Pre-revolutionary Pennsylvania and the Slave Trade

By the Honourable William Renwick Riddell, LL.D., F.R.H.S., &c.

[For Notes see pp. 20-28.]

The question of the relative responsibility of the Mother Country and the American Colonies for the curse of Negro slavery has often been discussed.

The circumstances of the various Colonies were not the same; and I do not go into the general question: but, leaving aside the original introduction of slavery, I shall consider the part taken by Pennsylvania toward minimising the evil and the causes of her failure to effect complete relief.

It is a sad story of sin and greed: and is fairly characteristic of the whole situation of the conduct of the Home Government quoad the American Colonies. So far as England is concerned, for a considerable time the trade in Negroes from Africa was a monopoly in the hands of The Royal African Company¹ which operated under a Charter of Charles II, tested September 27, 1672, giving it the exclusive right to that trade from the Port of Saltee in South Barbary (Morocco) to the Cape of Good Hope. This Company² was of great importance, and we find it mentioned more than once in the Statutes of the Realm,
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e.g., in the Act (1692) 4 Wm. & M., c. 15, its shares were to pay 20s each per annum to help to supply means to Their Majesties for the more effectual prosecuting the war against France—this the Commons gave "cheerfully and unanimously;" we are not told, however, how the shareholders looked upon the tax. This monopoly came to an end in 1698 when the Act 9, 10 Wm. III, c. 26, gave every subject a right to the trade on paying 10 per cent. of the gain to the Treasury.

The Royal African Company, however, continued to exist and to carry on trade very actively—it was allowed by the Act (1711) 10 Anne, c. 27, to make a composition with its creditors.

The business of the Company was largely increased by a somewhat curious circumstance.

When Spain and Portugal were the great maritime powers, they decided to divide all new territory between them; to reconcile existing and avoid future disputes, they agreed to leave the limits of their respective Sovereignty to the arbitration of the Holy See. The Pope Alexander VI in 1493 by his Bull of Demarkation gave to Spain all west, to Portugal all east, of the meridian of 100 miles west of the Azores. This effectually cut off Spain from acquiring territory in Africa: and she had to rely upon others for the supply of Negro slaves for her vast American Colonies.

Consequently "asientos," i.e., contracts, were made for the supply of such slaves with subjects of other nations.

For example, we find in 1690 a memorial presented to His Majesty by "the Spanish Ambassador, Don Pedro de Rouquillo," which represented "that Don Nicolas Porcio having made a contract or assiento with his Catholique Majesty for furnishing Negro Slaves in his said Majestys Plantations in America. And in order thereunto his Chief Agent, Sir James del Castillo hath contracted with the Royall African Company..."
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here, and other English Merchants for all or the Major part of the Negroes he shall want for that purpose from which Trade this Kingdom and the African Plantations belonging to it will receive very great Advantage. And therefore . . . desiring his Majesty wilbe pleased to give effect all Orders to his Governors in the American Colonys, and particularly to those of Jamaica and Barbados (where the Cheif Spanish Factorys will reside) that they protect and receive all such Persons and Ships as shalbe sent for the said Trade by vertue of his Catholique Majesty’s Orders, and permit and countenance that Trade in the same manner as has been done in the late Reignes and Governments.”

The request was acceded to and orders were given accordingly, February 6, 1690."

As has already been noted, the monopoly of the Company was taken away in 1698 by the Act 9, 10 Will. III, c. 26, which opened the trade to all English traders, but the Company continued to exist and carry on business: we find its compromise with creditors approved by Parliament (1711), 10 Anne, c. 27.

It was in this year 1711, that the Act of 1698 came to an end; and it was not renewed.

Before this, however, Pennsylvania had laid an import duty on Negroes.

William Penn, the absolute Proprietary, was also Governor: he was assisted by a Council and there was also a Legislative Assembly. As he expressed it in a letter dated from Philadelphia, February, 1700: “Ye new Assembly meets soon . . . in which I hope to take . . . effectual measures for the future and better settlement of this Government.” The new Assembly met in May, 1700, on May 31, “the propr and gor Laid before the Council & Assemblie the Consideraon of a bill . . . of supplie to him as Gor. who never yet these 20 years past, had had a farthing from them”—the House “adjourned to 1st June 1700.”
June 7, the Bill shortly to be mentioned was presented with seven others, by "The Speaker . . . to ye Gor & Council . . . wch had past ye house. The pror (i.e proprietor, Penn) told ym he wold cause them to be read and considered:' and they were approved the same day. This Act granted the Governor certain Duties or Imposts upon wines, lemons, &c., &c. In the next session, held at Newcastle, there was passed a similar Bill whereby, "In testimony of our respect and regard to our proprietary and his heirs and for his and their supply and support, We the representatives of the Freemen of this Province and Territories" gave for two years from the publication of the Act to him, his heirs and assigns, certain duties upon wines, liquors, &c.—and also, inter alia, by Section II "for every negro, male or female imported, if above sixteen years of age, twenty shillings; for every negro under the age of sixteen, six shillings." So far as appears, the object of this Act was purely financial: apparently, no thought had yet been taken of destroying or limiting the infamous Slave Trade.

This, with the other legislation of the Province, was transmitted to the Home Government—there was a great deal of delay but at length, the Acts of 1700 and 1701 were submitted to the Attorney General Sir Edward Northey. By the time he gave his Report the act had expired.

The Proprietary and Governor sat for the last time in Council, October 28, 1701; and, after delivering the Charter of Privileges to the Province and Counties on that day as well as a charter for the city of Philadelphia, he turned over the reins of government to Andrew Hamilton whom he had commissioned his Lieutenant-Governor. Hamilton met his Council for the first time, November 14, 1701.

