

New Jersey: A State Divided On Freedom

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Was New Jersey the most resistant to ending slavery among northern states, or was it a progressive place where former slaves found unique opportunities to pursue freedom, self-determination, and defense from determined slave-catchers? The answer depends on where you look.

The New Jersey legislature passed a law to end slavery by gradual manumission in 1804 -- making it the last northern state to take definitive action on emancipation. This legislation required the registration of the births of enslaved children born after July 4, 1804 and declared such children to be "free," after a period of up to 25 years of indentured servitude to their mothers' masters.¹ It was not until 1846 that the New Jersey legislature abolished slavery completely, but even then, remaining slaves in the state were reclassified as indentured servants "apprenticed for life."² By contrast,³ Massachusetts' abolition law freed all slaves instantly in 1783. A Gradual Manumission law was passed by New York in 1799, and slavery was effectively ended in that state by 1827. In Pennsylvania, a gradual manumission law was passed in 1780, and legal slavery ended in 1847.

Some researchers challenge the notion that New Jersey's 1804 law resulted in bona fide freedom for many blacks in the state. Gigantino recounts cases of New Jersey blacks being sold as slaves after their indentures should have been completed, including the case of a woman who was listed as a free in the 1850 census but was sold as a slave in 1856.⁴ Wright points out that 18 slaves were enumerated in the state in 1860, noting that slavery was not abolished completely in New Jersey until passage of the Thirteenth Amendment.⁵ Wright also notes that New Jersey was the only northern state that failed to ratify the Thirteenth, Fourteenth, and Fifteenth Amendments,⁶ and was the only northern state that Lincoln did not carry in the 1860 election.⁷ Marrin reminds us that by 1830, fully one-third of the 3,568 northern blacks still held as slaves lived in New Jersey.⁸ Certainly New Jersey *as a whole* was slow in embracing full emancipation, compared to other northern states.

In spite of New Jersey's overall slower pace in ending slavery, policies and statistics describing the extent of slavery in its more populous northern counties after 1804 typically

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- 1 The law required twenty-five years of indentured servitude for males and twenty-one years for females. Thus, males born in 1804 would complete their indenture in 1829. Females would finish in 1825.
 - 2 Giles R. Wright, *Afro-Americans in New Jersey: a short history* (Trenton: New Jersey Historical Commission, 1989), 27
 - 3 Edgar McManus *Black Bondage in the North* (Syracuse: Syracuse University Press, 2001) 143-164
 - 4 James J. Gigantino, *The Ragged Road to Abolition Slavery and Freedom in New Jersey, 1775-1865* (Philadelphia, University of Pennsylvania Press, 2015), 1
 - 5 Wright, 27
 - 6 Wright, 27
 - 7 Wright, 28
 - 8 Richard B Marrin *Runaways of Colonial New Jersey: Indentured Servants, Slaves, Deserters, and Prisoners, 1720-1781* (Westminster, Heritage Books, 2007), 328

obscure the more progressive attitudes held in the state's southern region, where, long before 1804, a majority of blacks were free. Most notably, in the 1790 Census, nearly two-thirds of blacks living in the southern region were classified as free; and by 1820, that proportion had reached 96 percent.⁹ This regional disparity has been attributed largely to Quaker influence: John Woolman, arguably the prominent 18th century Quaker abolitionist, was from Mount Holly, New Jersey, near Philadelphia -- the long established central hub of Quakerism in the United States. Quakers were also leaders of advocacy to end slavery in New Jersey having petitioned the state legislature to abolish slavery in 1785. These efforts eventually led to the 1804 law, described above. The regional distribution of slaves in New Jersey in 1820¹⁰ is telling: only 182 (four percent) of 4,318 Blacks in the southern counties were slaves, while 7,375 (47 percent) of 15,699 blacks in the north were slaves. By 1840, there were only four slaves in the southern counties, but 672 in the north.¹¹ To be sure, Quaker influence was strong in southern New Jersey counties, while virtually absent in the north.

The prevalence of antebellum free blacks and the policies and attitudes that facilitated their growth and development was evident in the substantial number of free black communities in New Jersey, the majority of which were located in the southern region.¹²

Evidence of these communities' existence and viability include land records documenting land purchases and mortgages, probate records, articles of incorporation for churches and schools, and mainstream newspaper stories reporting events in black communities. Free black communities gave black people opportunities to purchase land, receive wages for their labor, and create their own institutions. They also provided a structure for residents to organize to protect each other from southern slave catchers who often targeted them when seeking to capture "real or perceived" escaped slaves. One such community was Timbuctoo, located in Burlington County, NJ, near Philadelphia.

