livid and argued the European states who had pledged to end the trade had let it be “carried on with more complete artifice, fraud, and barbarity than at any preceding period” and even the “French government itself is in the habit of making purchases...to serve in their garrisons and forts” at Goree.⁴

At the same time they fought the slave trade, the Yearly Meeting also worked with Quakers in North Carolina on the manumission of slaves there. In several treks from the Carolinas to the Midwest and Mid-Atlantic in the 1820s, North Carolina Quakers helped hundreds of slaves owned by Friends leave the South’s bondage. At the same time Friends in Pennsylvania and New Jersey began to understand how slavery interfered with their own search for the Inner Light, North Carolina Quaker slaveholders hoped to free their slaves to fulfill the promise of equality their religion dictated. However, at the same moment, the North Carolina legislature barred manumission of slaves. In order to follow their religious teachings, Carolina Quakers allowed their slaves to live as freed people in all but name. As the racial climate in the

³ Society of Friends, Philadelphia Meeting for Sufferings Meeting Minutes March 20, 1812, October 18, 1816, and December 20, 1816, and February 8, 1826, SFHL.

⁴ Ibid, June 18, 1824, October 15, 1824, April 15, 1825, and January 20, 1826. For more on the nineteenth century slave trade, see Paul Lovejoy, *Transformations in Slavery: A History of Slavery in Africa*, Second Edition (Cambridge: Harvard University Press, 2000), 140-164.

South worsened, Carolina Quakers sold their slaves to trustees who guided them out of North Carolina. Some went to Liberia, others to Haiti, but the majority headed to the Old Northwest. Many of these settlers created communities in Indiana while some went to Pennsylvania and New Jersey. The North Carolina Friends soon found moving these ex-slaves more difficult than they had expected as many of them had large families and marriages which transcended the line between slavery and freedom. They needed financial assistance which the Society of Friends in Philadelphia was more than willing to provide.⁵

Collection drives for funds to move these African Americans from North Carolina to freedom went on in earnest in Quarterly Meetings in Pennsylvania and New Jersey. By 1833, Philadelphia-based Quakers had spent \$5406 to relocate 114 North Carolina blacks to Pennsylvania, \$422 for relocation expenses for blacks to New Jersey, and \$3840 for passage for 88 blacks to Liberia. In total, the Yearly Meeting spent \$9668, a rather tidy sum, to help free those in bondage over four hundred miles away from Philadelphia while they spent little to free those enslaved on the eastern shore of the Delaware River. Why then did Quakers cease their abolitionist efforts in the North?⁶

The answer lies in the definition of freedom that Quakers and other Northerners had in the abolition period. Although the gradual abolition law left New Jersey's slave system otherwise intact, Quakers like most Northerners celebrated the law as the best thing that could have happened for the cause of abolition. Even William Newbold, who almost twenty years after the abolition society to which he belonged failed, still believed a gradual system of emancipation where owners consented to manumission was the proper path abolition should

⁵ Society of Friends, Philadelphia Meeting for Sufferings Meeting Minutes, September 16, 1825, SFHL and November 4, 1825. Stephen Vincent, *Southern Seed: Northern Soil: African-American Farm Communities in the Midwest, 1765-1900* (Bloomington: Indiana University Press, 1999), 32-34.

⁶ Society of Friends, Philadelphia Meeting for Sufferings Meeting Minutes, January 18, 1833, SFHL.

follow both in the Garden State as well as the United States. Of course, Newbold's plan definitely included elements of practicality as Southerners, or New Jersey slaveholders for that matter, would never consent to a complete uncompensated emancipation of their slaves. However, if Quakers believed gradual abolition the penultimate goal for their abolitionist efforts, then it is not surprising that they ignored the persistence of slavery after 1804. Just as most other Northerners did, when Quakers could no longer conceivably ignore the presence of the institution (the sale of slaves to the Deep South or the kidnapping of both enslaved and free blacks) they stood up to attack the most vile aspects of slavery and then quietly receded. But as the visibility of slaves and slaves for a term declined in the increasingly free population, the plight of the enslaved receded into the larger din of unfreedom.⁷

In addition to failing to see the remaining slaves in the state as worthy of engagement, many of the abolitionists who attacked slavery in the 1770s, 1780s, and 1790s now, by the 1820s, grew older and could not longer keep up with the work of abolitionism. In 1817, the Pennsylvania Abolition Society claimed "many of our aged brethren have retired from the contest and with our benevolent fellow citizens, an apathy prevails...the more to be lamented as we fear it is the result of a mistaken impression that work is nearly accomplished." With this, the Quaker dominated group in Pennsylvania understood that gradual abolition had given a false sense of security to anti-slavery supporters.⁸

In the same way that Philadelphia-based Quakers rose to attack slavery in isolated instances, so did the New York Yearly Meeting which included meetings in East Jersey. In 1816 when New Yorkers debated if their state should be the first to legislate a complete emancipation of slavery, the Society of Friends' New York Meeting for Suffering joined the chorus of

⁷ William Newbold to George Newbold, May 6, 1823, HCQC.

⁸ Minute Book, June 30, 1817, Papers of the Pennsylvania Abolition Society, LCP.

supporters of the emancipation bill. In 1816, they wrote the legislature that “we have been led to sympathize with that portion of the descendants of the Africans who are still held in bondage in this state...considering it to be a natural and just conclusion that whilst the number of those set at liberty is increased, the oppression of those still held in slavery is more keenly felt.” The New York Quakers went on to complain that New York slaveholders failed to properly register their slaves for a term and that many slaves and slaves for a term had been sold to the Deep South. After the New York legislature passed its emancipation bill, which took effect in 1827, the members of the Meeting for Suffering rejoiced even though slaves in New York continued to live unfree lives and the emancipation bill did nothing to alter the status of New York’s slaves for a term. Just as in Philadelphia, New York Quakers only attacked the institution when an important issue had already risen in the state. Since full emancipation was never seriously discussed in New Jersey in the years after gradual abolition passed, New Jersey Quakers had no impetus to attack slavery in New Jersey there and instead worked towards its alleviation in the more visible South.⁹

The South became a focal point for Quakers in the 1820s and 1830s. In 1825, when Pennsylvania Quakers sent pamphlets to non-Quaker residents in several Southern states advocating for abolition, but none to the hundreds of slaveholders who still lived in New Jersey, they confirmed their belief that slavery no longer existed in the North. At the same meeting when they discussed the massive pamphlet mailings, the Philadelphia Yearly Meeting for Suffering asked that Yearly Meetings “where slavery is tolerated and authorized might...unite with us in this very interesting concern and to afford their aid in prosecuting it to such maturity

⁹ Society of Friends New York Meeting for Suffering Minutes, December 10, 1816 and April 8, 1817, SFHL. For the debate over full emancipation in New York, see Harris, *In the Shadow of Slavery*, 72-73, Hodges, *Root and Branch*, 223-226, and David Gellman and David Quigley, ed, *Jim Crow New York: A Documentary History of Race and Citizenship, 1777-1877* (New York: New York University Press, 2003), 67-72, 218-235.

as may tend to its final extinguishment.” With this statement, Philadelphia Quakers absolved themselves of any relationship with slavery in the Mid-Atlantic since they did not consider themselves to be a meeting where slavery was tolerated. As late as 1839, the Philadelphia Yearly Meeting published a Minute on Slavery where they pledged to work to end the institution of slavery in other parts of the country but mentioned nothing about those slaves and slaves for a term.¹⁰

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The persistence of slavery in the North into the 1830s challenges us to rethink how Northern states understood larger national issues of slavery and abolition when they themselves had left the work of abolition unfinished. The Missouri Compromise, slave power, free soil, and the rise of the second abolition movement in the 1830s all become more complex if we consider Northern opinion on these issues while they enslaved African Americans. The fear many Northerners had of the slave power, that instrument which they felt controlled the nation as a result of the three-fifth's compromise at the 1787 Constitution Convention, ignored the over 40,000 enslaved men, women, and children who lived north of the Mason-Dixon Line while the Convention met. Although these only accounted for about 6 percent of slaves in the United States, the three-fifths compromise not only assisted Virginians or Kentucky frontiersman but Long Island farmers and Jersey planters as well. Though the three-fifths compromise assisted Northerners, albeit less than Southerners, the dialectic between North and South focused on the benefits of the three-fifths compromise to the South without mention of slavery in the North. Most critically, one *Washington Whig* article condemned New Yorkers for railing against the South’s “Slave Power,” while they possessed a slave representative themselves. Northerners

¹⁰ Society of Friends Philadelphia Meeting for Suffering Minutes, June 17, 1825, SFHL. Philadelphia Society of Friends, Minute on Slavery from the Philadelphia Yearly Meeting Minutes, 1839, SFHL.

then, at the founding of the nation, did not recognize themselves as slaveholding states in the national debate over slavery and consistently ignored the persistence of slavery at home. Slavery to them only functioned in the South. Support for gradual abolition in the late eighteenth and early nineteenth century erased from Northern imaginations the unfreedom many New Jerseyans still experienced as a result of a lifetime of bondage.¹¹

The national issue of slavery hit New Jersey hard when Missouri requested admission to the Union as a slave state in 1819. The ensuing debate in Congress and across the nation as to the place of this first state entirely west of the Mississippi caused Northerners to question the path slavery would take on the national scale. Early on in this debate, free soil ideology, what Eric Foner argues became the grounding of the Republican Party, came to dominate the discussion of Missouri's entrance into the Union. Combined with fear of the encroaching slave power and the desire to preserve Western opportunities for free white Northerners, the New Jersey legislature along with legislatures of many other Northern states instructed their senators and congressman to oppose any bill which would allow slavery to extend into the new state of Missouri.¹²

However, some in New Jersey understood the hypocrisy of prohibiting slavery in the West while it still continued in the Garden State. In a letter to the editor of Newark's *Centinel of Freedom*, the author "Fair Play" attacked New Jersey for its role in calling for strong restrictions on slavery's expansion into the Louisiana Territory as the state still recognized blacks as *prima facie* slaves and where only two years before had a massive slave trading ring to the Deep South been disbanded. "Fair Play" claimed New Jersey should have first undone "the chains that bind

¹¹ *New Jersey Journal*, September 11, 1804, *Washington Whig*, November 13, 1815, Matthew Carey, *The Olive Branch or Faults on Both Sides, Federal and Democratic, A Serious Appeal on the Necessity of Mutual Forgiveness and Harmony*. (Winchester, VA: J. Foster, 1817), 25. Also see Melish, *Disowning Slavery*, 210-237.

