Negro Import Duties in Colonial Pennsylvania

Pennsylvania never sponsored a trade in slaves that rivaled in scope or dimension the traffic in the colonies farther south or in such northern provinces as New York, Rhode Island, and Massachusetts. The number of blacks imported into Pennsylvania was small when compared with the number brought into many of the other colonies. Similarly, unlike the situation that prevailed in New York and the New England provinces, merchants in Pennsylvania were not extensively involved in transporting slaves from Africa to the West Indies and other New World ports where a continuing demand for African laborers existed. Nevertheless, a surprisingly large number of Philadelphia merchants engaged in the slave trade, some by selling on commission blacks shipped north from the islands, others by sending vessels to the west coast of Africa for cargoes of slaves.¹

A further indication of the importance of the slave trade in the Pennsylvania area is the fact that provincial legislators found it expedient to impose duties on imported blacks. Pennsylvania thus joined eight other mainland colonies in placing duties on slaves. In the case of some, New York and Virginia, for example, such duties were consistently maintained during the eighteenth century.² There were periods before the American Revolution when blacks entered Pennsylvania duty-free, but it may still be instructive to examine the Negro duty policy that was followed there in an effort to grasp the meaning of that policy. That examination will assist in understanding the attitudes of white colonists toward the slave trade; it

may also shed light on the role of the English government in promoting and encouraging the African slave trade.\(^3\)

Negroes were first discussed in the Pennsylvania Assembly in 1700, when an effort was made to determine their legal status in society. At William Penn’s request two bills concerning blacks were introduced in the Assembly, one “for regulating Negroes in their Morals, and Marriages,” another “about Negroes and their Trials.”\(^4\)

Later that year, on November 27, near the end of a long session which met at New Castle, the first act levying a duty on newly imported Negroes was enacted. An assemblyman later wrote that the session had been notable for its bickering and complex political maneuvering:

I am, at length, got home from wearisome Newcastle, after near seven weeks’ session, much teasing, and sometimes almost off the hinges, for they would creak loudly; then we used to sit and reduce ourselves to good order again. Some turbulent spirits would often endeavor to drive it to a pitched battle betwixt upper counties and lower, Quakers and Churchmen; but, in short, we at length brought it to a pretty good conclusion. We compiled out of the old, and formed some new—in all about ninety laws in a body, as far as our capacities and general heads would admit. We settled property in respect to weak titles, and for a closing stroke gave the governor two thousand pounds, at which our malcontents are not well pleased, and some, I hear, endeavor to withstand paying.\(^5\)

The governor’s £2,000 were to be derived from a general impost act which levied duties on wine, rum, beer, ale and cider, as well as on Negro slaves. With regard to Negroes, the act provided that twenty shillings should be paid for every “negro, male or female, imported, if above sixteen years of age,” and six shillings “for every negro under the age of sixteen.” In 1706 the rate was raised to forty shillings for adult Negroes, double the amount assessed by the earlier legislation, and this was continued by a subsequent act passed in 1711. In 1712, however, the Assembly responded to public

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\(^3\) Several writers have touched on the problem of Negro import duties in Pennsylvania. See especially William Renwick Riddell, “Pre-Revolutionary Pennsylvania and the Slave Trade,” *Pennsylvania Magazine of History and Biography*, LII (1928), 1-28.

\(^4\) *Pennsylvania Archives*, Eighth Series, I, 237-239, hereinafter cited as *Votes of Assembly*.

pressures by levying a prohibitive £20 duty on all new Negroes. From June, 1715, until March, 1729, with one break of ten months in 1725–1726, a series of five acts established and maintained the Negro duty at £5 per head. Then, in May, 1729, the duty was reduced to £2. Although the act of 1729 was not limited in the number of years that it might be enforced, the £2 duty was not collected after receipt of a circular instruction sent out from England in 1731, an instruction that informed Pennsylvania Governor Patrick Gordon that he should not give his “Assent to or pass any Law imposing Duties upon Negroes imported into Our Province of Pennsylvania payable by the Importer.” For more than three decades following passage of the act of 1729 the Assembly refrained from interfering in any way with the Negro trade. In 1761, however, reacting to an increase in the number of slaves imported and to indications of public dissatisfaction with this expansion of the trade, legislators established a £10 duty on imported Negroes. Extended in 1768, the act was made perpetual in 1773, at the same time that the duty was increased to a prohibitive £20.6

An examination of Pennsylvania’s Negro duty acts suggests a process of experimentation and gradual refinement of the major provisions, until by 1729 a pattern had been laid down which in most respects was continued in later legislation. A major consideration, for example, was to prevent smuggling and the clandestine landing of Negroes without payment of the duty, and important sections of each act focused on this problem. Other provisions included those which provided rebates on slaves exported after payment of the duty and those stating which Negroes were to be exempt from the duty payment.

While moderately persistent in the enactment of Negro duty legislation, enforcement and collection of the duties in Pennsylvania often proved difficult and troublesome. Collection was at times ineffectual because merchants and residents were willing to evade payment when they could and because of half-hearted efforts by appointed collectors. Isaac Norris usually paid the impost on Negroes

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sent to him by his West Indian associates, though he found that the first duty act could be evaded. "I saved the Duty of thy Negro Sussex," he wrote Richard Sleigh in 1701, "by Selling him So long after ye Vessell Come in It was not minded." There are suggestions, too, that the Assembly itself was unsure just how some provisions of the duty acts should be interpreted.