Settlement in Timbuctoo began in 1826 when four men, all believed to be escaped slaves from Maryland, purchased land from a Quaker businessman by the name of William Hilyard. On September 3rd of that year, Ezekiel Parker¹³ paid \$22.16 for one and four-tenths acres of land and Wardell Parker¹⁴ bought one and a half acres for \$24.05. Later that month, on September 23rd, Hezekiah Hall¹⁵ bought a half-acre parcel from Hilyard for \$8.33. David Parker¹⁶ paid \$15.40 for one acre. The next sale was on December 15, 1829 when John Bruere¹⁷

9 US Census Bureau US Census of Population and Housing, https://www.census.gov/history/www/through_the_decades/overview/. Accessed on May 20, 2015,

10 Ibid

11 Ibid

12 Wright, 39

13 Burlington County, New Jersey, Deeds, T2:295, William Hilyard to Ezekiel Parker, 3 September 1826; Burlington County Clerk's Office, Mount Holly

14 Burlington County, New Jersey, Deeds, T2:298 William Hilyard to Wardell Parker, 3 September 1826; Burlington County Clerk's Office, Mount Holly

15 Burlington County, New Jersey, Deeds, H4:324, William Hilyard to Hezekiah Hall, 23 September 1826; Burlington County Clerk's Office, Mount Holly

16 Burlington County, New Jersey, Deeds, T2:296, William Hilyard to David Parker, 23 September 1826; Burlington County Clerk's Office, Mount Holly

17 Burlington County, New Jersey, Deeds, Y2:577, Samuel Atkinson to John Bruere, 15 December 1829; Burlington County Clerk's Office, Mount Holly

bought an acre for \$30. Over the next two decades, several additional sales occurred. Timbuctoo appeared on a deed for the first time in 1830 after a handful of households had been established. In 1834, the African Union School was founded after Peter Quire and his wife sold a portion of their land to the school's Trustees for \$1.00. The deed ¹⁸ recited fascinating details of community organization and self-determination by Timbuctoo residents:

Whereas in the Settlement of Tombuctoo aforesaid and the vicinity thereof there are many of the people of Colour (so called) who appear sensible of the advantages of a suitable school education and are destitute for a house for that purpose. And the said Peter Quire and Maria, his wife, in consideration of the premises and the affection they bear to the people of Colour, and the desire they have to promote their true and best interests, are minded to settle, give, grant, and convey a part of the above said premises to the uses and intents herein after pointed out and described.

The deed also described rules for the future appointment of Trustees that included a requirement that they be "People of Colour that reside within 10 miles of the premises." Incorporation documents indicated that trustees of schools and churches formed by blacks had to take an oath before a county official, a commonplace for most institutions during that period. Extending that requirement to black institutions suggested some level of local government recognition of and support for these efforts. It is noteworthy that Timbuctoo residents established a school during a time when black education in many southern states was deemed a criminal enterprise.

The New Jersey Mirror Newspaper, published from 1818 to 1947, provides a rarely available contemporaneous window into historical events in Timbuctoo. As the predominant regional newspaper of that era, the white-owned paper, surprisingly, routinely reported a number of details about black life in Timbuctoo as part of its regular weekly news. For example, deaths of "rank and file" blacks were published together with the obituaries of whites. The 1851 obituary of Hezekiah Hall,¹⁹ an original Timbuctoo settler in 1826, reported that he had been a slave of Charles Carroll of Carrollton,²⁰ and escaped bondage in 1814. It goes on to say that he was "regarded by *everyone* as a man of unblemished character, and his truly upright walk and Christian deportment commanded the highest respect." The 1862 obituary of Perry Simmons²¹ noted that "his attempted arrest as a fugitive slave created considerable excitement in our neighborhood," caused him to suffer illness that ultimately led to his death, and that Perry was "at last beyond the reach of his Southern master." Reports

18 Burlington County, New Jersey, Deeds, G3:389, Peter Quire to Edward Giles, et.al., 15 December 1829; Burlington County Clerk's Office, Mount Holly

19 "Obituaries," The New Jersey Mirror, 27 February 1851, p.3, col.2; Indexed Transcription, Burlington County Library System (<http://www.bcls.lib.nj.us/newspapers/newjerseymirror>)