¹² Foner, *Free Soil, Free Labor, Free Men*, 9-11.

their own slaves before they proceeded to resolve restrictions on Missouri.”¹³ If New Jersey continued its ties to slavery and its repressive racial order, why did they represent themselves on the national stage as a land of freedom, the opposite of the slave South?¹⁴

Perhaps the answer for the North’s dual personalities lies in its representation of citizenship and opportunity. Through legislative acts, judicial decisions, and social interactions, New Jersey consistently saw a difference between slave and free and sought to define that freedom as opportunity and power. The legislative restriction of voting rights to only propertied white males and the judicial decisions that denigrated the slaves for a term’s legal status clearly distinguished freedom at birth from freedom granted at a later date denied that free blacks could ever gain equal status in abolition era New Jersey. Full citizenship in New Jersey, like in many other places in the North, became increasingly based on race. White propertied men represented true freedom, markedly different than one of the shades of freedom blacks enjoyed during the early national period. This drive for free soil to give access to Northern whites at the expense of blacks necessitated that the North preserve the West as a space accessible to free labor instead of slave. Through this free soil ideology, the vast majority of New Jerseyans ignored the issues Fair Play raised as already solved. The state needed to look to the future and the next battle between slavery and freedom instead of looking back at slavery in the Garden State. The West, not the North, became that battlefield.¹⁵

Thirty years later, New Jersey commentators grounded their response to the Compromise of 1850 in a free soil ideology, one informed by not only a desire to expand the North’s superior free labor system but a challenge to the inferiority of the slave system of the South. Ever since the Constitutional Convention, Northerners had thumbed their noses at the barbarity of the South

¹³ Newark *Centinel of Freedom*, March 14, 1820.

¹⁴ Foner, *Free Soil, Free Labor, Free Men*, 9-11.

¹⁵ Ibid.

while claiming superior status as products of enlightened thought in regards to slavery. As historian William Gillette argues, New Jersey in the 1850s was no friend to the expansion of slavery. Fearful of the slave power and distrustful of Congress' role in legislatively allowing for the expansion of the institution across the state, New Jerseyans adhered to free soil ideology as it promised them access to the American dream of independent property ownership. Allied closely with the racism which had been routinely felt in New Jersey, the free soil ideology led many to demand access to the West lest it be lost to the very slaveholders who strangled the North in Congress.¹⁶

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In the 1830s, the second abolition movement began in the North when men like William Lloyd Garrison challenged the conventional wisdom of slaveholding and freedom. A movement entirely separate from the first abolitionists who in the late eighteenth and early nineteenth century helped pass the North's gradual abolition laws, sprang up in New Jersey. In the period between 1808 and the mid-1830s, no one, not even the Quakers, sought to destroy the remnants of the state's slave system. In 1834, that changed when the biracial New Jersey Anti-Slavery Society organized with the intention of ending slavery in both the United States and New Jersey. In 1837, *The Colored American* excited New Jersey free blacks by focusing attention on the oppression present in their midst and called them to action to attack both racism and the last vestiges of slavery in the state. The Anti-Slavery Society set out on an ambitious program of reforms and championed not only the end of slavery in New Jersey but a more equitable legal relationship between free blacks and whites. The society first focused the majority of their attention on the state of the institution in New Jersey. The Society petitioned the legislature to

¹⁶ Ibid. William Gillette, *Jersey Blue: Civil War Politics in New Jersey, 1854-1865* (New Brunswick: Rutgers University Press, 1995), 5. Also see Anthony Wallace, *Rockdale: The Growth of an American village in the early Industrial Revolution*, (New York: Alfred Knopf, 1978), 423.

remove the laws which restricted black male's right to vote, rescind the requirement that free blacks had to travel with their freedom papers, and eliminate all forms of slavery in the state including the continued service of slaves for a term freed under the 1804 abolition law. Indeed, these abolitionists not only wanted to gain full freedom for blacks but sought to provide educational and economic opportunities for them after they removed themselves from bondage.¹⁷

The New Jersey Anti-Slavery Society and its auxiliaries took to the ballot box to protest the continued existence of slavery in New Jersey as well as the nation. The New Jersey Anti-Slavery Society, originally an auxiliary of the American Anti-Slavery Society, broke from the Garrisonian vision of abolition and instead embraced one more focused on what the individual members could do in the political arena to bring about legal change to the position of slaves in New Jersey society. Both the state society and the Essex County Anti-Slavery Society called upon members to use the voting booth as a means of advocacy. The Essex County Society claimed "that every friend of the slave who either refuses or neglects to aid him at the ballot box wastes his unavailing sympathies and leaves the victim of oppression unrelieved and helpless in the hand of his oppression."¹⁸ In the election of 1840, both organizations urged members to vote for the newly created Liberty Party and attacked President John Tyler's slaveholding record.¹⁹

Petitions rained down on the state legislature in the early 1840s from the state Anti-Slavery Society, local auxiliaries, and ordinary citizens. Each petition spoke of the peculiarities of slavery in the Garden State, claimed the 1804 abolition law unable to provide a true remedy for them, and begged the state legislature to enact not only a law that would eliminate slavery but

¹⁷ Record Book of the New Jersey Anti-Slavery Society, New Jersey Anti-Slavery Society Papers, NJHS.

¹⁸ Minute Book, Essex County Anti-Slavery Society, Essex County Anti-Slavery Society Papers, NJHS.

¹⁹ Ibid and Record Book of the New Jersey Anti-Slavery Society, New Jersey Anti-Slavery Society Papers, NJHS.

laws to erase the legal, economic, and social differences between white and black New Jerseyans.²⁰

The abolition movement made clear that although the end to legalized slavery remained the primary goal of the anti-slave societies, ensuring legal rights to blacks came a close second. The right to vote, as it had been in the early nineteenth century, became a battlefield in the 1840s with abolitionists as new allies. Black leaders came to the forefront to assist in the crusade against slavery and the quest to use the abolition movement as a vehicle to advance the status of free blacks in American society. The abolitionists saw the promise of the Liberty Party in 1840 as a possible means towards gaining political power. Local meetings of African Americans around the state along with the established anti-slave societies met and rallied for the extension of legal and political rights for African American men. One such meeting in Newark resolved that all free blacks in the state to stand together and work towards the elective franchise as an invaluable tool to free men.²¹

Of course, the introduction of an abolitionist organization did not automatically change New Jersey whites' perception of African Americans. New Jersey in the 1830s remained a state that declined to increase freedom for African Americans. In 1833, a white Presbyterian minister who preached a sermon in Newark on the sin of slavery saw his church attacked by a white mob in protest over the preacher's attacks on slaveholding. Only a few years before had another New

²⁰ Petitions of the Anti-Slavery Society to the Legislature Opposing Slavery and Laws Against Blacks, January 13, 1840 and January 17, 1843; Memorial adopted by the NJ Anti-Slavery Society in Boonton, January 17, 1843; Petition of Citizens of Boonton, Morris County, 1843; Department of State, Secretary of State AM Papers, NJSIA. Also see Zilversmit, *The First Emancipation*, 218-19, Marion Thompson Wright, "New Jersey Laws and the Negro" *Journal of Negro History*, 28:2 (April 1943), 159-161 and *Colored American*, August 8, 1840.

²¹ Zilversmit, *The First Emancipation*, 217. *Colored American*, September 14, 1839, August 17, 1839, October 10, 1840, February 6, 1841. Graham Hodges locates the first major move towards black interest in voting rights in the late 1840s and early 1850s. While the late 1840s saw an increase in the work of African Americans in securing voting rights, the real beginning linked to the resurgence of anti-slavery forces in the 1830s. See Hodges, *Slavery and Freedom in the Rural North*, 182. For more on this later period, see *Colored American* April 7, 1849, *North Star* February 8, 1850, and Calligar, "The Negro's Legal Status in Pre-Civil War New Jersey," 174.

Jersey minister attacked *Freedom's Journal* because it exercised “the liberty of free speech in favor of the abolition of slavery.”²² In 1840, while Governor William Pennington wrote that slavery existed as a stain on America’s national character, he argued that under gradual abolition, “slavery has become almost extinct with us...the condition of servitude (that remains) is of the most mitigated” form.²³ In this letter, Pennington revealed that although the abolitionist’s agitating had begun to lift the veil of New Jersey’s historical amnesia of its slaveholding, the state’s key leader declined to support their goal of ridding the state of any further attachment to slavery. Instead he saw no problem with the continuation of slavery in mitigated form.

Focus on the issue of slavery’s death in New Jersey among even abolitionists became difficult as they believed the system too strong to eliminate. Thomas Booth, a Quaker Abolitionist, wrote in 1840 that he hoped “if slavery cannot be abolished without our territory at the present time” the state should “repeal the odious and barbarous” 1798 slave law which still controlled the state’s slave system.²⁴ Booth, like so many previous New Jersey abolitionists, settled to improve the conditions of slaves instead of targeting the system for destruction. Indeed, even the New Jersey Anti-Slavery Society focused not solely on New Jersey slavery but proposed “such amendments to the Constitution of the United States as shall forever separate the people of New Jersey from all connection with slavery.” Jersey abolitionists hoped to separate themselves from the slavery of the South and only attacked slavery at home as an afterthought.²⁵

At mid-century, the abolitionism supported by the state’s Anti-Slavery Society could be categorized as weak at best. Anti-slavery sentiment, one observer noted, was “not a moving

²² *Freedom's Journal*, October 26, 1827. Also see Zilversmit, *The First Emancipation*, 217 and Cunningham, *Newark*, 131-132.

²³ *Colored American*, November 7, 1840.

²⁴ Thomas Booth to Samuel Allinson Jr, January 19, 1840, New Jersey Abolition Society and Burlington County Abolition Society Papers, BCHS.

