

8-2023

## Abolition's Informal Gatekeepers: The Role of County Courts in the Making of Pennsylvania's 'Free' Border

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Abolition's Informal Gatekeepers: The Role of County Courts in the Making of Pennsylvania's  
'Free' Border

A dissertation submitted in partial fulfillment  
of the requirements for the degree of  
Doctor of Philosophy in History

by

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This dissertation is approved for recommendation to the Graduate Council.

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## Abstract

Because Pennsylvania was the first state to implement legislation that slowly ended slavery within the state, contests over freedom and the enforcement of where it began and ended became an essential element of Pennsylvania's border-making policies in the late eighteenth and early nineteenth century. The struggle over the territorial extent (by which I mean legal and geographical) of Pennsylvania abolition between enslavers intent on retaining their human chattel by any means necessary and enslaved men and women intent on asserting their freedom once they touched Pennsylvania "free soil" in turn, served to solidify the geopolitical boundary of the state in the late eighteenth century as crossing the state line might mean the difference between freedom, slavery, or possible re-enslavement. Establishing and enforcing a precise territorial border was not only essential for Pennsylvania's recognition as a newly established sovereign state independent of Great Britain but also in affecting the legal practice of gradual abolition by defining the state's literal geographical and judicial boundary. Treaties with neighboring states, such as Maryland and Virginia, and legal disputes like the "Connecticut Claim" contributed to the solidification of the Pennsylvania border in the late revolutionary period. As concerns about Pennsylvania's ability to safeguard the policies and practices of gradualism within the state increased during the antebellum era, the Pennsylvania General Assembly responded by enforcing unique border control measures that managed movement into and out of the state, be it forced or voluntary, and rearticulated the state's territorial claims to freedom as defined by the state line. Clearly evident by the 1850s, Pennsylvania's concern over its sovereign authority and legal jurisdiction was deeply rooted in the state's history of territorial conflicts that began long before the passage of the 1780 Act.

This project focuses on the intersections of geography, slavery, and the law in the decades following the passage of the 1780 Act for the Gradual Abolition of Slavery. Not only did the passage of the 1780 Act reorient the legal and geographical landscapes of Pennsylvania around gradualism, but it required communities, regardless of race, status, or their personal convictions on slavery, to reconfigure their own spatial logic through the lens of free and unfree spaces. The differing interpretations of where exactly gradual freedom began and ended—in literal and imagined terms—featured prominently in court cases along the Pennsylvania state border. These cases illustrate how the 1780 Act informed individual understandings of where the state (and its legal jurisdiction) stopped and, concurrently, where Pennsylvania freedom started. While state legislators worked to define Pennsylvania’s geopolitical boundaries from on high, border-dwelling communities, both white and Black, enslaved and free, also contributed to the state’s geopolitical legitimacy through their participation in county courts on the ground.

## **Acknowledgements**

I entered the graduate program at the University of Arkansas in 2015 as a naive and very insecure scholar. My background as a first-generation undergraduate and graduate student in combination with being the middle child of a working-class family from a small, poor, rural town contributed to my lack of self-confidence, not to mention the very nature of higher education to foster feelings of inadequacy and imposter syndrome among young academics. However, I have been incredibly fortunate to find a community of faculty, staff, friends, family, and colleagues who have provided encouragement during my times of self-doubt, unwavering support, and most importantly, kindness throughout these past few years.

The department staff, Brenda Foster, Melinda Adams, and Stephanie Caley provided administrative support, ensuring that deadlines were met on time and paperwork was filed efficiently, but, more importantly, they also truly cared for the success of every graduate student in the department, including myself. My committee –Dr. Jim Gigantino, Dr. Caree Banton, Dr. Sarah Rodriguez, and Dr. Freddy Dominguez— profoundly shaped my academic career. Their guidance encouraged me to explore various concepts, theories, and methodologies that not only greatly influenced this project but also my approach to historical research and analysis overall. I also learned from other faculty members, such as Dr. Jeannie Whyne, Dr. Todd Cleveland, Dr. Patrick Williams, Dr. Michael Pierce, who left an indelible mark on my academic career. Their advocacy for graduate students and genuine interest in my project helped me find my voice as an early career scholar and educator.

Speaking of which, I would be remiss not to acknowledge the role that my friends and colleagues have played in the development of this project. I was lucky enough to share my academic journey with one of my childhood best friends, Dr. Marie Totten, who, through her

teaching experience, historical expertise, and genuine friendship, has been an exceptional mentor. I am also humbled by the constant patience Marie as well as Dr. Eric Totten, Dr. Rebekah McMillan, Dr. Michael Powers, and Dr. Anne Marie Martin showed in answering what I imagine seemed like an endless string of questions. Their encouragement and friendship proved invaluable in helping me navigate graduate school, academic conferences, archival research, and, more importantly, ensured that academia was not all consuming, as it most often can be. My colleagues and friends, Hannah and Chase Barney, Sam Scurry, Sulaiman Albinhamad, Nathan Harkey, Ryan Smith, and Amber Lenser have further contributed to my life in this regard. I cannot adequately put into words how thankful I am for the cabin weekends, the happy hours, the game nights, the phone calls, the emails, and the group chats. Our conversations were certainly not always academic in nature yet you all filled these last nine years with laughter and much-needed perspective.

As did my family. My parents and in-laws provided constant support, advice, and a positive, encouraging audience for when I rambled about my classes or when I needed to practice presenting my conference papers. My two pups, Buddha and Cabbage not only provided a source of comedic relief from the rigors of academic research and writing, but snuggles and comfort, especially on those days when frustration and exhaustion led to tears. Lastly, Caleb, my partner in life for the past ten years, has unfailingly supported my academic endeavors, providing both a voice of reason and, at times, a relentless, inexhaustible optimism that challenged even the most debilitating periods of self-doubt. I am eternally grateful for his patience, love, and support. Finally, this project would not have been possible without the help of the Library Company of Philadelphia, the Historical Society of Pennsylvania, LancasterHistory, the Chester County Historical Society, and the archival staff. Jasmine Smith, Connie King, Erika Piola, Sarah

Weatherwax, Christina Larocco, Sarah Nash, Nathan Pease, and countless others helped me find the materials that make up this entire project. Their expertise not only about the archives themselves but also about the very cities in which I worked ensured that my time as a fellow and/or researcher was rewarding in a variety of ways.

I am sure there are others whom I have forgotten to acknowledge here. I hope it will suffice to close that this project would not have been possible without the guidance and support of many.

## **Dedication**

To my family – without whom this journey would have been much lonelier and, dare I say,  
impossible



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## **Introduction – “Law is, in extent, either territorial or personal.”<sup>1</sup>**

Crossing into Pennsylvania on Interstate 81 from Maryland, travelers are greeted with the state’s welcome sign bearing the slogan, “Pennsylvania - Pursue Your Happiness.” The Pennsylvania Department of Transportation (PennDOT) installed thirty-seven of these signs on the state’s border roads in 2017. At the time, now retired spokesperson for PennDOT Rich Kirkpatrick applauded the new greeting, stating it not only “tied into Pennsylvania’s legacy” as “the cradle of life, liberty, and the pursuit of happiness” but that it quoted the Declaration of Independence which “captured the spirit of Pennsylvania.”<sup>2</sup> The state’s newest slogan resonates with the sentiments of Pennsylvania abolitionists recorded in the Act for the Gradual Abolition of Slavery two hundred years earlier. The wording and the desire of current state officials to “promote a positive image of Pennsylvania... ‘making it known that Pennsylvania is an attractive place to live, work, and visit’” mirrored the desire of the state’s former abolitionists who “esteemed it a peculiar blessing” granted especially to them that they may “remove as much as possible the sorrows of those who have lived in undeserved bondage” through the 1780 Act.<sup>3</sup> It also speaks to the legacy of Pennsylvania as both a throughway and a refuge for the hundreds, if not thousands, of enslaved peoples who liberated themselves from their enslavers across the early United States.

However, the commemoration of Pennsylvania as a place where individuals might “pursue their happiness” elides the complex nature of gradual abolition in the state, not to

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<sup>1</sup> John C. Hurd, *The Law of Freedom and Bondage in the United States* (Boston: Little, Brown & Company, 1858).

<sup>2</sup> Steve Marroni, “Pursue your happiness!: New signs, slogan, welcome those entering Pennsylvania.” *PennLive Patriot-News*. November 2017.

<sup>3</sup> *Ibid.*

mention the sheer resiliency of enslavement on Pennsylvania's "free" soil through the manipulations of the state's resident enslavers. This is not surprising. The mythology of a "free North" in the century prior to the American Civil War continues to be a popular misconception among the public despite the corrective efforts of contemporary historians. In his work, *Slavery in the North* (2019), Marc Howard Ross asserts that the process through which northerners "collectively managed to forget about slavery outside the South" is a legacy of gradualism.<sup>4</sup> Abolitionists and antislavery advocates throughout the late eighteenth and early nineteenth centuries either purposefully altered the narratives of northern enslavement to deny the North's reliance on slavery, as in the case of New England, or perpetuated flawed, inaccurate evidence of the institution's end, like the prevailing assumption that Pennsylvania became a "free soil" state in 1847. States throughout the North, including Pennsylvania, perpetuated "self-serving narratives" that overemphasized their "free state" identity and obscured the persistence of northern enslavement through various means, such as term slavery.<sup>5</sup> The lack of any visible evidence of the North's enslaved past further buttresses the mythos of a "free North."

Ross argues that the "public and commemorative landscape" becomes a powerful tool in shaping the public's ability to forget or collectively remember specific historical narratives.<sup>6</sup> Enslaved dwellings, plantations, auction blocks, museums, historical reenactments, and celebrations, as well as the archives themselves, act as educational platforms. These objects or visible displays become valuable resources that preserve and transmit historical knowledge to

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<sup>4</sup> Marc Howard Ross, *Slavery in the North: Forgetting History and Recovering Memory* (Philadelphia: The University of Pennsylvania Press, 2018). 3.

<sup>5</sup> *Ibid.* 13.

<sup>6</sup> *Ibid.* xi.

future generations about the legacies of enslavement in early America. However, depending on the interpretation and the narrative promoted, they can either be used to teach about difficult topics such as the violence and brutality of enslavement, or they can be used to contribute to popular misconceptions reminiscent of the Lost Cause narrative. Although sites of enslavement are prevalent throughout the South – albeit the tourism industry presents its own problems to the narratives addressed – very few visible sites of enslavement remain in the North. Enslaved burial grounds have been forgotten or destroyed; the terminology of enslavement transformed “slaves” into “indentured servants” just as the grammar of race became synonymous with an individual’s legal status; whereas buildings and other physical spaces that recorded the lived experiences of northern enslaved peoples were often renovated or demolished to meet changing architectural desires.<sup>7</sup> Likewise, the various literal pathways enslaved Black peoples traversed to achieve freedom as they moved across space have been replaced by state highways or lost to the underbrush in state parks. The routes and roots to freedom carved by enslaved peoples in the eighteenth and nineteenth centuries transects the topography of the United States. To be clear, historians, especially digital historians, have made inroads in making these routes more visible, digitizing maps such as William Still’s rendition of routes in the Underground Railroad, developing interactive self-led walking tours that are accessible through an app, or transforming the lived experiences of escaped enslaved peoples such as Nelson Hackett, into tangible, interactive resources. Yet, what these pathways to freedom reveal about the construction of state space in early America remains relatively underexamined.

Today’s concrete and chainmail fences or the use of law enforcement agencies to divide and patrol America’s northernmost states from Canada did not exist during the late eighteenth

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<sup>7</sup> Ross, *Slavery in the North*, 1-31.

and early nineteenth century. To be sure, individual colonies developed bordering practices that reflected their unique colonial experiences that then became a core component of state governance, just as the United States established illusionary boundaries that reinforced its “settler, slaveholding, expansionists, and exclusionary” practices as it expanded South and West.<sup>8</sup> Establishing and enforcing a precise territorial border was important for recognizing Pennsylvania as a newly established sovereign state, independent of Great Britain, and in affecting the legal practice of gradual abolition by defining the state’s literal geographical and judicial boundary.<sup>9</sup> Pennsylvania state legislators worked to solidify its territorial boundaries throughout the late revolutionary period. Treaties between Pennsylvania and Maryland and Pennsylvania and Virginia solidified the state boundaries charted by Charles Mason and Jeremiah Dixon. Likewise, the decades long court case known as the “Connecticut Claim” reinforced Pennsylvania’s territorial claims to the state’s northeastern corner. As Lauren Benton argues, “Law formed an important epistemological framework for the production and dissemination of geographic knowledge, which geographic descriptions encoded ideas about law and sovereignty.”<sup>10</sup> Consequently, the passage of the Act for the Gradual Abolition of Slavery in 1780 only added to the complexity of the state’s border disputes since an individual’s place of

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<sup>8</sup> Harsha Walia, Robin D.G Kelley, and Nick Estes. *Border and Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism* (La Vergne: Haymarket Books, 2021). Chapter One.

<sup>9</sup> Lauren A. Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge: Cambridge University Press, 2010). 9. Benton’s work was an excellent starting point for the relationship between law and geography in early America. I also referenced Anna O. Law, “The myth of ‘open borders’” *The Washington Post* (Online), Washington, D.C.: WP Company LLC d/b/a The Washington Post. Sep 21, 2021.; Kelly Marie Kennington, “Law, Geography, and Mobility: Suing for Freedom in Antebellum St. Louis.” *The Journal of Southern History* 80, no. 3 (2014): 575–604.; Kellen Heniford, “The Rise and Fall of a ‘Free’ Delaware: The Missouri Crisis and the Invention of the Free State in the Mid-Atlantic.” *Journal of the Early Republic* 42, no. 2 (2022): 227–51.; Kristin O’Brassill-Kulfan, “Vagabonds and Paupers: Race and Illicit Mobility in the Early Republic.” *Pennsylvania History* 83, no. 4 (2016): 443–69.; Edlie L. Wong, *Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel* (New York: New York University Press, 2009).

<sup>10</sup> Benton, *A Search for Sovereignty*, 9.

residence, in correlation to the state line, could potentially result in the freedom of the enslaved and loss of property for the enslaver.

Because Pennsylvania was the first state to implement legislation that slowly ended slavery within the state, contests over freedom and the enforcement of where it began and ended became an essential element of Pennsylvania statecraft in the late eighteenth and early nineteenth century. Indeed, the borders' fluid and permeable nature complicated Pennsylvania's attempts to establish a rigid line that defined the state's territorial limits. The proximity of wage laborers and enslaved peoples along the state's periphery also produced a complex web of social, political, and economic landscapes that failed to fit neatly into organized spaces of freedom and unfreedom while the back-and-forth movement of the enslaved in and out of the state, either through self-liberation or forced migration, only further blurred these divisions. Although maps continued to be a valuable tool that enforced specific territorial claims, like property ownership, geopolitical literacy became an increasingly integral tool for an individual to move through the changing legal, political, and social geographies of early America. Crossing a state line might mean the difference between freedom, slavery, or possible re-enslavement. Consequently, the state's history of territorial disputes, most notably cases involving the Mason-Dixon Line, the Connecticut dispute, as well as the Ohio territory make Pennsylvania an excellent place to examine the spatiality of gradual abolition in early America. Differing notions of where exactly gradual freedom began and ended—in literal and imagined terms—featured prominently in court cases along the Pennsylvania state border. These cases illustrate how the 1780 Act informed individual understandings of where the state (and its legal jurisdiction) stopped and, concurrently, where Pennsylvania freedom started. While state legislators worked to define Pennsylvania's geopolitical boundaries from on high, border-dwelling communities, both white

and Black, enslaved and free, also contributed to the state's geopolitical legitimacy through their participation in county courts on the ground.<sup>11</sup>

This project focuses on the intersections of geography, slavery, and the law in the decades following the passage of the 1780 Act for the Gradual Abolition of Slavery. The processes in which Pennsylvania's geographical, legal, social, and political landscapes fostered early notions of an individual, local, and collective antislavery identity despite the resiliency of slavery within the state has been of common interest to scholars since the late twenty-first century. Scholars such as James Gigantino, Hendrik Hartog, Joanne Pope Melish Gary Nash and Jean Soderlund, Shane White, Graham Russell Hodges, and Leslie M. Harris discuss the convoluted legal landscape on which gradual abolition was carried out. Likewise, scholars such as Cory James Young, Richard Newman, Laura Edwards, and Andrea Mosterman emphasize the role of enslavement in the development of powerful state institutions, such as the public courtroom or Georgetown and Bryn Mawr College. Yet scholars such as Newman, who argue the combined efforts of enslaved peoples and abolitionists helped to realize the promises outlined in the 1780 Act, often focus primarily on the efforts of the Pennsylvania Abolition Society (PAS). Although the PAS was a powerful force, county courts and local adjudicators along the state's periphery often served as the informal gatekeepers to Pennsylvania's free and unfree spaces, participating in the various judicial processes that an enslaved person used to challenge their status through legal redress and passing verdicts that either secured an individual's legal

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<sup>11</sup> Pennsylvania's many border disputes in the eighteenth century demonstrate the violent legacies of the state's territorial claims as individuals on the ground served to enforce their distinct understanding of Pennsylvania's geopolitical boundary. A few of the works I referenced throughout the first chapter include: Patrick Spero, *Frontier Country: The Politics of War in Early Pennsylvania* (Philadelphia: The University of Pennsylvania Press, 2016).; Janine Black and Barry Arkles. "The Mason-Dixon Survey at 250 Years: Recent Investigations." *Pennsylvania Magazine of History and Biography* 140, no. 1 (2016): 83-101. doi:10.5215/pennmaghistbio.140.1.0083.; Paul B. Moyer, *Wild Yankees: The Struggle for Independence along Pennsylvania's Revolutionary Frontier* (Ithaca: Cornell University Press, 2007).

freedom or their re-enslavement. This process, and the legal conclusions that resulted from it, served to rearticulate individual spatial logics about the boundary of the state and therefore the boundary of freedom.<sup>12</sup>

At the same time, Black litigants countered an increasingly exclusionary territorial claim to freedom based on how white Pennsylvanians occupied that space with their own distinct understanding of the geography of freedom. Scholars such as Stephanie Camps, Katherine

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<sup>12</sup> The literature on the complex and convoluted legal process of emancipation in the North continues to gain scholarly interest. I referenced broad analyses on gradual abolition as well as specific case studies in order to better examine the nuances and diversities in Pennsylvania, New York, and New Jersey's gradual abolition legislations. Selected works include David Brion Davis, *The Problem of Slavery in the Age of Revolution* (New York: Alfred A. Knopf, 1999).; David Brion Davis, *The Problem of Slavery in the Age of Emancipation* (New York: Alfred A. Knopf, 2014).; James Gigantino, *The Ragged Road to Abolition: Slavery and Freedom in New Jersey, 1775-1865* (Philadelphia: University of Pennsylvania Press, 2015).; Hendrik Hartog, *The Trouble with Minna: A Case of Slavery and Emancipation in the Antebellum North* (Chapel Hill: University of North Carolina Press, 2018).; Graham Hodges, *Root and Branch: African Americans in New York and East Jersey 1613-1863* (Chapel Hill: The University of North Carolina Press, 1999).; Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and 'Race' in New England, 1780-1860* (Ithaca: Cornell University Press, 1998).; Leslie M. Harris, *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Illinois: The University of Chicago Press, 2003).; Richard S. Newman, "'Lucky to be Born in Pennsylvania': Free Soil, Fugitive Slaves and the Making of Pennsylvania's Anti-Slavery Borderland." *Slavery & Abolition* 32, no. 3 (2011), 413-430. Newman's analysis of Pennsylvania as an antislavery borderland is integral to this project. However, his article examines Pennsylvania as a whole and primarily focuses on the efforts of the Pennsylvania Abolition Society. While this dissertation builds on Newman's thesis, in that it focuses on the lived experiences of border residents and their local communities in order to examine how an antislavery borderland was worked out, defined and redefined on the ground, it focuses more so on the co-reflexive relationship between enforcing the territorialization of Pennsylvania gradual abolition and the formation of the state boundary. Additional works on the role of borders, border crossers, and other borderland studies examined for this dissertation include Russ Castronovo, "Compromised Narratives Along the Border: The Mason-Dixon Line, Resistance, and Hegemony," Found in *Border Theory: The Limits of Cultural Politics*. (Minneapolis: The University of Minnesota Press, 1997). 195--.; Joel S. Migdal, "Mental Maps and Virtual Checkpoints: Struggles to Construct and Maintain State and Social Boundaries." In *Boundaries and Belonging: States and Societies in the Struggle to Shape Identities and Local Practices* (Cambridge: Cambridge University Press, 2004). 3-24.; Phillip Troutman, "Grapevine in the Slave Market: African American Geopolitical Literacy and the 1841 Creole Revolt," Found in *The Chattel Principle: Internal Slave Trades in the Americas* (New Haven: Yale University Press, 2004). 203-233.; Martin Brückner, *The Geographic Revolution in Early America: Maps, Literacy and National Identity* (Chapel Hill: University of North Carolina Press, 2006). The last two works by Troutman and Brückner demonstrate the role that geography, geopolitical literacy, and mental mapping play in individual understandings of borders and the various constructs associated to/with them. Together, these various borderland studies served to inform my discussion on the extent of gradual abolitions legal and territorial boundaries in Pennsylvania. To learn more about informal, formal, and semi-formal sites of freedom, see: Damian A. Pargas, Stanley Harrold, and Randall M. Miller. *Fugitive Slaves and Spaces of Freedom in North America* (Gainesville: University Press of Florida, 2018).



McKittrick, and Melissa Fuentes have worked to challenge the collective understanding of geography as a predominately white patriarchal space, emphasizing instead alternative spatial logics that either coexist or directly circumvent the imposed spatial hierarchy. For example, *Camps Closer to Freedom*, McKittrick's *Demonic Grounds*, and Fuentes's *Dispossessed Lives* examine the violent spaces that Black peoples inhabited as well as resisted through the construction of their own spatial geographies that opposed the production of seemingly static spaces of domination. Free(d) and enslaved peoples pushed back against the imposition of place defined by white slaveholders by creating a rival geography built upon a relationship between the law and differing interpretations of freedom. The struggle over the territorial extent (by which I mean legal and geographical) of Pennsylvania abolition between enslavers intent on retaining their human chattel by any means necessary and enslaved men and women intent on asserting their freedom once they touched Pennsylvania "free soil" in turn, served to solidify the geopolitical boundary of the state in the late eighteenth century. Different geographies of resistance and oppression converged at the state line and simultaneously reinforced the conceptualization of Pennsylvania's border as a gateway to freedom, even as slavery continued to operate behind the state's line.<sup>13</sup> Consequently, this dissertation examines how gradual

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<sup>13</sup> Alternative geographies that resist colonizers imposition of space and place continues to be a growing field. I include only a few below that examine how Black geographies combined with black legal knowledge to reconfigure the borders of Pennsylvania through the framework of gradual abolition. Black spatial logic revealed a very different understanding of what it meant to cross the state boundary that directly contrasted their white Pennsylvania neighbors. Whereas the Pennsylvania state line established a gateway to "free soil" for enslaved Black peoples, white residents viewed the border as a definitive line of separation that protected white security and self-serving definitions of Pennsylvania peace. As local adjudicators served as the informal gatekeepers to free and unfree spaces, these legal conflicts along the state's periphery demonstrate the convergence of different geographies of resistance and oppression. Katherine McKittrick, *Demonic Grounds: Black Women and The Cartographies of Struggle* (Minneapolis: The University of Minnesota Press, 2006).; Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997).; Stephanie Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004).; Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia: University of Pennsylvania Press, 2016).; Cheryl Janifer LaRoche, *Free Black Communities and the Underground Railroad: The Geography of Resistance* (Urbana: University of Illinois Press,

abolition became an integral part of Pennsylvania's border-making, or rather, border-defining, practices in the late eighteenth and early nineteenth century.

Chapter one, "The Predicament of Territorialized Freedom," examines the complex role of gradual abolition in Pennsylvania in the eight years immediately following the passage of the 1780 Act for the Gradual Abolition of Slavery. Not only did the passage of the 1780 Act reorient the legal and geographical landscapes of Pennsylvania around gradualism, but it required communities, both black and white, enslaved and free, proslavery and antislavery, to reconfigure their own spatial logic through the lens of free and unfree spaces. Not only did New York and New Jersey remain slaveholding states during this period, but Pennsylvania expanded geographically as it annexed Westmoreland and Washington County following the resolution of the territorial dispute with Virginia. Consequently, the court cases examined in this chapter demonstrate the numerous difficulties Pennsylvania's legal bodies faced as they attempted to "territorialize freedom" within a given space.<sup>14</sup> Enslavers intent on retaining the social, economic, and political benefits of slavery manipulated the loopholes in the 1780 Act. In contrast, Pennsylvania's enslaved populations attempted to make real a conceptualization of gradualism as a legal system that transformed Pennsylvania space into "free soil." The two competing spatial logics and the many issues inherent in the 1780 Acts first iteration reveal the

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2014).; Martha S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America* (New York: Cambridge University Press, 2018).; Gary Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720-1840* (Cambridge: Harvard University Press, 1988).

<sup>14</sup> Edlie L. Wong, *Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel* (New York: New York University Press, 2009). 7-9.

complex role that gradualism played in Pennsylvania's border-making practices, especially as the geopolitical body itself moved from colony to independent state at the nation's birth.<sup>15</sup>

Adopted in 1788, Pennsylvania state legislators passed an amendment to the 1780 Act in order to close many of the loopholes that were exploited by enslavers. In addition to placing restrictions on the movement of enslaved peoples out of the state or the separation of enslaved families, the new legislation also established a stricter interpretation for defining residents and sojourners. Establishing residence, or even the intent of residence, could be as simple as "renting a house or doing business in the state" of Pennsylvania following this new legal framework.<sup>16</sup> Additionally, New Jersey and New York passed similar legislation in the two decades following the 1788 Act that enacted the gradual abolition of slavery in the respective state.

Chapter two, "Abolition *Sub Modo*," focuses on the period between the passage of the 1788 addendums and 1809. During this transitional period, the American Revolution's conclusion witnessed the transformation of British colonies into newly independent states. Issues related to residency, who was or was not considered a resident as well as the rights and privileges bestowed upon individuals who were categorized as such, became a prominent concern for Pennsylvania statecraft as the 1780 Act resulted in a growing free(d) Black population who had very different understanding of freedom than their white neighbors. It was also during these twenty years that Pennsylvania legislators firmly reconciled the territorial conflicts in the northeastern part of the state that had existed since the mid-eighteenth century; that New Jersey and New York passed their own gradual abolition legislation; and finally, it was during this

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<sup>15</sup> *Ibid.*

<sup>16</sup> Gary Nash and Jean Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991), 127.

transitionary period that the fledging nation began to implement proslavery policies through the Constitution and the Fugitive Slave Law of 1793 that challenged the newly established sovereignty of individual states.<sup>17</sup>

Throughout this chapter, I examine how different ideas about freedom and slavery changed across time and space. Although much of the North's gradual abolition legislation contained similar policies, like the widespread adoption of termed slavery, jurisdictional processes and systems differed because of their colonial origins. For example, surviving legal remnants from Dutch New York created an environment where free(d) Black peoples in New York could exhibit relatively more political freedoms than their counterparts in New England or New Jersey. For border crossers and border residents, slaveholders and the enslaved, these numerous changes no doubt required the development of unique forms of geopolitical literacy to navigate the nuances and complexities between the three state's gradual legislation. At the same time, the United States Constitution and the Fugitive Slave Law of 1793 established the "extraterritoriality" of slavery that contradicted Pennsylvania and other northern states' attempts to dictate the terms of freedom and unfreedom within their own geopolitical boundaries.<sup>18</sup> By examining how Pennsylvania's legal counsels responded to the expansion of federal power over the organization of free and unfree spaces, chapter two explores how changing interpretations of

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<sup>17</sup> For changing ideas about residency at both the state and national level during the early republican period see Samantha Seeley, *Race, Removal, and the Right to Remain: Migration and the Making of the United States* (Chapel Hill: Omohundro Institute and University of North Carolina Press, 2021). The changes in legal praxis in the early republic are well documented. A few of the works I relied on include Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing America, 1580-1865* (Cambridge: Cambridge University Press, 2010); Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009); and Jones' *Birthright Citizens* cited above.

<sup>18</sup> Eric Foner, *Gateway to Freedom: The Hidden History of America's Fugitive Slaves* (Oxford: Oxford University Press, 2015). 38-39.

who was and was not considered a resident (and when they became a resident) more clearly defined the territorial extent of gradualism and mutually reinforced a collective understanding of the state's geopolitical boundary through legal praxis in the early republic.<sup>19</sup>

While chapter one relied more on individual cases involving the Pennsylvania border, chapter two investigates the intersections of residency, border-making, and gradualism through the individual case files of Jasper Yeates. Yeates' case files provide a unique analytical entry point to examine how Pennsylvania's various legal counsels navigated this complex geographical and legal terrain. Yeates' transition from a county lawyer to Supreme Court Associate Justice amid the reconfigurations to territorialized freedom at the turn of the century is most significant. His case files provide just one example of the diverse ways that attorneys and judges navigated the shifting terrain of gradualism during this period. For instance, in a case involving an enslaved man named Charles in 1793, Yeates determined that an "agent, attorney, or equitable owner" may register a slave "tho' he is not the real owner of such Negro...."<sup>20</sup> This is in direct contrast to a later ruling in 1804 in which Yeates declared that only the "owner of said Negro" may register an enslaved person according to the 1780 Act.<sup>21</sup>

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<sup>19</sup> Andrea C. Mosterman, *Spaces of Enslavement: A History of Slavery and Resistance in Dutch New York* (Ithaca: Cornell University Press, 2021).; Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780–1895* (Ithaca: Cornell University Press, 1998).

<sup>20</sup> Yeates' Case Notes. 14 May 1793. Box 22, Folder 1. In Jasper Yeates Papers Collection #740. Series III. Legal and Miscellaneous. 1793-1794. *The Historical Society of Pennsylvania*, Philadelphia, P.A. Accessed 3 July 2019. As a prominent Pennsylvanian attorney and later, member of the Pennsylvania Supreme Court, Jasper Yeates' legal collection, from published legal commentary to his handwritten notes on various cases, make up the vast majority of primary sources referenced throughout my work. His collection is housed at the Historical Society of Pennsylvania as well as LancasterHistory. For a bit more on Yeates' life see J. Holahan, "A Peek at Jasper Yeates: Lawyer, Delegate, Reporter." *Lancaster New Era* (2000, Nov 02). Retrieved from <https://search.proquest.com/docview/374729374?accountid=8361>. Accessed March 31, 2022.; Charles I. Landis, A. Greggor, J. Ross, Jasper Yeates, W. Bradford, Tho McKean, Wm Irvin, et al. "Jasper Yeates and His Times." *The Pennsylvania Magazine of History and Biography* 46, no. 3 (1922): 199-231.

<sup>21</sup> Paul Finkelman, "Human Liberty, Property in Human Beings, and the Pennsylvania Supreme Court." *Duquesne Law Review* 53, no. 2 (2015): 471.

In chapter three, I move away from focusing on individuals like Yeates' and the state's legal counsels to examine the lived experiences of Pennsylvania's Black communities in the 1810s and 1820s. As Pennsylvania legislators worked to outline who could and could not move through the state, who was included within the categorization of "resident" and what privileges they may access, as well as what these changing definitions might mean regarding the state's developing identity as a "free state" or site of "free soil," kidnappers and colonizationists sought to forcibly remove Pennsylvania's growing free(d) Black population. Newspapers recorded the names and likenesses of missing children, daughters and sons, fathers or aunts, and Pennsylvania's Black community actively sought help from the state's legal system or joined together to fight against kidnappers who exploited the liminal positions of enslaved and free(d) Black peoples in Pennsylvania following the Fugitive Slave Law of 1793. At the same time, the colonization movement gathered support across the nation and auxiliary groups like the Pennsylvania Colonization Society framed the forced removal of free(d) Black peoples to a colony like Freetown as a humanitarian solution to a hostile anti-Black environment. The increase of sectional tensions in the 1820s because of the Missouri Crisis not only inflamed Pennsylvania's border issues but catapulted debates about Black mobility and containment onto the national stage. Chapter three, "Policing Freedom's Border," examines how Pennsylvania became increasingly preoccupied with protecting the territorialization of freedom it had attempted to define in the late eighteenth century by enforcing a form of border control that regulated the movement of enslavers into and through the state and served to police the growing free(d) Black population by weaponizing race.<sup>22</sup>

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<sup>22</sup> For more on the effect of the Missouri Crisis on sectional issues, see: John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville: The University of Virginia Press, 2020).; John Robert Van Atta, *Wolf by the Ears: the Missouri Crisis, 1819-1821* (Baltimore: Johns Hopkins University

The trial and subsequent decision of *Prigg vs. Pennsylvania* in 1842 serves as the foundation for chapter four “To Extend A *Portion* of Freedom.”<sup>23</sup> Though the U.S. Supreme Court case, *Prigg v. Pennsylvania*, does not explicitly reference the location of the state’s geopolitical boundaries, the case is nevertheless important to the changing relationship between spatiality and gradual abolition in Pennsylvania. By the mid-nineteenth century, gradualism no longer served to inform the geopolitical boundary of the state. Rather, by the 1830s, gradualism had become a tool legislators and county courts used to enforce the state’s authority over a given space. *Prigg v. Pennsylvania* occurred amid the rising sectional tensions between the North and the South, when debates about the federal government’s authority to organize spaces as either free or unfree began to escalate.<sup>24</sup>

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Press, 2015).; Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill: The University of North Carolina, 2009).; *A Fire Bell in the Past: The Missouri Crisis at 200: Western Slavery, National Impasse*. Edited by Jeffrey L. Pasley and John Craig Hammond (Columbia: University of Missouri Press, 2021). In addition to the primary sources that detailed the rise of kidnapping in Pennsylvania, I also referenced Richard Bell, *Stolen: Five Free Boys Kidnapped into Slavery and Their Astonishing Odyssey Home* (New York: Simon & Schuster, 2019).; Richard Bell, “Counterfeit Kin: Kidnappers of Color, the Reverse Underground Railroad, and the Origins of Practical Abolition,” *Journal of the Early Republic* 38, no. 2 (2018): 199-230.; and Julie Winch, “Philadelphia and the Other Underground Railroad.” *The Pennsylvania Magazine of History and Biography*, vol. 111, no. 1, 1987: 3-25.; Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865* (Lexington: The University Press of Kentucky, 2009).

<sup>23</sup> “An act to give relief to certain persons taking refuge in this state, with respect to their slaves.” Enacted Oct. 1, 1781. “Rules for the regulation of the Society for the Relief of Free Negroes Unlawfully Held in Bondage.” Philadelphia: 1781. 10-11.

<sup>24</sup> *Prigg v. Pennsylvania* has captivated historians for decades. For select analyses on the context of the case itself, the opinion of the court, as well as the resulting impact of the case on sectional tensions referenced in chapter four, see: H. R. Baker, “A better story in *Prigg v. Pennsylvania*?: Joseph Story and *Prigg v. Pennsylvania*.” *Journal of Supreme Court History* 39, no. 2 (2014): 169–189.; Barbara Holden-Smith, “Lords of Lash, Loom, and Law: Justice, Story, Slavery and *Prigg v. Pennsylvania*.” *Cornell Law Review* 78, no. 6 (1993): 1086-1151.; Paul Finkelman, “*Prigg v. Pennsylvania* and Northern State Courts: Anti-Slavery Use of a Pro-Slavery Decision.” *Civil War History* 25, no. 1 (1979): 5–35.; Paul Finkelman, “Sorting out *Prigg v. Pennsylvania*.” *Rutgers Law Journal* 24, no. 3 (1993): 605-666.; Paul Finkelman, “*Prigg v. Pennsylvania* Understanding Justice Story’s Proslavery Nationalism.” *Journal of Supreme Court History* 22, no. 2 (1997): 51–64.; Patricia A. Reid, “Margaret Morgan’s Story: A Threshold between Slavery and Freedom, 1820-1842.” *Slavery & Abolition* 33, no. 3 (2012): 359–380.; P. D. Douglass, “The Claim of Right to Property: Social Violence and Political Right.” *Zeitschrift Für Anglistik Und Amerikanistik* 65, no. 2 (2017): 145-159.; Richard M. Blackett, *The Captive’s Quest for Freedom: Fugitive Slaves, the 1850 Fugitive Slave Law, and the Politics of Slavery* (Cambridge: Cambridge University Press, 2018).; Stanley Harrold, *Border War: Fighting over Slavery before the Civil War* (Chapel Hill: The University of North Carolina

The United States Supreme Court decision is arguably one of the most studied events in the sectional crises leading to the American Civil War. Works by Richard Blackett, Stanley Harrold, Paul Finkelman, and, most recently, Andrew Delbanco explore both the immediate aftermath of the decision on Pennsylvania's emergent identity as a "free state" as well as how Chief Justice Joseph Story's opinion impacted the territorialization of freedom across the North. According to the decisions in *Prigg v. Pennsylvania*, the federal government superseded both individual and state sovereignty and the geopolitical boundaries of freedom were contingent on federal government's authority. Pennsylvania and other northern states responded to the United States Supreme Court decision by passing additional measures that protected the state's free(d) Black residents though only as an instrument of the state's sovereign power in opposition to an expanding federal power. Additional Supreme Court decisions such as *Hobbs v. Fogg* made it clear that regardless of their residency in a "free state," while Black Pennsylvanians may be legally free, they lived in a perpetually "empty category," mandated by the state in order to serve the state.<sup>25</sup>

The passage of the Fugitive Slave Act of 1850 concludes my research. While the epilogue provides a brief summary of the sectional tensions during this period, it more so focuses on the various ways that Pennsylvanians responded to the changing social, political, and legal landscapes following the Compromise of 1850. The Fugitive Slave Act, adopted as part of the

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Press, 2010).; Eric Foner, *Gateway to Freedom: The Hidden History of America's Fugitive Slaves* (Oxford: Oxford University Press, 2015). For a discussion of northern state's rights arguments in response to the slave power, see: Paul Finkelman, "State's Rights, Southern Hypocrisy, and the Crisis of the Union." *Akron Law Review* 45, no. 2 (2012): 449-478.; Michael E. Woods, "'Tell Us Something About State Rights': Northern Republicans, States' Rights, and the Coming of the Civil War." *The Journal of the Civil War Era* 7, no. 2 (2017): 242-68.; Thomas D. Morris, *Free Men All: The Personal Liberty Laws of the North, 1780-1861* (Baltimore: Johns Hopkins University Press, 1974).

<sup>25</sup> Melish, *Disowning Slavery*, 88.



compromise, was the most contentious issue in the ten short years before the American Civil War. It appalled northerners, both because of its potential for corruption and because the federal provision directly interfered with the sovereignty of the state. As sectional tensions over the territorial expansion of slavery reached a boiling point, northern states lambasted the proslavery provisions of the Constitution and asserted that individual states had the right to determine the legality of slavery within their own borders. Indeed, Pennsylvania abolitionists, the Pennsylvania General Assembly, and the state's legal counsels argued that state-level measures, such as Pennsylvania's 1826 anti-kidnapping legislation, were constitutionally justified. They argued that personal liberty laws not only protected state sovereignty, but also individual liberties threatened by the rapacious slave power. Yet, even in 1850, Pennsylvanians made it clear that, while the geopolitics of Pennsylvania freedom might recognize the legally free(d) status of a Black person, it was a "status without rights."<sup>26</sup>

Pennsylvania's concern over its sovereign authority and legal jurisdiction, clearly evident by the 1850s, was deeply rooted in the state's history of territorial conflicts. Pennsylvania had only begun to settle a decades-long border dispute with Maryland and Virginia when the Articles of Confederation and, later, the United States Constitution reorganized individual state autonomy around a new central authority, the federal government. At the same time, Pennsylvania had just managed to address the question of slavery within its own jurisdiction through the 1780 Act for

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<sup>26</sup> Richard Blackett, *The Captive's Quest for Freedom: Fugitive Slaves, the 1850 Fugitive Slave Law, and the Politics of Slavery* (New York: Cambridge University Press, 2018).; Stanley Harrold, *Border War: Fighting over Slavery before the Civil War* (Chapel Hill: The University of North Carolina Press, 2010).; Andrew Delbanco, *The War Before the War: Fugitive Slaves and the Struggle for America's Soul from the Revolution to the Civil War* (New York: Penguin Press, 2018).; O. P. Kennedy, "Northward Bound: Slave refugees and the Pursuit of Freedom in the Northern US and Canada, 1775-1861." Doctoral Dissertation, Leiden University Institute for History, 2021. Retrieved from <https://hdl.handle.net/1887/3134750>. The quote is from Laura F. Edwards, "Status Without Rights: African Americans and the Tangled History of Law and Governance in the Nineteenth-Century U.S. South." *The American Historical Review* 112, no. 2 (2007): 365–93.

the Gradual Abolition of Slavery. As slavery increasingly became a national issue following the Constitution's "extraterritoriality" clause, it prompted Pennsylvanians to tie the state's ongoing border issues of the late eighteenth century to gradual abolition and Pennsylvania's emerging identity as a "free state."<sup>27</sup> For example, in addition to resolving many of the loopholes in the 1780 Act exploited by Pennsylvania enslavers, the 1788 addendums also served as a unique mechanism to protect the state's fledgling claims of territorialized freedom amid Pennsylvania's ongoing border disputes at the turn of the century.

However, as concerns about Pennsylvania's ability to safeguard the policies and practices of gradualism within the state increased during the antebellum era, the Pennsylvania General Assembly responded by enforcing a unique form of border control that managed movement into and out of the state and rearticulated the state's territorial claims to freedom as defined by the state line. My dissertation is important because it explains why, by 1842 and the passage of *Prigg v. Pennsylvania*, Pennsylvania was so concerned with maintaining the literal and imagined boundaries of its "free state" identity in early America. Indeed, instead of merely responding to the increased kidnapping of free(d) Black peoples in the 1820s with a heightened awareness of the state's geopolitical boundary, Pennsylvania's focus on defining both their identity and the state's border occurred much earlier, in the 1780s.

My work contributes to ongoing debates about the importance of geography and borders and how these concepts intersect with the law and legal practice in the late eighteenth and early nineteenth century. It also builds upon over thirty years of scholarship to examine the role of slavery in the North and contribute to a growing examination of how Pennsylvania's contradictory efforts to protect its residents and maintain its identity came at the expense of

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<sup>27</sup> Foner, *Gateway to Freedom*, 38-39.

Black freedom and Black civil rights. Responding to the United States Supreme Court decision in *Prigg v. Pennsylvania*, contemporary legal counselors remarked, “Law is, in extent, either territorial or personal.”<sup>28</sup> Yet my research suggests that for Pennsylvanians in early America, it was both, almost from the state's inception.

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<sup>28</sup> Hurd, *The Law of Freedom and Bondage in the United States*, 438.

## Chapter One – “The Predicament of Territorialized Freedom”<sup>29</sup>

In the first seven years following the passage of Pennsylvania’s Act for the Gradual Abolition of Slavery, space became an increasingly important issue in both law and legal praxis. While enslaved men and women attempted to make real the promises of freedom in the Act by expanding the limits of gradualism to the state’s very soil, enslavers worked to maintain the many benefits they derived from slavery and the institution itself. The different interpretations of the spatiality of Pennsylvania abolition, that is, where exactly freedom began and where it ended, in both literal and imagined terms, featured prominently in court cases involving the state’s nascent border. This resulted in what historian Edlie Wong has defined as the “predicament of territorialized freedom.”<sup>30</sup> Even as Pennsylvania legislators attempted to map freedom onto the legal and geographical terrain of the state through the 1780 Act, they simultaneously upheld the institution of slavery and afforded protections to enslavers who either occupied the state or traveled through it. The juxtaposition between an emerging conceptualization of Pennsylvania “free soil” among enslaved peoples and the lived reality of the many enslaved men and women who struggled to achieve their freedom within the state produced a unique form of geopolitical literacy that reframed the state border through the lens of gradualism. This was clearly evident in a case in Lancaster County, Pennsylvania, in 1787.

That year, Alexander Ewing, a resident of Little Britain Township in Lancaster County, Pennsylvania, appeared before the Lancaster County Court for harboring an unregistered enslaved man named Robert Boadly within the state for longer than six months, thereby in

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<sup>29</sup> Edlie L. Wong, *Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel* (New York: New York University Press, 2009). 7.

<sup>30</sup> *Ibid.*

violation of Pennsylvania's sojourner law. The sojourner clause of the 1780 Act allowed enslavers to travel through the state or temporarily reside in Pennsylvania for six months without repercussion, such as the loss of any enslaved property they forced to accompany them. Although Ewing resided in Little Britain Township, Ewing and his lawyer Jasper Yeates claimed that Robert, along with Quash, Wallace, and the rest of Ewing's human chattel, lived on property he owned in neighboring Maryland. Ewing claimed Robert and the others were neither residents of Pennsylvania nor did they intend to ever settle within the state. Yet, according to the court depositions, at least five acres of Ewing's property overlapped Pennsylvania's southern border. Robert and the others frequently traveled the geographical, legal, and political boundary between slavery and freedom marked by the Mason-Dixon Line despite Ewing and Yeates' assertion that the enslaved men were "residents of Maryland."<sup>31</sup> Cases like this raised questions about the role of movement, positionality, and the occupation of space within gradualism and ultimately forced state legislators to consider broader issues about the territorial extent of gradual abolition in Pennsylvania in the late eighteenth century.

Because Pennsylvania was the first state in the new nation to end slavery gradually, its borders became a contested region as enslavers, the enslaved, and their legal counsels attempted to negotiate where freedom specifically began and where it ended according to the 1780 Act.<sup>32</sup>

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<sup>31</sup> "Remarks on the Writ of Habeas Corpus Ad Subjiciendum, and the Practice Connected Therewith." *American Law Register (Philadelphia, Pa.: 1852)* 4, no. 5 (1856): 259. <https://doi.org/10.2307/3301792.259>; McCulloch, George. Litigant Statement. Letter and Advert. to Jasper Yeates. 14 March 1787. Box 9, Folder 1. Mss. Coll. 151 Series V. 1773-1787, "Slavery Material" in Jasper Yeates Papers. American Philosophical Archives, Philadelphia, P.A. Accessed 31 July 2018.

<sup>32</sup> Richard Newman argues that Pennsylvania was a contested borderland between proslavery and antislavery geographies – legal, ideological, and geographical. This work seeks to build on that argument by looking at how this played out in cases involving Pennsylvania's literal border. However, it diverges from Newman's argument by examining how gradual abolition informed individual understandings of the geopolitical boundary. Thus, while Newman argues that the state became a contested borderland, I argue that the contests between these different ideologies served to define the literal state boundary. Richard S. Newman, "Lucky to Be Born in

The Act prohibited individuals from importing enslaved people into the state, required the registration of all currently enslaved people including their current whereabouts within the state, and implemented a post-natal emancipation clause that granted children born to enslaved mothers after March 1, 1780, freedom upon reaching a designated age. The law also granted provisions for the movement of enslaved peoples through the state. Indeed, Pennsylvania's 1780 Act facilitated the expansion of slavery into the Mississippi River Valley, New York, and New Jersey, as demand for enslaved labor expanded in these regions and declined in Pennsylvania. When state legislators ratified the Act for the Gradual Abolition of Slavery in Pennsylvania, New York, and New Jersey remained slaveholding states. New York did not pass a similar abolition law until 1799 and New Jersey, even later, in 1804. An almost twenty-year gap that witnessed the expansion of slavery in the aftermath of the American Revolution. Consequently, Pennsylvania maintained a complicated relationship with gradual abolition and space, especially as it pertained to bordering states where the sheer movement of the enslaved a few miles across the state line could determine their freedom.<sup>33</sup>

This chapter seeks to illuminate the complex relationship between gradualism and space in the first eight years following the passage of the 1780 Act. It examines how the lived experiences

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Pennsylvania's: Free Soil, Fugitive Slaves and the Making of Pennsylvania's Antislavery Borderland." *Slavery & Abolition* 32, no. 3 (2011): 414-416.

<sup>33</sup> *The Constitution of the Pennsylvania Society, for Promoting the Abolition of Slavery, and the Relief of Free Negroes, Unlawfully Held in Bondage. Begun in the Year 1774, and Enlarged on the Twenty-Third of April, 1787. To Which Are Added, the Acts of the General Assembly of Pennsylvania, for the Gradual Abolition of Slavery. Eighteenth Century Collections Online.* Philadelphia: printed by Francis Bailey, for "The Pennsylvania Society for Promoting the Abolition of Slavery, and the Relief of Free Negroes Unlawfully Held in Bondage.," 1788.; Cory J. Young, "From North to Natchez during the Age of Gradual Abolition." *The Pennsylvania Magazine of History and Biography*, vol. 143, no. 2, 2019, 119.; Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780-1860* (Ithaca: Cornell University Press, 1998). 84-118. For the seminal work on gradual abolition in Pennsylvania, see Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press. 1991).

of border dwellers and border crossers changed (or not) in the immediate wake of gradual abolition as Pennsylvania legislators attempted to territorialize freedom, containing it to the geopolitical and legal boundaries of the state. Not only did slavery continue to operate in northern states like Pennsylvania despite legislation that claimed slavery no longer existed there, but the definition of freedom also changed depending upon the time and place it was being defined. In other words, although abolitionist legislation may have similarities, freedom changed by state, county, institutional body, sociocultural construct, and even among individuals themselves. Pennsylvania abolition, for example, was more conservative than that of New York or New Jersey and differed dramatically from emancipation legislation in places like Massachusetts.<sup>34</sup> Not only does this illustrate diversity in the conceptualizations of freedom among the northern consensus, but the legal battles over the different interpretations of freedom also contributed to the development of a unique geopolitical awareness that accentuated the boundaries between free and unfree spaces on the ground. As slaveholders actively worked to maintain their enslaved property in the wake of the new legislation, the legal and geographical boundary of gradual abolition became increasingly important in freedom suits across Pennsylvania. Gradual abolition, then, served to define individual understandings of space and place, in relation to freedom and slavery, but also as it pertained to the state and the nation.<sup>35</sup>

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<sup>34</sup> Nash and Soderlund, *Freedom by Degrees*, 111.

<sup>35</sup> In the past two decades, scholars have worked to debunk the myth of the “free” north, highlighting the complex nature of gradual abolition in New York, New Jersey, Pennsylvania, and other northern states. To read more on gradual abolition in Pennsylvania see: Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991).; Marc Howard Ross, *Slavery in the North: Forgetting History and Recovering Memory* (Philadelphia: The University of Pennsylvania Press, 2018).; Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: The University of North Carolina Press, 2002). To read more on gradual abolition in New Jersey see: Hendrik Hartog, *The Trouble with Minna: A Case of Slavery and Emancipation in the Antebellum North* (Chapel Hill: The University of North Carolina Press, 2018).; James J. Gigantino, *The Ragged Road to Abolition: Slavery and Freedom in New Jersey, 1775-1865* (Pennsylvania: The University of Pennsylvania

The American Revolution profoundly changed the nature of slavery and freedom in Pennsylvania. Like other northern states, Pennsylvania never transitioned into a slave society throughout the colonial period. Few Pennsylvanians held large tracts of land and fewer still retained more than twenty enslaved persons. A stark contrast to the large plantations that developed in the Chesapeake or the Low Country throughout the eighteenth century. Indeed, Alexander Ewing, who owned eleven enslaved men, women, and children, at the time of his case in 1787, was an exception to the norm.<sup>36</sup> The average slaveholding family in Pennsylvania retained less than three enslaved persons and only about six thousand enslaved people toiled in the state at the end of the Seven Years' War. Pennsylvanian reliance on enslaved labor also fluctuated by county. While rural counties like Lancaster experienced an increase in the number of enslaved men and women registered in 1782, Chester County, a primarily agricultural region, witnessed a rapid decline following the 1780 Act. The variability in the reliance on enslaved labor directly correlated to changes in the indentured servant market.<sup>37</sup>

Enslaved peoples lived and worked alongside indentured servants and wage workers in the state. They labored on farms outside the city center, cultivating various grain crops, in ports or

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Press, 2015). To read more on gradual abolition in New York see: Graham Hodges, *Root and Branch: African Americans in New York and East Jersey 1613-1863* (Chapel Hill: The University of North Carolina Press, 1999).; Leslie M. Harris, *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Illinois: The University of Chicago Press, 2004).; Shane White, *Somewhat More Independent: The End of Slavery in New York City, 1770-1810* (Athens: The University of Georgia Press, 1991). For a more global analysis of gradual abolition see: David Brion Davis, *The Problem of Slavery in the Age of Emancipation* (New York: Alfred A. Knopf, 2014).; David Brion Davis, *The Problem of Slavery in the Age of Revolution* (New York: Alfred A. Knopf, 1999).; For recent historical works that further expand on the complicated definition of freedom, see: David W. Blight, and Jim Downs, *Beyond Freedom: Disrupting the History of Emancipation* (Athens: The University of Georgia Press, 2017).

<sup>36</sup> Nash and Soderlund argue that 60-65% of enslaved labored outside the city limits of Philadelphia. See their work, *Freedom by Degrees*, for more specific figures on the demography's of enslavers and enslaved throughout Pennsylvania. Pg. 32.

