

# NOMINATION OF HISTORIC BUILDING, STRUCTURE, SITE, OR OBJECT

## PHILADELPHIA REGISTER OF HISTORIC PLACES

### PHILADELPHIA HISTORICAL COMMISSION

SUBMIT ALL ATTACHED MATERIALS ON PAPER AND IN ELECTRONIC FORM ON CD (MS WORD FORMAT)

#### 1. ADDRESS OF HISTORIC RESOURCE (must comply with a Board of Revision of Taxes address)

Street Address: **No OPA address** (Townsend Rd & Burling Ave)

Postal code: 19154

Councilmanic District: 10th District

#### 2. NAME OF HISTORIC RESOURCE

Historic Name: Burying Place For All Free Negroes or People of Color within Byberry Twp.

Common Name: Byberry Township African-American Burial Ground

#### 3. TYPE OF HISTORIC RESOURCE

Building

Structure

Site

Object

#### 4. PROPERTY INFORMATION

Condition:  excellent  good  fair  poor  ruins?

Occupancy:  occupied  ~~vacant~~  under construction  unknown

Current use: Employed & Encroached, Used as Right of Way for Public Utility Poles

#### 5. BOUNDARY DESCRIPTION

Please attach a plot plan and written description of the boundary. [See: Attached Plot Plan](#)

#### 6. DESCRIPTION

Please attach a description of the historic resource. [See: Attached Description](#)

#### 7. SIGNIFICANCE

Please attach the Statement of Significance. See: [Attached Statement of Significance](#)

Period of Significance (from year to year): from 1780 to 1980 (Protected by Byberry Friends)

Date(s) of construction and/or alteration: On or before 01/19/1780

Architect, engineer, and/or designer: \_\_\_\_\_

Builder, contractor, and/or artisan: \_\_\_\_\_

Original owner: Thomas Townsend (mill owner & operator)

Other significant persons: African American Labor Force is a significant piece of American History

The nameless African Americans who died in Byberry and were buried in makeshift gravesites long before Act for the Gradual Abolition of Slavery, which was enacted in Pennsylvania on 29th February 1780, is unenumerable & those locations may never become known.

Jim [Walton]. According to Joseph C. Martindale who wrote *A History of the Townships of Byberry and Moreland, in Philadelphia, Pa.*, Jim was “a negro belonging to Daniel Walton.” He is listed as the first known burial in the Byberry Township African-American Burial Ground.

**Daniel Walton's 1767 Byberry Tax Assessment**

22	Daniel Walton		
	103 Acres and Dwelt £18	10	16 "
	27 do Wood Land . . . . .	2	3 "
	4 Horses . . . . .	2	13 4
	4 Cows . . . . .	1	6 8
	3 Sheep . . . . .		3 "
	1/2 a Saw Mill St . . . . .	2	8 "
	1 Servant . . . . .	1	10 "
	1 Negro . . . . .	4	" "
		£	25 " "

Courtesy of Rare Book & Manuscript Library University of Pennsylvania

**CRITERIA FOR DESIGNATION:**

The historic resource satisfies the following criteria for designation (check all that apply):

- (a) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, Commonwealth or Nation or is associated with the life of a person significant in the past; or,
- (b) Is associated with an event of importance to the history of the City, Commonwealth or Nation; or,
- (c) Reflects the environment in an era characterized by a distinctive architectural style; or,
- (d) Embodies distinguishing characteristics of an architectural style or engineering specimen; or,
- (e) Is the work of a designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the City, Commonwealth or Nation; or,
- (f) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or,
- (g) Is part of or related to a square, park or other distinctive area which should be preserved according to an historic, cultural or architectural motif; or,
- (h) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or City; or,
- (i) Has yielded, or may be likely to yield, information important in pre-history or history; or
- (j) Exemplifies the cultural, political, economic, social or historical heritage of the community.

**8. MAJOR BIBLIOGRAPHICAL REFERENCES**

Please attach a bibliography. See: [Attached Bibliography](#)

**9. NOMINATOR** Joseph J. Menkevich, Independent Researcher, Date: 10/31/2014  
Email: Menkevich.Research@gmail.com

Organization: Member of Historical Society of Pennsylvania

Street Address: 4740 Castor Avenue Telephone: 215-289-0365

City, State, and Postal Code: Philadelphia Pennsylvania, 19124

Nominator  is  is not the property owner.

**PHC USE ONLY**

Date of Receipt: 29 June 2015 (revised)

Correct-Complete  Incorrect-Incomplete Date: 14 August 2015

Date of Notice Issuance: 14 August 2015

Property Owner at Time of Notice

Name: City of Philadelphia, Department of Public Property

Address: City Hall, Room 790

City: Philadelphia State: PA Postal Code: 19107

Date(s) Reviewed by the Committee on Historic Designation: 16 September 2015

Date(s) Reviewed by the Historical Commission: 9 October 2015

Date of Final Action: 9 October 2015

Designated  Rejected

3/16/07

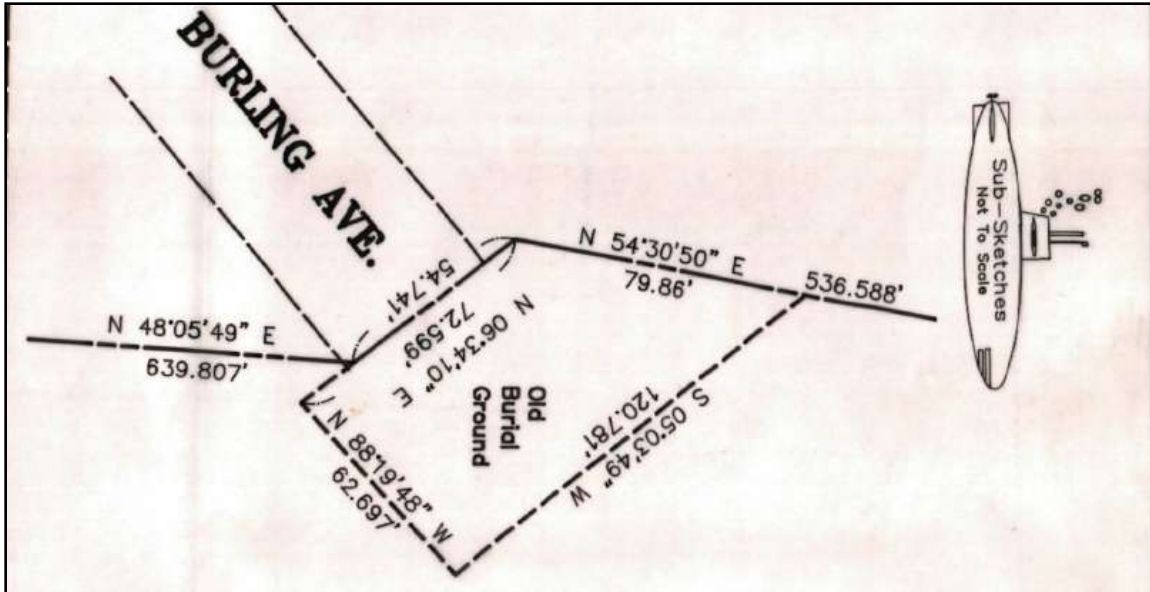
## 5. BOUNDARY DESCRIPTION



*Above Maps and parcel information courtesy of Parcel Explorer, Department of Records, City of Philadelphia: <<http://www.phila.gov/applications/parcel.html>>. (Last Accessed: June 28, 2015).*



ALL THAT CERTAIN lot or piece of ground, Situate in the 66<sup>th</sup> Ward of the City of Philadelphia, described according to a Plan of Property, made for Philadelphia Industrial Development Corporation by John Reilly, Surveyor and Regulator of the 4<sup>th</sup> Survey district, dated September 17, 1976 to wit:



Plan Courtesy of the 4<sup>th</sup> Survey District, 1701 Bower St. Phila., Pa. 19115.

**BEGINNING** at a point on the Westerly side of Townsend Road (33 feet wide) at the distance of 941 feet 4 ½ inches Northeastwardly from the center line of Meeting House Road (30 feet wide) —

**thence** extending North 06°34'10" East along the Westerly side of Townsend Road crossing the head of Burling Avenue (40 feet wide), the distance of 72 feet 7¼ inches to a Point, said Point being the centerline of Townsend Road —

**thence** extending along said centerline of Townsend Road North 54°30'50" East, the distance of 79 feet 10 & 3/8<sup>th</sup> inches to a point —

