Slavery and Emancipation Laws in 19th Century New Jersey

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Colonial Era

- Slavery was established in New Jersey by the 17th Century
- Although early proprietary laws provided some protection for slaves, later laws (possibly inspired by fears of slave revolts) restricted access to alcohol, guns, and traveling without written permission
- First slave law for the Royal Colony of New Jersey was passed in 1704
- Revisions 1713 (after a 1712 slave revolt in New York City) specifically address punishment for Murder, Rape, and destruction of property (burning)
- 1713 revisions make it more difficult to emancipate black slaves, charging emancipators a 200 pound fee and requiring them to pay 20 pounds per year to the freed person for life
- 1713 revisions also prohibit freed people from owning property (including houses or land)
Slavery in Colonial Records: Top L Susanna vs. William Bloodgood Replevin Case 1761 Middlesex County Court of Common Pleas. Susanna was a free woman enslaved by William Bloodgood. We know that she sued him for Replevin (value of lost property, in this case herself), but not the outcome of the case. Bottom L Bill of Sale with provisions for Manumission of George Book H(WJ) p.159 New Jersey State Archives Early Land Records database. Right Advertisement, lease of a Plantation, along with services of a man who knows “plantation or saw-mill business” and sale of a woman and boy, Extracts from American Newspapers Relating to New Jersey v. II 1740-1749 p.186
Fear of slave revolts ran rampant in New Jersey, with two major slave revolts occurring in New York City in 1712 and 1741. An alleged slave revolt almost occurred in Somerset County along the Raritan River in January 1734. Participants were stopped before any violence could occur and one ring leader was hanged (the other, enslaved by someone named Hall, escaped and was still at large). There are no court records associated with this event, and these two newspaper articles seem to be the only sources reporting. Did this event really occur? Or was this just a rumor designed to incite fear in white residents?
As we move forward in time closer to the Revolutionary War, the question of either gradual or complete abolition starts to be supported more, particularly in the Quaker community. These are two petitions submitted to the legislature of New Jersey in 1761 and 1775. The left petition is from New Jersey residents advocating for gradual abolition. The right is from inhabitants of Chesterfield (Burlington County), also advocating for gradual abolition.
Lead up to 1804 Gradual Emancipation Law

- Cultural shift occurred around Revolutionary War in the North especially, with more white people (mostly Quakers) supporting and advocating for slavery to be abolished
- Far more manumissions occurred in West Jersey, a Quaker political and cultural stronghold since the 17th Century
- New Jersey served as a battlefield for a large portion of the Revolutionary War, and was economically devastated. Attempts to pass a 1785 gradual emancipation act failed, and slavery actually grew in East Jersey through the 1790’s
- However, in 1786, “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” passed modifying the 1713 law, which made it much easier to manumit slaves between the ages of 21 and 35, as long as they were examined by county officials and determined to be sane and capable of supporting themselves.
- In 1798 NJ Passed “An Act Respecting Slaves”, repealing the 1713 law, and including provisions such as requirement that slaves born after November 26, 1788 be taught to read, that abuse of a slave was indictable, and slaves residing in state longer than 12 months had to consent to be transported out of state
- In 1799, facing political pressure from abolitionists, New York State passed a gradual emancipation law based heavily on Pennsylvania’s gradual emancipation law, passed in 1780
- New Jersey, a heavily agricultural state, plus being home to several port cities where slaves worked at skilled trades, stood to lose money and free labor, and thus was the last state in the North to pass a gradual emancipation law in 1804.
- In 1800 census data, there were 12,422 slaves living in New Jersey
New Jersey State Archives Image Collection, Hunterdon Slave Manumissions. Left Manumission of Flora from Mary Bryant (1791). Center Terms of Apprenticeship and eventual manumission for two children, a boy (who will be manumitted at 25) and a girl (who will be manumitted at 21). James Little purchased the children from Moses Furman (1784). Right Manumission of Phillip from William Green (1803).
1804 Gradual Emancipation Law

- Law was heavily based on New York’s gradual emancipation law
- Titled “An Act for the Gradual Abolition of Slavery”
- Compromise between those wanting immediate and complete abolition and those wanting more gradual or no abolition at all
- Law stated that those born to slave mothers after July 4, 1804 were to be freed upon turning 21 (girls) or 25 (boys)
- Law (like the New York law), allowed slave owners to abandon their rights to a child’s service when they turned 1 year old. Those children then became wards of the township and could be bound out for apprenticeships.
- Children mostly stayed in homes of their mothers’ owners and owners were paid a three dollar a month sustenance fee
- Status of those born before July 4, 1804 remained unchanged
- This ensured that slave owners could keep free labor and economy in the state would continue to improve
New Jersey State Archives Burlington County Slave Births. Left birth of Edward Eairs, slave of Isaac Budd (November 5, 1804). Right birth of Jeremiah Horn, slave of George Davis (September 27, 1810)
Transportation

• 1804 law made no further protections or provisions for slaves, even those born after July 4, 1804

• This meant that owners could transport slaves out of state and keep them in perpetual bondage, or transport them out of state to be sold

• In 1812, “An Act supplemental to the act entitled An act respecting slaves” was passed, protecting slaves from transportation “without their consent”