<sup>37</sup> Nash and Soderlund, *Freedom by Degrees*, 4, 32.; Ira Berlin, "Plantation Generations" found in *Generations of Captivity: A History of African American Slaves* (Cambridge: Harvard University Press, 2003). 81-88.



early manufacturing industries, or served as domestics. When times of global crisis, like the Seven Years' War, affected the voluntary movement of Europeans across the Atlantic, Pennsylvanians relied more heavily on enslaved labor. However, in contrast to southern colonies like Virginia, which transitioned almost entirely to enslaved labor following Nathaniel Bacon's Rebellion in 1676, Pennsylvania continued to rely on various forms of labor interchangeably throughout the eighteenth century. Scholars agree that Pennsylvania's historical relationship to slavery likely contributed to the success of the abolition movement in the latter half of the American Revolution. Whereas the revolutionary movement and the immediacy of the war on the home front delayed the abolition movement in New York and New Jersey, the British occupation of Philadelphia in 1777 – and Pennsylvania's wartime experience more broadly – contributed to the success of gradualism in the state.<sup>38</sup>

Enslaved men and women took advantage of the chaos of war and liberated themselves by escaping to British lines or “free spaces” in the North well before the ratification of the 1780 Act. The growing conceptualization of specific places as sites of freedom came on the heels of events like Lord Dunmore's Proclamation in Virginia, and most importantly, the antislavery decision in the *Somerset v. Stewart* case. James Somerset, a Black enslaved man forcibly moved from the North American colonies to England in 1770 by Charles Stewart, emancipated himself in 1771. He was captured two months later and as punishment, Stewart imprisoned Somerset on a ship bound for the Caribbean and re-enslavement. British abolitionists worked to secure a habeas

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<sup>38</sup> James J. Gigantino, *The Ragged Road to Abolition: Slavery and Freedom in New Jersey, 1775-1865*. (Philadelphia: The University of Pennsylvania Press, 2015). 43. For the correlation between the rise of slave labor and Bacon's Rebellion, see Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: Norton, 1995).; Barbara Jeanne Fields, “Slavery, Race, and Ideology in the United States of America,” *New Left Review* 181, no. 2 (1990): 95-118.; Edmund Morgan, “Slavery and Freedom: The American Paradox,” *Journal of American History* 59, no. 1 (1972): 5-29.; Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: The University of North Carolina Press, 2012).

corpus for Somerset who then sued for his own freedom. Somerset lived in Boston previously and it is likely that cases like Elizabeth Bett's and other New England freedom suits influenced his own petition.<sup>39</sup> In any event, Lord Chief Justice William Murray, Earl of Mansfield, the British official presiding over Somerset's case declared that enslavers could not forcibly remove enslaved peoples from England and guaranteed Somerset's freedom. Although the decision had little impact on colonial slavery in reality, as scholars have previously attested, Murray's decision likely encouraged the growing perception that freedom could be contained to a literal place—in this case, an island—though during the American Revolution this expanded to include British occupied territory like New York City or Philadelphia. Occupation of that space or movement within it could (theoretically) determine one's status as free or unfree. This likely encouraged Pennsylvania adjudicators to reconsider the geopolitical boundary of the state through the lens of gradualism, and, for enslaved Black peoples, it reified a geographically defined freedom.<sup>40</sup>

The American Revolution also provided abolitionists and the enslaved with rhetorical ammunition to wage war against the institution of slavery. Enslaved and free(d) Black peoples “not only employed the ideas of the Revolution but also its very language.”<sup>41</sup> Black men and women used the enlightenment rhetoric about human equality and natural rights adopted by American revolutionaries to attack the institution of slavery. It is unsurprising that state legislators began to press the issue more fervently beginning in 1778, at the height of the war, yet

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<sup>39</sup> Manisha Sinha, *The Slaves Cause: A History of Abolition* (New Haven: Yale University Press, 2016). 22-28.

<sup>40</sup> Wong, *Neither Fugitive nor Free*, 27. See also: Andrea C. Mosterman, *Spaces of Enslavement: A History of Slavery and Resistance in Dutch New York* (Ithaca: Cornell University Press, 2021).

<sup>41</sup> Berlin, *Generations of Captivity*, 103.

they remained acutely aware of the widespread demand to protect individual property rights that was also entrenched within the revolutionary movement. The specter of formerly enslaved peoples fighting against white colonists who desired to escape the tyranny and “enslavement” of the British empire, proved to many Pennsylvanians that freedom could be perverted. That it should be an exclusive space, occupied and organized by a select few.<sup>42</sup> The proposed gradual abolition legislation in 1780 assuaged those who highlighted the contradictions of slavery and the revolution’s ideals just as it protected the interests of Pennsylvania enslavers.<sup>43</sup>

The 1780 Act was a culmination of earlier antislavery efforts that Pennsylvania Quakers began almost a century prior. Beginning with the German Town petition in 1688, calls for the abolition of slavery in the state increased throughout the eighteenth century as individuals like William Southeby, Benjamin Lay, John Woolman, and Anthony Benezet used moral rhetoric to push for legislation that would dissolve the institution within Pennsylvania. This early legislation often focused on the transatlantic slave trade or attempted to institute tariffs to reduce Pennsylvania’s reliance on enslaved labor and strategically avoided a targeted attack on the institution itself. For example, William Southeby’s 1712 petition placed a 20£ prohibited duty on imported enslaved Africans, which was “a way to slow the growth of slavery without hurting present owners.”<sup>44</sup> Despite the accommodations these early laws provided enslavers, white

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<sup>42</sup> Berlin, *Generations of Captivity*, 30. See also, Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 1998). 229-231.

<sup>43</sup> Nash and Soderlund, *Freedom by Degrees*, 111. *The 1619 Project* highlights the important role of slavery in the American Revolution and scholars argue that the desire to protect the institution of slavery played a central role in the decision by the United States to split from Great Britain. Enslaver’s worries about the future of slavery are evident following the decision in *Somerset v. Stewart* (1772) and Lord Dunmore’s proclamation in 1775 convinced many southern enslavers that reconciliation with Britain was impossible. That the future of slavery was in question. To learn more, see Nikole Hannah-Jones, Caitlin Roper, Ilena Silverman, and Jake Silverstein. *The 1619 Project: A New Origin Story* (New York: Random House Publishing Group, 2021).

<sup>44</sup> Nash and Soderlund, *Freedom by Degrees*, 42.

enslavers responded by using racist ideology, arguments about property rights, paternalist rhetoric, etc. to quickly put down or amend legislation so that they may continue to socially and economically benefit from the institution of slavery. It was not until mid-century that Pennsylvania abolitionists gained more traction in the state, ironically enough, as a product of the social and economic changes that rippled through Pennsylvania following the heightening tensions between colony and empire increased.<sup>45</sup>

The American Revolution created a space for Pennsylvanian antislavery advocates to call out the hypocrisy of slaveholding patriots who espoused the revolutionary rhetoric of freedom, equality, and liberty and to “argue that ending slavery was a national cause” even as they safeguarded enslaver’s property claims to their human chattel.<sup>46</sup> Indeed, as historians of abolition have shown, “the gradual nature of abolition advantaged slaveholders by minimizing their losses as much as possible.”<sup>47</sup> The resulting Act for the Gradual Abolition of Slavery attempted to appease the tensions between enslavers and antislavery advocates in the state through very conservative means. The very nature of gradual abolition in Pennsylvania guaranteed that enslavers would maintain the economic benefits of enslaved labor by stalling freedom through the adoption of “term slavery.”<sup>48</sup> Children born after the passage of the act were forced into indentured servitude – essentially “slavery for a term” – until the age of twenty-eight. These

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<sup>45</sup> Though Nash and Soderlund’s work is considered the seminal work on abolition in Pennsylvania, Beverly Tomek offers a more recent interpretation of abolition in the state: Beverly Tomek, *Slavery and Abolition in Pennsylvania* (Philadelphia: Temple University Press, 2021).

<sup>46</sup> Beverly Tomek, *Slavery and Abolition in Pennsylvania* (Philadelphia: Temple University Press, 2021). 46.

<sup>47</sup> Tomek, *Slavery and Abolition in Pennsylvania*, 46.

<sup>48</sup> Gigantino, *The Ragged Road to Abolition*, 7.

contracts were often exploited by enslavers.<sup>49</sup> They purposefully failed to tell children born into these conditions that upon their twenty-eight birthday they would be free, or they simply failed to record their birthdate at all. Pennsylvania enslavers also adopted English Common Law practices to extend “term slavery” contracts beyond their initial termination date. For example, under English Common Law, indentured servants may be required to work beyond the initial five or seven years of their contract, as punishment for getting married without the contract owners or running away. Enslavers adopted these tactics during the age of abolition to extend their hold over enslaved children and, by 1826, this had transformed these individuals into “slaves of the community” whose status as “term slaves” was inheritable.<sup>50</sup>

Not only did the Act allow for slaveholders to retain any enslaved child born after March 1<sup>st</sup>, 1780 as a “slave for a term,” it also granted a six-month provision to sojourners, meaning individuals could freely travel with their human chattel into and through Pennsylvania for six months without fear of losing their property. Because Philadelphia was the seat of early national legislative bodies like the Continental Congress and the Constitutional Convention, not to mention it served as the first location for the capital of the newly formed United States, the sojourner law assuaged proslavery government officials who worried that they might lose their

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<sup>49</sup> The post-nati clause changed by the state. Although Pennsylvania legislators claimed that enslaved peoples would be freed upon reaching the age of 28, New England claimed twenty-five, barring additional provisions, whereas New Jersey passed several laws that allowed for the manumission of enslaved people between the ages of 25-36, though the final iteration of abolition in New Jersey freed children born to enslaved mothers after July 1, 1804, upon reaching the age of 25. See Gigantino, *The Ragged Road to Abolition*, 95. and Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and “Race” in New England, 1780-1860* (Ithaca: Cornell University Press, 1998). 57-59.

<sup>50</sup> Melish, *Disowning Slavery* 84-118. Quote derived from pg. 86. Cory James Young examines how Pennsylvanian enslavers exploited term slavery to create another form of hereditary enslavement in Pennsylvania that strategically manipulated the loopholes and ambiguity in the 1780 Act. See Cory James Young, “For Life or Otherwise: Abolition and Slavery in South Central Pennsylvania, 1780-1847,” Georgetown University Press, ProQuest Dissertations & Theses Global. 2021.; Gigantino, *The Ragged Road to Abolition*, 7.

domestic enslaved laborers when they attended executive meetings. The sojourner provision also provided for the continuation of peaceable interstate comity between Pennsylvania and its slaveholding neighbors. Sojourning and even resident enslavers eagerly exploited loopholes within this provision by sending their enslaved outside of the geopolitical boundary of the state before the end of the six-month deadline. For example, in 1787, enslaver Robert R. Cross sent Luckey, Susanna Lux, Peter, Bill Sargent, John, Sam, and Sally, men and women he claimed as “slaves for a term,” to New York.<sup>51</sup> In his response to the habeas corpus filed against him on July 3<sup>rd</sup>, 1787, Cross claimed that Luckey was “free” but he also mentioned that he had sent both Luckey and Susanna Lux (who was “bound by indenture by consent of her mother”) into New York prior to the writ.<sup>52</sup> Why he sent the two into New York following the 1780 Act was omitted from the historical record, however, given that Susanna Lux remained “bound by indenture” it is likely that Cross sent them to the neighboring state in order to keep her in bondage.<sup>53</sup>

The close proximity of New York and New Jersey provided slaveholding residents of Philadelphia, Bucks, Chester, and Montgomery Counties, with an easily accessible route to avoid the six-month addendum. Just as easily as crossing the Mason-Dixon Line for the residents of Pennsylvania’s southern counties. Not only did New York and New Jersey remain slaveholding states at the time of Pennsylvania’s gradual abolition, but they also contained the largest enslaved populations in the north, and slavery continued to grow in both New York City and

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<sup>51</sup> Gigantino, *The Ragged Road to Abolition*, 7.

<sup>52</sup> Habeas Corpus for Luckey, Susanna Lux, Peter, Bill Sergeant, Jack, Sam, and Sall, 3 July 1787. Found in Box George Bryan Papers, 1785-1787, Folder July 3-31, 1787, in the collections at The Historical Society of Pennsylvania. Accessed July 2021.

<sup>53</sup> Nash and Soderlund, *Freedom by Degrees*, 121-122. Habeas Corpus for Luckey, Susanna Lux, Peter, Bill Sergeant, Jack, Sam, and Sall, 3 July 1787. Found in Box George Bryan Papers, 1785-1787, Folder July 3-31, 1787, in the collections at The Historical Society of Pennsylvania. Accessed July 2021.

New Jersey following the American Revolution.<sup>54</sup> Indeed, Cross was not the only enslaver who sent his enslaved property to the east instead of the south. George Bryan signed a writ against John Stokes who sent Dinah, an enslaved woman, and Jethro, an enslaved man, to New Jersey in the wake of the 1780 Act. According to Jethro's testimony, Stokes moved into a house on Market Street Wharf (Philadelphia?) from New Jersey around the time the new legislation came into effect. Stokes brought Dinah with him to labor as a domestic in his new house while he brought Jethro into Pennsylvania later in the winter of 1785. Stokes continued to force Jethro to labor in Philadelphia throughout the spring and into the next winter. This alone violated the six-month constraint in the sojourner provision of the 1780 Act, which is likely the reason the writ was initially filed. However, according to Stokes' response to the writ, both Dinah and Jethro could not appear before Bryan because they were "employed by their own consent" on Stokes' farm in New Jersey.<sup>55</sup> Stokes' claimed that both Dinah and Jethro were "free" because of their residence in Pennsylvania, however, he also refused to bring them back into the state in adherence to the writ. It is also worth noting that Stokes' purchased both Dinah and Jethro as enslaved in the state of New Jersey, so while he recognized that they were "free" under Pennsylvania state law, it appears Stokes' physically removed them in order to continue profiting off their labor in a neighboring slave state that not only recognized their enslaved status but perhaps rearticulated Stokes' legal claim to them as chattel.<sup>56</sup>

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<sup>54</sup> Gigantino, *The Ragged Road to Abolition*, 10.

<sup>55</sup> Habeas Corpus and Recognizance for Dinah and Jethro, 4 April 1787. Found in RG33 Supreme Court Eastern District Habeas Corpus for Negro Slaves held at the Pennsylvania State Archives. Accessed July 2021.

<sup>56</sup> In later cases involving the movement of enslaved peoples between competing legal jurisdictions, the notion that enslaved status could be "reattached" became another defense used by enslavers. Edlie Wong explores this more in-depth in *Neither Fugitive nor Free*.

The 1780 Act ascribed Pennsylvania’s territorial claims to freedom into law, in its geography, and in the imagination of its residents. The state became “emancipation personified” attests Richard Newman, even though the emerging conceptualization of Pennsylvania “free soil” often contradicted the lived reality of enslaved men and women like Dinah, Luckey, or Robert who struggled to achieve their freedom within this geographical paradox.<sup>57</sup> While enslaved peoples worked to “transform their surroundings into pathways of freedom,” enslavers worked simultaneously to maintain the imposition of place and space on enslaved bodies, to reinscribe geographies of unfreedom following the passage of the 1780 Act and therefore maintain their own territorial claims to freedom.<sup>58</sup>

Positionality, movement, and space became increasingly important to both enslavers and the enslaved residing along the state’s borders as both groups tested the territorial extent of gradualism and, in so doing, defined and redefined the literal and imagined borders of Pennsylvania freedom – and, consequently, the state. The case Robert Boadly brought against Alexander Ewing demonstrated a clear geopolitical awareness through the witnesses explicit and persistent references to place. George McCulloch’s testimony revealed that at least five acres of Ewing’s territory overlapped the states’ line. Willy (presumably acting in some capacity as an overseer) located the slave quarters “8 or 10 Roads over the Line” whereas Abraham Medcalf placed Ewing’s Philadelphia residence “6 or 8 Roods [sic] from the

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<sup>57</sup> Newman, “Lucky to be Born in Pennsylvania,” 415.

<sup>58</sup> *Ibid.*; Enslavers used various methods to deny freedom to their human chattel, see previous footnotes for examples from Cory James Young and Joanne Pope Melish. Enslavers also used the language of “consent” as a way to legally justify the forced movement of enslaved peoples across boundaries between freedom and unfreedom and simultaneously discredit their claims to freedom. For more on this, see Melish’s *Disowning Slavery* and Cory James Young, “For Life or Otherwise,” and Wong, *Neither Fugitive nor Free*, all cited above; Quote derived from, Christy Hyman, “The Disappearance of Eve and Sall: Escaping Slavery in North Carolina,” *Black Perspectives*, 2020. Accessed Summer 2021. <https://www.aaihs.org/the-disappearance-of-eve-and-sall-escaping-slavery-in-north-carolina/#fn-69370-2>



line.”<sup>59</sup> Even more precise, James Arbuckel defined the Line in relation to his own position from Ewing’s residence, exactly half a mile. Similarly, in a case involving an enslaved woman named Hannah, not only was the boundary of freedom and unfreedom carefully delineated as “the Mill” but one witness recorded the actual route that Hannah traversed as she moved through the different legal and geopolitical jurisdictions. According to the witness testimonies, John Roberts forced Hannah to travel through Tawny Town to arrive at a Mill in Hamilton’s Barn Township where she was held enslaved. The Mill was “not quite a mile from the Maryland Line.”<sup>60</sup> The testimonies in both cases illustrate how white Pennsylvanians defined the territorial limits of gradual abolition into specific miles, roads, and even buildings. Their knowledge of the spatiality of abolition co-reflexively informed their awareness of the geopolitical boundary of the state and vice versa. At the same time, the testimonies in the case involving Boadly and Hannah also reveal that Pennsylvania freedom was limited to how white Pennsylvanians occupied space. This would only become clearer throughout the antebellum period. While the actual geographical distance travelled by these enslaved men and women often remained short, only a few miles across the border at most, Hannah, Robert, and other enslaved men and women like them, often traversed a convoluted legal and geographical landscape between freedom and unfreedom in the early decades of Pennsylvania’s gradual abolition.<sup>61</sup>

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<sup>59</sup> Willy and Abraham Medcalf. Litigant Statement. 14 March 1787. Box 9, Folder 1. Mss. Coll. 151 Series V. 1773-1787, “Slavery Material” in Jasper Yeates Papers. American Philosophical Archives, Philadelphia, P.A. Accessed 31 July 2018. James Arbuckel. Litigant Statement. 14 March 1787. Box 9, Folder 1. Mss. Coll. 151 Series V. 1773-1787, “Slavery Material” in Jasper Yeates Papers. American Philosophical Archives, Philadelphia, P.A. Accessed 31 July 2018.

<sup>60</sup> Habeas Corpus for Hannah. Undated. Box 9, Folder 1. Mss. Coll. 151 Series V. 1773-1787, “Slavery Material” in Jasper Yeates Papers. American Philosophical Archives, Philadelphia, P.A. Accessed 31 July 2018. Hannah was brought into Pennsylvania as early as 1781.

<sup>61</sup> In his lecture at the ASLH annual meeting in November 2021, Dylan Penningroth argued the inherent role of race in court cases involving slavery. Dylan Penningroth “Race in Contract Law after the Civil War,” ASLH

In the colonial new world, boundaries and territorial divisions were largely constructed and reconstructed through the claiming of land by a myriad of actors, from indigenous populations to colonists, and through a variety of means such as the notion of property ownership through cultivation or the use of fencing. The permeability and dynamic nature of borders is fairly common knowledge among scholars. Not only are borders contingent upon the social, political, legal, and cultural circumstances in which they exist, but they are also historical constructs. As Joel Migdal accords, “Borders shift; they leak; and they hold varying sorts of meaning for different people” across space and time.<sup>62</sup> Yet throughout, the law served as a medium that supported, justified, or even negated territorial formations, whether this be in terms of the relationship between colony and empire, the individual and the state, or even more simply, colonist versus colonist. As state legislators debated the terms of abolition in the midst of the revolutionary war, they also worked to solidify what would become the geopolitical border of Pennsylvania. Although the Articles of Confederation and later, the United States Constitution, recognized individual state entities by 1783, the transition of Pennsylvania from a proprietary colony into a geopolitical body was a more complicated endeavor. Colonists constantly fought

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annual meeting, New Orleans, 2021. Combined with Cheryl Harris’ argument about whiteness as property, I argue that white Pennsylvanians weaponized whiteness in order to maintain a narrow, exclusive definition of freedom that restricted the potentiality of freedom for Black peoples, especially as slavery and abolition evolved in the antebellum era. In this way, white Pennsylvanian residents utilized the spatiality of abolition to maintain white privilege, white security, and overall, the interests of a select few in the state. In this chapter, this is clearly defined by the ways in which enslavers attempted to use space as a way to contain enslaved Black peoples within place – be that literal or imagined – in order to exploit the loopholes in the policies of gradualism and its legal practice. In the later chapters we will see how this was further developed through racial arguments, the use of sympathy, and other social and political mechanisms. For more on the intimate relationship between whiteness, law, and space, see: Cheryl Harris, “Whiteness as Property.” *Harvard Law Review* 106, no. 8 (1993): 1707-1791.

<sup>62</sup> Joel S. Migdal, “Mental Maps and Virtual Checkpoints: Struggles to Construct and Maintain State and Social Boundaries,” found in *Boundaries and Belonging: States and Societies in the Struggle to Shape Identities and Local Practices*. Edited by Joel S. Migdal (Cambridge: Cambridge University Press, 2004). 4.

over the territorial limits of Pennsylvanian political, economic, and even social sovereignty throughout the colonial and early republican periods.<sup>63</sup>

Colonial residents fought to assert their territorial claims, either through individual skirmishes or in the courtroom, along contested colonial boundaries.<sup>64</sup> Although proprietor William Penn may have wanted the expansion of Pennsylvania to occur peacefully, he failed to account for rapid growth of the colony and its residents insatiable desire for more land. Founded by Penn as a haven for Quakers in the late seventeenth and early eighteenth century, the combination of religious toleration in the colony as well as the wealth of seemingly available land meant that Pennsylvania gained a reputation as the “best poor mans” country.<sup>65</sup> Hundreds of Europeans flocked to the colony, either freely or as indentured servants, and settled in Philadelphia and the surrounding areas. European squatters then expanded across the Susquehanna butting up against not only Native American settlements in the west but also Maryland residents to the south. Conflicts like Cresap’s war or the changing loyalties of Pennsylvanians during the American Revolution further contributed to the volatile nature of the state’s geopolitical boundaries in the late colonial and early republic period.<sup>66</sup>

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<sup>63</sup> For more on the intersections of the formation of borders, the law, and sovereignty, see: Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge: Cambridge University Press, 2010).; Tamar Herzog, *Frontiers of Possession: Spain and Portugal in Europe and the Americas* (Cambridge: Harvard University Press, 2015).

<sup>64</sup> Peter R. Silver, *Our Savage Neighbors: How Indian War Transformed Early America* (New York: W.W. Norton, 2008). 14.

<sup>65</sup> The notion of Pennsylvania as the “Best Poor Man’s Country,” comes from James T. Lemon’s work, *The Best Poor Man’s Country: A Geographical Study of Early Southeastern Pennsylvania* (Baltimore: Johns Hopkins Press, 1972). For more on the development of Pennsylvania’s borders in the colonial period, see: Patrick Spero, *Frontier Country: The Politics of War in Early Pennsylvania* (Philadelphia: The University of Pennsylvania Press, 2016).

<sup>66</sup> Patrick Spero, *Frontier Country: The Politics of War in Early Pennsylvania* (Pennsylvania: The University of Pennsylvania Press, 2016). 19.

As British North America witnessed a dramatic population growth throughout the eighteenth century and colonists continued to settle further into the interior, violence between American Indians and Europeans exploded across the eastern seaboard. The New England and Virginia colonies alone experienced the Anglo-Powhatan Wars, King Philip's War, the Pequot Wars, and Pontiac's Rebellion within the first sixty years of the century. The Pennsylvania frontier witnessed clashes between Pennsylvanians and other Pennsylvanians, Pennsylvanians and Virginians, Pennsylvanians and the French, Pennsylvanians and the Lenape, the Delaware, as well as other Native Americans in the region over land. Early Pennsylvanians attempted to exert English authority over Native American land led to disastrous ends and peaceful relations between the two quickly devolved into conflict similar to Anglo-Indian relations in colonial Virginia and New England. In the mid-eighteenth century, conflicts between American Indians and Pennsylvanians on the frontier produced the "anti-Indian sublime" which only furthered antagonisms between colonists and native peoples in the region.<sup>67</sup> When American Indians fought against colonists during the French and Indian War or sided with the British during the American Revolution, colonists waged a war of extermination against American Indians, literally and metaphorically. According to scholars like Daniel Richter and Jill Lepore, white colonists rearticulated American identity, memory, and even the landscape to erase American Indians.<sup>68</sup>

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<sup>67</sup> Silver, *Our Savage Neighbors*, xx. See also Nathaniel Conley, "Frontier Capitalism and Unfree Labor in Middle Appalachia: The Development of Western Pennsylvania and Maryland, 1760-1840," The University of Arkansas, ProQuest Dissertations Publishing. 2018. 39.

<sup>68</sup> There are numerous works on the violent interactions between Native Americans and Europeans as they continued to push further into the interior of the American continent. Some of the more canonical works include Peter Silver's *Our Savage Neighbor*, cited above.; Jill Lepore, *The Name of War: King Philip's War and the Origins of American Identity* (New York: Alfred A. Knopf, 1998).; Pekka Hämäläinen, *The Comanche Empire* (New Haven: Yale University Press, 2008).; Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: The University of Pennsylvania Press, 2006).; Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York: Cambridge University Press, 1991).; Daniel K. Richter, *Facing East from Indian Country: A Native History of Early America* (Cambridge:

Pennsylvanians slowly worked to consolidate white Anglican claims to Penn's territory into an organized geopolitical entity though this would not be recognized as the state of Pennsylvania until the ratification of the Articles of Confederation.<sup>69</sup> In the meantime, Pennsylvania legislators settled a border dispute with Maryland in the mid-eighteenth century thereby establishing the Mason-Dixon Line in 1767. The dispute over the southern border of Pennsylvania and whether Penn or Cecil Calvert, Lord Baltimore and proprietor of Maryland, owned the region that would eventually become Delaware, began almost immediately upon William Penn's arrival in the colony and harkened back to the Anglo-Dutch conflicts during the 1660s. Yet, the need for a clear border between the two became evident after the outbreak of hostilities during Cresap's War, a violent product of colonizing efforts in the region by Marylanders and Pennsylvanians.<sup>70</sup> The boundary remained unfinished until Pennsylvania legislators settled a similar conflict with the state of Virginia over a small territory in what would become Westmoreland County.

Pennsylvanians began to question Virginian possessions along the state's periphery shortly before the Seven Years War, though the border dispute began in earnest in the decade leading up to the American Revolution following events like the Paxton-Boys Rebellion in the Pennsylvania frontier.<sup>71</sup> The Penn-Virginia treaty that extended the Mason-Dixon Line to Ohio and Kansas

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Harvard University Press, 2001).; Bethel Saler, *The Settler's Empire: Colonialism and State Formation in America's Old Northwest* (Philadelphia: University of Pennsylvania Press, 2015).; Colin Calloway, *The American Revolution in Indian Country* (Boston: Cambridge University Press, 1995).; Calloway, Colin G. *The Scratch of a Pen: 1763 and the Transformation of North America*. (Oxford: Oxford University Press, 2006).

<sup>69</sup> Alan Taylor, *American Colonies* (New York: Viking, 2001). Taylor marks the transition from the thirteen original colonies into individual states with 1776 and the Declaration of Independence.

<sup>70</sup> For more on this event, see: Paul Doutrich, "Cresap's War: Expansion and Conflict in the Susquehanna Valley." *Pennsylvania History: A Journal of Mid-Atlantic Studies* 53, no. 2 (1986): 89–104, <http://www.jstor.org/stable/27773095>.

<sup>71</sup> The Conestoga Massacre was a violent incident led by Scots-Irish settlers against the Conestoga people as a response to Pontiac's Rebellion. It resulted in the brutal killing of the Conestoga people. There have been

was solidified in 1784, four years after the Act for the Gradual Abolition of Slavery was passed. This treaty clearly delineated the southwest corner of Pennsylvania and Virginia but “on condition that the private property and rights of all persons” who lived in either state prior to the 1784 settlement remained under the legal jurisdiction of the previous state.<sup>72</sup> The language of the 1784 treaty suggests that if a former resident of Virginia found themselves within the border of Pennsylvania within that brief four-year window – between the initial treaty date of 1780 and the subsequent 1784 treaty – the legal preference “shall be given to the [state] with the elder, or prior right...”<sup>73</sup> Although this treaty was referenced in cases such as *Republic vs. Blackmore* by proslavery legal counsels in their attempt to protect the property rights of enslavers, it failed to be a reliable defense because, in the midst of the border dispute with Virginia, Pennsylvania state legislators granted enslavers who lived in the newly annexed region an extra two years to register their human chattel in accordance with the 1780 Act.<sup>74</sup>

Numerous enslaved men and women gained their freedom in the new Pennsylvania county as former Virginian enslavers unsuccessfully attempted to exploit the registration extension by

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several recent works that highlight the brutal killing of the Susquehannock peoples including, “Ghost River: The Rise and Fall of the Conestoga,” a recent exhibit at the Library Company of Philadelphia. See Lee Francis 4, *Ghost River: The Rise and Fall of the Conestoga* (Philadelphia: The Library Company of Philadelphia, 2019). and the correlating digital resource: <https://ghostriver.org/> See also Silver’s *Our Savage Neighbors* for more on the Paxton-Boys.

<sup>72</sup> Pennsylvania and United States. *Laws of the Commonwealth of Pennsylvania*, Vol. III. Philadelphia: 1803. 495.

<sup>73</sup> The exact language of the addendum is as follows: “on condition that the private property and rights of all persons, acquired under, founded on, or recognized by, the laws of either country, previous to the date hereof, be saved and confirmed to them, although they should be found to fall within the other and that in decision of disputes thereon, preference shall be given to the elder, or prior right...” Pennsylvania and United States. *Laws of the Commonwealth of Pennsylvania*. 495.

<sup>74</sup> Spero, *Frontier Country*, 4, 18-21.

feigning ignorance about *where* they lived.<sup>75</sup> The case involving two enslaved women named Cassandra and Lydia held in bondage by Aberilla and Samuel Blackmore was an example of this. Blackmore, along with her husband Samuel, purchased land in the disputed territory in March 1780, though they did not arrive themselves until the following December. The registration extension only applied to residents of the disputed territory if they lived there prior to September 23rd.<sup>76</sup> The Blackmore's did not, yet they attempted to take advantage of the registration extension regardless. Blackmore registered Lydia and Cassandra on December 19th, 1782, just a few months after Pennsylvania and Virginia agreed on the boundary and Pennsylvania state legislators announced the registration extension. Regardless, because the Blackmores' and the two enslaved women did not physically reside in the state before September 23rd, 1780, their registration was null and void. Cassandra and Lydia were free. According to the courts, an individual's intention to live in Pennsylvania was not the same as physically residing in the state, even though land may have been purchased for this very purpose. In this case, the explicit occupation of place within the understood geopolitical boundaries of Pennsylvania was integral to the court's definition of where freedom began and ended.<sup>77</sup>

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<sup>75</sup> While many enslavers likely attempted to use the border dispute in order to exploit Pennsylvania's gradualism, it is just as likely that some enslavers remained unaware that their property now fell within the jurisdiction of Pennsylvania. Indeed, in a newspaper clipping from the Chester County Historical Society, a resident of the "wedge" declared they knew they were a resident of Delaware simply because their grandfather had passed that information on to them. Consequently, the efforts to define the territorial limits of Pennsylvania gradualism along the state border mutually reinforced Pennsylvania state sovereignty and individual notions of where the geopolitical boundary existed. Chester County Historical Society, County Clippings by topic, Box 4, Black History. Accessed December 15, 2021.

<sup>76</sup> According to Paul Finkelman, "The legislature chose that date because that was when Pennsylvania agreed to accept the boundary, even though the border was not finalized until the following year." See Paul Finkelman, "Human Liberty, Property in Human Beings, and the Pennsylvania Supreme Court." *Duquesne Law Review* 53, no. 2 (2015): 470-471.

<sup>77</sup> Richard S. Newman, "'Lucky to Be Born in Pennsylvania': Free Soil, Fugitive Slaves and the Making of Pennsylvania's Antislavery Borderland." *Slavery & Abolition* 32, no. 3 (2011): 413-30. and Finkelman, "Human Liberty," 470-471. The case involving Aberilla Blackmore, Cassandra, and Lydia has been thoroughly examined by

While the Mason-Dixon Line was likely foremost on the minds of Pennsylvanians when it came to questions regarding the spatiality of gradual abolition, it was not the only point of contention that added to the state's "predicament of territorialized freedom."<sup>78</sup> Pennsylvania legislators also argued over who had jurisdiction of the "wedge," a small piece of land near the twelve-mile circle border of Maryland and Delaware. Likewise, conflict over territory in the northern part of the state resulted in the "Wyoming" problem or the "Connecticut Claim."<sup>79</sup> In fact, the "wedge" problem continued to persist well into the twentieth century. According to a report in the J. Carroll Hayes Collection located in the Chester County Historical Society, "until the ratification of the new line in 1921 (which gave the wedge to Delaware) it was always colored on the maps as to indicate it belonged to Pennsylvania...yet Delaware had always exercised jurisdiction over the wedge."<sup>80</sup> It was also stated that Mechanicsville, a small town that existed within the wedge, voted to retain their enslaved property despite their apparent incorporation in the "free state" of Pennsylvania. The resulting repercussions from these border disputes, in conjunction with legal conflicts over differing interpretations of gradualism in the counties residing along the state's periphery, meant that the geopolitical literacy of communities,

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scholars analyzing gradual abolition. For my purposes, I relied on the interpretations of Newman in his work, "Lucky to be Born in Pennsylvania" and Finkelman's description of the case in his work, *Human Liberty*, 470-471. For the original transcripts and case notes, see: *Pennsylvania v Aberilla Blackmore*. Washington County, PA. 1790. PAS Papers. Box 4A Manumissions "Habeas Corpus Actions." [https://hsp.org/sites/default/files/legacy\\_files/migrated/blackmore\\_formatted.pdf](https://hsp.org/sites/default/files/legacy_files/migrated/blackmore_formatted.pdf) Accessed June 2021. *Republica against Aberilla Blackmore* summarized in Jasper Yeates, and Charles Smith's *Reports of Cases Adjudged in the Supreme Court of Pennsylvania: with Some Select Cases at Nisi Prius and in the Circuit Courts. Philadelphia: John Bioren, 1818. 234-240.*

<sup>78</sup> Wong, *Neither Fugitive nor Free*, 7.

<sup>79</sup> See also, William Smith, *An Examination of the Connecticut Claim to Lands in Pennsylvania with An Appendix containing Extracts and Copies of Original Papers*. Philadelphia: Printed by Joseph Crukshank, in Market-Street, 1774. Held at *LancasterHistory*, Lancaster, PA. Accessed July 2021.; Spero, *Frontier Country*, 4.

<sup>80</sup> J. Carroll Hayes Collection located in the Chester County Historical Society, Box MG 2 "Boundaries," File 2 - Boundaries Delaware Curve. Accessed December 2021.



both white and Black, enslaved and free, became increasingly important in the years following the 1780 Act. This is arguably truer for locations directly adjacent to the state line like Ewing's property in Little Britain Township.<sup>81</sup>

Indeed, even though surveyors worked to record these borderland spaces and subsequent maps contained thick black lines to mark the boundary between states, local adjudicators and attorneys worked as involuntary gatekeepers of gradual abolition as they navigated the changing geographies of freedom in the years following the 1780 Act. Despite the large limestone markers Charles Mason and Jeremiah Dixon's team erected to denote the Pennsylvania-Maryland border – one placed every mile with the crown emblems for William Penn and Lord Baltimore on the respective sides of each marker – these pillars were often eroded by time and weather, or in some cases, were destroyed by the residents themselves.<sup>82</sup> According to a newspaper clipping from 1876, one man used a Mason-Dixon marker as a corner support for his house while another individual used three of the limestone markers for the steps leading to his front door. Moreover, Pennsylvania's topography lacked any substantial formations, such as the Ohio River that divided Kentucky and Ohio, to serve as a natural divider from surrounding slaveholding states. Without a definitive boundary to remind border residents of the separation between Pennsylvania

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<sup>81</sup> Philip Troutman introduced the term “geopolitical literacy” as an alternative to terms like geopolitical knowledge. I prefer to use Troutman's iteration because it acknowledges how enslaved and slaveholders possessed specific geographical knowledge regarding the physical landscape and the law to simultaneously create and enforce a geopolitical awareness about where freedom began and ended. At times this was reflected in the case notes by specific units of measure, whereas other times, we see Pennsylvania's geopolitical boundary (and therefore the boundary of freedom and unfreedom) being referenced in correlation to specific buildings or other landmarks. While geographical knowledge is also acceptable and widely used by scholars, like Newman, “geopolitical literacy” highlights the nuanced ways enslaved and enslavers used this understanding to navigate the spatiality of abolition. Phillip Troutman, “Grapevine in the Slave Market: African American Geopolitical Literacy and the 1841 Creole Revolt,” found in *The Chattel Principle: Internal Slave Trades in the Americas*. Edited by Walter Johnson (New Haven: Yale University Press, 2005).

<sup>82</sup> Edwin Danson, *Drawing the Line: How Mason and Dixon Surveyed the Most Famous Border in America* (Hoboken: John Wiley & Sons, Incorporated, 2016).

“free soil” from the slaveholding territory of Maryland, Delaware, or Virginia in their everyday lives, border dwellers needed to remain acutely aware of where freedom specifically began and ended. As residents along the Pennsylvania periphery rearticulated their understanding of space through the lens of gradualism and created illusionary mental markers between free and unfree spaces, they simultaneously established a clear geopolitical border that defined the state.<sup>83</sup>

In the words of Edlie Wong, “slavery and the law were not merely intertwined in Anglo-American jurisprudence; the existence of slavery required the sanction of law” and a new composition of space.<sup>84</sup> Spatial considerations are inherent in all legal cases, from habeas corpus, the holding of a body within a given place, to contract law and notions of property rights. The 1780 Act notwithstanding also rearticulated Pennsylvanian understandings of space through the lens of gradualism. Previous legal frameworks that carried over from English Common Law became tools used by antislavery advocates and Black peoples to challenge the authority of enslavers during this early period.<sup>85</sup> For example, both *Habeas Corpus* and *De Homine*

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<sup>83</sup> For the complex nature of Pennsylvania’s border, specifically the complicated relationship between freedom, unfreedom, and the Mason-Dixon Line see: Max Grivno, *Gleanings of Freedom: Free and Slave Labor Along the Mason-Dixon Line, 1790-1860* (Urbana: The University of Illinois Press, 2011).; Matthew Salafia, *Slavery’s Borderland: Freedom and Bondage Along the Ohio River* (Philadelphia: The University of Pennsylvania Press, 2013).; Richard Blackett, *The Captives Quest for Freedom: Fugitive Slaves, the 1850 Fugitive Slave Law, and the Politics of Slavery* (Cambridge: Cambridge University Press, 2018).; Stanley Harrold, *Border War: Fighting Over Slavery Before the Civil War* (Chapel Hill: The University of North Carolina Press, 2010).; Russ Castronovo, “Compromised Narratives Along the Border: The Mason-Dixon Line, Resistance, and Hegemony.” Found in *Border Theory: The Limits of Cultural Politics* (Minneapolis: The University of Minnesota Press, 1997).; David G. Smith, *On the Edge of Freedom: The Fugitive Slave Issue in South Central Pennsylvania, 1820-1870* (New York: Fordham University Press, 2013).; Newspaper clipping marked OP8.30.1876 found in Box MG 2, Boundaries, Chester County Historical Association, West Chester, PA. Accessed 15 December 2021.

<sup>84</sup> Wong, *Neither Fugitive nor Free*, 3.

<sup>85</sup> Much has been done on the significant use of habeas corpus by peoples of color to fight against their enslavement or their illegal re-enslavement in early America. I include only three works here: Young, “For Life or Otherwise,” 254-55 and Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: The University of North Carolina Press, 2002). 74. For a specific definition of the differences between habeas corpus and de homine replegiando, see: Blake M. Mills and Steven M. Wise. “The Writ De Homine Replegiando: A Common Law Path to Nonhuman Animal Rights.” *George Mason University Civil Rights Law Journal* 25, no. 2 (2015): 159-189.; and Newman’s *The Transformation of American Abolitionism*.

*Replegiando* aimed to challenge the physical detainment of an individual. However, the former served as an initial point of inquiry whereas the latter provided a more tangible legal measure that could lead to a jury trial. Although many cases brought against enslavers in this early period of Pennsylvania abolition were predicated upon technicalities in the registration of enslaved peoples, these initial cases also reveal a preoccupation with space and the law, specifically as it pertained to sojourning. Indeed, sojourning proved an increasingly contentious issue between proslavery and antislavery forces, especially as it pertained to bordering states where the sheer movement of the enslaved a few miles across the state line could determine their freedom.

While not unique in his attempts to exploit gradual abolition, the case against Alexander Ewing demonstrated how cases like his forced the courts to define the territorial extent of gradual abolition more clearly by resolving issues related to border crossers. This is evinced by George Bryan, who, on a torn slip of paper, puzzled through the definition of sojourning and what this meant for the geopolitical boundary of Pennsylvania freedom. In accordance with the 1780 Act, Bryan claimed: “all persons in Pennsylvania are free men and free women...except the domestics attending upon members of Congress, foreign ministers, & consuls, & upon travellers and sojourners.”<sup>86</sup> Moreover, according to Bryan’s interpretation, sojourning and travelling specifically meant that an individual did not become a resident of Pennsylvania, nor did they stay in the state for longer than six months. They were simply “a person passing through” or making a “short temporary stay here” while their permanent residence remained outside of the state.<sup>87</sup> It was only when the traveler gave up “*animus revertendi*,” or their intention to return home, that

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<sup>86</sup> Handwritten note, Folder Marked Feb 23 -June 22, 1785, Box 90, George Bryan Papers, 1785-1787. Held at The Historical Society of Pennsylvania, Philadelphia, Pennsylvania. Accessed July 2021. The note is likely in reference to a specific case, but it is torn and any identifying details are omitted from the archival materials.

<sup>87</sup> *Ibid.*

any enslaved person forced to accompany them may become free.<sup>88</sup> Bryan’s analysis of the law illuminates just how destabilizing the 1780 Act truly was in the decades following its passage as his notes raised questions about sojourning, residency, and positionality. In his records, Bryan claimed that the intention to settle in Pennsylvania nullified the sojourner addendum, which should ultimately result in the freedom of the enslaved. Bryan’s conclusion on the relationship between “intended residency” and the 1780 Act was noted down at the same time the trial against Aberilla Blackmore, who lost her case despite using an argument based on this very concept, took place.<sup>89</sup> Yet, like many other legal counselors of the period, Bryan remained unclear about the definition of sojourning and how to accurately quantify someone’s intention to reside in a given place. He proceeds to define the term sojourning, from literary interpretations to biblical references and finally, to its inclusion in the 1780 Act. In the end, Bryan conceded the failure of the 1780 law by asserting that enslavers “will be apt to practice a trick of sending these servants, within the term for a night, and thus keep them here for life, hence the designed abolition of slavery will be evaded and persons near the borders of another state will be enabled to retain slaves in Pennsylvania.”<sup>90</sup>

Bryan’s suspicions became reality in the case involving Ewing and Robert Boadly. Ewing, like many enslavers in Pennsylvania in the wake of the new legislation, contested the territorial extent of gradual abolition by exploiting loopholes in the Act. The 1780 Act required

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<sup>88</sup> *Ibid.*

<sup>89</sup> The notion of “intended residency” becomes a prominent argument used by both proslavery and antislavery advocates. I examine it more in the next chapter. See Nash and Soderlund’s *Freedom by Degree’s* to see an example of how this was construed in court to either reinforce or challenge an individual’s enslavement. Pg. 127.

<sup>90</sup> Handwritten note, Folder Marked Feb 23 -June 22, 1785, Box 90, George Bryan Papers, 1785-1787. Held at The Historical Society of Pennsylvania, Philadelphia, Pennsylvania. Accessed July 2021. The note is likely in reference to a specific case, but it is torn and any identifying details are omitted from the archival materials.

only enslaved people “within the state” to be registered.<sup>91</sup> Since Ewing forced Robert, Quash, Wallace, and the rest of his human chattel to reside outside the state, in Maryland, Ewing technically did not have to register them in the state of Pennsylvania under the tenets of gradual abolition. Moreover, although Ewing moved to Lancaster County, Pennsylvania in 1782, he claimed that the “general destination and abode” of Robert, Quash, and the enslaved was “in Maryland,” where Ewing “uniformly” returned them “for assessment.”<sup>92</sup> Ewing asserted that Robert and the enslaved *belonged* to the neighboring state of Maryland where they were forced to reside and, according to Yeates, Robert’s “casually coming to see his master, cannot be considered as holding him in this commonwealth as a slave.”<sup>93</sup> This rhetoric of “belonging” and “casual visitations” presented the illusion that Boadly’s movements were ones of choice, not the strategic manipulations of an enslaver intent on retaining his enslaved property.<sup>94</sup> In the end, the court’s ruling favored Ewing. According to Yeates’ records, Ewing “had not been guilty of a misdemeanor” against the 1780 Act on the grounds that neither Robert nor Ewing were residents of Pennsylvania when the legislation was put into place.<sup>95</sup> Moreover, even though Ewing moved to Pennsylvania in 1784, he could not be guilty either of holding Robert enslaved within the state or of violating the registration requirement because Robert’s “general Abode and Destination

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<sup>91</sup> *The Constitution of the Pennsylvania Society, for Promoting the Abolition of Slavery, and the Relief of Free Negroes, Unlawfully Held in Bondage. Begun in the year 1774, and enlarged on the twenty-third of April, 1787, 1788.*

<sup>92</sup> Yeates’ Statement. 14 March 1787. Box 9, Folder 1. Mss. Coll. 151 Series V. 1773-1787, “Slavery Material” in Jasper Yeates Papers. American Philosophical Archives, Philadelphia, P.A. Accessed 31 July 2018.

<sup>93</sup> *Ibid.*

<sup>94</sup> Wong, *Neither Fugitive nor Free*, 78.

<sup>95</sup> Yeates’ Statement. 14 March 1787. Box 9, Folder 1. Mss. Coll. 151 Series V. 1773-1787, “Slavery Material” in Jasper Yeates Papers. American Philosophical Archives, Philadelphia, P.A. Accessed 31 July 2018.

was in Maryland.”<sup>96</sup> Consequently, according to Yeates’ interpretation of the 1780 Act, enslaved freedom depended upon how white enslavers occupied space and place and although Ewing resided in Lancaster County, Pennsylvania, Robert and the enslaved “really and bona fid [sic]...belonged to a neighboring state.”<sup>97</sup>

When individual spatial logics were contested, local attorneys and adjudicators like Bryan and Yeates were called in to enforce a specific categorization or hierarchy of space that ultimately deemed one definition superior to the other. Disputes over property lines, petitions to evict squatters or tenants who failed to settle their debts, and other similar cases represented a significant number of the case files that Jasper Yeates processed. In these cases, the rights of the property owner were reaffirmed and, consequently, the social and political privileges and attributes associated with those rights. Be it individual space or the geopolitical body of a state, traditional geographies uphold social hierarchies of domination and perceived order. Consequently, border dwellers and border crossers, specifically free and enslaved Black peoples, needed not only to be able to navigate these boundaries but also to be aware of the social, cultural, and legal checkpoints that reinforced said boundary. The passage of the 1780 Act, therefore, required a new spatial logic for both enslaved Black people and enslavers who resided along the Pennsylvania periphery. This rearticulation of spatial understanding through the lens of gradualism reinforced the state line as a contested borderland over the territorial limits of

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<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

Pennsylvania abolition. It also served to solidify individual notions of the state as a geopolitical entity.<sup>98</sup>

Both slaveholders and antislavery organizations such as the Pennsylvania Abolition Society (PAS) exploited and actively used loopholes in the 1780 Act, although to very different ends. Established in 1784 and reorganized in 1787, the PAS was the first organization of its kind. Its members consisted of elite Pennsylvanians, from businessmen like Benjamin Franklin to prominent lawyers like George Bryan, all of whom published antislavery literature and/or provided legal or political aid to enslaved peoples. While the organization's early abolitionist tactics included the manumission of an individual through purchase to slowly end slavery within the state, more often, PAS lawyers capitalized on errors in registration records or challenged the sojourner addendum to legally advocate for the freedom of enslaved men, women, and children. Providing legal aid to enslaved and free(d) Black peoples, the abolition society gained a national reputation that resulted in the establishment of similar groups in New Jersey, New York, Connecticut, Rhode Island, Virginia, Maryland, Kentucky, Great Britain, and France. Moreover, the Pennsylvania institution received calls for aid from as far away as the Caribbean.<sup>99</sup> Although they strictly adhered to the legal, social, and political systems of the late eighteenth century, the

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<sup>98</sup> Migdal, "Mental Maps and Virtual Checkpoints," 6-9, 11-20. To learn more about the relationship between borders, sovereignty, and power, see: Tamar Herzog, *Frontiers of Possession: Spain and Portugal in Europe and the Americas* (Cambridge: Harvard University Press, 2015).; Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge: Cambridge University Press, 2010).; Stephanie M. H Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: The University of North Carolina Press, 2004).; Katherine McKittrick, *Demonic Grounds: Black Women and the Cartographies of Struggle* (Minneapolis: The University of Minnesota Press, 2006). xiii-xiv.

<sup>99</sup> This refers to the case that the PAS received regarding the relocation of enslaved peoples from Jamaica. David Barclay, a prominent Philadelphian, arranged for twenty-eight enslaved Jamaicans to travel to Philadelphia and enter into indentures in accordance with Pennsylvania gradualism to become free. The primary sources for this case are held at The Historical Society of Pennsylvania and a brief sketch of the case can be found in Jeffrey Nordlinger Bumbrey's "A Guide to the Microfilm Publication of The Papers of The Pennsylvania Abolition Society at The Historical Society of Pennsylvania," 1976. <https://pq-static-content.proquest.com/collateral/media2/documents/Abolition.pdf>

organization nevertheless worked to assist enslaved peoples like Dinah, Jethro, Luckey, or Susanna Lux to achieve their freedom despite the efforts of enslavers to place them outside the territorial extent of Pennsylvania gradualism. The joint efforts of the PAS and enslaved peoples “reconfigured the meaning of Pennsylvania’s Abolition Act, and, with it, the free-soil dimensions of the state’s very borders.”<sup>100</sup> The collaboration between Black peoples and white abolitionists to not only enforce the 1780 Act but to test the limits of gradualism, furthered the conceptualization of Pennsylvania as a site of freedom despite slavery’s resiliency within the state.<sup>101</sup>

However, the PAS was legally and geographically limited in its reach. Despite the efforts of some antislavery attorneys, adjudicators, and grassroots organizations like the PAS to effectuate Pennsylvania’s territorial claims to freedom, many of these organizations remained geographically confined. The PAS, for example, remained situated firmly in Philadelphia. Moreover, although the organization investigated cases that undermined the 1780 Act throughout the state, from individual cases involving fugitive enslaved peoples to kidnapped free(d) Black men and women, the Society’s network of lawyers that worked to extend freedom to the surrounding areas often lacked important resources or simply failed in their legal efforts, not least of all because of jurisdictional issues. Similar organizations that developed in Virginia and Kentucky or the American Convention of Abolition Societies, which was formed “to give the

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<sup>100</sup> Newman, “Lucky to be born in Pennsylvania,” 414.

<sup>101</sup> Newman, *The Transformation of American Abolitionism*, 17-18.; See also Tomek’s work, *Slavery and Abolition*, for more on the Pennsylvania Abolition Society. For the cases referenced above, see: Habeas Corpus and Recognizance for Dinah and Jethro, 4 April 1787. Found in RG33 Supreme Court Eastern District Habeas Corpus for Negro Slaves held at the Pennsylvania State Archives. Accessed July 2021. and Habeas Corpus for Luckey, Susanna Lux, Peter, Bill Sergeant, Jack, Sam, and Sall, 3 July 1787. Found in Box George Bryan Papers, 1785 – 1787, Folder July 3-31, 1787, in the collections at The Historical Society of Pennsylvania. Accessed July 2021.



movement national scope,” ultimately folded to the influence of enslavers.<sup>102</sup> This meant that, in some cases, the pleas of enslaved men and women calling for aid in places like Georgia remained out of the reach of and unanswered by the PAS. Regardless of the organizations’ limitations, enslaved and free Black peoples asserted their own geographical and legal acumen to expand gradualism’s territorial boundary.<sup>103</sup>

By the time court systems underwent formal transformations in the eighteenth-century, enslaved peoples had accumulated almost an entire century of shared legal knowledge. Enslaved Black people began to cultivate knowledge of America’s legal landscape as early as 1641, when colonial Virginia established the first slave code taxing enslaved women more than enslaved men. As white colonists developed additional legislation to restrict Black spaces or regulate Black mobility and established an ever-evolving body of Black codes, these laws were added to an existing network of shared legal knowledge among enslaved peoples. Litigants in early slave courts, judicial spaces like New York, where traditional Dutch legal systems allowed for enslaved people to challenge slaveholders, or freedom suits like those of Elizabeth Freeman and Quock Walker, each new case – whether or not it resulted in the freedom of the enslaved – contributed to the legal acumen of the enslaved population.<sup>104</sup>

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<sup>102</sup> Newman, *The Transformations in American Abolitionism*, 19.

