



THE 1797 PETITION

to Congress from four free African Americans
to protect freed slaves from capture and resale

AND

THE DEBATE

in the House of Representatives to consider the
petition and the vote to deny its hearing in committee

conspicuously, in the view of nations, a blessing to the
people you represent, is the sincere prayer of your po-
titioners.

JACOB NICHOLSON,
JUPITER NICHOLSON, his mark,
JOB ALBERT, his mark,
THOMAS PRITCHET, his mark.

PHILADELPHIA, January 23, 1797.

*"a direct violation of the declared
fundamental principles of the Constitution"*

- ♦ SUBMITTED 23 January 1797 by Jupiter Nicholson, Jacob Nicholson, Joe Albert, and Thomas Pritchett, residents of Philadelphia; Pennsylvania, formerly enslaved in North Carolina before being freed by their owners
- ♦ PRESENTED by Congressman John Swanwick, Pennsylvania, 30 January 1797
- ♦ DEBATED and consideration denied in the U.S. House of Representatives, 30 January 1797

EXCERPTS

In 1775 North Carolina made it illegal to free slaves unless approved by a county court. Over the next decade, however, "persons from religious motives," mostly members of the Society of Friends (Quakers), continued to free their slaves, in some cases buying slaves in order to free them. In response, North Carolina passed another law in 1788 allowing the capture and sale of any former slave who had been freed without court approval, with twenty percent of the sale price going to the person who reported the illegal manumission. Many freed African Americans fled the state to avoid being captured and sold back into slavery.

Four such men, living in the North after being freed in North Carolina, petitioned the U.S. Congress in 1797 to consider the plight of these former slaves and adopt "some remedy for an evil of such magnitude." Was not this act of North Carolina, they asked, "a direct violation of the declared fundamental principles of the Constitution?" Below are excerpts from the men's petition (written by the black religious leader Absalom Jones) and the congressmen's debate on sending the petition to a committee for consideration, as recorded in the *Annals of Congress*, 1797.

Mr. SWANWICK presented the following petition: *To the President, Senate, and House of Representatives. The Petition and Representation of the under-named Freemen, respectfully sheweth: —*

THAT, being of African descent, late inhabitants and natives of North Carolina, to you only, under God, can we apply with any hope of effect, for redress of our grievances, having been compelled to leave the State wherein we had a right of residence, as freemen liberated under the hand and seal of humane and conscientious masters, the validity of which act of justice, in restoring us to our native right of freedom, was confirmed by judgment of the Superior Court of North Carolina, wherein it was brought to trial; yet, not long after this decision, a law of that State was enacted, under which men of cruel disposition, and void of just principle, received countenance and authority in violently seizing, imprisoning, and selling into slavery, such as had been so emancipated; whereby we were reduced to the necessity of separating from some of our nearest and most tender connexions, and of seeking refuge in such parts of the Union where more regard is paid to the public declaration in favor of liberty and the common right of man, several hundreds, under our circumstances, having in consequence of the said law, been hunted day and night, like beasts of the forest, by armed men with dogs, and made a prey of as free and lawful plunder.

late: in the recent past

petition for redress of grievances: one of the five rights guaranteed by the First Amendment (Bill of Rights), i.e., to petition Congress if one's rights have been violated by the government

Among others thus exposed, I, JUPITER NICHOLSON, of Perquimans county, N.C., after being set free by my master, Thomas Nicholson, and having been about two years employed as a seaman in the service of Zachary Nickson, on coming on shore, was pursued

by men with dogs and arms; but was favored to escape by night to Virginia, with my wife, who was manumitted by Gabriel Cosand, where I resided about four years in the town of Portsmouth, chiefly employed in sawing boards and scantling; from thence I removed with my wife to Philadelphia, where I have been employed, at times, by water, working along shore, or sawing wood. I left behind me a father and mother, who were manumitted by Thomas Nicholson and Zachary Dickson; they have since been taken up, with a beloved brother, and sold into cruel bondage.

manumitted:
freed

scantling:
boards used
to frame
houses or ships

I, JACOB NICHOLSON, also of North Carolina, being set free by my master, Joseph Nicholson, but continuing to live with him till, being pursued at night and day, I was obliged to leave my abode, sleep in the woods, and stacks in the fields, &c, to escape the hands of violent men who, induced by the profit afforded them by law, followed this course as a business; at length, by night, I made my escape, leaving a mother, one child, and two brothers, to see whom I dare not return.