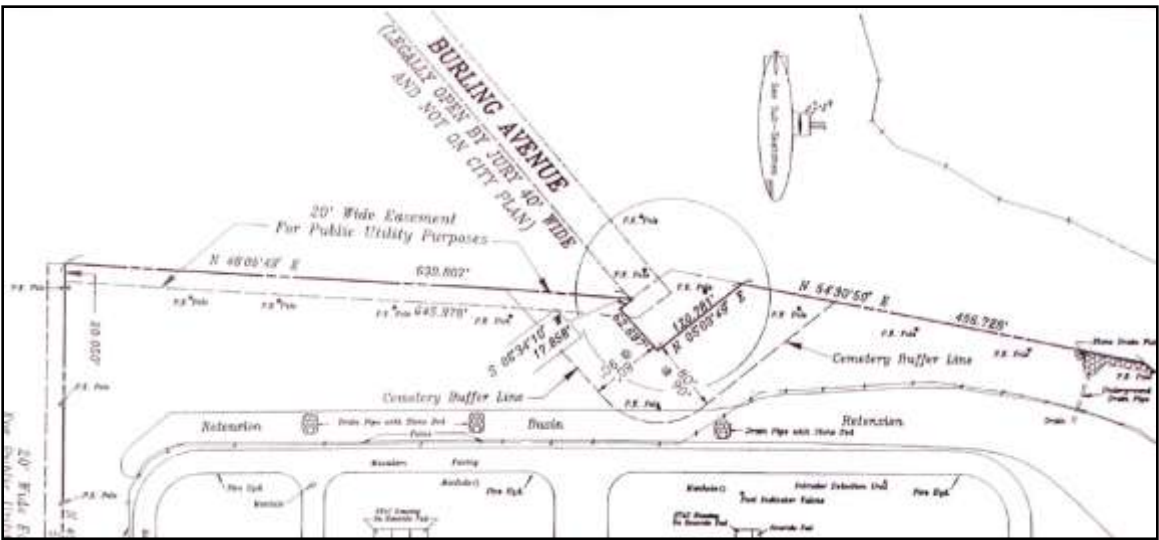
**thence** extending South 05°03'49" West, partly crossing the bed of Townsend Road, the distance of 120 feet 9 & 3/8<sup>th</sup> inches to a point —

**thence** extending North 88°19'48" West, crossing the bed of Townsend Road, the distance of 62 feet 8 & 3/8<sup>th</sup> inches to the first mentioned point and place of beginning.

[NOTE: This parcel has been identified in Philadelphia Mapping, Room 170, City Hall and confirmed by Philadelphia Department of Records, Room 154 City Hall, Philadelphia Pa. — Being the same parcel of land which on 4<sup>th</sup> December 1872, John P. Townsend (Trustee) transferred to Watson C. Martindale (Trustee) "In Trust only to and for the use, intent and purpose of a Burying place for All free Negroes within the Limits of Byberry particular Meeting agreeable with ... conditions and provisos Contained in a Certain Indenture bearing Date the 19<sup>th</sup> Day of the 1<sup>st</sup> Month in the year 1780... and for no other purpose whatsoever..." recorded in Philadelphia Deed

Book FTW Vol.16, pages 24 through 26, — Also Being the same premises which on the 10<sup>th</sup> December 1906 Watson C. Martindale (Trustee) transferred to Edward Comly (Trustee) “...forever In Trust only to and for the use, intent and purpose of a Burying Place for all free negroes or people of colour within the limits of Byberry particular meeting of Friends agreeable to the grant conditions and proviso Contained in a Certain Indenture bearing Date the 19<sup>th</sup> Day of the 1<sup>st</sup> Month in the year 1780 according to the true intent and meaning thereof and to and for no other use intent or purpose whatsoever...” recorded in Philadelphia Deed Book WSV Vol. 813 pages 4 through 6. Being the same premises which in 1980, the Trustees of Byberry Monthly Meeting of Friends Sold to the City of Philadelphia for the sum of Three Thousand (\$3,000) Dollars. Deed is unrecorded, missing a complete date. Boundary extracted from this deed].

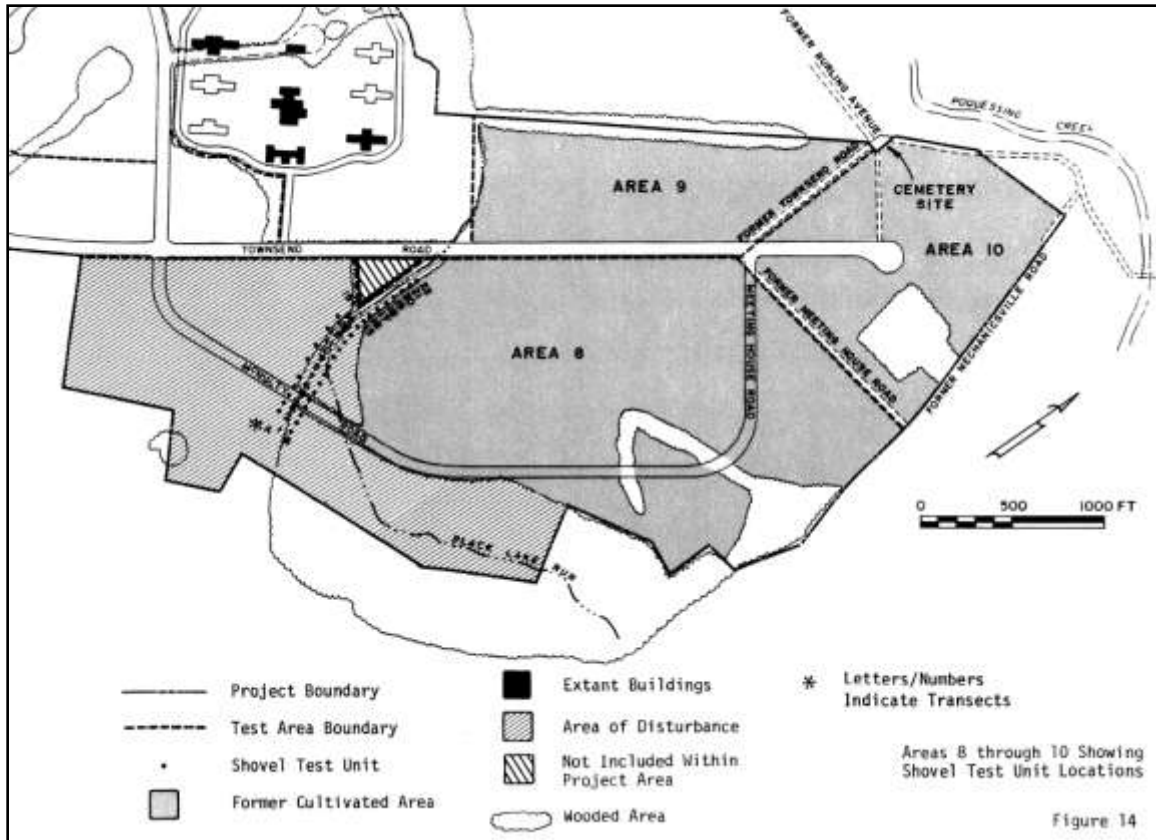
[V-44-599] by Barry Slepion, Surveyor & Regulator 4<sup>th</sup> District



*Survey & Plan  
of Property  
Made For  
Byberry GSA Associates  
66th Ward  
Philadelphia, Pennsylvania*

Surveyed - December 09, 1994

**Phase One Study - Milner, 1988 – Figure 14**



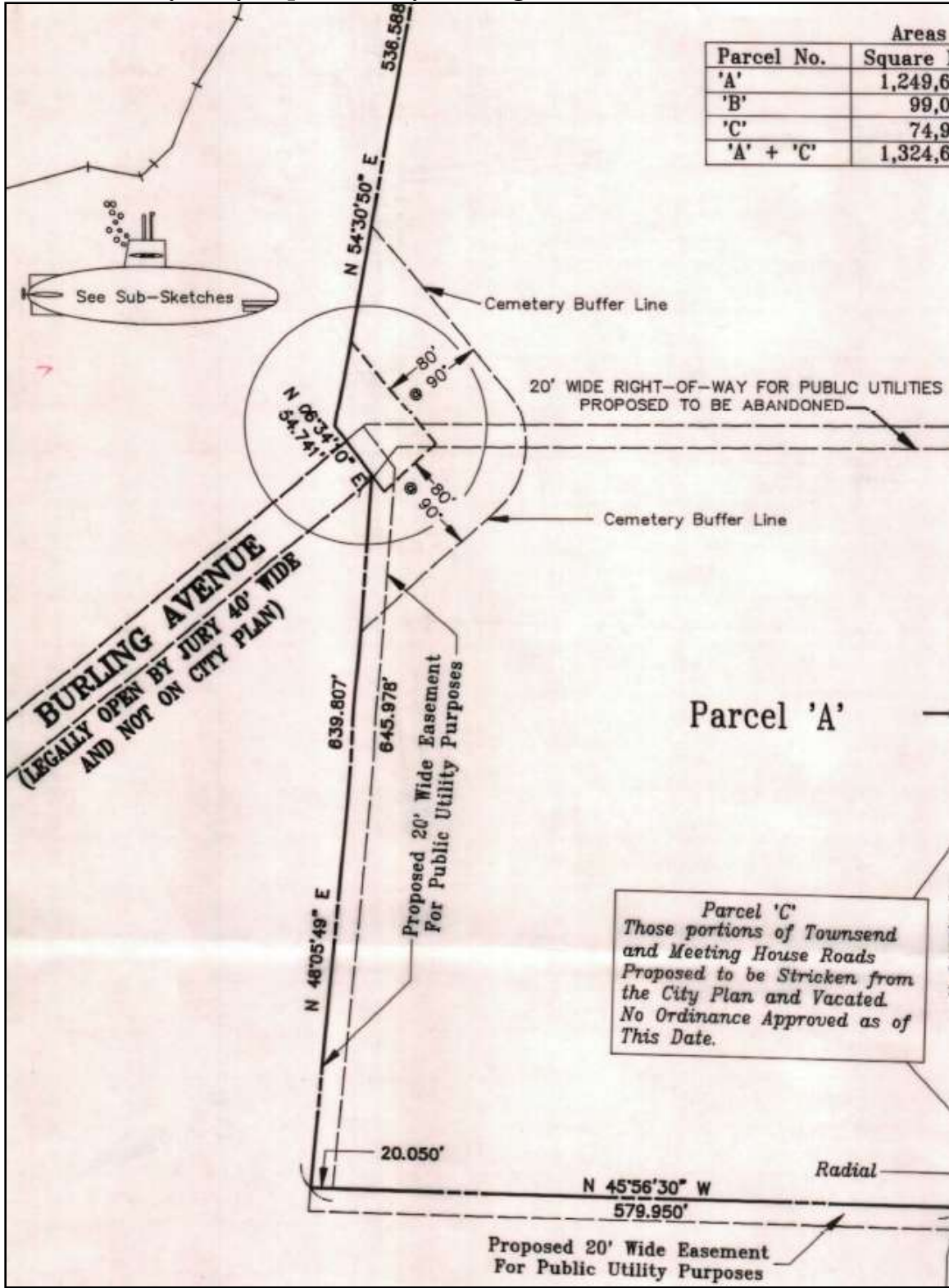
**Areas 8 and 10, and the black cemetery in Area 10 will be protected from development...**