²⁵ Record Book of the New Jersey Anti-Slavery Society, New Jersey Anti-Slavery Society Papers, NJHS.

power among the people" while the *Trenton American* on the eve of the Civil War claimed "we do not know that as yet there are a great many out and out abolitionists in New Jersey." Even Republican leader Marcus Ward of Newark claimed he knew not one abolitionist in the city. Indeed, in 1854, the *Newark Advertiser* argued that "New Jersey has no love of slavery" but most opposed the "reckless following out of abstract doctrines on human rights regardless of consequences" which they believed abolitionism was all about.²⁶

At the polls, few New Jerseyans supported either the Liberty Party or the Free Soil Party. In the election of 1840 and 1844 combined, only two hundred voters supported the Liberty Party while in the election of 1848, 819 voters out of 77,000 cast their ballots for Martin Van Buren. Four years later, 359 out of 83,000 voted for Free-Soiler John Hale. The pathetic support of abolitionism as well as political parties with anti-slavery platforms illustrates something more than a lack of interest in the well-being of African American life or the long attachment to partisan politics. Abolitionism never gained significant ground in New Jersey because the state, in the 1830s when the movement sprouted in the North, continued to support slavery and the racial order which slavery had created. A state hostile to both enslaved and free blacks, New Jersey residents had even less of an interest in abolitionism precisely because slavery was still with them in one way, shape, or form throughout the antebellum period. This, along with the strong racism present in the North because of the still functioning slave system, informed their hostility towards abolitionism. Therefore, the persistence of slavery and the *prima facie* status of slaves in the North had a direct impact on white understanding of slavery, freedom, and unfreedom in the years before the Civil War. What had begun as a Revolutionary experiment in

²⁶ *Trenton American*, September 17, 1860, *Newark Advertiser*, May 10, 1854, both cited in Gillette, *Jersey Blue*, 5. For quotes from Ward and other observers, see the same.

the first years of the nineteenth century survived throughout the Early Republic to inform future generations of the role of blacks in American society.²⁷

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As calls for revision of the state's sixty-eight year old Constitution in 1844 began to echo in the halls of the state legislature, abolitionists in New Jersey believed a Constitutional Convention could be the setting where their new enlightened ideas on race would be heard and organized. Abolitionists and those who supported black voting rights thought the new Constitution could serve to once and for all eliminate the last vestiges of slavery from the Garden State. Unfortunately for these reformers, the Constitutional Convention did nothing to either change slavery in the state or ensure blacks legal or political rights. The Convention received petitions in favor of black voting rights but declined to consider them in favor of a rigorous debate on the legality and practicality of allowing students from other states who studied at Princeton and Rutgers Universities to vote in statewide elections. With the new Constitution in place and no substantial changes made to slavery or black voting rights, abolitionists realized New Jersey voters would not demand that the legislature end slavery.²⁸

Jersey abolitionists changed tactics when in 1845, former New York Manumission Society President Alvan Stewart sued the State of New Jersey in *State v. Post*. He argued that slavery was not only unconstitutional under the new 1844 state constitution but that the United States Constitution outlawed slavery as it guaranteed a republican form of government to each state in the Union. Filing two writs of Habeas Corpus in defense of Mary Tebout, a nineteen year old slave for a term, and William, a sixty year old slave for life owned by John Post, Stewart argued the first article of the 1844 New Jersey Constitution acted much how Article I of the

²⁷ Gillette, *Jersey Blue*, 5-7.

²⁸ *Proceedings of the New Jersey State Constitutional Convention of 1844* (Works Progress Administration, 1942), 163 and 614-44.

Massachusetts Constitution eliminated slavery in the Quok Walker decision. The first article of the new constitution stated “all men are by nature free and independent and have certain natural and unalienable rights.” Stewart contended this language, almost exactly the same as Article One of Massachusetts’ 1780 Constitution, eliminated slavery as of 1844. Stewart claimed approximately one thousand slaves for life and between 2500 and 3000 slaves for a term lived neither free nor independent lives and in violation of the doctrines of the state’s highest law. In an impassioned eleven hour oral presentation, Stewart argued “we live in an abolition age, when the dungeons which have incarcerated suffering humanity are being broken in and unlocked in every corner of our benighted world” and begged the court to “open this castle of slavery, New Jersey, with the key of the new Constitution” and officially end the state’s long association with slavery.²⁹

After much deliberation, the Supreme Court of New Jersey ruled against granting the habeas corpus petitions and argued that the Constitution of 1844 did not substantially change New Jersey’s relationship with slavery. The Court’s decision cited the long standing relationship with slavery in New Jersey since the founding of the colony. The institution had been accepted and supported after independence and throughout the abolition period. Since the state supported the legality of slave property before the Constitution of 1844, and that the Constitution did not directly challenge slavery, the broad ideas contained in the first article did not fundamentally alter the state of slavery or deprive slaveholders of their chattel. Although they recognized the Massachusetts’ Supreme Court had used similar language to abolish the peculiar institution there, the justices pointed out that Virginia had an extremely similar section to New Jersey’s Article I in its Constitution and no federal or state court there had ever abolished slavery using

²⁹ Zilversmit, *The First Emancipation*, 218-19, Alvan Stewart, *A Legal Argument Before the Supreme Court of the State of New Jersey*, (New York: Finch and Weed, 1845), quotes on 5 and 45.

that language. Although impassioned, the Supreme Court found that the framers of the new Constitution had never intended the first article's language to "interfere with his domestic relations," meaning the continuation of property rights in slaves.³⁰

One year after the *Post* decision, the state legislature, perhaps impassioned by the 1845 case or shamed into admission of the hypocrisy of a continued relationship with slaves, called for debate on the institution's end in 1846. The Census of 1840 counted only 674 slaves for life in the entire state with more than half over the age of fifty-five. With an aging slave population and the realization that New Jersey was alone in a sea of otherwise free states, the state legislature decided in 1846 that it was time to change the course of events in New Jersey. Instead of propping up the dying institution, the state legislature set out to kill slavery and complete the unfinished job started in 1804. However, with over half of the slave population over the age of fifty-five, state legislators and local governments feared a large influx of poor elderly ex-slaves would soon deposit themselves on local poor rolls. In addition, slaveholders with young slaves for a term continued to stymie the call for full abolition as they wished to extract as much labor as possible from their soon to be free property.

Instead of completely abolishing slavery, the state acknowledged it needed to find a middle ground to avoid caring for elderly ex-slaves it had so fought against throughout the abolition period as well as not upset the delicate racial order in the state. The legislature crafted a law with these goals in mind that abolished the institution of slavery but instead of providing immediate freedom for slaves for life, reclassified them as "apprentices for life." In this way, slaveholders continued to extract services from their slaves now in an easier to digest form of unfreedom. Additionally, the 1846 law never altered the legal status of slaves for a term born

³⁰ 20 NJL 368, *State v. Post*, Supreme Court of New Jersey, May Term, 1845. For more on Post, see Zilversmit, *The First Emancipation*, 218-19, Hodges, *Slavery and Freedom*, 174, Cooley, *A Study of Slavery in New Jersey*, 28.

between 1804 and 1846. They continued to serve their masters until the age of twenty-one or twenty-five depending on their gender. Thus, under the 1846 law, Hannah, born on March 27, 1844 in Monmouth County, the last child registered by a county clerk under the gradual abolition law, continued to serve her master until March 27, 1865, less than two weeks before Robert E. Lee surrendered at Appomattox.³¹

Still more perplexing, any apprentice for life who gave birth to a child after 1846 could lose that child as their owner could surrender them to the local overseers of the poor as paupers. These children, legally free at birth, would be bound out as apprentices until the age of eighteen like hundreds of poor white children. For example, in Holmdel in Monmouth County, Susan, an apprentice for life, gave birth to a son, Alonzo, on October 18, 1848. Luckily for Alonzo, his mother managed to gain her freedom and moved him to neighboring Marlboro where by 1850 they lived with fourteen other free family members.³²

Certain slaveholders not only registered the births of children of their apprentices for life but from their slaves for a term as well. John Whitlock, of Marlboro Township in Monmouth County, registered the birth of Sarah, the child of his slave for a term Phebe in 1847. Twenty-three years later, in 1870, Sarah, along with her children, Jane and Willie, continued to live with the Whitlock family and served them as domestic servants. Even two generations away from slavery, the relationships New Jerseyans developed from the institution extended even after the Civil War had ended; slavery's shadow followed not just slaves for a term but their children as well.³³

³¹ Zilversmit, *The First Emancipation*, 220-221. "Act to Abolish Slavery" April 18, 1846, Title XI, ch.6, 382-390; Monmouth County Black Birth Book, Monmouth County Archives.

³² Monmouth County Black Birth Book, Monmouth County Archives.

³³ Ibid and 1870 Marlboro Township Census, 39.

The timing of the state law could have had much more to do with its passage than any actual movement in the state. One month before the Mexican War began and two months before President James Polk negotiated the Oregon Treaty, New Jersey's decision to largely end its association with slavery reflected its support of free soil ideology. In 1847 and 1849 in support of the Wilmot Proviso and what eventually became the Compromise of 1850, the New Jersey state legislature passed statutes that pledged New Jersey to the free soil movement and the Northern bloc which fought against any expansion of the slave power in antebellum America. New Jersey's decision to abolish slavery and replace it with an apprenticeship system illustrated the state's interest in the image of freedom. However, it could not pull itself away from the debate between respect for the property rights of slaveholders, limiting the state's financial responsibility for ex-slaves, and the need to actually free a disadvantaged group of Americans. Slavery's demise in the Garden State even in the 1840s was one which continued the gradual path started in 1804. Like in 1804, little had changed: the state still lacked a firm interest in eliminating black unfreedom.³⁴

With the passage of the 1846 law, the abolition period in New Jersey came to an end but the debate over the place and status of blacks in the Garden State waged on. The sale of Catherine, John Hagaman's sixty-seven year old "slave for life," in 1856 which started this dissertation challenges us to think about how Northerners understood slavery in the years after 1846. Why was it that Hagaman continued to think Catherine still lived as a slave when the state had eliminated that legal definition eleven years earlier? More importantly, why did Charles Sutphin agree to buy Catherine only four years before South Carolina left the Union? The

³⁴ Zilversmit, *The First Emancipation*, 221. Also see "Joint Resolution Relative to the extension of slavery in any territory which may be annexed to the United States" February 16, 1847 Acts 71st Legislature, 188-189 and "Joint Resolution Against the extension of slavery into free territory and the traffic in slaves in the District of Columbia" March 2, 1849, Acts 73rd Legislature, 334-335.