Hamilton had been accused of favouring illicit trade; and when Penn asked for the Royal Approbation of
his appointment, objection was raised, and he received the approbation only in view of the urgency of the matter and on finding security: this was given by Penn or other persons.\textsuperscript{15}

No legislation on Negroes imported took place in the time of Hamilton or of President Edward Shippen, or till after the arrival of John Evans, January 2, 1704. Evans had been commissioned by Penn and had received the Royal Approbation, July 20, 1703.\textsuperscript{16}

After the troublesome question of the Union or Dis-union of “Province and Territories” had been threshed out, a new House was elected, “plaine men Representing a plaine but honest people.”\textsuperscript{17} The Governor complained from time to time about want of money: a bitter quarrel sprang up between the Governor and the Assembly, and little public business was done: at length, however, a Bill was passed which received the Governor’s assent, January 12, 1706.\textsuperscript{18} This, \textit{inter alia}, for three years from February 1, 1706, laid a duty of forty shillings on “every negro slave or servant imported into this province other than such as for the space of two years next preceding the publication hereof have resided and been servants in some of the counties or Jersey aforesaid;”\textsuperscript{19} that if any negro or negroes should be within six months of importation exported, a drawback of one half would be allowed the exporter giving security against relanding in Pennsylvania, the Counties or Jersey.\textsuperscript{20}

The Acts of this Session were transmitted to the Home Administration: the Privy Council, on April 28, 1708, for the first time referred them to Her Majesty’s Commissioners for Trade and Plantations; and they got round to this Act, August 9, 1709. Some were referred for a legal opinion to Sir James Montague, Attorney General, on August 10, but not this Act or the Indian Slave Act: the Lords of Trade had no objection to either and so reported, September 8, 1709.\textsuperscript{21}
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any case the Act had expired. We shall see later in the
Text that important changes were brought about by the proceedings at this time.

At this stage, it becomes apparent that, for some reason which I am unable to discover, an interest began to be taken in England in the matter of the importation of Slaves.

There did not appear as yet to be any movement in the Colony to limit the importation of Negroes, the Act already spoken of, being apparently for revenue purposes.

By a despatch dated at Whitehall, April 15, 1708, from the Board of Trade to the Governor of Pennsylvania, information was asked, that it might be laid before Parliament, "what Numbers of Negroes have been yearly imported directly from Africa into Pennsylvania since the 24th June, 1698, to the 25th December, 1707, and at what rate per head they have been sold each year one with another, distinguishing the Numbers that have been imported on account of the Royal African Company and those which have been imported by Separate Traders, as Likewise, the Rates at which such Negroes have been sold by the Company and by Separate Traders." Also, "how the Negro Trade was Carried on and the Province of Pennsylvania supplied with Negroes till the year 1698, when that Trade was laid open by Act of Parliament, how it has been carried on and Negroes supplied since that time and in what manner they (i.e., the principal Planters and Inhabitants) think the said Trade may be best managed for the benefit of the Plantations:" also "What Number of Ships, if any, are employed from Pennsylvania to the Coast of Africa in the Negro Trade and how many Separate Traders are concerned therein."

The Governor was directed for the future "to transmit to Us . . . half-yearly Accounts of Negroes, by
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whom imported and at what Rates sold.' Nothing further was done during the Governorship of John Evans. Charles Gookin succeeded Evans in February, 1709. It was not long before he began pressing for some provision for his own support, Penn having become disabled, as Gookin said, to continue the provision he had formerly made—the Assembly "admired" that after their great grants, the country was left so unprovided as he said, but at length a supply was passed.

February 28, 1711, a Bill was assented to by Governor Gookin imposing for three years a duty of Forty shillings per head" for every Negro imported . . . except such Negro or Negroes belonging to any person or persons residing in this Province or importing the same for his or their own immediate use who shall give bond with security . . . in double the sum for payment of the rates thereon imposed by this Act in case the property thereof shall be changed within one year next after such importation." The duty was payable within forty-eight hours after importation; and, if landed without permit, the negroes were to be forfeited and seized and on condemnation sold; if they could not be found, their value was to be forfeited recoverable in any Court. Very great powers were given to the Collector or Receiver to board ships, enter or if necessary break open "any house, warehouse, cellar or other place where any of the said Negroes or goods may be suspected to be concealed. . . ."

There was not so much delay in this case as in the former.

When, September 8, 1709, the former Bill was reported on, the Board of Trade suggested that Penn should be recommended to transmit the legislation of Pennsylvania as soon as convenient after its passing, October 24, 1711, the Board was directed to give such a recommendation.
sent in all the Acts of 1708, 1709, 1710, 1711, and 1712, amongst them that now in question. This with certain others having come to the Lords of Trade, it was referred for a legal opinion to Sir Robert Raymond (afterwards Chief Justice but then), Solicitor General, on August 3, 1713—he reported, December 22: "Tho' this Act will expire the 10th of March, 1713, yet I submitt to your Ld'pps Considerations how far it may be proper for them in Pensilvania to lay a Duty on Negroes, Wine, Rum, and Shipping, &c., and how far it may affect her Majesties Subjects here of which your L'pps are most proper judges." On February 20, 1714, the Lords of Trade reported that in their opinion this Act should be disallowed, apparently as interfering with the trade of England; and at a Session on that day, the Act was disallowed accordingly.

In the meantime, Assent had been given to a Bill passed, June 7, 1712, to prevent the introduction of Negroes and Indians into the Province. The recital reads: "Whereas divers plots and insurrections have frequently happened not only on the islands but also as the mainland of America by negroes which have been carried on so far that several of the inhabitants have been thereby barbarously murdered an instance whereof we have lately had in our neighbouring colony of New York: and whereas the importation of Indian slaves hath given our neighbouring Indians in this province some umbrage and dissatisfaction; for prevention of all which for the future."

This Act, by section 1, imposed a duty upon the importation of any Negroes or Indian by land or water, of Twenty pounds per head (except Negroes brought directly from the West Indies before August 1, 1712). All were to be entered and reported under penalty of seizure and sale: on bona fide exportation within twenty days, the duty was repaid except the officer's fee of 2s 6d per head (Section 2). The duty was not
to be collected for Negroes or Indians owned within the Province sent out on the master’s business with intent to return (Section 3). Power was given to break open any house or place suspected of harbouring negroes or Indians illicitly imported. The return of the duty on exportation as well as the Preamble shows plainly the intention to prevent an increase in the Slave population.

This Act had the same course as the preceding: on reference to Sir Robert Raymond, he reported: “How far this Act may interfere with the British Interest as to their Trading in Negroes, your Ldpp’s are most proper judges; But I observe this Act gives a power to break open houses to search upon suspicion of Negroes being there Generally which Extends to Night as well as day which power is rarely admitted by our Law to offences of an inferior nature.”

The Act shared the same fate as the preceding and at the same time.

It is I think quite apparent that it was disallowed as interfering with the British interest as to trading in Negroes. An Act supplementary to the Act imposing a duty of forty shillings on Negroes passed at the same time had precisely the same fate, Sir Robert Raymond reporting “This Act depends on ye Impost Act & ought to have ye same Determination.”