<sup>103</sup> *Ibid.*

<sup>104</sup> For more information about Elizabeth Freeman and Quock Walker’s freedom suits, see: Douglas R. Egerton, *Death or Liberty: African Americans and Revolutionary America* (Oxford: Oxford University Press, 2009). For more information about the accumulation of Black legal knowledge in the early colonial period, see Geneva A. Smith’s forthcoming Princeton University dissertation, “Slave Courts: The Currency of Race in the Eighteenth-Century British Atlantic,” a portion of which was presented at the American Society for Legal History’s annual meeting in November 2021.; see also Andrea Mosterman, *Spaces of Enslavement: A History of Slavery and Resistance in Dutch New York* (New York: Cornell University Press, 2021).; Jane Landers, *Black Society in Spanish Florida* (Urbana: University of Illinois Press, 1999).

The 1784 case, *Respublica v. Robert Kennedy and Sarah Pool*, highlights the production and use of Black legal knowledge in Pennsylvania's first decade of abolition. Several witnesses stated that Sarah Pool, an enslaved woman, swore on "a Law Book" ... "to charge her master."<sup>105</sup> Oaths had been used throughout the colonial and revolutionary period, to claim allegiance to the King or support for the patriot cause during the American Revolution. Members of the Mayflower swore an oath to abide by the Mayflower Compact prior to landing at Plymouth. By swearing on a legal document – reenacting the swearing-in of a witness using the Bible – Sarah participated in a complex legal rationale that recognized the sovereignty of the law and its relationship to the state. However, according to the testimonies, Sarah "falsely" accused Kennedy of raping her as part of a conspiracy against Kennedy, who had "decent connections" in the community.<sup>106</sup> Sarah likely experienced sexual violence at the hands of Kennedy, especially considering Kennedy himself bragged about his ability to "direct a rape when he pleased," yet she eventually recanted her statement.<sup>107</sup>

Sexual violence against enslaved women has been well documented by scholars, yet Sarah's claim and her understanding of the inner workings of the law were made suspect. According to historian Lauren Benton, the credit associated with legal oaths reinforced cultural differences and ultimately, notions of racial superiority, because Europeans based the validity of such an oath on religion or law. The combination of white male witnesses and the notion that Sarah did not have a "cultivated understanding or any kind of religion," was used to discredit

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<sup>105</sup> Republic vs. Robert Kennedy and Sarah Pool, 3 May 1784. Found in Jasper Yeates Papers 1733-1876, Collection #740, Series 3: Legal and Miscellaneous (1783-1785), Box 15, Folder 6, in the collections at The Historical Society of Pennsylvania. Accessed July 2021.

<sup>106</sup> *Ibid.*

<sup>107</sup> *Ibid.*

Sarah's sexual assault and invalidated her testimony.<sup>108</sup> Yeates and the others categorized Sarah as lawless – she neither knew the law nor could she be an agent of it – even as she participated in the legal process and clearly understood the value placed on sworn testimony. Regardless, of the perception of Sarah and the enslaved as lawless, it is clear that the legal knowledge gained by enslaved men and women, like Sarah, grew in direct correlation to their involvement in the legal system, be it direct participation through freedom petitions or involvement in cases similar to Sarah's own experience, or incidentally, as property to be exchanged. The information gleaned was then shared through informal networks among ports and city centers as well as the community grapevine among plantations and free and enslaved Black communities. The routes used to share this legal knowledge carried information about the physical landscape as well.<sup>109</sup>

Advertisements, narratives, and even legal documents related to enslaved men and women who self-emancipated offer a unique record of how Black peoples shared knowledge of the physical terrain and mapped their own understanding of early America's geography and routes to freedom, both mentally and physically. For example, a writ of habeas corpus marked the movement of an enslaved person through specific streets and counties. Bet travelled from the Philadelphia city jail to Thomas McKean's house on Third Street whereas Molly Punch traversed a route from the Philadelphia Workhouse to George Bryan's residence on Vine Street in the

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<sup>108</sup> Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (New York: Cambridge University Press, 2002). 18, 130-147, 175-189. See also Benton, *A Search for Sovereignty*, 92-99, 289.

<sup>109</sup> Julius Scott, *The Common Wind: Afro-American Currents in the Age of Revolution* (London: Verso Books, 2018). is an excellent example of information sharing among Black peoples. See also, Phillip Troutman, "Grapevine in the Slave Market: African American Geopolitical Literacy and the 1841 Creole Revolt," found in *The Chattel Principle: Internal Slave Trades in the Americas*. Edited by Walter Johnson (New Haven: Yale University Press, 2005).; Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000).

northern liberties of the city.<sup>110</sup> These women likely took note of the street names they walked down or the buildings they passed, cataloging spaces they deemed safe or potentially dangerous along their route. It is well known that enslavers fixated on restricting the movement of enslaved peoples, to forever suspend Black people within a specific space (nonhuman, other) and place (unfreedom). As historians have well investigated, sites of slavery such as plantations, auction blocks, and slave residences reconfigured the geographical landscape around the containment of Black bodies. In the liminal spaces between these structures, formal methods of surveillance such as a slave pass, overseers, or slave catchers, in combination with canals and roads, allowed enslavers to police sites of unfreedom, both privately and publicly owned. These physical and legal mechanisms served to police the movement and placement of Black peoples in addition to early Black codes. Yet, enslaved peoples could read the broader white social, political, and more importantly, legal landscapes in which they existed, and that knowledge informed their own geopolitical literacy to move between the borders of freedom and unfreedom.<sup>111</sup>

Because of the nature of a “Runaway” advertisement, the author provided details not only about the enslaved person who liberated themselves – what they looked like, how they spoke, what items they carried -- but also how they perceived or understood Black geographic knowledge. These advertisements might note that the enslaved carried a pass or emancipated themselves in collaboration with others who had formerly escaped the confines of a plantation.

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<sup>110</sup> Habeas Corpus for Molly Punch, 28 April 1786. Found in RG33 Supreme Court Eastern District Habeas Corpus for Negro Slaves held at the Pennsylvania State Archives. Accessed July 2021.; and, Habeas Corpus for Bet, 21 January 1786. Found in RG33 Supreme Court Eastern District Habeas Corpus for Negro Slaves held at the Pennsylvania State Archives. Accessed July 2021.

<sup>111</sup> Grivno, *Gleanings of Freedom*, 124. For some of the seminal works on physical sites of oppression see: Saidiya V. Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997). and Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market*, (Cambridge: Harvard University Press, 2009).

In an ad published in the *Journal and Advertiser*, H.D. Gough claimed that twenty-six year old Will, whom he “manumitted some years past” but “is not free by manumission until Christmas,” likely cooperated with other enslaved persons that Gough had freed at various times over the years in order to free himself.<sup>112</sup> Likewise, Maryland resident John Roberts testified that some “designing persons hath spirited away” Hannah, an enslaved woman who found freedom in York County, Pennsylvania.<sup>113</sup> David Braiden claimed that “by the instigation of some evil person or persons” Ruth Boadly “hath absconded from my custody so that I cannot have her.”<sup>114</sup> Although Charles Ball cited the North Star as his “heavenly” guide on his path toward freedom, he also relied on his own previous knowledge of space and place. Ball memorized the route through which he was forcibly moved in coffles into Maryland and claimed that he intended to travel the same route he “had come out from South Carolina” by following the road from Augusta to Morgan County, taking cover in nightfall or the nearby woods.<sup>115</sup> Like Ball, enslaved men and women paid careful attention to the geographies they traversed, whether this was through the forcible movement of enslaved peoples by enslavers to places outside the territorial limits of gradualism or through routes of escape. These maps were then stored to memory and shared within Black communities thereby expanding enslaved knowledge of their surroundings.

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<sup>112</sup> An ad published in the *Journal and Advertiser* on September 15, 1785. Accessed via the *Freedom on the Move Project: Rediscovering the Stories of Self-Liberating Peoples* online database. Accessed Spring 2022. <https://freedomonthemove.org/>

<sup>113</sup> Recognizance/Witness Testimonies. Litigant Statement. 25 May 1787. Found in RG33 Supreme Court Eastern District Habeas Corpus for Negro Slaves held at the Pennsylvania State Archives. Accessed July 2021.

<sup>114</sup> Habeas Corpus for Ruth Boadly. 3 April 1787. Found in RG33 Supreme Court Eastern District Habeas Corpus for Negro Slaves held at the Pennsylvania State Archives. Accessed July 2021.

<sup>115</sup> Charles Ball, *Slavery in the United States: A Narrative of the Life and Adventures of Charles Ball, a Black Man, Who Lived Forty Years in Maryland, South Carolina and Georgia, as a Slave Under Various Masters, and was One Year in the Navy with Commodore Barney, During the Late War* (New York: Published by John S. Taylor, 1837). 399.

Daily activities also provided opportunities for enslaved peoples to map out spaces of freedom or unfreedom. The movement between plantations as enslavers forced enslaved men and women to run domestic errands such as delivering mail, traversing roads to and from the market, or attending to enslavers as they traveled for business matters across state lines, like Ona Judge who attended Martha Washington from Virginia to New York following the inauguration of George Washington as the first president of the new nation, provided significant details about the geographies they inhabited. Man-made architecture like jail houses and places of concealment such as wooded areas served as checkpoints, denoting sites of danger or safety, respectively. However, in addition to lawless, enslavers also deemed enslaved and free(d) Black peoples as “ungeographic.”<sup>116</sup> The rhetoric of “spiriting away” in fugitive advertisements denounced enslaved people’s ability to chart their surroundings and map out routes of escape. It was also a public affirmation of the benevolent slaveholder’s concern for his human chattel.<sup>117</sup> According to Roberts, Hannah did not escape willingly, she was abducted. Whether or not Will, Hannah, or Ruth were recaptured, it is likely that they would have shared their experience and any information about their surroundings they had gleaned on their route to freedom with their own kinship networks. Perhaps they used what they had learned to escape again, this time evading certain dangerous spaces that they noticed during their first attempt and/or traversing an entirely different route altogether in order to reach freedom. Regardless of how they attained the information, Black peoples legal and geographical acumen coalesced into an understanding of

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<sup>116</sup> McKittrick, *Demonic Grounds*, xii-xiii.

<sup>117</sup> Wong, *Neither Fugitive nor Free*, 78.

space that circumvented the current spatial hierarchy enforced by white slaveholding Pennsylvanians and attempted to make real their conceptualization of Pennsylvania “free soil.”<sup>118</sup>

Thousands of advertisements published in newspapers like *The Pennsylvania Gazette* throughout the late colonial and early republican period highlight the potential routes of freedom enslaved men and women might have taken as well as the spaces in which they claimed their freedom. Because the Act effectively defined Pennsylvania as a place of freedom (despite the convoluted legal landscape under which the emancipation process often occurred), large numbers of enslaved people escaped bondage through their ability to disappear in new Black communities in and around Philadelphia and its environs. An article in the *Journal and Advertiser* stated that twenty-year-old Jenny disappeared “either to New-York or Baltimore” whereas another advertisement supposed Belinda and Clem “to be somewhere near Philadelphia.”<sup>119</sup> Cities like London or Philadelphia and the larger number of free(d) Black peoples in these urban centers provided anonymity to self-emancipated peoples as well as a community network for support. Moreover, while the PAS worked through more “official” channels to extend the territorial limits of Pennsylvania abolition, free and enslaved men and women asserted their own free-soil principles in every possible arena.<sup>120</sup>

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<sup>118</sup> Erica Armstrong Dunbar and Cleve K. Van. *Never Caught, the Story of Ona Judge: George and Martha Washington's Courageous Slave Who Dared to Run Away* (New York: Aladdin, 2019). For the ways in which Black people challenged the spatial geographies of enslavers, see: McKittrick's *Demonic Grounds*, Saidiya Hartman's *Scenes of Subjection*, Walter Johnson's *Soul by Soul*, as well as Stephanie M. H Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: The University of North Carolina Press, 2004). For the ways in which northern enslavers reasserted their spatial dominance, in both the physical and imaginary realm, see: Marc Howard Ross, *Slavery in the North: Forgetting History and Recovering Memory* (Philadelphia: The University of Pennsylvania Press, 2018).

<sup>119</sup>An ad published in the *Journal and Advertiser* on December 8, 1788 and December 16, 1872. Accessed via the *Freedom on the Move Project: Rediscovering the Stories of Self-Liberating Peoples* online database. Accessed Spring 2022. <https://freedomonthemove.org/>

<sup>120</sup> For more on the *Somerset v. Stewart* decision, see: Paul Finkelman, “Somerset V. Stewart.” *African American Studies Center*. Oxford University Press, 2006. <https://doi.org/10.1093/acref/9780195301731.013.45039>.

Enslaved and free Black peoples carved out space for themselves by establishing communities, churches, businesses and other institutions, thereby challenging the spatial logics of white Pennsylvanians invested in slavery. Small acts of dissention such as allowing children to play within the boundary of Pennsylvania muddled the physical and imagined demarcations between “free” and “enslaved.”<sup>121</sup> In the case against Alexander Ewing, Robert, Quash, Wallace, and the other enslaved men and women attempted to take advantage of the six-month sojourner addendum outlined in the 1780 Act. Despite Ewing’s orders to sleep at quarters he designed to contain the enslaved in Maryland, Willy (presumably acting in some capacity as an overseer) testified that he often woke Robert and the others up from their attempts to sleep at the Pennsylvania residence. Ivan Griffith participated in a similar endeavor. Willy also testified that he witnessed Ewing himself driving the enslaved out of his Pennsylvania kitchen and back across the state boundary. By attempting to sleep over within Ewing’s residence and, more broadly, Pennsylvania territory, Robert and the enslaved instituted a form of spatial resistance that utilized their own geopolitical literacy to simultaneously traverse the convoluted geographies between free and enslaved and circumvent slaveholding authority over space and place.<sup>122</sup>

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<sup>121</sup> For more on black free-soil ideology, see, Lucien Holness, “Between North and South, East and West: The Antislavery Movement in Southwestern Pennsylvania, 1780–1865.” The University of Maryland, College Park, 2019. For more on black geographies as well as black geographies of resistance see: Marisa J Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia: The University of Pennsylvania Press, 2016).; Cheryl Janifer LaRoche, *Free Black Communities and the Underground Railroad: The Geography of Resistance* (Urbana: The University of Illinois Press, 2014).; Martha S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America* (New York: Cambridge University Press, 2018).; Gary Nash, *Forging Freedom: The Formation of Philadelphia’s Black Community, 1720-1840* (Cambridge: Harvard University Press, 1988).; Damian A. Pargas, Stanley Harrold, and Randall M. Miller. *Fugitive Slaves and Spaces of Freedom in North America* (Gainesville: The University Press of Florida, 2018).

<sup>122</sup> Samuel Willy, Litigant Statement. 14 March 1787. Box 9, Folder 1. Mss. Coll. 151 Series V. 1773-1787, “Slavery Material” in Jasper Yeates Papers. American Philosophical Archives, Philadelphia, P.A. Accessed 31 July 2018.; Willy and Ivan Griffith. Litigant Statement. 14 March 1787. Box 9, Folder 1. Mss. Coll. 151 Series V. 1773-1787, “Slavery Material” in Jasper Yeates Papers. American Philosophical Archives, Philadelphia, P.A. Accessed 31 July 2018.



While African Americans applied their own spatial logic, that of free soil, to Pennsylvania territory following the passage of the 1780 Act, the occupation of space by white Pennsylvanians, specifically white Pennsylvanian enslavers, and the projection of their own spatial hierarchy, thwarted Black free-soil principles in every possible way. In some cases, this resulted in the forcible relocation of enslaved peoples into the surrounding slave states or deeper south, or the tethering of enslaved people outside the boundary of Pennsylvanian “free” soil through legal or geographical positioning. Alexander Ewing used violence to physically drive Robert, Quash, Wallace, Jane, Ruth, and the other enslaved across the Mason-Dixon Line into Maryland on multiple occasions. Other Pennsylvania enslavers simply moved into new states like Ohio and Kentucky bringing their human chattel with them as western territories opened to settlement or they moved south, where the institution of slavery remained unthreatened. The performance of physically removing enslaved peoples beyond the territorial reach of the 1780 Act reinforced the notion that Pennsylvania territory remained property exclusive to the vested interests of free whites, even if the state no longer appeared to sympathize with slaveholding interests. Still more enslavers simply remained unmoved by the new legislation and sought to carefully articulate the limits of gradualism to retain the current spatial hierarchy. Enslavers continuously attempted to regain their self-emancipated property through the coopting of ordinary citizens as extralegal surveillance or the hiring of slave catchers. Cryus Jacobs employed Pennsylvania attorney Jasper Yeates to publish a fugitive slave ad in the local paper in an effort to recover twenty-five year old Natt who previously liberated himself from Jacobs.<sup>2</sup> In his request to Yeates for the runaway ad, Jacobs included a note that he had employed

headhunters to find and “watch” Natt.<sup>123</sup> Although slave catchers discovered many fugitives like Natt and remanded them back into bondage, many more still evaded recapture, finding refuge within Pennsylvania. It is the circumvention of white slaveholding notions of space through the collaboration of the PAS and Black people that historians argue resulted in the creation of Pennsylvania as a borderland, a convoluted space in which proslavery and antislavery forces collided as slaveholders went to extreme lengths to rearticulate a spatial hierarchy that maintained the racial and economic domination of Black Americans.<sup>124</sup>

The juxtaposition between these two very different spatial logics – that of enslavers intent on retaining the social, economic, and political benefits of slavery and the conceptualization of Pennsylvania “free soil” – encapsulates Edlie Wong’s notion of a “predicament of territorialized freedom.”<sup>125</sup> Slavery continued to operate within Pennsylvania well into the nineteenth century, albeit in declining numbers despite the newly imagined legal and geographical boundary created by gradual abolition that attempted to draw a hard line between Pennsylvania freedom and surrounding spaces of unfreedom. Less than a decade later, in 1788, Pennsylvania’s General Assembly issued multiple addendums to their previous legislation, which closed many of the loopholes in the original Act that enslavers attempted to exploit. The 1788 amendments redefined more strictly the concepts of residency and sojourning. Yet the evolving issues of residency, jurisdiction, and sovereignty within the early republic only raised further questions

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<sup>123</sup> Jacobs, Cyrus. Letter and Advert to Jasper Yeates. 14 March 1787. Box 9, Folder 1. Mss. Coll. 151 Series V. 1773-1787, “Slavery Material” in Jasper Yeates Papers. American Philosophical Archives, Philadelphia, P.A. Accessed 31 July 2018.

<sup>124</sup> Herzog, *Frontiers of Possession*, 1-4. In his work, “Lucky to be Born in Pennsylvania,” Richard Newman makes the argument that Pennsylvania was a contested borderland between slaveholder and enslaved geographies, both legal, ideological, and geographical. This work seeks to build on that argument by looking at how this played out in cases involving the literal border itself. Newman, “Lucky to Be Born in Pennsylvania,” 413–430.

<sup>125</sup> Wong, *Neither Fugitive nor Free*, 7.

about how best to interpret the spatiality of abolition in an increasingly sectional environment. As white Pennsylvanians found new ways to exploit the conservative nature of the 1780 Act, neighboring states such as New York and New Jersey, passed their own abolition laws and territories in the west keen on entering the union launched debates over the relationship between slavery and state into the national arena. Although the new amendments strengthened gradualisms border-making politics along the Pennsylvania periphery during this transitory period and reinforced the notion of Pennsylvania as separate from its slaveholding neighbors in the south, the lived experiences of enslaved peoples in the state reflected a much different reality.

## Chapter Two – Abolition “*Sub Modo*”

Pennsylvania legislators passed several amendments to the Act for the Gradual Abolition of Slavery in 1788. These provisions, adopted less than a decade after the 1780 Act, served to clarify the original record and attempted to close many of the loopholes found in the previous legislation that enslavers, such as Ewing, had exploited. The new amendments placed restrictions on the sale of enslaved peoples out of the state, clarified the registration requirements, and limited the separation of enslaved families to ten miles. The new legislation also attempted to resolve issues related to sojourning and slavery in Pennsylvania by more strictly defining the concept of residency. According to Section II of the 1788 amendments, enslaved persons attending to individuals traveling through the state were not subject to Pennsylvania gradualism unless they traveled with a Pennsylvania resident or someone “who shall come here with an intention to settle and reside.”<sup>126</sup> Consequently, the concept of residency took on added import as issues of sovereignty, jurisdiction, and power recast the importance of space in Pennsylvania gradualism in the early republic. This chapter examines how changing interpretations of who was and was not considered a resident (and when they became a resident) more clearly defined the territorial extent of gradualism and mutually reinforced a collective understanding of the state’s geopolitical boundary through legal praxis.<sup>127</sup>

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<sup>126</sup> Thomas Mifflin, *State of Pennsylvania, an Act to Explain and Amend an Act, Entitled, “An Act for the Gradual Abolition of Slavery.”* Vol. no. 45332. Philadelphia: Printed by T. Bradford, 1788. See also Commonwealth of Pennsylvania. ““An Act to Explain and Amend an Act Entitled ‘An Act for the Gradual Abolition of Slavery’” (March 29, 1788). *Encyclopedia Virginia*. Virginia Humanities, Dec. 2020. Accessed Jul. 2022.

<sup>127</sup> Martha S. Jones’ examines the concept of residency as it relates to Black political participation and activism in Maryland. I’ve relied a lot on her analysis throughout this chapter and chapter three because the questions that are being raised regarding the concept of residency or the terminology about “freemen” in Pennsylvania during this period is indicative of or mirrors similar conversations that are happening across the different states as well as at the national level. Martha S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America* (New York: Cambridge University Press, 2018). See also David W Blight and Jim

The interlude between the 1780 Act's enactment and the 1788 revisions had, of course, witnessed the end of the American Revolution and the transformation of formerly British citizens into citizens of the newly created United States. Residency in the new nation afforded individuals with the protections and privileges embedded in each state's constitution, and eventually, the national constitution. Though this is often readily associated with voting rights and property rights in the early nineteenth century, this chapter is less concerned with the former and more so concerned with the ways in which ideas about residency intersected with assertions about property rights and changing understandings of "state space" in the second decade of Pennsylvania gradualism.<sup>128</sup>

When Pennsylvania legislators passed the 1780 Act they expanded the governing policies of the state constitution to include the organization of spaces deemed free or unfree. This meant a reordering of Pennsylvania geographical, jurisdictional, and legislative territory around

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Downs, *Beyond Freedom: Disrupting the History of Emancipation* (Athens: The University of Georgia Press, 2017). and Nash and Soderlund's *Freedom by Degree's* for more on the "intended residency" clause. 127.

<sup>128</sup> In his introduction to *Boundaries and Belonging*, Joel Migdal reveals the importance of "different spatial logics" to the meanings imposed upon state borders as well as how state borders "encase the mechanisms that make the decisive rules governing people's lives." This chapter examines the interconnected nature of changing notions of residency in relation to the 1780 Act and its subsequent addendums. The concept of residency was crucial to shaping the perception of an individual's relationship to the state as well as the state's authority to dictate on matters of slavery and freedom across the different geographies of law, society, and politics. The interplay between residency, gradualism, and the development of the "state" at the turn of the century not only helped to solidify Pennsylvania's geopolitical boundary but it also served to establish Pennsylvania's early territorial claims as a "free state." Indeed, Migdal argues "Not only does law set out the ways of doing things, it also projects an essential part of the image of the state, as when it denotes the whole body of rules, institutions (such as courts) associated with them, and their affective component... People are classified by whether they stay within state laws (law-abiding) or step outside them (lawbreakers). State law, then, both prescribes behavior within the boundaries of the state and symbolically demarks those boundaries by signifying the realm and limits of the state's law." While this chapter focuses on the co-reflexive role of residency and gradualism in the solidification of Pennsylvania's geopolitical boundary, subsequent chapters in this dissertation will explore how racism, disenfranchisement, and de-facto segregation rearticulated Pennsylvania's geopolitical boundary as a literal and imagined border that surrounded a white republic. For more, see Joel S Migdal, "Mental Maps and Virtual Checkpoints: Struggles to Construct and Maintain State and Social Boundaries," found in *Boundaries and Belonging: States and Societies in the Struggle to Shape Identities and Local Practices*. Edited by Joel S. Migdal. (Cambridge: Cambridge University Press, 2004). 5, 13.

gradualism. Pennsylvania residents, especially slaveholding residents and enslaved peoples, became acutely aware of “the state” as they either attempted to circumvent or make real the promises of the 1780 Act. While individuals living in the interior of Pennsylvania were less likely to pay as close attention to the exact location of the state’s territorial limits, border dwellers, border crossers, and the legal counsels that represented them, had to reorganize their understanding of space through the lens of gradualism. Along the Mason-Dixon Line, especially. Consequently, Pennsylvania became home to two distinct manifestations of the state’s emerging identity, that of “free soil” and that of a “free state.” Ideologies that were at once conflicting and overlapping. While white Pennsylvanians may have coopted “free soil principles” without delegitimizing the unique framework of gradualism that allowed “term slavery” to exist, they also had a vested interest in ensuring one emergent framework over the other.<sup>129</sup> The 1788 addendums and the subsequent discussions about the relationship between residency and gradualism in the early republic served to weaponize whiteness and blackness and placed limits on Pennsylvania’s “free” borders. Just as slavery and enslaved labor produced “state space” in places like South Carolina, gradual abolition contributed to the “bounded and knowable” territory of Pennsylvania that later represented both “free soil” and a “free state,” though each categorization held vastly different connotations.<sup>130</sup>

The evolution of Pennsylvania as both “free soil” and a “free state” in the early republic occurred along uneven terrain, taking on different meanings either socially or politically at

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<sup>129</sup> Richard S Newman, ““Lucky to Be Born in Pennsylvania’: Free Soil, Fugitive Slaves and the Making of Pennsylvania’s Anti-Slavery Borderland.” *Slavery & Abolition* 32, no. 3 (2011): 414. See also Sue Peabody and Keila Grinberg. “Free Soil: The Generation and Circulation of an Atlantic Legal Principle,” *Slavery & Abolition* 32, no. 3 (2011): 331–39.

<sup>130</sup> Ryan Quintana, *Making a Slave State: Political Development in Early South Carolina* (Chapel Hill: The University of North Carolina Press, 2018). 3-8.

different times and for different individuals. Enslaved and free(d) Black peoples conceptualized Pennsylvania as a site of free soil, as a literal “free state,” almost immediately following the passage of the 1780 Act. Fugitivity along with freedom suits represented two of the more significant ways in which these men and women worked to reify the promises embedded within gradual abolition and thereby transform Pennsylvania into a literal “free soil” state. Politically, however, the notion of “free soil” was often associated to the political party formed in the 1840s, the “free soilers.” This party adopted the “free labor, free soil” platform ensconced in David Wilmot’s Proviso published in 1846. As scholars have attested, despite the efforts of enslaved and free(d) Black peoples to bring into existence their conceptualization of “free soil,” Pennsylvania writ large did not adopt a “free soil” political or legal philosophy until the ten years before the American Civil War.<sup>131</sup>

Indeed, white Pennsylvanians could not fully adopt the moniker of a “free soil” state lest they delegitimize the exclusive privileges and rights associated with whiteness. In its most simplistic form, soil translated into landed property which translated into economic and political freedom. Ownership of land was required for an individual to be included in the body politic though this was also something that the founders intended to be exclusive to the new nation’s white male residents. In contrast, the civic mythos of a “free state” allowed Pennsylvanians to

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<sup>131</sup> Richard Newman contends that the conflict between Pennsylvania “free soil” in contrast to the widely accepted identification of Pennsylvania as a “free state” transformed the state into a mid-Atlantic borderland. However, while multiple geographies can and do often co-exist, varying political, social, or economic issues will force individuals to “create a hierarchy” and ultimately choose one geographical interpretation over the other. For Pennsylvanians, this meant embracing the “free state” ideology as it both protected interstate comity within a fragile union and allowed Pennsylvanians to dissociate from the resiliency of slavery in the state, especially as the state’s emerging identity solidified in the antebellum era. See full citation for Newman, ““Lucky to Be Born in Pennsylvania”” above. Additionally, Newman’s article is part of a larger special issue in *Slavery & Abolition* that examines the nuances and complexities of “free soil principles” in the Atlantic World. See the issue introduction here: Sue Peabody and Keila Grinberg. “Free Soil: The Generation and Circulation of an Atlantic Legal Principle,” *Slavery & Abolition* 32, no. 3 (2011): 331–39.

fulfill the legal principles of gradual abolition without the potential of extending political or social privileges to free(d) Black peoples who inhabited the state.<sup>132</sup> This “uneasy juxtaposition” was similar to how New Englanders adopted the mantle of a “free society.”<sup>133</sup> A “free” New England simply meant the absence of slavery.<sup>134</sup> Likewise, the manifestation of Pennsylvania as a “free state” following the enactment of gradual abolition allowed for the state legislature to position itself within a specific moral, political, legal, and ideological framework that became increasingly distinct from the South even as slavery persisted in a multitude of forms throughout the north.

The notion of a “free state” as a geopolitical body distinctly committed to an antislavery political and ideological stance came about in the early 1820s, following the Missouri Compromise. Prior to this, the idea of a “free state” generally described “a self-governing republic” not “that republic’s relationship to chattel slavery.”<sup>135</sup> States more commonly defined

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<sup>132</sup> Cory James Young asserts that Pennsylvania only became a free-soil state in 1848 in that the state’s 1847 legislation extended legal freedom to enslaved peoples who liberated themselves and crossed the Pennsylvania border, however, the 1847 law did not free those few remaining peoples still held in bondage within the state during this period. Consequently, slavery continued to persist in the state even after 1847 law was passed. See, Cory James Young, “For Life or Otherwise: Abolition and Slavery in South Central Pennsylvania, 1780-1847,” Georgetown University Press, ProQuest Dissertations & Theses Global. 2021. In contrast, Lucien Holness argues that Black residents conceptualized and attempted to reify Pennsylvania as a free-soil state from the moment the 1780 Act was ratified. See Lucien Holness, “Between North and South, East and West: The Anti-Slavery Movement in Southwestern Pennsylvania, 1780–1865.” University of Maryland, College Park, 2019. For more information on the free-soiler party, see: Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford University Press, 1970).

<sup>133</sup> Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and “Race” in New England, 1780-1860* (Ithaca: Cornell University Press, 1998). xii, 106, 119-120.

<sup>134</sup> *Ibid.*

<sup>135</sup> Kellen Heniford, “The Rise and Fall of a “Free” Delaware: The Missouri Crisis and the Invention of the Free State in the Mid-Atlantic.” *Journal of the Early Republic* 42, no. 2 (2022): 227-251. Quote derived from 230. See also: Kellen Heniford, “Slavery is Slavery: Early American Mythmaking and the Invention of the Free State.” Columbia University, 2021. Heniford’s dissertation expands on her article and will be accessible on June 30, 2023 here: <https://www.proquest.com/dissertations-theses/slavery-is-early-american-mythmaking-invention/docview/2561942567/se-2?accountid=8361>.



themselves as either slaveholding or “non-slaveholding.”<sup>136</sup> The process of inventing the “free state” was multifaceted. It developed within the high realm of politics as well as on the ground, as individual understandings of the state and its relationship to slavery evolved over time. For example, travelers, state legislators, and even Delawareans themselves often categorized Delaware interchangeably as either a free state or a slave state throughout the late eighteenth and early nineteenth century. New Jersey also assumed an ambiguous state classification in the early republican period though it did not become a true “free state” until 1865. Likewise, Pennsylvania did not become a true “free state” until the ratification of the Thirteenth Amendment at the end of the American Civil War though gradualism combined with the efforts of free(d) Black Pennsylvanians to adopt the state’s emerging identity more quickly. Even so, gradual abolition remained a convoluted process that continued to evolve in both its legislative form and in its legal praxis from the moment state legislators ratified the 1780 Act in Pennsylvania. It was, in essence, a legal, social, and political process subject to modification and qualifications, that is, abolition *sub modo*. The invention of the “free state” not only failed to “mirror reality on the ground,” throughout the North, it also undergirded white possession of both freedom and statehood –as well as all the tenements and privileges associated with being a resident of the state.<sup>137</sup>

During the nation’s transitional period following the conclusion of the American Revolution, state legislators negotiated the boundaries of residency and its corollary, citizenship, alongside the process of defining the state’s jurisdictional power in the developing nation. While

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<sup>136</sup> *Ibid.*

<sup>137</sup> Heniford, “The Rise and Fall of a “Free” Delaware,” 230. For more on the correlation between Pennsylvania gradualism, the state’s personal liberty law, and the pervasive misconception of Pennsylvania as a “free soil” state, see Cory James Young, “For Life or Otherwise,” pages 14-16, specifically 14fn41.

the ratification of the United States Constitution served as the ultimate framework for identifying citizens and so called residents, each state retained a level of jurisdictional authority over their individual inhabitants and similarly sought to define the connection or difference between residency and citizenship on the ground.<sup>138</sup> The Pennsylvania Constitution does not differentiate between the different terms – inhabitant, resident, denizen, subject, or citizen – but it does state that only a “foreigner of good character who comes to settle in the state” may be “entitled to all the rights of a natural born subject of this state.”<sup>139</sup> The 1780 Act omitted any references to citizenship or residency as well, except in regards to the punishment of enslaved or formerly enslaved persons. According to the state, Black peoples may only be recognized as residents of Pennsylvania if they “behaved” or maintained a “good character.”<sup>140</sup> Ten years later, in November 1790, James Carothers presented an enslaved woman named Poll with a deed of manumission and a request that “others respect Poll’s freedom of movement on the grounds that she behaved ‘herself as becometh a subject of said state.’”<sup>141</sup> Carothers articulated what was implied in Pennsylvania’s legislation. That Poll was only worthy of acknowledgement and respect if she behaved according to a specific standard of conduct imposed by white Pennsylvanians. This is not unlike the environment that free(d) Black peoples found themselves

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<sup>138</sup> Martha S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America* (New York: Cambridge University Press, 2018). Though Jones’ work addresses this entire concept, please see pages 35-71, 89-108 specifically for how laws, local policies, and racist ideology contributed to African American exclusion.

<sup>139</sup> *Pennsylvania State Constitution, The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe* --Washington, DC: Government Printing Office, 1909. Accessible through The Avalon Project, here: [https://avalon.law.yale.edu/18th\\_century/pa08.asp](https://avalon.law.yale.edu/18th_century/pa08.asp). Accessed Summer 2023.

<sup>140</sup> *Ibid.*

<sup>141</sup> Young, “For Life or Otherwise,” 238-240. See 239fn681 for direct quote.

in places like New Jersey and New England once each state passed their own gradual abolition legislation. Merely inhabiting the state did not generate the same rights and privileges as bearing the status of state citizen or resident.<sup>142</sup>

Pennsylvanians and other northerners struggled with how to categorize their growing free(d) Black population in the early republic. Formerly enslaved persons in New England occupied an “empty category” and continued to be exploited by white New Englanders.<sup>143</sup> In contrast, New Jerseyans instituted a plethora of racial categories and manipulated manumissions to impose various forms of unfreedom, legally and socially, onto the descendants of emancipated enslaved persons. Federal legislation in 1790 and 1792 “explicitly excluded people of African descent” in who could and could not be a resident of the state, and therefore a citizen, whereas the federal census defined formerly enslaved peoples as “all other free persons” cementing their position as “others” in the new nation.<sup>144</sup> Language similarly helped white Pennsylvanians differentiate between the state’s white residents from its free(d) Black inhabitants, whose existence within the state helped to affirm the conceptualization of Pennsylvania as a “free state,” but who remained distinctly exempted from social and political inclusion. Indeed, in Pittsburgh, Pennsylvania, in 1809, attorney William Wilkins claimed that who could and could

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<sup>142</sup> For more on the experiences of free(d) Black peoples in the north during, see Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and “Race” in New England, 1780-1860* (Ithaca: Cornell University Press, 1998).; Leon F. Litwack, *North of Slavery: The Negro in the Free States* (Chicago: The University of Chicago Press, 2009).; Leslie M. Harris (Leslie Maria), *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: The University of Chicago Press, 2003).; Jared Ross Hardesty, *Unfreedom: Slavery and Dependence in Eighteenth-Century Boston* (New York: New York University Press, 2016).; James J. Gigantino, *The Ragged Road to Abolition: Slavery and Freedom in New Jersey, 1775-1865* (Philadelphia: The University of Pennsylvania Press, 2015).

<sup>143</sup> Melish, *Disowning Slavery*, 88. and Gigantino’s *The Ragged Road to Abolition*.

<sup>144</sup> Manisha Sinha, *The Slave’s Cause: A History of Abolition* (New Haven: Yale University Press, 2016). 95. and Cory James Young, “From North to Natchez During the Age of Gradual Abolition.” *The Pennsylvania Magazine of History and Biography* 143, no. 2 (2019): 118.

not be considered “inhabitants must be restricted...otherwise it would include Women, girls, black and white – Slaves and Freemen – old Persons and Infants. This would be absurd.”<sup>145</sup>

Although residency was one of the most important tenets of citizenship, the “empty category” occupied by formerly enslaved persons denied them any of the privileges and rights associated with a legally recognized inhabitant of the state.<sup>146</sup> Questions about individual rights to citizenship, not just Black rights, but also the rights of immigrants, women, etc., began almost simultaneously with the ratification of the United States Constitution. These debates only increased with passage of gradual abolition laws throughout the North and ultimately reached their climax in the 1820s in conjunction with the Missouri Crisis. Over the next decade, states across the North disenfranchised free(d) Black peoples as race became a tool to legally distinguish citizens from noncitizens. The mythos of a “free north” relied on the symbolic and literal removal of enslaved persons from time and space and language became a powerful tool in this endeavor. It served to discredit free(d) Black peoples as anything other than fungible, inhuman, or othered. For example, state laws in Maryland regulated the movement of free(d) Black residents, establishing curfews and restrictions against Black owned businesses while Pennsylvanian’s considered a law that would require free(d) Black residents in Pennsylvania to pay a special tax that compensated their former enslavers for the financial loss they experienced because of gradual abolition. Even in newly organized states such as Ohio, free(d) Black peoples were prohibited from entrance or required to authenticate their free status. As terms such as

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<sup>145</sup> William Stewart, *Plaintiff in Error, vs. Wilkins Williams, William B. Foster & Al Judges of the Last Election for Pittsburgh Borough*. September 8, 1809, Box 38 Found in Jasper Yeates Papers, 1733-1876, Collection #740, Series 3: Legal and Miscellaneous. The Historical Society of Pennsylvania, Philadelphia Pennsylvania. Accessed June 2021.

<sup>146</sup> Melish, *Disowning Slavery*, 88.

citizen and resident became increasingly racialized, discussions about the potentialities and limitations of a “free” Pennsylvania took on added import during the transitional period after the American Revolution.<sup>147</sup>

In the aftermath of the war, the new nation experienced an explosion of bodily movement that only expanded slavery’s reach into the North American interior. The failed British imperial experiment that was the Proclamation Line of 1763, which attempted to restrict colonial settlement past the Appalachian Mountains, ceased to exist at the declaration of American independence. According to historian Elizabeth Kiszonas, “By 1800, Ohio had gone from a virtual wilderness on the eve of the Revolution to a territory more populous than most of the original thirteen colonies had been at the time of the Revolution, while Kentucky had become the largest community west of the Appalachian Mountains.”<sup>148</sup> The opening of the frontier and the decline of deference that followed the Revolution encouraged a new generation of white settlers who hoped to capitalize on the political and economic independence promised by land ownership to move into the West. This westward expansion included the forced migration of enslaved peoples as slaveholding settlers traveled through Pennsylvania or Virginia territory to seek out new business ventures or to invest in landed property. A form of eastward expansion also occurred as colonial loyalists evacuated the continent at the conclusion of the war, bringing with them their human chattel, and relocated to Nova Scotia, Jamaica, or other British owned territory at the time. The forced march of enslaved men and women East, West, and South across

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<sup>147</sup> Samantha Seeley, *Race, Removal, and the Right to Remain: Migration and the Making of the United States* (Chapel Hill: Omohundro Institute and University of North Carolina Press, 2021). 235-6.; Jones, *Birthright Citizens*, 25.

<sup>148</sup> Elizabeth Kiszonas, “Westward Empire: George Berkeley’s ‘Verses on the Prospect of Planting of Arts’ in American Art and Cultural History.” The University of Arkansas, ProQuest Dissertations Publishing. 2019. <https://www.proquest.com/dissertations-theses/westward-empire-george-berkeley-s-verses-on/docview/2299502862/se-2?accountid=8361>. 124.

Pennsylvania's landscape became a common sight for enslaved and free(d) inhabitants when combined with the growth of the interstate slave trade. Indeed, throughout the early decades of gradual abolition, enslavers vast network of connections scored across Pennsylvania's topography and reinforced the state's complicated relationship to slavery.<sup>149</sup>

The 1780 Act and the 1788 addendums attempted to regulate the movement of enslaved peoples into and through Pennsylvania by establishing the six-month sojourner provision and the "intended residency" clause. The sojourner provision made it difficult for travelers to stay for extended periods of time in the state whereas the "intended residency" clause provided an additional measure to discourage enslavers from entering the state with their human chattel. Individuals who travelled through Pennsylvania and expressed any interest in becoming a permanent resident of the state could be subject to legal action under the 1780 Act. Antislavery advocates often skillfully used the "intended residency" clause in legal cases that involving sojourners or freedom suits citing Pennsylvania's history of unclear geographical and judicial boundaries. In Cassandra and Lydia's case against Aberilla and Samuel Blackmore in 1797, Lydia and Cassandra's defense John Ross claimed,

"It has been urged, that Blackmore was *adscriptus glebae* in March 1780. Does this make him an inhabitant, within the accurate intent of the law? Would foreigners, entitled to lands within this state, or the citizens of sister states, holding lands here by their tenants, be deemed inhabitants of this state? Could either description of persons, resident under other governments and laws, deluge the country with a flood of slaves, within the meaning of the law, whose professed object was 'to extend a portion of that freedom to others, which had been extended to us? Nor can it be reasonably asserted, that the *animus revertendi* will constitute an inhabitancy. It must be an actual resident, a *possessio pedis* which alone can affect it."<sup>150</sup>

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<sup>149</sup> *Ibid.* 124.; Colin G. Calloway, *The Scratch of a Pen: 1763 and the Transformation of North America* (Oxford: Oxford University Press, 2006).; Maya Jasanoff, *Liberty's Exiles: American Loyalists in the Revolutionary World* (New York: Alfred A. Knopf, 2011).

<sup>150</sup> *Republic vs. Aberilla Blackmore*, Reports of Cases Abridged in the Supreme Court of Pennsylvania. By the Honorable Jasper Yeates, Volume II. Philadelphia: Printed and Published by John Bioren, No 83, Chesnut Street.

Ross's statement opposed Henry Hugh Brackenridge's argument that Samuel Blackmore was a resident when he purchased land in Washington County, Pennsylvania and became "tied to the soil," or *adscriptus glebae*, in March of 1780. Yet Blackmore did not physically reside in Pennsylvania at the time. He merely owned land in the state. Ross also claimed that the Blackmore's intention to relocate to Pennsylvania, using the phrase *animus revertendi*, did not "constitute an inhabitancy" within the state, rather he had to dwell on the property physically, that is *possessio pedis*, in order to be considered a legal resident of the state and ensure the validity of the Blackmore's registration of Lydia and Cassandra.<sup>151</sup>

The semantic difference between sojourning, residency, and inhabitant became increasingly important after the 1788 addendums not only because of the rights and privileges -or lack thereof- attributed to each category within the state, but because of growing national debates about the place of free(d) Black peoples within the new nation. State and national legislators grew increasingly concerned about how this growing population would fit within a newly defined class of American citizens. For example, several Pittsburgh judges recently elected in 1809 became defendants in a case that debated the differences between inhabitants, freeholders and housekeepers, aliens and foreigners. Wilkins Williams and Williams B. Foster, two of the judges hearing the case, questioned the naturalization process of Pennsylvania's newest residents. They wondered whether six months was enough to be considered an inhabitant and

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1818. 234-240. Held at LancasterHistory, Lancaster, PA. Accessed June 2021. Quote derived from 236. Yeates' handwritten trial notes paraphrased Ross' argument to: "How many foreigners hold lands here? Merely holding lands in the state will not do. Putting a tenant on the land will not make the Landlord an Inhabitant. An intention to come and reside will not affect a Residence." Yeates Handwritten Trial Notes, Box 24, Folder 6. Found in Jasper Yeates papers, 1733-1876, Collection #740, Series 3: Legal and Miscellaneous. The Historical Society of Pennsylvania, Philadelphia Pennsylvania. Accessed June 2021. See also Nash and Soderlund's *Freedom by Degree's* for more on the "intended residency" clause. 127.

<sup>151</sup> *Ibid.*

thus receive voting rights or if it should be a year. Likewise, Williams and Foster surmised whether or not the duration of an individual's stay within the state should be combined with property ownership in order for them to be legally considered a Pennsylvania resident. In other words, the two men questioned if naturalization should only be limited to someone who had not only been in the state for a specific period of time but who also owned a home or plot of land and paid the county's taxes. Because Pittsburgh had only recently been incorporated as a borough in Pennsylvania in 1794 the debate centered around who was entitled to the privileges associated with being a member of the Pennsylvania body politic and who was not. Ultimately, Pittsburgh's Act of Incorporation did not include any explicit language about citizenship, excepting a statement that any elected individual must be a citizen, yet where the language was not specific, by English Common Law, "it was as proper to exclude an Alien, as a Woman or an Infant."<sup>152</sup> Moreover, according to the judges, an ordinance passed in April of 1804 further restricted who could have such privileges by stating that "all taxes should be levied and assessed on real property only."<sup>153</sup> In the early republic, property ownership remained largely an exclusive privilege of white men.<sup>154</sup> Moreover, the judges concluded that while an individual may reside in

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<sup>152</sup> William Stewart, *Plaintiff in Error, vs. Wilkins Williams, William B. Foster & Al Judges of the Last Election for Pittsburgh Borough*.

<sup>153</sup> *Ibid.*

<sup>154</sup> Enslaved and free(d) Black peoples did accumulate property though it was not always recognized as such because of state laws or societal constructs that restricted property ownership among Black Americans. However, historians such as Dylan Penningroth, have worked to illustrate the complexity of property ownership among enslaved and free(d) Black peoples. See: Dylan Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth Century South* (Chapel Hill: The University of North Carolina Press, 2002).; Graham Hodges, *Root and Branch: African Americans in New York and East Jersey, 1613-1863* (Chapel Hill: The University of North Carolina Press, 1999).; Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Cambridge: Harvard University Press, 2003).



the state, such as a free(d) Black person or sojourners merely travelling through, they may not be considered a true resident of the state.<sup>155</sup>

Because a state's legal jurisdiction only applied to an inhabitant of the state, that is, an individual physically within the state, and the number of residents contributed to a state's political power to dictate to the national legislature, who qualified as a resident and when became a serious topic of debate in gradual abolition cases during this transitional period. Sojourning and the various interpretations of the "intended residency" provision increasingly produced tension between Pennsylvania and her neighboring slaveholding states. Because the "intended residency" measure extended the jurisdiction of Pennsylvania's legal counsel over interstate migrants as a way to manage new arrivals in the state, be it free or enslaved, it theoretically placed an individual into the liminal space between competing state jurisdictions.<sup>156</sup> Much like their opposition, proslavery attorneys, such as Brackenridge, attempted to use this to their client's advantage. For example, in the 1793 case involving Joseph Brown and an enslaved man named Charles, Brackenridge argued that Brown remained an inhabitant of Virginia at the time of the 1780 Act and therefore the case did not fall within Pennsylvania's jurisdiction. The case against Brown was predicated upon whether he adequately fulfilled the registration requirements of the 1780 Act. Brown stood accused of harboring Charles in Washington County,

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<sup>155</sup> The 1788 addendums placed increase emphasis on defining who was and was not an "inhabitant" or "resident" of the state just as transformations began to take place in the new national government that raised questions about the legal sovereignty of individual states, and later, the power of individual states within the federal government. As scholars have shown, residency played an important role in the legal sovereignty of a state because it reinforced the states authority over specific individuals, but it was also used to measure the state's political power in the union. For more, see: Peter S. Onuf, *Statehood and Union: A History of the Northwest Ordinance* (Bloomington: Indiana University Press, 1987).; Peter S. Onuf, *The Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775-1787* (Philadelphia: The University of Pennsylvania Press, 1983). Quote derived from Onuf, *Statehood and Union*, 53.

<sup>156</sup> Peter S. Onuf, *The Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775-1787* (Philadelphia: University of Pennsylvania Press, 1983). xv-xvi.

Pennsylvania, formerly part of Westmoreland County, Virginia. However, according to the depositions, Brown's registration failed to include the specific township in which he lived. It merely cited Westmoreland County, part of which had been annexed by Pennsylvania not even a decade prior to the case. Consequently, the lawsuit disputed which state, Pennsylvania or Virginia, held legal jurisdiction over the case. As Brown's defense, Brackenridge argued that "it did not lie in the power of Pennsylvania to make a Law to (enter?) this Property under any Restriction..."<sup>157</sup> Brackenridge made a similar argument in his defense of the Blackmores just a few years later when he argued that Blackmore "was a free holder...and could not be expatriated without his own consent" because of the ambiguous nature of Pennsylvania's frontier, the "dubious jurisdiction" of Washington County, and the seemingly unclear timeframe in the gradual abolition legislation about *when* an inhabitant became a naturalized resident therefore subject to the tenets of the 1780 Act.<sup>158</sup> As one of the Justices in the judicial proceeding, Yeates' questioned what type of precedent the case against Brown might set regarding the territorial extent of Pennsylvania gradualism.

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<sup>157</sup> Mr. D. Brackenridge, Defense Statement. 14 May 1793. Box 22, Folder 1. In Jasper Yeates Papers Collection #740. Series III. Legal and Miscellaneous. 1793-1794. The Historical Society of Pennsylvania, Philadelphia, P.A. Accessed 3 July 2019.

<sup>158</sup> *Ibid.* I included language from both Yeates' written case notes during the original hearing at the Supreme Court as well as the published copy of the trial recorded by the clerk of the peace and then published in 1818 by Yeates. The difference between the two is stark. Taking into account that Yeates' transcribed the arguments being presented for him during the trial itself and likely rushed, the difference in the language of the notes nevertheless highlighted the points Yeates seemed to consider most important. Including such concepts as "dubious jurisdiction" and how Brackenridge defined an "inhabitant." The latter source provided a more clearly detailed examination of the arguments being made by the attorneys themselves. Yeates Handwritten Trial Notes, Box 24, Folder 6. Found in Jasper Yeates papers, 1733-1876, Collection #740, Series 3: Legal and Miscellaneous. The Historical Society of Pennsylvania, Philadelphia Pennsylvania. Accessed June 2021.; Republic vs. Aberilla Blackmore, Reports of Cases Abridged in the Supreme Court of Pennsylvania. By the Honorable Jasper Yeates, Volume II. Philadelphia: Printed and Published by John Bioren, No 83, Chesnut Street. 1818. 234-240. Held at LancasterHistory, Lancaster, PA. Accessed June 2021. Quote derived from 236.

Because Brown's registration failed to include more specific information about where he resided and only recorded the county, Yeates' expressed concern that judging in favor of Charles might extend freedom well beyond the jurisdictional limits of Pennsylvania gradualism. He argued that "the general register of the County at Large and this Construction would emancipate all the Negroes in Westmoreland," not just the region annexed by Pennsylvania but also the part of the county that still belonged to Virginia.<sup>159</sup> The case illustrated a distinct spatial awareness of where the literal and imagined boundary of freedom began and ended, at the Pennsylvania state line, even though specific units of measurement remained absent from the witness testimonies. More importantly, Yeates' concern reflected the growing tension between Pennsylvania and neighboring states as Pennsylvania increasingly became a "freedom destination" just as the national commitment to slavery tightened in the wake of the revolution.<sup>160</sup> By participating on cases that questioned the territorial extent of Pennsylvania gradualism, local attorneys and adjudicators like Yeates inadvertently became abolitionists' informal gatekeepers, negotiating a changing logic about "free states" on the ground.<sup>161</sup>

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<sup>159</sup> Mr. D. Brackenridge, Defense Statement. 14 May 1793. Box 22, Folder 1. In Jasper Yeates Papers Collection #740. Series III. Legal and Miscellaneous. 1793-1794. The Historical Society of Pennsylvania, Philadelphia, P.A. Accessed 3 July 2019. Christopher Tomlins does an excellent job examining the evolving role of jurisdictions in legal praxis in his work *Freedom Bound*. See Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing America, 1580–1865* (Cambridge: Cambridge University Press, 2010).