answer to both of those questions can only be found in how New Jerseyans continued to view blacks in the 1840s and 1850s. The stigma of slavery had not ended. While racism largely replaced anti-slave sentiments, the North's close relationship with the peculiar institution never stopped informing Northern understandings of black identity.³⁵

Indeed, the year after Catherine's owner sold her, the Supreme Court issued an advisory opinion to the Bergen County Board of Chosen Freeholders on the legal status of the new apprentices for life and how overseers of the poor should treat them. In the case, the Bergen Freeholders wanted to know if apprentices for life discharged from their master's service should be considered paupers and subject to the poor law applicable to white inhabitants of the state or if previous decisions of the Court which mandated the owner retained responsibility for support for ex-slaves be applied. In December 1857, the Court ruled that the township where the slave was discharged from his or her apprenticeship had responsibility for providing poor relief. That township could sue the former owner of the apprentice for life to provide funds for support. The Court essentially applied the various precedents of poor relief for slaves for life to these new apprentices for life. In the decision, the Court ended with the statement that "the master in such case may be sued for the support of his slave" which demonstrates that even in 1857 a black person could still have the legal status of slave.³⁶

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At its endpoint, the abolition period had introduced New Jersey to the myriad forms of freedom, quasi-freedom, and unfreedom indicative to abolition programs in the North. The persistence of unfreedom until the eve of the Civil War left marked impressions on the social landscape of Northern African Americans as well as Northern whites. Although historians love

³⁵ Bill of Sale for Catherine, February 16, 1856, Hunterdon County Manumission Book, 426-427, HCHS.

³⁶ Joseph Bradley, "Opinion for Board of Chosen Freeholders of the County of Bergen at the instance of Mr. Knapp in answer to certain questions, December 15, 1857," Joseph Bradley Papers, NJHS.

to argue that their research complicates the story of American history, the realization that New Jerseyans still dealt with issues of slavery as late as 1857 definitely does complicate our understandings of how North and South interacted with each other in the lead-up to the Civil War. More than just complicate, it challenges the strict dichotomy between slave states and free states and replaces it with a much more nuanced understanding of how the North understood itself as capitalism, abolitionism, and the free soil movement grew over the first half of the nineteenth century.

CONCLUSION

Civil War historian William Gillette cautions other historians not to “concentrate on the infinitesimal minority of eighteen quasi-slaves” recorded on the 1860 New Jersey census, but on “the state’s 25,318 free African Americans.”¹ He believed that historians have placed too much emphasis on the presence of these slaves as a means to support the long held assumption that New Jersey was a hotbed of doughface sentiment which made the state appear, as Thomas Fleming argued “separated only by an accident of geography from the rebellious South.”² Of course, New Jersey’s Southern sympathizing had some geographic and electoral proof to it. A third of the state falls geographically below the Mason-Dixon Line and its citizens voted against Abraham Lincoln in both the 1860 and 1864 elections. Indeed, the state awarded George McClellan his only Northern electoral votes in the election of 1864 and elected him governor in 1877. On the face of it, New Jersey did not appear a vibrant supporter of the Union cause.

Gillette though, successfully pushed electoral politics and geographic oddities aside and argued that New Jersey never should have been categorized as a long lost brother of the Confederacy. Few New Jersey men and women hoped the Garden State would be the fourteenth star on the Confederate flag. Though Gillette’s argument against widespread support for the Confederacy is sound, the presence of those eighteen slaves does question how Northern society ordered itself in the years leading up to 1860. Indeed, the very notion that eighteen slaves existed in the state becomes incredibly problematic, as New Jersey abolished slavery in 1846.

¹ Gillette, *Jersey Blue*, 4.

² Thomas Fleming, *New Jersey: A History* (New York: WW Norton, 1984), 116.

These slaves, in reality apprentices for life, force historians to reevaluate how slow slavery's death in the North actually was.

In addition to those eighteen slaves who still lived in New Jersey, including possibly Catherine, the slave Charles Sutphin purchased in 1856, we must also include the hundreds of slaves for a term that labored for their mother's master even after the 1846 abolition law passed. Together with the thousands more free blacks who fought racism and discrimination created by the state's long association with slavery, Gillette's encouragement to focus on the New Jersey free black experience ignores the continued association many New Jerseyans had with slavery. The presence of the eighteen slaves then represented only the tip of African American unfreedom in nineteenth century New Jersey. While poor whites grabbed onto the free soil ideology, blacks who had been for so long *prima facie* slaves still lived tainted by their history with the institution. Even if slavery had died out, the link between African Americans and slavery pervaded Northern white minds even past important dates like 1804 or 1846.³

Indeed, those eighteen slaves tell a much larger story about how the North established itself as a "free" society in opposition to the "slave" South. The Revolution failed to provide any serious abatement of unfreedom for African Americans in addition to most financially strapped whites, women, or indentured servants. Instead of a moment in time which fundamentally shattered previous conceptions of freedom and unfreedom, the Revolution actually did very little to change how the colonists had ordered their society. Fear of possible race war and the sale of slaves by the state government firmly solidified New Jersey as a defender of the institution.

The damages caused by the Revolutionary War as well as the continued sale of confiscated loyalist slaves stymied the growth of abolitionist sentiment. In the years following 1783, slavery as an institution strengthened both popularly and numerically in New York as well

³ Gillette, *Jersey Blue*, 4; Foner, *Free Soil, Free Labor, Free Men*, ix-10.

as East Jersey. The North embarked in the 1790s not on an agenda to spread raw freedom to African Americans but created a system which served to extend slavery to many in the states which sought to destroy it. Even though gradual abolition freed all slaves in New Jersey by 1860, the law which came out of the Revolution did not earmark slavery's end in a quick nor painless fashion. Instead, it became a constantly debated issue among both whites and blacks throughout the 1780s and 1790s. Indeed, the lack of an abolition society until the early 1790s tells of a people not quite ready to even seriously discuss the issue of slavery on a statewide level. Abolitionist sentiment remained in the prevue of Quaker meetings across West Jersey, the only ally most blacks had in the state. These Quakers became the spearhead of the movement to challenge the state's slave system. This difference in attitudes separated the already historically divergent Jerseys into a freedom leaning West and a slave leaning East.

Even though West Jerseyans challenged the institution of slavery and, along with the new Jeffersonian Republican party, successfully passed a gradual abolition law in 1804, many slaveholders fought against the end of slavery. The treatment of freeborn slaves for a term in New Jersey confirms that the Revolution did not challenge the basic notions of black inferiority. Even though their abstract legal position changed, their status changed very little. As the abolition period moved forward, slaveholders capitalized on the last remaining productive years of their slaves for life and at the same time treated their freeborn slaves for a term as slaves in all but name. This arrangement led most slaveholders to minimize any capital losses caused by the 1804 Gradual Abolition Act. That no one consistently spoke up in support of these marginalized free blacks confirms that most New Jerseyans accepted the destruction of the institution of slavery but did not fight for real freedom of the slaves caught in it.

The slave for a term's role in the development of a new capitalistic market economy in New Jersey stands as one of their most important contributions to our understanding of this elongated institution of slavery. Their continued presence in an economy that historians had previously thought controlled by free labor challenges our understandings of how this capitalist transformation exactly went about. As Seth Rockman argued for Maryland, businessmen routinely purchased slaves or hired them out from their masters instead of utilizing free wage laborers. Bound labor in early national New Jersey then worked in similar ways as many chose to continue to use slave labor. The transition to free labor capitalism then took decades to accomplish and made clear that New Jersey kept strong relationships with its slave past even as the numbers of slaves diminished over time.⁴

Just as William Gillette made clear about the 1860 slave population, the numbers of slaves in the state matter quite a bit. As the table below indicates, the slave population, after a momentary rise in the 1790s, gradually declined as the population of free blacks increased.

Table C.1: New Jersey Population by Decade, 1790-1860

Populations	1790	1800	1810	1820	1830	1840	1850	1860
Slave	11,423	12,422	10,851	7,557	2,254	674	236	18
Free Black	2,762	4,402	7,843	12,460	18,303	21,044	23,810	25,318
Total	184,139	211,149	245,562	277,575	320,823	373,306	489,555	672,035
Slaves as Percentage of Total Black Population	80.5%	73.8%	58.0%	37.8%	11.0%	3.1%	1.0%	0.1%
Slaves as Percentage of Total	6.23%	5.88%	4.42%	2.72%	0.7%	0.2%	0.05%	0.003%

Of course, those in the “slave” category in the census remain suspect as some could have been slaves for life while others slaves for a term. Indeed, these raw census figures, while they remain

⁴ Rockman, *Scraping By*, 5-8.

the only statewide information to indicate population size, should be used with caution. They do, however, become important as they indicate that the transformation of New Jersey society into one more or less without slaves happened not in the eighteenth century but in the 1820s. By 1830, slaves made up less than one percent of the state's total population. However, still one in ten African Americans remained in bondage. This figure, however, is likely too low as it only counts slaves for life. In 1830, out of the free black population, all males born to slave mothers after 1805 and all females born to slaves after 1809 (literally almost all those affected by the gradual abolition law) remained slaves for a term as their service requirement had not yet expired. The remaining birth records of slaves for a term from ten of New Jersey's thirteen counties provide a rough estimate of 2965 still living as slaves for a term by the 1830 census. Therefore, at least 25.4 percent of the black population of New Jersey in 1830 lived either as slaves or slaves for a term. Unfreedom in 1830 still pervaded the African American community in the Garden State.⁵

The realization that a large number of “free” blacks in the North likely lived as bound slaves for a term even in 1830 challenges the importance of numbers William Gillette fights against so diligently. Though the emancipation of most slaves occurred by 1830, a large portion of the black population remained unfree. Instead of seeing the 1820s as the decade of change, the 1830s did much more to improve the status of African Americans as a whole in the Garden State. Those slaves for a term born between 1804 and 1815 had, by 1840, all gained their freedom which decreased the slave for a term population from 2965 to 1226, an almost sixty percent decline. The slave for life population similarly declined so that in 1840 only 8.7 percent

⁵ United States Census Records, 1790-1860. Information for slaves for a term births come from Black Birth Books from the following counties: Bergen, Essex, Gloucester, Hunterdon, Middlesex, Salem, Monmouth, Sussex, Somerset, and Morris. Note that Gloucester County's birth book is incomplete as are records from Hunterdon County. No black birth records remain for Burlington, Cape May, and Cumberland.

of the black population remained bound for life or for a term. The 1830s also highlighted the changes in white understandings of African Americans. In 1836, the state Supreme Court reversed its previous contention that all blacks lived as *prima facie* slaves and agreed that the equation of black with property no longer applied.⁶ As slaves for a term gained their freedom and the older slaves for life unaffected by the gradual abolition law gradually died, the core of black New Jerseyans became more and more free.