20 Charles Carrol was the first Senator elected from Maryland and a signer of the Declaration of Independence

21 "Obituaries," The New Jersey Mirror, 13 February 1862, p.3, col. 1; Indexed Transcription, Burlington County Library System(<http://www.bcls.lib.nj.us/newspapers/newjerseymirror>)

of the 1875 death of “whitewasher” Lambert Giles^{22,23} described him as an “industrious and worthy man” whose death would be lamented by his customers and that he would “be more missed than would many of our more pretentious citizens.” David Parker also an original Timbuctoo settler in 1826 was described in his 1877 obituary²⁴ as “an aged colored man who for perhaps a half-century has occupied prominent position with his race in this vicinity, and who has commanded the respect and esteem of a large number of white friends.” It went on to say that he was “possessed of more than ordinary intelligence and a determined will, which made him a natural leader among his people” and that he “would be missed by our citizens of both races.” Certainly, these depictions of blacks in mainstream news are contrary to New Jersey’s reputation as more conservative on racial issues than other northern states.

The narrative of antebellum free black people in southern New Jersey adds an additional critical perspective to our predominate understanding of 19th century black America as primarily submission and struggle. Newspaper articles and legal documents of antebellum land records, probate records, and incorporation papers of free black communities are replete with illuminating details that point to some fledgling successes in southern New Jersey. These can guide us in an expansion of the scope of our research while broadening understanding of the America inhabited by our ancestors.

Similarly, coverage of issues of interest to blacks was surprisingly detailed and thoughtful. In nearly 1100 words, *The Mirror* vividly if not jubilantly described a failed attempt by a posse to capture former slave Perry Simmons, whose obituary is referenced above. In an article entitled *The Battle of Pine Swamp*²⁵ a reporter recounted the slave catchers’ journey to Simmons’ house, their unsuccessful confrontation with him, their ambush by other Timbuctoo residents under the leadership of “King” David Parker (also referenced above), and their less than dignified swift retreat down the turnpike road from whence they’d come. It used words like “invaders” and “kidnappers” to refer to the slave catchers, clearly indicating the paper’s disagreement with the 1850 Fugitive Slave Act that supported efforts to capture and return slaves that had escaped to the north. See the entire text of this exciting news report below.

Author Biography

Guy Oreido Weston has been engaged in genealogy research for over 25 years, with substantial focus on his maternal ancestors in Timbuctoo, NJ, where his fourth great- grandfather bought a family plot in 1829 for \$30. Guy conducts various research projects and public history initiatives to raise the profile of antebellum free African Americans across New Jersey history. He currently chairs Westampton Township’s Timbuctoo Advisory Committee, and maintains the website www.timbuctoonj.com. Weston is a visiting scholar of history at Rutgers University in New Brunswick, NJ. He holds the M.A. degree in Bilingual-Bicultural Studies from LaSalle University in Philadelphia, and is currently studying for the professional genealogist’s exam.

22 “Obituaries,” *The New Jersey Mirror*, 22 April 1875, p.3, col. 3; Indexed Transcription, Burlington County Library System (<http://www.bcls.lib.nj.us/newspapers/newjerseymirror>)

23 “Local Briefs,” *The New Jersey Mirror*, 29 April 1875, p.3, col. 1; Indexed Transcription, Burlington County Library System (<http://www.bcls.lib.nj.us/newspapers/newjerseymirror>)

24 “Obituaries,” *The New Jersey Mirror*, 28 June 1877, p.3, col. 1; Transcribed from Microfilm by Guy Weston on 21 September 2017

25 “Local Facts and Fancies” *The New Jersey Mirror*, 6 December 1860, p.3, col. 1; Transcribed from Microfilm by Guy Weston on 21 March 2017

EXCITEMENT AT TIMBUCTOO THE BATTLE OF PINE SWAMP-THE INVADERS FORCED TO RETREAT

Great excitement has been created among the colored population of Timbuctoo and vicinity, in consequence of a recent "visit extraordinary" of some officials and notorious individuals, in search of alleged runaway slaves. The contemplated visit was known to a few persons here, some weeks since. Suspicions were first excited in consequence of the notorious George Alberti, being seen in the neighborhood. He was accompanied by a Negro named Wright, a former resident of Timbuctoo. They were at the house of Elsie Jackson, a colored woman of that place, on a Sunday morning, leaving there about daylight.

On Thursday night last, the "grand descent" was made, which, unfortunately for the officers and their assistants, resulted in a "grand failure," and showed that it was no easy matter to capture a runaway slave, who has for ten or twelve years enjoyed his freedom.