The next legislation of consequence in this enquiry was passed, May 28, 1715. This imposed a duty of “five pounds of Lawful money of America for “every Negro which shall be imported landed or brought into this province at any time after” “June 1, 1715 and” (other than such Negroes as are actually shipped for sailors . . . and . . . than such as shall be brought or sent to this province upon their masters immediate business and not for sale).” Forfeiture and sale for default and power to Collector to enter ships, houses, &c., to search for hidden Negroes, &c., were also pro-
vided for—as well as other stringent powers. This Act with many others were transmitted to Penn and by him to the Privy Council and with others was sent to "Mr West, one of His Majesty's counsel learned in the law," reported against adversely and at a Council Meeting, July 21, 1719, it with others was disallowed. The reasons I cannot find anywhere recorded.

Then came the Act of 1717–18, passed, February 22, 1718. This provided that from May 31, 1718, until June 1, 1721, a similar duty of five pounds lawful money of America should be paid upon every Negro (with the same exceptions as before) "imported landed or brought within any part or place belonging to this province." The same stringent provisions were repeated in this Act as in the former.

From all that appears, this Act was never submitted to the Privy Council—the reason does not appear.

Then came the Act of February 24, 1721, continuing this Act until May 14, 1722. This Act of 1721 also escaped annulment but the reason does not appear. The next Act was passed May 12, 1722. This imposed a duty of five pounds of the lawful money of America on all Negroes imported or landed from May 13, 1722, to May 13, 1725, with the return of three-fourths of the duty if exported or carried out to sea" within four months "if forthwith actually and bona fide shipped off or sent out of this province so as not to return again without complying with this Act." This Act was submitted to the Home authorities.

Another somewhat cognate Act had the same fate: "An Act for Imposing a Duty on Persons convicted of heinous Crimes and imported ... as Servants or otherwise," passed May 5th, 1722. The Preamble recited that "many persons trading into this Province have for lucre and private gain, imported and sold or disposed of and daily do import and sell as servants for (a) term of years divers persons convicted of hein-
ous crimes who soon after coming into this Province do often run away and leave their master's service and commit many heinous felonies, robberies, thefts, and burglaries. . . .’’ The Act imposed a duty of five pounds on “every person in the condition of a servant or otherwise convicted of any felony” to be paid before landing as well as give security for good behavior for one year. This also was not promptly submitted for the approval of the Crown: it was repealed, February 14, 1730, cap. 314.

The object of this Act is plainly not revenue but the prevention as far as possible of criminals being transported to Pennsylvania: and, as we shall see, the authorities at Westminster recognized this fact when the Act came to their attention.

March 5, 1726, an Act was passed continuing the duty of £5 on Negroes—this to end, March 20, 1729. This Act, also, did not come to the attention of the Lords of Trade until it had expired by lapse of time. An Act of the same year levied an extra duty of five pounds on Negroes imported from the West Indies or any other place for crimes or misdemeanors. This we shall find was approved.

It must not be supposed that the Colonists wished to free their slaves: we find considerable trouble about this time from Negroes running off to the Indians—a Treaty was made by Virginia with the Five Nations that any Negroes found by the Indians in the woods should be returned to their master. They were to be “declared to Colo. Mason on Patowmec in Virginia who will give Persons who will bring them to him One Good Gun and Two Blankets for each Negro. . . .’’

Governor Keith in a Message “to the Chiefs of Conestogoe, Delaware, Shawannee and Ganawese Indians,” October 11, 1722, tells them of this, and says “the five Nations have agreed in the same treaty that neither they nor you shall receive or harbor any
Negroes on any account whatever . . . for you know
the Negroes are slaves. The same value you will re-
ceive from time to time for any Runaway Negroe that
you shall take up and deliver in like manner that they
may be returned or restored to their Master . . . we
will expect the Shawanese shall deliver all those
Negroes which they have . . . to entertain our Slaves
in not only scandalous to the Indians but an injury to
the English.”

Another piece of legislation is interesting: it is the
Act for regulating Negroes already mentioned, passed
March 5, 1726. Amongst other things, if a Negroe is
freed, the master or mistress must give security to
indemnify the municipality against charge caused by
sickness or incapacity—and “until such recognizance
(of £30) be given such Negro shall not be free.” If
set free by will, the executor must give the recogni-
nance.

A new Governor, Patrick Gordon, met this Coun-
cil for the first time, June 22, 1726; when he met the
House he urged them, inter alia, to “Encourage Legal
Trade:” George II succeeded to the throne and was
duly—and unduly—lauded and at length another
Negro Bill was passed, May 10, 1729. This was along
the same lines as the previous ones except that the duty
was reduced to two pounds with three-fourths rebate
on death or export within six months. This act was
not limited as were the former: it was not considered
by the Lords of Trade till after the five years had
elapsed and so it became law. An Act imposing a duty
of five pounds on convicted felons was passed, Febru-
ary 14, 1730, which, with its many successors, I pass
over without comment.

And now came to a head what had for some time
been agitating the Home Authorities. Pennsylvania
was not the only Colony objecting to an unlimited num-
ber of Negroes and convicts been dumped upon her
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shores—amongst others, Jamaica strenuously objected. That Colony passed legislation levying heavy duties on the import and export of Negroes, &c., as early as 1721, and kept on imposing such duties from year to year. The Merchants trading to Jamaica and the South Sea Company having a large "Asiento trade," sent in Petitions to the Privy Council complaining of the interference with their trade and asking that this practice should be restrained. December 10, 1724, these petitions were referred to the Board of Trade who reported, February 19, 1725. After a reference to the Attorney General, Sir Philip Yorke (afterwards Lord Hardwicke, L. C) and the Solicitor General, Sir Clement Wear— a new grievance arose which was more serious still: the two Companies received a subsidy of $2000 per annum and the matter was somewhat composed. But new legislation was later passed levying a duty of fifteen shillings per head on Negroes imported and 30 shillings on Negroes exported: three Petitions were lodged against this legislation by the Merchants trading to Jamaica, the Master, Wardens and Assistants and Commonalty of the Society of Merchant Adventurers within the City of Bristol and the Merchants and Shipowners of Liverpool—the South Sea Company did not join, having much else to think of. The Petitions were referred to the Board of Trade, July 7, 1731: the Board reported, August 25, and were directed to hear the Merchants concerned and to frame Instructions in accordance with their Report for the Governors of the several Colonies in America. December 1, they submitted draft Instructions along with their Report: this Report had said "That the said Act so far as it relates to the Duties on Negroes is a Burthen upon the British Trade and Navigation," and so far as it related to duties on convicts (£100 a head) it was "in direct opposition to an Act of Parliament past in the fourth year of His late Majesty's Reign for
the further preventing Robbery, Burglary and other Felonys... The Board said that the Act was only temporary and would probably expire before an order for its repeal would reach the Island—therefore instead of repealing it the Governor should be forbidden to assent to any such law. The Instructions proposed were approved by the Privy Council December 9, 1731. Instructions were sent in the same sense to the Governors of the American Colonies—Governor Gordon received his formal Additional Instructions, dated at the Court of St. James’s, December 10, 1731: “Whereas Acts have been passed by some of our Plantations in America for laying Duties on the Importation and Exportation of Negroes, to the great Discouragement of the Merchants trading thither from the Coast of Africa; And whereas Acts have likewise been passed for laying of Duties on Felons imported, in direct Opposition to an Act of Parliament pass’d in the 4th Year of Our Late Royal Father’s Reign for the further preventing Robbery, Burglary and other Felonies and for the more effectual Transportation of Felons; It is Our Will and Pleasure that you do not give your assent to or pass any Law imposing Duties upon Negroes imported into Our Province of Pennsylvania payable by the Importer or upon any Slaves exported that have not been sold in Our said Province and continued there for the Space of twelve months. It is Our further Will and Pleasure that you do not give your Assent to or pass any Act whatsoever for imposing Duties on the Importation of any Felons from this Kingdom into our said Province of Pennsylvania.”