&c:
etc.

I, JOE ALBERT, manumitted by Benjamin Albertson, who was my careful guardian to protect me from being afterwards taken and sold, providing me with a house to accommodate me and my wife, who was liberated by William Robertson; but we were night and day hunted by men with guns, swords, and pistols, accompanied with mastiff dogs; from whose violence, being one night, apprehensive of immediate danger, I left my dwelling, locked and barred, and fastened with a chain, being at some distance from it, while my wife was by my kind master locked up under his roof. I heard them break into my house where, not finding their prey, they got but a small booty, a handkerchief of about a dollar value, and some provisions; but, not long after, I was discovered and seized by Alexander Stafford, William Stafford, and Thomas Creesy, who were armed with guns and clubs. After binding me with my hands behind me, and a rope round my arms and body, they took me about four miles to Hartford prison, where I lay four weeks, suffering much from want of provision; from thence, with the assistance of a fellow-prisoner, (a white man,) I made my escape, and for three dollars was conveyed, with my wife, by a humane person, in a covered wagon by night, to Virginia, where, in the neighborhood of Portsmouth, I continued unmolested about four years, being chiefly engaged in sawing boards and plank. On being advised to move Northward, I came with my wife to Philadelphia, where I have labored for a livelihood upwards of two years, in Summer mostly, along shore in vessels and stores, and sawing wood in the Winter. My mother was set free by Phineas Nickson, my sister by John Trueblood, and both taken up and sold into slavery, myself deprived of the consolation of seeing them, without being exposed to the like grievous oppression.

I, THOMAS PRITCHET, was set free by my master Thomas Pritchett, who furnished me with land to raise provisions for my use, where I built myself a house, cleared a sufficient spot of woodland to produce ten bushels of corn; the second year about fifteen; and the third, had as much planted as I suppose would have produced thirty bushels; this I was obliged to leave about one month before it was fit for gathering, being threatened by Holland Lockwood, who married my said master's widow, that if I would not come and serve him, he would apprehend me, and send me to the West Indies; Enoch Ralph also threatening to send me to jail, and sell me for the good of the country; being thus in jeopardy, I left my little farm, with my small stock and utensils, and my corn standing, and escaped by night into Virginia, where shipping myself for Boston, I was, through stress of weather landed in New York, where I served as a waiter for seventeen months; but my mind being distressed on account of the situation of my wife and children, I returned to Norfolk in Virginia, with a hope of at least seeing them, if I could not obtain their freedom; but finding I was advertised in the newspaper, twenty dollars the reward for apprehending

me, my dangerous situation obliged me to leave Virginia, disappointed of seeing my wife and children, coming to Philadelphia, where I resided in the employment of a waiter upward of two years.

The petitioners summarize the similar situation of an unnamed African American who escaped from North Carolina to Philadelphia, where he lived and worked for eleven years before being recaptured and imprisoned.

WE BESEECH YOUR IMPARTIAL ATTENTION to our hard condition, not only with respect to our personal sufferings, as freemen, but as a class of that people who, distinguished by color, are therefore with a degrading partiality, considered by many, even of those in eminent stations, as unentitled to that public justice and protection which is the great object of Government. We indulge not a hope, or presume to ask for the interposition of your honorable body, beyond the extent of your constitutional power or influence, yet are willing to believe your serious, disinterested, and candid consideration of the premises, under the benign impressions of equity and mercy, producing upright exertion of what is in your power, may not be without some salutary effect, both for our relief as a people, and toward the removal of obstructions to public order and well-being.

