

1780. the fifteenth day of March last, and accepted by the President or Vice-President in Council as aforesaid; nor shall any such officer or soldier be entitled to the continuance of the same, unless it shall appear, by returns to be made every three months, or oftener by the commanding officer of the division, brigade, or separate command, under whom such officer or soldier shall serve, that such person shall continue in the federal army, nor unless such officer or soldier shall be certified to be commissioned and enlisted for and during the present war.

[XXII. And whereas the public service may hereafter require further arrangements, regulations and alterations, to be made of the regiments in the line of the state, and of the officers who may compose the same, or be entitled to the benefits of this act:

XXIII. *Be it therefore enacted*, That if any person entitled to the emoluments, privileges and benefits, by this act allowed and granted, shall refuse to conform to such arrangements, regulations and alterations, as may be hereafter made by the honourable the Congress of these United States, or by the Supreme Executive Council of this state, in concurrence with the Commander in Chief of the armies of the United States, it shall and may be lawful, and the President or Vice-President in Council are hereby authorized to retain and withhold the said benefits and advantages hereby given from any such regiment, troop, company, officer or person so refusing, for and during such refusal, any thing herein before contained to the contrary notwithstanding.

XXIV. *Be it also enacted*, That if any difficulty or doubt should arise concerning the persons entitled to the benefits and advantages granted by this act, other than the widows and children aforesaid, the same shall be adjudged and finally determined by the Supreme Executive Council of this state.]

Passed 1st March, 1780.—Recorded in Law Book vol. I. page 335. (p)

(p) By chap. 930, post. the benefit of half-pay of Captain was extended to Chaplains and Surgeons. By chap. 944, post. the benefit of half-pay was extended to the officers of the hospital and medical department; and the widows and children of such officers of the

state regiment or flying camp, as have fallen in battle, or died in captivity, are entitled to the benefits of the act in the text; which were also conferred, by an act of the 23d of September, 1783, post. chap. 1031, on certain enumerated officers.

## CHAPTER DCCCLXX.

*An ACT for the gradual abolition of slavery.*

WHEN we contemplate our abhorrence of that condition, to which the arms and tyranny of Great-Britain were exerted to reduce us, when we look back on the variety of dangers to which we have been exposed, and how miraculously our wants in many instances have been supplied, and our deliverances wrought, when even hope and human fortitude have become unequal to the conflict, we are unavoidably led to a serious and grateful sense of the manifold blessings, which we have undeservedly received from the hand

Council to make new arrangements, and opposers to forfeit, &c.

Disputes to be adjusted by the Council.

of that Being, from whom every good and perfect gift cometh. Impressed with these ideas, we conceive that it is our duty, and we rejoice that it is in our power, to extend a portion of that freedom to others, which hath been extended to us, and release from that state of thralldom, to which we ourselves were tyrannically doomed, and from which we have now every prospect of being delivered. It is not for us to enquire why, in the creation of mankind, the inhabitants of the several parts of the earth were distinguished by a difference in feature or complexion. It is sufficient to know, that all are the work of an Almighty hand. We find, in the distribution of the human species, that the most fertile as well as the most barren parts of the earth are inhabited by men of complexions different from ours, and from each other; from whence we may reasonably, as well as religiously, infer, that He, who placed them in their various situations, hath extended equally his care and protection to all, and that it becometh not us to counteract his mercies. We esteem it a peculiar blessing granted to us, that we are enabled this day to add one more step to universal civilization, by removing, as much as possible, the sorrows of those, who have lived in undeserved bondage, and from which, by the assumed authority of the Kings of Great-Britain, no effectual, legal relief could be obtained. Weaned, by a long course of experience, from those narrow prejudices and partialities we had imbibed, we find our hearts enlarged with kindness and benevolence towards men of all conditions and nations; and we conceive ourselves at this particular period extraordinarily called upon, by the blessings which we have received, to manifest the sincerity of our profession, and to give a substantial proof of our gratitude.