The office of provincial collector was a coveted post. But however appealing in monetary terms, the collector often found enforcing the duty acts a burdensome task, and if his accounts fell too far in arrears he could expect some probing of his activities by the Assembly. Late in 1718, after a legislative committee had examined the duty accounts and reported that a substantial amount, chiefly due on imported Negroes, was unpaid, the Assembly ordered that "Owen Roberts, Collector of the Impost, &c. appear, and lay before the House his Reasons for the Impost and Excise not being better collected and paid." Following Roberts' testimony, in which he stated that citizens were uncooperative, "the Law was read, and the said Collector put upon the better Discharge of his Duty."8

Two years later, in 1720, while attending a meeting of the Assembly, the collector was informed of some delays in the exercise of his duties and charged with a better performance in the interest of "getting in the Publick Monies." In view of the increasing seriousness of the problem, the Assembly ordered that "the Committee [of Accounts] acquaint the Treasurer and Collector, that all Bonds taken for the Publick Monies arising on the several Acts of Assembly of this Province, that are not satisfied in two Months after the Time of the Debenture is out, be forthwith put in Suit by the Attorney-General, and that the Treasurer see the same done accordingly." Perhaps part of the problem lay in the inability of one collector, charged with enforcing all of the colony's duty acts, to oversee the entire collection process. If so, something could be said for Governor Keith's proposal, made when the duty act of 1722 was under consideration, that a deputy be appointed to assist the collector. But the Assembly could not agree to an amendment to

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8 Votes of Assembly, II, 1291-1293, 1298.
the bill "impowering the Collector to make a Deputy, especially in this County [Philadelphia]." 

On the other hand, numerous petitions presented to the Pennsylvania Assembly indicate that in some instances collectors were overzealous in their enforcement of the Negro duty acts, to the point, for example, of attempting to collect the impost on slaves expressly excluded from the purview of the acts. Such petitions reveal, too, that the collectors simply were not as well acquainted with the provisions of the law as the public interest might reasonably demand. Thus, in 1715, a petition of one Thomas Armitt set forth that "he having imported a Negro Woman Slave, which, from a Child belonged to his Wife, and brought here to attend on her Service, without any Design of selling the said Slave (for which the Collector demands Five Pounds Duty) and desiring he may be admitted to have his said Negroe without paying the said Duty." The law of 1715 was explicit on such eventualities, and it must have been with some impatience that the Assembly reported that "the Law for the Duty on Negroes has fully provided in such Cases" and the petitioner was referred to its provisions. When William Asheton petitioned the Assembly in 1721, praying that he not be required to pay duty on three Negroes brought in for his family's use, the legislators replied: "That the Officer be directed to be well advised in respect of his Duty upon the said Law, and where he finds Persons to be exempt, that he fail not to take such Security as the Law directs." 

It has often been assumed that the Negro duty act of 1729, without a limiting clause in the number of years it might be enforced, continued in operation until passage of the act of 1761, which, it is true, did contain a clause repealing the legislation of 1729. Yet there is hard evidence, difficult to disregard, indicating that no duty was paid on Negroes who entered Pennsylvania during the decades of the 1730's, the 1740's and the 1750's. On December 2, 1731, Isaac Norris received two slaves shipped from William Forbes of

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9 Ibid., 1325-1326, 1416.
10 Ibid., 1162-1161, 1351, 1352.
Jamaica, paying the £2 duty on each as required by law. Only a few weeks later, however, the circular instruction of 1731 reached Pennsylvania; whereas Rhode Island, upon receipt of the instruction, repealed its existing duty law, the solution in the Quaker colony was to cease enforcing the act of 1729. Governor Gordon wrote to home authorities on October 2, 1735, informing them that there were no “duties whatsoever now paid or payable on the importation or exportation of Negroes.” At the end of a legislative session in 1739, Speaker Andrew Hamilton said that “Our foreign Trade and Shipping are free from all Imposts, except those small Duties payable to his Majesty by the Statute Laws of Great Britain.” The correspondence of Robert Ellis from 1736 to 1746, when he was importing numerous slave cargoes into Pennsylvania, contains no reference to a slave duty. Moreover, the provincial account book for the years 1758, 1759, and 1760 contains no account for new Negroes. Unless the evidence is ignored, it can no longer be assumed that the duty on Negroes was collected after 1731; Pennsylvania had elected to cooperate with the home government.

Just as the provisions of the Negro duty acts achieved a degree of permanence in 1761, so too did the collection procedure become more standardized, and, when compared with earlier years, more rigidly enforced. The Negro duty act of 1761 was publicized in local newspapers and notices offering Negroes for sale began to appear with the notation “Duty paid.” Charles Humphreys, appointed collector for Philadelphia County, placed numerous notices in the newspapers reminding citizens of the Negro duty: “all Persons having imported, or brought any Negroe or Mulattoe Slaves into this County, are requested to make their Entries, and give Bond and Security, as the Law directs, for the Payment of the Duty imposed, otherwise the Slaves will be forfeited according to Law, wherein the Masters may not expect any further Indulgence.”