Not coincidentally, the 1830s also showed the renewed interest in homegrown abolition movements. Nonetheless most whites saw the continued movement of slavery into the territories as much more of an immediate threat than the few slaves or slaves for a term left who remained in the long wake of the American Revolution.⁷ Less than stellar support of abolitionism, as in most other places in the North, directly resulted from the state's long established relationship with slavery. Though by 1840 the black population became predominantly free, the relationship to slavery for many New Jerseyans still colored their understanding of race and privilege. Abolition groups such as the New Jersey Anti-Slavery Society, founded in 1834, had a difficult time convincing white New Jerseyans that they should put abolition at the front of their minds. Even though the Supreme Court had reversed its *prima facie* slave ruling and the majority of blacks lived free of any bounded labor contracts, many whites remained slow to join the abolitionist crusade which resulted in less than enthusiastic turnout for abolition based political parties in the 1840s and 1850s.⁸

Although this is very much a New Jersey specific story, the issues of freedom and unfreedom did not only exist in the Garden State. Far from an isolated case, the unfreedom of African Americans pervaded the North in the years after the Revolution. Pennsylvania, Rhode

⁶ 15 N.J.L. 266, *Stoutenborough v. Haviland*, Supreme Court of New Jersey, February Term, 1836.

⁷ Foner, *Free Soil, Free Labor, Free Men*, 3-9.

⁸ Record Book of the New Jersey Anti-Slavery Society, New Jersey Anti-Slavery Society Papers, NJHS.

Island, Connecticut, and New York all enacted gradual abolition laws just as New Jersey had and in those states slaves for a term lived wholly unfree lives just as in New Jersey. In Connecticut, Rhode Island, and Pennsylvania, slaves and their freeborn children lived in the shadow of slavery for significant periods of time. However, they started the process of abolition in the early 1780s. By the 1830s the majority of their slaves and slaves for a term had gained their freedom years earlier: the transformation of those states' economies and black populations occurred in the 1810s. Even if it occurred twenty years earlier than New Jersey, the same issues of the Revolution's failure to purport real freedom for blacks and an elongated persistence of bound labor via slaves for a term impacted Northern definitions of freedom in the years when debate over the slave power highlighted sectional tensions on both sides of the Mason-Dixon line.⁹

New York, of course, remains an outlier in many ways. As the only state that legislatively abolished slavery outright, in 1827, New York's transformation to a predominantly free society can be fixed on one moment: the instant where all slaves for life born before 1799 (the year gradual abolition began) gained their freedom. The jubilee which ensued from Washington Square Park to the Battery celebrated the freedom unattainable to slaves elsewhere in the North. However, beneath the excitement of that day, the new law in New York failed to grant freedom to any slave for a term born between 1799 and 1827. Therefore, a male child born to a slave on January 1, 1827 would remain a slave for life until he turned twenty-eight years old, in 1855. Just five years before the Civil War began, New York too dealt with the unfinished task of abolition begun in the years following the American Revolution.¹⁰

If we return to Catherine's 1856 sale to Charles Sutphin, her case at first appearance could be seen as exceptional as William Gillette argues. Indeed, by 1856 very few slaves for a

⁹ New work on issues of abolition in the North and comparative issues between New Jersey and other Northern states needs to be undertaken and indeed is the direction this project will be headed in the future.

¹⁰ For more on New York, see White, *Somewhat More Independent*, and Gellman, *Emancipation New York*.

term remained bound to their mother's master and even fewer apprentices for life still called New Jersey home. However, in a larger sense, her case brings light to the persistence of slavery which New Jerseyans struggled with during the first four decades of the nineteenth century. Catherine serves as a focal point for the large numbers of slaves and slaves for a term who continued to function in an institution seemingly marked for death yet that remained a part of the state well into the 1830s.

In reality then, true abolition and destruction of the slave system in New Jersey did not occur as an immediate product of the American Revolution but of Civil War when the Thirteenth Amendment became part of the United States Constitution. The elimination has always been argued by historians as intrinsically linked to the Revolution and indeed New Jersey's case is no different. The rhetoric of freedom which emanated from the Revolution became extremely important to the passage of gradual abolition. However, we should see gradual abolition not as a quick chronicle of change but as an elongated story of the Revolution's legacy which played out in the years of the Early Republic.

If anything then, slavery in the North suggests that the relationship between slave and free can never be easily delineated. In the North, they rarely existed as polar opposites. Freedom functioned very much as a process which spanned from the Revolution to the Civil War. Through this elongated vision of freedom, Northerners, white and black, struggled over decades to discover the true dimensions of their relationship to each other. Only by looking at the mechanics of this process can we then fully understand how Northerners understood their place in the larger American experience.

BIBLIOGRAPHY

Primary Sources

Manuscript Collections

New Jersey State Archives (NJS)

Bergen County Black Birth Book

Bergen County Manumission Book

Bureau of Archives and History Manuscript Collection (BAH Collection)

Burlington Court of Common Pleas, Unprocessed Loose Papers, Fugitive Slave Law Cases

Burlington County Deed Books A-H

Cape May County Surrogate Records

Department of Defense, Adjutant General's Office, Records of Commissioners of Forfeited Estates, 1777-1795

Department of State, Secretary of State AM Papers

Department of State Records, Secretary of State's Letters, Deeds, and Misc.

Essex County Black Birth Book

Essex County Certificates of Deeds and Manumissions

Essex County Manumission Book A-C

Essex County Wills

Hunterdon County Birth Certificates for Children of Slaves

Inventories of Damages by the British and Americans in New Jersey, 1776-1782

Loyalist Records, American Revolution, Audit Office Records, Public Records Office, London

Middlesex County Black Birth Book

Middlesex Court of Common Pleas Papers

Middlesex County Manumission Book

Morrell Family Papers

Morris County Wills

New Jersey Council of Safety Minutes

New Jersey Department of Treasury Day Books, Daybooks of Peter Gordon, Treasurer

New Jersey General Assembly Tax Ratables (Newark, Morris Twp, Middle Twp)

New Jersey General Assembly Minutes, Votes, and Proceedings, 1703-1996

New Jersey Supreme Court Case Files

Revolutionary War Index Files

Salem County Manumission Book

Somerset County Black Birth Book

Somerset County Manumission Book

State Library MSS Collection

Sussex County Black Birth Book

Sussex County Manumission Book

New Jersey Historical Society (NJHS)

Anderson Family Papers

Andrew Mellick Papers

Baptist Church of Scotch Plains New Jersey Papers

Baldwin-Brown-Coe Family Papers

Burlington County Papers

Chester Overseers of the Poor Records

Colored Sabbath School Reports, 1819-1822

East Windsor Township Overseer of the Poor Records

Edwin Ely Collection

Essex County Anti-Slavery Society Papers

Essex County Militia Papers

Estate of Aaron Mellick Papers

First Continental Artillery Regiment Papers

John Hunt Papers

John Nelson Abeel Papers

John Nelson Abeel and Gusavus Abeel Papers

Jonathan Dayton Papers

Joseph Bloomfield Papers

Joseph Bradley Papers

Joseph Hornblower Papers

Kinney Family Papers

Louis Bamberger Collection

Mahlon Dickerson and Philemon Dickerson Papers

Munn Family Papers

New Brunswick Common Council Minutes

New Jersey Anti-Slavery Society Papers

New Jersey State Troops, Military Record Book

Newark Female Charitable Society Papers

Newark Town Records

Orderly Book, Alexander Scammell, Continental Army Adjutant General

Presbyteries of Morris County and Newark Papers

Revolutionary Era Papers

Sayers Coe Daybook and Account Book

Scott Family Papers

Statesmen Papers

Stone House Plains Dutch Reformed Church Register, 1747-1901

Trinity Cathedral Papers

Vital Records of Hanover Presbyterian Church

Rutgers University Archives and Special Collections (RUASC)

African Association of New Brunswick (NJ), Minute Book, 1817-1824

Bergen Reformed Church Records

Bergun Brokaw Account Book

Bound Brook Presbyterian Church Records

Clark Family Papers

Colt Family Papers

Diary of John Mason Brown

Ebenezer Elmer Papers

Edwin Corwin McKeag Papers

Gerald Rutgers Papers

Isaac Halsted Williamson Papers

Hopewell Township, Cumberland County, Tax List (1804)

New Brunswick Colonization Society Papers

New Jersey Letters Collection

Pennsylvania and NJ Slave Trade, The Case of Severn Martin

Political Broadside Collection

Piscataway Township Records, Certificates of Abandonment for Negro Children born of slave parents (1805-07)

Samuel Allinson Papers

Thomas Cope Family Papers

Van Liew Family Papers

Wells Family Papers

Woodbridge Township Records

Swarthmore Friends Historical Library (SFHL)

Association of Friends for the Free Instruction of Adult Colored Persons Papers

Burlington Society of Friends Quarterly Meeting Minutes

John Hunt Journal

New York Meeting for Sufferings of the Society of Friends Minutes

Philadelphia Meeting for Sufferings of the Society of Friends Minutes

Philadelphia Society of Friends Yearly Meeting Minutes

Salem Society of Friends Monthly Meeting Minutes

Salem and Gloucester Society of Friends Quarterly Meeting Minutes

Salem Society of Friends Quarterly Meeting Minutes

Haverford College Quaker Collection (HCQC)

Allinson Family Papers

Burlington County Society for the Abolition of Slavery Papers

Minutes of the Proceedings of the New Jersey Abolition Society and Misc. Papers

Thomas Cope Family Papers

Burlington County, New Jersey Historical Society (BCHS)

New Jersey Abolition Society and Burlington County Abolition Society Papers

Hunterdon County, New Jersey Historical Society (HCHS)

Hunterdon County Slave Births, Manumissions, and Miscellaneous Records

Monmouth County New Jersey Archives

Monmouth County Black Birth Book

Monmouth County Manumission Book

Upper Freehold Town Books and Shrewsbury Overseer of the Poor Book

University of Georgia Hargrett Rare Book and Manuscript Library

Office of the President, University of Georgia Presidents File, 1801-1819

Connecticut Historical Society

MB Brainard Papers

Southern Historical Collection, University of North Carolina at Chapel Hill (SHC)

Avery Papers

Library Company of Philadelphia (LCP)

Papers of the Pennsylvania Abolition Society

Campbell Library, Rowan University

Gloucester County Society for Promoting the Abolition of Slavery Papers

Published Primary Documents

A Memorial of Purchase Monthly Meeting, concerning Richard Mott, deceased. New York: SS&W Wood, 1857.

