**George Washington and the Pennsylvania Slave Laws**

**by Jack H. Schick**

George Washington wrestled with a serious legal and moral dilemma while he lived in Pennsylvania during his presidency. Founded in 1682, Philadelphia was the largest city in the United States at the time of the American Revolution and was the new nation’s capital from 1790 to 1800. Congress, the Supreme Court and the Executive branch of government met there for most of the time Washington was in office.  Pennsylvania was no longer under the political control of Quakers, but the State’s tradition of equality and freedom for all men persisted.  Slavery was, in effect, banned by the state legislature with the passage of the *Act for the Gradual Abolition of Slavery* in 1780.  Loopholes in the law were eliminated by an amendment to the Act in 1788. Washington, a slave owner all of his life, was forced to make some troubling personal decisions by the Pennsylvania anti-slavery laws.

George Washington, a Virginian, was born into a world where slavery was an accepted institution. Upon the death of his father in 1743, when George was eleven, he inherited a 500 acre estate and ten (Black African) slaves. By the time he was twenty-two and began farming his property, he had 36 slaves. When Washington married Martha Curtis in 1759, she brought twenty slaves of her own to Mt. Vernon. The Washingtons continued to purchase slaves, and the number they held was increased by births on the estate. At the time of his death in 1799, the ex-President owned 316 Negroes.

As time passed, Washington became conscious of the contradictions of slavery. He is quoted as having said: "I never mean ... to possess another slave by purchase; it being among my first wishes to see some plan adopted, by which slavery in this country may be abolished by slow, sure and imperceptible degrees." He recognized that the institution was wrong and against the principles that the United States was built on.  He did not seriously fight against the practice, however. He did not want to anger the southern states, feeling that his duty as President was to unite the nation, not divide it.

Washington also refused to sell his slaves, not wanting to "traffic in human flesh." He lamented, more than once, over the money he could earn by doing so, though. He said: "Half the workers I keep on this estate would render me greater net profit than I now derive from the whole.” In his will, Washington stipulated that all of the Mt. Vernon slaves were to be freed upon Martha’s death. He also provided for their continued care, the education of some of them, the training of all slave children and the care and consideration of elderly wards until Martha died.

Regardless of his softened personal feelings, the ‘way of life’ in Virginia included slavery. The President found that way of life to be a serious problem when he relocated to the nation’s first capital at Philadelphia in 1790. Pennsylvania was always at the forefront in the fight for abolition.  By the time Washington moved his household into the executive mansion there, the importation of slaves into the state was illegal.

The Philadelphia Yearly Meeting of the Society of Friends declared slave owning contrary to Quaker practice in 1696. The Pennsylvania Provincial Assembly passed laws abolishing the import of slaves a half a dozen times between 1712 and 1726. Each time the English Crown over ruled the legislation. Abolitionist societies sprang up in the colony and there was a general disdain for the institution among the population during the 18thcentury. Finally, on March 1, 1780, the Pennsylvania *Act for the Gradual Abolition of Slavery* was passed.

The Act of 1780 was the first attempt by any government in the Western Hemisphere to abolish slavery. Though it did not immediately free anyone, it prohibited further importation of slave into Pennsylvania. If slaves were brought into the state they were automatically freed after six months. The Act required Pennsylvania slaveholders to annually register their existing slaves. If they failed to do so, or if it was done incorrectly, the slaves were automatically freed. Though it did not free existing slaves in the State, children born to slave mothers were now to be designated as indentured servants and were automatically freed when they reached the age of twenty-eight. However, to encourage the government to continue to meet in Philadelphia, the Act specifically exempted members of Congress from the laws. Congress was the only branch of the federal government at that time.

An Amendment to the 1780 Act was passed by the Pennsylvania Legislature on March 29, 1788, to close loopholes slave owners were taking advantage of. The Amendment prohibited sending a pregnant slave woman out of state so her child would be born enslaved, rather than indentured. It prohibited the breaking up of slave families by separating husbands from wives and children from parents. A child born to a slave mother was required to be registered as an indentured servant within six months of birth. The Amendment also prohibited all Pennsylvanians from providing any material support or participating in the building or equipping of ships to be used for the slave trade.