In the case of the black cemetery associated with the Byberry meeting, it is understood that this area that this area will be avoided during construction. In order to ensure that no damage occurs to this potential fragile cemetery it is recommended that an area 20 feet on each side of the legally defined boundary the cemetery be fenced prior to construction in order to avoid any possibly encroachment on the site. Furthermore, it is recommended that the installation of the fence be monitored by a qualified archeologist in order to ensure that no disturbance to the site take place during this activity.

**Phase Two, Louis Berger Associates, 1993**

LBA recommended buffer fence distance to be increased to 80 feet and a zone from approximately 75 to 150 feet from the cemetery site should be archeologically tested to ensure that no adverse impact would occur to the cemetery site as result of the proposed construction. LBA further recommended that additional historic research be undertaken in order to verify and document the legal boundaries of the cemetery.

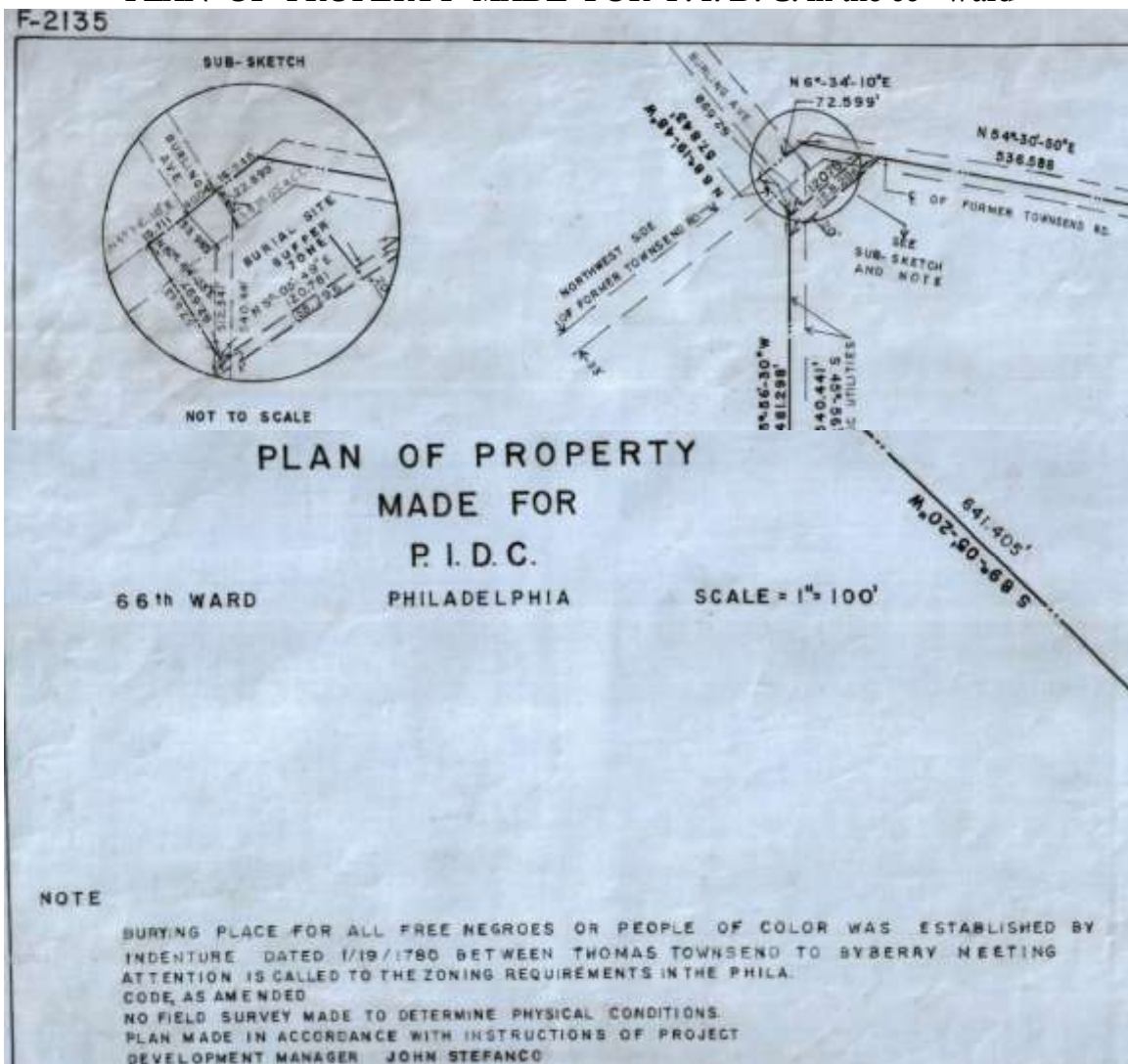
[V-44-599] by Barry Slepion, Surveyor & Regulator 4<sup>th</sup> District



Surveyed - December 09, 1994



PLAN OF PROPERTY MADE FOR P. I. D. C. in the 66<sup>th</sup> Ward

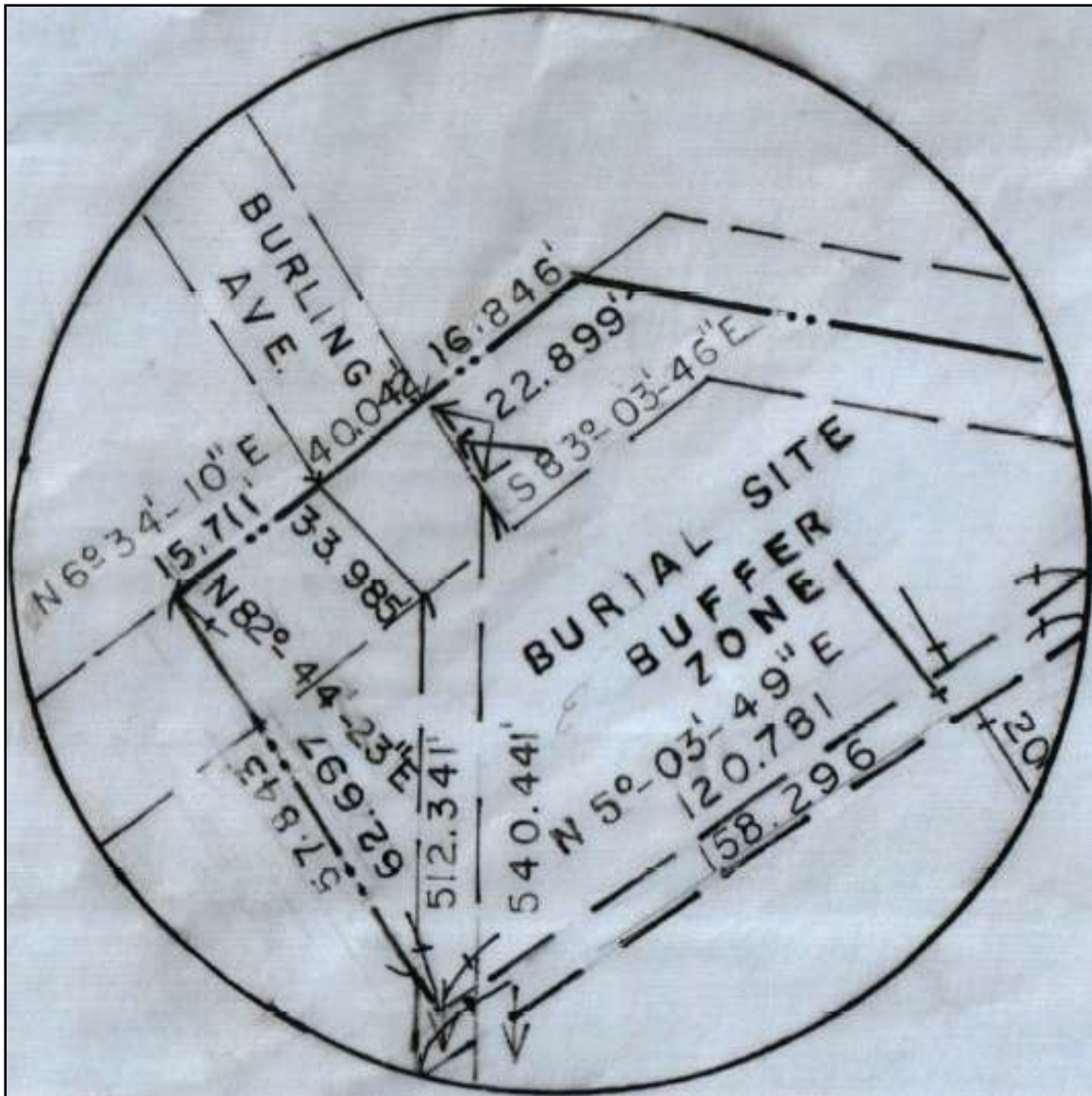


Surveyed September 30, 1987 by Israel Zeitz, Surveyor & Regulator 4<sup>th</sup> Dist.