Much of the vigor with which the duty act of 1761 was enforced can be traced to the activities of the chief collector, Thomas Coombe. The surviving records show that Coombe was not only diligent but for the most part successful in his efforts to collect the duty on imported slaves. Thus, in 1765 he seized and sold two slaves brought into Pennsylvania illegally. He received £100 from their sale, from which he deducted seventeen shillings for the hire of a horse and expenses while in the country. Five shillings were paid to the constable, £7 went to the informant who reported the slaves, and £20 were placed in the duty account, leaving a net balance of £71 18s. for the colony.  

Philadelphia merchants quickly discerned that the duty act of 1761 was to be stringently enforced, and they were careful to comply with its provisions. Large slave cargoes brought into the Delaware River were landed either on the Jersey shore or at Wilmington in New Castle County. Prospective purchasers were then provided with transportation if they wished to inspect the Negroes, and they then became responsible for the duty payment if the slaves were taken into Pennsylvania. In May, 1761, for example, Willing, Morris and Company advertised the sale of three slaves housed on the Jersey shore, stating that “The Purchaser to pay the Duty lately imposed by Act of Assembly, if brought into this Province.”

Behind Pennsylvania’s Negro duty acts were varied motives and forces, not always as clear as one would like, but from which one can with some degree of accuracy locate major influences. Complicating and perhaps misleading any attempt to interpret the duty laws is the often-stated assertion that Quakers dominated the Assembly for much of the colonial period. No study has been made of the religious composition of the various assemblies; the frequent references to Quaker control of the legislative branch of the government are based on statements by contemporaries. For certain of the Assembly sessions, reliable reporters can be accepted when they say

15 *Pennsylvania Statutes at Large*, VI, 110; Account of the Seizure of two Negroes, 1765, Thomas Coombe Papers. See also Thomas Coombe permit issued to Mrs. Mary Smith, Aug. 17, 1761, Society Collection; Bond issued to Charles Willing and Samuel Appowen, Aug. 8, 1763, Charles Willing File, Willing Papers; Certificate issued to Capt. Majnus Miller, July, 1768, Society Collection.

that Friends were in a majority. In 1740 the Assembly itself reported that "the greater number of the present Assembly are of the people called Quakers." And there is no reason to reject the statement of Thomas Willing in 1755; aroused by Quaker insistence on a policy of nonresistance as the Seven Years' War approached, Willing spoke of "our Body of Representatives, 27, of whom out of 36, are Quakers..." When four Friends resigned their Assembly seats the next year, over the issue of the colony's defenses, they stated that Quakers "from the first Settlement of this Colony have been the Majority of the Assemblies..."\(^7\)

To say that Quaker dominance accounts for the passage of the Negro duty acts does not seem to take into consideration the lowering of the duty from £5 to £2 in 1729, for here the argument that Friends acted through the legislature to restrict the Negro traffic would seem to break down. Other debates also occurred in the Assembly which raise questions about the desire of Friends to limit the slave trade by means of the taxing machinery.\(^8\)

Leaving aside the question of Quakers in the Assembly and Quaker antislavery feelings, there are other quite plausible explanations for the Negro duty acts. Until 1761, and with the exception of the prohibitory act of 1712, the primary consideration was a need for revenue with which to meet the colony's financial obligations. The first three duty acts were all general revenue laws. Besides Negro slaves, the act of 1700 taxed wines, rum, beer, ale and cider. According to the act, its passage was "In testimony of our respect and regard to our proprietary and governor and his heirs, and for his and their supply and support." Isaac Norris, whose description of the legislative session of 1700 was quoted earlier, saw the duty act of that year as a revenue measure designed to supply the governor's salary. The act of 1706 taxed liquors as well as Negroes, and provisions relating to both were part of a general revenue measure. Titled "An Impost Act, Laying a Duty on Negroes, Wine, Rum and Other Spirits, Cider and Vessels," the act of 1711 was also passed as a means of gaining revenue; the preamble noted that "it is the

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\(^8\) Votes of Assembly, III, 1846.
practice of all countries to provide funds to defray their exigent charges. . . .” Embodied in acts levying an excise on items other than Negro slaves, while at the same time placing only moderate duties on Negroes (£1, raised to £2 in 1706), the three earliest duty laws were clearly revenue measures.19

The unusual circumstances associated with the passage of the Negro duty act of 1712 unleashed forces as unlike those responsible for the earlier legislation as the new £20 duty was unlike the previous £2 rate. Signifying a break with previous policy and a shift from revenue to prohibition, the duty act of 1712 was titled “An Act to prevent the Importation of Negroes and Indians into this Province.” A £20 duty would definitely have been a burden sufficient to terminate the importation of Negroes. Shortly after passage of the act, one merchant reported on the state of trade and current prices and said that “Negroes are prohibted [sic].”20

The establishment of a £20 duty at a time when a £2 impost was in force stemmed from petitions presented to the Assembly by aroused citizens. One of these, “signed by many of the Inhabitants of this Province,” prayed for “the Prohibition of Negroes.” After a second reading, the Assembly declared its agreement, “that an Impost of Twenty Pounds per Head be laid on all Negroes imported into this Province.” The clerk was ordered to provide a bill for this purpose and, after some debate and amending, it became law on June 7, 1712.21