It is now the place to take up the proceedings in London in 1739–40.

On November 9, 1739, Hill, the Secretary of the Lords Commissioners of Trade and Plantations submitted sixty-seven Acts to Francis Fane, K. C. (shortly afterwards himself a member of the Board) for his
opinion. The Acts were the legislation of 1717 to 1729 with a few exceptions with which we are not here concerned. Fane in his opinion, given February 5, 1740, dealt with several.

Of the Act of May 22, 1722, (concerning Felons, cap. ccxlvi8, supra), he said: "This Act and a subsequent Act of this colony to the like effect passed in the third year of his present Majesty's reign seem intended to frustrate and defeat the several Acts made in England for the transportation of felons and therefore I do not think this Act proper to be confirmed."\(^52\)

Of the Act of March 5, 1726,\(^53\) imposing a duty of £5 on Negroes transported from the West Indies or any other place for crimes or misdemeanors: I have no objection to the confirming of this Act."

Of the Act of May 10, 1729, concerning foreigners and Irish servants inasmuch as it further enforced the law against importing convicts: "As it seems intended to evade the laws made in England for the transportation of felons... this subsequent law seems to me unfit for confirmation."\(^54\)

This opinion was read by the Lords of Trade, February 6, 1740—a considerable amount of discussion took place and a strong Petition of the Proprietaries, Thomas Penn and Richard Penn, of December 17, 1746, was considered—we need not pursue this discussion here, as it did not involve the trade in Negroes.

We must pass over a number of years before further Negro legislation.

On March 14th, 1761, was passed an Act which imposed a duty of ten pounds on "every Negro or mulatto slave which shall be imported, landed or brought into this Province." The usual stringent provisions appear, including the right to search ships, break into houses, &c.: a rebate of three fourths (£7.10) was allowed on export within six months, the slave to be forthwith shipped or sent out of the Province. Bona
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fide immigrants intending to settle in Pennsylvania were allowed to bring in their slaves with them free of duty. The Act was limited to four years.

When this Bill, as first passed in the House was, on February 28, presented to the Governor, James Hamilton, for his concurrence, a Petition from the merchants of Philadelphia against the Bill was also presented and read as follows:

“A Petition from the Merchants against the Bill for Duty on Negroes.

TO the Honourable JAMES HAMILTON, Esquire, Lieutenant Governor of the Province of Pennsylvania, &c., &c.,

“The Petition of Divers Merchants of the City of Philadelphia, Trading to His Majesty’s Colonies in the West Indies Humbly Sheweth;

“That we are informed there is now a Bill before your Honour for your assent, laying a Duty on the importation of Negroes, and that it is to take place immediately on the publication.

“We, the subscribers, ever desirous to extend the Trade of this Province, have seen for some time past, the many inconveniencys the Inhabitants have suffer’d for the want of Labourers and artificers, by numbers being inlisted in His Majesty’s Service, and near a total Stop to the importation of German and other white Servants, have for some time encouraged the importation of Negroes and acquainted our friends and correspondents in several parts of His Majesty’s dominions (who are no Way apprehensive of a Bill of this Nature), that an Advantage may be gained by the Introduction of Slaves, which will Likewise be a means of reducing the exorbitant price of Labour and, in all probability, bring our Staple Commoditys to their usual prices; And as many of us have embarked in this Trade through the motives before mentioned, We humbly beg your honour will take into consideration
the hardships we shall labour under by such a Law taking immediate effect, when we have it not in our power to countermand our Orders or advise our friends: therefore humbly pray that such time may be allowed (before the Law takes place) as your honour shall think most conducive to extricate your petitioners from the impending danger.

"Philadelphia, 1st March, 1761.

John Bell, Benjamin Levy,
Humphrey Robinson, Henry Harrison,
Reed & Pettit, John & Jos. Swift.
William Coxe, John Nixon,
Charles Baths, Daniel Rundle,
Philip Kearney jr., Francis & Rolfe,
James Chalmers, Stoker & Fuller,
Joseph Wood, Scott & McMichael,
Willing, Morris & Co, John Inglis
Thos Riche, David McMurtie,
David Franks, Saml. & Archa. McCall.
Hu. Donnaldson, Joseph Marks."

The Bill named Richard Pearne as the Collector of these Duties and the Lieutenant Governor returned it for amendment by striking out this unconstitutional provision, March 10: and sent on the Petition to the House. The appointment was corrected, but the House thought that "no great inconvenience or loss can happen to the merchants as slaves are now in great demand in the neighbouring colonies and to allow an importation for six months would . . . be virtually a bounty to the importer during that time . . ." the Governor gave way, March 14, and April 11, assented to the Bill substantially as first framed. About this time, it may be noted, while for the purpose of Assessment all horses and mares above three years old were rated at thirteen shillings and fourpence a head, all horned cattle above three years old at six shillings and
eightpence, and sheep at one shilling, all white servants (convicts) from fifteen to fifty years were rated at thirty shillings and all Negro or mulatto slaves from twelve to fifty years at four pounds per head. Consequently a Negro or mulatto slave was considered worth as much as six horses, twelve cows or eighty sheep—more than twice the value of a white convict servant.