**NOTE: BURYING PLACE FOR ALL FREE NEGROES OR PEOPLE OF COLOR WAS ESTABLISHED BY INDENTURE DATED 1/19/1780 BETWEEN THOMAS TOWNSEND TO BYBERRY MEETING**

ATTENTION IS CALLED TO THE ZONING REQUIRMENTSIN PHILA. CODE, AS AMMENDED  
NO FIELD SURVEY MADE TO DETERMINE PHYSICAL CONDITIONS  
PLAN MADE IN ACCORDANCE WITH INSTRUCTIONS OF PROJECT DEVELOPMENT MANAGER JOHN STEFANCO

SUB - SKETCH - PLAN OF PROPERTY MADE FOR P. I. D. C. in the 66<sup>th</sup> Ward



Surveyed September 30, 1987 by Israel Zeitz, Surveyor & Regulator 4<sup>th</sup> Dist.

## 6. DESCRIPTION

Presently, the Byberry Township African-American Burial Ground is neglected. The location of the burial ground (since its inception) is the intersections of Old Townsend Road, Burling Avenue & Meeting House Roads. The area is overgrown with saplings, grasses, vines & bramble. It is not fenced, marked or protected. One must be familiar with the area or have accessibility to a draft, plan or blueprint in order to identify the convergences of the dirt roads with utility poles & the right-of-ways.

Today, the words “Buffer Zone” (which appears in several of the surveys), is a misnomer & misleading to a layperson that might read the reports. The Buffer Zone exists only as imaginary lines on the City Surveys near the former intersections of Old Townsend Road, Burling Avenue and the former Meeting House Road.

Presently, there are no corner markers, no signage, no fencing which would indicate the existence of any burial ground.



**Present view of Byberry Township African-American Burial Ground with NARA in background. Photograph taken January 31, 2013.**



Any reference to the area being protected (in the Phase One & Two reports) was within the context of and time of the study and probably not meant to be interpreted as permanent protection, but meant only while construction of the NARA building.

Presently, the only true protection this burial ground receives is the fact that its location is so remote and inaccessible except through Benjamin Rush State Park or by accessing through the rear parking lots of the adjacent landowners broken and inadequate fencing.

23rd & 35th Wards by G.W. Bromley & Co. - 1894

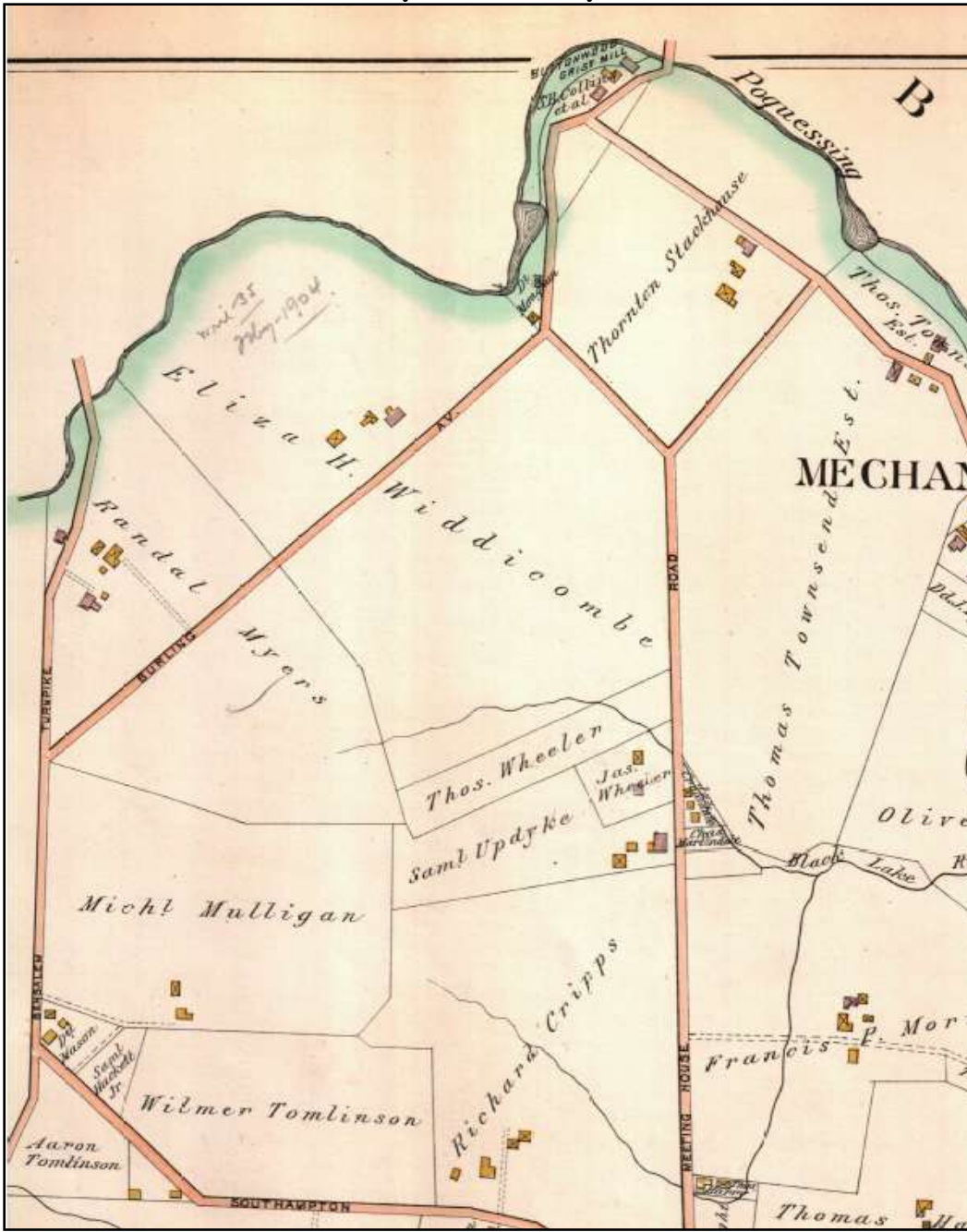
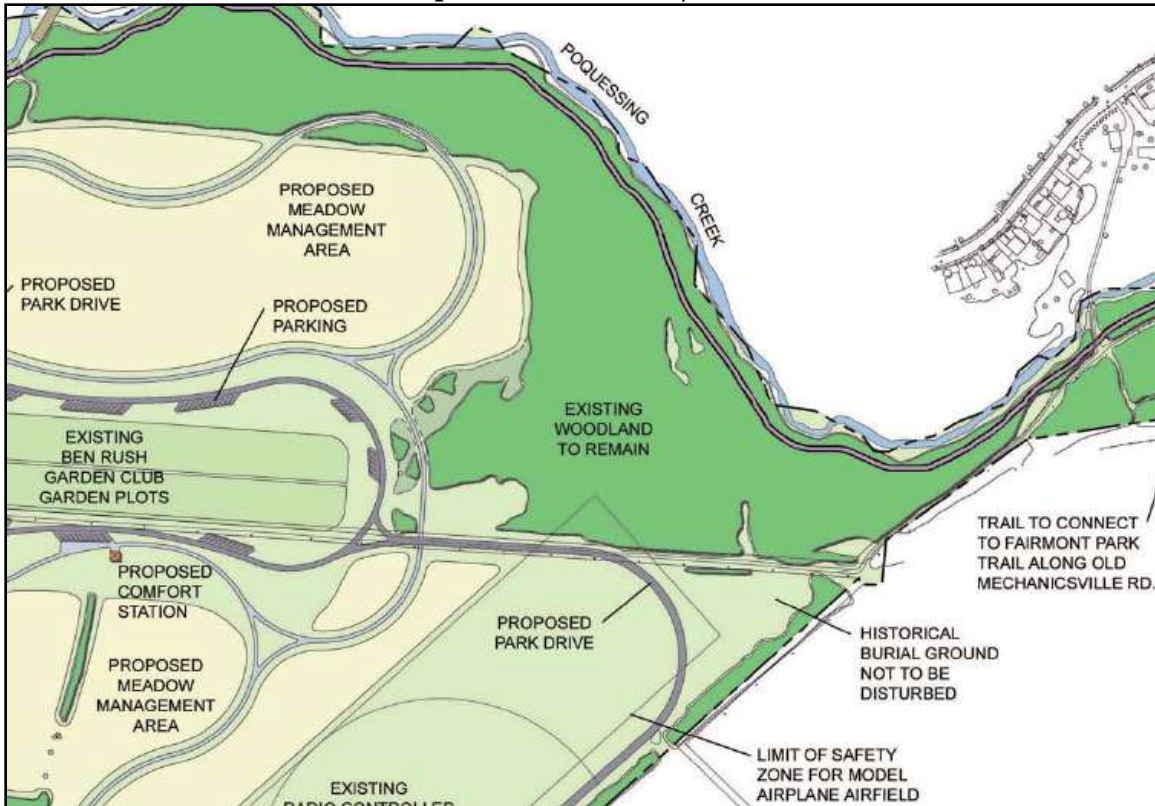


Plate 28 - Accessed: Philadelphia City Archives

The Byberry Township African-American Burial Ground is located on property of Thornton Stackhouse, as seen on the above plate. Burling Avenue has been struck from the City Plan as a result of the development of Benjamin Rush State Park. Burling Avenue is now an access road through the State Park, meeting the former Old Townsend Road (section). Blueprints indicate a Public-Utility right-of-way that runs through the burial ground, which is accessible from a parking lot outside of the rear of the park.