This desire to prohibit the Negro slave trade, given clear expression in petitions to the Assembly, had its genesis in a serious Negro revolt which occurred in New York City on the night of April 6, 1712. The New York governor later theorized that the slaves had risen up in order to “revenge themselves for some hard usage they apprehended to have received from their masters.” Arming themselves with firearms, swords, knives and hatchets, they set out to kill as many of the white inhabitants as they could. First setting fire to an “outhouse” owned by one Vantilburgh, the blacks then organized their forces around the spreading flames. The alarm was

19 Pennsylvania Statutes at Large, II, 105, 280, 382.
20 Ibid., 433; Isaac Norris to Thomas Green, Aug. 6, 1712, Isaac Norris Letter Book, 1709-1716.
21 Votes of Assembly, II, 1012-1013, 1016, 1018-1020, 1034-1035.
sounded and when whites began gathering at the scene of the conflagration, the slaves fired their guns into the forming masses. According to Governor Hunter "not above nine Christians [whites] were killed, and about five or six wounded." Soon outnumbered, the slaves fled into the darkness. "In their flight some of them shot themselves, others their wives and then themselves, some absconded a few days & then killed themselves for fear of being taken." The climax of the whole episode was as bloody and revengeful as the opening shots heard on April 6. Criminal charges were brought against the captured slaves and cruel retaliatory penalties were meted out. "In that Court [wrote Hunter] were 27 condemned, whereof 21 were executed, one being a woman with child her execution is by that meanes suspended. Some were burnt, others hanged, one broke on ye wheele, and one hung alive in chaines in the town, soe that there has beene the most exemplary punishment inflicted that cold [sic] be possibly thought of."

A shiver of fright radiated out from New York into adjoining colonies when news of the insurrection became known. If slaves conspired and revolted there, what was to prevent similar occurrences in Pennsylvania? The only sure remedy against the threat of slave revolts was to prevent the entry of Negroes, and this was the solution hit upon by residents of Pennsylvania. The preamble of the Pennsylvania act stated that, "Whereas divers plots and insurrections have frequently happened, not only in the islands but on the mainland of America, by negroes, which have been carried on so far that several of the inhabitants have been barbarously murdered, an instance whereof we have lately had in our neighboring colony of New York."

Fear of slave rebellion and the terror that might be spread by rebel Negroes was at the heart of the legislation passed in 1712. But following repeal of the £20 duty act, and when the Assembly returned in 1715 to the question of an impost on slaves, the crucial issue seems not to have been how best to prohibit the traffic in slaves, but how most effectively to acquire revenue with which to

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22 Calendar of State Papers, 1711–1712, 301–304; David Humphreys, "An Historical Account of the Incorporation Society for the Propagation of the Gospel in Foreign Parts" (1730), Society Collection.
23 Pennsylvania Statutes at Large, II, 433.
carry out governmental functions. Moreover, rather than Quakers leagued together against assemblymen of other persuasions in an effort to minimize the slave trade, the primary struggle was over what class or classes should be taxed most heavily for support of government. The Assembly proceedings indicate that the specific conflict was between the merchants on one hand and the landowners on the other. Was taxation to be based on real property or on trade?

In the spring of 1715 the Assembly discussed ways and means of raising the sum of £800 for discharging public debts, and a suggestion was offered that a duty of £5 per head be assessed on all Negroes entering the province, excepting only those brought in as menial servants by their immediate masters. As the debate proceeded a bill was drawn up taxing liquors, cider, hops, and Negro slaves. Before the second reading of the bill, however, William Trent, merchant and dealer in slaves, placed before the Assembly a petition opposing passage. The petition was read twice and then Trent was called in to state publicly his objections to the proposed imposts. Several days later, when the duty bill was considered and read a second time, Trent’s proposals were also read and taken into consideration. Within a short time the bill was presented to the governor for his examination, and at this point he took up the cause of the merchants.

Governor Gookin returned the impost bill to the Assembly, stating it as his belief that the measure would not raise the necessary revenue because local merchants would be successful in their efforts to have it repealed by home authorities:

I am informed several merchants in this city Design to transmit home as soon as possible a Copy of it [the bill], and to Back it with a Good sum of money in order to get it repealed; which they say may be obtained in seven or eight months, for that most if not all the Laws Laying a Burthen on Trade hitherto sent home, have been Disapproved; in the mean time they resolve to Refuse paying the Impost; and if their Effects are Seized, will Replevin & stand Tryal, and before Judgment Can’t be obtained the act may appear here repealed.

The governor’s message continued by pointing out the real center of the dispute—that between landowners, who controlled the As-

24 Votes of Assembly, II, 1111, 1119.
25 Ibid., 1130-1131, 1134, 1137.
sembly, and merchants over the least burdensome manner in which to raise revenue: "To this is added that if Trade is in this manner, and at this time Burthened, it may be more so the next Year; and at Last the merchants way [may] be required to pay the Assembly men's Wages, to prevent which they resolve to spare no cost." The merchants were, indeed, opposed to a system of taxation which would place the entire burden of support upon trade. Just such an expression of opinion came from Jonathan Dickinson when he wrote a correspondent at Kingston, Jamaica:

Our affirmacon hath met with a full Stop at home & wee are Disabled in judicall Proceedings, and Our Unhappy Assembly hath been Stumbling at Straws this Six months & Done Nothing therein They are to meet ye Beginning of next mo[nth] The Difficult point wth them hath been how to give ye Governor a Consideracon for 3 years Last past they have pro- posed ye Sum of Six hundred pounds for those three Years past & this to Come but they would have pd [paid] that and there [sic] own Charges by an Impost on Wine & Rum not Laying one penny on the Estates of this Province to Defray ye Charge of Govermt wch the Trading men proposed [in] their address to our Governr.27