<sup>160</sup> Richard S. Newman, "'Lucky to Be Born in Pennsylvania': Free Soil, Fugitive Slaves and the Making of Pennsylvania's Anti-Slavery Borderland." *Slavery & Abolition* 32, no. 3 (2011): 420. Witness Statements and Trial Record, 14 May 1793. Box 22, Folder 1. In Jasper Yeates Papers Collection #740. Series III. Legal and Miscellaneous. 1793-1794. The Historical Society of Pennsylvania, Philadelphia, P.A. Accessed 3 July 2019. Clerk Entry for Manumission on 10 March 1798 in The Register of Negro and Mulatto Slaves, 1780. Photocopy of Handwritten Record held at Lancaster History. Lancaster, PA. Accessed June 2021. For a more extensive examination of registration and census records, see Young's "For Life or Otherwise."

<sup>161</sup> J. Holahan, "A Peek at Jasper Yeates: Lawyer, Delegate, Reporter." *Lancaster New Era* (2000, Nov 02). Retrieved from <https://search.proquest.com/docview/374729374?accountid=8361> Accessed March 31, 2022. Charles I. Landis, A. Greggor, J. Ross, Jasper Yeates, W. Bradford, Tho McKean, Wm Irvin, et al. "Jasper Yeates and His Times." *The Pennsylvania Magazine of History and Biography* 46, no. 3 (1922): 199-231. The changes in legal praxis in the early republic well documented, though two of the works that I relied on most for this dissertation

From 1780 to 1826, Pennsylvania registrations became a powerful tool at both the state and local level in identifying between free(d) and enslaved inhabitants. By requiring slaveholding residents and future residents of Pennsylvania to register their human chattel with a county clerk, the 1780 Act and its later amendments created a system for ordering Black peoples, either free or enslaved, within the state. These early registrations not only recorded the number of enslaved persons who remained enslaved for life as well as those who would eventually become free under Pennsylvania gradualism at the age of twenty-eight, but the records also served as a unique form of censuring the state's Black population as they moved throughout gradualisms various stages of unfreedom. Registration and manumission books recorded the name of the enslaved, their age, gender, and their location vis a vis their enslaver. For example, according to the Lancaster County register, Jasper Yeates registered a twenty-two-year-old woman named Phyllis, a twenty-year-old woman named Patty, and a sixteen-year-old named Pryne, all of whom Yeates registered as "slaves for life."<sup>162</sup> In contrast to the registration of enslaved peoples for life or for a term were recorded manumissions. For example, John Woodhull of Monmouth County, New Jersey manumitted James in 1799 "so that he may make Bargains and Contracts for himself" whereas James Evans' "forever Quit claim all right and Title to" Toby "to be a free person to all intents and purposes and constructions whatsoever."<sup>163</sup>

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are Tomlins, *Freedom Bound*, cited above and Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: The University of North Carolina Press, 2009).

<sup>162</sup> Clerk Entry on 14 September 1780 in The Register of Negro and Mulatto Slaves, 1780. Photocopy of Handwritten Record held at Lancaster History. Lancaster, PA. Accessed June 2021.

<sup>163</sup> Clerk Entry for Manumission on 19 March 1799 in The Register of Negro and Mulatto Slaves, 1780. Photocopy of Handwritten Record held at Lancaster History. Lancaster, PA. Accessed June 2021. Clerk Entry for Manumission on 10 March 1798 in The Register of Negro and Mulatto Slaves, 1780. Photocopy of Handwritten Record held at Lancaster History. Lancaster, PA. Accessed June 2021.

Registrations also served to record the influx of slaveholding immigrants that escaped the Haitian Revolution with their human chattel who might bring to the United States dangerous notions of Black liberation at the turn of the century. As scholars have attested, the Haitian Revolution was arguably the most radical of the democratic movements in the Age of Revolutions. What began as a parallel movement within the French Revolution culminated not only with Haitian independence, but also the universal and immediate abolition of slavery as well as the extension of citizenship to all formerly enslaved peoples on the island. The first “modern Black nation” shocked the white world and images of a violent rebellion became a tool to justify the institution of slavery, white supremacy, and ultimately, the disenfranchisement of free(d) Black peoples.<sup>164</sup> At the same time, however, the revolution became an inspiration for future abolitionists and enslaved peoples alike.<sup>165</sup> Haiti’s independence became a central argument in British abolitionists’ attempts to outlaw the transatlantic slave trade and sparked enslaved rebellions, such as Gabrielle Prosser’s rebellion in Virginia in 1800, throughout the Atlantic World. The revolution also resulted in the mass exodus of enslavers who fled the newly independent nation hoping to reestablish their plantations in more tolerant areas, including Cuba, South Carolina, Virginia, and even non-slaveholding locations like Pennsylvania. It is unsurprising then, that the Pennsylvania General Assembly reasserted the state’s claims to freedom by blocking additional state legislation in 1793 that could have extended special exemptions to former French enslavers. However, state legislators were less concerned by the number of slaveholders who wanted to become permanent residents of the state and more so by the human chattel that they might have brought with them. Registration records served as a vital

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<sup>164</sup> Sinha, *The Slave’s Cause*, 35.

<sup>165</sup> Sinha, *The Slave’s Cause*, 53.

tool for the Pennsylvania Assembly to track any changes to the number of enslaved, term slaves, and formerly enslaved peoples in the state and ensure that the tenements of gradualism continued to be upheld.<sup>166</sup>

Once the Federal Census began in 1790, enumeration records supplemented manumissions and registration records in the ordering of Black people's position and movement in the state. Like the others, these records included the name, age, and location of the enslaved, though enumerations also included the birthdate of the individual named in the return to ensure that enslavers did not take advantage of termed slavery. David Smith returned a young child named Pompey born on September 1<sup>st</sup>, 1797, while David Breeding returned a young, enslaved child named Jane. Breeding's return also stated that Jane was the daughter of a formerly enslaved woman named Ruth, who was "now at Liberty for want of being recorded."<sup>167</sup> Much like enslavers who claimed ownership over their "illegally self-emancipated property" in the midst of the Revolutionary war, Breeding recorded Ruth as neither free nor unfree.<sup>168</sup> Even as Ruth asserted her own liberty through her escape, Breeding nevertheless discredited her claims to free

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<sup>166</sup> For more on the impact of the Haitian Revolution on the Atlantic World, see: Ada Ferrer, *Freedom's Mirror: Cuba and Haiti in the Age of Revolution* (New York: Cambridge University Press, 2014).; Jane Landers, *Black Society in Spanish Florida* (Urbana: University of Illinois Press, 1999).; Julius Scott, *A Common Wind: Afro-American Currents in the Age of Haitian Revolution* (New York: Verso Books, 2018).; and Sinha's chapter "Revolutionary Antislavery in Black and White," found in *The Slave's Cause*. Young's "For Life or Otherwise" addresses the Pennsylvania legislation regarding French slaveholding emigrants, 62. The two seminal works on the revolution itself are Laurent Dubois's *Avengers of the New World: The Story of the Haitian Revolution* (New York: Harvard University Press, 2004).; and C.L.R James' *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution* (New York: Vintage Books, 1963).

<sup>167</sup> Clerk Entry, 31 January 1798 found in Return of Enumeration of Slaves Photocopied Records. Held at Lancaster History, Lancaster, PA. Accessed June 2021. Marked as page 37.; Clerk Entry, 2 March 1789 found in Return of Enumeration of Slaves Photocopied Records. Held at Lancaster History, Lancaster, PA. Accessed June 2021. Marked as page 7.

<sup>168</sup> Kristin O'Brassill-Kulfan, *Vagrants and Vagabonds: Poverty and Mobility in the Early American Republic* (New York: New York University Press, 2019). 87.

herself by recording her in his household anyways.<sup>169</sup> Breeding's attempts claim Ruth "in absentia" are not unlike some of the troublesome ways in which free(d) and enslaved peoples were categorized by the state.<sup>170</sup> Scholars are well aware of how problematic nineteenth century census records are as census takers implemented various and unregimented categories for identifying individuals, often misidentifying indentured servants or "slaves for a term" as enslaved.<sup>171</sup> Despite these inaccuracies, the census nevertheless provided Pennsylvania legislators with a relative idea of how many inhabitants lived within the state and this number directly corresponded to Pennsylvania's political power in the new nation.

In the wake of the revolution, state assemblies operated relatively autonomously from the federal government under the Articles of Confederation, but an anxious colonial population increasingly distrusted these legislative bodies. Colonists moved to impede the growing power of these state assemblies in a variety of ways. For example, Pennsylvania residents responded to the passage of the 1780 Act for the Gradual Abolition of Slavery by replacing sixty percent of the assembly to produce a more conservative legislature.<sup>172</sup> State legislators, however, perceived these reform attempts as unruly Americans meddling in political affairs they knew little about. The concern over their constituents' political influence combined with the failures of the Articles of Confederation to not only mediate interstate comity but to encourage economic prosperity in the new nation, prompted forty-nine state delegates to meet in secret at Independence Hall in

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<sup>169</sup> Clerk Entry, 2 March 1789 found in Return of Enumeration of Slaves Photocopied Records. Held at Lancaster History, Lancaster, PA. Accessed June 2021. Marked as page 7.

<sup>170</sup> Cory J. Young briefly discussed the role of recording self-emancipated enslaved persons "in absentia" in his paper "Ownership in Absentia: Opportunism and Optimism in Pennsylvania's County Slave Registries" for the American Society for Legal History annual meeting in New Orleans, November 2021.

<sup>171</sup> Gigantino, *The Ragged Road to Abolition*, 7.

<sup>172</sup> Young, "From North to Natchez During the Age of Gradual Abolition," 124.

Philadelphia during the summer of 1797. They hoped to establish a new framework to govern the fledgling nation.<sup>173</sup> The Constitutional Convention, what this meeting became known as, not only attempted to correct the “excesses of democracy” represented by individual state assemblies but also to establish a cooperative relationship between the states that would ultimately protect individual property rights across the new nation.<sup>174</sup>

However, individual state-centric agendas dominated the convention. The convention delegates debated issues related to taxation, printing money, and representation yet the most contentious debate centered on the role of slavery in the federal government. Regionalism and localism shaped the contours of each debate and a general distrust among the state delegates produced uncertainty within the convention. The evolution in the debate over slavery and freedom throughout the revolutionary period which led to the growth of “free” spaces in the north, like Pennsylvania, concerned slaveholding delegates. As scholars have shown, southern enslavers advocated for enslaved people to be included in the state’s overall population because it would ultimately grant large slaveholding states like Georgia and South Carolina more political power in the national government than their non-slaveholding counterparts. After several months of debate, the final session of the convention took place on September 17, 1787. The finished United States Constitution contained a short Preamble and seven “Articles” all of

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<sup>173</sup> Woody Holton, *Unruly Americans and the Origins of the Constitution* (New York: Hill and Wang, A division of Farrar, Straus, and Giroux Publishing, 2007). 5-17. See also: Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: The University of North Carolina Press, 1999).

<sup>174</sup> Holton, *Unruly Americans and the Origins of the Constitution*, 13.



which, albeit to varying degrees, fulfilled the desires of slaveholding delegates and established federal protections for the institution of slavery.<sup>175</sup>

State lawyers slowly adopted constitutional arguments into their praxis following the ratification of the United States Constitution in 1789. Proslavery or antislavery interpretations of the document either safeguarded Black freedom in the early republic or reinforced enslavers claims to property rights, depending upon the attorney or judges' personal leanings. More importantly, the constitution transformed the relationship between the state and federal government. It not only established a new legal framework with which to categorize the body politic, but it also provided an organized mechanism that enslavers could access to potentially undermine state authority on the issue of slavery. The Blackmore case highlighted some of the ways in which Pennsylvania adjudicators and attorneys thought about the changing relationship between the new federal government and the state, including the role that geopolitical boundaries played in both, and which – be it state or federal – jurisdiction took precedence in civil cases. The case was originally heard at the Court of Common Pleas of the Fifth Circuit in Washington County, Pennsylvania in 1790, just two years after the ratification of the United States Constitution, but it was pushed to a higher adjudicatory body because of the case's perceived difficulty. What began as a writ of habeas corpus in 1790, *Blackmore vs. Pennsylvania* eventually reached Jasper Yeates' bench and the Pennsylvania Supreme Court in 1797 because

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<sup>175</sup> For additional interpretations of the Constitutional Convention, see Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W.W. Norton and Company, 2005). and Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press of Harvard University Press, 1967). To see more about the role of regionalism and its effects on the constitutional convention, see: Richard Hofstadter, *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840* (Berkeley: The University of California Press, 1969).; David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: Omohundro Institute of Early American History and Culture and The University of North Carolina Press, 1997).; Joanne B. Freeman, *Affairs of Honor: National Politics in the New Republic* (New Haven: Yale University Press, 2001).

of a *nisi prius* decision. During the seven years from its original hearing at a county court to *Blackmore v. Pennsylvania*'s final judgement in the Supreme Court, legal arguments that used constitutional provisions became increasingly common in freedom suits.<sup>176</sup>

The Blackmore case was predicated upon the registration requirement for enslavers who lived in Westmoreland and Washington Counties. These two counties made up part of the disputed territory between Virginia and Pennsylvania, a portion of which Pennsylvania annexed once peace had been established between the two states. Yet John Ross and Henry Hugh Brackenridge's arguments about which state had jurisdictional authority over Cassandra and Lydia, the two women enslaved by the Blackmore's, also debated constitutional authority over Pennsylvania's spaces of freedom and unfreedom at the turn of the century.<sup>177</sup> John Ross, a representative of the Pennsylvania Abolition Society who defended Cassandra and Lydia's freedom, argued the 1782 Act, which granted any enslaver who lived in the disputed territory seven additional months to register their human chattel, was unconstitutional. Ross claimed the addendum not only circumvented the original tenements of the 1780 Act, which stated "no slave shall be introduced into Pennsylvania after that Act," but also the state and federal constitution because it essentially made possible the re-enslavement of Cassandra and Lydia.<sup>178</sup> Ross further

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<sup>176</sup> As sectional debates continued to grow in intensity and volume throughout the nineteenth century, opposing interpretations of the Constitution grew increasingly complex, oftentimes focusing on turning a specific phrase or even single term against Black Americans. For an example of this, see: John C. Hurd, (John Codman), *The Law of Freedom and Bondage in the United States*. Boston: Little, Brown & Company, 1858. For a brief example of these debates, see Jones, *Birthright Citizens*, 10-12, 26-28, 34, 135-136.

<sup>177</sup> State constitutions had been used to argue for freedom throughout the late revolutionary period. For example, Massachusetts. However, it is after the ratification of the United States that this new national framework became a central argument in either proslavery or antislavery interpretations across the nation via the differences in strict constructionism vs. interpretation of the constitution, which becomes a major point of contention among sectional debates leading up to the American Civil War.

<sup>178</sup> *Republic vs. Aberilla Blackmore*, Reports of Cases Abridged in the Supreme Court of Pennsylvania. By the Honorable Jasper Yeates, Volume II. Philadelphia: Printed and Published by John Bioren, No 83, Chesnut Street. 1818. 234-240. Held at LancasterHistory, Lancaster, PA. Accessed June 2021. Yeates Handwritten Trial Notes, Box

argued that these women were “legally free” according to the intention of the 1780 Act and the constructions of the Constitution.<sup>179</sup>

Though the latter specifically defined the “people of America” as the “real sovereigns of the government” represented by its various branches, each branch was limited in power. The legislature could “enact no law contrary to the constitution.”<sup>180</sup> According to Ross, the 1782 Act did just that. He argued that Cassandra and Lydia were free as a result of the 1780 Act and therefore the legal counsels were not in debate about maintaining the women’s freedom but their re-enslavement because of the “extraordinary principle” of the 1782 law. Brackenridge argued that the constitution protected the property rights of individuals. He claimed that slavery in Pennsylvania “is not abolished, only restricted *sub modo*” and even if “slavery itself may be questionable under the Terms of the Constitution...Property is thereby guarded and secured...One may have a property in Slaves.”<sup>181</sup> Regardless of the two very different interpretations of the Constitution, Ross ended his argument by stating that the 1782 treaty, if indeed it was constitutionally protected, should only be considered in such cases in which the state’s jurisdiction was disputable. Although the Mason-Dixon Line was foremost on the minds of Pennsylvanian’s legal counsels when it came to questions regarding the spatiality of abolitionism following the passage of the 1780 Act and its later amendments, disputes in the

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24, Folder 6. Found in Jasper Yeates papers, 1733-1876, Collection #740, Series 3: Legal and Miscellaneous. The Historical Society of Pennsylvania, Philadelphia Pennsylvania. Accessed June 2021.

<sup>179</sup> *Ibid.*

<sup>180</sup> *Ibid.*

<sup>181</sup> *Ibid.*

northeast and to the west increasingly worried the state's legal bodies in the early nineteenth century.

Jurisdictional issues related to Pennsylvania's border with New York and the Ohio territory reinforced the growing importance of residency to the territorial extent of Pennsylvania gradualism following the 1788 amendments. In December 1802, the Pennsylvania Supreme Court heard *Republic vs. John Franklin and John Jenkins*, a case that not only crossed jurisdictional boundaries but also wove together issues related to geography, abolition, and the law across broader New York, New Jersey, and Pennsylvania. Much like Pennsylvania, the American Revolution prompted New York and New Jersey state legislators to consider the inherent hypocrisy of a nation founded on the ideas of freedom and liberty yet continued to enslave a large portion of its population. However, gradual abolition legislation failed to pass in both states by the end of the war. The first attempts at legislative change in 1785 failed in both New York and New Jersey, though assemblies in the two states passed ameliorative bills that, while they placated antislavery supporters, were merely paternalistic reform measures. For example, legislative changes in both New York and New Jersey ended the slave trade in each state and regulated the treatment of enslaved peoples. This included the end of New York City's "practice of correcting disorderly slaves at the request of their masters."<sup>182</sup> Additional legislative changes included the regulation of manumissions in the state so that only enslaved peoples aged 21-35 in New Jersey or 21-50 in New York, could be legally manumitted. State legislators assumed this would remove any potential economic burden imposed onto the state by a growing free(d) Black population they deemed unfit. Both states also "reinstated colonial laws,"

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<sup>182</sup> Graham Russell Gao Hodges, *Root & Branch: African Americans in New York and East Jersey, 1613-1863* (Chapel Hill: The University of North Carolina Press, 1999). 166.

essentially Black codes, that not only restricted the movement of free(d) and enslaved Black populations but also denied them any potential routes to residency and citizenship.<sup>183</sup> By the time that *Republic vs. John Franklin and John Jenkins* reached Pennsylvania's Supreme Court, New York had passed its own gradual abolition legislation, which included a post-nati clause and a term slavery provision, similar to Pennsylvania's own 1780 Act. New Jersey had slowly begun the process of abolishing slavery in their state as well though it would be another two years before New Jerseyans ratified a form of gradualism into state law.<sup>184</sup>

*Republic vs. Franklin and Jenkins* seemed to be a simple issue of trespass and intrusion of landed property; however, this particular case had been over a century in the making. Indeed, it was based upon a claim by Connecticut settlers that contested the geopolitical boundary of Pennsylvania's northeastern corner as early as the mid-eighteenth century. The case was initially brought to court prior to the American Revolution, but the colonial councils claimed only the King could resolve the boundary dispute between Connecticut, New York, New Jersey, and Pennsylvania. Once the Revolution broke out, the war took precedent over settling the dispute until the threat of intercolonial violence in the region provoked the standing legal bodies of the revolutionary era to resolve the issue. The assembly, which would have likely met in Philadelphia, met in New Jersey instead because of the British occupation of Pennsylvania at the height of the war. The "Connecticut Problem" was unique because it truly highlighted the

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<sup>183</sup> *Ibid.* 162.

<sup>184</sup> For more on the various gradual abolition legislation in New York and New Jersey, see Graham Russell Gao Hodges, *Root & Branch* and James J. Gigantino, *The Ragged Road to Abolition*, respectively. For the specific legislation referenced in this paragraph, see: Hodges, *Root and Branch*, 162-169. and Gigantino, *The Ragged Road to Abolition*, 73-74.

complex legal and geographical terrain of Pennsylvania gradualism during a period of transition for the state and the nation. Not only did the hearing incorporate issues of residency and jurisdiction, but the legal counsels also raised further questions about the relationship between state sovereignty and Pennsylvania gradualism during this transitional period. William Smith's *An Examination of the Connecticut Claim* published in 1774 argued that Pennsylvania legally owned the land in question forty years before settlers claimed it for Connecticut. According to Smith's rendition, the Connecticut council failed to produce a convincing argument. He claimed that Connecticut's defense relied entirely on semantics to justify their charter, for example, highlighting the difference between the terms "excepting" or "granting" in Delaware's original grant.<sup>185</sup>

Almost thirty years after Smith transcribed and published the original case, the "Connecticut Problem" reached the Pennsylvania Supreme Court to be heard under a different judiciary and legislative body. The assembly at Trenton, New Jersey, moved the case to Pennsylvania's Court of Quarter Sessions because the "jurisdiction and lands belong to Pennsylvania" and therefore fell under Pennsylvania's legal jurisdiction.<sup>186</sup> A writ of certiorari then pushed the case to the Supreme Court where James Duncan, representing the Commonwealth, addressed various state legislation throughout the eighteenth century that

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<sup>185</sup> William Smith, *An examination of the Connecticut claim to lands in Pennsylvania: with and appendix, containing extracts and copies taken from original papers*. Printed by Joseph Crukshank in Philadelphia. 1774. Held at LancasterHistory, Lancaster, Pennsylvania. Accessed July 2021.; Robert J. Taylor, "Trial at Trenton." *The William and Mary Quarterly* 26, no. 4 (1969): 521–47. <https://doi.org/10.2307/1917130>. For a more recent interpretation about the historic territorial dispute between Pennsylvania and Connecticut, see: Paul B. Moyer, "A Dangerous Combination of Villains': Pennsylvania's Wild Yankees and the Social Context of Agrarian Resistance in Early America." *Pennsylvania History* 73, no. 1 (2006): 37–68.; and Paul B. Moyer. *Wild Yankees: The Struggle for Independence Along Pennsylvania's Revolutionary Frontier* (Ithaca: Cornell University Press, 2007).

<sup>186</sup> Yeates Handwritten Trial Notes for *Republic vs. John Franklin and John Jenkins*, December 27, 1802. Box 30, Folder 2. Found in Jasper Yeates papers, 1733-1876, Collection #740, Series 3: Legal and Miscellaneous. The Historical Society of Pennsylvania, Philadelphia Pennsylvania. Accessed June 2021.

highlighted the tensions between Pennsylvania's state constitution and the United States' Constitution, the question of state sovereignty, Pennsylvania's history of claiming Indian territory, land grants, and most importantly, established the rights of property in Pennsylvania. Drawing parallels to the hearing in the 1760s that asserted the ultimate authority of the crown over the proprietary colonies, the case in 1802 questioned the sovereignty of the state in relation to the federal government over the rights of property. According to Duncan, "This is not a controversy but a power of self govt. [sic] exercised by the state never granted to the general Union – every state retains its sovereignty – All powers not delegated to US are expressly reserved for the state, or people – the power remaining in the state govt. [is] said to be indefinite."<sup>187</sup> In other words, this was a case between residents of the state, the state itself, and state law. Only at the request of Pennsylvania could the federal government intervene on such issues involving jurisdictional disputes between states.

Inherent in this question was the role of Pennsylvania gradualism. Much like Pennsylvania, New Jersey, and New York who passed gradual abolition legislation at the turn of the century, Connecticut passed their own form of legislation in 1784 to abolish slavery gradually. The law itself, however, freed few if any enslaved persons, placing them instead in the protracted status of "slaves for a term" until they reached the age of twenty-five.<sup>188</sup> Only through additional legislation, the work of antislavery advocates and free(d) and enslaved Black peoples, did Connecticut eventually excise slavery within its borders. The Connecticut case did not raise issue with the differences in New York and Pennsylvania's abolition legislation (New Jersey had yet to pass legislation at this point) rather, the courts concern was based on the ability of a state

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<sup>187</sup> *Ibid.*

<sup>188</sup> Gigantino, *The Ragged Road to Abolition*, 7.

to adequately enforce gradualism within a slaveholding republic. Indeed, Duncan questioned “Will it be said that laws cannot pass on citizens of other States, or their Property? Is not this law defensible as to carrying off Negroes? Would it not defeat Habeas Corpus Act?”<sup>189</sup> Both Alexander Dallas and James Duncan asserted that allowing the federal government to legislate on the boundary dispute would subvert Pennsylvania’s authority to adjudicate over their own inhabitants. Should Pennsylvania’s jurisdictional authority be put into question, then there would be no legal leg to stand on to enforce the tenements of the 1780 Act, not to mention protect free(d) Black Pennsylvanians and self-emancipated peoples seeking refuge in the state. By 1802, the kidnapping of free(d) Black peoples had slowly increased as enslavers and headhunters ventured into free spaces to remand alleged fugitive enslaved men and women back across the Mason-Dixon Line and into enslavement. These enslavers were in fact bolstered by federal law.<sup>190</sup>

The first seven articles of the United States Constitution extended the power of the growing slavocracy and regulated slavery by establishing protections and limitations to the taxation, importation, and exportation of state goods, including the products cultivated by enslaved labor and knowledge as well as the trading of human chattel itself following the national restrictions to the transatlantic slave trade. Moreover, the three-fifths clause only ensured that slaveholders (and slaveholding states) maintained administrative power within the various branches of governance. This would prove advantageous to slaveholders and their

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<sup>189</sup> Yeates Handwritten Trial Notes for *Republic vs. John Franklin and John Jenkins*, December 27, 1802. Box 30, Folder 2. Found in Jasper Yeates papers, 1733-1876, Collection #740, Series 3: Legal and Miscellaneous. The Historical Society of Pennsylvania, Philadelphia Pennsylvania. Accessed June 2021.

<sup>190</sup> For more on Connecticut’s abolition process, see: D. Menschel, “Abolition Without Deliverance: The Law of Connecticut Slavery 1784-1848.” *The Yale Law Journal* 111, no. 1 (2001): 183–222. <https://doi.org/10.2307/797518>.



descendants who grew increasingly invested in the expansion of a slave country in the newly acquired western territory throughout the early republic period. Although the Northwest Ordinance attempted to place limits on the future growth of slavery by banning the institution in states north of the Ohio River, it ultimately served as the “first of the great line-drawing territorial compromises” between proslavery and antislavery advocates.<sup>191</sup>

The same year that Ohio became a state, in 1803, Yeates’ presided on a case that highlighted the growing concern about the role of slavery in the Northwest Territory. The case, *James Campbell vs. Robert Wallace*, took place in Washington County, Pennsylvania and attempted to resolve a conflict over the sale and return of an enslaved woman named Beck and her children, yet the case was also more complicated in that it incorporated issues related to registration, term slavery, and jurisdiction as well. According to the depositions, Robert Wallace sold an enslaved woman named Beck and her child to James Campbell in 1782. Beck labored in the Campbell household for a decade before claiming her freedom and then eventually emancipating her five children as well. According to Campbell, Beck was a slave for life, whereas her children would have been “slaves for a term,” which meant that he could have continued to profit off Beck’s dual role as a producer and reproducer until her death.<sup>192</sup> Indeed, at the time of the purchase, Campbell claimed the bill of sale should have included Beck as a

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<sup>191</sup> David Waldstreicher, *Slavery's Constitution: From Revolution to Ratification* (New York: Hill and Wang, 2009), 87-89. Quote derived from 88. For more on the 3/5ths compromise, see: Tom McNamee, “The census and Slavery: Why We Count People, Not Citizens.” *Chicago Sun-Times (IL)*, July 1, 2019. *NewsBank: America's News – Historical and Current*. <https://infoweb-newsbank-com.eu1.proxy.openathens.net/apps/news/document-view?p=AMNEWS&docref=news/1746C3C581102010>. Accessed July 2022. The desire of slaveholders to extend their oppressive regime into the west and expand their lucrative empire, seeking even to create a transcontinental slaveholding alliance in the decades leading up to the Civil War, is examined by Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge: Harvard University Press, 2005).; and, Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge: Harvard University Press, 2017).

<sup>192</sup> Gigantino, *The Ragged Road to Abolition*, 7.

“recorded slave, but not for the child except for twenty-eight years.”<sup>193</sup> However, it appeared that Campbell never received a bill of sale for Beck nor was he certain she had been recorded by his father in Ohio County. Campbell searched the registration records and claimed only an enslaved woman named Bess had been recorded, not Beck. He then brought the suit against Wallace in an effort to either recoup the investment lost by Beck’s self-emancipation by forcing Wallace to return the money Campbell’s father originally paid for Beck; or, by forcing Wallace to retrieve the bill of sale and the recorded registration for her. The latter would provide Campbell with the legal backing to remand Beck as his human chattel regardless of where she had found freedom.<sup>194</sup>

Wallace, in contrast, claimed he had recorded Beck according to the 1780 Act and his cousin, Nathaniel Wallace, testified to that end. The cousin claimed that at the time, Wallace “had no slave of the name of Bess” as he had “sold her to one McMahan in Virginia 2 or 3 months before.”<sup>195</sup> Wallace claimed that Campbell, “fearful that a Virginia act had passed which subjected him to a fine for carrying the negro there,” sought out a bill of sale four or five months after the original transaction occurred. Wallace claimed he told “Young Campbell... must not let the negro go but try to keep her.”<sup>196</sup> Born in Maryland, Wallace brought Becks to Brooks County, Virginia, and then eventually moved her to Ohio County, which is where Campbell bought her. Similarly, McMahan who lived in Ohio County appeared to have not registered Bess

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<sup>193</sup> James Campbell vs. Robert Wallace. Box 27, Folder 5, Found in Jasper Yeates papers, 1733-1876, Collection #740, Series 3: Legal and Miscellaneous. The Historical Society of Pennsylvania, Philadelphia Pennsylvania. Accessed June 2021.

<sup>194</sup> *Ibid.*

<sup>195</sup> *Ibid.*

<sup>196</sup> *Ibid.*

before his death in 1794, meaning that at one point, both women were forcibly moved into the Ohio region as enslaved property. The judges presiding over the case questioned the extent to which this case could be settled if the “question of slavery” in the Northwest Territory had yet to be settled.<sup>197</sup> While the case took place in Washington County, Pennsylvania, “Ohio County” referenced by Wallace and the other deponents existed on the very western outskirts of Pennsylvania and Virginia territory, what would eventually become the panhandle of West Virginia, forming Virginia’s border with Ohio and part of the Northwest Territory. According to the judges, Bess had “been in the Northwestern Territory with her master’s consent and is now free.”<sup>198</sup> Though the Northwest Ordinance provided a working “blueprint for continental expansion” in the west as early as 1784 its framework for establishing the relationship between state sovereignty, jurisdiction, and slavery in the developing nation became increasingly important at the turn of the century. Indeed, even *Republic vs. Jenkins and Franklin*, reflected some of the issues the Northwest Ordinance attempted to resolve even though it had no real bearing on the case.<sup>199</sup>

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<sup>197</sup> *Ibid.*

<sup>198</sup> James Campbell vs. Robert Wallace. Box 27, Folder 5, Found in Jasper Yeates papers, 1733-1876, Collection #740, Series 3: Legal and Miscellaneous. *The Historical Society of Pennsylvania*, Philadelphia Pennsylvania. Accessed June 2021. For an additional interpretation of this case, see: Holness, “Between North and South, East and West,” 42-44.

<sup>199</sup> Peter S Onuf, *Statehood and Union: A History of the Northwest Ordinance* (Bloomington: Indiana University Press, 1987). Quote derived from xxiii. For more on the relationship between slavery and the Northwest territory, see: Paul Finkelman, “Slavery and Bondage in the ‘Empire of Liberty.’” in *The Northwest Ordinance*, ed. Frederick D. Williams. (East Lansing: Michigan State University Press, 2012).; Matthew Salafia, *Slavery’s Borderland: Freedom and Bondage Along the Ohio River* (Philadelphia: The University of Pennsylvania Press, 2013).; Christopher P. Lehman, *Slavery’s Reach: Southern Slaveholders in the North Star State* (Saint Paul: Minnesota Historical Society Press, 2019.) Additionally, Max Edling’s *A Hercules in the Cradle* and Matthew Karp’s *This Vast Southern Empire*, together provide an in-depth examination into how the Constitution incorporated the language and mechanisms necessary for territorial expansion and ultimately the creation of a proslavery American empire. See Max Edling, *A Hercules in the Cradle: War, Money, and the American State, 1783-1867* (Chicago: The Chicago University Press, 2014). and Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge: Harvard University Press, 2016).

The Northwest Ordinance incorporated lessons learned from Pennsylvania and other colonial state's early territorial disputes because it delineated the boundaries of future states to "avoid jurisdictional confusion that would threaten the survival of the Union."<sup>200</sup> It established parameters for orderly development of the Ohio frontier that did not infringe upon the economies of the current states. Amid rising sectional tension over the issue of slavery in the new nation, the federal government banned enslavement from entering the Northwest in hopes of maintaining peace in the fragile union. However, federal legislation failed to consider the labor systems emigrants would institute in the state-making process. Settlers, like McMahon and Wallace, used enslaved labor to establish their homesteads and their businesses while the profits derived from enslaved labor further funded the development of the region. The federal government chose to remain apathetic to slavery's growth in the Northwest territory.<sup>201</sup>

Indeed, while the Northwest Ordinance attempted to secure "free soil" north of the Ohio River, proslavery delegates at the Constitutional Convention only passed the clause because of Article 4, Section 2, Clause 3.<sup>202</sup> This clause, which served as the foundation for the later Fugitive Slave Law of 1793, further complicated issues of residency, sovereignty, and state jurisdiction in Pennsylvania. Early slave laws enacted by state legislators enforced the surveillance of free(d) and enslaved Black populations and provided monetary incentives for adhering to state mandated protections of enslaved property well before state legislators wrote it

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<sup>200</sup> Onuf, *Statehood and Union*, 53.

<sup>201</sup> Salafia, *Slavery's Borderland*, 4-13. Lehman's *Slavery's Reach* provides a general overview of just how extensively the profits of slavery were used to develop the mid-west. Christopher P. Lehman, *Slavery's Reach: Southern Slaveholders in the North Star State* (Saint Paul: Minnesota Historical Society Press, 2019).

<sup>202</sup> David Waldstreicher, *Slavery's Constitution: From Revolution to Ratification* (New York: Hill and Wang, 2009). 87-88.

into the Constitution. For example, according to Barbadian law, for every mile away from a plantation an escaped enslaved person was seized the individual who captured them received twenty pounds of tobacco. Similarly, Maryland law granted two hundred pounds of tobacco for the remanding of any suspected illegally self-emancipated person. Enslavers themselves offered various monetary incentives in newspaper advertisements for the return of enslaved men and women who dared liberate themselves. The 1780 Act itself included a provision for the return of fugitive enslaved peoples within Pennsylvania, not unlike other state's "runaway slave" laws that carried over from the colonial period. The clause allowed for the legal recapturing of suspected fugitive enslaved peoples from non-Pennsylvanian enslavers, "making it the first law in the United States to positively establish the right of a person in one state to engage in fugitive slave renditions in another."<sup>203</sup> However, the United States Constitution elevated fugitivity and the forced movement of free(d) and enslaved Black peoples into a national issue.<sup>204</sup>

The Federal Fugitive Slave Law brought the issues of positionality, movement, as well as the occupation of space and place by enslaved peoples under the purview of the federal government. The provision contained in the United States Constitution essentially extended slavery everywhere by presuming true any potential claim to an alleged fugitive enslaved person

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<sup>203</sup> Young, "For Life or Otherwise," 86.

<sup>204</sup> *[Acts and statutes] of the island of Barbados made and enacted since the reducement of the same, un to the authority of the Common-wealth of England/ and set forth the seventh day of September, in the year of our Lord God 1652, by the Honourable governour of the said island, the worshipfull the council, and gentlemen of the assembly ; together with charter of the said island, or articles made on the surrender, and rendition of the same ; published for the publick good.* London: Printed by Will. Bentley, and are to be sould by him., 1656. Held at The Library Company of Philadelphia. Accessed June 2018.; Thomas Bacon and Jonas Green. *Laws of Maryland at Large, with Proper Indexes: Now First Collected into One Compleat Body, and Published from the Original Acts and Records, Remaining in the Secretary's-Office of the Said Province: Together with Notes and Other Matters, Relative to the Constitution Thereof, Extracted from the Provincial Records: to Which Is Prefixed, the Charter, with an English Translation.* Annapolis: Printed by Jonas Green, printer to the province, 1765. Held at The Library Company of Philadelphia. Accessed June 2018.

made by an enslaver. Even free(d) Black residents remained vulnerable to the “extraterritoriality” of the Fugitive Slave Law.<sup>205</sup> The law also required states to return the suspected fugitive back to the claimant, regardless of a state’s individual laws, including gradual abolition legislation, that may be used to protect formerly enslaved peoples seeking refuge in the state. However, it was not until 1791 that the clause received national attention. That year, three Virginians kidnapped a Black Pennsylvanian resident named John Davis, whom they claimed escaped slavery from the neighboring state. Although Pennsylvania argued Davis’s freedom on the grounds that he fell under the jurisdiction of the state’s gradual abolition legislation, Virginia called for the legality of his removal because of the Fugitive Slave Law which protected the rights of enslavers across the continental United States.<sup>206</sup> Besides jurisdictional application, the 1793 Law contained no provision for differentiating between alleged fugitives and kidnapped free(d) Black residents of a state besides the testimony of a witness, often the testimony of the very individual attempting re-enslave the victim in the south. The “empty category” that Pennsylvania’s free(d) Black residents occupied as a result of gradual abolition made them especially vulnerable to kidnapping because their residency in the state was only recognized for political ends. These men and women had little protection in the way of state citizenship though often, members of the Pennsylvania Abolition Society and other antislavery advocates operated

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<sup>205</sup> Eric Foner, *Gateway to Freedom: The Hidden History of America’s Fugitive Slaves* (Oxford: Oxford University Press, 2015). 38-39.

<sup>206</sup> The Fugitive Slave Law’s reach was tested in 1843 when Nelson Hackett, an enslaved man who liberated himself from bondage escaped Washington County, Arkansas, and found refuge in Sandwich, Canada, where he claimed his freedom. The Arkansas governor at the time sought to extradite Hackett from Canada relying both on the Fugitive Slave Law and the legal grounds that Hackett committed grand larceny. The Canadian mayor consented, claiming no legal authority to protect alleged criminals, and Hackett was forcibly removed from Canada. He was eventually re-enslaved in the deep south and he the rest of his life was eventually lost to the historical record. The case to extradite Hackett garnered international attention and resulted in the Webster-Ashburton treaty, which provided additional protections to any enslaved person who liberated themselves in Canada. For more, see: [The Nelson Hackett Project](#).

on their behalf. In the early nineteenth century, the PAS and other grassroots organizations mobilized in response to the rise of kidnappings. Even if very few lawsuits invoked the 1793 law at the turn of the century, nevertheless “northern states did enforce the law and the spirit of the Constitution.”<sup>207</sup>

Two years after Congress enacted the Fugitive Slave Law, the suspected kidnapping of an enslaved man named Toby highlighted the complicated relationship between space, sovereignty, residency, and abolition after the passage of the Fugitive Slave Law. Even before the 1795 case gained momentum, the magistrates stopped a witness mid-testimony to remind the court attendees that Pennsylvania had no jurisdiction on offences committed within the state of New Jersey, claiming “the laws of that state alone are competent to redress injuries done there.”<sup>208</sup> Instead, the legal counsel may only address the question of Toby’s kidnapping. Enslaved by John Sevier, Toby attended to Sevier’s son on his sojourn into Pennsylvania where Toby emancipated himself once he reached “free soil.” Sevier remanded Toby back into his custody and subsequently sent him to New Jersey to keep him in bondage. Toby’s defense alleged that he had been “seduced” into New Jersey and cited the seventh section of the 1788 amendments which was “intended to remedy the evils arising from the practice of drawing negroes or mulattoes out of the state by force or fraud, then selling them as slaves in other places.”<sup>209</sup> The case omitted

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<sup>207</sup> Paul Finkelman, “The Kidnapping of John Davis and the Adoption of the Fugitive Slave Law.” *The Journal of Southern History* 56, no. 3 (1990): 397-422.; See also Paul Finkelman, “Fugitive Slave Law of 1793.” *African American Studies Center*. Oxford University Press, 2006. <https://doi.org/10.1093/acref/9780195301731.013.44746>. Quote derived from Finkelman, *Fugitive Slave Law of 1793*.

<sup>208</sup> *Republic vs. Samuel Richards*. Reports of Cases Abridged in the Supreme Court of Pennsylvania. By the Honorable Jasper Yeates, Volume II. Philadelphia: Printed and Published by John Bioren, No 83, Chesnut Street. 1818. 234-240. Held at LancasterHistory, Lancaster, PA. Accessed June 2021. 480.

<sup>209</sup> *Ibid.* 480, 481.

any reference to the recently passed Fugitive Slave Law, which was telling because, according to both state and federal jurisdiction, the kidnapping of free(d) Pennsylvania residents remained a state issue. According to the magistrates, “None of the municipal laws of this Commonwealth on our idea prohibit such conduct.”<sup>210</sup> Moreover, the courts ruled that Toby had not been kidnapped or “seduced” into New Jersey, rather Sevier compelled him into the neighboring state. The semantics in language reiterated the courts allegiance to protecting the rights of enslavers in the early republic even without any mention of their constitutional obligations.<sup>211</sup>

Not only did the 1793 legislation “privilege the testimony of slaveholders” it also required cooperation among “free” and slave states in the return of alleged fugitives.<sup>212</sup> For a Union still vulnerable from its recent inception, interstate cooperation remained vitally important. Consequently, interference in the execution of the federal law could result in heavy penalties. Yet, despite a potential a five-hundred-dollar penalty in addition to the perceived value of the enslaved person who escaped recapture, the New York Manumission Society, formed in 1793, often violated the Fugitive Slave Law by actively working to apprehend slave catchers and assist fugitive enslaved peoples. Likewise, the use of habeas corpus increasingly became a tool used by antislavery advocates and enslaved peoples to challenge the Fugitive Slave Law though to varying degrees of success. The PAS specifically employed writs of habeas corpus to circumvent kidnapers who illegally detained free(d) Black men and women with the hope of stalling re-enslavement long enough to gather enough evidence for a successful freedom suit.

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<sup>210</sup> *Ibid.* 482. Richard S. Newman, “‘Lucky to Be Born in Pennsylvania’: Free Soil, Fugitive Slaves and the Making of Pennsylvania’s Anti-Slavery Borderland.” *Slavery & Abolition* 32, no. 3 (2011): 417-419.

<sup>211</sup> *Republic vs. Samuel Richards*, 482.

<sup>212</sup> Gigantino, *The Ragged Road of Abolition*, 215.



These documents not only requested the release of the individual but a formal command to bring them before an attorney or magistrate, potentially forcing the kidnapper to relinquish their victim back within the territorial limits of Pennsylvania.<sup>213</sup> The PAS also attempted to alleviate the bill's impact on free(d) Black communities in the state, especially since the law provided no legal protect against the kidnapping of free(d) Black peoples. This is clearly evident in the case involving John Davis, who, according to Pennsylvania gradualism was free, but could not be protected against the claims of his former enslaver.<sup>214</sup>

Despite these anti-kidnapping efforts, the early nineteenth century witnessed a dramatic increase in the number of kidnappings of free(d) Black peoples. The dual abolition of the British transatlantic slave trade and the United States Constitutional end to the importation of enslaved Africans produced a mad scramble among southerners to purchase as many native-born Africans as possible prior to the close of the trade. Indeed, between 1800 and 1810, roughly 55,000 enslaved Africans entered the United States via South Carolina ports.<sup>215</sup> Once passed, the 1808 law itself failed to adequately stop the activities of enslavers. Indeed, according to a pamphlet by the Philadelphia Yearly Meeting of Friends, ships for the “nefarious purpose” of trading in enslaved persons continued to frequent the ports of New York, Philadelphia, Boston, and Baltimore, well into the middle of the nineteenth century. Southern enslavers voracious appetite for enslaved labor only increased with the advent of the cotton kingdom in the deep south and

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<sup>213</sup> Newman, *The Transformation in American Abolitionism*, 74-75.

<sup>214</sup> Newman, *The Transformation in American Abolitionism*, 42-45.; Hodges, *Root and Branch*, 167.; Finkelman, “The Kidnapping of John Davis and the Adoption of the Fugitive Slave Law.”

<sup>215</sup> Gigantino, *The Ragged Road to Abolition*, 157. For an examination on the debates for ending the transatlantic slave trade during the Constitutional Convention, see Paul Finkleman, “Regulating the African Slave Trade,” *Civil War History* 54, No. 4, (2008): 379-405.; see also Sinha, *The Slave's Cause*.

American territorial expansion into the West. Despite the 1788 amendments, Pennsylvania's Black inhabitants navigated a precarious freedom in at the turn of the century as the mere testimony of whites could result in their (re)enslavement. Moreover, because Pennsylvania lawmakers failed to consider the precarious status or legal categorization of free(d) Black peoples within the state, these men and women increasingly became the target of kidnapping rings like the Cannon-Johnson Syndicate. As the United States continued to debate the future place of free(d) Black peoples within the nation, and as Pennsylvanians continued to question the future place of free(d) Black peoples within the state, growing sectional tensions in the 1810s and 1820s transformed the debates into moral argument.<sup>216</sup>

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<sup>216</sup> Philadelphia Yearly Meeting of Friends (Orthodox: 1827-1955). The appeal of the Religious Society of Friends in Pennsylvania, New Jersey, Delaware, etc., to their fellow-citizens of the United States on behalf of the coloured races. Philadelphia: Friends' Book-Store, no. 304 Arch Street., 1858. Held at The Library Company of Philadelphia. Accessed June 2021.

### Chapter Three – Policing Freedom’s Borders

The crusade against kidnapping in Pennsylvania in the early to mid-nineteenth century not only provided white abolitionists with an opportunity to reassert their moral supremacy, but it also led to a more intense policing of the state’s borders. Throughout the 1810s and 1820s, states across the nation tried to regulate the movement of enslaved and free(d) Black peoples through legislation and legal praxis. While this presented itself in policies regarding the domestic slave trade in the south or in laws that curtailed the types of enslaved peoples brought into the state, such as in Missouri, Pennsylvanian’s grew increasingly preoccupied with implementing border control measures that safeguarded their territorialized freedoms as outlined by the 1780 Act.<sup>217</sup> Pennsylvania lawmakers worked to outline who could and could not move through the state, who would be considered a “resident” and what privileges they may be granted, as well as how these changing definitions might impact the state’s developing identity as a “free state,” or site of “free soil,” at the beginning of the nineteenth century. By the 1820s, Pennsylvanians viewed kidnapping as a threat to the security of the state’s white population in that it jeopardized the exclusive privileges and rights ascribed to white freedom that had been painstakingly cultivated in the twenty years following the 1788 amendments. This concern is clearly evident in an article published in *Poulson’s American Daily Advertiser* in 1816 that worried that “if a freeman...whether black or white, can be kidnapped and sold for a slave... we do not see why the man... would not be guilty of a similar outrage on the freedom of whites, if the opportunity

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<sup>217</sup> Section 26 of the Missouri Constitution which attempted to prevent free(d) Black peoples from moving into and living within the state represented one of the central components of the Missouri Crisis and sparked national debates about Black mobility and citizenship. See John Van Atta, *Wolf by the Ears: The Missouri Crisis, 1819-1821* (Baltimore: Johns Hopkins University, 2015).; Samantha Seeley, *Race, Removal, and the Right to Remain: Migration and the Making of the United States* (Chapel Hill: Omohundro Institute of Early American History and Culture, 2021).; *A Fire Bell in the Past: The Missouri Crisis at 200: Western Slavery, National Impasse*. Edited by Jeffrey L. Pasley and John Craig Hammond (Columbia: University of Missouri Press, 2021).

offered and market could be found for the sale of his victims.”<sup>218</sup> Pennsylvanian’s concerned less about the re-enslavement of free(d) Black peoples and more so about the potential infringement Black existence posed to the freedoms of Pennsylvania whites.<sup>219</sup>

Despite the efforts of antislavery activists who worked to combat the kidnapping of free(d) Black peoples at the turn of the century these initiatives sometimes overlapped or coexisted with measures aimed specifically at removing Black individuals from the perceived realms of freedom claimed by white Pennsylvanians. Just as antislavery activists established outreach committees to council the families of abducted children, coordinated local protection efforts, or lobbied for stronger laws against and stricter punishments for kidnappers, Pennsylvanians also participated in the forced removal efforts that had begun to sweep the nation. Although few Pennsylvanians participated in the kidnapping of Black peoples out of the state, many more promoted expatriation and colonization under the guise of humanitarian operations, discredited Black freedom through racist portrayals in minstrelsy and pamphlets, utilized the law to legally remand alleged self-emancipated peoples into the south, and erased Black experiences through white sympathy. As Saidiya Hartman contends, “The sympathetic ally...in some ways is actually no more able to see the slave than the person who is exploiting

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<sup>218</sup> *Poulson's American Daily Advertiser*. Philadelphia, Pennsylvania, November 16, 1816, 3. *Readex: America's Historical Newspapers*. Accessed 27 Nov. 2022

<sup>219</sup> White fear of Black freedom and the perception that Black freedom would harm white security, peace, etc., has long been examined by scholars. Stanley Harrold examines how this impacted sectional relations along Pennsylvania’s southern border in his work, *Border War*. See also, Gerald Home, *The Apocalypse of Settler Colonialism: The Roots of Slavery, White Supremacy, and Capitalism in Seventeenth-Century North America and the Caribbean* (New York: Monthly Review Press, 2017).; Karen E. (Karen Elise) Fields and Barbara Jeanne Fields, *Racecraft: The Soul of Inequality in American Life*. (London: Verso, 2012).; John Wood Sweet, *Bodies Politic: Negotiating Race in the American North* Baltimore (Johns Hopkins University Press. 2003).

him or her as their property.”<sup>220</sup> The “language of freedom no longer becomes that which rescues the slave from his or her former condition,” continued Hartman, “but the site of the re-elaboration of that condition, rather than its transformation.”<sup>221</sup> Even as the 1780 Act and its subsequent addendums recognized that slavery “deprived [the enslaved] of the common Blessings that they were by Nature entitled to,” it only further placed the enslaved and free(d) Black peoples into a position of the “other,” a non-person, if not entirely disregarded their existence altogether “by supposing that we [the legislators] were in the same unhappy Case.”<sup>222</sup>

The growing coalition of non-slaveholding states in the north combined with the Mason Dixon Line helped to further the perception that slavery was a “peculiar institution” specific to the South during the antebellum period.<sup>223</sup> However, the concept of a “free state” had only just begun to solidify as northern states worked to establish their moral superiority over the south in response to the rise of kidnappings and the internal slave trade in the early 1800s. Pennsylvania not exempted. Indeed, “free state” and “non-slaveholding” became a specific “designation as a means to accrue moral capital and offload moral complicity” because, even if slavery continued

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<sup>220</sup> Saidiya V. Hartman and Frank B. Wilderson, “The Position of the Unthought,” *Qui Parle* 13, no. 2 (2003): 189.

<sup>221</sup> *Ibid.*

<sup>222</sup> *Pennsylvania Society for Promoting the Abolition of Slavery. The constitution of the Pennsylvania Society, for Promoting the Abolition of Slavery: and the Relief of Free Negroes, Unlawfully Held in Bondage. Begun in the year 1774, and enlarged on the twenty-third of April, 1787. To which are added, the acts of the General Assembly of Pennsylvania, for the gradual abolition of slavery. Philadelphia: Printed by Francis Bailey, for “The Pennsylvania Society for the Abolition of Slavery, and the Relief of Free Negroes Unlawfully Held in Bondage,” 1788.*

<sup>223</sup> The characterization of slavery as a benevolent and paternalistic institution was perpetuated by southerners responding to the growing abolition movement in the North and the widespread attacks against the morality of enslavement throughout the antebellum era. Historians such as Ulrich B. Phillips and others of the Dunning School corroborated this argument throughout the early twentieth century. While Black scholars and the descendants of formerly enslaved peoples repeatedly challenged the racist arguments in these early historical works, Kenneth Stampp and his work, *The Peculiar Institution*, is considered the seminal work that successfully overthrew this historical narrative to focus on the brutality and violence of slavery as an economic/capitalist machine. Kenneth Stampp, *The Peculiar Institution: Slavery in the Ante-Bellum South* (New York: Vintage Books, 1989).

to operate within its borders, Pennsylvania “term slavery” remained a uniquely distinct, more “humane” institution than the southern operation.<sup>224</sup> According to historian Kellen Heniford, the popular understanding of a northern coalition of “free states” – both in their legal framework, antislavery ideology, and their geographical borders – was only truly solidified around 1830, largely in a response to the Missouri Crisis.<sup>225</sup> The legislative debates during this crisis became “infused” with an “element of moral absolutism...that had not previously been there” and reflected the changes in northern public opinion that increasingly emphasized a *northern* moral superiority over the south.<sup>226</sup> One significant change between 1809, when chapter two ends, and 1830 that facilitated this transformation was how state legislators dealt with the domestic slave trade, including the kidnapping of free(d) Black men, women, and children forcibly moved through this system. These responses played a crucial role in shaping the perception and identity of “free states” like Pennsylvania during this period.<sup>227</sup>

Although Pennsylvania and other states contained sizeable (albeit declining) populations of enslaved peoples, either enslaved for life or through term slavery, following the passage of their respective gradual abolition legislation, residents dissociated slavery within these states as different from “the system of slavery that characterized the South, in large part because of their

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<sup>224</sup> Kellen Heniford, “The Rise and Fall of a ‘Free’ Delaware: The Missouri Crisis and the Invention of the Free State in the Mid-Atlantic.” *Journal of the Early Republic* 42, no. 2 (2022): 228.