Account of James Alford, *Friends Weekly Intelligencer*, 1845.

Allinson, William. *Memoir of Quamino Baccau: A Pious Methodist.* Philadelphia: Henry Longstreth, 1851.

American Convention for the Promoting the Abolition of Slavery and Improving the condition of the African Race. *Minutes of the Proceedings.* Philadelphia, 1794.

Aptheker, Herbert, ed. *A Documentary History of the Negro People in the United States.* New York: The Citadel Press, 1951.

Bartlett, J. Gardner. *Robert Coe, Puritan: His Ancestors and Descendants, 1340-1910.* Boston, 1911.

Budka, Metchie, ed. Julian Niemcewicz, *Under their Vine and Fig Tree: Travels through America in 1797-1799, 1805 with some further account of life in New Jersey*. Elizabeth, NJ: Grassman Publishing, 1965.

Carey, Matthew. *The Olive Branch or Faults on Both Sides, Federal and Democratic, A Serious Appeal on the Necessity of Mutual Forgiveness and Harmony*. Winchester, VA: J. Foster, 1817.

City Directory of Newark for 1835-6. Newark: Newark Daily Advertiser, 1835.

Coldham, Peter Wilson. *American Loyalist Claims, Volume I*. National Genealogical Society, Washington DC, 1980.

Colonization Scheme Considered in its Rejection by the Colored People in its tendency to uphold caste in its unfitness for Christianizing and Civilizing the Aborigines of Africa and for putting a stop to the African Slave Trade: In a Letter to Theodore Frelinghuysen and Benjamin Butler from Samuel Cornish and Theodore Wright, Pastors of the Colored Presbyterian Churches in the Cities of Newark and New York. Newark: Printed by Aaron Guest, 1840.

Cooper, David. *A Serious Address to the Rulers of America on the Inconsistency of their Conduct Respecting Slavery*. 1773.

Crackel, Theodore, ed. *The Papers of George Washington Digital Edition*. Charlottesville: University of Virginia Press, 2007.

DeVoe, Thomas. *The Market Book*. New York: Printed for the Author, 1860.

Dillwyn, William. *Brief considerations on slavery and the expediency of its abolition, with some hints on the means whereby it may be gradually effected*. Burlington: Isaac Collins, 1773.

Documents Relating to the Revolutionary History of the State of New Jersey, Second Series, Volume I-IV. Trenton: New Jersey State Archives, 1914.

Drew, Benjamin. *A North Side View of Slavery, The Refugee or the Narratives of Fugitive Slaves in Canada*. New York: Negro University Press, 1868.

Ezell, John, ed. *The New Democracy in America: Travels of Francisco de Miranda in the United States, 1783-84*. Norman: University of Oklahoma Press, 1963.

Frelinghuysen, Theodore. *An Oration: Delivered at Princeton, NJ November 16, 1824 before the New Jersey Colonization Society*. Princeton: Princeton Press, November 1824.

Gellman, David and David Quigley, ed. *Jim Crow New York: A Documentary History of Race and Citizenship, 1777-1877*. New York: New York University Press, 2003.

Gerlach, Larry, ed. *New Jersey in the American Revolution, 1763-1783: A Documentary History*. Trenton: New Jersey Historical Commission, 1975.

Griffin, Edward. *A Plea for Africa: A Sermon preached October 26, 1817 in the First Presbyterian Church in the City of New York before the Synod of New York and New Jersey at the Request of the Board of Directors of the African School Established by the Synod*. New York: Gould, 1817.

Griffith, William. *Address of the President of the New Jersey Society for Promoting the Abolition of Slavery to the General Meeting at Trenton on Wednesday the 26th of September, 1804*. Trenton: Sherman and Mershon, 1804.

_____. *Eumenes: being a collection of papers written for the purpose of exhibiting some of the more prominent errors and omissions of the constitution of New Jersey as established on the second day of July, one thousand seven hundred and sixty six and to prove the necessity of calling a convention for revision and amendment*. Trenton, 1799.

Hay, Philip. *Our Duty to our Colored Population: A Sermon for the Benefit of the American Colonization Society, Delivered in the Second Presbyterian Church, Newark, July 23, 1826*. Newark: W. Tuttle and Co, 1826.

Hodges, Graham, ed. *The Black Loyalist Directory: African Americans in Exile after the American Revolution*. New York: Garland, 1996.

Hodges, Graham and Alan Edward Brown, ed. "Pretends to be Free" *Runaway Slave Advertisements from Colonial and Revolutionary New York and New Jersey*. New York: Garland, 1994.

Homes, Issac. *An Account of the United States of America, Derived from Actual Observations, During a Residence of Four Years in that Republic*. London: Caxton Press, 1832.

Johnstone, Abraham. *The Address of Abraham Johnstone, a Black Man, who was hanged at Woodbury in the County of Gloucester and State of NJ on Saturday, the 8th day of July last, to the People of Color*. Philadelphia: 1797.

Jones, Edward Alfred. *The Loyalists of New Jersey: Their Memorials, Petitions, Claims, etc from English Records*. Boston: Gregg Press, 1972.

Lobdell, Jared, ed. C.W. Larison, *Silvia Dubois, A Biography of the Slave Who Whipt Her Mistres and Gанд Her Fredom*. New York: Oxford University Press, 1988.

Madison, James. *Debates of the Adoption of the Federal Constitution in the Convention Held at Philadelphia in 1787; with a Diary of the Debates of the Congress of the Confederation*. Philadelphia: JB Lippincott, 1881.

McKinney, William, Charles Philhower, and Harry Kniffin, *Commemorative History of the Presbyterian Church in Westfield, NJ, 1728-1928*. Westfield: Westfield Presbyterian Church, 1929.

McMahon, Lucia and Deborah Schriver, ed. *To Read My Heart: The Journal of Rachel Van Dyke, 1810-1811*. Philadelphia: University of Pennsylvania Press, 2000.

Memorial of Mount Holly Monthly Meeting of Friends concerning William Boen, a Colored Man, read in the Yearly Meeting of Friends, Held in Philadelphia, 1829. Philadelphia, William Sharpless Printer, 1831.

Mitros, David, ed. *Jacob Green and the Slavery Debate in Revolutionary Morris County, New Jersey*. Morris County Heritage Commission, 1993.

_____. *Slave Records of Morris County, New Jersey: 1756-1841*. Morristown: Morris County Heritage Commission, 2002.

Moss, George, ed. *Black Birth Book of Monmouth County, New Jersey*. Freehold, NJ: Office of the County Clerk, 1989.

_____. *Manumission Book of Monmouth County, New Jersey*. Freehold, NJ: Office of the Monmouth County Clerk, 1992.

New Jersey Society for Promoting the Abolition of Slavery. The Constitution of the New Jersey Society for Promoting the Abolition of Slavery. Burlington, 1792.

_____. Cases Adjudged in the Supreme Court of New Jersey Relative to the Manumission of Negroes. Burlington, 1794.

New York City Hall Reporter, Volume IV, No. 4, April 1819.

Newark Female Charitable Society, *The Record of the Newark Female Charitable Society for a Hundred Years, 1803-1903*. Newark: Newark Female Charitable Society, 1903.

Pernot, MM, ed. *After Freedom*. Burlington, NJ: Burlington County Historical Society, 1987.

Price, Clement. *Freedom Not Far Distant: A Documentary History of Afro-Americans in New Jersey*. Newark: NJ Historical Society, 1980.

Prince, Carl, Dennis Ryan, et al, eds, *The Papers of William Livingston*. Volume I-V. Trenton: New Jersey Historical Commission, 1979.

Proceedings of the New Jersey State Constitutional Convention of 1844. Works Progress Administration, 1942.

Rowe, Kenneth and Michael McKay, ed, *The Journals of the Rev. Thomas Morrell: Dissent and Reform in the United Methodist Tradition*. Historical Society, Northern New Jersey Conference, The United Methodist Church, 1984.

Sedgwick, Theodore. *A Memoir of the Life of William Livingston with Extracts from his Correspondence and Notices of Various Members of His Family*. New York: J&J Harper, 1833.

Stewart, Alvan. *A Legal Argument Before the Supreme Court of the State of New Jersey*. New York: Finch and Weed, 1845.

Stratford, Dorothy. "Docket of Jacob Van Nostrand." *Genealogical Magazine of New Jersey* 43: 1968.

Upham, Mrs. TC. *Narrative of Phebe Ann Jacobs*. American Tract Society, no listed publication date.

Wansey, Henry. *Journal of an Excursion to the United States of North America in the Summer of 1794*. New York: Johnson Reprint Collection, 1969.

Wheeler, Jacob. *Reports of Criminal Law Cases with Notes and References Containing also a View of the Criminal Laws of the United States*. Albany, NY: Banks and Gould, 1851.

Newspapers

Pennsylvania Gazette

New York Journal

New Jersey Journal

New Jersey Gazette

Royal Gazette

Burlington Gazette

Burlington Advertiser

Jersey Chronicle

Political Intelligencer

Trenton Federalist

Pennsylvania Gazette

Newark Centinel of Freedom

East Jersey Republican

Washington Whig

Rural Visitor

New Jersey Telescope

Miscellany

New Orleans Chronicle

Charlestown, VA Farmer's Repository

Baltimore Patriot and Mercantile Advertiser

Charleston, SC City Gazette and Daily Advertiser

Leesburg, Virginia Genius of Liberty

Alexandria Gazette
Genius of Liberty
Colored American
Freedom's Journal
Raleigh North Carolina Star

Secondary Sources

Books

Alexander, Leslie. *African or American?: Black Identity and Political Activism in New York City, 1784-1861*. Chicago: University of Chicago, 2008.