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

III. *Be it enacted, and it is hereby enacted,* That all persons as well Negroes and Mulattoes as others, who shall be born within this state from and after the passing of this act, shall not be deemed and considered as servants for life, or slaves; and that all servitude for life, or slavery of children, in consequence of the slavery of their mothers, in the case of all children born within this state from and after the passing of this act as aforesaid, shall be, and hereby is, utterly taken away, extinguished, and for ever abolished.

IV. *Provided always, and be it further enacted,* That every Negro and Mulatto child, born within this state after the passing of

No child  
born hereaf-  
ter to be a  
slave.

Negro and  
Mulatto  
children to

1780.

be servants  
till twenty-  
eight years  
of age.

this act as aforesaid (who would, in case this act had not been made, have been born a servant for years, or life, or a slave) shall be deemed to be, and shall be, by virtue of this act, the servant of such person, or his or her assigns, who would in such case have been entitled to the service of such child, until such child shall attain unto the age of twenty-eight years, in the manner, and on the conditions, whereon servants bound by indenture for four years are or may be retained and holden; and shall be liable to like correction and punishment, and entitled to like relief, in case he or she be evilly treated by his or her master or mistress, and to like freedom dues and other privileges, as servants bound by indenture for four years are or may be entitled, unless the person, to whom the service of any such child shall belong, shall abandon his or her claim to the same; in which case the Overseers of the poor of the city, township or district, respectively, where such child shall be so abandoned, shall, by indenture, bind out every child so abandoned, as an apprentice, for a time not exceeding the age herein before limited for the service of such children.

All slaves  
to be regis-  
tered before  
1st Novem-  
ber next.

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

Owners of  
slaves,  
though not  
registered,  
to be liable  
for their sup-  
port unless,  
&c.

VI. *Provided always,* That any person, in whom the ownership or right to the service of any Negro or Mulatto shall be vested at the passing of this act, other than such as are herein before excepted, his or her heirs, executors, administrators and assigns, and all and every of them, severally, shall be liable to the Overseers of the poor of the city, township or district, to which any such Negro or Mulatto shall become chargeable, for such necessary expense, with

costs of suit thereon, as such Overseers may be put to, through the neglect of the owner, master or mistress of such Negro or Mulatto, notwithstanding the name and other descriptions of such Negro or Mulatto shall not be entered and recorded as aforesaid, unless his or her master or owner shall, before such slave or servant attain his or her twenty-eighth year, execute and record in the proper county, a deed or instrument, securing to such slave or servant his or her freedom.

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**VII.** *And be it further enacted,* That the offences and crimes of Negroes and Mulattoes, as well slaves and servants as freemen, shall be enquired of, adjudged, corrected and punished, in like manner as the offences and crimes of the other inhabitants of this state are and shall be enquired of, adjudged, corrected and punished, and not otherwise, except that a slave shall not be admitted to bear witness against a freeman.

Negroes to be tried like other inhabitants.

**VIII.** *And be it further enacted,* That in all cases, wherein sentence of death shall be pronounced against a slave, the jury, before whom he or she shall be tried, shall appraise and declare the value of such slave; and in case such sentence be executed, the court shall make an order on the State-Treasurer, payable to the owner, for the same, and for the costs of prosecution, but in case of remission or mitigation, for the costs only.

Jury to value in case of sentence of death.

**IX.** *And be it further enacted,* That the reward for taking up runaway and absconding Negro and Mulatto slaves and servants, and the penalties for enticing away, dealing with, or harbouring, concealing or employing, Negro and Mulatto slaves and servants, shall be the same, and shall be recovered in like manner, as in case of servants bound for four years.

Reward for taking up runaways, same as for white servants.

**X.** *And be it further enacted,* That no man or woman of any nation or colour, except the Negroes or Mulattoes who shall be registered as aforesaid, shall, at any time hereafter be deemed, adjudged or holden, within the territories of this commonwealth, as slaves or servants for life, but as free men and free women; except the domestic slaves attending upon Delegates in Congress from the other American states, foreign Ministers and Consuls, and persons passing through or sojourning in this state, and not becoming resident therein, and seamen employed in ships not belonging to any inhabitant of this state, nor employed in any ship owned by any such inhabitant; provided such domestic slaves be not alienated or sold to any inhabitant, nor (except in the case of Members of Congress, Foreign Ministers and Consuls) retained in this state longer than six months.