The party started from Camden in four hacks, at about 8 1/2 o'clock in the evening. It comprised Deputy U.S. Marshal Schivers, George Alberti, the well-known slave-catcher who has been here before on the same business, Caleb Wright, a colored man who formerly lived in this vicinity, and some six or eight others from Camden and Philadelphia.

They arrived at Moorestown a few minutes before 10 o'clock, where we learn they procured the services of a constable, and then started on their journey. They came through Rancocas, up the Turnpike, turning into the Pine Swamp Road, proceeding cautiously on until a little after 11 o'clock, when they reached the scene of their operations - a one story tenant house, on the farm of Alan Fenimore, occupied by a colored man, named Perry Simmons. They already, doubtless, congratulated themselves upon their easy victory. They were well armed, and supplied with hand-cuffs. Twelve men thus "equipped" could certainly very soon and easily capture a negro or two. All being ready, they proceeded to the door of Perry's "castle," and gave some tremendous knocks, which aroused the family, consisting of Perry and his wife, a son aged 17, a daughter aged 21, and two small children. Perry asked who was there, when one of them said they had a warrant for Perry Simmons who was charged with stealing chickens at Moorestown. Perry at once suspected who they were and the object of their midnight errand, and very coolly answered that they could not fool Perry Simmons with any such story as that and with his family, hastily retreated to the loft, where he had two loaded guns, and an axe, and prepared himself for the worst.

The party becoming satisfied they would not admitted, broke open the door, and found that the inmates were in the attic which could only be reached by a winding stairway. They called upon Perry to surrender, but he told them "never, while he lived." The family were of course in the highest state of excitement and the alarm, but Perry, considering the circumstances, was firm and undaunted, and stood at the head of the stairway, with one of his guns, threatening to shoot the first man who attempted to come up. Two pistols, loaded only with powder, were fired up the steps thinking to intimidate him - but it was of no use.

He maintained his ground and not a man dared to approach him. Old Alberti, at one time, started up the stairway, but as he turned round, so that the top was visible, he saw that muzzle of Perry's musket was but a short distance from him, and he came down something quicker than he went up.

By this time the invading party, being quite cold, had made a fire, around which they remained all night. Perry and his family occasionally varying the entertainment by terrific screams of "murder" and "kidnappers," hoping thereby to arouse some of the neighbors.

The party remained until about half-past 6, in the morning, thinking all the while, that they would be able to adopt some plan to secure and carry off their prisoner. At an early hour, a son of Allen Fenimore - for whom Perry worked - being on his way to the stable, heard the cry of kidnappers! kidnappers!" and looking towards Perry's house, saw the carriages. He hastened over, when he was ordered off by the kidnappers, and he immediately started for Timbuctoo, three quarters of a mile distant, and gave the alarm. The war tocsin was sounded, and in a few minutes, the inhabitants turned out *en masse*, and armed with every conceivable weapon, were soon on a "quick march" for the field of strife, yelling and screaming at the top of the voices.

The kidnappers hearing the unearthly noise, turned their eyes in the direction from whence it proceeded, and saw the negroes rapidly approaching, - "terrible as an army with banners" -- looking more infuriated and determined than a battalion of Zouaves, making a charge. They once concluded that "discretion was the better part of valor," and hastily retreating to the carriages, left the scene of their *brilliant* achievement as though Old Satan was after them.

They undoubtedly had a great horror of the Timbuctoo warriors, for they went down the road at a rapid rate, and when they passed through Rancocas, the horses were even then being urged to their utmost speed.

This midnight attack upon the Pine Swamp Fortress will long be remembered. The heroic party came--they saw -- but didn't conquer. The foe was driven to his last extremity, within the Fort, but not one of the plucky invaders dare close in upon him. He held them all at bay, until Timbuctoo's Fusiliers, Reserve Guard, and Petticoat Rangers, under the command of King David, on "Old Shanks" high-mettled charger, came up, with shout and song, swept the field, and set the captives free.

Simmons has lived in this vicinity, some ten years. We presume he has left, ere this, for other parts. It is thought that the "kidnapping" party intended to carry off the entire family.

Wright, the colored spy and informer, when he lived in Timbuctoo, professed great pity, preached occasionally, and sang and shouted as loudly as any of them. He was then, doubtless, laying his plans to have some of the inhabitants captured, by which he could pocket a clever sum. If the Bucktonians should get hold of him, he would meet with rough usage, and perhaps exercise his vocal organs more powerfully than ever before.

New Jersey Mirror, Mount Holly, NJ p.3, December 6, 1860