IF, NOTWITHSTANDING all that has been publicly avowed as essential principles respecting the extent of human right to freedom; notwithstanding we have had that right restored to us, so far as was in the power of those by whom we were held as slaves, we cannot claim the privilege of representation in your councils, yet we trust we may address you as fellow-men, who, under God, the sovereign Ruler of the Universe, are intrusted with the distribution of justice, for the terror of evil-doers, the encouragement and protection of the innocent, not doubting that you are men of liberal minds, susceptible of benevolent feelings and clear conception of rectitude to a catholic extent, who can admit that black people (servile as their condition generally is throughout this Continent) have natural affections, social and domestic attachments and sensibilities; and that, therefore, we may hope for a share in your sympathetic attention while we represent that the unconstitutional bondage in which multitudes of our fellows in complexion are held, is to us a subject sorrowfully affecting; for we cannot conceive this condition (more especially those who have been emancipated and tasted the sweets of liberty, and again reduced to slavery by kidnappers and man-stealers) to be less afflicting or deplorable than the situation of citizens of the United States, captured and enslaved through the unrighteous policy prevalent in Algiers. We are far from considering all those who retain slaves as wilful oppressors, being well assured that numbers in the State from whence we are exiles, hold their slaves in bondage, not of choice, but possessing them by inheritance, feel their minds burdened under the slavish restraint of legal impediments to doing justice which they are convinced is due to fellow-rationals. May we not be allowed to consider this stretch of power, morally and politically, a Governmental defect, if not a direct violation of the declared fundamental principles of the Constitution; and finally, is not some remedy for an evil of such magnitude highly worthy of the deep inquiry and unfeigned zeal of the supreme Legislative body of a free and enlightened people?

SUBMITTING OUR CAUSE TO GOD, and humbly craving your best aid and influence, as you may be favored and directed by that wisdom which is from above, wherewith that you may be eminently dignified and rendered conspicuously, in the view of nations, a blessing to the people you represent, is the sincere prayer of your petitioners.

JACOB NICHOLSON,
JUPITER NICHOLSON, his mark,
JOB ALBERT, his mark,
THOMAS PRITCHET, his mark.

*catholic,
i.e., universal*

*unrighteous
policy prevalent
in Algiers:
Algiers and
the other north
African Barbary
states (Tunis,
Morocco, and
Tripoli) cap-
tured merchant
ships in the
Mediterranean
Sea and held
their crews
for ransom.*

*his mark
in place of
a written
signature*

PHILADELPHIA, January 23, 1797.

The petition being read—

Mr. [John] SWANWICK said, he hoped it would be referred to a select committee.

Pennsylvania
(Democratic-Republican Party)

Mr. [Thomas] BLOUNT hoped it would not even be received by the House. Agreeably to a law of the State of North Carolina, he said they were slaves, and could, of course, be seized as such.

North Carolina
(Dem.-Rep. Party)

Mr. [George] THATCHER thought the petition ought to be referred to the Committee on the Fugitive Law. He conceived the gentleman much mistaken in asserting these petitioners to be absolute slaves. They state that they *were* slaves, but that their masters manumitted them, and that their manumissions were sanctioned by a law of that State, but that a subsequent law of the same State, subjected them to slavery; and if even there was a law that allowed them to be taken and sold into slavery again, he could not see any propriety in refusing their petition in that House — THEY CERTAINLY (said Mr. T.) ARE FREE PEOPLE. . . . He could not see how there would be a propriety in rejecting their petition; they had an undoubted right to petition the House, and to be heard.

Massachusetts
(Federalist Party)

In 1793 Congress had passed the first Fugitive Slave Law, allowing the "arrest or seizure" of fugitive slaves, and fining persons who aided fugitives.

Mr. SWANWICK was surprised at the gentleman from North Carolina [Mr. BLOUNT] desiring to reject this petition; he could not have thought, nor could he indulge the suspicion now, that the gentleman was so far from acknowledging the rights of man, as to prevent any class of men from petitioning. . . . If a law was ever made that bore hard on any class of people, Mr. S. hoped that the door would never be shut to their complaints. . . . He animadverted on the atrocity of that reward of ten dollars offered for one of them if taken alive, but that fifty should be given if found dead, and no questions asked. Was not this, he said, encouragement to put a period to that man's existence? Horrid reward! Could gentlemen hear it and not shudder?

Pennsylvania
(Dem.-Rep. Party)

animadvert:
to comment
unfavorably or
critically

Mr. BLOUNT said, the gentleman last up was mistaken in calling the petitioners free men; the laws of North Carolina, as he observed before, did not suffer individuals to emancipate their slaves, and he should wish to know what evidence there was to prove these men free, and except that was proved, the House had no right to attend to the petition.