Immediately following receipt of Governor Gookin's message, and no doubt with an awareness of the fate of the two earlier Negro duty acts, both of which had been nullified by the home government, a resolution was introduced to embody the Negro duty provisions in a separate bill, omitting those clauses from the general impost act being debated. It was thought that the governor would be more easily won over if the most objectionable of the duty provisions, and those likely to be unacceptable to English authorities, were placed in a separate bill; a veto would not completely nullify all the colony's revenue measures. The Assembly informed the governor of its willingness to compromise:

The House having taken into Consideration the Objections made by the Governor to the Impost Bill, by reason of the shortness of the Time therein appointed; and the Opposition likely to be made by the Merchants of this City, and by the African Company, in relation to the Clause about Negroes, which may occasion the Repeal of the said Bill; the same being fully debated, and a Motion being made, and the Question put, that the In-

26 Pennsylvania Archives, Fourth Series, I, 324.
27 Jonathan Dickinson to "Friend and Kinsman" (Joshua Crosby), Apr. 21, 1715, Jonathan Dickinson Letter Book, 1715-1721, LCP.
habitants of this Province, in general, pay but one Half of the Impost Duty on Wine, Rum etc. during the whole Term; that all Wine, Rum etc. belonging to Non-residents, pay the full Duty; that the Impost Bill be dissected, and the duty on Negroes be in a Bill by itself, as before resolved by this House; and that the said Duties be continued for three years? Resolved in the Affirmative

Still unconvinced, Gookin replied that “the Proposal of the House was nowise satisfactory to him.” He backed up this response with a longer message, emphasizing again the unequal burden which the taxing machinery placed upon tradesmen: “But, to come to the Matter, I am very willing to agree with you in most of the Bills proposed for my Assent; but that of the Impost seems to me to be so unequally laid, that I cannot clear my Conscience of Partiality should I pass it as now drawn up; besides, should the Merchants make no Opposition to it, it will come very far short of the End you Propose.”

The Assembly considered the governor’s message and after “long debate” agreed to raise a land tax if his assent could be obtained to the impost measures. A committee was directed to begin work on a bill for raising a tax on lands. Now satisfied that taxes would be more equally apportioned and also more likely to provide the necessary revenue, Gookin gave his assent to the impost bills, including a separate Negro duty act.

There seems to be no evidence supporting the argument that prohibition or restriction of the Negro traffic was intended by the duty legislation of 1715; the debates in the Assembly and the sparring with the governor indicate, instead, that revenue for support of government was the major issue. Nor can convincing evidence be found showing that anything other than revenue was important in the passage of the duty acts from 1718 to 1729. New assemblies during this period would examine the laws relating to public funds, and when found near expiring they were renewed. The Negro duty acts were continued along with those other acts which provided the colony’s revenue until his death in 1722, Jonathan Dickinson watched with a trader’s eye the numerous

28 Votes of Assembly, II, 1138-1141.
29 Ibid., 1141, 1148-1149.
30 Ibid., 1149, 1150-1151, 1154.
31 Ibid., 1234, 1340-1341, 1351.
taxes placed on Pennsylvania's commerce. It was his belief that landowners persisted in their discrimination against merchants by placing the major tax burden upon trade. Writing in 1718, Dickinson said, "We have [unreadable] Severall Laws to Milck the Trading men placing ye whole Support of government thereon & the planting Intrest [sic] of the Country Doth not pay one penny in ye pound thereto." A similar description of the forces behind the Negro duty act of 1721 was given by Dickinson as he anticipated the legislation of that year: "Its Supposed our Assembly being to a man all the Country Men not one trading man amonge them. And the laws for Suport of government Expire next May. Soe the[y] must provide wch all Conclude will fall on trade and its thought a heavey Taxe upon all Rum Wine and Negroes. Therefore it will be Difficult Trading in those Commodities to pay freight and Duty."  

In the years after 1750 a frame of mind more critical of the slave trade developed among the people at large as well as among Quakers. Those who looked askance at the increase in the number of Negroes imported during the early 1760's were quick to petition the Assembly for restrictions on the trade. In the entry for February 13, 1761, the Assembly journal records the presentation of a remonstrance "from a great Number of Inhabitants of the City of Philadelphia . . . setting forth the mischievous Consequences attending the Practice of Importing Slaves into this Province, and praying a Law to prevent or discourage such Importation for the future." One week later the Assembly discussed the remonstrance and appointed a committee of nine members to bring in a bill in answer to the prayer contained therein. By February 24 the committee was able to deliver a bill levying an impost on imported slaves. Although certain objections were raised, the Assembly within three days passed the bill and sent it to the governor for his assent.  

Philadelphia merchants participating in the slave trade were, of course, fully cognizant of the Assembly proceedings, and even as the Negro duty bill was being debated they were marshalling their forces in order to prevent, if possible, the passage of any kind of restrictive legislation. Within two days of Governor Hamilton's receipt of the
bill, the merchants filed a petition urging that he withhold his assent. No less than twenty-four merchants and firms signed the petition, including such active slave traders as William Coxe, Willing, Morris and Company, Thomas Riche, David Franks, Daniel Rundle, Stocker and Fuller, John Inglis, Samuel and Archibald McCall, and Joseph Marks. Others who signed the petition, but who seem to have been less concerned in the Negro trade, were John Bell, David McMurtrie, Humphrey Robinson, Reed and Pettit, Charles Baths, Philip Kearney, Jr., James Chalmers, Joseph Wood, Hugh Donnaldson, Benjamin Levy, Henry Harrison, John and Joseph Swift, John Nixon, Francis and Rolfe, and Scott and McMichael.