This Act with others was referred to the Lords of Trade, February 15, 1792, and was allowed to come into force: it was repealed during the Revolutionary War, March 1, 1780, cap. 881.52

The Act of March 14, 1761, was extended for seven years by an Act of February 20, 1768; this was laid before the Privy Council and, November 23, was referred with others to the Lords of the Committee for Plantation Affairs: they considered and passed it, reporting, February 18, 1769: the Privy Council approved, March 6, 1769.55

Then came the Act of February 26, 1773, which made the Act of March 14, 1761, perpetual, but put an additional duty of ten pounds on every imported Negro or Mulatto. This was delivered to the Clerk of the Privy Council by the Agent, January 26, 1774: referred to the Lords of Trade, February 2; sent by that Committee, February 14 to Mr. Richard Jackson, K. C., for his opinion in point of Law: he reported: "The increase of duty on negroes in this law is manifestly inconsistent with the policy adopted by your Lordships and your predecessors for the sake of encouraging the African trade, which however stands less in need of that encouragement while so many of His Majesty's lands in the West Indies remain understocked with negroes." This Report was considered by the Lords of Trade, April 21 and May 2: on the latter date, "it was ordered that Dr. Franklin, agent for the said Province should be desired to attend the Board on
Thursday next, on the subject of some objections which have occurred to several of the . . . laws."

On Thursday, May 5, Dr. Franklin attended and the Board had some discourse with him as to the objections to this law and another. The Lords of Trade in their Report said: "By the Act a duty of ten pounds is laid on every negro or mulatto slave, imported into the province over and above the duties before existing: such an addition to the duties of importing must operate and probably is so intended as a prohibition upon this article of trade. The policy of allowing regulations of this sort to obtain in the colonies and the prejudice which would thereby result to a very important branch of the British commerce have been fully stated by this board in their humble representation to His Majesty of the 23d November, 1770, upon a law passed in December, 1769, and as His Majesty in consequence thereof was graciously pleased not only to signify His Royal disallowance of the said Act, but further to instruct His Governor of Virginia to withhold his consent, without His Majesty's permission first obtained, from any bill or bills whereby the duties then existing might be augmented we think it our duty on this occasion to propose to your Lordships to recommend to His Majesty to signify His royal disallowance of this Act." The Board having made their Report, May 12, the Act was declared void under the Privy Seal.

The former Act of March 14, 1761, was that in force at the time of the Declaration of Independence: this levied a duty of £10 on each Negro and mulatto imported. It was recognized as existing by the Act of September 7, 1778, which provided for the collection of the duty.

It will be seen that the policy was consistently followed which looked upon the British Empire as built on the same theory as the old Roman Empire, the Colonies and out-lying Provinces existing not for them-
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selves or for the Colonists and Provincials but for the Metropolis, the mother State—not indeed as in Rome as paying a tribute in gold or grain or slaves but as furnishing a market for British Trade—a policy which with a high-spirited Colonial people must needs result in disaster. And so the Old British Empire was rent in twain, to give place in time to the new British Empire, the Commonwealth of British Nations built on an entirely different and much more noble theory.

NOTES.

[Memo. The following contractions will be employed in these Notes:

1 Col. Rec., 2 Col. Rec., &c, volumes 1, 2, &c, of the Minutes of the Provincial Council of Pennsylvania . . ., Philadelphia, 1852.
1 Penn. Arch., 2 Penn. Arch., &c, volumes 1, 2, &c, of Pennsylvania Archives, Philadelphia, 1852.
2 St. L., 3 St. L., &c, volumes 2, 3, &c, of The Statutes at Large of Pennsylvania from 1682 to 1801, State Printer, Pa., 1896.
1 Acts, 2 Acts, &c, volumes 1, 2, &c, Acts of the Privy Council of England Colonial Series, The King's Printer, 1910.]

1 As early as June, 1682, we find letters drafted from the Privy Council to the Governors of Plantations in favor of the Royal African Company: 2 Acts, p. 33.
2 It was a frequent applicant to the Privy Council, generally by way of complaint of other traders cutting in on its monopoly. The first instance I find was September 9, 1680; 2 Acts, p. 8; April 27, 1681, a Petition of some Jamaica traders for protection to “a small Frigate to sail to Angola and . . . thence to Jamaica” was refused on the opposition of the Company: 2 Acts, pp. 19, 20. And this, although the Company could not fill Jamaica’s demand for slaves: 2 Acts, p. 64. A Jamaican Act of 1684 assured the Company’s monopoly so long as it imported 5000 Negroes each year: 2 Acts, pp. 64-66.
8 The Encyclopaedia Britannica, vol. 25, p. 222, by a printer’s error calls this the first year of William and Mary. The Royal African Company had had a Royal Proclamation issued, April 1, 1688, by James II forbidding interference with the monopoly: 2 Acts, p. 80. This was one of the last official acts of this unfortunate King before he fled to France.
4 “Asiento, m., chair, stool, bench, seat; spot, site; solidity; settling, bottom, sediment; treaty; contract, entry, registry; judgment, prudence; stability, permanence, mining district in South America; list, roll; collar and cuff-band; indigestion,” Appleton’s New Spanish-English and
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**English-Spanish Dictionary, sub voc.** The connotation oscillates between the root ideas of asentar, to place and asentir, to assent or agree.

*2 Acts, p. 153. The entry purports to affect the West Indies.*

*As has already been said, note 3 suprâ, by a lapsus calami or a printer’s error, the date of this legislation is given as “the first year of William and Mary” in the Encyclopaedia Britannica, vol. 25, p. 222.*

*Though the Act of 1698 was not operative after the lapse of thirteen years, it was not formally repealed until the Statute Law Amendment Act (1867), 30, 31, Vict., c. 59 (Imp.), when it was repealed under the name of “9 Gul. 3, c. 26, Trade of Africa.”