<sup>225</sup> *Ibid.*

<sup>226</sup> Donald Radcliffe, “The Surprising Politics of the Missouri Compromise: Antislavery Doughfaces, Maine, and the Myth of Sectional Balance” in *A Fire Bell in the Past: The Missouri Crisis at 200, Volume II: “The Missouri Question” and Its Answers*, et. all. *Vol. I* (Columbia: The University of Missouri Press, 2021). 227.

<sup>227</sup> *Ibid.*

specific legal culture around enslavement.”<sup>228</sup> This different understanding allowed northern states like New Jersey, New York, and Pennsylvania to maintain their moral superiority over the South despite the lived reality of the North’s remaining enslaved populations or the widespread virulent racism directed at the growing free(d) Black populations throughout the North. Indeed, the concept of moral capital played an increasingly prominent role within the antislavery movement throughout the nineteenth century. Opponents of slavery provided a wide array of reasons and often ulterior motives for desiring its abolition following the American Revolution. Common arguments included the threat of slavery to the identity of the American republic or individual economic freedom; that slavery threatened the common good because of the institution’s use of violence and the separation of families; or, the ways that slavery impeded the expansion of Christianity. These arguments lent a strong moral tone to the antislavery cause and, in Pennsylvania specifically, framed gradualism as a prestigious institution that set the state apart legally, politically, and socially from its neighbors. This distinction only became more pronounced in the 1810s and 1820s as Pennsylvanian’s “humanitarian” efforts focused less on legislation for immediate emancipation and more so on the growing presence of free(d) Black peoples in the state.<sup>229</sup>

The visibility of a growing free(d) Black population made their relative freedom even more precarious as white Pennsylvanians found new ways to exclude Black residents from the benefits and privileges granted via a “free state.” As early as the 1750s, white Pennsylvanians

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<sup>228</sup> Heniford, “The Rise and Fall of a ‘Free’ Delaware,” 233. This quote is specific to Heniford’s argument regarding the state of Delaware, but it is easily applicable to states such as Pennsylvania and New Jersey as well.

<sup>229</sup> Christopher Leslie Brown’s *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006). 12-16. See also Cory James Young, “For Life or Otherwise: Abolition and Slavery in South Central Pennsylvania, 1780-1847,” Georgetown University Press, ProQuest Dissertations & Theses Global. 2021. on the relationship between gradualism and moral capital in Pennsylvania.

viewed their Black neighbors with contempt, even as “tens of thousands of Black people in the northern United States remained in lifetime or long-term bondage well into the nineteenth century,” and they advocated for more restrictive legislation to contain Black communities.<sup>230</sup> One of the most prolific ways white residents limited Pennsylvania freedom to be racially explicit was by quite literally removing Black Pennsylvanians from the state. The process of Black removal took two forms in the early nineteenth century – the colonization movement and the more nefarious kidnapping rings that targeted free(d) Black peoples, both of which gained momentum at the turn of the century.

As chapter two demonstrated, the growth of kidnapping rings directly correlated to the rise of the domestic slave trade that developed after the United States ended its involvement in the transatlantic slave trade in 1807/1808. Although the internal slave trade started during the American Revolution it reached its height not long after the transatlantic slave trade legally ended and the expansion of the cotton kingdom in the South. The voracious demand for enslaved labor, fueled by the cotton industry, meant that southern enslavers benefited from the decline of slavery elsewhere. While some enslavers in the north, so as not to lose their vested interest in their human property as a result of gradualism, fed the internal slave trade by selling their enslaved property to the Deep South, still others capitalized on the natural growth of their enslaved populations following the Revolution and profited off any enslaved property they deemed “excess” by selling them to the domestic slave trade.<sup>231</sup> Of course, the internal slave trade also facilitated the kidnapping of free(d) Black peoples, which became an economic

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<sup>230</sup> Young, “For Life or Otherwise,” 6.

<sup>231</sup> Stanley Harrold, *Border War: Fighting Over Slavery Before the Civil War* (Chapel Hill: The University of North Carolina Press, 2010). 6.



enterprise in its own right. The kidnapping of free(d) Black peoples escalated significantly during the 1810s and 1820s particularly in urban centers such as Philadelphia where kidnapers and free(d) Black persons retained a modicum of anonymity in the city yet kidnapping also increased in borderland spaces where Black men, women, and children remained considerably more vulnerable to abduction.<sup>232</sup>

Kidnapping rings operated throughout the North and, through a steady supply of free(d) and enslaved Black men, women, and children, carved into the American landscape a second, arguably more sinister leg of the domestic slave trade. Some individuals such as William Hadley and John McClure took advantage of the vulnerability of Black people's close to the Mason-Dixon Line, forcibly kidnapping one or two Black persons into the neighboring states to be into slavery. Hadley and McClure pleaded "not guilty" for kidnapping John Field in August 1823.<sup>233</sup> Field, at the time of the case was 21 years old, but when McClure and Hadley forced him across state lines into Maryland, he was sixteen. Hadley claimed that Field "was at perfect liberty to go away whenever he pleased" and that "...at no time was there any attempt to sell him for life."<sup>234</sup> Likewise, during the October Session of the Court of Common Pleas, the state indicted John Saunders for aiding Stephen Jones and Benjamin Jones in kidnapping a Black man named John

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<sup>232</sup> Eric Foner's *Gateway to Freedom* addresses the rise of kidnapping most prevalently in New York but also touches on the growth of kidnappings in Boston throughout the late eighteenth and early nineteenth century. Eric Foner, *Gateway to Freedom*. Oxford University Press, 2015. See also, Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865* (Lexington: The University Press of Kentucky, 2009). For more on the effects of American capitalism on slavery in the antebellum period, including the domestic slave trade and the various mechanisms that transformed the slavery machine, see: Edward Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (New York: Basic Books, 2014).

<sup>233</sup> *Commonwealth vs. William Hadley and John McClure*. Quarter Sessions Docket I. January 1821 - January 1826. Includes Case Notes and Witness Testimonies. Chester County Archives. Accessed December 2021.

<sup>234</sup> *Ibid.*

from Chester County.<sup>235</sup> The family of Alexander Ewing, introduced in chapter one, specifically his sons Nathaniel and William Ewing, also made appearances in the local court records for attempting to kidnap Joseph Moore and William Lewis and transport them to Cecil County, Maryland.<sup>236</sup> Larger operations also emerged during the early republic. For example, the so-called Blackbirders and Kidnapping Club terrorized Black New York residents whereas the Gap Gang tormented Lancaster County, Pennsylvania, and the Cannon-Johnson syndicate capitalized on the demand for enslaved laborers by ravaging Pennsylvania's freed Black communities.<sup>237</sup>

The Johnson operation remains one of the most prolific kidnapping rings of the early republic known to historians. After abducting free(d) and enslaved Black peoples from Pennsylvania, New Jersey, and New York, the Johnson's sold their human cargo to enslavers throughout Virginia, Delaware, and Maryland. At its height, the Johnson operation extended as far south as Louisiana. The Johnson syndicate operated primarily as a family enterprise led by Patty Cannon-Johnson, her children, Ebenezer and Joseph Johnson, and those who married into the family. They were also assisted by "over thirty men," consisting of non-familial allies, such as lawmen, attorneys, and proslavery supporters willing to provide the Johnson's with safe houses and other resources.<sup>238</sup> According to historian James Gigantino, the Johnson syndicate

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<sup>235</sup> *Commonwealth vs. Benjamin Jones, Stephen Jones, and John Saunders*. Quarter Sessions Docket I. November 1817 - October 1820. Includes True Bill and Individual Charges. Chester County Archives. Accessed December 2021.

<sup>236</sup> *Commonwealth vs. Nathaniel Ewing*, February 1792 and *Commonwealth vs. William Ewing*, February 1792. Chester County Archives. Accessed December 2021.

<sup>237</sup> Julie Winch, "Philadelphia and the Other Underground Railroad." *The Pennsylvania Magazine of History and Biography* 111, no. 1 (1987): 3–25. and Richard Bell, *Stolen: Five Free Boys Kidnapped into Slavery and Their Astonishing Odyssey Home* (New York: Simon & Schuster, 2019).

<sup>238</sup> Correspondence, Joseph Watson Papers, Collection 1873, Correspondence 71-99 (B-C), 1827-1828, Box 1. The Historical Society of Pennsylvania. Accessed Summer 2021.

”kidnapped and sold over one hundred free blacks” within a ”two-year period in the 1820s.”<sup>239</sup>

Although members of the syndicate faced multiple indictments, often at the same time from different states, they frequently managed to evade capture. In 1825, Ebenezer Johnson, for instance, was charged with forging counterfeit notes in Rockingham, New Hampshire, but he successfully escaped without any penalties.<sup>240</sup>

While kidnapers like the Johnson’s often used violence to capture their victims, they also resorted to coercion and deception. Kidnapers often exploited peoples of color who participated in the kidnapping cabal, evoked the 1793 Fugitive Slave Law to remand a “suspected runaway,” or frequently conned their victims with the false prospect of a paying job or used some other deception.<sup>241</sup> The testimony of one kidnapping victim in Jesse Torrey’s *A Portraiture of Domestic Slavery in the United States* claimed that

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<sup>239</sup> James J. Gigantino. *The Ragged Road to Abolition: Slavery and Freedom in New Jersey, 1775-1865* (Philadelphia: The University of Pennsylvania Press, 2015). 168.

<sup>240</sup> Correspondence, Joseph Watson Papers, Collection 1873, Correspondence 262-272 (H), 1827-1828, Box 1 Folder 16. The Historical Society of Pennsylvania.; Correspondence, Joseph Watson Papers, Collection 1873, Correspondence 274-299 (H-K), 1827-1828, Box 1 Folder 17. The Historical Society of Pennsylvania.; and, Correspondence, Joseph Watson Papers, Collection 1873, Correspondence 405-500 (O-W), 1825-1828, Box 1 Folder 19. The Historical Society of Pennsylvania. Accessed Summer 2021.

<sup>241</sup> The historical record cites two peoples of color, Tilly James, a “yellow woman,” and John Smith, “a light coloured” “mulatto” man, who participated in the Johnson’s operation though their individual reasoning for doing so is lost to history. As many historians of Black history have asserted, for African-Americans, freedom and enslavement did not exist as a static, clearly defined binary. It is very likely that these individuals used whatever tactics they could to survive in an anti-Black, racially charged environment, in which blackness equated non-human and unfree. Moreover, unlike their white counterparts, peoples of color convicted of kidnapping failed to escape criminal conviction and punishment, receiving the harshest of sentences, and only supplied further ammunition to arguments that Black persons were incapable of fulfilling traditional societal expectations. For a brief selection of works on the limits of racial solidarity across the Americas, see: Richard Bell, “Counterfeit Kin: Kidnappers of Color, the Reverse Underground Railroad, and the Origins of Practical Abolition,” *Journal of the Early Republic* 38, no. 2 (2018): 199-230.; Jane E. Mangan, *Transatlantic Obligations: Creating the Bonds of Family in Conquest-Era Peru and Spain* (Oxford: Oxford University Press, 2015).; Peter Linebaugh and Marcus Rediker. *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2013.); Tiya Miles, “Beyond a Boundary: Black Lives and the Settler-Native Divide.” *The William and Mary Quarterly* 76, no. 3 (2019): 417-426.; Patrick Rael, *Black Identity and Black Protest in the Antebellum North* (Chapel Hill: University of North Carolina Press, 2002). Correspondence, Joseph Watson Papers, Collection 1873, Correspondence 262-272 (H), 1827-1828, Box 1 Folder 16. The Historical Society of Pennsylvania.; Correspondence, Joseph Watson Papers, Collection 1873, Correspondence 274-299 (H-K), 1827-1828, Box 1 Folder

“on pretence of hunting opossums, two strangers rushed upon him with ropes in their hands, and with the assistance of the person just mentioned, bound his hands, and led him with a pistol held each side of him, (with which he said they threatened to shoot him if he made any alarm,) 15 or 20 miles, where he was secreted ‘til the next evening; when another person came with a chaise and conveyed him to a tavern in Maryland, a little over the line; \* from when one of the Man-Dealers...brought him to Washington in manacles, and sold him to another, as a slave for life.”<sup>242</sup>

Torrey’s narrative suggests that kidnapers reserved their more violent methods to target young adult Black men who could be sold for a premium in the domestic slave trade, but who might also fight back against their captors. Perry Frisby, a free(d) Black man, was bludgeoned on his own front porch after being tricked into running outside to “console a dying woman” and subsequently dragged to a slave trader.<sup>243</sup> Abducting adult Black men required more resources, manpower, and carried greater risks, especially when attempting to secret them out of free spaces, though this was not unprecedented. Solomon Northup was kidnapped from New York in his early thirties and in 1823, John Fields was kidnapped at the age of 21.<sup>244</sup> More often,

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17. The Historical Society of Pennsylvania.; and, Correspondence, Joseph Watson Papers, Collection 1873, Correspondence 405-500 (O-W), 1825-1828, Box 1 Folder 19. The Historical Society of Pennsylvania. Accessed Summer 2021.

<sup>242</sup> Jesse Torrey, *A Portraiture of Domestic Slavery in the United States: With Reflections on the Practicability of Restoring the Moral Rights of the Slave, Without Impairing the Legal Privileges of the Possessor, and a Project of a Colonial Asylum for Free Persons of Colour: Including Memoirs of Facts on the Interior Traffic in Slaves, and on Kidnapping*. Vol. no. 42311. Philadelphia: Published by the author, 1817. The Historical Society of Pennsylvania held in The Library Company of Philadelphia. 47.

<sup>243</sup> Elliott Drago, “A Precarious Freedom: The 1820 Philadelphia Kidnapping Crisis.” *The Pennsylvania Magazine of History and Biography* 145, no. 2 (2021): 119-120.

<sup>244</sup> Solomon Northup, *Twelve Years a Slave: Narrative of Solomon Northup, a Citizen of New-York, Kidnapped in Washington City in 1841, and Rescued in 1853*. [Electronic Edition held by Documenting the American South](#). Accessed January 2023. For a brief summary of Solomon Northup’s re-enslavement, see David Fiske, Rachel Cole, Rachel Seligman, and Clifford Brown’s Britannica article, “Solomon Northup: American Farmer and Writer.” [Encyclopedia Britannica](#). Accessed January 2023. For John Fields reference, see *Commonwealth Vs. William Hadley and John McClure*. Quarter Sessions Docket I, January 1821-January 1826. Chester County Archives. It should be noted that the court case cites Fields as a minor at the age of twenty-one, though by modern, contemporary standards, the United States considers this the age of adulthood. I’ve included Fields here because it is reasonable to assume that Fields’ build, stature, and dexterity more closely resembled that of Northup’s than George and James Stanley, kidnapped at the age of twelve.

kidnappers targeted free(d) Black children who could be easily tricked, scared into silence, and quickly relocated.

The failures of Pennsylvania's gradual abolition legislation made Black children uniquely vulnerable to exploitation. From the very nature of "hereditary term slavery" to the several ways indentures were abused as a way to extend the institution of slavery in the state.<sup>245</sup> For example, in 1824, Samuel Sherwood sold the remaining few years of Benjamin's indentured contract to a man named Pritchett for \$50 because Benjamin "expressed a strong desire to be sold by him" as Pritchett "had promised to learn him a trade and always give him plenty of good clothes."<sup>246</sup> Likewise, just a decade earlier, Augustinus Stevenson signed an indentured contract to Francis Duffer "to learn the business of housekeeping," but Stevenson's father was not present when the boy's indentured contract was later transferred over to Samuel Vanlear, who resided in Chester County, Pennsylvania. Lewis, on behalf of the Republic, stated that he wished to "break up a most nefarious practice of Dealers in human Flesh," and questioned whether a child could be coerced into an indentured contract.<sup>247</sup> Indeed, he asked the court "Is any assignment of an apprentice good without the consent of the father...[the] Legislature could never have mean [sic] that the child's consent should be sufficient. He may be whipped into a consent!"<sup>248</sup> Nineteen-year-old Jacob Simons, also known as Charly, fell victim to the Johnson's after being

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<sup>245</sup> Young, "For Life or Otherwise," iii.

<sup>246</sup> Correspondence, Joseph Watson Papers, Collection 1873, Correspondence 405-500 (O-W), 1825-1828, Box 1 Folder 19. The Historical Society of Pennsylvania. Accessed Summer 2021.

<sup>247</sup> *Republic vs. Samuel Vanlear*. Jasper Yeates Papers 1733-1876, Collection #740, Series 3: Legal and Miscellaneous (1814-1815) Box 46. The Historical Society of Pennsylvania. Accessed Summer 2021.

<sup>248</sup> *Ibid.*

sold to Joseph Johnson by Bill and Joseph Lewis.<sup>249</sup> Not only do these cases highlight the coercive methods of some proslavery Pennsylvanians to extend “term slavery” indefinitely, but the transfer of indentured contracts from one person to the next further highlights the fungibility of free(d) Black peoples in Pennsylvania under gradualism.

Somewhat similar to Stevenson’s experience, Sam Scomp, born in New Jersey and afraid that his indentured contract would be sold yet again (his contract had already been sold once before in New Jersey) to an out-of-state enslaver, Scomp liberated himself and claimed his freedom in Philadelphia. Unfortunately, Scomp’s stay on “free soil” was all too brief. He soon fell victim to the Cannon-Johnson syndicate.<sup>250</sup>

The Johnsons activities gained national attention in 1825 and 1826 following the discovery and subsequent testimonies of five Black children kidnapped by the syndicate. Philadelphia’s Mayor at the time, Joseph Watson, became aware of the case after he received a written statement from Isaiah Sadler. Sadler, the seventeen-year-old son of Perry and Susan Sadler, moved to Pennsylvania from New Jersey after the death of his biological father. During his adolescence, Sadler lived with various members of his kinship family and took on odd jobs to support himself and his caretakers. Sadler’s desire to earn a living for himself, much like other young Black men and women, made him vulnerable to the plot of kidnappers like the Johnson’s. Indeed, in his letter to Mayor Watson, Sadler explained how a woman named Tilly James convinced him to follow her on the assumption that she would give the boy “five and five dollars a month “to take care of a 120-acre farm owned by her uncle and a “new suit of clothes” if he

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<sup>249</sup> Correspondence, Joseph Watson Papers, Collection 1878, Correspondence 6-67 (A-B), 1824-1826. The Historical Society of Pennsylvania.; and Correspondence, Joseph Watson Papers, Collection 1878, Correspondence 102-143 (C-E), 1827-1828. Box 1 Folder 13. The Historical Society of Pennsylvania. Accessed Summer 2021.

<sup>250</sup> Bell, *Stolen*, 16-22.

went with her.<sup>251</sup> Convinced, Sadler followed Tilly James from the relative safety of Philadelphia to Sussex County, Delaware. He caught on to James' ruse too late, but using a broken wooden spoon, managed to free himself from the chains placed around his legs and escape back to Pennsylvania.<sup>252</sup>

Sadler recounted in detail the route he and James took as they moved from Pennsylvania "free soil" into spaces considered increasingly unfree. Not only did he highlight specific towns, but he also mentioned the people and buildings that marked his route from freedom to unfreedom and back. For example, Sadler carefully described how they moved through 13<sup>th</sup> and Vine Street, Market Street Wharf, Wilmington and across Wilmington Bridge, Dover, Milford, Guinea Town, or near it, and finally into Tea Town as he traversed from freedom to re-enslavement. Their route took Sadler and James through populated streets, not dark alleyways or overgrown, forgotten footpaths hidden from potentially curious onlookers. Moreover, this route brought them near the residences of Joseph Watson, Thomas McKean, and other Philadelphia judges who heard cases related to slavery and re-enslavement. Many of the habeas corpus documents referenced throughout this dissertation mention the location of these very houses, requiring the presence of enslaved individuals to be brought there for the legal proceeding.<sup>253</sup>

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<sup>251</sup> Correspondence, Joseph Watson Papers, Collection 1878, Box 1 Folder 8. Correspondence 456-476, 1824-1826. The Historical Society of Pennsylvania. Accessed Summer 2021. Sadler's narrative is also examined by Richard Bell in his article "Counterfeit Kin." See Richard Bell, "Counterfeit Kin: Kidnappers of Color, the Reverse Underground Railroad, and the Origins of Practical Abolition," *Journal of the Early Republic* 38, no. 2 (2018): 199-230.

<sup>252</sup> *Ibid.*

<sup>253</sup> Between 1790 and 1792, George Washington resided near the above location while he stayed in Philadelphia, Pennsylvania. He brought with him nine enslaved individuals who he strategically moved in and out of the state every six months in order to circumvent the sojourner addendum. Because Pennsylvanians overemphasized the importance of abolition in creating a "free state" as well as their humanitarian deeds, they overshadowed the resiliency of slavery in the state and contributed to the myth making of a "free north." For more, see Marc Howard Ross, *Slavery in the North: Forgetting History and Recovering Memory* (Philadelphia: The University of

Whereas whites deemed specific spaces in Pennsylvania unsafe for white residents because of their proximity to Black neighborhoods and congregations, nowhere in Pennsylvania was safe for Black residents. Even in Pennsylvania's urban centers, such as Philadelphia and Pittsburgh, freed(d) Black populations achieved only a relative freedom. Black communities faced poverty, segregation, and criminalization. Free(d) Black Pennsylvanians found limited opportunities for work in the city despite the growing demand for labor brought about by the Market Revolution. Many urban Black residents remained desperately poor and relied on support from the almshouse while many others were targeted for vagrancy and other alleged crimes and sent to the Pennsylvania jails or workhouses.<sup>254</sup> On January 16, 1828, the residents of Hearst, Seventh, and South Streets cosigned a letter to Philadelphia Mayor Joseph Watson to complain about "assembling groups of black boys at the corners of the streets and other places."<sup>255</sup> The letter alleged that the boys were "in the practice of assaulting and frequently beating the citizens and others as they pass so much so that our families are in great danger in passing and repassing" and specifically named two Black men, Charles Herman and Peter Hagerman, as "most riotous

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Pennsylvania Press, 2018). See also, Erica Armstrong Dunbar and Cleve K. Van. *Never Caught, the Story of Ona Judge: George and Martha Washington's Courageous Slave Who Dared to Run Away* (New York: Aladdin, 2019).

<sup>254</sup> For more on the lived realities of free(d) Black peoples in the north, see Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780-1860* (Ithaca: Cornell University Press, 1998).; Leon F. Litwack, *North of Slavery: The Negro in the Free States* (Chicago: The University of Chicago Press, 2009).; Leslie M. Harris (Leslie Maria), *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: The University of Chicago Press, 2003).; Jared Ross Hardesty, *Unfreedom: Slavery and Dependence in Eighteenth-Century Boston* (New York: New York University Press, 2016).; James J. Gigantino, *The Ragged Road to Abolition: Slavery and Freedom in New Jersey, 1775-1865* (Philadelphia: The University of Pennsylvania Press, 2015).; Kristin O'Brassill-Kulfan, *Vagrants and Vagabonds: Poverty and Mobility in the Early American Republic* (New York: New York University Press, 2019).; Gary B. Nash, and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991).

<sup>255</sup> Correspondence, Joseph Watson Papers, Collection 1878, Folder: Correspondence 71-99, 1827-1828. The Historical Society of Pennsylvania. Accessed Summer 2021.



and active” in “these evils.”<sup>256</sup> White Pennsylvanians not only voiced their complaints to authorities and published derogatory materials in the papers, but they also resorted to physical attacks and lawsuits to discredit and harm the state’s Black residents. Escaped formerly enslaved individuals who found refuge in Pennsylvania’s “free soil” and Black residents living along the Mason-Dixon Line were especially vulnerable due to the 1793 Fugitive Slave Act.<sup>257</sup> One mother wrote to Watson about her twelve and thirteen-year old sons, George and James Stanley, who were fishing on Island Creek near Griffin’s Neck when the Johnson’s carried them off to their establishment “just on the line between Delaware and Maryland.”<sup>258</sup>

Waterways, such as the Market Street Wharf, posed a significant danger because they provided kidnapers with an easy means to swiftly transport Black children from “free soil” to the coast of Delaware or to an even further port, such as Louisiana. James Dailey and Washington Brown were kidnapped by John Pritchett from Philadelphia to Pittsburg before being “sent down the river to Louisiana” and sold to enslavers.<sup>259</sup> The Ohio and Mississippi Rivers along Pennsylvania’s southern border acted as revolving doors. The two waterways provided enslaved men and women a means to liberate themselves and escape into the North or west into Indiana Territory. However, even freedom attained via the Ohio River remained precarious. While some enslaved men and women who reached “free soil” by the Ohio River remained relatively protected by northern states anti-kidnapping legislation, still other freedom

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<sup>256</sup> *Ibid.*

<sup>257</sup> Lucien Holness, “Between North and South, East and West: The Anti-Slavery Movement in Southwestern Pennsylvania, 1780–1865,” University of Maryland, College Park, Ann Arbor, 2019. 84-88.

<sup>258</sup> Correspondence, Joseph Watson Papers, Collection 1878, Correspondence 6-67 (A-B), 1824-1826. The Historical Society of Pennsylvania.; and Correspondence, Joseph Watson Papers, Collection 1878, Correspondence 102-143 (C-E), 1827-1828. Box 1 Folder 13. The Historical Society of Pennsylvania. Accessed Summer 2021.

<sup>259</sup> *Ibid.*

seekers who made it to Indiana Territory met the same contractual freedom as those in Pennsylvania. Indiana law mandated that formerly enslaved Black peoples enter into an indentured contract in order to become truly “free.”<sup>260</sup>

Tilly James’ fearlessness in traversing routes that brought her and her intended victim near areas overseen by Pennsylvania authorities is significant for multiple reasons. Firstly, it suggests that kidnappers feared little rebuke by Philadelphia authorities, possibly because of the prevalence of anti-Black violence throughout the state. Some judges, like McKean, were known for their proslavery leanings and even the city’s constables were known to participate in the abduction of free(d) Black persons.<sup>261</sup> The pervasiveness of northern racism extended far beyond urban centers and impacted Black communities in rural Pennsylvania as well, limiting where many rural Black individuals could live, work, and learn. Some impoverished rural free(d) Black men and women continued to toil on the farms owned by their previous enslavers through the cottager system and were often marked as “‘inmates’ on the tax lists.”<sup>262</sup> Despite these challenges, many Black communities flourished and continuously fought to make real their conceptualization of Pennsylvania “free soil.” A common thread that linked Black peoples in rural and urban areas (aside from the deep-rooted racism they experienced) was that they remained in a geographically liminal space. Not only did these communities exist near the state border, a literal boundary between freedom and unfreedom, but Pennsylvania’s Black residents

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<sup>260</sup> Matthew Salafia, *Slavery's Borderland: Freedom and Bondage Along the Ohio River* (Philadelphia: The University of Pennsylvania Press, 2013). 65, 131-139, 165-166.; Holness, “Between North and South, East and West,” 84.

<sup>261</sup> Elliot Drago, “A Precarious Freedom,” 120-130.

<sup>262</sup> Gary B. Nash, and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991). 188.

also navigated a daily reality that remained inherently unfree despite the growing perception of the state as a land of freedom. Secondly, as a woman of color, Tilly James' role in Sadler's kidnapping starkly contrasted with the experiences of other women of color such as Mary Fisher, a Black woman who fell victim to re-enslavement less than a decade after Sadler's ordeal.<sup>263</sup> James' reasons for participating in the kidnapping of Sadler remain absent from the historical record. Nevertheless, her involvement only served to reinforce how "people of color remained a form of property in the eyes of many if not most whites" who "effectively re-enslaved them in other ways by asserting control over their actions, confiscating their freedom, and appropriating their goods and real estate," even exploiting their racial identity for the kidnappers' own purposes.<sup>264</sup>

In a similar manner to Tilly James' role in Sadler's harrowing ordeal, John Smith used the prospect of temporary wage labor to lure Emos Tilghman, Cornelius Sinclair, Sam Scomp, Alex Manlove, and Joe Johnson onto a boat where he then bound them with chains, gagged them, and abducted them out of Pennsylvania. Scomp was the oldest of the children, aged around fourteen or fifteen, while Manlove, approximately eight years old, was the youngest. Shortly after reaching Delaware, the Johnson-Cannon syndicate added two kidnapped women, Mary Neal and Mary Fisher, to the captive convoy. The gang intended to follow the established routes used by enslavers participating in the domestic slave trade, passing through Maryland, West

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<sup>263</sup> Mary Fisher was abducted alongside Emos Tilghman, Cornelius Sinclair, Sam Scomp, Alex Manlove, and Joe Johnson by the Johnson syndicate in the early 1820s. Her experience is further examined in Bell's *Stolen*.

<sup>264</sup> Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780-1860* (Ithaca: Cornell University Press, 1998). 101 and 107.

Virginia, into Alabama before reaching central Mississippi, to sell their victims to enslavers in Natchez.<sup>265</sup>

Enslavers and kidnapers involved in the domestic slave trade adapted the tools and techniques used in the trans-Atlantic slave trade to dehumanize and commodify their human cargo and adjusting them for overland routes. Dehydration and malnutrition exacerbated the exhaustion and disorientation of abducted captives as food remained limited to what could be carried within a wagon or on horseback and overland routes deliberately avoided settlements. Instead, these routes cut through the open plains, rocky hills, and wooded areas that characterized the Appalachia's and the Mississippi Delta. The rising and setting of the sun provided the only method to mark time though in many cases even this proved unreliable. For instance, when taken by the Johnson syndicate and forced into the Attomack, Scomp was sure they "had 'been in the water a week'" when "in truth, it had been less than two days."<sup>266</sup> Furthermore, kidnapers used violence liberally to both dissuade escape and to enforce a strict regimen to meet whatever mileage quota they may have set for the day. Ebenezer Johnson brutally beat Joe against the "cart's massive iron wheels" for falling behind.<sup>267</sup> The boy died from his injuries within hours. When the captive group arrived at their destination, kidnapers

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<sup>265</sup> The Joseph Watson collection at The Historical Society of Pennsylvania contains the entire narrative of Emos Tilghman and the others as well as additional correspondence regarding Joseph and Ebenizer Johnson. See Joseph Watson Papers, Collection 1878, Collection 262-272 (H), Box 1 Folder 16. The Historical Society of Pennsylvania. Accessed Summer 2021. The entire narrative of the Johnson's kidnapping of Emos Tilghman, Cornelius Sinclair, Sam Scomp, Alex Manlove, and Joe Johnson is covered by Richard Bell in his work, *Stolen*. Richard Bell, *Stolen: Five Free Boys Kidnapped into Slavery and Their Astonishing Odyssey Home* (New York: Simon & Schuster, 2019).

<sup>266</sup> Bell, *Stolen*, 50.

<sup>267</sup> Bell, *Stolen*, 115-116.

“packaged their slaves,” that is, fabricating new histories and identities by forging bills of sale and changing their clothes as they made the formerly free(d) ready for auction.<sup>268</sup>

The actions of kidnapers like the Johnsons who corrupted the same routes used by the Underground Railroad have led historians to define the phenomenon as the “reverse underground railroad.”<sup>269</sup> Originally coined by historian Julie Winch in the late twenty-first century because of the relative parallels in the way the two networks operated, more recent scholars such as Richard Bell have also taken up the phrase. As these scholars have suggested, the Underground Railroad and the so-called “reverse underground railroad” both operated on anonymity, secrecy, and tenuous allegiances. However, the Underground Railroad aimed at self-liberation whereas the “reverse underground railroad” relied on the re-enslavement of individuals. The use of the phrase “Reverse Underground Railroad” potentially diminishes the significance of the Underground

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<sup>268</sup> In his work, *Stolen*, Bell makes the argument that kidnapers were considered criminals by the formally recognized slave traders who made up the internal slave trade. Bell argues that although they operated using the same routes carved by the traders, kidnapers operated along the fringes of the internal slave trade. Strictly speaking, given the political and legislative roadblocks various states passed in order to mitigate the introduction of Blacks into the state during the expansion of the internal slave trade, this makes sense as kidnapers likely would have poisoned what many deemed a legitimate trade. Indeed, according to Adam Rothman, there existed a widespread effort by southern legislatures to restrict the interstate slave trade prior to 1820, but these efforts failed because of the lucrative wealth resulting from the expansion of slavery and the rise of the King Cotton. The desire to restrict the domestic slave trade derived from efforts to distance themselves from the transatlantic slave trade while also defending the expansion of the institution internally in the United States. These early restrictions were merely a paternalist endeavor to maintain a political and moral legitimacy to the institution of slavery and the domestication of the slave trade amidst a growing abolitionist and antislavery opposition. However, the domestic market secured exorbitant prices for Black bodies and individuals often looked the other way considering that they may receive a laborer for cheaper than at the auction block. Moreover, this says nothing about the forced removal of free(d) Black peoples through “legal” kidnapping, or the re-enslavement of Black men, women, and children, as a result of the 1793 Fugitive Slave Law. While kidnapping did eventually undermine the fragile interstate cooperation established during the constitutional convention, this only came about in the mid-nineteenth century as a result of many different factors, not least of all the decision in *Prigg v. Pennsylvania*. See Adam Rothman, “The Domestication of the Slave Trade in the United States,” in *The Chattel Principle: Internal Slave Trades in the Americas*. Edited by Walter Johnson (New Haven: Yale University Press, 2005).; see also Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 2009). Quote from Johnson, *Soul by Soul*, 16, see also pgs 127-131.

<sup>269</sup> Though Julie Winch was the one of the first historians to take up this terminology, it was also adopted by Richard Bell in his analysis of the Johnson kidnappings in the 1820s. Winch, “Philadelphia and the Other Underground Railroad;” and Bell, *Stolen* and “Counterfeit Kin.” See Bell’s summarization of the two “railroads” in *Stolen*, 3-6, and “Counterfeit Kin,” 201-202.

Railroad itself, but more importantly, it confuses the narrative of the southern Underground Railroad, that is, the roots and routes to freedom that Black men and women in the Deep South carved out on their way to Mexico or other spaces of freedom in the southern hemisphere, such as Haiti.<sup>270</sup>

Moreover, kidnappers' illegal activities remained a consistent part of popular public consciousness because they were often publicized. Newspapers played a significant role in disseminating information about missing children or published the activities of kidnappers themselves long before the Johnson syndicate made headlines. For example, written by "a Friend to Mankind," *The Pennsylvania Packet, and Daily Advertiser* reprinted a detailed account from *The New York Journal* about the "indifference" to the several kidnappings that occurred in Connecticut.<sup>271</sup> Newspapers such as *Poulson's American Daily Advertiser* not only published warrants for kidnappers, such as Delawarean Henry Brereton who abducted George Warren, Sally Warren, and Rachel Warren, but they also covered the activities of anti-kidnapping organizations such as Baltimore, Maryland's "The Protection Committee."<sup>272</sup> Less than a decade later, *Poulson's Daily Advertiser* featured Joseph Watson's war against the Johnson-Cannon syndicate. From an advertisement in which Watson offered a five-hundred-dollar reward for any

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<sup>270</sup> For an analysis of the southern routes of the Underground Railroad, see: Maria Esther Hammack, "The Other Underground Railroad: Hidden Histories of Slavery and Freedom Across the Porous Frontiers of Nineteenth-Century United States, Mexico, and the Caribbean." ProQuest Dissertations Publishing, 2015.; and, Alice Baumgartner, *South to Freedom: Runaway Slaves to Mexico and the Road to the Civil War* (New York: Basic Books, 2020).

<sup>271</sup> "From the New-York Journal." *Pennsylvania Packet*, no. 2223, 1786, 3. *Readex: America's Historical Newspapers*. Accessed 27 Nov. 2022.

<sup>272</sup> "Legislative Acts/Legal Proceedings." *Poulson's American Daily Advertiser.*, vol. XLI, no. 11150, 19 Aug. 1812, 3. *Readex: America's Historical Newspapers.* Accessed 27 Nov. 2022.; "Communication." *Poulson's American Daily Advertiser.*, vol. XLV, no. 12478, 16 Nov. 1816, 3. *Readex: America's Historical Newspapers*. Accessed 27 Nov. 2022.

information that would lead to the apprehension of the Johnson's or their associates, to a lengthy clipping that detailed the trial of Joseph Moore, a man who aided and abetted the Johnson's operation. The kidnapping of free(d) peoples of color remained a highly publicized affair, even if some of the individuals involved remained relatively obscured. Indeed, refocusing the public's gaze on the horrors of kidnapping or other issues related to the West served to divert attention away from the enduring presence of slavery in a "free state."<sup>273</sup>

For some white residents, the attacks against kidnapping may not have been merely performative but an honest endeavor. The coordinated efforts of the Pennsylvania Abolition Society and community organizations pushed Pennsylvania legislators to pass an amendment in 1821 that increased the punishment for convicted kidnappers.<sup>274</sup> Although Pennsylvania's anti-kidnapping law remained relatively lenient when compared to Delaware's anti-kidnapping statute which punished violators with a 1000\$ fine, whipping, and "an hour in the pillory, nailed there by the ears, the soft parts of which the sheriff would cut off afterward."<sup>275</sup> Regardless, antislavery activists and abolitionists, including Mayor Joseph Watson, played a crucial role in securing the freedom of a few abducted Black peoples, including Emos Tilghman, Sam Scamp, Alex Manlove, and Joe Johnson. When Johnson attempted to sell the children to enslaver John Hamilton in Mississippi, "one of the boys said to Mr. Hamilton that he and the other boys were stolen...and begged Mr H. to protect him."<sup>276</sup> Johnson produced a bill of sale for the boys,

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<sup>273</sup> Newspaper Clipping, Undated. Joseph Watson Papers, Box 1 Folder 17. Historical Society of Pennsylvania, Newspaper Clipping, February 9, 1827. Joseph Watson Papers, Box 1 Folder 16. Historical Society of Pennsylvania. Accessed Summer 2021.

<sup>274</sup> Bell, *Stolen*, 43-44.

<sup>275</sup> Bell, *Stolen*, 58.

<sup>276</sup> Correspondence. Joseph Watson Papers, Collection 1878, Collection 262-272 (H), Box 1 Folder 16. The Historical Society of Pennsylvania. Accessed Summer 2021. The convoy did not include Sinclair and Johnson at this

signed by Thomas Collins, and claimed that “if they were stolen, his brother and Collins had deceived him.”<sup>277</sup> Johnson left abruptly after telling Hamilton to keep the boys until he “could procure from Virginia evidence of the correctness” of his bill of sale.<sup>278</sup> Hamilton eventually sought advice about the legality of his ownership of the boys and reached out to authorities in Philadelphia about the boys. Very few suspected kidnappers were turned over to the authorities, either due to a fear of criminal retaliation or white antipathy regarding the plight of Black peoples. High Constable Garrigues found it “extremely difficult to find any white persons to identify” the children or even commit to traveling the “1500 or 2000 miles” in order to prove the children were free(d) Pennsylvanian residents.<sup>279</sup> After the children were reunited with their families in Pennsylvania, Tilghman, Scamp, Manlove, as well as the Johnson’s lives remained largely unchanged while Joseph Watson sent John Hamilton and John Henderson “two engraved silver plates, each valued at \$150” for their part in securing the freedom of the children.<sup>280</sup>

Whereas in New England, such “resistance to illegal kidnapping helped New Englanders make peace with slavery as an institution,” the resistance to kidnapping in Pennsylvania served protect the state’s current social order, “the rights of the public,” and, overall, Pennsylvania’s

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point because James Paul, a resident of Tuscaloosa, Alabama, bought Cornelius Sinclair as the Johnson-Cannon syndicate moved through the state in October, and just two months later, Ebenezer Johnson murdered Joe. See Bell, *Stolen*, 100-101, 115-116.

<sup>277</sup> *Ibid.*

<sup>278</sup> *Ibid.*

<sup>279</sup> Newspaper Clipping, May 7, 1828. Joseph Watson Papers, Box 1 Folder 16. Historical Society of Pennsylvania. Accessed Summer 2021.

<sup>280</sup> Bell, *Stolen*, 213.



emerging status as a “free state.”<sup>281</sup> Efforts aimed at raising awareness about kidnapping, to convict criminals, and to rescue kidnapping victims allowed Pennsylvanians to maintain their reputation as the upstanding moral vanguards of the abolitionist/antislavery movement and to increasingly concern themselves with the transformation of slavery as a federal affair, even as the state itself continued to benefit economically from slavery. Moreover, whereas abolitionists could employ the rhetoric and tactics of racial uplift through “white supervision and guardianship” to challenge the perceived societal and moral dangers of slavery to Black peoples, kidnapping posed a more multifaceted problem. It not only threatened the peace and security of white society, but it also blurred the boundary between state and federal jurisdiction.<sup>282</sup>

Interstate comity remained vitally important to the fragile union at the turn of the century. Pennsylvania navigated this delicate balance through the six-month sojourner addendum just as the Fugitive Slave Law, implemented at the national level, attempted to resolve any issues that may have developed between the non-slaveholding northern states and their slaveholding neighbors. George Washington signed the Fugitive Slave Law into legislation during his stay at the President’s House in Pennsylvania while nine enslaved peoples tended to his family almost thirteen years after the state began to implement its gradual abolition policies. However, kidnapping, the domestic slave trade, and rapid unchecked expansion into the west prompted both individual states and the federal government to reevaluate migration policies and the right to free movement. Initially, administrative control over mobility fell within the purview of the state,

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<sup>281</sup> John Wood Sweet, *Bodies Politic: Negotiating Race in the American North, 1730–1830* (Baltimore: Johns Hopkins University Press, 2003), 69. and Anna O. Law, “The Myth of ‘Open Borders.’” WP Company LLC d/b/a *The Washington Post*. Available via Proquest, here: <https://www.proquest.com/docview/2574942340?accountid=8361>; Anna O Law, “Lunatics, Idiots, Paupers, and Negro Seamen--Immigration Federalism and the Early American State.” *Studies in American Political Development*; Cambridge 28, no. 2 (2014): 107-128.

<sup>282</sup> Sweet, *Bodies Politic*, 69., and Gigantino, *The Ragged Road to Abolition*, 141.

that is, until the Missouri Crisis. In 1814, a case brought against Langdon Cheves and the diplomatic exemptions that Pennsylvania abolition granted to congressional delegates travelling through the state exemplifies the evolving nature of the “state,” individual mobility, and interstate relationships during this period. Cheves, a South Carolinian diplomat, attended the war congress of 1812 and temporarily rented a house in Germantown, Pennsylvania while he waited for Congress’ sessions to reconvene. According to the case file, Cheves’ had no choice but to temporarily reside in Pennsylvania because the war cut off the water routes to South Carolina and “returning by land would be a useless waste of time” especially considering an extra session of Congress was scheduled for May and then again in August.<sup>283</sup>

During the early nineteenth century, as the nation’s capital moved from Pennsylvania to Virginia and eventually settled in Washington D.C., Congressional delegates frequently travelled through Pennsylvania on their way to the nation’s new center. When Cheves made the long trek from South Carolina to the war congress in the District of Columbia he did not travel alone. Cheves brought with him an enslaved man named Lewis. As soon as Cheves took up residence in Pennsylvania to await the next session of Congress, Lewis took advantage of Pennsylvania’s “free soil” and liberated himself. The suit over Lewis’ “illegal emancipation,” *Republic vs. Jacob Holloway, the Jailer*, not only questioned Pennsylvania’s six-month sojourner addendum outlined in the 1780 Act, but is also challenged the legal exemption embedded in the gradual abolition law that granted amnesty to any Congressional delegate who travelled through the state

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<sup>283</sup> *Republic vs. Jacob Holloway*, Jailer Philadelphia County. Jasper Yeates Papers, 1733-1876, Collection #740. Series 3: Legal and Miscellaneous (1812-1813) Box 43, Folder 4. Historical Society of Pennsylvania. Accessed Summer 2021. Anna O Law, “Lunatics, Idiots, Paupers, and Negro Seamen—Immigration Federalism and the Early American State.” *Studies in American Political Development*; Cambridge 28, no. 2 (2014): 107-128.

with their enslaved attendants.<sup>284</sup> William Rawle, speaking on behalf of the Commonwealth, argued that at the time Pennsylvania legislators created this exemption the notion of the state was much different. Pennsylvania served as the nation’s capital and Congress itself was “very different in power from what they are at present.”<sup>285</sup> “Members came as representatives of foreign states and in the light of former sovereign ministers,” he continued.<sup>286</sup> Rawle further asserted that “there is no such Congress now as there was then” and that the exemption to diplomats who lived in or traveled through the state no longer applied.<sup>287</sup> Rawle’s argument emphasized that the states formed during the American Revolution and subsequently entered into a compact under the Articles of Confederation, no longer existed and in fact, not only had the concept of the state changed, but so too had the state’s relationship with the federal government.

Cheves’ attorney argued that in his defense, as a member of Congress, his “time is devoted to public use” and that he must attend Congress whenever politics deemed it necessary.<sup>288</sup> He further argued that Rawle’s opposition to the diplomatic exemption “put the Members of Congress on the Footing of a mere sojourner.”<sup>289</sup> According to Cheves’ attorney, voluntary travelers or sojourners willfully traveled through Pennsylvania “free soil” and

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<sup>284</sup> *Republic vs. Jacob Holloway*, Jailer of Philadelphia County. Japser Yeates Papers, 1733-1876, collection #740. Series 3: Legal and Miscellaneous (1814) Box 45, Folder 5. Historical Society of Pennsylvania. Accessed July 2021.

<sup>285</sup> *Ibid.*

<sup>286</sup> *Ibid.*

<sup>287</sup> *Ibid.* Stanley Kutler includes a brief analysis of the case and its role in Pennsylvania gradual abolition in his article, “Pennsylvania Courts, the Abolition Act, and Negro Rights.” Stanley I. Kutler, “Pennsylvania Courts, The Abolition Act, and Negro Rights.” *Pennsylvania History: A Journal of Mid-Atlantic Studies* 30, no. 1 (1963): 14–27. *JSTOR*, <http://www.jstor.org/stable/27770154>. Accessed 25 Nov. 2022.

<sup>288</sup> *Republic vs. Jacob Holloway*.

<sup>289</sup> *Ibid.*

therefore made a conscious decision to abide by the state's laws, whereas Cheves' had no choice. His temporary residency in Pennsylvania did not place him within the legal jurisdiction of the state and therefore it would be unlawful to separate Cheves' –or any congressional diplomat– from his enslaved property. This argument regarding involuntary and voluntary movement reflected the changes in legal praxis during the 1810s and early 1820s. As the new nation experienced both westward and interstate migrations, proslavery and antislavery advocates began to employ a “legal rhetoric of ‘choice’” in their arguments to curtail expanding conditions of freedom that developed as a result of increased mobility following the Revolution.<sup>290</sup> Consequently, the two sides vied over the changing possibilities of freedom and who had access to them at the same time that the nation began to crack down on the right of free movement.<sup>291</sup> Chief Justice Tilghman appeared to agree on Cheves' behalf. Tilghman claimed that despite the transformation of the state and the federal government, both the Articles of Confederation and the United States Constitution protected the slaveholding rights of the nation's diplomats, regardless of their current place of residence. Moreover, Tilghman argued that requiring diplomats to reside elsewhere (outside of Pennsylvania) between Congressional sessions was both “inconvenient” and “inconceivable.”<sup>292</sup> Tilghman ruled in favor of Cheves and remanded

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<sup>290</sup> Edlie L. Wong, *Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel* (New York: New York University Press, 2009). 111.

<sup>291</sup> Samantha Seeley, *Race, Removal, and the Right to Remain: Migration and the Making of the United States* (Chapel Hill: Omohundro Institute of Early American History and Culture, 2021). 223-233.

<sup>292</sup> *Republic vs. Jacob Holloway*. It should be noted that this case occurred long before the case involving Passmore Williamson in 1856. In this later case, proslavery Judge Kane, reaffirmed what Tilghman seemed to suggest without saying so explicitly. In 1856, Kane argued that slaveholders had a “right of transit” into any state, regardless of the state's laws on slavery or freedom. Kane argued that the state did not have legal jurisdiction over the movement of enslaved property across state lines, but rather, this fell under the “extraterritoriality” of slavery authorized by the United States Constitution. See Wong, *Neither Fugitive Nor Free*, 106-109, for more on Williamson's case.

Lewis back to enslavement. Tilghman's argument about the constitutional protections of slavery echoed the growing voice of slaveholding settlers in the West.

Although the War of 1812 served to end the ongoing tensions between the new nation and Great Britain following the American Revolution, it only intensified the growing conflicts between the state and the federal government as slaveholders and non-slaveholding delegates increasingly vied for political power throughout the nineteenth century. Republicans and Federalists strategically used moral and economic reasons to fuel their mutual distrust during the war effort as members of each party mobilized against the other. For example, New England antislavery Federalists organized the Hartford Convention in an attempt to establish a "Northern Confederacy," one that would purportedly free northern states from the political corruption and moral sins of the slaveholding south.<sup>293</sup> Pennsylvania delegates largely sided against the demands of the Hartford Convention, not because of the issues the convention raised over the three-fifths clause or representation in the Senate, but because they were "determined to exclude the issue of slavery from national politics."<sup>294</sup> They were committed to the belief that slavery should remain a state matter, that Pennsylvania and other non-slaveholding delegates should be free to legislate and enforce gradual abolition however they deemed necessary. Overall, Pennsylvania delegates largely refrained from engaging in discussions about abolition during the war as other issues such as supplying the militia proved a more pressing matter.<sup>295</sup> However, sectional tensions on the question of slavery reached a boiling point less within five years of the

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<sup>293</sup> Matthew Mason, "Federalists, Republicans, and Slavery during the War of 1812." In *Slavery and Politics in the Early American Republic* (Chapel Hill: University of North Carolina Press, 2006). 51-65.

<sup>294</sup> *Ibid.*

<sup>295</sup> Young, "For Life or Otherwise," 60.

wars conclusion when Missouri sought to enter the union as a new slaveholding state in 1819. The ensuing political crisis over Missouri catapulted the question of slavery's expansion into the west onto the national stage.<sup>296</sup>

Prior to the Missouri Compromise, the question of whether or not slavery would expand into the territories acquired by the new nation following the American Revolution was tentatively resolved by the Northwest Ordinance.<sup>297</sup> According to Article VI of the Ordinance, the northwest territories would enter the union as non-slaveholding states, which effectively gave Congress the “authority to regulate and prohibit slavery in federal territories.”<sup>298</sup> The ordinance was a loosely understood agreement that historians such as Annette Gordon Reed have deemed as part of the “original compact” that was accepted during the drafting of the Constitution. The compromise or compact allowed for the Union to be established.<sup>299</sup> Leaders of the early republic

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<sup>296</sup> For more information on the relationship between state and federal governments during the War of 1812 as well as the inner workings of the war congress, see: Victor A. Sapiro, *In Pennsylvania and the War of 1812* (Lexington: The University Press of Kentucky, 2015).; D. R. Hickey. *The War of 1812: A Short History* (Champaign: University of Illinois Press, 2012).; Matthew Mason “Federalists, Republicans, and Slavery during the War of 1812.” In *Slavery and Politics in the Early American Republic* (Chapel Hill: The University of North Carolina Press, 2006).

<sup>297</sup> Slavery remained (and has remained) a divisive issue in the United States in the wake of the Revolution. Although historians tend to agree that the Northwest Ordinance provided a sort of ameliorative agreement between proslavery and antislavery delegates in federal politics prior to the Missouri Crisis, it should be noted that the political, social, and legal climate over the issue of slavery remained muddled and complex. Conflicts surrounding the future of slavery in the nation became increasingly bifurcated and more intensified throughout the nineteenth century. For more on the Missouri Crisis and subsequent Compromise, see: John Craig Hammond and Jeffrey L. Pasley. *A Fire Bell in the Past: The Missouri Crisis at 200, Volume II: “The Missouri Question” and Its Answers and Volume I, Western Slavery, National Impasse* (Columbia: The University of Missouri Press, 2021).; John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville: The University of Virginia Press, 2020).; John Robert Van Atta, *Wolf by the Ears: the Missouri Crisis, 1819-1821* (Baltimore: Johns Hopkins University Press. 2015).; Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill: The University of North Carolina, 2009).

<sup>298</sup> John Craig Hammond, *Slavery, Freedom, and Expansion in the Early American West* (Charlottesville: The University of Virginia Press, 2020). 1-2.