Most significantly for Washington and other government officials who relocated to Philadelphia, a frequently exploited loophole was closed.  The 1780 Act had permitted non-resident “owners” to have slaves in the state for up to six months. The slaveholders could take their slaves out of state--for even one day--before the six month deadline. The ‘countdown’ period would then began again. The 1788 Amendment prohibited this rotation of slaves in and out of the state to circumvent the Pennsylvania laws.

In 1790 Congress was still exempt from the Pennsylvania slave laws, but there were now three branches of government. The Supreme Court (judicial branch), and the President and his Cabinet (executive branch), were not exempt. In fact, Attorney General Edmund Randolph lost his personal slaves to freedom because he did not understand the implications of the Pennsylvania laws. The President’s personal secretary, Tobias Lear, and Randolph both reminded Washington that he had to be very careful to ‘rotate’ his slaves out of state to avoid losing them, himself.

Washington insisted that he was in Pennsylvania only because the temporary national capital happened to be there. He was, in reality, a resident of Virginia and subject only to Virginian slave laws, he insisted. He considered litigating the issue to establish his true residency. He also fought to have the exemption extended to all branches of the federal government. However, he did not want to call attention to the fact that there were slaves in the President’s House and chose to not pursue it.

Instead, Washington repeatedly and knowingly violated the 1788 Amendment by rotating his slaves in and out of the state during his entire stay in Pennsylvania. He was also careful to never stay in Pennsylvania for more than six months at a time to avoid being considered a resident of the state, himself.

Other slaveholding federal officials of the judicial and executive branches had the same problem. Secretary of State Thomas Jefferson swore out an affidavit stating that he would eventually free his slave cook, James Hemings, so that Hemings would promise to not take advantage of the Pennsylvania abolition laws. The *Society for the Abolition of Slavery* based in Philadelphia seems to have turned a blind eye to these acts by federal officials.  Tobias Lear wrote:

"…the Society in this city for the abolition of slavery, had determined to give no advice and take no measures for liberating those Slaves which belonged to the Officers of the general Government or members of Congress. But notwithstanding this, there were not wanting persons who would not only give them (the Slaves) advise, but would use all means to entice them from their masters."

In 1790 there were slightly over 10,000 Black Africans in Pennsylvania.  Over 6,500 of them were free. Conversations with these fortunates, with Quakers and with other abolitionists, coupled with observations of the substantially better life lived by even enslaved and indentured Blacks in Pennsylvania inspired many slaves owned by federal officials to attempt escape.

George Washington’s household was not an exception. Hercules, the President’s renowned personal chef, became too involved with the free life in Philadelphia and was sent back to Mt. Vernon to perform hard labor. He escaped from there in 1797. Ona Judge, Martha Washington’s personal slave and seamstress, escaped from the President’s House when she heard that the First Lady was going to give her to a granddaughter as a wedding gift and she'd be sent her back to Virginia.

The problems federal officials were caused by the Pennsylvania abolition laws is the reason that the U.S. Constitution was written to give Congress exclusive control “over such a District…as may…become the seat of the government of the United States.”  The laws also prompted Congress to pass of the Fugitive Slave Act in 1793 that permitted slave owners to pursue escaped slaves across state lines and required local official to assist in their capture, regardless of state laws.  Washington signed the Act into law.

Most American founding fathers realized the illegitimacy and hypocrisy of slave ownership and freed their personal slaves in their wills. It would be another three quarters of a century before the institution would be eliminated from the North American continent. Today, it is difficult for us to understand the thinking of the great men of that era in regard to this issue. The principles they set down in our documents are correct and good. We can say today, perhaps, that we have come closer to living by those principles than many of the men who wrote them did.

“…all men are created equal and endowed by their creator with certain inalienable rights….”