*“Writ for a call of the Council of Assembly of New Castle, 1699,” it is called in 1 Penn. Arch., p. 126. But the document is really a letter from Penn to “R. Halliwell, Jn. Donaldson and Robt. French of New Castle,” enclosing a “Writ for ye County of New Castle to return their Representatives for a Council and Assembly.” The letter is dated “12 Mo 1699-1700,” i.e., February, 1700: by Chapter 41 of the Acts of the First General Assembly of Pennsylvania, passed December 7, 1682, it would appear that the first settlers of the Colony began the year in March. The following is a copy of Chapter 41, referred to: “And bee it enacted by the Authority aforesaid that ye days of ye week & ye year, shall be called as in Scripture & not by heathen names (as are vulgarly used) as ye first, Second & Third daies of ye week, and first Second & Third months of ye year, beginning with ye day called Sunday & ye monthe called March.” The names, “2nd day,” 3rd day,” &c., “1st Month,” “2nd Month,” &c., were consistently used in the dating of the proceedings of the Council for “Monday,” “Tuesday,” &c., “March,” “April,” &c., until after the Crown took over the Province, and Benjamin Fletcher was in 1692 commissioned “Captain Generall and Governor in Chiefe in and over the province of New-yorke, province of Pennsilvania and Courty of New castle: And the Territories and Tracts of Land depending thereon in America.” He met his Pennsylvania Council first, “Wednesday, Att Philadelphia, 26th of April, 1693:” and so long as he remained in the Province, such “Heathen names” were employed in dating the proceedings of the Council—presumably he brought a Secretary with him. Fletcher’s last Council Meeting was June 9, 1694: the Province being restored to Penn, he appointed Colonel William Markham, Governor, November 24, 1694: Markham (having acted for a time as Lieutenant-Governor) assumed his office at a Meeting of Council, March 26, 1695; and thereafter, while the common name of the months, January, February, &c., was employed for very long, the Latinised firm of the name of the days of the week, appeared almost exclusively. We find “die Lunae,” “die Martis,” “die Mercurii” (the form is usually “Mercury”) “die Jovis,” “die Veneris,” “die Saturni (or “die Sabbati,” the more usual name in England was “die Sabbati”) for Monday, &c. See 1 Col. Rec, passim.

Although, indeed, in the Privy Council, it was said, January 7, 1701, of this Chapter 41: “Everyman may call the days and months as he pleases. This Act is insignificant and not fit to remain in force:” Ist. L., p. 480.
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9 J Col. Rec., pp. 601, 610.
10 “Att a Council held att philad die Veneris,” (i.e., Friday) 7th June, 1700: J Col. Rec., pp. 612, 613.
11 The Act is 1700, cap. 85: J Col. Rec., p. 621. “Att a Council held at Newcastle “die Mercury” (i.e., Mercurii, ‘y’ being often used for double “i”—Wednesday) 27th (November). The Pror and Gor sent ye secre to the ass, desiring the Speaker and ye whole House of representatives to wait upon him in order to have ye Laws past . . . Accordinglie . . . Hee openlie in presence of ye Council & Assembly declared the same to be the Laws of the province of Pennsilvania & the Territories yrto belonging.”
12 Sir Edward Northey became Attorney General, June 28, 1701, and held the office nearly six years, being succeeded by Sir Simon Harcourt, April 26, 1704.
13 See 2 St. L., pp. 449-506: 2 Col. Rec., p. 251; fifty-two laws were disallowed out of one hundred and five: 2 Acts, p. 851. The Acts of 1700 were referred to Northey, October 29, 1701: he was pressed for a Report, January 2, 1702: those of 1701 went to him, April 8, 1702—both sets again, May 27, 1703: he reported, October 13, 1704, and July 18 and October 19, 1705. Action was taken by the Privy Council, February 7, 1706: 2 Acts, p. 851, 2 St. L., 449-506. The long delay seems to have been due to want of a Fee!
14 2 Col. Rec., p. 195. Long delays continued to be the custom in the Attorney General’s office. For example in 1792, the Chief Justice of Upper Canada sent a Bill concerning irregular marriages for the opinion of the Law Officers of the Crown; but they delayed so long that the Legislature had passed an Act and it had been approved before the answer came. See my Life of John Graves Simcoe, Toronto, 1926, p. 190.
15 The story is interesting: Penn applied that Hamilton might be approved as Deputy Governor for one year from the time of his arrival there: the Petition was referred to the Board of Trade; that Board reported, November 11, 1702, and the Privy Council on that day acted on the Report, thus:

“upon the Petition of William Penn Esqr. that, Colonell Andrew Hamilton appointed by him to be Deputy or Lieutenant Governor of Pennsylvania, may have Your Majestys Royall approbation for the Executing of that Trust for one Year only, We humbly report, that we have lately represented to Your Majesty, That having been Informed that the said Hamilton had been a favorer of Illegal Trade with Scotland and other Parts, We did not think it for Your Majestys Service that he should receive Your Royall Approbation as Lieutenant Governor of that Province, But /Your Majesty having now Signified to Us Your Gracious Inclination to Gratifie Mr. Penn in his present request, and con[de]ring the Absolute necessity, which he alleges, for a Temp[orary] approbation of the said Hamilton, We humbly Offer that Security be given to Your Majesty in
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Two Thousand pounds Sterling at the least by the said William Penn or other Persons for the said Hamiltons duly observing the Acts of Trade &c. as is usually done for the Propriety Governments." 2 Acts, p. 419.

It is not certain that Hamilton had been interfering in the Slave Trade. Penn had security given by two gentlemen that were accepted by the Board of Trade, January 19, 1703; 2 St. L., p. 462: the Board of Trade so reported, January 21; and the same day "Her Majesty was graciously pleased to extend her allowance and approbation of Andrew Hamilton Esqr. to be Deputy Governor for the said William Pen of the said Province of Pensylvania and the said Terrorys adjacent to the first day of May which shall be in the Year 1704 and no longer." 2 Acts, p. 420.

In 2 St. L., p. 462, the date is given as January, 1702. Penn's letter was dated "19th 10, 1702," but the year then beginning in March, the date is January 19th, 1703, New Style.

We find referred to the Board of Trade, May 14, 1702, "The petition of Peter Sonmans and William Dockwra, for themselves and on behalfe of others Proprietors of the Provinces of East and West New Jersey . . . relating to Governor to be appointed by Her Majesty for the said Provinces (and) the Petition of the greatest part of the Proprietors . . . humbly proposing Colonell Andrew Hamilton as a fitt Person:" 2 Acts, p. 410.

The proprietors of West New Jersey had appointed him Deputy Governor and their Petition for confirmation came up in the Privy Council, May 31, 1699: 2 Acts, p. 800.

18 2 Acts, p. 802, "on the usual conditions"—which were fulfilled: 2 Col. Rec., p. 115.