• In order to obtain consent, the slave (if not a minor) had to be interviewed by two judges of the county Court of Common Pleas

• If a person was found in violation of the conditions set forth by the law, they could be fined.
Two petitions to the legislature from residents of Middlesex County opposing transportation of slaves from New Jersey.
Transportation

- In 1818, the law was again strengthened when in November “An act to prohibit the exportation of Slaves or Servants of Colour out of this State” was passed
- Fines and jail terms were imposed for those attempting to transport slaves out of the state, including seizure of property
- However, the law provided protections for non-residents to bring their slaves to New Jersey and leave without penalty
- Also if residents who had lived in New Jersey for at least 5 years were planning to relocate outside the state, as long as they could prove their residence, were permitted to take their slaves out of state as well within 5 years of 1818.
Indictments of Charles Morgan and others who took part in the Van Wickle slave ring in 1818. The full Charles Morgan affair is described in detail in James Gigantino’s The Ragged Road to Abolition p. 157-161. Morgan was a Louisiana State Senator whose sister was married to Middlesex County Court of Common Pleas justice Jacob Van Wickle. Van Wickle used his power as a justice to “obtain consent” from the enslaved people purchased specifically to be transported and sold in Louisiana. He was never indicted for his part in illegally transporting enslaved people out of New Jersey.
Lead up to 1846 Abolition Law

- Fugitive slave law of 1826 and 1836 Hornblower Decision
  - 1826 Personal Liberty Law created a legal process where county officials would arrest an alleged fugitive, who could then be examined by a judge, and would be freed or returned based on his decision. Law was enacted to help stop kidnappings of free black residents
  - Alexander Helmsley of Burlington County, were arrested as fugitive slaves and subject to the process outlined in the 1826 law. Helmsley was found to be a fugitive and was sentenced by the Court of Common Pleas to be returned to Maryland. Helmsley’s attorneys appealed to the Supreme Court, and the case was heard by Chief Justice Joseph Hornblower, who found that the 1826 law did not include certain due process rights, such as a trial by jury. In addition, coupled with an earlier Supreme Court decision, blacks were no longer required to prove their free status
  - Ruling lead to an 1837 law establishing a three judge panel to determine an alleged fugitive’s true status and provided provisions to request a trial by jury. This allowed the State of New Jersey, rather than individual slave catchers to control fugitive recovery
New Jersey State Archives Supreme Court Case Files Index entry for the Alexander Helmsley case.

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<th>Lead up to 1846 Abolition Law</th>
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<td>Habeas Corpus (in Manumission case, to produce Nathan, aka Alexander Helmsley, a negro man).</td>
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Lead Up to 1846 Abolition Law

• Article I of the 1844 NJ State Constitution:

“All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.”

Does this mean that the Constitution abolishes slavery?
Lead Up to 1846 Abolition Law

• Not according to the ruling on Supreme Court Case State v. Post. Because the constitution contained no provisions for abolition explicitly, the ideas expressed in Article I did not abolish slavery and were not intended to “interfere with...domestic relations...”.

• However, the questions brought forward in this case caused legislators to review existing law, and after outrage expressed at the Post decision from abolitionists and mounting resentment of fugitive slave chasers by the general public, 1846 law was passed.

• Chapter 9 of James J. Gigantino’s “The Ragged Road to Abolition” is highly recommended reading for a much for in-depth analysis of the lead up to the 1846 law.
Lead Up to 1846 Abolition Law

New Jersey State Archives Supreme Court Case Files Index entry for State v. Post case.
1846 Abolition Law

- Vociferous opposition to complete emancipation by northern counties, where slavery rates were highest
- Rather than completely abolishing slavery, the 1846 law simply ceased using the word “slave” and made anyone currently enslaved an apprentice with no fixed terms of service
- The law freed any child from birth born after the Act was passed
- Provided methods for “apprentices” to address grievances against their masters
- Made selling “apprentices” out of state illegal
- If “apprentices” could financially support themselves, they could be released from service
- Non-residents could still bring their slaves into the state and leave with them as well
- Increased prosecution and penalties for those who aided runaways
The 1860 census shows 19 people listed as slaves in New Jersey. One was a woman living in Passaic aged 30-40 years. The other 18 individuals were between the ages of 60 and 100 years, living in Hunterdon, Middlesex, Morris, Passaic, Somerset, and Warren counties. Although only 19 people are listed here, many more may have still been held in bondage until the passage of the 13th Amendment in January 1866. New Jersey was the last northern state to ratify the amendment.
Early abolition efforts were largely conducted by white Quakers. However, as more and more enslaved people gained freedom, free black communities around the state joined the fight. Even after the 13th Amendment passed, prominent black residents lead fights to gain additional rights. In 1866 Reverend Charles Thompson and Abraham Conover took voter registrants from Essex County to court because they would not allow them to register to vote. The cases were brought to the Supreme Court, where the plaintiffs were told that they did not have the right to vote in New Jersey. A newspaper article from the Newark Daily Advertiser describes the suits and the decision by the Court.
Thank You!

Please let me know if you have any questions!
Blog recap with links and resources is available here.

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