<sup>299</sup> Annette Gordon-Reed, “Teaching Hard History – American Slavery, Key Concept Three.” Learning for Justice, The Southern Poverty Law Center. 13 August 2019. Youtube.

who were already weakened by local and regional interests all too readily accepted an arbitrary policy that seemingly fulfilled the republican principles of the nations' founding yet it had little influence on the ground. Because slavery already existed west of the Appalachians, this original compact did little to restrict the expansion of the institution in the nation's newly acquired territories following the Haitian Revolution and later, the Mexican American War, rather, slavery became "by default, a local question."<sup>300</sup>

Sectional divisions became increasingly evident in the new nation as Americans slowly began to articulate "fundamental differences" between the different states in the early nineteenth century.<sup>301</sup> As newly organized territories, such as Ohio and Indiana, or recolonized territories, such as Louisiana, sought to join the union, Congress faced a continuous stream of questions about the federal government's authority over the institution of slavery. For example, Louisiana, previously colonized by the French who practiced a distinct form of slavery, expressed concerns regarding the future of slavery in the state when the United States purchased the Louisiana Territory and especially when Congress restricted the international slave trade. However, the federal government remained relatively weak at the turn of the century and as a result, local politics and regional interests shaped whether a territory either embraced or rejected the institution. Who settled in each region, their previous social, cultural, economic and/or political connections with the east, as well as the regions historical connections to the institution of slavery contributed to widespread support of slavery in the southwest whereas territories organized in the northwest leaned more toward restricting slavery's expansion. What began as

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<sup>300</sup> Hammond, *Slavery, Freedom, and Expansion in the Early American West*, 6.

<sup>301</sup> *Ibid.* 125.

East and West sectional divisions slowly transitioned into a North/South divide following the War of 1812 as the United States worked to consolidate its growing empire.<sup>302</sup>

The Missouri Crisis represented one of the first major obstacles congressional delegates faced as the nation continued to look westward in the wake of the War of 1812. Indeed, as proslavery and antislavery legislators questioned the state's constitutional parameters regarding slavery in Missouri, they also debated the regulation of the institution at both the state and federal level. These discussions included drafting "explicit restrictions" on the institutions' expansion, which had the potential to overturn the tenuous balance of power that currently existed between the non-slaveholding state representatives in Congress and the growing slave power.<sup>303</sup> At the same time, state legislators grappled with "What exactly did non-slaveholding mean, and which states could claim that mantle."<sup>304</sup> Popular public sentiment only exacerbated matters as northern newspapers published evidence of proslavery violence and fueled abolitionist literature whereas anti-Black racism and fear of enslaved rebellion contributed to arguments for the protection of slaveholding rights in the West. Ultimately, Congress settled on a compromise.

The Compromise of 1820 declared that Missouri would join the United States as a slaveholding state while Maine entered the Union as a "free" state, thereby maintaining the fragile balance of power between antislavery and proslavery factions. The compromise also established the 36°30' parallel as the critical marker for designating whether future territories would be "free" or "slave" entities. Any newly established state that formed above the southernmost boundary of Missouri would enter the Union as a "free state," and any state below

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<sup>302</sup> Hammond, *Slavery, Freedom, and Expansion in the Early American West*.

<sup>303</sup> Gigantino, *The Ragged Road to Abolition*, 162.

<sup>304</sup> Heniford, "The Rise and Fall of a 'Free' Delaware," 229.



this line would join the United States and permit slavery. The compromise built upon the territorial limits outlined in the Northwest Ordinance but also expanded this original border to encompass the changing borders of a growing nation. More importantly, however, the Missouri Compromise and its aftermath raised broader questions about “the universal reach of the Constitution” and the future place of free(d) Black peoples in the new nation.<sup>305</sup>

As chapter two alluded, unlike its southern slaveholding neighbors like South Carolina, it was not the institution of slavery that contributed to the production of Pennsylvania’s state space. Rather, the legal and geopolitical boundaries of the early state of Pennsylvania were defined through the struggle over Pennsylvania’s emerging identity that occurred between Black Americans and white proslavery as well as apathetic Pennsylvanians. As state and national lawmakers became increasingly preoccupied with defining the geopolitical boundary of a “state” as well as how this could be used to either expand or restrict the institution of slavery and the movement of free(d) Black peoples, Pennsylvanian’s became increasingly concerned about who possessed the protections of Pennsylvania statehood and the possibilities of freedom that it offered. The heightened sectional tensions in the 1820s that resulted from the Missouri Crisis only inflamed Pennsylvania’s border issues. While public campaigns against kidnapping offered one solution to the problem, colonization provided white Pennsylvanians with another.<sup>306</sup>

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<sup>305</sup> Donald Radcliffe, “The Surprising Politics of the Missouri Compromise: Antislavery Doughfaces, Maine, and the Myth of Sectional Balance” in *A Fire in the Bell*, et. all. Vol. I. (Columbia: The University of Missouri Press, 2021). 213-252. See also Forbes, *The Missouri Compromise and Its Aftermath*, 8.

<sup>306</sup> Edlie Wong argues that the clear dichotomy between slavery and freedom was “regional fiction of abolitionism.” Edlie L. Wong, *Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel* (New York: New York University Press, 2009). 8. This is clearly evident in the antebellum period as white Pennsylvanians strove to protect free(d) Black Americans who reached Pennsylvania “free soil,” not because of any semblance of racial equality, but because of their desire to uphold their own moral capital in contrast to their slaveholding neighbors. See Heniford, “The Rise and Fall of a ‘Free’ Delaware.”

Discussions about Black containment operated alongside and within discussions regarding Black mobility in the late eighteenth and early nineteenth century. Although individual mobility across the nation helped to foster a “common political community,” restrictive migration laws challenged “the concept of the union and of citizenship.”<sup>307</sup> Some states, such as Virginia, blocked the entry of free(d) Black peoples, while others developed legislation that either restricted the migration or expelled free(d) peoples of color after they received their freedom. As scholars have previously attested, these actions were a manifestation of white paranoia and fears of enslaved rebellion. For example, Virginia legislators responded to news about Gabriel Prosser’s rebellion in 1800 “by bringing colonization out of parlor conversations and into the law.”<sup>308</sup>

The debate over Black containment, mobility, and freedom reached a critical point during the congressional convention that determined Missouri’s fate and in so doing, solidified what was and was not a “free state.” Missouri’s constitution contained a provision that “forced a national debate about the constitutionality of laws that excluded free African Americans from residency and travel within particular states.”<sup>309</sup> Opponents argued that only “lunatics, vagabonds, and criminals,” were denied citizenship and the “power to travel” because of their

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<sup>307</sup> Seeley, *Race, Removal, and the Right to Remain*, 240.

<sup>308</sup> Seeley, *Race, Removal, and the Right to Remain*, 210. White paranoia regarding potential enslaved rebellions as well as growing free(d) Black communities gave rise to numerous legislative policies and legal practices that attempted to regulate the movement of Black persons throughout the nation. Though this is most prevalent in discussions regarding the Missouri Crisis or the Internal Slave Trade, this was also extended to the increased movement of free(d) Black persons that resulted from the expansion of gradual abolition acts in the north. See Kristin O’Brassill-Kulfan, *Vagrants and Vagabonds: Poverty and Mobility in the Early American Republic* (New York: New York University Press, 2019). Martha Jones also touches on this idea in *Birthright Citizens*. See also Kelly Marie Kennington, “Law, Geography, and Mobility: Suing for Freedom in Antebellum St. Louis.” *The Journal of Southern History* 80, no. 3 (2014): 575–604.; Kate Masur, “State Sovereignty and Migration before Reconstruction.” *The Journal of the Civil War Era* 9, no. 4 (2019): 588–611.

<sup>309</sup> Seeley, *Race, Removal, and the Right to Remain*, 241.

mental or legal standing, whereas other independent residents of the state, such as free(d) Black peoples or women, would remain as “free people” with the ability to travel albeit without the rights and privileges granted to white, property owning men.<sup>310</sup> Proponents of the provision argued that “African Americans were not citizens, nor had they ever been” and that “on a federal level, free African Americans were merely ‘inhabitants.’”<sup>311</sup> The definition between “inhabitant” versus “resident” and the privileges and rights associated to these different categorizations was explored in the previous chapter. What is most important to note here, is that the correlation between the Missouri Compromise and the subsequent rise of interest –specifically state interest– in the colonization movement was not coincidental. Colonization served the interests of “free states” by enabling them to maintain their territorial claims to freedom because the movement operated under the guise of a humanitarian, benevolent institution that only furthered the abolitionist agenda. In other words, colonization allowed abolitionist states like Pennsylvania to uphold the mantle of a “free state” even as many of its white residents looked to physically remove the free(d) Black population therein.

Pennsylvania’s colonization movement gained momentum alongside the gradual abolition movement. For members of the PAS, colonization was an “extension, rather than a rejection” of gradual abolition and many abolitionists saw colonization as a “humane” solution for free(d) Black peoples who might struggle with their newfound freedom in an anti-Black nation.<sup>312</sup> Colonization provided freedom from slavery, but also allowed for white –in the case

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<sup>310</sup> *Ibid.* 240.

<sup>311</sup> *Ibid.*

<sup>312</sup> Beverly C. Tomek, *Colonization and Its Discontents: Emancipation, Emigration, and Antislavery in Antebellum Pennsylvania* (New York: New York University Press, 2011). 11.

of Pennsylvania, Quaker– control of an unwanted population. The racial underpinnings of colonization arguments supported removal with the aim of realizing a truly “white republic” and justified the place of northern whites as humanitarian patriarchs of a formerly enslaved population.<sup>313</sup> However, white abolitionists were not the only supporters of the early colonization movement. In its earliest phases, Black proponents viewed expatriation and colonization as a potential path towards American citizenship, something they believed might never be achieved in their current circumstances. Because the early republic limited political participation and rights to land owning individuals, Black men and women, most famous of which was Paul Cuffe, debated the potential opportunities a new colony could provide them, not least of which included the ability to own their own property. Indeed, the British empire seduced Black Nova Scotians into participating in the British settlement at Freetown by specifically using this argument.<sup>314</sup>

Members of the early colonization movement considered both eastern and western locations for a potential settlement to relocate free(d) Black men, women, and their families. American supporters of a western operation monitored British colonization attempts at Freetown and Sierra Leone to gauge how successful an American colony on the West African coast may be. At the same time, Black-led aid societies and free black organizations circulated newspapers and pamphlets to gather support for emigration and sent representatives to the colonies to gather information on the inner workings of the British led endeavors. However, these representatives were unimpressed with the conditions of Freetown and Sierra Leone. Colonial regulations,

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<sup>313</sup> Seeley, *Race, Removal, and the Right to Remain*, 174.

<sup>314</sup> Beverly C. Tomek, *Slavery and Abolition in Pennsylvania* (Philadelphia: Temple University Press, 2021). 59.; Seeley, *Race, Removal, and the Right to Remain*, 173-207.; Nicholas Guyatt, “The American Colonization Society: 200 Years of the “Colonizing Trick.” *Black Perspectives*. Accessed Jan 2022. [www.aaihs.org](http://www.aaihs.org)

limited administration, and strained intercolonial social and political dynamics among the settlers, left the colonies vulnerable and their infrastructure weak.<sup>315</sup>

On the other hand, some colonizationists favored a North American operation, claiming that a Black colony in the west, could provide a relative “buffer” between the United States and their Native American neighbors.<sup>316</sup> Members of the Pennsylvania Colonization Society sought donations and “prepared memorials” in hopes of gathering support for the endeavor.<sup>317</sup> However, by the early nineteenth century, as the previous chapter illustrates, the concepts of migration and residency became the exclusive domain of white Americans. White colonists driven by their own pursuit for economic independence fashioned the western frontier as a space reserved solely for white male settlers and their families. When combined with the realization that a Black colony in the American frontier meant that free(d) Black peoples would remain within the country support for a western endeavor was quickly defeated. The colonization movement experienced a resurgence in 1816 at the same moment that individual states began to solidify their conception of a “free state” and increasingly restricted Black peoples access to residency, citizenship, and mobility. The Missouri Crisis contributed to the growth of the movement in Pennsylvania as abolitionists, worried about adding fuel to the fire in the midst of growing section discord, carefully distanced themselves from radical abolitionist agendas and at times “shut down abolitionist tactics altogether.”<sup>318</sup> Because of Pennsylvania’s position as a Mid-Atlantic state

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<sup>315</sup> For specific details on intercolonial dynamics, see Caree A. Banton, *More Auspicious Shores: Barbadian Migration to Liberia, Blackness, and the Making of an African Republic* (Cambridge: Cambridge University Press, 2019).

<sup>316</sup> Seeley, *Race, Removal, and the Right to Remain*, 198.

<sup>317</sup> Tomek, *Colonization and its Discontents*, 58.

<sup>318</sup> Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002). 55.

and its direct proximity to the border slave states to the south of the Mason-Dixon Line, the American Colonization Society saw Pennsylvanian support as an important lynchpin in the national movement.<sup>319</sup>

As early as 1816, abolitionists in Pennsylvania considered the removal of Black peoples from the state as the obvious next humanitarian step of gradualism. Though the movement really gained traction in Pennsylvania in the 1820s, attracting individuals who supported colonization with a wide range of motivations, from “selfish and racist reasons” to “more altruistic reasons.”<sup>320</sup> By 1830, the state “was home to one of the strongest ACS auxiliaries, the Pennsylvania Colonization Society.”<sup>321</sup> The American Colonization Society formed in 1817 and served as the national organization for the revitalized movement. Like its predecessor, the revitalized movement advocated for the repatriation of free(d) Black peoples to Africa or another designated colony, perhaps somewhere in Louisiana. However, unlike the previous movement which operated more as a decentralized crusade, the American Colonization Society provided a formal structure for “influential enslavers, politicians, and ministers” to organize and administrate a colony (Liberia) on the “presumption that Black Americans did not belong in the nation.”<sup>322</sup> The American Colonization Society encouraged the rise of similar state and local organizations, such as the Pennsylvania Colonization Society. Pennsylvania colonization arguments explicitly relied on the rhetoric of morality and racial uplift, bringing specific

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<sup>319</sup> Seeley, *Race, Removal, and the Right to Remain*, 173-207.

<sup>320</sup> Tomek, *Slavery and Abolition in Pennsylvania*, 61.

<sup>321</sup> *Ibid.*

<sup>322</sup> Quote derived from Seeley, *Race Removal and the Right to Remain*, pg. 208 though Tomek corroborates Seeley’s statement regarding the makeup of the society in *Colonization and its Discontents* on pg. 108.

attention to the number of Black peoples in poorhouses, jails, and prisons, albeit inflating the numbers to incite a more radical response to the current perceived conditions of free(d) Black peoples in Pennsylvania.<sup>323</sup>

Black men and women organized an anticolonization movement in response to the American Colonization Society. By 1808, the “legal” importation of enslaved Africans from the continent ceased, although some illegal trafficking continued. Reports from as late as the 1850s mention ships docked in New York ports carrying enslaved Africans despite the U.S. amendment banning the country’s participation in the transatlantic slave trade. The majority of enslaved men and women forced to labor in the new nation were increasingly second and third generation American born. The African American identity that had only begun to form during the revolutionary era solidified by the 1830s as free(d) Black Americans asserted their right to birthright citizenship in the United States.<sup>324</sup> Consequently, “the black community rejected colonization out of hand, suspicious of white leadership of the enterprise and fearful that it would

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<sup>323</sup> For more on the American Colonization Society’s movement in Pennsylvania see Beverly Tomek’s *Colonization and its Discontents* and Richard Newman’s *Transformations in American Abolitionism*. Tomek, *Colonization and its Discontents*, 51.

<sup>324</sup> Some of the more prominent works on the development/evolution of an African American identity that helped to inform/shape my analysis include: Michael Gomez, *Exchanging Our Country Marks: The Transformation of African Identities in the Colonial and Antebellum South* (Chapel Hill: The University of North Carolina Press, 1998).; Alan Kulikoff, “How Africans Became African Americans,” found in *Major Problems in African American History, Vol. 1: From Slavery to Freedom, 1619-1877- Documents and Essays*. Edited by Thomas Holt and Elsa Barkley Brown (Boston: Houghton Mifflin Harcourt, 1999). 182-194.; Patrick Rael, *Black Identity and Black Protest in the Antebellum North* (Chapel Hill: The University of North Carolina Press, 2002).; C. Riley Snorton, *Black on Both Sides: A Racial History of Trans Identity* (Minneapolis; London: University of Minnesota Press, 2017).; Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (Cambridge: Harvard University Press, 1993).; Patricia J. Williams, "On Being the Object of Property," in *Alchemy of Race and Rights: Diary of a Law Professor* (Cambridge: Harvard University Press, 1991), 216-36.; Jones, *Birthright Citizens*. By no means is this an exhaustive list of sources that examine the development of an African American identity in the nineteenth century, however, these works together provide an important understanding of the intersectionality of race, gender, class, to the formation of this identity within the modern world.

serve simply as a prelude to forced removal.”<sup>325</sup> Very few free(d) peoples of color evacuated the continent and migrated to colonial Liberia. White Americans, however, largely embraced colonization.

The colonization movement was not the only form of anti-Black sentiment that encouraged the removal, whether forced or otherwise, of Black Pennsylvanians. Throughout the 1810s and 1820s, white northerners targeted Black communities and institutions, such as churches, farms, and industries, using violence and racist portrayals to either discredit or invalidate Black peoples from taking up space. Connecticut residents burned down an integrated female academy.<sup>326</sup> Abolition broadsides published throughout the Mid-Atlantic states and “used crude racist humor to show that blacks could never become proper citizens.”<sup>327</sup> In Pennsylvania, white residents “stoned a black woman to death” and attacked a Black congregation on Sixth Street.<sup>328</sup> Even Black vigilante groups that formed to protect Black communities against white mobs became another example of racial difference. One that further affirmed white assumptions that Black men and women were inclined to be violent, which subsequently undermined Black efforts to seek justice where the state judicial system failed them.<sup>329</sup>

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<sup>325</sup> Tomek, *Slavery and Abolition in Pennsylvania*, 59.

<sup>326</sup> Holness, *Between North and South, East and West*, 81.

<sup>327</sup> Gigantino, *The Ragged Road to Abolition*, 142-43.

<sup>328</sup> Bell, *Stolen*, 26.

<sup>329</sup> The rise of anti-Black sentiment in the North as well as abolitionist antipathy has long been studied by scholars. See Leslie M. Harris (Leslie Maria), *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: The University of Chicago Press, 2003).; Leon F. Litwack, *North of Slavery: The Negro in the Free States* (Chicago: The University of Chicago Press, 2009).; Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and “Race” in New England, 1780–1895* (Ithaca: Cornell University Press, 1998).; James Gigantino,



It was not until 1825 that popular public sentiment among Pennsylvania's whites shifted and seemed to result in a more significant change to Pennsylvania law.<sup>330</sup> The children kidnapped by the Johnsons and freed in 1826 as well as several other kidnapping cases during the 1820s contributed to the passage of one of the nation's first personal liberty laws. The legislation attempted to combat the severity of kidnapping of free(d) Black peoples from Pennsylvania. However, the legislation also appealed to the importance of interstate comity. Kidnapping threatened Pennsylvania's reputation as a "free state" and the 1826 legislation attempted to resolve this problem without discounting the constitutional rights of enslavers. Indeed, the 1826 law "recognized both Maryland's right of rendition as well as Pennsylvania's right to determine the conditions under which they would meet...an obligation to provide assistance."<sup>331</sup> Pennsylvania's personal liberty law not only required written permission from a state judge in order for any alleged slave to be forcibly removed from the state's border; it also delineated several punishments, such as fines or servitude, for any criminal convicted of attempting to "by force and violence...fraud or false pretence ... take, carry away, or seduce" any freed or enslaved Black "from any part of the Commonwealth, with a design...of selling... keeping or detaining... [them] as a slave or servant for life."<sup>332</sup> Though Pennsylvania's personal liberty law, and others like it, became a major point of contention in the following decades, in

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"'The Whole North Is Not Abolitionized': Slavery's Slow Death in New Jersey, 1830–1860." *Journal of the Early Republic* 34, no. 3 (2014): 411–37.

<sup>330</sup> Young, "For Life or Otherwise," 51.

<sup>331</sup> Young, "For Life or Otherwise," 88-89.

<sup>332</sup> *Prigg v. Pennsylvania*, 41 U.S. (16 Pet.) 539. (1842) *ERROR TO THE SUPREME COURT OF PENNSYLVANIA*. Published on [supreme.justia.com](http://supreme.justia.com). Accessed 24 April 2021.

many respects, the anti-kidnapping law was nothing more than virtue signaling on a national scale as Pennsylvania slavery remained a resilient institution well into the 1840s.

## Chapter Four – “To Extend a *Portion* Of Freedom”<sup>333</sup>

While the state maintained a “monopoly on legal authority” throughout the early nineteenth century, the federal government began to exert more power following the Missouri Crisis.<sup>334</sup> National issues related to citizenship, politics, and slavery became increasingly prominent during the next two decades and motivated northern states like Pennsylvania to strengthen their defense of the state’s identity. They did so by enacting additional measures to safeguard state sovereignty, including the authority to regulate a state-defined notion of “peace” through legislative, social, political, or economic means. For Pennsylvanians, this involved the essentialization of Black bodies into quantifiable units based solely on their legally defined status as either a free(d) man or free(d) woman. This served to reassert the individual sovereignty and power of the state in spite of an expanding federal government. While gradual abolition acknowledged the presence of free(d) Black peoples as part of Pennsylvania’s shifting demographical landscape, it did not extend to them state and/or federal membership, constitutional protections, or voting rights. Instead, it “buttressed existing inequalities.”<sup>335</sup> The 1780 Act, which clearly stated to “to extend a *portion* of freedom to others,” never intended to extend Black peoples civil rights.<sup>336</sup> Moreover, between 1826 and 1850, United States Supreme Court decisions in cases such as *Prigg v. Pennsylvania* or *Hobbs v. Fogg* only reiterated the

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<sup>333</sup> “An act to give relief to certain persons taking refuge in this state, with respect to their slaves.” Enacted Oct. 1, 1781. “Rules for the regulation of the Society for the Relief of Free Negroes Unlawfully Held in Bondage.” Philadelphia: 1781. 10-11.

<sup>334</sup> Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: The University of North Carolina Press, 2009). 259.

<sup>335</sup> Edwards, *The People and Their Peace*, 259. See also Edwards, *The People and Their Peace*, 221 to Conclusion.

<sup>336</sup> “An act to give relief to certain persons taking refuge in this state, with respect to their slaves.” Enacted Oct. 1, 1781. “Rules for the regulation of the Society for the Relief of Free Negroes Unlawfully Held in Bondage.” Philadelphia: 1781. 10-11.

commodification of Pennsylvania's free(d) Black population into "consistent units of measure."<sup>337</sup> This state-sanctioned categorization legitimized the state's legal authority over its resident population and allowed it to dictate the terms of freedom and unfreedom behind state lines.

Enforcing the territorial limits of state policies, through either the many facets of the 1780 Act or the state's anti-kidnapping legislation, became a crucial aspect of Pennsylvania's approach to border governance by mid-century. As chapter three illustrated, the pervasive re-enslavement of free(d) Black peoples by Southern enslavers bolstered by the Fugitive Slave Law of 1793 and the federal government's interference in the organization of territories in the West concerned many northern state legislators. Their response to the expanding power of the federal government came in the form of personal liberty laws, like Pennsylvania's 1826 anti-kidnapping law. Almost all states north of the Mason-Dixon Line, as well as a few slaveholding states such as Delaware, had passed some form of anti-kidnapping legislation by 1840. Though, in many cases, these laws were created to manage the domestic slave trade in contrast to the protection of free(d) Black peoples.<sup>338</sup> In 1831, Ohio strengthened the anti-kidnapping law it passed two decades prior by requiring kidnappers to "present proof of ownership" to a judge before they could remove their victim from the state.<sup>339</sup> Legislators ratified a similar law in New Jersey that "required slave catchers to apply for warrants...to arrest alleged fugitives" and Chief Justice Joseph Hornblower's ruling in *State v. The Sheriff of Burlington* further required "jury trials for

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<sup>337</sup> Edwards, *The People and Their Peace*, 258-259. See also 221-289 for a more detailed analysis on "freemen as consistent units of measure."

<sup>338</sup> Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865* (Lexington: The University Press of Kentucky, 2009). 68.

<sup>339</sup> Stanley Harrold, *Border War: Fighting over Slavery before the Civil War* (Chapel Hill: The University of North Carolina Press, 2010). 80.

suspected fugitives” in New Jersey.<sup>340</sup> Likewise, New York legislators mandated jury trials for alleged fugitives just two years prior to the Supreme Court’s decision in *Prigg v.*

*Pennsylvania*.<sup>341</sup> Pennsylvania’s anti-kidnapping legislation attempted to circumvent the Fugitive Slave Law of 1793 by requiring written permission from a state judge for the forced removal of any alleged enslaved person from the state’s territorial limits. These laws expanded the legislative and jurisdictional authority of the state and simultaneously undermined federal policies that indulged enslavers and protected the institution of slavery.

It is unsurprising that Pennsylvania’s literal and imagined borders as a site of both resistance and coercion intensified after the state attempted to make the kidnapping of free(d) and enslaved Black residents more difficult with the 1826 statute. Enslavers below the Mason-Dixon Line pursued legal action to extradite alleged fugitives from their northern places of refuge whereas northern states invoked the principles of interstate comity in order to prosecute and convict kidnapers that sought to hide in places throughout the South. Furthermore, the revitalized colonization movement and landmark events like *Prigg v. Pennsylvania* hindered the efforts of abolitionists as well as free(d) and enslaved Black peoples to broaden Pennsylvania’s emerging “free state” identity so that it embraced Black “free soil” principles.<sup>342</sup> By the time Congress ratified the Compromise of 1850, it was clear that a state had “no power to secure”

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<sup>340</sup> James Gigantino, *The Ragged Road to Abolition: Slavery and Freedom in New Jersey, 1775-1865* (Philadelphia: University of Pennsylvania Press, 2015). 215-219.

<sup>341</sup> Leslie M. Harris (Leslie Maria), *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: The University of Chicago Press, 2003). 215.

<sup>342</sup> For more on Black “free soil” principles in Pennsylvania, see Lucien Holness, “Between North and South, East and West: The Anti-Slavery Movement in Southwestern Pennsylvania, 1780–1865,” University of Maryland, College Park, Ann Arbor, 2019. and Newman, Richard S. ““Lucky to be Born in Pennsylvania’: Free Soil, Fugitive Slaves and the Making of Pennsylvania’s Anti-Slavery Borderland.” *Slavery & Abolition* 32, no. 3 (2011), 413-430.

free(d) Black peoples “the privileges and immunities of United States citizens” nor deny the extraterritorial claims of southern enslavers regardless of whatever freedoms legislators may extend to Black men and women within the borders of their own state.<sup>343</sup> The shifting geographies of freedom in the two decades preceding the American Civil War only reinforced the vulnerable positions of Black communities, both enslaved and free, residing along the state’s periphery as the struggle over the issues of slavery, citizenship, and the politicking of interstate comity grew more tense.

Arguments over the semantic differences between alien, foreigner, citizenship, etc., marked both state and national debates on Black citizenship just as free(d) Black peoples worked to expand their rights and the franchise in the North.<sup>344</sup> The same legal system that allowed for the exclusion of Black people was also used by Black communities to challenge the status quo. Through freedom suits, petitions, habeas corpus, and litigation against hereditary slavery, Black peoples sought to belong, fight against re-enslavement, assert their rights to own property, citizenship, and advocate for broader civil rights in a nation committed to the expulsion of Black peoples. By engaging in various forms of political activism, from community organizing to their, albeit rare, participation in local elections, Black people fought to expand the restrictive definition of “freemen” to include not just their legal status but also the rights and privileges generally associated with it. Black men and women fought to dismantle the institution of slavery,

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<sup>343</sup> Leon F. Litwack, *North of Slavery: The Negro in the Free States* (Chicago: The University of Chicago Press, 2009). 61.

<sup>344</sup> Thomas D. Morris, *Free Men All: The Personal Liberty Laws of the North, 1780-1861* (Baltimore: Johns Hopkins University Press, 1974). 6.

criticized the inherently racist nature of gradualism, and pushed a civil rights agenda to the forefront of antislavery discussions throughout the nineteenth century.<sup>345</sup>

Yet, state legislators in Pennsylvania, New York, and New Jersey remained firmly committed to gradualism. Throughout 1830s and 1840s, gradualists pointed to a declining enslaved population and Black achievement as evidence of the successes of gradual abolition and white stewardship and therefore, they saw no need for immediate emancipation. For elite white Pennsylvanians touting paternalist humanitarian agendas, the rise of Black churches and schools coupled with the declining numbers of enslaved peoples in the state, proved that gradual abolition was an effective, relatively peaceable dismantling of the institution of slavery. That the process of gradual abolition had been replicated throughout New Jersey, New England, and New York, only added to the rhetoric of success. However, as scholars have shown, although free(d) Black peoples experienced a range of freedoms in some states, for example, unlike the restrictions Black men faced in New Jersey or later, Pennsylvania, Black men in New York could vote if they met certain property requirements, broader social change was stymied by northern racism. The “uneasy juxtaposition between advocacy and aversion” became a unique characteristic of the state-centric “peace” that developed throughout the north amid rising sectional tensions.<sup>346</sup> This chapter explores how Pennsylvania’s adoption of the doctrine of northern states rights to counter federal overreach in the late antebellum era was deeply embedded in northern racism, the protection of gradualism, and ultimately reaffirmed

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<sup>345</sup> Kelly Marie Kennington, “Law, Geography, and Mobility: Suing for Freedom in Antebellum St. Louis.” *The Journal of Southern History* 80, no. 3 (2014): 575–604.; Laura F. Edwards, “Status Without Rights: African Americans and the Tangled History of Law and Governance in the Nineteenth-Century U.S. South.” *The American Historical Review* 112, no. 2 (2007): 365–93.; Kimberly M. Welch, *Black Litigants in the Antebellum American South* (Chapel Hill: The University of North Carolina Press, 2018).

<sup>346</sup> Melish, *Disowning Slavery*, xii.

Pennsylvania's long-standing commitment to safeguarding its identity as a "free state," a stance that had been established since the passage of the 1780 Act.<sup>347</sup>

Pennsylvania "gradual abolition was still a slavery regime" despite the "presumption of freedom" that personal liberty laws seemingly established in the state.<sup>348</sup> To be sure, slavery was a dying institution in the state by the middle of the 1830s, though certainly not dead. The 1826 decision in *Miller v. Dwillling* contributed to a rapid decline in the numbers of enslaved peoples in Pennsylvania in the 1830s and 1840s by challenging the inheritability of "term slavery" in the state. However, many Pennsylvanian enslavers found new ways to manipulate termed slavery and the practice continued despite the ruling. Newspapers as well as the federal census recorded the lives and deaths of enslaved peoples still forced to labor in the state in the years leading up to the American Civil War. Additionally, despite the protective measures established by personal liberty laws, state and national legal processes still required that Black men and women prove the legitimacy of their freedom. Court cases often required witnesses to testify on behalf of a Black defendant or required Black men and women to present a certificate of freedom during trial.<sup>349</sup> For many of Pennsylvania's Black residents caught in the web of term-slavery, gradualism

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<sup>347</sup> Wilson, *Freedom at Risk*, 68.; Kate Masur, "State Sovereignty and Migration before Reconstruction." *The Journal of the Civil War Era* 9, no. 4 (2019): 588–611.

<sup>348</sup> Morris, *Free Men All*, 6, and Cory James Young, "For Life or Otherwise: Abolition and Slavery in South Central Pennsylvania, 1780-1847," Georgetown University Press, ProQuest Dissertations & Theses Global. 2021. 273.

<sup>349</sup> Leon Litwack and Thomas Morris discuss the different certificates prevalent in the early nineteenth century – either certificates of removal, which legally authorized an enslaver's right of recapture; or, certificates of freedom that attested the legally free(d) status of Black persons and became a requirement of white society in order to recognize/grant Black mobility or political participation. See Litwack, *North of Slavery*, 54-81 and Morris, *Free Men All*, 20, 83, 134-146.



provided a hollow freedom, restricted in its potential and vulnerable to revocation, especially in the wake of a reinvigorated colonization movement.<sup>350</sup>

The Missouri Crisis of the 1820s reinvigorated the antislavery machine as the worsening sectional climate galvanized the colonization movement. Many colonizationists believed the “only way to save the union” was through the forced removal of free(d) Black peoples.<sup>351</sup> Whites across the North and the South resented the growing free(d) Black population and both sides of the sectional divide passed legislation aimed at either ejecting formerly enslaved persons from individual states or restricting their entrance. In Maryland, for example, “Newcomers were barred from immigration into the state or sojourning therein...” whereas “Those already in the state who ventured away for more than thirty days were to be deemed ‘aliens.’”<sup>352</sup> Moreover, any free(d) Black person who entered the state despite Maryland’s newest legal restrictions could be fined, “the money raised designated to the state colonization society.”<sup>353</sup>

Colonization provided both sides of the sectional divide with a neatly packaged comprehensive solution to the question of slavery. It not only provided freedom to enslaved peoples, but colonization also offered them an opportunity for Black independence and the advancement of the race, far away from the shores of the white republic. Published in the 1820s, *An Essay on the Late Institution of the American Society for Colonizing the Free people of Colour of the United States*, resonated with many northerners who felt that colonization was to

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<sup>350</sup> Young, “For Life or Otherwise,” 278.

<sup>351</sup> Beverly C. Tomek, *Colonization and Its Discontents: Emancipation, Emigration, and Antislavery in Antebellum Pennsylvania* (New York: New York University Press, 2011). 166.

<sup>352</sup> Martha S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America* (New York: Cambridge University Press, 2018). 47.

<sup>353</sup> Sinha, *The Slave’s Cause*, 244.

the benefit of free(d) Black peoples. Indeed, popular public opinion charged that the economic and political competition between the two races would lead to “quarrels and contests” that would “assuredly produce an extermination of one or the other of us” claimed the author.<sup>354</sup> “We give you your liberty,” stated the author of *An Essay...on Colonizing*, “provided you will quietly seek a home in some other country. If do not this willingly, we must remove you by force.”<sup>355</sup>

Gradualists and many immediate abolitionists alike “embraced the exclusionary aspect of the antislavery agenda” that the colonization movement championed in the mid-nineteenth century.<sup>356</sup> Their common belief that the colonization project would be able to alleviate sectional tensions between the North and the South as well as rid the country of racial strife helped to reframe colonization as a necessary compromise that would finally allow the nation to live up to its revolutionary ideals. Abolitionists involved in the colonization movement argued that a mass relocation of peoples of color to Liberia provided the only possible solution to peacefully dismantle the institution of slavery while also providing free(d) Black peoples with a space to live and work free of racism and oppression.<sup>357</sup> However, despite colonizationists continued efforts to “offer understanding and friendship” to their southern antislavery members and assuage a growing concern about a new generation of abolitionists who espoused the rhetoric of

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<sup>354</sup> *An Essay on the Late Institution of the American Society for Colonizing the Free People of Colour of the United States* (Washington, Printed by Davis and Force, 1820). 32-33. Held at the Library Company of Philadelphia. Accessed Summer 2021.

<sup>355</sup> *Ibid.*

<sup>356</sup> Tomek, *Colonization and its Discontents*, 179.

<sup>357</sup> For more on colonization’s appeal to abolitionists, see Tomek’s chapter on the colonization movements humanitarian agenda. Tomek, *Colonization and its Discontents*, 93-131.

immediate emancipation, southerners “came to see immediatism, and by extension all forms of antislavery, as a direct attack on their personal interests.”<sup>358</sup>

Just as the colonization movement gained renewed momentum in the wake of the Missouri Crisis, the abolition movement also underwent a transformation in the late 1820s and early 1830s. A new generation of antislavery activists began to call for radical social, economic, and political change, that is, immediate emancipation and equality. These “modern abolitionists” advocated not only for the complete dismantling of the institution of slavery but also for racial equality and Black citizenship.<sup>359</sup> Prominent leaders within the movement, such as Frederick Douglass, William Lloyd Garrison, and David Walker, publicly criticized the inherently racist nature of gradualism and colonization and advocated for the enfranchisement of free(d) Black peoples throughout the nation. Walker’s passionate indictment of slavery and racial prejudice specifically called on Black Americans to mobilize for emancipation, by force, if necessary, and to push for a more socially just geography.<sup>360</sup> Following suit, state conventions and local societies, such as the New England Antislavery Society, advocated for a “virtual war on slavery.”<sup>361</sup>

The immediate movement brought together “the moral and religious sensibility of white reform efforts...with the black tradition of protest.”<sup>362</sup> This second generation of abolitionists

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<sup>358</sup> Tomek, *Colonization and its Discontents*, 166.

<sup>359</sup> Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: The University of North Carolina Press, 2002). 2.

<sup>360</sup> David Walker, *Walker’s appeal, in four articles: together with a preamble to the colored citizens of the world, but in particular, and very expressly to those of the United States of America*. Printed for the Author. Boston, 1829. Accessed via [HEINonline.org](http://HEINonline.org) May 2023.

<sup>361</sup> Newman, *The Transformation of American Abolitionism*, 124.

<sup>362</sup> Sinha, *The Slave’s Cause*, 196.

called for mass social organization through lectures and pamphlets that emphasized the violence of enslavement such as the separation of families and the physical abuse inflicted on enslaved children. Fugitive enslaved narratives, such as *The History of Mary Prince*, printed interviews with formerly enslaved peoples, and public speeches by abolitionists and formerly enslaved peoples provided the movement with first-hand accounts that detailed the cruelty of slavery and attempted to provoke public action. The lived experiences of self-emancipated peoples merged with abolitionist fiction to create “a literature of protest that popularized antislavery and replaced newspapers, pamphlets, and petitions as the most potent tools in the abolitionist print culture.”<sup>363</sup> This trend towards a more aggressive form of social resistance starkly contrasted to the largely pacifist traditions of the Pennsylvania Abolition Society, who relied primarily on the legal system to evoke change.<sup>364</sup>

This transformation in the abolition movement concerned the Pennsylvania Abolition Society who feared the potential negative impact that the newest generation of activists might have on interstate comity not to mention the nation’s fragile social and political climate. The integrated societies of the immediatists not only focused more heavily on turning public opinion against the institution of slavery rather than relying on legal avenues to encourage gradual change, but they also relied more heavily on female activism and called for radical widespread social justice reform. The promise of the movement to produce change meant that immediate abolition appealed to a wide array of individuals from different social classes, ages, ethnic groups, as well as gender. Women such as Angelina Grimke and Sojourner Truth became

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<sup>363</sup> Sinha, *The Slave’s Cause*, 436.

<sup>364</sup> Manisha Sinha discusses the trend towards more radical abolitionism in the second half of her work, *The Slave’s Cause*. See 421-543. Similarly, Richard Newman addresses the different tactics between the movements first and second generation as well as the role of mass mobilization and grassroots organizing in the immediatist movement. See Newman, *The Transformation of American Abolitionism*, 131-176.

prominent figures in the immediatism movement and female antislavery societies proliferated throughout the 1830s, whereas, although the PAS indulged female subscribers, gradual abolitionists kept women largely at arm's length. Moreover, while gradualists espoused paternalist humanitarianism as the method for racial uplift, members of the immediate movement directly challenged the rhetoric of scientific racism in addition to racist stereotypes prominent in the 1830s.<sup>365</sup>

George Stroud succinctly defined the two movements in his 1827 commentary on the laws of the United States. He categorized gradualism as “restricted in its significance to the extinction of slavery, by depriving it of its *hereditary* quality” and “leaves unaffected the condition of those already in being.”<sup>366</sup> In contrast, Stroud claimed the second wave of abolition, or immediatism, “communicates freedom to those previous to, and at the time of its adoption, held as slaves...whether such freedom be conferred simultaneously or...postponed to a point of time future in relation to the date of the measure.”<sup>367</sup> Stroud noted that while Pennsylvania, Connecticut, and Rhode Island passed legislation that gradually eliminated slavery, Massachusetts, New Hampshire, and Vermont adopted constitutional provisions that more clearly represented immediate abolition.

However, the immediatist movement remained far from homogenous in its approach. Pennsylvania's more rural counties experienced the second generation of abolition much differently than Philadelphia and the state's other urban centers by mid-century. Although

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<sup>365</sup> Manisha Sinha's *The Slave's Cause* provides a detailed summary of women's efforts in the abolition movement. See part II or specifically, 193 to the conclusion.

<sup>366</sup> George M. Stroud (George McDowell), *Sketch of the Laws Relating to Slavery in the Several States of the United States of America* (Philadelphia: Kimber and Sharpless, 1827). 142-3. Held at the Library Company of Philadelphia. Accessed Summer 2021.

<sup>367</sup> *Ibid.*

abolition in Pennsylvania's western counties became somewhat more confrontational in that they began to attack the institution of slavery head on in the 1830s, they still relied heavily on the PAS' more traditional methods of organizing petition campaigns and trusting legal action to produce change. Counties such as York and Cumberland witnessed extensive petition campaigns that called for the legal outlawing of slavery almost every decade and they remained relatively successful.

Despite members of the Pennsylvania Abolition Society opining that immediatism relied on "unacceptable new tactics," the potential for abolitionists to evoke radical change became a reality when Britain abolished slavery in all its colonies following a decision made by Parliament in 1833.<sup>368</sup> Since Lord Mansfield's decision in *Somerset v. Stewart* in 1772, Americans enslavers had pointed to Britain as a potential threat to the institution of slavery in the early United States. Their panic reflected in their colonial grievances against King George during the American Revolution and again during the War of 1812. The passage of the abolition bill in Britain set a powerful example for American abolitionists who "hailed the British precedent" as a way "to hold the slaveholding Republic in contempt."<sup>369</sup> It is unsurprising then that Britain's decision to end slavery wreaked havoc on the fears of American enslavers as Britain not only abolished the institution of slavery within its own colonies but also freed any enslaved person held captive in an American ship should it land on British soil.<sup>370</sup>

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<sup>368</sup> Newman, *The Transformations in American Abolition*, 130.

<sup>369</sup> Sinha, *The Slave's Cause*, 222.

<sup>370</sup> Newman, *Transformations in American Abolition*. See also Sinha, *The Slaves Cause*, and David G. Smith, (David Grant). *On the Edge of Freedom: The Fugitive Slave Issue in South Central Pennsylvania, 1820-1870* (New York: Fordham University Press, 2013). In addition to Sinha's work, *The Slave's Cause*, see the following for additional analyses of Britain's decision to abolish slavery, see: Brycchan Carey, *British Abolitionism and the Rhetoric of Sensibility: Writing, Sentiment and Slavery, 1760–1807* (Basingstoke: Palgrave Macmillan, 2005).; Stephen Ahem, ed., *Affect and Abolition in the Anglo-Atlantic: 1770–1830* (Farnham: Ashgate, 2013).; Justin

Racial violence, the Nullification Crisis, and Black political activity in the North throughout the 1830s only exacerbated white American fears of radical immediate emancipation.<sup>371</sup> Nat Turner’s rebellion in Virginia and news of violent uprisings in the Caribbean stoked widespread panic about the potential violent reprisals Black peoples could exact against white society should the institution of slavery be dissolved. States above and below the Mason-Dixon Line responded to these fears by creating “new categories of criminality” that targeted free(d) peoples of color, restricted Black mobility, and provided additional measures to police the growing free(d) Black population as well as justify their removal.<sup>372</sup>

Racist stereotypes and tropes circulated throughout the antebellum North, targeting the “degraded condition” of transient peoples of color as well as the upward mobility of Pennsylvania’s middle-class Black residents.<sup>373</sup> Well known among historians, the *Life in Philadelphia* collection published between 1828 and 1829 mocked the clothing and speech of African Americans. Even mundane everyday activities such as having tea or peering at one’s reflection in the mirror became an opportunity to deride Black life.<sup>374</sup> Presumptions of Black upward mobility and rumors of an improving economic status within free Black communities enflamed racial tensions throughout the state despite the lived reality of Black men and women,

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Roberts, *Slavery and the Enlightenment in the British Atlantic, 1750-1807* (Cambridge: Cambridge University Press, 2018).; Linda Colley, *Britons: Forging the Nation, 1707–1837* (New Haven and London: Yale University Press, 2005).

<sup>371</sup> Nicholas Wood, ““A Sacrifice on the Altar of Slavery”: Doughface Politics and Black Disenfranchisement in Pennsylvania, 1837—1838.” *Journal of the Early Republic* 31, no. 1 (2011): 85.

<sup>372</sup> For the links between black mobility and black criminalization see: Kristin O’Brassill-Kulfan “Vagabonds and Paupers: Race and Illicit Mobility in the Early Republic.” *Pennsylvania History* 83, no. 4 (2016): 443–69. This article was expanded into Kristin O’Brassill-Kulfan’s 2019 publication, *Vagrants and Vagabonds: Poverty and Mobility in the Early American Republic* (New York: New York University Press, 2019).

<sup>373</sup> *Ibid.*

<sup>374</sup> *Ibid.*

especially in urban centers.<sup>375</sup> According to Kristin O’Brassill-Kulfan, in the 1820s, “25% of aid recipients in the Philadelphia Almshouse were African American” whereas “48% of the convicted vagrants” incarcerated in Philadelphia’s debtor prison were African American.<sup>376</sup> Even so, the proximity of free(d) Black communities to predominately white spaces generated jealousy and fear. Interracial relationships that traversed the public and private spheres proved particularly distressing for whites. According to the author of *An Essay on the Late Institution of the American Society for Colonizing the Free People of Colour of the United States*, “Man...has a right to keep its lock from herding or mixing with others.”<sup>377</sup> The rise of establishments such as taverns and clubs visited by both white and Black peoples as well as the potential for illicit sexual relationships between the two provoked extreme reaction among the white population. Race riots occurred throughout the 1830s along the Mason-Dixon Line. White mobs brutalized Black neighborhoods throughout Philadelphia and burned to the ground Philadelphia Hall, a known meeting place for free(d) Black peoples. Pittsburgh and Columbia experienced similar anti-Black riots as Black Pennsylvanian’s were physically and verbally assaulted in the streets.<sup>378</sup>

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<sup>375</sup> Scholars have shown that despite the economic improvement of a number of free(d) Black families in cities such as Philadelphia during the antebellum era, the vast majority of free(d) Black communities in urban centers struggled as a result of racism and northern segregation. This is even more contrasted with the experiences of free(d) Black communities in rural centers. The 1830s also witnessed a growing class division among free(d) Black communities that shaped the contours of Black political activism as well as responses to anti-Black violence. See: Patrick Rael, *Black Identity and Black Protest in the Antebellum North* (Chapel Hill: The University of North Carolina Press, 2002).; Michel A. Gomez, *Exchanging Our Country Marks: The Transformation of African Identities in the Colonial and Antebellum South* (Chapel Hill: University of North Carolina Press, 1998).; Lucien Holness, “Between North and South, East and West: The Anti-Slavery Movement in Southwestern Pennsylvania, 1780–1865,” University of Maryland, College Park, Ann Arbor, 2019.

<sup>376</sup> O’Brassill-Kulfan “Vagabonds and Paupers,” 448-449.

<sup>377</sup> *An Essay on the American Society for Colonizing the Free People of Colour of the United States*, 32.

<sup>378</sup> Anti-Black riots exploded across the North in the mid-nineteenth century. See: Leroy Hopkins, “Black Eldorado on the Susquehanna: The Emergence of Black Columbia, 1726-1826,” Lancaster County Historical Society, 1985.; Gary B. Nash, *The Forgotten Fifth: African Americans in the Age of Revolution* (Cambridge: Harvard University Press, 2006).; E. Drago, “Neither Northern Nor Southern: The Politics of Slavery and Freedom in Philadelphia, 1820-1847,” ProQuest Dissertations & Theses Global. 2017.; Elliot Drago, *Street Diplomacy: The*



All throughout the North, white mobs anxious about “amalgamation, abolition, and competition” attacked Black communities.<sup>379</sup>

As Pennsylvanians continued to experience white-on-black terror, the nullification crisis only intensified the state’s unstable climate. Between 1832 and 1833, under the direction of John C. Calhoun, South Carolina threatened to secede from the Union following the imposition of a federal tariff. South Carolinians felt attacked by the national import tax which, they argued, greatly impacted the southern plantation economy while it seemingly protected northern industries. The tariff “increased the price of items that farmers needed to purchase, but lowered the relative value of agricultural products, especially cotton,” and quickly became tied to the question of the federal government’s authority to intercede in state law and the state’s governing institutions.<sup>380</sup> This culminated in South Carolina’s denouncement of federal power, which, if left unchecked, South Carolinians feared “would inevitably lead to abolition.”<sup>381</sup> The need to suppress the “abolitionist threat” in an effort to preserve the Union as a perceived space and ideological body, became a topic of discussion within Congress following South Carolina’s threat to secede.<sup>382</sup> Consequently, “the Union” – both the protection of and the preservation of peace within – became a powerful justification to reinforce racial oppression through an exclusive definition of citizenship in the late 1830s and 1840s. Pennsylvania Democrat Charles

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*Politics of Slavery and Freedom in Philadelphia 1820-1850* (Baltimore: Johns Hopkins University Press, 2022).; Leslie Harris, M. (Leslie Maria). *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: The University of Chicago Press, 2003).; Leon F. Litwack, *North of Slavery: The Negro in the Free States* (Chicago: The University of Chicago Press, 2009).; Christopher Malone, *Between Freedom and Bondage: Race, Party, and Voting Rights in the Antebellum North* (New York: Routledge, 2008).

<sup>379</sup> Gigantino, *The Ragged Road to Abolition*, 210.

<sup>380</sup> Edwards, *The People and Their Peace*, 261.

<sup>381</sup> *Ibid.* 260.

<sup>382</sup> Wood, ““A Sacrifice on the Altar of Slavery,”” 85.

Ingersoll who voted for the disenfranchisement of Black Pennsylvanians at the state's constitutional Reform Convention did so specifically on the grounds of "sectional harmony and the dangers of abolitionism."<sup>383</sup> For Pennsylvania and other northern states, the nullification crisis "affirmed the principle of state sovereignty" and served to underpin northern border governance strategies that endorsed state and local laws over federal authority.<sup>384</sup>

It was not a coincidence that the state legislature decided to rewrite the state constitution with racially explicit language at the height of the turbulent 1830s. The decade long process began when a Philadelphia delegate introduced a bill to the Pennsylvania legislature in 1831 that would prohibit free(d) Black peoples from moving into the state. The bill sparked discussions about the earlier Fugitive Slave Law of 1793 and questioned how Pennsylvania might be able to protect its free(d) Black population from illegal renditions by southern enslavers while maintaining interstate comity amid growing sectional tensions. Potential solutions included placing various regulations on the existing free(d) Black population, such as documenting their instate residency or imposing travel bonds on free(d) Black migrants.<sup>385</sup> Though these proposals ultimately failed to pass, they nevertheless resonated with broader debates about the status of free(d) Black peoples, if and how they were recognized by any category of citizenship within the state or national constitution and what rights they may be entitled to given their legally free(d) status. One after the other, New Jersey, New York, and eventually Pennsylvania implemented legal measures to explicitly restrict the potential freedoms that free(d) Black peoples could exercise as inhabitants of each state. These measures included either racially explicit language in

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<sup>383</sup> *Ibid.* 88.

<sup>384</sup> Edwards, *The People and Their Peace*, 260.

<sup>385</sup> Drago, "Neither Northern nor Southern," 142-143.

the state constitution and/or imposed stringent voting requirements that deliberately excluded free(d) Black men. Pennsylvania state legislators codified Black exclusion into law when they reformed the Pennsylvania State Constitution in 1837.

As slavery and abolition evolved throughout the antebellum era and whiteness became increasingly conflated with the privileges of democracy associated with freedom, free(d) Black peoples fought against their continued social and political exclusion. Black men and women advocated for voting rights in local and state elections by arguing that political participation was their birthright or a right granted to them through the processes of naturalization. Free(d) peoples of color also consistently weaponized the constitution to support their cause. For example, because the language of Pennsylvania's state constitution remained largely ambiguous in terms of racial or ethnic qualifiers to who may be considered a "freedman" and the rights associated with this legal category, free(d) Black Pennsylvanian's began to participate in county elections. Though, overall, Black political participation remained largely negligible. Even so, lawsuits, such as the case against William Stewart in Pittsburgh in 1809, discredited Black political activity. As the previous chapter discussed, adjudicators in Pittsburgh debated how long an individual must reside in the Pittsburgh Borough before becoming a naturalized citizen of the county with voting rights. Jasper Yeates' case notes demonstrated how concerns over naturalization quickly focused on race and the potential implications this case might have on the free(d) Black population in Pittsburgh. If formerly enslaved Black men and women who had been forced to labor in Pennsylvania were not considered citizens of the state upon their emancipation despite having been born there, perhaps the processes of naturalization might provide them with an alternative route to access the various privileges of a state recognized

resident. According to the legal counsel, the “act of incorporation...enlarged the rights of suffrage” so that individuals categorically defined as aliens “might vote.”<sup>386</sup>

Because the state defined free(d) Black residents as “freedmen” but did not clearly define what, if any, political or social guarantees for Black freedmen, the legal counsel feared that the “expansion of suffrage” might also open the door to Black voters.<sup>387</sup> The defense argued that “nothing but an express provision by statute can give a right to vote” and “if there is to be a general construction of the words they would include alien enemies.”<sup>388</sup> According to the defense, if the court broadly interpreted the language of the Act, British or French agents would be allowed to potentially manipulate Pennsylvanian elections through their participation at the polls, not to mention “a general construction of the words” would allow women, children, or formerly enslaved persons to join the body politic. If free(d) Black Pennsylvanians could not be legally categorized as citizens, then perhaps they might be considered “aliens” in terms of their political status according to the state’s constitution.<sup>389</sup> The court acknowledged that “by migration, aliens have pro facto become denizens” and that “Pennsylvania has held out encouragement to aliens” providing “aliens of a certain designation...supposed to have a common interest with other inhabitants” the right to vote.<sup>390</sup> The judges close deliberation of the process of naturalization as well as the various interpretations of who constituted an “alien”

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<sup>386</sup> William Stewart, *Plaintiff in Error, vs. Wilkins Williams, William B. Foster & Al Judges of the Last Election for Pittsburgh Borough*. September 8, 1809, Box 38 Found in Jasper Yeates Papers, 1733-1876, Collection #740, Series 3: Legal and Miscellaneous. The Historical Society of Pennsylvania, Philadelphia Pennsylvania. Accessed June 2021.