Divorcing themselves from any pecuniary interests, the petitioners informed Governor Hamilton that they had entered the slave trade after observing "the many inconveniencys the Inhabitants have suffer'd for the want of Labourers and artificers," a condition brought about by enlisting servants in His Majesty's service and by the corresponding decline in the importation of German and other white servants. They had, therefore, acquainted their "friends and correspondents" in other areas 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." Further, these same correspondents were unaware of a bill of this nature, and hence were continuing to ship Negroes to Pennsylvania. The merchants asked that some time elapse before the bill became effective: "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."

Governor Hamilton was impressed with the merchants' requests, and he also found other faults with the Negro duty bill. But the

Assembly, while acceding to some of his proposed amendments, was unwilling to accept an executive suggestion that the law become effective only after a six months' grace period:

ey [the Assembly] apprehend considerable Mischief may attend the posponing [sic] the Force of the Act for Six Months, as in that time great Numbers of Negroes may be imported from the West Indies and other places; Besides the House conceive no great Inconveniency or Loss can happen to the Merchant, as slaves are now in great Demand in the Neighboring Colonies, and to allow an Importation for six Months, would, they apprehend, be virtually a Bounty to the Importer during that time, as no others can afterwards import them on equal terms, during the continuance of the Act.36

Finally, on March 14, the bill was signed into law. Not at all pleased with the £10 duty, the merchants made one final effort to suspend enforcement "till after the Arrival of such Slaves as the Petitioners had given Orders for. . .,"37 There was no mellowing of the Assembly's attitude between March and April, however, and the duty act of 1761 continued to be enforced. In spite of their protests the merchants did not find the landing of slaves on the Jersey shore an altogether bad arrangement. Seven years later, in 1768, the £10 duty act, having "been found by experience to be of public utility," was renewed, this time with the full cooperation of Governor John Penn.38

An even greater desire to prohibit the Negro traffic, which was rapidly declining as a commercial enterprise, arose in the next five years, and was made manifest to the Assembly in a petition in 1773. Sponsored by the Society of Friends and laid before the legislators on January 15, this petition was signed by nearly 200 persons, including the Provost of the Philadelphia Academy, three clergymen of the Church of England, two Baptist ministers, five Presbyterian ministers, and two parsons of other denominations. The other signers, according to Anthony Benezet, were "respectable Inhabitants." Benezet believed that "if time would have allowed" rather than 200 signers "we might have had several thousand hands to

37 Ibid., 581, 583; Votes of Assembly, VI, 5215, 5223, 5234; Pennsylvania Statutes at Large, VI, 104, 108, 110.
38 Ibid., VII, 158; Votes of Assembly, VII, 6102, 6123, 6128.
the Petition; the people generally cheerfully concurring." Noting the deep concern which the slave trade from Africa to America was arousing, the petitioners expressed a desire to end the Negro traffic: "We your Petitioners, therefore, most earnestly beseech you to take this matter, which we apprehend to be of the utmost consequence, to the Welfare and safety of the British Colonies, under your most serious consideration and to use your utmost endeavours with the other Colonies, in making such Representations to the King as to you may appear most effectual towards putting a stop to this mighty evil." What the petitioners desired was that the slave trade be cut off at its source—Africa—and they recognized that to do this would require the cooperation and assistance of the home government. There was some disappointment when the Pennsylvania Assembly responded not by appealing to England but by increasing the duty on Negroes and extending enforcement to perpetuity. On February 4, a committee was appointed to prepare and bring in a bill levying an additional duty on Negro slaves. This bill was read the third time and carried to the governor one week later; it was signed into law on February 26. Writing to Granville Sharp, Benezet explained the reasoning behind the increased duty:

the Assembly immediately took our Petition into consideration, agreeing to the expediency of its contents; but upon entering into the merits of the cause, they did not judge the matter was yet ripe for them to put in a petition to the King or Parliament; but thought best, for the present, to lay a farther duty on all Slaves, to be imported, into this Province which is now made perpetual at twenty pounds per Head; which duty it is thought will amount to a tacit prohibition of the trade, and have made the Law perpetual which was to be in force but a number of Years; they apprehend that the passing or refusal of this Law, by the King and Council, will better enable them to judge what farther step to take, with respect to making head with the King and Parliament, that the Slave Trade may be put an end to, which all orders of people here desire may be done.