Atkinson, Joseph. *The History of Newark, New Jersey Being a Narrative of Its Rise and Progress*. Newark: William Guild, 1878.

Aptheker, Herbert. *American Negro Slave Revolts*. New York: Columbia University Press, 1943.

Berlin, Ira. *Many Thousands Gone: The First Two Centuries of Slavery in North America*. Cambridge: Harvard University Press, 1998.

_____. *Slaves without Masters: The Free Negro in the Antebellum South*. New York: Vintage Books, 1974.

Bethel, Elizabeth. *The Roots of African-American Identity: Memory and History in Free Antebellum Communities*. New York: Saint Martin's Press, 1997.

Birkner, Michael. *Samuel Southard: Jeffersonian Whig*. Madison, NJ: Farleigh Dickinson University Press, 1984.

Boylan, Anne. *Sunday School: The Formation of an American Institution, 1790-1880*. New Haven: Yale University Press, 1988.

Cunningham, John. *Newark*. Newark, NJ: New Jersey Historical Society Press, 1988.

Curry, Leonard. *The Free Black in Urban America, 1800-1850*. Chicago: University of Chicago Press, 1981.

Davis, David Brion. *The Problem of Slavery in Western Culture, rev. ed.* New York: Oxford University Press, 1988.

_____. *Inhuman Bondage: The Rise and Fall of Slavery in the New World*. New York: Oxford University Press, 2006.

Deyle, Stephen. *Carry Me Back: The Domestic Slave Trade in American Life*. New York: Oxford University Press, 2005.

Dunbar, Erica. *A Fragile Freedom: African American Women and Emancipation in the Antebellum City*. New Haven: Yale University Press, 2008.

Egerton, Douglas. *Death or Liberty: African Americans and Revolutionary America*. New York: Oxford University Press, 2009.

_____. "He Shall Go Out Free:" *The Lives of Denmark Vesey*. Lanham, Maryland: Roman and Littlefield, 2004.

Essah, Patience. *A House Divided: Slavery and Emancipation in Delaware, 1638-1865*. Charlottesville: University of Virginia Press, 1996.

Fields, Barbara. *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century*. New Haven: Yale University Press, 1985.

Finkelman, Paul. *An Imperfect Union: Slavery, Federalism, and Comity*. Chapel Hill: University of North Carolina Press, 1981.

_____. *The Law of Freedom and Bondage: A Casebook*. New York: Oceana Publications, 1986.

_____. *Slavery and the Founders: Race and Liberty in the Age of Jefferson*, Second Edition. New York: ME Sharpe, 2001.

Fischer, David Hackett. *The Revolution of American Conservatism: The Federalist Party in the Era of Jeffersonian Democracy*. New York: Harper & Row, 1965.

Fishman, George. *The African American Struggle for Freedom and Equality*. New York: Routledge, 1997.

Fleming, Thomas. *New Jersey: A History*. New York: WW Norton, 1984.

Foner, Eric. *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War*. New York: Oxford University Press, 1970.

_____. *The Story of American Freedom*. New York: WW Norton, 1999.

Fogel, Robert, Ralph Galantyne, and Richard Manning, eds. *Without Consent or Contract: Evidence and Methods*. New York: Norton, 1990.

Foner, Philip. *Blacks in the American Revolution*. Wesport, CT: Greenwood Press, 1975.

Frey, Sylvia. *Water from the Rock: Black Resistance in a Revolutionary Age*. Princeton: Princeton University Press, 1991.

Gillette, William. *Jersey Blue: Civil War Politics in New Jersey, 1854-1865*. New Brunswick: Rutgers University Press, 1995.

Geismar, Joan. *The Archaeology of Social Disintegration in Skunk Hollow: A Nineteenth-Century Rural Black Community*. New York: Academic Press, 1982.

Gellman, David. *Emancipating New York: The Politics of Slavery and Freedom*. Baton Rouge: Louisiana State University Press, 2006.

Green, Evarts and Virginia Harrington, *American Population Before the Federal Census of 1790*. New York: Columbia University Press, 1932.

Greene, Robert. *Black Courage, 1775-1783: Documentation of Black Participation in the American Revolution*. Washington: National DAR, 1984.

Harris, Leslie. *In the Shadow of Slavery: African Americans in New York City, 1626-1863*. Chicago: University of Chicago Press, 2003.

Hatfield, Edwin. *History of Elizabeth, New Jersey*. New York: Carlton and Lanahan, 1868.

Higginbotham, A. Leon. *In the Matter of Color: Race and the American Legal Process: The Colonial Period*. New York: Oxford University Press, 1978.

Hodges, Graham. *Root and Branch: African Americans in New York and East Jersey*. Chapel Hill: University of North Carolina Press, 1999.

_____. *Slavery and Freedom in the Rural North: African Americans in Monmouth County, New Jersey 1665-1865*. Madison, NJ: Madison House, 1997.

_____. *Slavery, Freedom, and Culture Among Early American Workers*. Armonk, NY: ME Sharpe, 1998.

Hoffer, Peter Charles. *The Great New York Conspiracy of 1741*. Lawrence, KS: University Press of Kansas, 2003.

Holton, Woody. *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia*. Chapel Hill: University of North Carolina Press, 1999.

Horton, James. *Free People of Color: Inside the African American Community*. Washington: Smithsonian Institution Press, 1993.

Kerr-Ritchie, JR. *Rites of August First: Emancipation Day in the Black Atlantic World*. Baton Rouge: Louisiana University Press, 2007.

Knoblock, Glenn. *Strong and Brave Fellows: New Hampshire's Black Soldiers and Sailors of the American Revolution, 1775-1784*. Jefferson, NC: McFarland, 2003.

Kolchin, Peter. *American Slavery, 1619-1877*. New York: Hill and Wang, 1994.

Kulikoff, Allan. *The Agrarian Origins of American Capitalism*. Charlottesville: University of Virginia Press, 1992.

Landers, R. Gloria. *Pioneers, Pastors, and Patriots: The 250-Year History of Lamington Presbyterian Church*. Bedminster, NJ: Lamington Presbyterian Church, 1990.

Lemon, James. *The Best Poor Man's Country: Early Southeastern Pennsylvania*. Baltimore: Johns Hopkins University Press, 1972.

Lepore, Jill. *New York Burning: Liberty, Slavery, and Conspiracy in Eighteenth Century Manhattan*. New York: Knopf, 2005.

Lightner, David. *Slavery and the Commerce Power: How the Struggle Against the Interstate Slave Trade Led to the Civil War*. New Haven, CT: Yale University Press, 2006.

Litwack, Leon. *North of Slavery: the Negro in the Free States*. Chicago: University of Chicago Press, 1961.

Lovejoy, Paul. *Transformations in Slavery: A History of Slavery in Africa*, Second Edition. Cambridge: Harvard University Press, 2000.

Lundin, Charles. *Cockpit of the Revolution: The War for Independence in New Jersey*. Princeton: Princeton University Press, 1940.

Lurie, Maxine, ed. *A New Jersey Anthology*. New Brunswick, NJ: Rutgers University Press, 2002.

Malone, Ann Patton. *Sweet Chariot: Slave Family and House Old Structure in Nineteenth-century Louisiana*. Chapel Hill: University of North Carolina Press, 1992.

Maas, David. *The Return of the Massachusetts Loyalists*. New York: Garland, 1989.

Martin, Jonathan. *Divided Mastery: Slave Hiring in the American South*. Cambridge: Harvard University Press, 2004.

Mason, Matthew. *Slavery and Politics in the Early Republic*. Chapel Hill, NC: UNC Press, 2006.

McManus, Edgar. *Black Bondage in the North*. Syracuse: Syracuse University Press, 1973.

Melish, Joanne Pope. *Disowning Slavery: Gradual Emancipation and “Race” in New England, 1780-1860*. Ithaca: Cornell University Press, 1998.

Middlekauff, Robert. *The Glorious Cause: The American Revolution, 1763-1789*. New York; Oxford University Press, 2005.

Mitnick, Barbara, ed. *New Jersey in the American Revolution*. New Brunswick, NJ: Rivergate Books, 2005.

Morgan, Jennifer. *Laboring Women: Reproduction and Gender in New World Slavery*. Philadelphia: Univ. of Pennsylvania Press, 2004.

Mitchell, Mary Niall. *Raising Freedom’s Children: Black Children and Visions of the Future After Slavery*. New York: New York University Press, 2008.

Nash, Gary. *Forging Freedom: The Formation of Philadelphia’s Black Community, 1720-1840*. Cambridge: Harvard University Press, 1988.

_____. *The Forgotten Fifth: African Americans in the Age of Revolution*. Cambridge: Harvard University Press, 2006.

_____. *The Unknown Revolution: The Unruly Birth of Democracy and the Struggle to Create America*. New York: Viking, 2005.

_____. *The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution*. Cambridge: Harvard University Press, 1979.

Nash, Gary and Jean Soderlund. *Freedom by Degrees: Emancipation in Pennsylvania and its Aftermath*. New York: Oxford University Press, 1991.

Nell, William. *The Colored Patriots of the American Revolution*. New York: Arno Press, 1968.

Pasler, Rudolph and Margaret. *The New Jersey Federalists*. Madison, NJ: Farleigh Dickinson University Press, 1975.

Patterson, Orlando. *Slavery and Social Death: A Comparative Study*. Cambridge: Harvard University Press, 1982.

Pingeon, Francis. *Blacks in the Revolutionary Era*. Trenton: New Jersey Historical Commission, 1976.

Prince, Carl. *New Jersey’s Jeffersonian Republicans: The Genesis of an Early Party Machine, 1789-1817*. Chapel Hill: University of North Carolina Press, 1964.

_____. *William Livingston: New Jersey’s First Governor*. Trenton, NJ: New Jersey Historical Commission, 1975.

Pybus, Cassandra. *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty*. Boston: Beacon, 2006.

Quarles, Benjamin. *Negro in the American Revolution*. Chapel Hill, NC: University of North Carolina Press, 1961.