**Section of the Proposed Plan of Benjamin Rush State Park**



**Plan of the Park**

On the above plan, the “Historical Burial Ground not to be disturbed” is misidentified as being inside the State Park, when in fact it is located just above, as a small right triangular corner just outside the park and outside the jurisdiction of the Pennsylvania DCNR.

It is remarkable and ironic (in contrast with Dr. Benjamin Rush’s activities as an abolitionist against Slavery & the proximity of the burial ground to the State Park), at no time during the conception of Benjamin Rush State Park (1976 to present) were any studies done, nor any funding allocated by the State of Pennsylvania for the purpose of the inclusion of the Byberry Township African-American Burial Ground to be developed or protected as an historic site within the State Park.

There were no public hearings held by the State of Pennsylvania, the City of Philadelphia, or the Federal Government for perseveration of this historic African-American burial ground.



BYBERRY ROAD PETITION & COURT ORDER

7<sup>th</sup> day of September One Thousand Seven Hundred and Sixty Seven

To the Honourable his Majesties Justices of the Peace,  
holding a Court of Quarter Sessions at Philadelphia for  
the County Afore- on the Seventh Day of September Anno  
One Thousand Seven Hundred and Sixty Seven

The Petition of sundries the Inhabitants of  
the Township of Bybury in the County Afore- and  
Places Adjacent. — — — — —  
Humbly Sheweth

That as your Petitioners hath long labour'd under the  
Disadvantage of — a troublesome Carriage to Mill for  
the use of our families, and Market of our Produce, and as  
Thomas and John Townsend hath Erected a Convenient and  
Commodious Mills on Poquesing Creek, which is the County line  
~~We presume it will be a great saving to our Affairs~~  
Inconvenience, if your Honours would be pleas'd in your  
Wisdom, to Grant us a Road suitable for the Purpose  
Afore-? Beginning at the Creek which S<sup>r</sup> Mill stands on  
near S<sup>r</sup> Mill, so leading to a Publick Road near Bybury  
Meeting House, And your Petitioners as in Duty bound  
shall Ever Pray

Thomas Townsend —  
John Townsend —  
John Carver Jun<sup>r</sup>  
William Waterbury  
Edward Parry  
Franc Carver

Petition for a Publick Road for Produce, from Mill to Market to the Bybury Meeting House.

7<sup>th</sup> day of December One Thousand Seven Hundred and Sixty Seven

To the Honourable the Justices of the Court of Quarter Sessions  
to be held at Philad: the 7<sup>th</sup> Day of December: 1767

Pursuant to an Order of Last September Term appointing  
us the ~~the~~ Subscribers to View and if we saw Cause to Lay  
out a Road from Poquessing Creek into a Publick Road Leading  
by Byberry Meeting house. We have done the Same and do  
See Cause to Lay out a Road as followeth: Beginning at the  
Poquessing Creek near Tho: & John Townsends Mill Thence  
through P Townsends Lands North twenty Nine Degrees west  
eighteen Perches thence North sixty four and a half west, twenty  
Six Perches thence ~~west~~ <sup>south</sup> fifty Nine Degrees west, Twenty Perches  
Thence South forty one Degrees West twelve Perches Thence South  
Sixty Degrees West thirty Perches Thence South Eleven Degrees West  
sixty two Perches Thence South forty eight degrees West ~~three hundred~~  
and four Perches into the Publick Road Leading by Byberry  
Meeting house on the South West there of Which said <sup>Road</sup> we are  
of the Opinion will be of Publick Use and ought to be thirty  
three feet Wide &c with Submission to the Court

Dated Octo: 22 day 1767

Henry Comly  
Sam: Swift  
Tho: Austin  
John Paul  
Jacob Leach

Report on the Public Road from John Townsend's Mill to Byberry Meeting House

Surveyors report to the Court that they have found Cause to Lay out the road “from the Poquessing Creek into a Publick Road Leading by Byberry Meeting House. We have done the Same...” surveyed and laid out to be 33 feet wide on 22 October 1767.



## Draught: Survey'd October 22, 1767 by Benjamin Austin



The above draft of 1767 has the burial ground marked out in pencil with notations. It is unknown when the pencil notes & drawing might have been added, but they match the 1962 plate below.

## Philadelphia Land Use Map, 1962, Plate 10D-4



<http://www.philageohistory.org/rdic-images/view-image.cfm/LUM1962.10D-4>

Philadelphia Department of Records: Deed Book Series FTW, Vol. 16, Pgs. 24 to 26.

01 January 1872, John P. Townsend to Watson C. Martindale (Trustees)

“To All People Whereas William Walton and Evan Townsend by a Certain Deed Poll dated the Second day of the First Month in the year one thousand eight Hundred and twenty 1820 did Grant and assign unto Jeremiah Comfort, John P. Townsend and [illegible] Walton or the Survivor of them Trustees Appointed by the Preparative Meeting of the People Called Quakers of Byberry A Certain Lot or piece of ground Situate in the Twenty Third Ward of the City of Philadelphia formerly Byberry Township and County of Philadelphia **Beginning** at a **Corner stone** in a line Between Thomas and John Townsend's lands...

John P. Townsend  
to  
Watson C. Martindale

To All People Whereas  
William Walton and Evan  
Townsend by a Certain  
Deed Poll dated the  
second day of the First Month in the year one  
thousand eight hundred and twenty 1820  
did Grant and assign unto Jeremiah Comfort,  
John P. Townsend and Joseph Walton or the  
Survivor of them Trustees Appointed by the  
Preparative Meeting of the people called  
Quakers of Byberry A Certain Lot or piece of  
of Ground Situate in the Twenty Third Ward  
of the City of Philadelphia formerly Byberry  
Township and County of Philadelphia Beginning  
at a corner stone in a line Between Thomas and  
John Townsends lands thence extending South  
ward by the Great Road leading from said  
Townsends Mill to the Byberry Meeting House  
four perches and ten links to a stone for a  
Corner thence Eastward three perches and

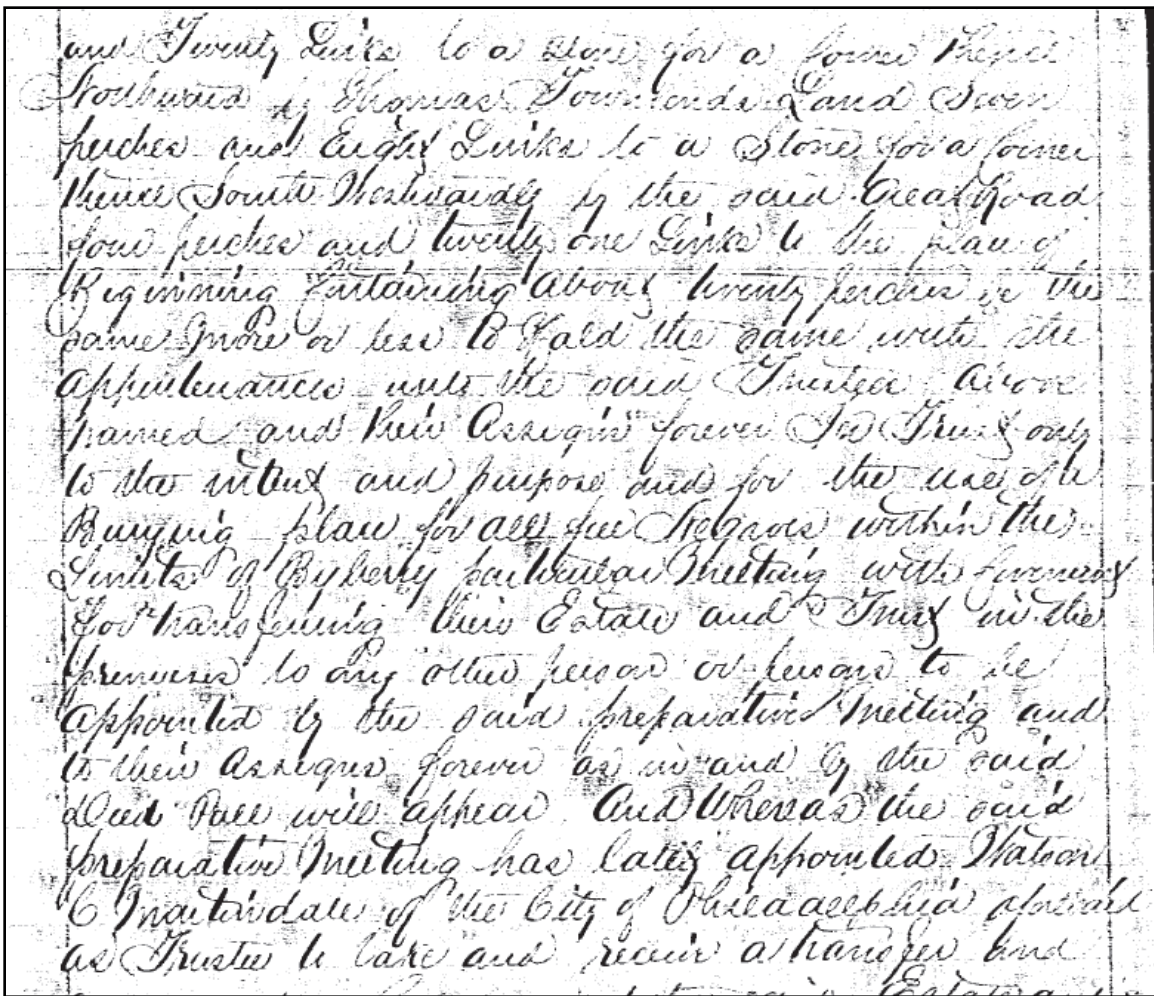
**Thence** extending Southward by the Great Road leading from said Townsends Mill to the Byberry Meeting House four perches and ten links to a stone for a **Corner** ...