39 Ibid., VIII, 6915; Anthony Benezet to Granville Sharp, Feb. 18, 1772 (1773), Granville Sharp Received Letter Book, LCP.
40 The text of the petition is in Benezet to Sharp, Feb. 18, 1772 (1773), ibid.
41 Votes of Assembly, VIII, 6937, 6945, 6965–6966; Pennsylvania Statutes at Large, VIII, 330–332.
42 Benezet to Sharp, Mar. 29, 1773, Granville Sharp Received Letter Book.
Quaker concern over the slave trade and their attempt to impede it by imposing restrictions reached fruition only after certain Friends had renounced participation in the affairs of the Assembly in 1756. Early Negro duty legislation in the colony was not enacted with an eye on prohibiting the traffic in slaves. The most that can be said, given the antislavery scruples of some Quakers and their strength in the early assemblies, is that Negroes were taxed for the same reason that modern governments tax liquors and tobacco—ostensibly to discourage their use. But that the primary purpose of the Negro duty acts was to raise revenue cannot be denied; the desire entirely to prohibit the trade became important only with the passage of the act of 1761. The Negro duty act of that year resulted from the expansion of the slave trade at a time when the general public was becoming more aware of the evils of the traffic and more predisposed to prevent it. A communication sent many years later by the Pennsylvania Abolition Society to the Society for the Abolition of the Slave Trade in London credited the real awakening to the iniquities of the Negro trade to the work of the Quaker pamphleteers of the 1750's and 1760's. This letter leaves little doubt that the move toward prohibition of the traffic was first important in 1761 and, with the exception of the act of 1712, not before:

About 30 years ago a few well disposed men published several tracts upon this subject [the slave trade]. These tracts met with great & general opposition. The Controversies produced by them contributed to excite the attention of the public to claims of the Africans, & thereby to encrease the number of their advocates in the middle & Eastern provinces of America. From hence originated the laws in several of them, for imposing such duties upon Slaves as amounted to a prohibition of the importation of them. From the influence of these publications arose too that Law in Pennsylvania for the gradual abolition of Slavery... 43

Whatever the debates and divisions in Pennsylvania relating to the policy to be pursued in placing duties on the slave trade, final determination of the fate of the duty statutes rested with home authorities in England. Of the thirteen major Negro duty acts passed in Pennsylvania, ten were reviewed by the home govern-

ment and three were disallowed. Perhaps it was no accident that the three laws declared inoperative, those passed in 1711, 1712, and 1715, were so disposed of at a time when the African trade was under close examination by both Crown and Parliament.

By the terms of William Penn’s original charter, special dispensation was accorded the laws enacted in Pennsylvania. Specifically, Pennsylvania was allowed five years in which to transmit new laws to the home government for approbation; Crown officials were given six months to review the legislation and to make recommendations. If review were favorable, the laws were allowed to stand for their full terms. But this is not to say that laws were inoperative until approved by the Crown, for new laws became immediately effective without prior review by home officials.44 What this meant in practice, and a point all too obvious to English officials, was that laws were enacted for short periods, less than five years, and were no longer in force when they came up for review in England. The problem, from England’s point of view, was not simply one of unfavorable charter provisions. Throughout the colonial period Pennsylvania displayed a genuine reluctance to transmit its laws to England for review. During the first eleven years of the colony’s existence some two hundred laws were enacted which never reached England at all. As late as 1746 the Board of Trade noted that no Pennsylvania laws had come before it for a period of more than five years. Three of the Negro duty acts passed by the Assembly were never submitted to home authorities—those of 1718, 1721, and 1729. Further complicating the review exercised by home officials was the practice of sending large bundles of laws at one time, so that proper study of them all could not be hoped for within the six-month period established by the charter for review.45

Nevertheless, whenever possible England gave detailed consideration to Pennsylvania’s Negro duty acts, while Pennsylvanians tried to make the laws appear in as favorable a light as possible. Thus, a memorial signed by several colonials accompanied two bundles of

laws sent to England in 1718; one of the laws transmitted was the Negro duty act of 1715, and the memorial carefully pointed out its purpose. It was, the memorial stated, passed by the representatives of the people in order “to raise Money upon themselves, to supplye the publick exigencies of the Government, in such manner, as after a mature deliberation, they thought, would not be burthensome there, or unacceptable at home, Particularly, in the Act for laying a duty on Negroes, they have endeavoured to remove, and take off, the former objections to that Act.”46 A letter sent by Governor William Keith earlier that year to an English official explained the basis upon which the Negro duty act of 1718 had been passed:

Some Laws have been passed here for the support of Government, wherein duties that have been formerly laid, were either renew’d or continued for a longer time, and this rule has been observed, that our duties araising from any part of trade are more than one half less than the duties of the same kind which are now at this time exacted in the neighboring provinces of Virginia Mary Land & New York, whereby we humbly hope that our Laws cannot run the risque of being dissaproved unless those of the same nature in the other provinces be also Repealed.47

Many years later, in 1761, the colony was successful in enlisting the aid of Thomas Penn, proprietorial heir, in its effort to get Crown approval of the Negro duty act of that year. Penn, writing from London, communicated his feelings on the issue to Governor James Hamilton: “As to the Act for laying a duty on Negros, I shal use my endeavours to prevent a repeal of it, and think it highly reasonable that the Province should judge whether they think it for their service to import them; the African Company makes no great figure now, and I hope we shal carry it, tho not without some opposition; I think it not for the Security of those Countrys to encourage their importation, and that to encourage any particular Trade, which will be prejudicial to them is not justifiable.”48 Penn’s hopes were fulfilled, for the duty act of 1761 was allowed to continue as law. Nevertheless, Anthony Benezet,

46 Calendar of State Papers, 1717–18, 402.
47 Gov. William Keith to the Secretary, June 2, 1718, Board of Trade Papers, Proprieties, Vol. X2 (1718–1720), q:159.
reflecting on the issue in 1772, wrote an English friend that “It is true our Assemblies have a right to propose a prohibition of importing of Slaves, but the difficulty has been and still is to get such Laws, which don’t answer the Governments views, to pass, at home. . . .”