Reed, Harry. *Platform for Change: The Foundations of the Northern Free Black Community, 1775-1865*. East Lansing, MI: Michigan State University Press, 1994.

Reiss, Oscar. *Blacks in Colonial America*. Jefferson, NC: McFarland, 1997.

Rockman, Seth. *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore*. Baltimore: Johns Hopkins University Press, 2009.

Slainger, Sharon. “*To Serve Well and Faithfully*” *Labor and Indentured Servants in Pennsylvania*. New York: Cambridge University Press, 1987.

Schama, Simon. *Rough Crossings: Britain, the Slaves, and the American Revolution*. New York: Harper Collins, 2006.

Smith, Billy, ed. *Down and Out in Early America*. University Park: Pennsylvania State University Press, 2004.

_____. *The “Lower Sort,” Philadelphia’s Laboring People, 1750-1800*. Ithaca: Cornell University Press, 1990.

Smith, Page. *A New Age Now Begins: A People’s History of the American Revolution*, II. New York: McGraw, 1976.

Sobel, Mechal. *The World They Made Together*. Princeton: Princeton University Press, 1987.

Stansell, Christine. *City of Women: Sex and Class in New York, 1789-1860*. Urbana: University of Illinois Press, 1987.

Steinfeld, Robert. *Coercion, Contract, and Free Labor in the Nineteenth Century*. New York: Cambridge University Press, 2001.

_____. *The Invention of Free Labor: The Employment Relation in English and American Law and Culture 1350-1870*. Chapel Hill: University of North Carolina Press, 1991.

Stevens, Stephanie. *Outcast: A Story of Slavery in Readington Township, Hunterdon County New Jersey*. Whitehouse Station, NJ: Merck and Company, 2003.

Soderlund, Jean. *Quakers and Slaves: A Divided Spirit*. Princeton: Princeton University Press, 1985.

Urquhart, Frank. *A Short History of Newark*. Newark: Baker Printing, 1916.

Vincent, Stephen. *Southern Seed: Northern Soil: African-American Farm Communities in the Midwest, 1765-1900*. Bloomington: Indiana University Press, 1999.

Wacker, Peter. *Land and People: A Cultural Geography of Preindustrial New Jersey*. New Brunswick: Rutgers University Press, 1975.

Wacker, Peter and Paul Clemons, *Land Use in Early New Jersey*. Newark: New Jersey Historical Society, 1995.

Wallace, Anthony. *Rockdale: The Growth of an American village in the early Industrial Revolution*. New York: Alfred Knopf, 1978.

Wiencek, Henry. *An Imperfect God: George Washington, His Slaves, and the Creation of America*. New York: Farrar, Straus, and Giroux, 2003.

Wilentz, Sean. *The Rise of American Democracy: Jefferson to Lincoln*. New York: WW Norton, 2005.

Williams, William. *Slavery and Freedom in Delaware, 1639-1865*. Wilmington, Delaware: SR Books, 1996.

White, Deborah Gray. *Ar'n't I a Woman? Female Slaves in the Plantation South*. New York: W. W. Norton & Company, 1987.

White, Shane. *Somewhat More Independent: The End of Slavery in New York City, 1770-1810*. Athens: University of Georgia Press, 1991.

Wolf, Eva Sheppard. *Race and Liberty in the New Nation: Emancipation in Virginia from the Revolution to Nat Turner's Rebellion*. Baton Rouge: Louisiana State University Press, 2006.

Wright, Marion Thompson. *The Education of Negroes in New Jersey*. New York: Arno Press and the New York Times, 1971.

Yoshpe, Harry. *The Disposition of Loyalist Estates in the Southern District of the State of New York*. New York: AMS Press, 1967.

Young, Alfred. *The Democratic Republicans of New York*. Chapel Hill: University of North Carolina Press, 1967.

Zilversmit, Arthur. *The First Emancipation: The Abolition of Slavery in the North*. Chicago: University of Chicago Press, 1967.

Articles

Adelberg, Michael. "An Evenly Balanced County: The Scope and Severity of Civil Warfare in Revolutionary Monmouth County, New Jersey." *Journal of Military History*, 73(1), 2009: 9-47.

Doerflinger, Thomas. "Rural Capitalism in Iron Country: Staffing a Forest Factory." *William and Mary Quarterly*, 59(1), 2002: 3-38.

Dowd, Gregory Evans. "Declarations of Dependence: War and Inequality in Revolutionary New Jersey, 1776-1815" in Maxine Lurie, ed. *A New Jersey Anthology*. New Brunswick, NJ: Rutgers University Press, 2002.

Finkelman, Paul. "State Constitutional Protections of Liberty and the Antebellum NJ Supreme Court: Chief Justice Hornblower and the Fugitive Slave Law." *Rutgers Law Journal* 23: 753-787

Fishman, George. "Taking a Stand for Freedom in Revolutionary New Jersey: Prime's Petition of 1786." *Science and Society*, 56(3), 1992: 353-356.

Fogel, Robert and Stanley Engerman. "Philanthropy at Bargain Prices: Notes on the Economics of Gradual Emancipation." *The Journal of Legal Studies* 3(2), 1974: 377-401.

Fowler, David. "These were Troublesome Times Indeed": Social and Economic Conditions in Revolutionary New Jersey" in Barbara Mitnick, ed, *New Jersey in the American Revolution*. New Brunswick, NJ: Rivergate Books, 2005.

Gough, Robert. "Black Men and the Early New Jersey Militia." *New Jersey History* 88(4), 1970: 227-238.

Grubb, Farley. "The Auction of Redemptioner Servants, Philadelphia, 1771-1804: An Economic Analysis." *Journal of Economic History* 48(3), 1998: 583-603.

_____. "Immigrant Servant Labor: Their Occupational and Geographic Distribution in the Late Eighteenth Century Mid-Atlantic Economy." *Social Science History* 9(3), 1985: 249-276.

_____. "The Disappearance of Organized Markets for European Immigrant Servants in the United States: Five Popular Explanations Reexamined." *Social Science History*, 18(1), 1994: 1-30.

Helo, Ari and Peter Onuf. "Jefferson, Morality and the Problem of Slavery." *William and Mary Quarterly* 60(3), 2003: 583-614.

Klinghoffer, Judith Apter and Lois Elkins, "The Petticoat Electors:" Women's Suffrage in New Jersey, 1776-1807." *Journal of the Early Republic* 12(2), 1992: 159-193.

Lambert, Robert. "The Confiscation of Loyalist Property in Georgia, 1782-1786." *William and Mary Quarterly* 20(1), 1963: 80-94.

Menschel, David. "Abolition Without Deliverance: The Law of Connecticut Slavery 1784-1848." *Yale Law Journal* (111:1), 2001: 183-222.

Moss, Simon, "The Persistence of Slavery and Involuntary Servitude in a Free State," *Journal of Negro History* 35(3), 1950: 289-314.

Okoye, F. Nwabueze. "Chattel Slavery as the Nightmare of the American Revolutionaries." *William and Mary Quarterly* 37(1), 1980: 5-28.

Richards, Michael. "Patriots and Plunderers: Confiscation of Loyalist Lands in New Jersey." *New Jersey History* 86(1), 1968: 14-28.

Rothman, Josh. "The Hazards of the Flush Times: Gambling, Mob Violence, and the Anxieties of the Market Revolution." *Journal of American History* 95(3), 2008: 651-677.

Schleicher, William and Susan Winter. "Patriot and Slave: The Samuel Sutphen Story." *New Jersey Heritage*, 1 (1), 2002: 30-43.

Soderlund, Jean. "The Delaware Indians and Poverty in Colonial New Jersey" in Billy Smith, ed *Down and Out in Early America*. University Park, PA: Pennsylvania State University Press, 2004.

Turner, Edmund Raymond, "Women's Suffrage in New Jersey, 1790-1807," *Smith College Studies in History*, 1(4), 1916.

Pingeon, Francis. "An Abominable Business: The New Jersey Slave Trade 1818," *New Jersey History* 109(3-4), 1991: 14-35.

Wacker, Peter. "Patterns and Problems in the Historical Geography of the Afro-American Population of New Jersey, 1726-1860" in Ralph Ehrenberg, ed, *Pattern and Process: Research in Historical Geography*. Washington DC: Howard University Press, 1975.

Wright, Giles. "Moving Toward Breaking the Chains: Black New Jerseyans and the American Revolution" in Barbara Mitnick, ed, *New Jersey in the American Revolution*. New Brunswick, NJ: Rivergate Books, 2005.

Wright, Marion Thompson. "New Jersey Laws and the Negro." *Journal of Negro History*, 28(2), 1943: 159-161.

Zilversmit, Arthur. "Liberty and Property: New Jersey and the Abolition of Slavery," *New Jersey History* 88(4), 1970: 215-226.

Thesis and Dissertations

Albert, Peter. "The Protean Institution: The Geography, Economy, and Ideology of Slavery in Post-Revolutionary Virginia." PhD Dissertation, University of Maryland, 1976.

Michael Caputo, "New Jersey's Role in the African Colonization Movement." MA Thesis, Montclair State College, 1965.

Cooley, Henry. "A Study of Slavery in New Jersey." PhD Dissertation, Johns Hopkins University, 1896.

Fee, Walter. "The Transition from Aristocracy to Democracy in New Jersey, 1789-1829." PhD Dissertation: Columbia University, 1933.

Freeman, Rhonda. "The Free Negro in New York City in the Era Before the Civil War." PhD Dissertation, Columbia University, 1966.

Harris, Robert. "The Free Black Response to American Racism, 1790-1863." PhD Dissertation, Northwestern University, 1974.

Kruger, Vivienne. "Born to Run: The Slave Family in Early New York, 1627-1827." PhD Dissertation, Columbia University, 1985.

Levine, Michael. "The Transformation of a Radical Whig under Republican Government: William Livingston, Governor of New Jersey, 1776-1790." PhD Dissertation, Rutgers University, 1975.

Marshall, Kenneth. "'Ain't No Account' Issues of Manhood and Resistance among Eighteenth Century Slaves in Nineteenth Century Literature Pertaining to Central New Jersey." PhD Dissertation, Michigan State University, 2003.

McTeigue, Francis. "The Conditions under which Slaves Lived in New Jersey." MA Thesis, Seaton Hall University, 1965.