<sup>387</sup> *Ibid.*

<sup>388</sup> *Ibid.*

<sup>389</sup> *Ibid.*

<sup>390</sup> *Ibid.*

mirrored similar debates across the nation. For example, the House of Representatives during the Missouri Crisis considered whether “citizenship” should be a category denoted by individual states or if this designation remained under the purview of the federal government.<sup>391</sup>

Yet, in 1809, almost thirty years before the Pennsylvania General Assembly added a racial qualifier to the state constitution, Pennsylvania’s legal counsels were careful to rearticulate whiteness as prerequisite for citizenship and inclusion into the franchise. The judges clarified that the status of “freeholder” did not automatically designate citizenship. According to the case notes, “the two classes are plainly contra-distinguished” and “females, minors, servants for years, and slaves are not included by the generality of this expression.”<sup>392</sup> The court’s opinion also clarified that any “alien” that did exercise their right to vote must also be considered “respectable citizens.”<sup>393</sup> Popular public sentiment assumed that Black peoples could not fully understand, engage with, or respect what it meant to be a “rights bearing individual” in order to participate in the body politic.<sup>394</sup> The assumption of whites in combination with the threat of violence that Black voters faced at the ballot box overwhelmingly discouraged their participation in local and state elections.<sup>395</sup>

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<sup>391</sup> Jones, *Birthright Citizens*, 28.

<sup>392</sup> *Ibid.*

<sup>393</sup> William Stewart, *Plaintiff in Error, vs. Wilkins Williams, William B. Foster & Al Judges of the Last Election for Pittsburgh Borough*.

<sup>394</sup> Edwards, *The People and Their Peace*, 221-298.

<sup>395</sup> Black communities actively worked towards suffrage and resisted the various attempts to discredit them. For a selection of works that focus on Black political activism and resilience, see: Rachel Walker, “Facing Race: Popular Science and Black Intellectual Thought in Antebellum America.” *Early American Studies* 19, no. 3 (2021): 601–40.; P. Gabrielle Foreman, Jim Casey, and Sarah Lynn Patterson. *The Colored Conventions Movement: Black Organizing in the Nineteenth Century*. Edited by P. Gabrielle (Pier Gabrielle) Foreman, Jim Casey, and Sarah Lynn Patterson (Chapel Hill: The University of North Carolina Press, 2021).; C. Riley Snorton, *Black on Both Sides: A Racial History of Trans Identity* (Minneapolis: University of Minnesota Press, 2017).; K. Mitchell, *From Slave Cabins to the White House: Homemade Citizenship in African American Culture* (Michigan: The University of

Eight years later, in *Hobbs vs. Fogg*, the Pennsylvania Supreme Court expanded upon the opinions of the Pittsburgh adjudicators and firmly asserted that the state did not recognize free(d) Black persons as citizens. When William Fogg attempted to vote for the Luzerne County governor in October 1835, Hiram Hobbs turned him away. Fogg filed suit. As a middle-aged Black man who owned property and paid taxes, Fogg was a “freeman of the age of twenty-one years, having resided in the State two years next before the election, and within that time paid a State or county tax” required by Pennsylvania’s State Constitution.<sup>396</sup> Fogg asserted that Hobbs “fraudulently and maliciously intending to injure and damnify” him and “refused to receive his vote” because of his race.<sup>397</sup> The district court sided with Fogg. Judge David Scott for the Court of Common Pleas ruled that nothing in the United States Constitution could be interpreted as prohibiting free(d) Black men from voting as long as they met the property, taxation, and residency requirements. Scott also argued that the 1780 Act for the Gradual Abolition of Slavery transformed men like Fogg into “freemen” though he did not address whether this “meant ‘freeman’ in the constitutional sense or merely as the negation of ‘slave.’”<sup>398</sup> Hobbs appealed

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Illinois Press, 2020).; Patrick Rael, *Black Identity and Black Protest in the Antebellum North* (Chapel Hill: The University of North Carolina Press, 2002).; Graham Hodges, *Root and Branch: African Americans in New York and East Jersey, 1613-1863* (Chapel Hill: The University of North Carolina Press, 1999).; Dylan Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth Century South* (Chapel Hill: University of North Carolina Press, 2002).; Eric Ledell Smith, “The End of Black Voting Rights in Pennsylvania: African Americans and the Pennsylvania Constitutional Convention of 1837-1838.” *Pennsylvania History* 65, no. 3 (1998): 280-283.; Christopher Malone, *Between Freedom and Bondage: Race, Party, and Voting Rights in the Antebellum North* (New York: Routledge, 2008).; Derrick R. Spires, *The Practice of Citizenship: Black Politics and Print Culture in the Early United States* (Philadelphia: The University of Pennsylvania Press, 2019).; Leila Mansouri, “Slave Narratives, Black Disenfranchisement, and the Electoral Limits of Black Freedom.” *J19* 8, no. 2 (2020): 355–62.

<sup>396</sup> *Hobbs et al. v. Fogg*. July, 1837. 6 Watts 553. Supreme Court of Pennsylvania. A transcribed summary of the case and the court’s opinion can be found here: [https://content.next.westlaw.com/Document/I7b9d53d3338711d98b61a35269fc5f88/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://content.next.westlaw.com/Document/I7b9d53d3338711d98b61a35269fc5f88/View/FullText.html?transitionType=Default&contextData=(sc.Default)&firstPage=true)

<sup>397</sup> *Hobbs et al. v. Fogg*. July, 1837. 6 Watts 553. Supreme Court of Pennsylvania.

<sup>398</sup> Young, “For Life or Otherwise,” 293-296.

the district court's decision and the case moved before the State Supreme Court "for the purpose of ascertaining the political rights of the man of color in Pennsylvania."<sup>399</sup>

By the time the first Reform Convention met in 1837, it seemed to many that abolition no longer advocated for an end to slavery but rather, for universal citizenship and the expansion of the franchise. A concept that threatened the very foundations of the white republic. The potential power of a Black electorate became real when a few Black votes overturned two Democratic seats in Bucks County, Pennsylvania, in November 1837. The election angered white residents and local politicians denounced the results. The white community brought the case to court in an attempt to overturn the election results. The judge ruled that Black people freed from the bonds of slavery through gradual abolition or manumission did not qualify as the constitutionally defined category of "freemen."<sup>400</sup> Chief Justice C.J Gibson asserted as much in the court's opinion in *Hobbs v. Fogg* when he said "it is difficult to discover how the word freeman...could have been meant to comprehend a colored race.... we are bound to pronounce that men of color are destitute of title to the elective franchise."<sup>401</sup> Pennsylvania state delegates who argued for the disenfranchisement of free(d) Black peoples in 1837 echoed a growing national dialog that assumed "black suffrage was one of the 'schemes of abolitionism.'"<sup>402</sup>

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<sup>399</sup> Allan B. Lichtman, "Suppressing Voting Rights Is as Old as the Republic—But the Tactics Keep Changing: Discriminatory State Constitutions, Poll and Literacy Taxes, and Now Photo ID Laws All Have Been Used to Keep Ballots From the Less Powerful." *What it Means to Be an American*. October 8, 2018. <https://www.whatitmeanstobeamerican.org/engagements/suppressing-voting-rights-is-as-old-as-the-republic-but-the-tactics-keep-changing/> Accessed May 2023.; *Hobbs et al. v. Fogg*. July, 1837. 6 Watts 553. Supreme Court of Pennsylvania [https://content.next.westlaw.com/Document/I7b9d53d3338711d98b61a35269fc5f88/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://content.next.westlaw.com/Document/I7b9d53d3338711d98b61a35269fc5f88/View/FullText.html?transitionType=Default&contextData=(sc.Default)&firstPage=true)

<sup>400</sup> *Ibid.* 89.

<sup>401</sup> *Hobbs et al. v. Fogg*. July, 1837. 6 Watts 553. Supreme Court of Pennsylvania

<sup>402</sup> Wood, "'A Sacrifice on the Altar of Slavery,'" 89.

The Pennsylvania Reform Convention met again later that year to revisit the incorporation of racially specific language race in the state constitution. Men on either side of the debate used racially charged arguments that reflected the racist ideology of the antebellum era to advocate for or against disenfranchisement. While “opponents of Black suffrage argued that Black peoples were inferior...and that to grant them the vote would not only debase the white man but also lead to a flood of blacks into the state;” supporters pointed to racial uplift and “countered that Blacks had made substantial moral and economic progress since the abolition of slavery....”<sup>403</sup> The restriction against Black suffrage passed by a vote of 77 to 45.<sup>404</sup> The debate to change the language in the state constitution to explicitly exclude Black voters was put down during the first meeting of the Reform Convention.<sup>405</sup> However, not even a year later the Reform Convention met a second time and instituted a voting requirement predicated on race that would remain in place until five years after the conclusion of the American Civil War. Growing sectional tension over the rise in fugitivity and re-enslavement clearly contributed to the change as delegates in favor of black disenfranchisement claimed it was “a necessary sacrifice to promote harmony between the North and the South.”<sup>406</sup>

Pennsylvania’s Black population disagreed. The legal acumen free(d) Black peoples used to challenge racial inequality in northern courts using arguments based on labor, naturalization, birthright, or economic independency evolved from the shared legal knowledge that northern Black populations had cultivated over decades of pushing back against gradualism, slavery, and

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<sup>403</sup> Christopher Malone, *Between Freedom and Bondage: Race, Party, and Voting Rights in the Antebellum North* (New York: Routledge, 2008). 97.

<sup>404</sup> *Ibid.*

<sup>405</sup> Wood, “A Sacrifice on the Altar of Slavery,” 84.

<sup>406</sup> *Ibid.*



anti-Black racism. Black Pennsylvanian arguments mirrored that of other northern free(d) Blacks and harkened back to colonial arguments in the revolutionary era about taxation and representation or by claiming their status as “birthright citizens.”<sup>407</sup> Black New Jersey petitioners “believed that the state did not follow the ‘watchword of our revolutionary fathers, ‘no taxation without representation,’” while Black New Yorkers took to the streets and organized parades, social events, and “occasionally riots” to challenge the calculated rejection of Black peoples from the public political sphere.<sup>408</sup> Activists in Harrisburg, Pennsylvania claimed “we will offer them certificates of our BIRTH and NATIVITY” to “sustain our qualifications for citizenship” while Black residents in Pittsburgh submitted a petition in an effort to block disenfranchisement.<sup>409</sup> Black organizers and activists across Pennsylvania wrote petitions, utilized the newspapers, coordinated conventions and gatherings in order to mobilize against the restriction of suffrage on racially explicit terms.

Radical abolitionists also spoke out against the widespread rejection to Black suffrage. Leaders of the Colored Conventions Movement, such as Abraham Shadd and his daughter Mary Ann Shadd Cary or Frederick Douglass and William Lloyd Garrison, “enacted an ongoing political practice” that continuously “lobbied for full civil rights within political structures that continually spurned them.”<sup>410</sup> Members of the PAS also worked to challenge anti-Black claims about the democratic abilities of free(d) Black men and created a report that showed “people of

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<sup>407</sup> Jones, *Birthright Citizens*, 9.; Litwack, *The Negro in the North*, 86.

<sup>408</sup> Gigantino, *The Ragged Road to Abolition*, 206.; Harris, *In the Shadow of Slavery*, 104.

<sup>409</sup> Jones, *Birthright Citizens*, 64 and footnote 33pg64.; Winch, “Free Men and ‘Freemen,’”17.

<sup>410</sup> P. Gabrielle Foreman, Jim Casey, and Sarah Lynn Patterson. *The Colored Conventions Movement: Black Organizing in the Nineteenth Century*. Edited by P. Gabrielle (Pier Gabrielle) Foreman, Jim Casey, and Sarah Lynn Patterson (Chapel Hill: The University of North Carolina Press, 2021). 29 and 30.

color were productive...and law-abiding members of society.”<sup>411</sup> Robert Purvis, writing on behalf of Black Pennsylvanians explicitly called out the court’s argument that “colored men are not *freemen*” in his *Appeal of Forty Thousand Citizens*.<sup>412</sup> He wrote:

“We do not believe our disfranchisement would have been proposed, but for the desire which is felt by political aspirants to gain the favor of the slave-holding States. This is not the first time that northern statesmen have ‘bowed the knee to the dark spirit of slavery,’ but it is the first time that they have bowed so low! Is Pennsylvania, which abolished slavery in 1780, and enfranchised her tax-paying colored citizens in 1790, now, in 1838, to get upon her knees and repent of her humanity, to gratify those who disgrace the very name of American Liberty, by holding our brethren as goods and chattels?”<sup>413</sup>

Purvis also called out Pennsylvania’s equivocation on the issue of slavery because of its relationship with the slaveholding south and attempted to mobilize Pennsylvania whites on behalf of Black voters. Although Purvis’ *Appeal* strategically weaponized race to provoke the widespread fear among whites that “slavery *may* require still more.”<sup>414</sup> In his *Appeal*, Purvis claimed that disenfranchisement may “demand that a portion of white tax-payers become unmanned and turned into chattels – we mean those whose hands are hardened by daily toil...imagine your wives and children to be trembling at the approach of every stranger, lest their husbands and fathers should be dragged into a slavery...worse than death!”<sup>415</sup> Purvis’ statements likely had a resounding impact among the state’s white laboring classes who feared any potential loss to their privilege and power in Pennsylvania should they be required to share

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<sup>411</sup> Winch, “Free Men and ‘Freemen.’” 18.; See also Manish Sinha, *The Slave Cause*, also 314-318.

<sup>412</sup> Purvis Robert, 1810-1898. *Appeal of Forty Thousand Citizens, Threatened with Disfranchisement, to the People of Pennsylvania*. Philadelphia: Printed by Merrihew and Gunn, No. 7 Carter's Alley. 1838. Held at the Library Company of Philadelphia. 6.

<sup>413</sup> Purvis, *Appeal of Forty Thousand Citizens, Threatened with Disfranchisement, to the People of Pennsylvania*, 16.

<sup>414</sup> *Ibid.* 16.

<sup>415</sup> *Ibid.* 16-17.

equal rights with the state's Black population. Indeed, Pennsylvania's Black residents were often the targets of the state's Irish anti-black violence.<sup>416</sup> Purvis's approach acknowledged the central role of whiteness in the battle over citizenship in the mid-nineteenth century. If Pennsylvania whites could not be encouraged to empathize with the plight of Black residents over the issue of citizenship and voting rights, perhaps by amplifying the difference "between the condition of those...who were nominally free and those who were citizens proper" by attacking the potentialities of freedom that working class immigrants could achieve with an assertion that that they themselves might become victims of enslavement themselves should they not expand the franchise, would prove fruitful.<sup>417</sup> Ultimately, appeals for universal male suffrage failed.

The state legislature's decision to rewrite the state constitution with racially explicit language reflected the evolution of Pennsylvania's unique border governance policies in the mid nineteenth century. As historians have long discussed, the 1780 Act for the Gradual Abolition of Slavery and its corollary in 1788 worked to establish Pennsylvania as a space in which the "presumption of freedom" became the norm despite the resiliency of slavery within the state through "term slavery."<sup>418</sup> Moreover, Pennsylvania's anti-kidnapping laws adopted throughout the 1820s provided the courts and the state legislature with a mechanism to police the state's geopolitical border and thereby protect Pennsylvania's territorial claims to freedom amid the nationalization of slavery following the 1793 Fugitive Slave Law and the Missouri Crisis. The disenfranchisement of Black men following *Hobbs v. Fogg* did not contradict Pennsylvania's identity as a "free state" but rather rearticulated it through race. Indeed, the weaponization of

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<sup>416</sup> Litwack, *The Negro in the North*, 153-186.; Drago, "Neither Northern nor Southern," 163-179.

<sup>417</sup> I. G. Wilson, *Specters of Democracy: Blackness and the Aesthetics of Politics in the Antebellum U.S.* (Oxford: Oxford University Press, 2011). 20.

<sup>418</sup> Morris, *Free Men All*, 6.

citizenship as well as other rights and privileges associated to it in the antebellum era only reinforced the geopolitical boundary of Pennsylvania in the mid-nineteenth century.

Pennsylvania's legislative decisions can best be seen as adopting a dual border strategy categorized by both "exclusion" and "commodified inclusion" that allowed the state to "have it both ways: as the number of enslaved people declined, their national reputation as a free state grew."<sup>419</sup> Although gradualism extended a form of conditional freedom to formerly enslaved peoples, the state legislator's reinforced "legally distinct categories and a hierarchy of rights" that worked to "manage, divide, and control," the state's growing population.<sup>420</sup> State legislators defined exclusion through the ever-evolving criminalization of the Black population just as the civic body practiced exclusion through the anti-Black "discourse of condition."<sup>421</sup> This buttressed the anti-Black racism of the period and destabilized the "presumption of freedom" that historians have suggested was created by Pennsylvania's 1780 Act.<sup>422</sup> Black men and women were still brought to court on the central logic of criminality that pervaded the entire nation despite state mandated court procedures such as the use of witness testimonies or the reliance on certificates of freedom aimed to protect seized Black men and women from an unlawful kidnapping. At the same time, Pennsylvania continued to exploit its free(d) Black inhabitants socially, politically and economically through the commodification of their residency in the state. Transforming Black inhabitants into a measurable unit counted by the census as a member of the

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<sup>419</sup> Young, "For Life or Otherwise," 278.

<sup>420</sup> H. Walia, Kelley, R. D. G., & Estes, N. *Border & Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism*. Chicago, Haymarket Books, 2021. Lxxxiii.

<sup>421</sup> Joanne Pope Melish, "The "Condition" Debate and Racial Discourse in the Antebellum North." *Journal of the Early Republic* 19, no. 4 (1999): 651–672.

<sup>422</sup> Morris, *Free Men All*, 6.

population but denied the rights and privileges of the body politic allowed for Pennsylvania to maintain its identity as a “free state” just as it also guaranteed the state’s accumulation of moral and economic capital. The militarization of the border through outright violence in the 1840s and 1850s only served to further enforce the state’s border governing strategy to protect a uniquely state-centric notion of peace predicated on the dual processes of “exclusion” and “commodified inclusion.”<sup>423</sup> Though this process began in the first few decades of the nineteenth century as the kidnapping of free(d) and enslaved Black peoples accelerated, *Prigg v. Pennsylvania* and the state’s subsequent personal liberty law ultimately marked the culmination of these two strategies.<sup>424</sup>

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<sup>423</sup> Walia et al., *Border & Rule*, Lxxxiii.

<sup>424</sup> As Pennsylvania and other northern states continued to equivocate on the issue of slavery and simultaneously disfranchise and discredit their free(d) Black populations throughout the first few decades of the nineteenth century, whiteness became increasingly conflated with the privileges of democracy associated to freedom. In her work, “Whiteness as Property,” Cheryl Harris argues “the courts played an active role in enforcing this right to exclude...determining who was or was not white enough to enjoy the privileges accompanying whiteness.”<sup>26</sup> Consequently, the United States Supreme Court decision in *Prigg v. Pennsylvania* clearly demonstrates a new stage in the rearticulation of whiteness that produced a “new” space for Blacks. One that served to reaffirm the pre-existing social paradigms predicated upon the categorical binaries of black/white, inferior/superior, insider/other and most importantly, human/non-human. The use of race as a way to delineate between freedom/unfreedom, human/non-human, foreigner/outsider, has long been examined by scholars of legal history and racial formation, though it is often examined in relation to the seemingly paradoxical relationship between the credo of America, that is, liberty, equality, etc., and American slavery. However, the push here is to show that racial formation also undergoes a transformation following gradual abolition in order to maintain the privileges and liberties associated with whiteness, despite the growing freed black population in Pennsylvania. In any case to learn more, please see: Barbara Jeanne Fields, “Slavery, Race, and Ideology in the United States of America,” *New Left Review*, 181 (May-June 1990): 95-118.; Karen E. Fields, (Karen Elise) and Barbara Jeanne Fields. *Racecraft: the Soul of Inequality in American Life* (London: Verso, 2012).; Edmund Morgan, “Slavery and Freedom: The American Paradox,” *Journal of American History* 59, no. 1 (June 1972): 5-29; Paul Finkelman, *Slavery & the Law* (Madison House: Madison House, 1997.) Additionally, the ways in which gradual abolition impacted racial positioning and the relationship between gradual abolition and anti-Blackness was first discussed by my brilliant colleague Warrington Serber in a seminar led by Caree Banton focusing on the Topics and Methods of African and African American Studies in the Spring, 2021. *Prigg v. Pennsylvania* has captivated historians for decades. For select analyses on the context of the case itself, the opinion of the court, as well as the resulting impact of the case on sectional tensions referenced above, see: H. R. Baker, “A better story in *Prigg v. Pennsylvania* ?: Joseph Story and *Prigg v. Pennsylvania*.” *Journal of Supreme Court History* 39, no. 2 (2014): 169–189.; Barbara Holden-Smith, “Lords of Lash, Loom, and Law: Justice, Story, Slavery and *Prigg v. Pennsylvania*.” *Cornell Law Review* 78, no. 6 (1993): 1086-1151.; Paul Finkelman, “*Prigg v. Pennsylvania* and Northern State Courts: Anti-Slavery Use of a Pro-Slavery Decision.” *Civil War History* 25, no. 1 (1979): 5–35.; Paul Finkelman, “Sorting out *Prigg v. Pennsylvania*.” *Rutgers Law Journal* 24, no. 3 (1993): 605-666.; Paul Finkelman, “*Prigg v. Pennsylvania* Understanding Justice Story’s Proslavery Nationalism.” *Journal of Supreme Court History*

In 1837, descendants of John Ashmore hired Edward Prigg and three other men to cross into Pennsylvania to re-enslave Margaret Morgan and her family. John Ashmore had previously held Morgan and her parents enslaved though he had informally manumitted the family prior to his death. When Morgan reached adulthood, she moved to Pennsylvania, married, and had several children, at least one of whom was born free according to Pennsylvania law. Yet, despite Morgan's legally free(d) children or her own claim to freedom since she had lived and worked Pennsylvania since 1832, Edward Prigg requested a legal rendition of Morgan on the basis that she was "the slave for life, under the laws of Maryland, of Margaret Ashmore, a citizen of that State."<sup>425</sup> Prigg further claimed that Morgan "escaped and fled from the State into Pennsylvania" in 1832 justifying his legal right of recaption because she was a fugitive enslaved woman.<sup>426</sup> Justice of the Peace Thomas Henderson denied Prigg's request for a warrant so Prigg kidnapped Morgan and her children. Prigg forcibly removed the family in early April and after a brief stay in Maryland, he intended to sell Morgan and her children to another enslaver further south. The York County Court of Quarter Sessions indicted Prigg for kidnapping and in 1841, the Pennsylvania Supreme Court reaffirmed the county decision that Morgan and her children were

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22, no. 2 (1997): 51–64.; Patricia A. Reid, "Margaret Morgan's Story: A Threshold between Slavery and Freedom, 1820-1842." *Slavery & Abolition* 33, no. 3 (2012): 359–380.; P. D. Douglass, "The Claim of Right to Property: Social Violence and Political Right." *Zeitschrift Für Anglistik Und Amerikanistik* 65, no. 2 (2017): 145-159.; R. J. M. Blackett, *The Captive's Quest for Freedom: Fugitive Slaves, the 1850 Fugitive Slave Law, and the Politics of Slavery* (Cambridge: Cambridge University Press, 2018).; Stanley Harrold. *Border War: Fighting over Slavery before the Civil War* (Chapel Hill: The University of North Carolina Press, 2010).; Eric Foner, *Gateway to Freedom: The Hidden History of America's Fugitive Slaves* (Oxford: Oxford University Press, 2015). 108-114.

<sup>425</sup> A transcription of *Prigg v. Pennsylvania* can be found here: *Prigg v. Pennsylvania*, 41 U.S. (16 Pet.) 539. (1842) Error to the Supreme Court of Pennsylvania. Published on [supreme.justia.com](https://supreme.justia.com). Accessed 24 April 2021. Paul Finkelman has written numerous works on *Prigg v. Pennsylvania*, to learn more, see: Paul Finkelman, "Prigg v. Pennsylvania Understanding Justice Story's Proslavery Nationalism." *Journal of Supreme Court History* 22, no. 2 (1997): 51-64.; or Paul Finkelman, "Sorting Out Prigg v. Pennsylvania." *Rutgers Law Journal* 24, no. 3 (1993): 605.

<sup>426</sup> *Prigg v. Pennsylvania*, 41 U.S. (16 Pet.) 539. (1842) Error to the Supreme Court of Pennsylvania. Published on [supreme.justia.com](https://supreme.justia.com). Accessed 24 April 2021.

free(d) residents of Pennsylvania. Undeterred, Prigg appealed to the United States Supreme Court. Prigg's attorney argued that Pennsylvania's personal liberty law passed in 1826 was unconstitutional and that "the states had no power to interfere in the return of fugitive slaves, even to prevent the kidnapping of their own citizens."<sup>427</sup> Not even one year later, the Supreme Court overturned the Pennsylvania decision.

Writing for the court, Chief Justice Joseph Story's opinion on *Prigg v. Pennsylvania* has been the subject of much debate, past and present. Story ultimately argued that Pennsylvania's personal liberty law was unconstitutional, that "states could not pass laws creating additional requirements to the federal law or impede the return of fugitive slaves."<sup>428</sup> He also argued that a "claimant had a right of self-help, a common-law right to take a fugitive slave wherever found, without any due process protection for the alleged slave."<sup>429</sup> Aside from Justice John McLean, the sole dissenter in the case, the remaining five justices agreed with Story's opinion, albeit to varying degrees. According to historian Paul Finkelman, Story's opinion "nationalized slavery, at least for purposes of fugitive slave rendition" and ultimately made "freedom a 'mere municipal regulation.'"<sup>430</sup>

Both Proslavery and antislavery advocates used Justice Story's argument for their own ends. In his response to *Prigg v. Pennsylvania*, Salmon P. Chase raised an important question -- "Does the Constitution...confer on the masters of fugitive servants, the right...to retake them by force, in any state to which they may have escaped...without process or judicial sanction; and are

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<sup>427</sup> Paul Finkelman, "Human Liberty, Property in Human Beings, and the Pennsylvania Supreme Court." *Duquesne Law Review* 53, no. 2 (2015): 478.

<sup>428</sup> Finkleman, "Sorting Out Prigg," 630.

<sup>429</sup> Finkelman, "Sorting Out Prigg," 639.

<sup>430</sup> Finkelman, "Sorting Out Prigg," 635-636.

all laws of the state to prevent kidnapping or abduction by private force, unconstitutional and void...?”<sup>431</sup> One of the more critical elements of Story’s opinion maintained that although states could not pass laws to hinder the Fugitive Slave Law neither could state officials be required to enforce the federal law, but rather, states should adhere to the Fugitive Slave Clause as a “matter of constitutional obligation and comity.”<sup>432</sup> Chase countered Story’s opinion by stating that the question of “constitutionality” was not “necessarily before the court in the Prigg case” because the court held that “state magistrates may act” and if “state magistrates act, their action must be justified.”<sup>433</sup> Because, in essence, state magistrates “are the *auxiliaries of the master*, in exercising the *power of recaption*, not under the law, but under the constitution.”<sup>434</sup> In his opinion on *Prigg v. Pennsylvania*, Associate Justice Thompson stated that “the inherent and sovereign power of a State to protect its jurisdiction and the peace of its citizens in any and every mode which its discretion shall dictate” as long as it did not come into conflict with the power of the Federal government.<sup>435</sup> Thompson further recognized that the “Legislative provision...is essential for the purpose of preserving peace and good order in the community.”<sup>436</sup>

This notion of “peace” and its protection became increasingly important to northern states, even more than it had at the nation’s birth, as the enlargement of federal power and

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<sup>431</sup> Salmon P. Chase, (Salmon Portland), 1808-1873. *Reclamation of Fugitives from Service: An argument for the defendant, submitted to the Supreme Court of the United States, at the December term, 1846. In the case of Wharton Jones vs. John Vanzandt*. By S.P. Chase. Cincinnati : printed by R.P. Donogh & Co., 106 Main Street, 1847. 72.

<sup>432</sup> Finkelman, “Sorting Out Prigg,” 645.

<sup>433</sup> Chase, *Reclamation of Fugitives from Service*, 74-75.

<sup>434</sup> *Ibid.*

<sup>435</sup> *Prigg v. Pennsylvania*, 41 U.S. 539 (1842)

<sup>436</sup> *Prigg v. Pennsylvania*, 41 U.S. 539 (1842)



rapidly escalating sectional tensions began to take their toll in the 1830s and 1840s. For Pennsylvania, the ability to dictate the terms of gradual abolition and control the presence of free(d) Black inhabitants within the state became central to the state's idea of "peace" and its identity as a "free state." The attorneys for Pennsylvania in the case against Prigg stated as much when they argued that "free states should be able 'to legislate on this subject for the preservation of their own peace and the protection of their own soil from insult and aggression.'"<sup>437</sup> In other words, Pennsylvania not only had a right to establish freedom within its own geopolitical borders but to police the state's unique definition of freedom however they deemed necessary. As scholars have shown, Pennsylvania legislators were so concerned about establishing a clear definition of freedom as well as the process for adjudicating claims over it that between 1780 and 1850, "just over sixty percent" of the cases "decided in the state supreme court...involved Black litigants from Pennsylvania."<sup>438</sup> Moreover, "no federal anti-kidnapping law existed, so this power remained with the states," until, that is, 1842.<sup>439</sup> The prevailing decision in *Prigg v. Pennsylvania* seemed to completely invalidate Pennsylvania's territorialization of freedom that legislators, antislavery advocates, Black litigants, and the state's legal counsels had negotiated over and worked to outline since 1780, just as the institution of slavery became a "specially protected institution under the Constitution."<sup>440</sup>

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<sup>437</sup> Kristen Epps, "Habeas Corpus, the Fugitive Slave Law, and Executive Authority," *Muster Blog*, accessed September 12, 2017, <https://journalofthecivilwarera.org/2017/02/habeas-corpus-fugitive-slave-law-executive-authority/>. Footnote 12. Citation comes directly from Morris, *Free Men All*, 95.

<sup>438</sup> Young, "For Life or Otherwise," 224.

<sup>439</sup> Kristen Epps, "Habeas Corpus, the Fugitive Slave Law, and Executive Authority."

<sup>440</sup> Paul Finkelman, "State's Rights, Southern Hypocrisy, and the Crisis of the Union." *Akron Law Review* 45, no. 2 (2012): 453.

One year prior to the Supreme Court's decision in *Prigg v. Pennsylvania*, Nelson Hackett liberated himself from Fayetteville, Arkansas and found freedom in Chatham, a small Canadian town, about fifty miles east of Detroit, Michigan. Enslaved by Alfred Wallace, Hackett fled Arkansas in July 1841, travelling through Missouri, Illinois, Indiana, Ohio and Michigan before he found refuge in Canada West. It was not long, however, before Wallace found Hackett's place of freedom. Wallace had tracked Hackett's whereabouts and had him arrested on "charges of stealing a horse, saddle, gold watch, beaver coat" as well as about 100£ in gold and silver coins.<sup>441</sup> The Arkansas Governor ordered Hackett's extradition from Canada following his indictment of grand larceny by an Arkansas jury. Charles Bagot, the Governor General of Canada, capitulated. Hackett was re-enslaved and returned to Wallace who eventually sold Hackett deeper south. Although the case against Hackett does not directly involve Pennsylvania's borders, the fact that he was extradited from Canada the same year that the United States Supreme Court decided *Prigg v. Pennsylvania* illuminates broader debates about the nationalization of slavery in the late antebellum era. The power of the state to either reinforce or contest the authority of the federal government over the issue of slavery evolved in the 1840s to a debate of northern state's rights to uphold the "extraterritoriality of slavery" despite their identity as "free states."<sup>442</sup>

The Supreme Court's decision in *Prigg v. Pennsylvania* juxtaposed to Hackett's escape and subsequent extradition reflect the heightened tensions over the issues of fugitivity and jurisdictional power in the nation before the American Civil War. Hackett's self-emancipation was indicative of a broader movement in American history in the 1840s as enslaved men and

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<sup>441</sup> The Nelson Hackett Project, <https://nelsonhackettproject.uark.edu/>. Accessed 4 May 2023.

<sup>442</sup> *Ibid.*

women liberated themselves from bondage and escaped to northern “free” spaces in ever increasing numbers. Moreover, through the efforts of the Underground Railroad, white abolitionist allies, and Black vigilance committees to protect alleged fugitives, “the cost of recapture often exceeded the value of the slaves retrieved.”<sup>443</sup> While the Fugitive Slave Law of 1793 constitutionally validated the recapture efforts of enslavers to re-enslave alleged fugitive Black peoples, northern state liberty laws interposed state “power between individuals and the federal government.”<sup>444</sup> In a speech to the Virginia House of Delegates, Thomas Bayly complained that it was all part of abolitionist plans for northern states such as New York to be “made a refuge for fugitive slaves” and that the North considered it of the “utmost important” to “offer impunity to persons” that “encourage and aid” alleged fugitive enslaved persons.<sup>445</sup> Bayly further remarked that New York’s personal liberty law, which was “denounced as the “*Black Act*,” was part of a broader attempt to dissolve the Constitution over a “doctrine of states rights” that annulled the “constitution as we adopted it.”<sup>446</sup>

Following the 1842 Supreme Court decision, northern states increasingly embraced a doctrine of states’ rights that touted the principles and policies of state sovereignty to “protect individual freedoms against proslavery federal policies” that they had perfected over the past

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<sup>443</sup> Blackett, *The Captives Quest for Freedom*, 6.

<sup>444</sup> Morris, *Free Men All*, 53.

<sup>445</sup> Thomas Henry Bayly, 1810-1856. *Speech of Mr. Bayly of Accomack on the bill to prevent citizens of New York from carrying slaves out of this commonwealth, and to prevent the escape of persons charged with the commission of any crime, and in reply to Mr. Scott of Fauquier, delivered in the House of Delegates of Virginia, on the 25th and 26th of February 1841*. Published by members of the Senate and House of Delegates. Richmond: Printed by Shepard and Colin, 1841. 15.

<sup>446</sup> Bayly, *Speech of Mr. Bayly of Accomack*, 7, 24, 38.

decade.<sup>447</sup> States such as Pennsylvania and New York passed new personal liberty laws that repealed exemptions granted to enslavers traveling through the state (the sojourner addendum), prohibited state officials from aiding in the rendition of self-liberated enslaved peoples, and forbade state institutions from detaining alleged fugitives.<sup>448</sup> For example, by an act passed on March 3<sup>rd</sup>, 1847, Pennsylvania repealed the six month sojourning addendum and declared “a slave brought into this State, since the passage of the act 3d March, 1847, is *ipso facto* free.”<sup>449</sup> However, while the 1847 legislation repealed certain provisions of the 1780 Act, it did not “deliver emancipation” as a cursory read through might suggest.<sup>450</sup> The 1847 provisions left “intact those [laws] establishing slavery’s legality within the state.”<sup>451</sup> Across the North, “free states” passed similar legislation that outrightly rejected the “extraterritoriality doctrine” even if they failed to enforce immediate emancipation within their own territorial limits.<sup>452</sup> They argued on the basis that “if slavery existed only under state laws – if it really were a *state* institution—then the federal government should not sustain it” let alone dictate to northern states that they should yield to proslavery supporters and enslavers.<sup>453</sup> In fact, when enslavers requested a

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<sup>447</sup> Michael E. Woods, “‘Tell Us Something About State Rights’: Northern Republicans, States’ Rights, and the Coming of the Civil War.” *The Journal of the Civil War Era* 7, no. 2 (2017): 248.; Masur, “State Sovereignty and Migration before Reconstruction.” 588–611.; Paul Finkelman, “State’s Rights, Southern Hypocrisy, and the Crisis of the Union.” *Akron Law Review* 45, no. 2 (2012): 449-478.

<sup>448</sup> Jeffrey Schmitt, “Rethinking Ableman V. Booth and States’ Rights in Wisconsin.” *Virginia Law Review* 93, no. 5 (2007): 1319.

<sup>449</sup> Pennsylvania. *General Assembly. House of Representatives. Committee on the Judiciary. Minority report of the Committee on the Judiciary of the House of Representatives of Pennsylvania, in relation to the rights of transit of slave property through this state.* Pennsylvania: publisher not identified, 1856. Held at The Library Company of Philadelphia. Accessed June 2021.

<sup>450</sup> Young, “For Life or Otherwise,” 14.

<sup>451</sup> *Ibid.*

<sup>452</sup> Woods, “‘Tell Us Something About State Rights,’” 254.

<sup>453</sup> Woods, “‘Tell Us Something About State Rights,’” 254.

warrant to reclaim an alleged fugitive, northern antislavery lawyers and judges denied them, citing that they “had no authority to hear cases involving fugitives” and that they “ought to seek a remedy in a federal court.”<sup>454</sup>

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<sup>454</sup> Finkelman, *Prigg v. Pennsylvania*, 22.

## Epilogue – “There is no Slavery in Pennsylvania”<sup>455</sup>

The events of the 1850s revealed the depth of American divisions on the question of slavery’s expansion. The outbreak of war against Mexico in 1846 only exacerbated the rapidly escalating debates between the North and the South over the question of slavery’s expansion.<sup>456</sup> Throughout the antebellum period, the United States had embarked on a project of colonial settler expansion through the tangled processes of “war, diplomacy, and land purchases.”<sup>457</sup> The systemic seizure of American Indian lands and forced removal of native peoples meant that virtually all land east of the Mississippi River had come under control of white settlers by 1840. The United States’ continental ambitions became reality with the annexation of Texas and the subsequent conquest of Mexico. The nation’s acquisition of “525,000 square miles of land” simultaneously established the territory that made up the continental United States and solidified the American state as an imperial expansionist power.<sup>458</sup> Although free-soilers, spurred on by David Wilmot, looked to the west as a panacea for the white laboring classes hoping for upward social mobility, members of the slave power viewed the annexation of Texas and the acquisition

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<sup>455</sup> Mr. D. Brackenridge, Defense Statement. 14 May 1793. Box 22, Folder 1. In Jasper Yeates Papers Collection #740. Series III. Legal and Miscellaneous. 1793-1794. The Historical Society of Pennsylvania, Philadelphia, P.A. Accessed 3 July 2019.

<sup>456</sup> Thomas D. Morris, *Free Men All: The Personal Liberty Laws of the North, 1780-1861* (Baltimore: Johns Hopkins University Press, 1974). 117.

<sup>457</sup> Max Edling, *A Hercules in the Cradle: War, Money, and the American state, 1783-1867* (Chicago: The University of Chicago Press, 2014). 147.

<sup>458</sup> For more on America’s war with Mexico and the political turmoil resulting from American expansion, see: Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War with a New Introductory Essay* (New York: Oxford University Press, 1970).; Andrew Delbanco, *The War Before the War: Fugitive Slaves and the Struggle for America’s Soul from the Revolution to the Civil War* (London: Penguin Press, 2018).; Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven: Yale University Press, 2008).; Pekka Hamalainen, *The Comanche Empire* (New Haven: Yale University Press, 2008).; Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge: Harvard University Press, 2016).; Edling’s *A Hercules in the Cradle*.

of Mexico's territory as an opportunity to further their "foreign policy of slavery."<sup>459</sup> Antislavery delegates, aware of the imperialist agenda of the slave power, opined that the conquest of Mexico was simply another federal initiative "to extend the peculiar institution."<sup>460</sup> Congress attempted to deflect the rising tensions by passing a moratorium on the slavery question that "tabled...without debate" any topic on enslavement however, the gag rule did little to deter sectional arguments in either house.<sup>461</sup> While the status of slavery throughout the United States had been settled by either state law or by the tenets of the Missouri Compromise of 1820 prior to 1846, the vast territory – as well as its inhabitants – obtained from the Treaty of Guadalupe Hidalgo brought debates on whether or not the "Constitution assigned territorial governance to Congress" violently back to the fore.<sup>462</sup>

California had captured American interests from the very onset of war with Mexico "principally from the expectation that Pacific harbors would play an instrumental role in the burgeoning Asia trade."<sup>463</sup> When gold was discovered in the state, less than a fortnight before Congress signed the Treaty of Guadalupe Hidalgo, thousands of American settlers and foreign immigrants flooded the western coast. The rapid colonization of California proved costly to its longtime inhabitants as Americans quickly instituted the various tools of settler colonialism, forcibly removing American Indians, or waging violence against those who did not leave, and oppressing the states' Latin, Asian, Native, and Black peoples by using the same legal and

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<sup>459</sup> Karp, *This Vast Southern Empire*, 34.

<sup>460</sup> Foner, *Free Soil, Free Labor, Free Men*, 92.

<sup>461</sup> Delbanco, *The War before the War*, 127.

<sup>462</sup> *Ibid.* 247.

<sup>463</sup> Edling, *A Hercules in the Cradle*, 149.

governing policies that had been perfected in the eastern part of the nation throughout early nineteenth century. The systematic reduction in the Indian population coincided with an explosion of California's non-Indian population which quickly rose from about 10,000 to 100,000 to 380,000 in just over a decade. When California petitioned for admission into the Union in 1849 it requested "immediate entry," barring the federal government's potential interference with the state's rejection of slavery.<sup>464</sup> Indeed, when California requested to join the Union, it would be as a "free state."

The halls of Congress exploded with sectional rancor. Members of the slave power feared that if California were admitted to the Union as a "free state," not only would northern antislavery delegates gain a foothold in the Senate, but it would set a precedent in the southwest that threatened the continental ambitions of enslavers. Much of the western territories, like Utah and New Mexico, appeared to be favoring an antislavery stance and southerners feared the annexation of a "free" California would tip the balance of power. Likewise, northern demands for the abolition of slavery in the nation's capital only further enflamed southern delegates, not to mention the loss of southern enslaved peoples who liberated themselves to free states in the north! Southern "fire-eaters" responded to California's application for statehood by threatening to secede from the Union.<sup>465</sup>

Congress passed the Compromise of 1850 in a final attempt to appease the sectional divide. The fragile compact allowed for California to enter the Union as a "free state" but

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<sup>464</sup> Elliott West, "California, Coincidence, and Empire." Found in *A Global History of Gold Rushes*. Edited by Benjamin Mountford and Stephen Tuffnell (Berkeley: University of California Press, 2018). 43-44.; Delbanco, *The War Before the War*, 215-216.

<sup>465</sup> Richard Blackett and Stanley Harrold explore the various responses to California's application for statehood and the Fugitive Slave Law in their respective works. See Harrold, *Border War*, and Blackett, *The Captives Quest for Freedom*.



extended additional safeguards to southern enslavers through the Fugitive Slave Act. Where the Fugitive Slave Law of 1793 had remained relatively ambiguous about the federal government's role in enforcing the law, the more severe 1850 iteration established various federally sanctioned mechanisms to protect and enforce the demands of enslavers. In addition to the creation of federal positions, such as state commissioners, to enforce the law, more importantly, the Act transformed northern communities and individuals into a compulsory extension of federal authority. Anyone convicted of helping an alleged fugitive enslaved person, this included providing them aid or simply refusing to assist the town sheriff in recapture, could be thrown in jail for six months and/or be fined upwards of one thousand dollars. While southerners viewed the Compromise of 1850 as the North's "recommitment" to the "compromises of slavery" that had maintained the Union since its creation, antislavery advocates saw the Compromise as yet another gross overextension of the federal government's authority on the issue of slavery.<sup>466</sup> The Fugitive Slave Act of 1850 was the most contentious issue in the decade leading up to the American Civil War.

Southern enslavers had denounced the Fugitive Slave Law of 1793 by 1850, claiming it no longer adequately protected their vested interest in human property as the number of self-emancipated enslaved persons finding refuge in the North increased throughout the mid-nineteenth century. Though actual numbers vary, as many as one thousand enslaved persons liberated themselves from bondage each year. Their names and relative likenesses recorded in local and state newspapers as enslavers enforced the extraterritoriality of slavery and attempted to reclaim their human chattel across various geographies. According to Ira Berlin, "almost 30

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<sup>466</sup> R. J. M. Blackett, *Making Freedom: The Underground Railroad and the Politics of Slavery* (Chapel Hill: The University of North Carolina Press, 2013). 4

percent of the free black people in Pennsylvania had been born in the slave south, as had 20 percent of black New Yorkers...In all, of the quarter million black people residing in the North in 1860, one third...had their origins the slave states.”<sup>467</sup> These numbers remain relatively low compared to the millions of enslaved peoples who remained in the South, yet antislavery and proslavery advocates weaponized the increasing fugitivity to either “justify retaliation” against abolitionists or “encourage resistance” against slavery’s defenders.<sup>468</sup> Southerners particularly infuriated by the North’s seemingly apathetic response to the growing number of self-liberated peoples preached the necessity of the Fugitive Slave Act to address the “tangible concerns, including financial loss, threats to the social order, race loyalty, and public safety” that enslaved fugitivity imposed on the Union.<sup>469</sup>

The Fugitive Slave Act appalled the North. Residents of Pennsylvania and other “free states” were “transformed by the law into slave catchers” required to assist federal commissioners and officials when called upon or they faced a fine and potential jail-time.<sup>470</sup> The Act also established federal officials in each state to adjudicate on fugitive enslaved cases and provided monetary compensation for determining the individual’s status, though the compensation was double if the official found the individual guilty of being a fugitive. In 1851 alone, Richard McAllister, a federal commissioner appointed to Southeastern Pennsylvania, was responsible for the re-enslavement of at least seven alleged fugitives. The Act guaranteed him a

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<sup>467</sup> Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Cambridge: Harvard University Press, 2004), 234.

<sup>468</sup> Harrold, Stanley. *Border War: Fighting over Slavery Before the Civil War* (Chapel Hill: The University of North Carolina Press, 2010). 39.

<sup>469</sup> Harrold, *Border War*, 1.

<sup>470</sup> Blackett, *Making Freedom*, 3.

payment of \$10 for each return, equivalent to \$2,722.49 in 2023. However, McAllister's zeal does not represent how all federally appointed commissioners felt about their new position.<sup>471</sup> The general confusion about who was responsible for the commissioners' payments, whether it was the US Treasury or the individual state, made repayment for either verdict difficult. Additionally, despite the expanded capabilities of sitting commissioners, "the authorities had difficulty finding candidates" because of the political and social repercussions that faced individuals appointed to the position.<sup>472</sup> Several commissioner seats remained empty. The Act also incentivized the capture of alleged fugitives, nullified an alleged fugitive's ability to resist re-enslavement through a jury trial, and completely thwarted the practice of habeas corpus.

The potential for corruption intrinsic to the Fugitive Slave Act was not lost to northern abolitionists. Bostonian Lysander Spooner claimed, "It is obvious...that the payment of judges by the way of fees for each case, has a direct tendency to induce corrupt decisions, and destroy impartiality in the administration of justice."<sup>473</sup> He further argued that because the law mandated that one individual's testimony was enough to secure re-enslavement of an alleged fugitive, the opportunity to present "corrupt, omitted, or fabricated" evidence in order to secure a specific verdict increased exponentially.<sup>474</sup> Spooner also addressed the problematic suspension of habeas corpus. The prohibition of habeas corpus shocked many northern abolitionists, not just Spooner, who believed it to be an important part of "normal judicial processes" in the nineteenth

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<sup>471</sup> R. J. M. Blackett, *The Captive's Quest for Freedom: Fugitive Slaves, the 1850 Fugitive Slave Law, and the Politics of Slavery* (New York: Cambridge University Press, 2018). 53-54.

<sup>472</sup> Blackett, *The Captive's Quest for Freedom*, 58-59.

<sup>473</sup> Lysander Spooner, 1808-1887. *A Defence for Fugitive Slaves Against the Acts of Congress of February 12, 1793, and September 18, 1850*. Boston: Bela Marsh, 25 Cornhill, 1850. 10.

<sup>474</sup> *Ibid.* 20.

century.<sup>475</sup> Indeed, as scholars have previously shown, the writ of habeas corpus became an oft used tool by abolitionists and enslaved Black peoples to begin the legal process of challenging an individual's enslavement, not to mention combat enslaver's and their allies attempts to physically removal an alleged enslaved person from free soil. Spooner argued that "*habeas corpus* is the only mode of relief for a person deprived of his liberty by any illegal proceeding...a prohibition upon the use of the *habeas corpus*... is as palpable a violation of the constitution on this point as it is possible to conceive of..."<sup>476</sup>

During the first few months of the Act's ratification, states throughout the north refused to adhere to the federal provision while Black peoples and their allies organized committees to petition Congress for its repeal and to "meet tyranny with force or be subdued by it."<sup>477</sup> In response to the Fugitive Slave Act, the Pennsylvania General Assembly reasserted that "no State is bound to recognize slavery in another State" and that "the state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of territorial laws."<sup>478</sup> The assertion that slavery "was an exclusively local institution" was the same argument that northerners had refined over the past seventy years. As this dissertation has shown, the intersections of space, geography, and the law following the 1780 Act and its later addendums informed an imaginary but clear demarcation of where freedom specifically began and where it

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<sup>475</sup> Kristen Epps, "Habeas Corpus, the Fugitive Slave Law, and Executive Authority," *Muster Blog*, accessed September 12, 2017, <https://journalofthecivilwarera.org/2017/02/habeas-corpus-fugitive-slave-law-executive-authority/>.

<sup>476</sup> Spooner, *A Defence for Fugitive Slaves*, 26.

<sup>477</sup> Blackett, *The Captive's Quest for Freedom*, 14-20. Quote on 20.

<sup>478</sup> Pennsylvania. General Assembly. House of Representatives. Committee on the Judiciary. Minority report of the Committee on the Judiciary of the House of Representatives of Pennsylvania, in relation to the rights of transit of slave property through this state. -- Pennsylvania: publisher not identified, 1856. 2.

ended, at times to within a few feet. The notion of Pennsylvania freedom as a “geopolitically bound property” neatly encapsulated by the state line crystallized throughout the late eighteenth and early nineteenth as the state’s gradual abolition legislation and correlating judicial processes worked to establish a definitive boundary of freedom *within* the state that co-reflexively defined the border *of* the state. State politics and judicial processes attempted to maintain the spatial integrity of Pennsylvania abolition by championing the state’s emerging “free state” identity throughout the 1820s and 1830s even as they equivocated on the resiliency of slavery within the state. When sectional tensions over the territorial expansion of slavery reached a boiling point in the decade before the Civil War, Pennsylvania and other northern states lambasted the pro-slavery provisions of the Constitution and asserted that individual states had the right to determine the legality of slavery within their own borders. Consequently, when the Pennsylvania General Assembly met in 1856 to discuss the Fugitive Slave Law of 1850, their response simply echoed the doctrine of northern states’ rights that defended personal liberty laws, such as Pennsylvania’s 1826 anti-kidnapping legislation, as a constitutionally justified state-level measure that protected the sovereignty, peace, and individual liberties of the “free states.”

Yet, even as the Pennsylvania General Assembly denounced the Fugitive Slave Act, the assemblymen made sure to clarify that the state’s efforts to protect free(d) Black persons within the state did not equate to the state’s recognition of everyone’s individual civil rights. The perception that the entire North had organized a civil rights agenda to enfranchise all free(d) Black residents of the nation remained firmly rooted in the minds of southerners by mid-century. Indeed, the first four states to break from the Union at the dawn of the American Civil War cited the North’s “debasement doctrine of equality of all men” as one of the many justifications for their

secession.<sup>479</sup> However, the vast majority of northerners did not think that abolition merited Black peoples inclusion in the body politic. The Pennsylvania General Assembly argued that the state-sanctioned protection of the state's Black residents was merely a necessary legal extension of the state's sovereign power to regulate the bodies of individuals who moved within and through the state, be it sojourning enslavers or transient peoples of color. The Assembly stated that

“as a general rule, all persons coming within the limits of a state, become subject to all its municipal laws, civil and criminal, and entitled to the privileges which those laws confer; that this rule applies as well to blacks as whites, except in the case of fugitives, to be afterwards considered; that if such persons have been slaves, they become free, not so much because any alteration has been made in their *status*, or condition, as because there is no law which will warrant, but there are laws, if they choose to avail themselves them, which prohibit their forcible detention or forcible removal.”<sup>480</sup>

The law only recognized Black personhood in order to justify Pennsylvania's various legal measures to police the “collective good” and ward off perceived external threats, such as the encroachment of slavery on the potential freedoms of the state's white population. Though modern scholars have since defined the position that nineteenth century Black Americans inhabited as an “indeterminate status,” the “negation of slavery,” or more simply still, an “empty category,” in 1856, the Pennsylvania General Assembly remained firm in its conviction that the state's laws did not alter a free(d) Black person's former “status, or condition” regardless of their location.<sup>481</sup> There was no law that could do so.

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<sup>479</sup> Confederate States of America - A Declaration of the Causes which Impel the State of Texas to Secede from the Federal Union. Accessed via Avalon. Summer 2023.