None to be deemed slaves but those registered.

**XI.** *Provided always, and be it further enacted,* That this act, or any thing in it contained, shall not give any relief or shelter to any absconding or runaway Negro or Mulatto slave or servant, who has absented himself, or shall absent himself, from his or her owner, master or mistress, residing in any other state or country, but such owner, master or mistress shall have like right and aid to demand, claim and take away his slave or servant, as he might have had in case this act had not been made; and that all Negro and Mulatto slaves now owned and heretofore resident in this state, who have absented themselves, or been clandestinely carried away, or who may be employed abroad as seamen, and have not returned or been

Except run-aways from other states.

Slaves carried away, &c. from this state, may be brought

1780. brought back to their owners, masters or mistresses, before the passing of this act, may, within five years, be registered, as effectually as is ordered by this act concerning those who are now within the state, on producing such slave before any two Justices of the Peace, and satisfying the said Justices, by due proof of the former residence, absconding, taking away, or absence of such slaves, as aforesaid, who thereupon shall direct and order the said slave to be entered on the record as aforesaid.

back and registered.

XII. And whereas attempts may be made to evade this act, by introducing into this state Negroes and Mulattoes bound by covenant to serve for long and unreasonable terms of years, if the same be not prevented:

No Negroes or Mulattoes, other than infants, to be bound for longer than seven years.

XIII. *Be it therefore enacted*, That no covenant of personal servitude or apprenticeship whatsoever shall be valid or binding on a Negro or Mulatto for a longer time than seven years, unless such servant or apprentice were, at the commencement of such servitude or apprenticeship, under the age of twenty-one years; in which case such Negro or Mulatto may be holden as a servant or apprentice, respectively, according to the covenant as the case shall be, until he or she shall attain the age of twenty-eight years, but no longer.

Repeal of former acts.

\* Chap. 143.

† Chap. 292.

‡ chap. 468.

§ Chap. 681.

XIV. *And be it further enacted*, That an act of Assembly of the province of Pennsylvania, passed in the year one thousand seven hundred and five, entitled *An act for the trial of Negroes*,\* and another act of Assembly of the said province, passed in the year one thousand seven hundred and twenty-five, entitled *An act for the better regulating of Negroes in this province* † and another act of Assembly of the said province, passed in the year one thousand seven hundred and sixty-one, entitled *An act for laying a duty on Negro and Mulatto slaves imported into this province* ‡ and also another act of Assembly of the said province, passed in the year one thousand seven hundred and seventy-three, entitled *An act for making perpetual an act for laying a duty on Negro and Mulatto slaves imported into this province, and for laying an additional duty on said slaves*, § shall be, and are hereby repealed, annulled and made void. (q)

Passed 1st March, 1780.—Recorded in Law Book vol. I. page 339.

(q) Citizens of other states, compelled by the enemy to take refuge in Pennsylvania with their slaves are exempted, on certain terms, from the operation of this act during the war; (chap. 942.) By an act of the 13th of April, 1782, (chap. 962,) the inhabitants of the counties of Westmoreland and Washington (who were doubtful, before the boundary between Pennsylvania and Virginia was settled, to which state they belonged) were allowed until the 1st of January, 1783, to register such slaves or servants, as they held on the 23d of September, 1780.