**Thence** Eastward three perches and Twenty Links to a Stone for a **Corner**...

**Thence** Southward by Thomas Townsends Land Seven Perches and Eight Links to a Stone for a **Corner** ...

**Thence** South Westwardly by the said Great Road four perches and twenty one Links to the place of Beginning **containing about twenty perches** be the same more or less.

To Hold the same with the appurtenances unto the said Trustees above named and their Assigns forever In Trust only to the intent and purpose and for the use of the Burying place for All free Negroes within the Limits of Byberry preparative Meeting with [illegible word] for transferring the Estate and Trust in the premises to any other person or persons to be appointed by the said preparative Meeting and to their Assigns forever as in and by the said Deed Poll will appear And Whereas the said preparative meeting has lately appointed Watson Martindale of the City of Philadelphia as Trustee to take and receive a transfer and



and Twenty Links to a Stone for a Corner Thence  
Southward by Thomas Townsends Land Seven  
perches and Eight Links to a Stone for a Corner  
Thence South Westwardly by the said Great Road  
four perches and twenty one Links to the place of  
Beginning containing about twenty perches be the  
same more or less To Hold the same with the  
appurtenances unto the said Trustees above  
named and their Assigns forever In Trust only  
to the intent and purpose and for the use of a  
Burying place for all free Negroes within the  
Limits of Byberry preparative Meeting with forever  
God bless King this Estate and Trust in the  
premises to any other person or persons to be  
appointed by the said preparative Meeting and  
to their Assigns forever as in and by the said  
Deed Poll will appear And Whereas the said  
preparative Meeting has lately appointed Watson  
Martindale of the City of Philadelphia as Trustee  
to take and receive a transfer and



Assignment or Conveyance of the said Estate and Trust from the Above Named John P. Townsend the only Surviving Trustee above Mentioned Now Therefore be it Known that the said John P. Townsend Surviving Trustee aforementioned in order to render the said Trust Stable and perpetual have revised released Surrendered Transferred assigned and set over and by these presents Do revise release Surrender Transfer assign and set over unto the said Watson C. Martindale his Heirs and assign's

Assignment or Conveyance of the said Estate and Trust from the Above named John P. Townsend the only Surviving Trustee above mentioned Now therefore be it Known that the said John P. Townsend Surviving Trustee aforementioned in order to render the said Trust stable and perpetual have revised released Surrendered Transferred assigned and set over and by these presents Do revise release Surrender Transferred assign and set over unto the said Watson C. Martindale his Heirs and Assign's all the Estate Right Title interest Trust benefit claim and demand whatsoever of him the said John P. Townsend of in and to the said Lot or Piece of Ground above described and premises with the Appurtenances To Have And To Hold the said Lot of Land and Premises unto the said Watson C. Martindale his Heirs and Assigns forever In Trust only to and for the use intent and purpose of a Burying place for all free

All the Estate Right Title interest Trust benefit claim and demand whatsoever of him the said John P. Townsend of in and to the said Lot or Piece of Ground above described and premises with the Appurtenances...

To Have And To Hold the said Lot of Land and Premises unto the said Watson C. Martindale his Heirs and Assigns Forever In Trust only to and for the use intent and purpose of a Burying place for all free

Negroes or people of Color within the limits of Byberry particular Meeting of Friends agreeably to the grant Conditions and provisos Contained in a Certain Indenture bearing Date the Nineteenth day of the first Month in the year 1780 according to the True ruling and meaning thence and to and for no other use intent, or purpose whatsoever...

Negroes or people of color within the limits  
of Byberry particular Meeting of Friends agreeably  
to the grant conditions and provisos contain-  
ed in a Certain Indenture bearing date the  
Nineteenth day of the first Month in the year  
1780 according to the true ruling and meaning  
thence and to and for no other use intent or  
purpose whatsoever do that Neither the said  
John P. Townsend or his Heirs Executors or  
Administrators nor either or any of them shall  
or Will Claim Challenge or demand any  
Estate intrust trust benefit or privilege  
thereon or thereto as trustees in any Manner  
whatsoever by reason or means of the above  
recited Deed Poll but thereof and therefrom  
shall and Will be excluded and forever  
debarred by these present In Witness Whereof  
the said John P. Townsend hath hereunto set  
his hand and sealed the Fourth day of  
December Anno In the Year One  
Thousand Eight Hundred and Seventy Two 1872

So that Neither the said John P. Townsend or his Heirs Executors or Administrators nor either or any of Them shall or Will Claim Challenge or demand Any Estate intrust trust benefit or privilege thereon or thereto as trustees in any Manner whatsoever by reason or means of the Above recited Deed Poll but thereof and therefrom shall and Will be excluded and forever debarred by these present In Witness Whereof the said John P. Townsend hath hereunto set his hand and sealed the Fourth day of December Anno In the Year One Thousand Eight Hundred and Seventy Two 1872

Sealed and Delivered  
in the presence of us  
Paul Townsend  
Watson Comly

John P. Townsend

Sealed and Delivered  
in the presence of us  
Paul Townsend  
Watson Comly  
The Fourth day of December in the year 1872  
Before me the Subscriber one of the Alderman  
of the City of Philadelphia personally appeared  
the above named John P. Townsend and ack-  
nowledged the above written Deed Poll to be his  
proper Act and deed and desired the same  
Might be Recorded as such Whereas my hand  
and official seal the day and year aforesaid  
Watson Comly  
Alderman  
Recorded Dec 17<sup>th</sup> 1872

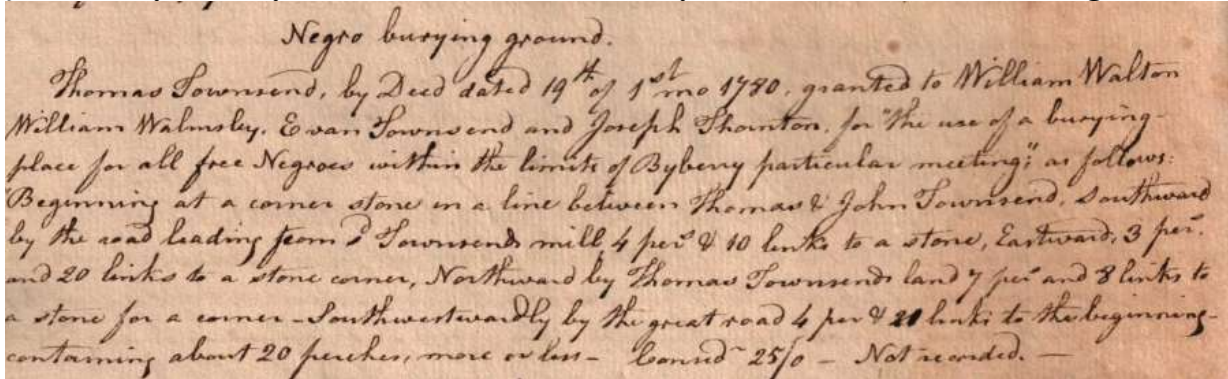
The Fourth day of December In the Year 1872  
Before me the Subscriber one of the Alderman  
of the City of Philadelphia personally Appeared  
the above named John P. Townsend and ack-  
-nowledged the above written Deed Poll to be his  
proper Act and deed and desired the same  
Might be Recorded as such Whereas my hand  
and official seal the day and year aforesaid

Watson Comly  
Alderman"

Recorded Dec.17<sup>th</sup> 1872

## Negro burying ground

John Comly's Surveyor's Book, 1812-1846. Courtesy of F.H.L., Swarthmore College.



Comly-White Papers, Series 4, Financial and Legal Papers, Box 3.

Thomas Townsend, by Deed dated 19<sup>th</sup> of 1<sup>st</sup> mo. 1780, granted to William Walton, William Walmsley, Evan Townsend and Joseph Thornton, for "the use of a burying place for all free Negroes within the limits of Byberry particular meeting;" as follows: Beginning at a corner stone in a line between Thomas & John Townsend, Southward by the said road leading from sd. Townsend Mill 4 per.s & 10 links to a stone, Eastward 3 per.s and 20 links to a stone for a corner, Northward by Thomas Townsend land 7 per.s and 8 links to a stone for a corner - Southwestwardly by the great road 4 per.s & 21 links to the beginning - containing about 20 perches, more or less - Connd ~ 25/0 - Not recorded. —

The Cemetery contains about 20 perches.