<sup>480</sup> Jacob D. Wheeler, *A Practical Treatise on the Law of Slavery: Being a Compilation of All the Decisions Made on That Subject, in the Several Courts of the United States, and State Courts: with Copious Notes and References to the Statutes and Other Authorities, Systematically Arranged. Nineteenth-Century Legal Treatises: US*. New York: A. Pollock, Jr; New Orleans: B. Levy, 1837. 369.

<sup>481</sup> Cory James Young, “For Life or Otherwise: Abolition and Slavery in South Central Pennsylvania, 1780-1847,” Georgetown University Press, ProQuest Dissertations & Theses Global. 2021. 295.; Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and “Race” in New England, 1780-1860* (Ithaca: Cornell University Press, 1998). 72-76, 88.

The geopolitics of Pennsylvania freedom that recognized the personhood of a Black individual and simultaneously denied them “rights bearing privileges” was echoed by Chief Justice Roger B. Taney’s opinion in the case against Harriet and Dred Scott.<sup>482</sup> As the enslaved property of Dr. John Emerson, Dred Scott was forced to accompany and care for Emerson as he travelled from Missouri to Illinois throughout the 1830s. Slavery had largely been prohibited in Illinois by federal legislation, such as the Northwest Ordinance and the Missouri Compromise, not to mention state law. On one of their trips to the Midwest, Dred Scott met an enslaved woman named Harriet Robinson, who he eventually married. The two remained in Illinois until Emerson brought them back to St. Louis, Missouri following his marriage to Irene Sanford. Irene continued to enslave Dred and Harriet after Emerson died. The Scotts tried to purchase their freedom from Emerson’s widow, but she refused, and the Scotts filed suit. They based their suit on their extended residence on Illinois free soil which, they argued, granted them their freedom. *Somerset v. Stewart* decided almost a century earlier provided an obvious precedent for their argument, though freedom suits since then that were based on territorialized freedom throughout the north only further buttressed their claims.<sup>483</sup> When Scott’s case came before the circuit court judge, the lower court issued a verdict that freed both Harriet and Dred. However, the Missouri Supreme Court overturned the decision and the Scott’s appealed to the United States Supreme Court.

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<sup>482</sup> Wheeler, *A practical treatise on the law of slavery*, 369.

<sup>483</sup> Edlie Wong, *Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel* (New York: New York University Press, 2009). Wong cites *Winn v. Whitesides*, *Julia v. McKinney*, and *Rachael v. Walker* as some of the most important cases that influenced the Missouri Supreme Court’s understanding of the Scott’s case. 134-143. For more on Dred Scott, see Anne Silverwood Twitty, *Before Dred Scott: Slavery and Legal Culture in the American Confluence, 1787-1857* (New York: Cambridge University Press, 2016).

Speaking for the majority, Chief Justice Roger B. Taney declared that not only would the Scott's be denied their freedom, but that all Black peoples would be perpetually excluded from any definition of "national citizenship and belonging."<sup>484</sup> Taney asserted that because enslaved and free(d) Black peoples were of African descent, they were not citizens of the United States.<sup>485</sup> The nation's founders, Taney insisted, believed that blacks "had no rights which the white man was bound to respect" and thus, Black peoples could never be part of the nation's citizenry.<sup>486</sup> He was resolute in his belief that "only whites, or persons of Caucasian race, can be such citizens; or, negatively, that no person of African or Ethiopian race can be such a citizen."<sup>487</sup> Taney further argued that because the Scott's could not be considered citizens, they had no legal right to sue in federal court. As scholars have shown, Black peoples played an integral role in the development of American law and praxis, from the evolution in local judicial processes to the development of state and federal law. However, Taney's "opinion of the court" made it clear that the federal government, an institution with the power to secure Black freedom, remained a "geography of domination" and a space exclusive to the problems of white litigants.<sup>488</sup> The Scott's decade long fight to secure their freedom reiterated the challenges to Black citizenship and belonging in nation that consistently and unapologetically altered the geographies of

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<sup>484</sup> Wong, *Neither Fugitive Nor Free*, 177.

<sup>485</sup> Taney authored the "opinion of the court" despite a "thicket of contradictory concurring and dissenting opinions." David Thomas Konig, Paul Finkelman, and Christopher Alan Bracey, eds. *The Dred Scott Case: Historical and Contemporary Perspectives on Race and Law* (Athens: Ohio University Press, 2010). 10.

<sup>486</sup> John C. Hurd, (John Codman). *The Law of Freedom and Bondage in the United States*. Boston: Little, Brown & Company, 1858. 434-35.; Konig, et al., *The Dred Scott Case*, 18.

<sup>487</sup> *Ibid.*

<sup>488</sup> Paul Finkelman accords that while free(d) Black peoples could sue in a state court, in order to file suit in a federal court, they must also be citizen. "For Scott to sue in federal court, under diversity jurisdiction, the court had to accept the argument that a free black living in Missouri was a citizen of that state and, implicitly, a citizen of the United States." Konig et al., *The Dred Scott Case*, 237.



freedom and unfreedom to exclude Black peoples. Indeed, although Harriet and Dred Scott eventually gained their freedom after the decade-long suit, it was not through the courts, but through private manumission. Like many Black litigants in the nineteenth century, “legal redress failed them.”<sup>489</sup>

As Harriet and Dred Scott’s freedom suit moved through the judicial system, the sectional divide grew increasingly hostile while the Fugitive Slave Law only exacerbated the rapidly deteriorating national climate. Violence that had marked the Mason-Dixon Line since the turn of the century worsened as “slave patrols, law enforcement officers, and military campaigns,” “local vigilance associations,” and “proslavery mobs” attempted to retain their enslaved property by any means.<sup>490</sup> While border south residents organized “well-armed” mobs and prepared to engage in a guerilla war against the border north’s free(d) and enslaved residents, antislavery advocates took to the papers to deride the South’s militant attacks on the security of Northern whites.<sup>491</sup> In 1858, J. Mayland M’Carter surmised that the border was now “the battle-ground of the church” as the soul of the very nation appeared to be at stake.<sup>492</sup> Sectional violence also breached the Senate floor when Preston Brooks, a South Carolina congressman, beat Charles Sumner, a Republican senator from Massachusetts, almost to death with a cane for insulting Brooks’ family and state during his speech to address the sectional

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<sup>489</sup> Koning et al. *The Dred Scott Case*. 2.

<sup>490</sup> Harrold, *Border War*, 46.

<sup>491</sup> *Ibid.* 49 and 55.

<sup>492</sup> J. Mayland M’Carter, *Border Methodism and Border Slavery: Being a Statement and Review of the Action of the Philadelphia Annual Conference Concerning Slavery, at Its Late Session at Easton, Pa., Including the Case of Rev. J.D. Long : the Slaveholding Among Members of the Bo.* Collins, printer, 1858. 1.

issues in Kansas.<sup>493</sup> A few years later, John Brown led a group of twenty-one men to Harper's Ferry, Virginia, with designs to start an enslaved rebellion against Virginian enslavers. Though Brown's plan largely failed, the raid on Harper's Ferry personified what southerners had feared for decades, an aggressive radical abolitionist threat that would ultimately result in their destruction.<sup>494</sup>

Northern responses to the events of the 1850s highlighted the unresolved contradictions in Pennsylvania since the passage of the 1780 Act. Indeed, gradualism consisted of a delicate balance between moral imperatives and economic interests. While gradual abolition in Pennsylvania mirrored the movement in New Jersey in that the institution of slavery remained a consistent part of the Pennsylvania landscape because of its resiliency within the state and because of Pennsylvania's border lying position, the Pennsylvania movement remained somewhat different than New Jersey gradualism. James Gigantino describes New Jersey's response to gradual abolition as "apathetic" -- "New Jerseyans did not rush to abolition."<sup>495</sup> Neither did most Pennsylvanians to be sure. However, the influence of Quakerism in the state as well as the legacy of early abolitionist efforts, such as the 1688 German Town petition, created a more welcoming environment that contributed to the movement's early success and almost widespread adoption of it in Pennsylvania. Likewise, gradual abolition in Pennsylvania remained distinct from New England's movement because Pennsylvania state legislators and the population writ large did not attempt to erase slavery from the state's literal and imaginary historical landscape. The growing free(d) Black population in the state, though it remained

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<sup>493</sup> Harrold, *Border War*, 159.

<sup>494</sup> *Ibid.* 185-190.

<sup>495</sup> James J. Gigantino, "'The Whole North Is Not Abolitionized': Slavery's Slow Death in New Jersey, 1830-1860." *Journal of the Early Republic* 34, no. 3 (2014): 411-37.

relatively small in terms of the population, made perpetuating uniquely whitewashed narrative of the state's relationship to the institution almost impossible. Instead, Pennsylvania state legislators and members of the Pennsylvania Abolition Society staunchly defended the success of gradualism to end the state's economic reliance on slavery as well as encourage the racial uplift of Pennsylvania's Black population throughout the late eighteenth and early nineteenth century. Indeed, as early as 1793, a member of Pennsylvania's legal system, Henry Hugh Brackenridge surmised that "there is no Slavery in Pennsylvania..."<sup>496</sup>

Brackenridge's statement reveals the complex relationship between contested understandings of space and the legal systems of gradualism. The struggle over the territorial boundaries of freedom and unfreedom that played out in local courts became an important feature of Pennsylvania's border-making practices. In the first half of Pennsylvania gradualism, this reflected in the ways in which the 1780 Act informed individual understandings about the territorial extent of both the state and its legal jurisdiction. While enslaved peoples worked to "transform their surroundings into pathways of freedom," Pennsylvania enslavers simultaneously worked to reinscribe the geopolitical boundary of slavery along the state's periphery in the first few decades that followed the 1780 Act.<sup>497</sup> As chapter one and two illustrated, court cases that involved the border or border dwelling residents indicate a clear spatial awareness of Pennsylvania's geopolitical boundary. Consequently, the state-line increasingly became a tool used to enforce competing state jurisdictions on the legality of slavery, not to mention the

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<sup>496</sup> Mr. D. Brackenridge, Defense Statement. 14 May 1793. Box 22, Folder 1. In Jasper Yeates Papers Collection #740. Series III. Legal and Miscellaneous. 1793-1794. The Historical Society of Pennsylvania, Philadelphia, P.A. Accessed 3 July 2019.

<sup>497</sup> Hyman, "The Disappearance of Eve and Sall: Escaping Slavery in North Carolina," *Black Perspectives*, 2020. Accessed Summer 2021. <https://www.aaihs.org/the-disappearance-of-eve-and-sall-escaping-slavery-in-north-carolina/#fn-69370-2>

different social, political, and ideological geographies of the early American colonies, despite the fluid and porous nature of the borders themselves.

However, the conceptualization of freedom that Black residents tried to enact once they reached Pennsylvania soil expanded the territorial limits of gradualism outside the comfort of white Pennsylvanians. Indeed, white Pennsylvanians imposed a distinct spatial hierarchy that upheld the tenets of gradualism and made room for a growing free(d) Black population, only in that it recognized the personhood of Black people as contained “occupied subjects” of a sovereign state in the face of an expanding slave power.<sup>498</sup> Throughout the 1830s-1850s, white Pennsylvanians actively worked to protect their exclusionary ideology who could and could not become “rights bearing” members of the state and the body politic.<sup>499</sup> Anti-Black violence, proposed legislation, and the disenfranchisement of Pennsylvania’s Black residents by mid-century only reinforced the territorial limits to gradual abolition. Yet, as chapter three and four demonstrated, Black individuals countered this imposed spatial hierarchy by constructing their own spatial geographies of resistance.

Within five years of the Pennsylvania General Assembly’s definitive conclusion about the status of free(d) Black peoples in Pennsylvania in 1856, the Battle of Fort Sumter began. The nation’s sectional tensions that had been building since 1780 erupted into war. The Emancipation Proclamation as well as the Thirteenth and Fourteenth Amendment, the legacies of the American Civil War, appear to be a triumph in the name of freedom and the abolition of slavery. Yet, as scholars of Reconstruction and the post-Civil War era have shown, the geography of freedom

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<sup>498</sup> Harsha Walia, Robin D.G Kelley, and Nick Estes. *Border and Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism* (La Vergne: Haymarket Books, 2021). Chapter One.

<sup>499</sup> Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: The University of North Carolina Press. 2009). 11, 228.

and oppression merely shifted in order to maintain the nation's social, political, and economic hierarchy though the United States' as a whole could now claim the "moral prestige" that northern state's had claimed for the past fifty years.<sup>500</sup> Although Pennsylvania's geopolitical boundary had largely crystalized by the end of the Civil War, it is clear that 1780 Act for Gradual Abolition of Slavery had far-reaching effects on the state. Indeed, the struggle between enslavers and the enslaved to define the territorial extent of the 1780 Act legitimized the state's geopolitical boundary and affirmed its power as a sovereign body with the authority to dictate the terms of freedom and slavery behind the state's lines. In this way, gradual abolition played a crucial role in Pennsylvania's process of "inside-out state building" in the broader context of early America.<sup>501</sup>

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<sup>500</sup> David W. Blight, and Jim Downs. *Beyond Freedom: Disrupting the History of Emancipation* (Athens: The University of Georgia Press, 2017). 20.

<sup>501</sup> *Ibid.* 60-74.

## Bibliography

### ARCHIVES AND LIBRARIES

The Library Company of Philadelphia

The Historical Society of Pennsylvania

The American Philosophical Society

LancasterHistory

Chester County Historical Society

Chester County Archives

Pennsylvania State Archives – Digital Collections

### NEWSPAPERS

*Chicago Sun-Times (IL)*

*Poulson's American Daily Advertiser*

*Pennsylvania Packet*

### PUBLISHED PRIMARY SOURCES

*[Acts and statutes] of the island of Barbados made and enacted since the reducement of the same, unto the authority of the Common-wealth of England / and set forth the seventh day of September, in the year of our Lord God 1652, by the Honourable governour of the said island, the worshipfull the council, and gentlemen of the assembly ; together with charter of the said island, or articles made on the surrender, and rendition of the same ; published for the publick good.* London: Printed by Will. Bentley, and are to be sould by him., 1656. Held at The Library Company of Philadelphia. Accessed June 2018.

*An Essay on the late institution of the American society for colonizing the free people of colour of the United States.* Washington, Printed by Davis and Force, 1820.

“Remarks on the Writ of Habeas Corpus Ad Subjiciendum, and the Practice Connected Therewith.” *American Law Register (Philadelphia, Pa.: 1852)* 4, no. 5 (1856): 257–77. <https://doi.org/10.2307/3301792>.

Bacon, Thomas, and Jonas Green. *Laws of Maryland at Large, with Proper Indexes: Now First Collected into One Compleat Body, and Published from the Original Acts and Records, Remaining in the Secretary's-Office of the Said Province : Together with Notes and Other Matters, Relative to the Constitution Thereof, Extracted from the Provincial*

*Records : to Which Is Prefixed, the Charter, with an English Translation.* Annapolis: Printed by Jonas Green, printer to the province, 1765.

Ball, Charles. *Slavery in the United States: A Narrative of the Life and Adventures of Charles Ball, a Black Man, Who Lived Forty Years in Maryland, South Carolina and Georgia, as a Slave Under Various Masters, and was One Year in the Navy with Commodore Barney, During the Late War.* New York: Published by John S. Taylor, 1837.

Bayly, Thomas Henry. 1810-1856. *Speech of Mr. Bayly of Accomack: On the bill to prevent citizens of New York from carrying slaves out of this commonwealth, and to prevent the escape of persons charged with the commission of any crime, and in reply to Mr. Scott of Fauquier, delivered in the House of Delegates of Virginia, on the 25th and 26th of February 1841.* Published by members of the Senate and House of Delegates. Richmond: Printed by Shepard and Colin, 1841.

Chase, Salmon P. (Salmon Portland), 1808-1873. *Reclamation of Fugitives from Service: An argument for the defendant, submitted to the Supreme Court of the United States, at the December term, 1846. In the case of Wharton Jones vs. John Vanzandt.* Cincinnati: printed by R.P. Donogh & Co., 106 Main Street, 1847.

Confederate States of America - A Declaration of the Causes which Impel the State of Texas to Secede from the Federal Union. Accessed via Avalon. Summer 2023.

Hurd, John C. (John Codman). *The Law of Freedom and Bondage in the United States.* Boston: Little, Brown & Company, 1858.

M'Carter, J. Mayland. *Border Methodism and Border Slavery: Being a Statement and Review of the Action of the Philadelphia Annual Conference Concerning Slavery, at Its Late Session at Easton, Pa., Including the Case of Rev. J.D. Long : the Slaveholding Among Members of the Bo.* Collins, printer, 1858.

Mifflin, Thomas. *State of Pennsylvania, an Act to Explain and Amend an Act, Entitled, "An Act for the Gradual Abolition of Slavery."* Vol. no. 45332. Philadelphia: Printed by T. Bradford, 1788.

Northup, Solomon. *Twelve Years a Slave: Narrative of Solomon Northup, a Citizen of New-York, Kidnapped in Washington City in 1841, and Rescued in 1853.* Electronic Edition held by Documenting the American South. Accessed January 2023.

Pennsylvania and United States. *Laws of the Commonwealth of Pennsylvania, Vol. III.* Philadelphia: 1803.

Pennsylvania. General Assembly. House of Representatives. Committee on the Judiciary. Minority report of the Committee on the Judiciary of the House of Representatives of Pennsylvania, in relation to the rights of transit of slave property through this state. -- Pennsylvania: publisher not identified, 1856.

*Pennsylvania State Constitution, The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe--*Washington, DC: Government Printing Office, 1909. Accessible through The Avalon Project, here: [https://avalon.law.yale.edu/18th\\_century/pa08.asp](https://avalon.law.yale.edu/18th_century/pa08.asp). Accessed Summer 2023.

*Republic vs. Samuel Richards.* Reports of Cases Abridged in the Supreme Court of Pennsylvania. By the Honorable Jasper Yeates, Volume II. Philadelphia: Printed and Published by John Bioren, No 83, Chesnut Street. 1818. 234-240. Held at LancasterHistory, Lancaster, PA. Robert, Purvis. *Appeal of Forty Thousand Citizens, Threatened with Disfranchisement, to the People of Pennsylvania.* Philadelphia: Printed by Merrihew and Gunn, No. 7 Carter's Alley. 1838.

Smith, William. *An Examination of the Connecticut Claim to Lands in Pennsylvania. With an Appendix, Containing Extracts and Copies Taken from Original Papers.* Philadelphia: Printed by Joseph Crukshank, in Market Street, 1774.

Spooner, Lysander. *A Defence for Fugitive Slaves: Against the Acts of Congress of February 12, 1793, and September 18, 1850.* Boston: Bela Marsh, 1850.

Stroud, George M. (George McDowell). *Sketch of the Laws Relating to Slavery in the Several States of the United States of America.* Philadelphia: Kimber and Sharpless, 1827.

*The Constitution of the Pennsylvania Society, for Promoting the Abolition of Slavery, and the Relief of Free Negroes, Unlawfully Held in Bondage. Begun in the Year 1774, and Enlarged on the Twenty-Third of April, 1787. To Which Are Added, the Acts of the General Assembly of Pennsylvania, for the Gradual Abolition of Slavery. Eighteenth Century Collections Online.* Philadelphia: printed by Francis Bailey, for "The Pennsylvania Society for Promoting the Abolition of Slavery, and the Relief of Free Negroes Unlawfully Held in Bondage.," 1788.

Torrey, Jesse. *A Portraiture of Domestic Slavery in the United States: With Reflections on the Practicability of Restoring the Moral Rights of the Slave, Without Impairing the Legal Privileges of the Possessor, and a Project of a Colonial Asylum for Free Persons of Colour: Including Memoirs of Facts on the Interior Traffic in Slaves, and on Kidnapping.* Vol. no. 42311. Philadelphia: Published by the author, 1817.

Walker, David. *Walker's appeal, in four articles: together with a preamble to the colored citizens of the world, but in particular, and very expressly to those of the United States of America.* Printed for the Author. Boston, 1829.

Wheeler, Jacob. *A Practical Treatise on the Law of Slavery: Being a Compilation of All the Decisions Made on That Subject, in the Several Courts of the United States, and State Courts: with Copious Notes and References to the Statutes and Other Authorities, Systematically Arranged. Nineteenth-Century Legal Treatises: US.* New York: A. Pollock, Jr; New Orleans: B. Levy, 1837.



Yeates, Jasper and Charles Smith. *Reports of Cases Adjudged in the Supreme Court of Pennsylvania: With Some Select Cases at Nisi Prius and in the Circuit Courts.* Philadelphia: John Bioren, 1818.

#### DISSERTATIONS AND THESIS

Conley, Nathaniel. "Frontier Capitalism and Unfree Labor in Middle Appalachia: The Development of Western Pennsylvania and Maryland, 1760-1840," The University of Arkansas, ProQuest Dissertations Publishing. 2018.

Drago, Elliott. "Neither Northern Nor Southern: The Politics of Slavery and Freedom in Philadelphia, 1820-1847." ProQuest Dissertations Publishing, 2017.

Hammack, Maria Esther. "The Other Underground Railroad: Hidden Histories of Slavery and Freedom Across the Porous Frontiers of Nineteenth-Century United States, Mexico, and the Caribbean." ProQuest Dissertations Publishing, 2015.

Heniford, Kellen. "Slavery is Slavery: Early American Mythmaking and the Invention of the Free State." Columbia University, 2021.

Holness, Lucien. "Between North and South, East and West: The Antislavery Movement in Southwestern Pennsylvania, 1780–1865." The University of Maryland, College Park, 2019.

Kennedy, O. P. "Northward Bound: Slave refugees and the Pursuit of Freedom in the Northern US and Canada, 1775-1861." Doctoral Dissertation, Leiden University Institute for History, 2021.

Kiszonas, Elizabeth. "Westward Empire: George Berkeley's 'Verses on the Prospect of Planting of Arts' in American Art and Cultural History." The University of Arkansas, ProQuest Dissertations Publishing. 2019.

Smith, Geneva A. "Slave Courts: The Currency of Race in the Eighteenth-Century British Atlantic," Princeton, Forthcoming.

Young, Cory James. "For Life or Otherwise: Abolition and Slavery in South Central Pennsylvania, 1780-1847," Georgetown University Press, ProQuest Dissertations & Theses Global. 2021.

#### JOURNAL ARTICLES

Baker, H.R. "A Better Story in Prigg v. Pennsylvania?: Joseph Story and Prigg v. Pennsylvania." *Journal of Supreme Court History* 39, no. 2 (2014): 169–189.

- Bell, Richard. "Counterfeit Kin: Kidnappers of Color, the Reverse Underground Railroad, and the Origins of Practical Abolition," *Journal of the Early Republic* 38, no. 2 (2018): 199-230.
- Black, Janine and Barry Arkles. "The Mason-Dixon Survey at 250 Years: Recent Investigations." *Pennsylvania Magazine of History and Biography* 140, no. 1 (2016): 83-101.
- Douglass, P. D. "The Claim of Right to Property: Social Violence and Political Right." *Zeitschrift Für Anglistik Und Amerikanistik* 65, no. 2 (2017): 145-159.
- Doutrich, Paul. "Cresap's War: Expansion and Conflict in the Susquehanna Valley." *Pennsylvania History: A Journal of Mid-Atlantic Studies* 53, no. 2 (1986): 89-104.
- Edwards, Laura F. "Status Without Rights: African Americans and the Tangled History of Law and Governance in the Nineteenth-Century U.S. South." *The American Historical Review* 112, no. 2 (2007): 365-93.
- Finkelman, Paul. "Human Liberty, Property in Human Beings, and the Pennsylvania Supreme Court." *Duquesne Law Review* 53, no. 2 (2015): 453-482.
- Finkelman, Paul. "Prigg v. Pennsylvania and Northern State Courts: Anti-Slavery Use of a Pro-Slavery Decision." *Civil War History* 25, no. 1 (1979): 5-35.
- Finkelman, Paul. "Prigg v. Pennsylvania Understanding Justice Story's Proslavery Nationalism." *Journal of Supreme Court History* 22, no. 2 (1997): 51-64.
- Finkelman, Paul. "Sorting out Prigg v. Pennsylvania." *Rutgers Law Journal* 24, no. 3 (1993): 605-666.
- Finkelman, Paul. "State's Rights, Southern Hypocrisy, and the Crisis of the Union." *Akron Law Review* 45, no. 2 (2012): 449-478.
- Finkelman, Paul. "The Kidnapping of John Davis and the Adoption of the Fugitive Slave Law." *The Journal of Southern History* 56, no. 3 (1990): 397-422.
- Finkleman, Paul "Regulating the African Slave Trade," *Civil War History* 54, no. 4, (2008): 379-405.
- Gigantino, James J. "'The Whole North Is Not Abolitionized': Slavery's Slow Death in New Jersey, 1830-1860." *Journal of the Early Republic* 34, no. 3 (2014): 411-37.
- Harris, Cheryl I. "Whiteness as Property." *Harvard Law Review* 106, no. 8 (1993): 1707-1791.
- Hartman, Saidiya V. and Frank B. Wilderson, III, "The Position of the Unthought," *Qui Parle* 13, no. 2 (2003): 183-201.

- Heniford, Kellen. "The Rise and Fall of a 'Free' Delaware: The Missouri Crisis and the Invention of the Free State in the Mid-Atlantic." *Journal of the Early Republic* 42, no. 2 (2022): 227–51.
- Holahan, J. "A Peek at Jasper Yeates: Lawyer, Delegate, Reporter." *Lancaster New Era*, Lancaster, PA. (2000).
- Holden-Smith, Barbara. "Lords of Lash, Loom, and Law: Justice, Story, Slavery and Prigg v. Pennsylvania." *Cornell Law Review* 78, no. 6 (1993): 1086-1151.
- Hopkins, Leroy. "Black Eldorado on the Susquehanna: The Emergence of Black Columbia, 1726-1826," Lancaster County Historical Society, 1985.
- Kennington, Kelly Marie. "Law, Geography, and Mobility: Suing for Freedom in Antebellum St. Louis." *The Journal of Southern History* 80, no. 3 (2014): 575–604.
- Kutler, Stanley I. "Pennsylvania Courts, the Abolition Act, and Negro Rights." *Pennsylvania History: A Journal of Mid-Atlantic Studies* 30, no. 1 (1963): 14–27.
- Landis, Charles I. A. Greggor, J. Ross, Jasper Yeates, W. Bradford, Tho McKean, Wm Irvin, et al. "Jasper Yeates and His Times." *The Pennsylvania Magazine of History and Biography* 46, no. 3 (1922): 199-231.
- Law, Anna O. "Lunatics, Idiots, Paupers, and Negro Seamen--Immigration Federalism and the Early American State." *Studies in American Political Development*; Cambridge 28, no. 2 (2014): 107-128.
- Law, Anna O. "The Myth of 'Open Borders'" *The Washington Post* (Online), Washington, D.C.: WP Company LLC d/b/a *The Washington Post*. Sep 21, 2021.
- Mansouri, Leila "Slave Narratives, Black Disenfranchisement, and the Electoral Limits of Black Freedom." *J19* 8, no. 2 (2020): 355-362.
- Masur, Kate "State Sovereignty and Migration before Reconstruction." *The Journal of the Civil War Era* 9, no. 4 (2019): 588–611.
- Melish, Joanne Pope "The "Condition" Debate and Racial Discourse in the Antebellum North." *Journal of the Early Republic* 19, no. 4 (1999): 651-672.
- Menschel, D. "Abolition Without Deliverance: The Law of Connecticut Slavery 1784-1848." *The Yale Law Journal* 111, no. 1 (2001): 183–222.
- Miles, Tiya. "Beyond a Boundary: Black Lives and the Settler-Native Divide." *The William and Mary Quarterly* 76, no. 3 (2019): 417-426.
- Mills, Blake M. and Steven M. Wise. "The Writ De Homine Replegiando: A Common Law Path to Nonhuman Animal Rights." *George Mason University Civil Rights Law Journal* 25, no. 2 (2015): 159-189.

- Morgan, Edmund. "Slavery and Freedom: The American Paradox," *Journal of American History* 59, no. 1 (June 1972): 5-29.
- Moyer, Paul B. "A Dangerous Combination of Villains': Pennsylvania's Wild Yankees and the Social Context of Agrarian Resistance in Early America." *Pennsylvania History* 73, no. 1 (2006): 37-68.
- Newman, Richard S. "Lucky to be Born in Pennsylvania': Free Soil, Fugitive Slaves and the Making of Pennsylvania's Anti-Slavery Borderland." *Slavery & Abolition* 32, no. 3 (2011), 413-430.
- O'Brassill-Kulfan, Kristin. "Vagabonds and Paupers: Race and Illicit Mobility in the Early Republic." *Pennsylvania History* 83, no. 4 (2016): 443-69.
- Reid, Patricia A. "Margaret Morgan's Story: A Threshold between Slavery and Freedom, 1820-1842." *Slavery & Abolition* 33, no. 3 (2012): 359-380.
- Schmitt, Jeffrey. "Rethinking Ableman V. Booth and States' Rights in Wisconsin." *Virginia Law Review* 93, no. 5 (2007): 1315-54.
- Smith, Eric Ledell. "The End of Black Voting Rights in Pennsylvania: African Americans and the Pennsylvania Constitutional Convention of 1837-1838." *Pennsylvania History* 65, no. 3 (1998): 279-299.
- Sweet, James. "Iberian Roots of American Racist Thought," *William and Mary Quarterly* vol. 54, no. 1 (January 1997): 143-66.
- Taylor, Robert J. "Trial at Trenton." *The William and Mary Quarterly* 26, no. 4 (1969): 521-47.
- Walker, Rachel. "Facing Race: Popular Science and Black Intellectual Thought in Antebellum America." *Early American Studies* 19, no. 3 (2021): 601-40.
- Winch, Julie. "Philadelphia and the Other Underground Railroad." *The Pennsylvania Magazine of History and Biography* 111, no. 1 (1987): 3-25.
- Wood, Nicholas. "'A Sacrifice on the Altar of Slavery': Doughface Politics and Black Disenfranchisement in Pennsylvania, 1837-1838." *Journal of the Early Republic* 31, no. 1 (2011): 75-106.
- Woods, Michael E. "'Tell Us Something About State Rights': Northern Republicans, States' Rights, and the Coming of the Civil War." *The Journal of the Civil War Era* 7, no. 2 (2017): 242-68.
- Young, Cory J. "From North to Natchez during the Age of Gradual Abolition." *The Pennsylvania Magazine of History and Biography* 143, no. 2 (2019): 117-139.

## ONLINE PUBLICATIONS, WEBSITES, AND DATABASES

““An Act to Explain and Amend an Act Entitled ‘An Act for the Gradual Abolition of Slavery,’” (March 29, 1788) *Encyclopedia Virginia*, Virginia Humanities, (2020).

Bumbrey, Jeffrey Nordlinger. “A Guide to the Microfilm Publication of The Papers of The Pennsylvania Abolition Society at The Historical Society of Pennsylvania,” 1976. <https://pq-static-content.proquest.com/collateral/media2/documents/Abolition.pdf>

Epps, Kristen. “Habeas Corpus, the Fugitive Slave Law, and Executive Authority,” *Muster Blog*, 13 Feb 2017, <https://journalofthecivilwarera.org/2017/02/habeas-corpus-fugitive-slave-law-executive-authority/>.

Finkelman, Paul. “Fugitive Slave Law of 1793.” *African American Studies Center*. Oxford University Press, 2006.

Finkelman, Paul. “Somerset V. Stewart.” *African American Studies Center*. Oxford University Press, 2006. <https://doi.org/10.1093/acref/9780195301731.013.45039>.

Fiske, David, Rachel Cole, Rachel Seligman, and Clifford Brown, “Solomon Northup: American Farmer and Writer.” *Encyclopedia Britannica*.

Francis 4, Lee. *Ghost River*. “Home - Ghost River,” *The Library Company of Philadelphia*, 2019. <https://ghostriver.org/>

*Freedom on the Move Project: Rediscovering the Stories of Self-Liberating Peoples* online database. Accessed Spring 2022. <https://freedomonthemove.org/>

Gordon-Reed, Annette. “Teaching Hard History – American Slavery, Key Concept Three.” Learning for Justice, The Southern Poverty Law Center. 13 August 2019. [YouTube](#).

Guyatt, Nicholas “The American Colonization Society: 200 Years of the “Colonizing Trick.” *Black Perspectives*. Accessed Jan 2022. [www.aaihs.org](http://www.aaihs.org)

Hyman, Christy. “The Disappearance of Eve and Sall: Escaping Slavery in North Carolina,” *Black Perspectives*, 2020. <https://www.aaihs.org/the-disappearance-of-eve-and-sall-escaping-slavery-in-north-carolina/#fn-69370-2>

Lichtman, Allan B. “Suppressing Voting Rights Is as Old as the Republic—But the Tactics Keep Changing: Discriminatory State Constitutions, Poll and Literacy Taxes, and Now Photo ID Laws All Have Been Used to Keep Ballots From the Less Powerful.” *What it Means to Be an American*. October 8, 2018. <https://www.whatitmeanstobeamerican.org/engagements/suppressing-voting-rights-is-as-old-as-the-republic-but-the-tactics-keep-changing/>

Marroni, Steve. “‘Pursue Your Happiness’: New Signs, Slogan, Welcome Those Entering Pennsylvania.” *PennLive Patriot-News*. November 2017. [PennLive.com](http://PennLive.com)

Pierce, Michael and Caree Banton. The Nelson Hackett Project. Arkansas Stories of Place and Belonging, The University of Arkansas 2023.

#### PRESENTATIONS

Penningroth, Dylan. "Race in Contract Law after the Civil War," American Society for Legal History Annual Meeting, New Orleans, 2021.

Smith, Geneva A. "Slave Courts: The Currency of Race in the Eighteenth-Century British Atlantic," American Society for Legal History Annual Meeting, New Orleans, 2021.

Young, Cory J. "Ownership in Absentia: Opportunism and Optimism in Pennsylvania's County Slave Registries" American Society for Legal History Annual Meeting, New Orleans, 2021.

#### BOOKS

Ahern, Stephen ed. *Affect and Abolition in the Anglo-Atlantic: 1770–1830*. Farnham: Ashgate, 2013.

Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge: Belknap Press of Harvard University Press, 1967.

Banton, Caree A. *More Auspicious Shores: Barbadian Migration to Liberia, Blackness, and the Making of an African Republic*. Cambridge: Cambridge University Press, 2019.

Baptist, Edward. *The Half Has Never Been Told: Slavery and the Making of American Capitalism*. New York: Basic Books, 2014.

Baumgartner, Alice. *South to Freedom: Runaway Slaves to Mexico and the Road to the Civil War*. New York: Basic Books, 2020.

Bell, Richard. *Stolen: Five Free Boys Kidnapped into Slavery and Their Astonishing Odyssey Home*. New York: Simon & Schuster, 2019.

Benton, Lauren A. *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900*. Cambridge: Cambridge University Press, 2010.

Benton, Lauren. *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*. New York: Cambridge University Press, 2002.

Berlin, Ira *Generations of Captivity: A History of African American Slaves*. Cambridge: Harvard University Press, 2003.

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

- Blackett, Richard *Making Freedom: The Underground Railroad and the Politics of Slavery*. Chapel Hill: The University of North Carolina Press, 2013.
- Blackett, Richard. *The Captives Quest for Freedom: Fugitive Slaves, the 1850 Fugitive Slave Law, and the Politics of Slavery*. Cambridge: Cambridge University Press, 2018.
- Blight, David W. and Jim Downs, *Beyond Freedom: Disrupting the History of Emancipation*. Athens: The University of Georgia Press, 2017.
- Boundaries and Belonging: States and Societies in the Struggle to Shape Identities and Local Practices*. Edited by Joel S. Migdal. Cambridge: Cambridge University Press, 2004.
- Brown, Christopher Leslie. *Moral Capital: Foundations of British Abolitionism*, Chapel Hill: University of North Carolina Press, 2006.
- Brown, Kathleen M. *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia*. Chapel Hill: The University of North Carolina Press, 2012.
- Brückner, Martin. *The Geographic Revolution in Early America: Maps, Literacy and National Identity*. Chapel Hill: University of North Carolina Press, 2006.
- Brycchan, Carey. *British Abolitionism and the Rhetoric of Sensibility: Writing, Sentiment and Slavery, 1760–1807*. Basingstoke: Palgrave Macmillan, 2005.
- Calloway, Colin. *The American Revolution in Indian Country*. Boston: Cambridge University Press, 1995.
- Calloway, Colin G. *The Scratch of a Pen: 1763 and the Transformation of North America*. Oxford: Oxford University Press, 2006.
- Camp, Stephanie. *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South*. Chapel Hill: The University of North Carolina Press, 2004.
- Castronovo, Russ. “Compromised Narratives Along the Border: The Mason-Dixon Line, Resistance, and Hegemony.” Found in *Border Theory: The Limits of Cultural Politics*. Minneapolis: The University of Minnesota Press, 1997.
- Colley, Linda. *Britons: Forging the Nation, 1707–1837*. New Haven and London: Yale University Press, 2005.
- Danson, Edwin. *Drawing the Line: How Mason and Dixon Surveyed the Most Famous Border in America*. Hoboken: John Wiley & Sons, Incorporated, 2016.
- Davis, David B. *The Problem of Slavery in the Age of Emancipation*. New York: Alfred A. Knopf, 2014.
- Davis, David B. *The Problem of Slavery in the Age of Revolution*. New York: Alfred A. Knopf, 1999.

- DeLay, Brian. *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War*. New Haven: Yale University Press, 2008.
- Delbanco, Andrew. *The War Before the War: Fugitive Slaves and the Struggle for America's Soul from the Revolution to the Civil War*. London: Penguin Press, 2018.
- Drago, Elliott. *Street Diplomacy: The Politics of Slavery and Freedom in Philadelphia, 1820-1850*. Baltimore: Johns Hopkins University Press, 2022.
- Dubois Laurent, *Avengers of the New World: The Story of the Haitian Revolution*. New York: Harvard University Press, 2004.
- Dunbar, Erica Armstrong, and Cleve K. Van. *Never Caught, the Story of Ona Judge: George and Martha Washington's Courageous Slave Who Dared to Run Away*. New York: Aladdin, 2019.
- DuVal, Kathleen. *The Native Ground: Indians and Colonists in the Heart of the Continent*. Philadelphia: The University of Pennsylvania Press, 2006.
- Edling, Max. *A Hercules in the Cradle: War, Money, and the American State, 1783-1867*. Chicago: The Chicago University Press, 2014.
- Edwards, Laura F. *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South*. Chapel Hill: The University of North Carolina Press, 2009.
- Egerton, Douglas. *Death or Liberty: African Americans and Revolutionary America*. Oxford: Oxford University Press, 2009.
- Ferrer, Ada. *Freedom's Mirror: Cuba and Haiti in the Age of Revolution*. New York: Cambridge University Press, 2014.
- Fields, Karen E. (Karen Elise) and Barbara Jeanne Fields. *Racecraft: The Soul of Inequality in American Life*. London: Verso, 2012.
- Foner, Eric. *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War*. New York: Oxford University Press, 1970.
- Foner, Eric. *Gateway to Freedom: The Hidden History of America's Fugitive Slaves*. Oxford, England: Oxford University Press, 2015.
- Forbes, Robert Pierce. *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America*. Chapel Hill: The University of North Carolina, 2009.
- Foreman, P. Gabrielle Jim Casey, and Sarah Lynn Patterson. *The Colored Conventions Movement: Black Organizing in the Nineteenth Century*. Edited by P. Gabrielle (Pier Gabrielle) Foreman, Jim Casey, and Sarah Lynn Patterson. Chapel Hill: The University of North Carolina Press, 2021.



- Freeman, Joanne B. *Affairs of Honor: National Politics in the New Republic*. New Haven: Yale University Press, 2001.
- Fuentes, Marisa J. *Dispossessed Lives: Enslaved Women, Violence, and the Archive*. Philadelphia: The University of Pennsylvania Press, 2016.
- Gigantino, James. *The Ragged Road to Abolition: Slavery and Freedom in New Jersey, 1775-1865*. Philadelphia: University of Pennsylvania Press, 2015.
- Gilroy, Paul. *The Black Atlantic: Modernity and Double Consciousness*. Cambridge: Harvard University Press, 1993.
- Gomez, Michael. *Exchanging Our Country Marks: The Transformation of African Identities in the Colonial and Antebellum South*. Chapel Hill: The University of North Carolina Press, 1998.
- Grivno, Max. *Gleanings of Freedom: Free and Slave Labor Along the Mason-Dixon Line, 1790-1860*. Urbana: The University of Illinois Press; 2011.
- Hämäläinen, Pekka. *The Comanche Empire*. New Haven: Yale University Press, 2008.
- Hammond, John Craig and Jeffrey L. Pasley. *A Fire Bell in the Past: The Missouri Crisis at 200, Volume II: "The Missouri Question" and Its Answers and Volume I, Western Slavery, National Impasse*. Columbia: The University of Missouri Press, 2021.
- Hammond, John Craig. *Slavery, Freedom, and Expansion in the Early American West*. Charlottesville: The University of Virginia Press, 2020.
- Hannah-Jones, Nikole, Caitlin Roper, Ilena Silverman, and Jake Silverstein. *The 1619 Project: A New Origin Story*. New York: Random House Publishing Group, 2021.
- Hardesty, Jared Ross. *Unfreedom: Slavery and Dependence in Eighteenth-Century Boston*. New York: New York University Press, 2016.
- Harris Leslie M. *In the Shadow of Slavery: African Americans in New York City, 1626-1863*. Chicago: The University of Chicago Press, 2003.
- Harrold, Stanley. *Border War: Fighting Over Slavery Before the Civil War*. Chapel Hill: The University of North Carolina Press, 2010.
- Hartman, Saidiya. *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*. New York: Oxford University Press, 1997.
- Hartog, Hendrik. *The Trouble with Minna: A Case of Slavery and Emancipation in the Antebellum North*. Chapel Hill: University of North Carolina Press, 2018.
- Herzog, Tamar. *Frontiers of Possession: Spain and Portugal in Europe and the Americas*. Cambridge: Harvard University Press, 2015.

- Hickey, D. R. *The War of 1812: A Short History*. Champaign: University of Illinois Press, 2012.
- Hodges, Graham *Root and Branch: African Americans in New York and East Jersey 1613-1863*. Chapel Hill: University of North Carolina Press, 1999.
- Hofstadter, Richard. *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840*. Berkeley: The University of California Press, 1969.
- Holton, Woody. *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia*. Chapel Hill: The University of North Carolina Press, 1999.
- Holton, Woody. *Unruly Americans and the Origins of the Constitution*. New York: Hill and Wang, A division of Farrar, Straus, and Giroux Publishing, 2007.
- Horne, Gerald. *The Apocalypse of Settler Colonialism: The Roots of Slavery, White Supremacy, and Capitalism in Seventeenth-Century North America and the Caribbean*. New York: Monthly Review Press, 2017.
- James, C.L.R. *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution*. New York: Vintage Books, 1963.
- Jasanoff, Maya. *Liberty's Exiles: American Loyalists in the Revolutionary World*. New York: Alfred A. Knopf, 2011.
- Johnson, Walter. *Soul by Soul: Life Inside the Antebellum Slave Market*. Cambridge: Harvard University Press, 2009.
- Jones, Martha S. *Birthright Citizens: A History of Race and Rights in Antebellum America*. New York: Cambridge University Press, 2018.
- Karp, Matthew. *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy*. Cambridge: Harvard University Press, 2016.
- Konig, David Thomas, Paul Finkelman, and Christopher Alan Bracey, eds. *The Dred Scott Case: Historical and Contemporary Perspectives on Race and Law*. Athens: Ohio University Press, 2010.
- Kulikoff, Alan. "How Africans Became African Americans," found in *Major Problems in African American History, Vol. 1: From Slavery to Freedom, 1619-1877- Documents and Essays*. Edited by Thomas Holt and Elsa Barkley Brown. Boston: Houghton Mifflin Harcourt, 1999.
- Landers, Jane. *Black Society in Spanish Florida*. Urbana: University of Illinois Press, 1999.
- LaRoche, Cheryl Janifer. *Free Black Communities and the Underground Railroad: The Geography of Resistance*. Urbana: University of Illinois Press, 2014.

- Lehman, Christopher P. *Slavery's Reach: Southern Slaveholders in the North Star State*. Saint Paul: Minnesota Historical Society Press, 2019.
- Lemon, James T. *The Best Poor Man's Country: A Geographical Study of Early Southeastern Pennsylvania*. Baltimore: Johns Hopkins Press, 1972.
- Lepore, Jill. *The Name of War: King Philip's War and the Origins of American Identity*. New York: Knopf, 1998.
- Linebaugh, Peter and Marcus Rediker. *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*. Boston: Beacon Press, 2013.
- Litwack, Leon F. *North of Slavery: The Negro in the Free States*. Chicago: The University of Chicago Press, 2009.
- Malone, Christopher. *Between Freedom and Bondage: Race, Party, and Voting Rights in the Antebellum North*. New York: Routledge, 2008.
- Mangan, Jane E. *Transatlantic Obligations: Creating the Bonds of Family in Conquest-Era Peru and Spain*. Oxford: Oxford University Press, 2015.
- Mason, Matthew. "Federalists, Republicans, and Slavery during the War of 1812." In *Slavery and Politics in the Early American Republic*. Charlotte: The University of North Carolina Press, 2006.
- McKittrick, Katherine. *Demonic Grounds: Black Women and The Cartographies Of Struggle*. Minneapolis: The University of Minnesota Press, 2006.
- Melish, Joanne P. *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780-1860*. Ithaca: Cornell University Press, 1998.
- Mitchell, K. *From Slave Cabins to the White House: Homemade Citizenship in African American Culture*. Michigan: The University of Illinois Press, 2020.
- Morgan, Edmund. *American Slavery, American Freedom: The Ordeal of Colonial Virginia*. New York: Norton, 1995.
- Morris, Thomas D. *Free Men All: The Personal Liberty Laws of the North, 1780-1861*. Baltimore: Johns Hopkins University Press, 1974.
- Mosterman, Andrea C. *Spaces of Enslavement: A History of Slavery and Resistance in Dutch New York*. Ithaca: Cornell University Press, 2021.
- Moyer, Paul B. *Wild Yankees: The Struggle for Independence along Pennsylvania's Revolutionary Frontier*. 1st ed., Ithaca: Cornell University Press, 2007.
- Nash, Gary B. and Jean R. Soderlund, *Freedom by Degrees Emancipation in Pennsylvania and Its Aftermath*. New York: Oxford University Press, 1991.

- Nash, Gary. *Forging Freedom: The Formation of Philadelphia's Black Community, 1720 – 1840*. Cambridge: Harvard University Press, 1988.
- Newman, Richard S. *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic*. Chapel Hill: The University of North Carolina Press, 2002.
- O'Brassill-Kulfan, Kristi. *Vagrants and Vagabonds: Poverty and Mobility in the Early American Republic*. New York: New York University Press, 2019.
- Onuf, Peter S. *The Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775-1787*. Philadelphia: The University of Pennsylvania Press, 1983.
- Onuf, Peter S. *Statehood and Union: A History of the Northwest Ordinance*. Bloomington: Indiana University Press, 1987.
- Pargas, Damian A. Stanley Harrold, and Randall M. Miller. *Fugitive Slaves and Spaces of Freedom in North America*. Gainesville: University Press of Florida, 2018.
- Pasley, Jeffrey L., and John Craig Hammond. *A Fire Bell in the Past: The Missouri crisis at 200*. Columbia: University of Missouri Press, 2021.
- Penningroth, Dylan. *The Claims of Kinfolk: African American Property and Community in the Nineteenth Century South*. Chapel Hill: University of North Carolina Press, 2002.
- Quintana, Ryan. *Making a Slave State: Political Development in Early South Carolina*. Chapel Hill: The University of North Carolina Press, 2018.
- Rael, Patrick. *Black Identity and Black Protest in the Antebellum North*. Chapel Hill: The University of North Carolina Press, 2002.
- Richter, Daniel K. *Facing East from Indian Country: A Native History of Early America*. Cambridge: Harvard University Press, 2001.
- Roberts, Justin. *Slavery and the Enlightenment in the British Atlantic, 1750-1807*. Cambridge: Cambridge University Press, 2018.
- Ross, Marc H. *Slavery in the North: Forgetting History and Recovering Memory*. Philadelphia: The University of Pennsylvania Press, 2018.
- Rothman, Adam. "The Domestication of the Slave Trade in the United States," in *The Chattel Principle: Internal Slave Trades in the Americas*. Edited by Walter Johnson. New Haven: Yale University Press, 2005.
- Rothman, Adam. *Slave Country: American Expansion and the Origins of the Deep South*. Cambridge: Harvard University Press, 2005.
- Salafia, Matthew. *Slavery's Borderland: Freedom and Bondage Along the Ohio River*. Philadelphia: The University of Pennsylvania Press, 2013.

- Saler, Bethel. *The Settler's Empire: Colonialism and State Formation in America's Old Northwest*. Philadelphia: University of Pennsylvania Press, 2015.
- Sapio Victor A., *In Pennsylvania and the War of 1812*. Lexington: The University Press of Kentucky, 2015.
- Scott, Julius. *The Common Wind: Afro-American Currents in the Age of Revolution*. London: Verso Books, 2018.
- Seeley, Samantha. *Race, Removal, and the Right to Remain: Migration and the Making of the United States*. Chapel Hill: Omohundro Institute and University of North Carolina Press, 2021.
- Silver, Peter R. *Our Savage Neighbors: How Indian War Transformed Early America*. New York: W.W. Norton, 2008.
- Sinha, Manisha. *The Slave's Cause: A History of Abolition*. New Haven: Yale University Press, 2016.
- Smith, David G. *On the Edge of Freedom: The Fugitive Slave Issue in South Central Pennsylvania, 1820-1870*. New York: Fordham University Press, 2013.
- Snorton, C. Riley. *Black on Both Sides: A Racial History of Trans Identity*. Minneapolis: University of Minnesota Press, 2017.
- Spero, Patrick. *Frontier Country: The Politics of War in Early Pennsylvania*. Philadelphia: The University of Pennsylvania Press. 2016.
- Spires, Derrick R. *The Practice of Citizenship: Black Politics and Print Culture in the Early United States*. Philadelphia: The University of Pennsylvania Press, 2019.
- Stampp, Kenneth. *The Peculiar Institution: Slavery in the Ante-Bellum South*. New York: Vintage Books, 1989.
- Sweet, John Wood. *Bodies Politic: Negotiating Race in the American North, 1730–1830*. Baltimore: Johns Hopkins University Press. 2003.
- Taylor, Alan. *American Colonies*. New York: Viking, 2001.
- Tomek, Beverly C. *Colonization and Its Discontents: Emancipation, Emigration, and Antislavery in Antebellum Pennsylvania*. New York: New York University Press, 2011.
- Tomek, Beverly C. *Slavery and Abolition in Pennsylvania*. Philadelphia: Temple University Press, 2021.
- Tomlins, Christopher. *Freedom Bound: Law, Labor, and Civic Identity in Colonizing America, 1580–1865*, Cambridge: Cambridge University Press, 2010.

- Troutman, Phillip. "Grapevine in the Slave Market: African American Geopolitical Literacy and the 1841 Creole Revolt," found in *The Chattel Principle: Internal Slave Trades in the Americas*. Edited by Walter Johnson. New Haven: Yale University Press, 2005.
- Twitty, Anne Silverwood. *Before Dred Scott: Slavery and Legal Culture in the American Confluence, 1787-1857*. New York: Cambridge University Press, 2016.
- Van Atta, John Robert. *Wolf by the Ears: the Missouri Crisis, 1819-1821*. Baltimore: Johns Hopkins University Press. 2015.
- Waldstreicher, David. *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820*. Chapel Hill: Omohundro Institute of Early American History and Culture and The University of North Carolina Press, 1997.
- Waldstreicher, David. *Slavery's Constitution: From Revolution to Ratification*, New York: Hill and Wang, 2009.
- Walia, Harsha, Robin D.G Kelley, and Nick Estes. *Border and Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism*. La Vergne: Haymarket Books, 2021.
- Welch, Kimberly M. *Black Litigants in the Antebellum American South*. Chapel Hill: The University of North Carolina Press, 2018.
- West, Elliott. "California, Coincidence, and Empire." Found in *A Global History of Gold Rushes*. Edited by Benjamin Mountford and Stephen Tuffnell. Berkeley: University of California Press, 2018.
- White, Richard. *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815*. New York: Cambridge University Press, 1991.
- White, Shane. *Somewhat More Independent: The End of Slavery in New York City, 1770-1810*. Athens: The University of Georgia Press, 1991.
- Williams, "Patricia J. On Being the Object of Property," in *Alchemy of Race and Rights: Diary of a Law Professor*. Cambridge: Harvard University Press, 1991.
- Wilentz, Sean. *The Rise of American Democracy: Jefferson to Lincoln*. New York: W.W. Norton and Company, 2005.
- Wilson, Carol. *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865*. Lexington: The University Press of Kentucky, 2009.
- Wilson, I.G. *Specters of Democracy: Blackness and the Aesthetics of Politics in the Antebellum U.S.* Oxford: Oxford University Press, 2011.
- Wong, Edlie L. *Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel*. New York: New York University Press, 2009.