So said Mr. Speaker David Lloyd to the Governor, October 17, 1704: 2 Col. Rec., p. 166. He complained indeed that it "had been customary to have a chair sett for the Speaker;" but the Governor said that as "he himself stood, the Governor would not take it amiss:" do. do. do., p. 166.

At the same time, Acts were approved to reduce the punishment for Burglary (which had been death and had been actually inflicted) to "whipping with twenty-one lashes on his or her bare back and six months imprisonment" with fourfold satisfaction for what was taken, to be worked out by servitude if necessary—if in the night time, whipping, fourfold satisfaction, 12 months imprisonment and branding on the forehead with the letter T—for the second offence, imprisonment for life: 2 Col. Rec., p. 231, 2 St. L., p. 173, cap. cxvii. Another Act is nearer that under consideration—from and after March 25, 1706, no Indian slave should be imported from any province or colony in America: 1705-6, cap. cxliv: 2 St. L., p. 236.

The "Counties" were Newcastle, Kent and Sussex upon Delaware, later and now the State of Delaware: "Jersey aforesaid" was "that division of New Jersey formerly called West Jersey." This "West Jersey" was the territory west of a line drawn from Little Egg Harbour
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to a point on the Delaware River 41° 41', N. L. awarded to the Quakers by the “Quintipart Deed” of July 1, 1676; and Penn took over in 1682.  
20 The Act is 1705-6, cap. clxiv, 2 St. L., pp. 280, 285. It also provided for forfeiture on default of proper entry and payment of duty.  
23 We are told: 2 Col. Rec., p. 426: “N. B. That Govr. Evans mett not the Assembly that was Elected the first of October, 1708. But repairing to New Castle, He Continued in the County till the latter end of March and never mett the Provincial Assembly more.” There had been a bitter quarrel and much acrid recrimination between him and the Assembly. Gookin’s Commission was dated, September 3, 1707: do. do., p. 427: his, or rather Penn’s, application for the Royal Approval, filed with the Privy Council, May 20, 1708, was referred to the Board of Trade, June 26; the Board, July 18, reported approvingly, “having received a good character of him from Lieut General Erle in whose Regiment he had served for many years:” the same day, the Privy Council approved: 2 Acts, p. 802. He met his Council for the first time, February 2, 1709: 2 Col. Rec., p. 427.  
24 2 Col. Rec., pp. 472, 475, 538.  
27 In 1 Penn. Arch., p. 157, he is called Attorney General; but he did not become Attorney General until May 7, 1720, although he vacated the office of Solicitor General to Sir Nicholas Lechmere, October 14, 1714. Haydn’s Book of Dignities, pp. 401, 399.  
31 The well known “Negro conspiracy” in the Town of New York in April, 1712 “to destroy as many inhabitants as they could”—it began, April 6, 1712, when a meeting was arranged “in the orchard of Mr. Crook in the middle of the Town.” Some 9 whites were killed and 5 or 6 wounded: of the conspirators 6 committed suicide; 27 were tried and 21 executed “one being a woman with child . . . some were burnt, others hanged, one broke on the wheel and one hung alive in chains in the town, so that there has been the most exemplary punishment inflicted that could be possibly thought of . . .” The Governor Robert Hunter reprieved two, “Tom a Negro belonging to Mr. VanDam and Coffee a Negro belonging to Mr. Walton . . . at the instance of the Justices of the Court . . .” See for the graphic story, Hunter’s Despatch to “The Right Honourable the Lords Commissioners for Trade & Plantations:” 5 Documents Relative to the Colonial History of the State of New York, Albany, 1855, pp. 337, 338.  
In the same volume, pp. 591, sqq., is an elaborate Report—called a “Representation of the Lords Commissioners for Trade and Plantations to the King upon the state of His Majesties Colonies & Plantations
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on the Continent of North America dated September the 8th, 1721.” At p. 621, in an account of South Carolina, we read: “The number of white inhabitants in this province has some time since been computed at 9000; & the blacks at 1200. But the frequent massacres committed of late years by the neighbouring Indians at the instigation of the French & Spaniards have diminished the white men whilst the manufacture of pitch and tar has given occasion to increase the number of black slaves, who have lately attempted and were very near succeeding in a new revolution which would probably have been attended by the utter extirpation of all your Majesty’s subjects in this province . . .”

It will be remembered that in February, 1706, had been passed an Act to prevent the importation of Indian slaves or servants: 2 St. L., pp. 236, 237: This was not a dead letter. At a Meeting of Council, September 14, 1709, “At the instance of Coll. Evans (the former Governor) an Indian boy called Mingo said to be imported into the Province contrary to the Act . . . was presented to the Board to be disposed of . . . But no Evidence being produced how he was imported, the matter was referred:” 2 Col. Rec., pp. 489, 490: at a meeting, February 18, 1710, it appeared that Mingo had been imported about April, 1708; but “it appearing that James Heaton of Bucks County Claims some property in the said Indian,” he was to be notified to attend on the 21st of the month; do., do., p. 508: on the 21st, the Council determined to have the question of “Conviction of forfeiture” decided by the Court of Common Pleas—“And that after such conviction this Board has a Right to sett at Liberty or dispose of such Indians as they shall see cause & leave the Tryal of the Importation of the sd Boy to the said Court of Pleas:” 2 Col. Rec., p. 509.


*2 Col. Rec., p. 584, 596:—in was read in Council, March 19: 3 St. L., p. 117; 1715, cap. ccxviii.

*2 Acts, p. 851: 3 St. L., pp. 117–121, 439, 440, 465: 3 Col. Rec., pp. 75, 76. The ostensible objection was to the powers given to break open houses, &c., in the search for concealed Negroes, which was rightly described as a power, “very seldom allowed by the laws of Great Britain in offenses of an inferior nature.” Possibly the open and continued discussion, acrimoniously conducted between the Governor and the Assembly, unseemly and discreditile to one or both of the parties, had something to do with the delay—even the Council could do nothing with him. We find it recorded in the Minutes of the Provincial Council of Pennsylvania under date, December 10, 1716: “The Govr. mett the Council no more During the time of his administration, tho’ they took vast pains in divers meetings with him & by other more laborious measures to preserve him from the mischievous Influences of that unhappy man (who had married his much more valuable sister) Rd Birmingham; Divers of them having at sundry times taken Journeys
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to N. Castle to keep the incensed people of that County who were more particularly insulted & oppressed from an Insurrection or intire revolt. But being by his own Imprudent Conduct much pinched in his Circumstances he Endeavoured to be reconciled with the Assembly . . .”