England had taken no action on the Negro duty laws passed in Pennsylvania in 1700 and 1706; both laws were examined by home authorities only after they had expired. The acts of 1711 and 1712 were sent to England simultaneously and reviewed concurrently. Notice of their disallowance, along with the disallowance of other laws, was given in the same message. The Act of 1711, it will be recalled, was a general impost act levying duties on wine, rum and other spirits, cider, and vessels, as well as on Negroes. After examining the act of 1711, the Attorney General wrote to the Board of Trade that “Tho’ this Act will expire the 10th of March 1713 [1714], yet I submitt to your Lo’pps Considerations how far it may be proper for them at Pensilvania to lay a Duty on Negros, Wine, Rum, and Shipping, &c., and how far it may affect her Majesties Subjects here of which your L’pps are most proper judges.” When commenting on the prohibitory duty of 1712, after raising the question of interfering with “Trading in Negros,” the Attorney General levelled his criticism at a section of the act which had been incorporated into the earliest Pennsylvania Negro legislation. This act, he observed, “gives a power to break open houses to search upon suspition of Negros being there Generally, which extends to Night as well as day, which power is rarely admitted by our Law in offenses of an inferior nature.” The one other Negro duty act officially voided by the home government was that passed in 1715; disallowance came, however, in 1719, after expiration had occurred. Again, specific exception was taken to that portion of the act authorizing officials to “break open houses . . . without any limitation.”

The Negro duty act of 1718 was apparently never sent to England and therefore no review was exercised. Nor were the laws passed in the 1720’s given proper review by home officials, either because they

49 Benezet to Granville Sharp, Nov. 8, 1772, Granville Sharp Received Letter Book.
50 Pennsylvania Statutes at Large, II, 109, 291; Pennsylvania Archives, First Series, I, 162.
51 Ibid., 159, 160; Calendar of State Papers, 1719-1720, 157.
were never submitted or because they had expired by the time they came up for consideration.\(^{52}\)

So far as Pennsylvania was concerned, the break-through in English policy came with the duty act of 1761. That act was considered by the King-in-Council in February, 1762, and it was allowed to remain in force as a result of the expiration of the six-month repealing period. More significant was the confirmation given to the act of 1768, which continued for seven years "every article, clause and thing" embodied in the earlier legislation. Approval came after careful examination of the act by both the Board of Trade and a committee of the Privy Council.\(^{53}\)

The ability of Pennsylvanians, partly because of favorable charter provisions, to determine for themselves the nature of the duty assessed on new Negroes, is again apparent in connection with the review of the duty act of 1773. This last of the major duty laws had made perpetual the provisions of the earlier act of 1761 while at the same time raising the impost from £10 to £20, a sum intended to be prohibitive. Recognizing that the law of 1773 was intended as a prohibition of the Negro trade, English authorities were painstaking in their examination of its provisions.

The Board of Trade first reviewed the law on February 14, 1774, and referred it, along with others, to legal experts for their opinions in point of law. Early the next month Richard Jackson reported to the Board that "The increase of duty on negroes . . . is manifestly inconsistent with the policy adopted by your Lordships and your predecessors for the sake of encouraging the African trade. . . ." Armed with the report prepared by Jackson, the Board discussed in some detail the intent and probable results of the law. Benjamin Franklin, agent for Pennsylvania, appeared before the Board and defended the law. After discussing the issue with Franklin on May 5, the Board of Trade ordered that a draft of a report be prepared and sent to the Privy Council Committee on Plantation Affairs. This report, urging that the Negro duty act be disallowed, was sent to the Committee on May 12th. Eventually the Privy Council concurred in the judgment that the law should be disallowed, but by

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\(^{52}\) Pennsylvania Statutes at Large, III, 163, 239, 275; IV, 52, 127.

\(^{53}\) Ibid., VI, 110; VII, 158; Pa. Col. Recs., IX, 636-637, 640-641.
then the six-month review period had elapsed and the law was allowed to stand by virtue of the charter clause.  

Conditions in Pennsylvania, as well as elsewhere in the colonies, changed dramatically after 1773. Soon the entire legislative and constitutional procedure, requiring that laws enacted in America be sent to England for review, was altered. American independence removed whatever English interference had existed in Pennsylvania's policy of taxing imported blacks. Pennsylvania now had a free hand with respect to both the slave trade and slavery. In 1780, with the passage of an Act for the Gradual Abolition of Slavery, Pennsylvania became the first state to reveal itself touched by the reform sentiment of the Revolutionary era and to begin the move toward abolition of slavery.

As the foregoing analysis has made clear, however, the long arm of England had not been primarily responsible for shaping the policy with regard to Negro import duties. For the most part, Pennsylvanians had been permitted by English authorities to tax incoming slaves with a minimum of outside interference. The policy that was pursued in Pennsylvania, moreover, seems to have been grounded in such considerations as revenue raising and fear engendered by a growing black population and the likelihood of slave rebellion. Even with the significant Quaker influence in Pennsylvania, there is not much evidence to suggest that humanitarian concerns were prominent, at least not until relatively late in the colonial period.

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