### 1980: Trustees of Byberry Monthly Meeting of Friends to the City of Philadelphia

"BEGINNING at a point on the Westerly side of Townsend Road (33 feet wide) at the distance of 941 feet 4 1/2 inches Northeastwardly from the center line of Meetinghouse Road (30 feet wide) produced; thence extending north 6 degrees 34 minutes 10 seconds East along the Westerly side of Townsend Road crossing the head of Burling Avenue (40 feet wide), the distance of 72 feet 7 1/4 inches to a point, said point being the centerline of Townsend Road, produced; thence extending along said centerline of Townsend Road, produced; thence extending along said centerline of Townsend Road, produced; thence extending along said centerline of Townsend Road North 54 degrees 30 minutes 50 seconds East the distance of 79 feet 10- 3/8 inches to a point; thence extending South 5 degrees 3 minutes 49 seconds West, partly crossing the bed of Townsend Road, the distance of 120 feet 9-3/8 inches to a point; thence extending North 88 degrees 19 minutes 48 seconds West, crossing the bed of Townsend Road, the distance of 62 feet 8-3/8 inches to the first mentioned point and place of beginning."

"The deed is dated April 1980 which indicates the Meeting owned the property for 200 years."

—Helen File



# This Indenture Made the

day of  
hundred and eighty (1980)

in the year of our Lord one thousand nine

## Between

TRUSTEES OF BYBERRY MONTHLY MEETING OF FRIENDS, (a Pa. Non-Profit Corp.)

(hereinafter called the Grantor ), of the one part, and

THE CITY OF PHILADELPHIA, a City of the First Class of the Commonwealth of Pennsylvania.

(hereinafter called the Grantee ), of the other part,

**Witnesseth,**

That the said Grantor

for and in consideration of the sum of

THREE THOUSAND (\$3,000) lawful

money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery, hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, aliened, enfeoffed, released and confirmed, and by these presents does grant, bargain and sell, alien, enfeoff, release and confirm unto the said Grantee, its successors and assigns,

ALL THAT CERTAIN lot or piece of ground, Situate in the 66th Ward of the City of Philadelphia, described according to a Plan of Property, made for Philadelphia Industrial Development Corporation by John Reilly, Surveyor and Regulator of the 4th Survey district, dated September 17, 1976 to wit:

BEGINNING at a point on the Westerly side of Townsend Road (33 feet wide) at the distance of 941 feet  $4\frac{1}{2}$  inches Northeastwardly from the center line of Meeting House Road (30 feet wide) produced; thence extending North 6 degrees 34 minutes 10 seconds East along the Westerly side of Townsend Road crossing the head of Burling Avenue (40 feet wide), the distance of 72 feet  $7\frac{1}{4}$  inches to a point, said point being the centerline of Townsend Road, produced; thence extending along said centerline of Townsend Road North 54 degrees 30 minutes 50 seconds East the distance of 79 feet  $10\frac{3}{8}$  inches to a point; thence extending South 5 degrees 3 minutes 49 seconds West, partly crossing the bed of Townsend Road, the distance of 120 feet  $9\frac{3}{8}$  inches to a point; thence extending North 88 degrees 19 minutes 48 seconds West, crossing the bed of Townsend Road, the distance of 62 feet  $8\frac{3}{8}$  inches to the first mentioned point and place of beginning.



## 7. STATEMENT OF SIGNIFICANCE

The Byberry Township African-American Burial Ground is an extremely significant historic site that merits designation by the Philadelphia Historical Commission and inclusion on the Philadelphia Register of Historic Places. Located to the west of 14700 Townsend Road in the Parkwood section of Philadelphia, the parcel does not have a street address assigned by the Office of Property Assessment.

The Byberry Township African-American Burial Ground satisfies Criteria for Designation a, b, i, and j as enumerated in Section 14-1004 of the Philadelphia Code. The burial ground is significant:

- as an African burial ground that has survived for more than 200 years in near-undisturbed condition, was established by a religious organization (The Quakers), specifically established for the burials of African Americans who had been manumitted or set free by any other instrument of law, thereby representing the cultural, political, social, geographical, and historical heritage of Byberry Township, Philadelphia County, Pennsylvania, and the United States (Criteria a & b);
- for its associations with the lives of persons significant in the past including several members of the Byberry Preparatory Meeting of Friends, who held significant positions in their Religious Organization which opposed all War, including the American Revolutionary War, and who were involved with the founding and advancement of important institutions such the Abolition of Slavery and the Constitutional Rights of Religious Practice, Expression of Objection due to Conscience, as well as the many un-named African Americans who are buried at the site (Criteria a and b);
- as a largely undisturbed site that was settled in the eighteenth century and therefore has an extremely high potential for important archaeological resources (Criterion i); and,
- as a site that exemplifies the cultural, political, economic, social, or historical heritage of the Byberry Township (Criterion j).

Federal Funds have been expended for the GSA Surveys of lands surrounding this burial ground.

The Byberry Township African-American Burial Ground also meets Criteria for Evaluation for inclusion on the National Historic Register by the U.S. Department of the Interior, National Park Service:

“A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.”

Philadelphia is a certified local government whose historic preservation program has been certified pursuant to section 101(c)(1) of the National Historic Preservation Act. The Philadelphia Historical Commission possesses the authority to have the Byberry Township African-American Burial Ground placed upon the National Historic Register as well as the Philadelphia Register of Historic Places.

See: National Historic Preservation Act of 1966 as amended through 1992  
<<http://www.nps.gov/history/local-law/nhpa1966.htm>> ,

And Department of the Interior regulations at 36 CFR Part 61 govern this certification process.  
<<http://archnet.asu.edu/topical/crm/usdocs/36cfr61.html>> .

## **PROOF OF SIGNIFICANCE**

The record will show that the establishment of the Byberry Township African-American Burial Ground is a definitive moment in National History for African-Americans, being the only African burial ground established while the United States of America was at War with the British Empire & struggling for its own Freedom & Independence.

The founding of Byberry Township African-American Burial Ground must be placed in context with the Quaker's own struggle to abolish slavery while also being objectors to war. The Quakers were (in the same moment of time) suffering sanctions & imprisonment.

In September 1777 several members of the Society of Friends refused to formally declare their loyalty to the United States Government. Several were exiled to Winchester, Virginia.

Between 1778 and 1780, Pennsylvania introduced several Bills to end Slavery. Those bills were approved and enacted into laws. The Byberry Quakers responded to those laws by freeing their Slaves and providing a burial ground to Africans who were set Free by any instrument of law.

The African-Americans as Slaves (in contradistinction to the Quakers) were always the co-dependent innocent bystanders, having neither choice in war nor the freedom to refuse to fight.

The African-Americans were active in carrying munitions & baggage, they became soldiers of the United States by default, while many of the Religious Society of Friends exercised their right not to support the American War due to conscience & religious beliefs established by William Penn.

Africans impacted the stratagems in the War of Independence. The large number of slaves in the Southern States allowed the British to amass a Negro Army. The Americans used a small Black Rhode Island Regiment, as Washington did not want any Negroe enlistees.

As for the archeological history of the immediate area, (1988 John Milner & 1993 Louis Berger), neither study delved into the American Revolution, the Quakers, or any role the African Slaves had on the War. Neither study disturbed any part of the African-American burial ground.

For the history of the area, both Phase I & Phase II studies relied heavily on Martindale's history of the townships of Byberry and Moreland. The Phase Two Berger Study also included research into the manuscript records at Swarthmore College Libraries.

The following timeline will prove the establishing of this graveyard on 19<sup>th</sup> January 1780 by the Byberry Quakers occurred simultaneously and in unison with The Act for the Gradual Abolition of Slavery, which was introduced on the 21<sup>st</sup> August 1778, and signed into Law by the Pennsylvania Assembly on the 29<sup>th</sup> February 1780.

The proof is established by a correlation of Philadelphia area newspapers against Pennsylvania legislative proceedings, then comparing them with the entries of the Byberry Monthly Minutes at Swarthmore College Libraries. The time-line begins in August 1777 with Congress passing a law to imprison several Philadelphia area Quakers for failing to take an Oath of Allegiance.

### 29<sup>th</sup> January 1778. IN CONGRESS

"Resolved, That the prisoners now at Winchester, in the State of Virginia, who have been apprehended by the government of Pennsylvania, in consequence of the resolution of Congress dated 28th August, 1777, be discharged from their confinement, on their taking or subscribing either the oath or affirmation of allegiance, as prescribed by the laws of Pennsylvania, or the following oath or affirmation, at the option of the persons concerned.