2 Col. Rec., pp. 629, 630. (This entry is by James Logan) His endeavours were not successful: May 31, 1717, Governor Keith arrived and superseded him: do. do., p. 631. He seems to have accused to Penn the Governor, some persons in positions of trust “as highly dissaffected to His Majesty the King and his Government.” He was called on at a Council Meeting, June 26, 1717, to justify his charges. He “crawled”: he said “he had told the Governor his thoughts of Some persons . . . he believed now he had been misinformed . . . His former accusations were the Effects of his passions for that he had no matter of fact nor Expressions to charge any of the persons accused with nor had anything against any of them. That his Physician knew that he had been Lately under a great Indisposition of Body which had Disordered his Head, and he believed that what he said of these matters to the Governor was owing to that only”—“That he knew of nothing of any kind whatsoever”: 3 Col. Rec., pp. 16, 17. From some obscure—and some not so obscure—hints, it is possible to infer that the disorder of the head was due to vinous exhilarants.

3 St. L., pp. 159–164: 488. This Act is found in a list of “Laws of Pennsylvania (printed at Philadelphia) which have not been laid before the Crown for approbation,” p. 488. Penn's death was reported in Philadelphia, November 3, 1718: 3 Col. Rec., p. 58: William Penn, Jr., assumed to give Keith Instructions, January 14, 1718.

3 St. L., pp. 238–240: there is no entry in 3 Col. Rec.

3 Col. Rec., p. 171: 3 St. L., pp. 275–279: cap. cel. Similar provisions as to search for Negroes appear here as in the former Acts.

It appears in the list of “Laws of Pennsylvania (printed at Philadelphia) which have not been laid before the Crown for approbation:” 3 St. L., pp. 488, 489 it is there noted as expired. See and compare 3 St. L., pp. 264–268; cap. cccxviii, pp. 489, 494, 497. It was submitted, however, along with many others, November 9, 1739, by the Lords Commissioners for Trade and Plantations to Francis Fane, K.C., for his opinion. The Secretary in his letter to Fane said: “I must . . . inform you that all these laws have been passed above five years but that the agent of the province who lodged them in this office for their Lordships consideration is since dead and their Lordships find they have not yet been laid before His Majesty.” do. do., p. 494. Fane's opinion on this Act will be given later. It should, however, be said that the receipts from this source and the Act concerning Negroes of the same year were by an Act of December 12, 1723, to be applied to sink Bills of Credit of £1300: 3 St. L., p. 401: cap. ccxx, sec. VII.

4 St. L., pp. 59–66, cap. ccxc—the rebate on exportation of £3.15.0 was continued: 3 Col. Rec., pp. 247, 248, 250. The extra duty Act, 4 St. L., pp. 59–64, 500, cap. ccxcii, see post, note 4.

3 Col. Rec., pp. 206, 209, 211, 212.
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42 3 Col. Rec., p. 248: 4 St. L., pp. 59-64, cap. ccxii, sec. III.

A similar provision was made in the Statute of Upper Canada, 1793, 33 George III, cap. 7 (U. C.), making all born or brought into the Province after July 9, 1793, free, but confirming the servitude of existing slaves. It was enacted (sec. 5) that if a slave were set free, the liberating master or mistress must give security “that the person so released . . . shall not become chargeable to the . . . parish or township.”

43 3 Col. Rec., p. 251.

44 3 Col. Rec., p. 359: 4 St. L., pp. 123 sqq.; some remarks will be found in respect of this Act in the Text, infra.

It was repeated, March 14, 1761, cap. 467. A curious Act laying a duty of 40 shillings on every alien and discouraging “Irish Servants” was passed, May 10, 1729, but repealed, 14 February, 1730: 4 St. L., pp. 135-140: 3 Col. Rec., pp. 359, 380.

45 See 4 St. L. at p. 171, and the Statutes referred to in the note on that page to cap. ccxiv.

46 The South Sea Company, “carrying on the Assiento Trade . . . paid between January 20, 1722, and January 20, 1724 the sum of £4737 for Dutys on Exportation (of Negroes) only:” 3 Acts, p. 73.

47 The South Sea Company established in 1711 continued in existence until 1807: but the “Bubble” collapsed in 1720.

48 The well known Act of 1717, 4 George I, cap. 11, which in the Preamble recites that “in many of his Majesties Colonies and Plantations in America there is great Want of Servants, who by their Labour and Industry might be the Means of improving and making the said Colonies and Plantations useful to this Nation:” and then allows transportation to any American Colony of any convicted of certain felonies.

49 For the proceedings in the Privy Council, see 3 Acts, pp. 68, 69, 70, 71, 159-162: for the “Additional Instructions to Our Trusty and Well beloved Patrick Gordon, Esqr., Deputy Governor of Our Province of Pennsylvania in America,” see 1 Penn. Arch., p. 306. These do not seem to have been produced and read to his Council.

It would seem that Jamaica petitioned against the Instructions, but in vain: that then an Act was passed, August 1, 1733, laying a Duty on Negroes already imported or to be imported, payable by the purchaser: the South Sea Company petitioned against it and it was disallowed, February 4, 1734: 4 Acts, pp. 164, 165: and new Instructions given: do., do., p. 166. The fact that by his Instructions, Article 46, the Governor of New York was “forbidden to give his Assent to any Acts for imposing any Duties on the Importation of Negroes from Africa or Felons from this Kingdom” is mentioned in an entry, August 10, 1753: 4 Acts, p. 210.

50 See also 6 Documents relating to the Colonial History of the State of New York, pp. 34, 791.

51 3 St. L., pp. 497, 498.
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"4 St. L., pp. 59-62: 3 do., do., 500. This Act is "An Act for the better Regulating of Negroes in this Province," cap. ccxcii—the preamble reads "whereas it too often happens that Negroes commit felonies and other heinous crimes which by the laws of this Province are punishable with death but the loss in such cases falling wholly on the owner is so great a hardship that sometimes may induce him to conceal such crimes or to convey his Negro to some other place and so suffer him to escape justice . . ."

The Act directed the owner of the executed Negro to be paid his value assessed by the convicting Justices: and imposed an extra duty of £5 on convict Negroes.

"See 3 St. L., pp. 505, sqq.

"Subsequent legislation as to convicts and poor and impotent persons was passed, February 3, 1743—disallowed, December 17, 1746: 4 St. L., pp. 360-370: see also cap. ccxcii, 5 St. L., pp. 131, 132 passed, August 24, 1751: also Act, March 27, 1789, cap. 1414."