North Carolina
(Dem.-Rep. Party)

suffer: allow
except, i.e.,
unless

Mr. [Samuel] SITGREAVES, in answer to the gentleman last up, said he would reverse his question, and ask what evidence he had to prove that these men are not freemen; can he prove they are slaves? . . . Was there anything in these men, he asked, that should prevent every kind of assistance being bestowed on them? Had they not an equal right to be heard with other petitioners? . . .

Pennsylvania
(Federalist Party)

Mr. [John] HEATH was clearly convinced these people were slaves, and therefore hoped their petition would lie on the table [not be acted upon by the House]. . . .

Virginia
(Dem.-Rep. Party)

lie on the table:
not be acted upon

Mr. [James] MADISON said, he should be sorry to reject any petition whatever, in which it became the business of the House to attend; but he thought this case had no claim on their attention. . . . If they are free by the laws of North Carolina, they ought to apply to those laws, and have their privilege established. If they are slaves, the Constitution gives them no hopes of being heard here. . . .

Virginia
(Dem.-Rep. Party)

lie on the table:

Mr. [Robert] RUTHERFORD . . . The circumstances attending this case, he said, demanded a just and full investigation, and if a law did exist either to emancipate, or send these poor people into slavery, the House would then know. . . . This case, from the great hardships represented in the petition, applied closely to the nicest feelings of the heart,

Virginia
(Dem.-Rep. Party)

and he hoped humanity would dictate a just decision.

Mr. [Ezekiel] GILBERT hoped the petition would be referred to the committee proposed; he thought it laid claim to the humanity of the House. . . .

New York
(Federalist Party)

Mr. W[illiam]. SMITH . . . These men are slaves, and, he thought, not entitled to attention from that body [the House]; to encourage slaves to petition the House would have a tendency to invite continual applications. Indeed it would tend to spread an alarm throughout the Southern States; it would act as an “entering wedge,” whose consequences could not be foreseen. . . .

South Carolina
(Federalist Party)

Mr. [George] THATCHER said, he was in favor of referring this petition [to a committee for consideration]. . . . The gentleman from North Carolina [Mr. BLOUNT]^{*} is of the opinion that these people being slaves, the House ought not to pay attention to their prayer. This, he said, is quite new language — a system of conduct which he never saw the House practise, and hoped he never should This was a language which opposed the Constitutional freedom of every State where the Declaration of Rights had been made; they all declare that every man is born equally free, and that each have an equal right to petition if aggrieved — this doctrine he never heard objected to.

Massachusetts
(Federalist Party)

. . . These were a set of men on which the fugitive law had no power, and he thought they claimed protection under the power of that House, which always ought to lean towards freedom. Though they could not give freedom to slaves, yet he hoped gentlemen would never refuse to lend their aid to secure freemen in their rights against tyrannical imposition. . . .

Mr. [James] HOLLAND said, the gentleman from Massachusetts [Mr. THATCHER]^{*} said “the House ought to lean towards freedom.” Did he mean to set all slaves at liberty, or receive petitions from all? Sure he was that if this was received, it would not be long before the table would be filled with similar complaints, and the House might sit for no other purpose than to hear them. It was a Judicial question and the House ought not to pretend to determine the point; why, then, should they take up time upon it? . . .

North Carolina
(Dem.-Rep. Party)

Judicial question:
for courts to
decide (judicial
branch), not Con-
gress (legislative
branch)

Mr. [Joseph] VARNUM . . . hoped the House would take all possible care that freemen should not be against having the fact examined; if it appears that they are slaves, the petition will of course be dismissed, but if it should appear they are free, and receive injury under the fugitive act, the United States ought to amend it, so that justice should be done. . . .

Massachusetts
(Dem.-Rep. Party)

fugitive act
see note, p. 4,
[Mr. Thatcher].

On the question for receiving the petition put, it was negative — yes 33, noes 50.

the petition put,
it was negative:
the petition having
been put to a
vote, it was
denied (a hearing
in a House
committee)

Two years later in 1799, Rev. Absalom Jones wrote another petition, signed by seventy African American residents of Philadelphia, that was submitted to Congress. The petition appealed for action against slave catchers who kidnapped free blacks in the North and took them to the South to be enslaved or re-enslaved. This petition was also denied consideration by the U.S. House of Representatives.

* Bracketed identification in original.