By a supplement to the act in the text, (chap. 1334,) it is provided, that "Slaves brought into this state by persons inhabiting or residing therein, or intending to inhabit and reside there-

in, shall immediately be free to all intents and purposes." Slaves or servants for term of years shall not be removed out of the state without their own consent, testified by two Justices; proceedings thereon; and penalty on transgressing. Persons possessed of any child, liable to serve till twenty-eight years old, shall make entry thereof with the clerk of the peace on or before the 1st of April, 1789, or within six months after the birth of such child; proceedings thereon. Vessels employed in the slave trade liable to forfeiture; and penalty on building or equipping them. Slaves or servants for term of years, in the cases of husband and wife, or parent and child, not to be separated to a greater distance than ten miles, with the design of changing their habitation, unless the child be above four

years old, or with consent of the parties, testified as aforesaid. Penalty on forcibly or fraudulently, by seduction, carrying any negroes or mulattoes out of the state, with design to sell, or keep them slaves or servants for a term of years. By the wardens' act, the duty called head-money is taken off in all cases, except in the case of negro and mulatto slaves imported, chap. 1687, sect. 22.

A Society to promote the gradual abolition of slavery was incorporated, (chap. 1465.)

See Dallas's reports, pages 167, 469. [A negro born before the 1st March, 1780, viz. in 1779, and not recorded agreeably to the act, cannot be held as a servant till 28 years of age, but is absolutely free.] (Note to former edition.)

Where the jury makes the price of the negro slave, in a writ *de homine replegiando*, the measure of damages, if accepted by the master, it will, in equity, and perhaps by operation of law too, emancipate the negro. *Copperthwaite v. Jones*. 2 Dallas, 55.

A citizen of another state, on a visit to this state, with his slave, in case of the slave's refusal to return, has a right to carry him out of the state, and is entitled to the aid of the magistrates for that purpose. *Respublica v. Richards*, 2 Dallas, 224.

And by the constitution of the United States, art. 4, sect. 2, no person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up, on claim of the party to whom such service or labour may be due.

Free negroes or mulattoes can be bound in this state as servants, only until 21 years of age; but those who have been bound in other states, and brought into this state, may be compellable to serve until 28 years old, according to the terms of their indenture. *Respublica v. The Gaoler of Philadelphia County*, April 1794, Supreme Court, MSS. Reports.

A citizen of Maryland, purchasing lands in *Westmoreland* county, in March 1780, but not actually residing thereon with his slaves till December following, has not the benefit of registering his slaves under the act of 13th April, 1782, (chap. 962,) but they are entitled to their freedom on being brought into the state. *Respublica v. Blackmore Washington*, May 1797, cor. *Yeates & Smith*, J. MSS. Reports, Supreme Court, *Addison's Reports*, 284.—S. P. *Negro John v. Benoni Dawson, Nisi Prius*, May 1799. Same Judges. MSS. Reports.

The owner of a mulatto, registering him as a slave, in the county wherein he-lived, without expressing the county, the registry held to be valid. *Cook v. Neaff*.—

So the registry of a negro as a slave, without adding, *for life*, is good. The word *slave* in its common acceptation, signifies, *ex vi termini*, a perpetual servant. *Respublica v. Wm. Finley*, Esq. Both cases, at *Franklin County*, Circuit Court, October 1801, before *Yeates & Smith*, J. MSS. Reports.

Where the master, in order to procure the possession of a runaway slave, manumits him, in consideration of his agreeing to serve for four years, he shall be bound thereby, and shall not avail himself of the pretext that the manumission was a sham. *Stiles v. Richardson*, Supreme Court, September 1804. MSS Reports.

Only the owner, or his lawful attorney can register a negro, or mulatto. The act of a stranger in such case, is merely void. The words of the 5th section of the act are imperious. *Negro Essex v. Wm. McCulloch*, Circuit Court, *Fayette County*, October 1804. Cor. *Yeates & Smith* J. MSS. Reports.

An indenture from a negro lad to his master, in consideration of manumission from slavery, is void, unless executed within six months after his being brought into the state, or such terms agreed on within that time. *Respublica v. Smith*, Supreme Court, March 1805. MSS. Reports.

## CHAPTER DCCCLXXIII.

An ACT for confirming and amending the charter of the German Lutheran congregation in and near the city of Philadelphia, in the state of Pennsylvania.

Passed 3d March, 1780.—Private act.—Recorded in Law Book vol. I. page 346.