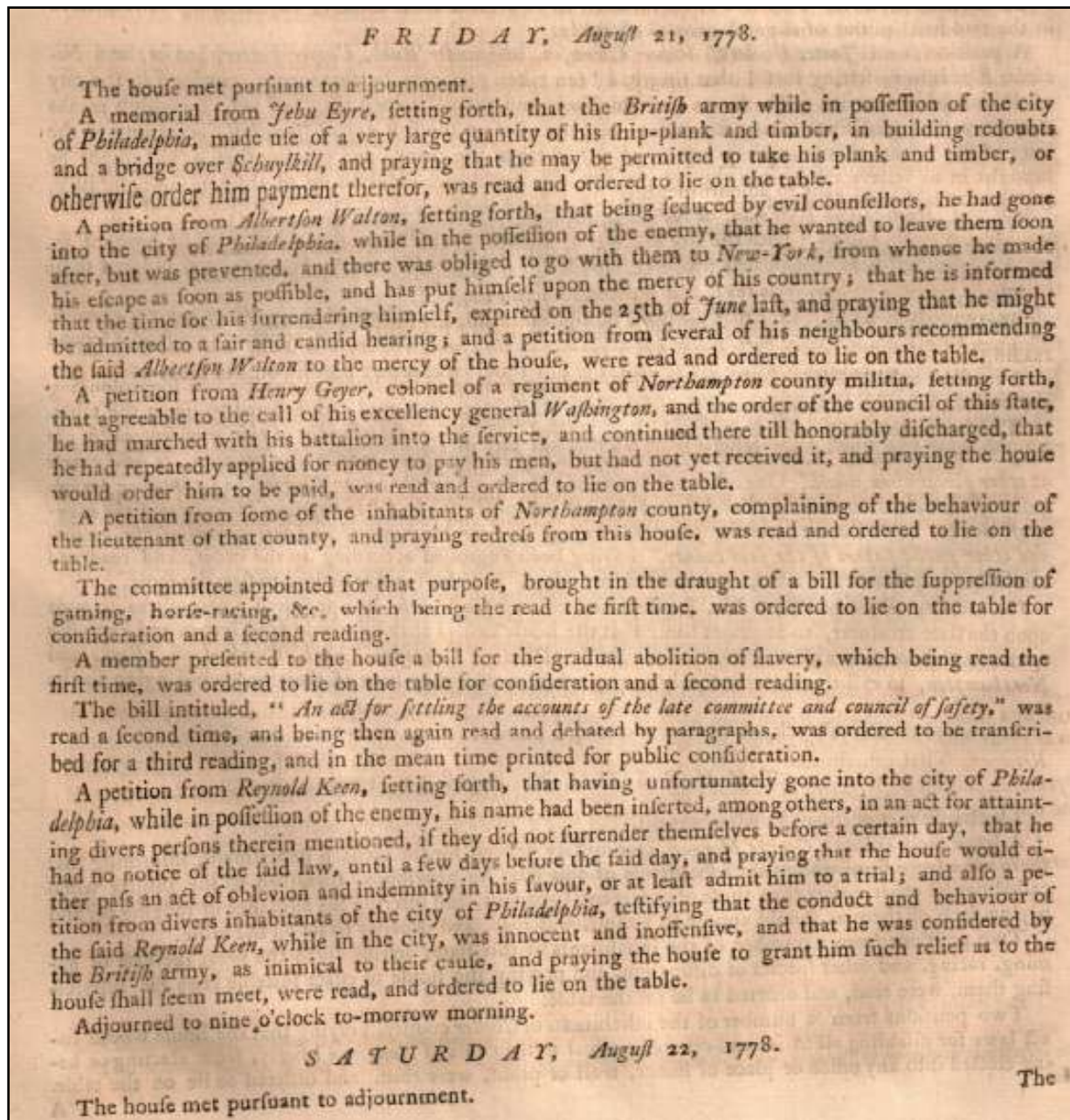
"I, A. B., do swear, (or affirm) that I acknowledge myself a subject of the State of Pennsylvania, as a free and independent state, and that I will in all things demean myself as a good and faithful subject ought to do."

### 7<sup>th</sup> August 1778 - Quaker Petition to the Assembly

To the A S S E M B L Y of PENNSYLVANIA.  
*The MEETING for Sufferings for Pennsylvania and New-Jersey, on behalf of the Society of the People called QUAKERS,*  
*Respectfully represent,*  
**T**HAT the government of the consciences of men is the prerogative of Almighty God, who will not give his glory to another---That every encroachment upon this his prerogative, is offensive in his sight, and that he will not hold them guiltless who invade it; but will sooner or later manifest his displeasure to all who persist therein.  
These truths we doubt not will obtain the assent of every considerate mind.  
The immediate occasion of our now applying to you is, that we have received accounts from different places, that a number of our friends have been and are imprisoned, some for refusing to pay the fines imposed in lieu of personal services in the present war, and others for refusing to take the test prescribed by some laws lately made. The ground of our refusal is a religious scruple in our minds against such compliance, not from obstinacy, or any other motive than a desire of keeping a conscience void of offence towards God, which we cannot without a steady adherence to our peaceable principles, and testimony against wars and fightings, founded on the precepts and examples of our Lord Jesus Christ, the Prince of peace, by a conformity to which we are bound to live a peaceable and quiet life, and restrained from making any declarations or entering into any engagements as parties in the present unsettled state of public affairs.  
We fervently desire you may consider the generous and liberal foundation of the charter and laws agreed upon in *England* between our first worthy proprietary, *William Penn*, and our ancestors, whereby they apprehended religious and civil liberty would be secured inviolate to themselves and their posterity; so that *Pennsylvania* hath since been considered as an asylum for men of tender consciences, and many of the most useful people have resorted hither in expectation of enjoying freedom from the persecution they suffered in their native countries.  
We believe every attempt to abridge us of that liberty will be a departure from the true spirit of government, which ought to influence all well-regulated legislatures, and also destructive of the real good of the community. And therefore desire those laws which have a tendency to oppress tender consciences, may be repealed; so that those who live peaceably may not be further disturbed or molested, but be permitted to enjoy the rights and immunities which their forefathers purchased through much suffering and difficulty; and to continue in the careful observation of the great duty of the religious instruction and education of the youth, from which by one part of the said laws they are liable to be restrained.  
We hope on due consideration of what we now offer, you will provide for the discharge of such who are in bonds for the testimony of a good conscience, which may prevent others hereafter from suffering in like manner.  
*Signed in and by desire of our said Meeting, held at Philadelphia, the 5th day of 8th month, 1778, by*  
N I C H O L A S W A L N, Clerk. A  
Which being read, was ordered to lie on the table.



21<sup>st</sup> August 1778 - House a Bill for the gradual abolition was introduced & read.



A member presented to the House a Bill for the gradual abolition of slavery, which being read the first time, was ordered to lie on the table for consideration and a second reading.

[Note] The petition of Albertson Walton (above) was read & ordered to lie on the table. Albertson Walton lost all his Byberry Farmland, accused of leaving with the enemy.



28<sup>th</sup> November 1778 – The Pennsylvania Packet:

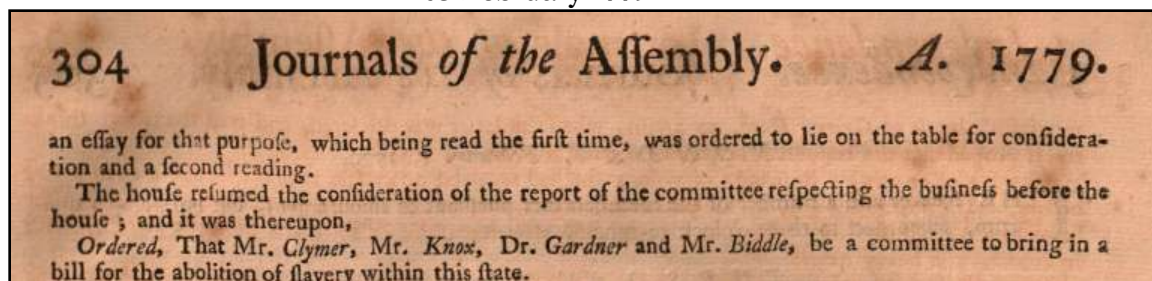
**The ADDRESS of the Supreme Executive Council to the General Assembly of Representatives of the Freeman of Pennsylvania. November 9th, 1778.**

The late Assembly was furnished with heads of a bill for manumitting infant Negroes born of slaves, by which the gradual abolition of servitude for life would be obtained, in an easy mode. It is not proposed that the present slaves, most of whom are scarcely competent of freedom, should be meddled with, but all importation must be forbid, if the idea be adopted. This or some better scheme would tend to abrogate slavery, the approbrium of America, from among us; and no period seems more happy for the attempt than the present, as the number of such unhappy characters, ever few in Pennsylvania, has been much reduced by the practices and plunder of our late invaders. In divesting the State of slaves, you will equally serve the cause of humanity and policy, and offer to God one of the most proper and best returns of gratitude for his great deliverance of us and our posterity from thralldom. You will also set your character for justice and benevolence in a true point of view to all Europe, who are astonished to see a people eager for liberty, holding Negroes in bondage.

**At a Preparative Meeting held at Byberry the 28th of the 1<sup>st</sup> Month 1779:**

The Cases of those who have Deviated in their Conduct Respecting Military Service Coming again under Consideration... the Cases of Thomas Townsend, Absolom Knight, David Parry, Jonathan Parry & Silas Parry Ought to be Carried to the Monthly Meeting.

05 February 1779



*Ordered, That Mr. Clymer, Mr. Knox, Dr. Gardner and Mr. Biddle, be a committee to bring in a bill for the abolition of slavery within this state.*

10<sup>th</sup> February 1779 – The Pennsylvania Gazette

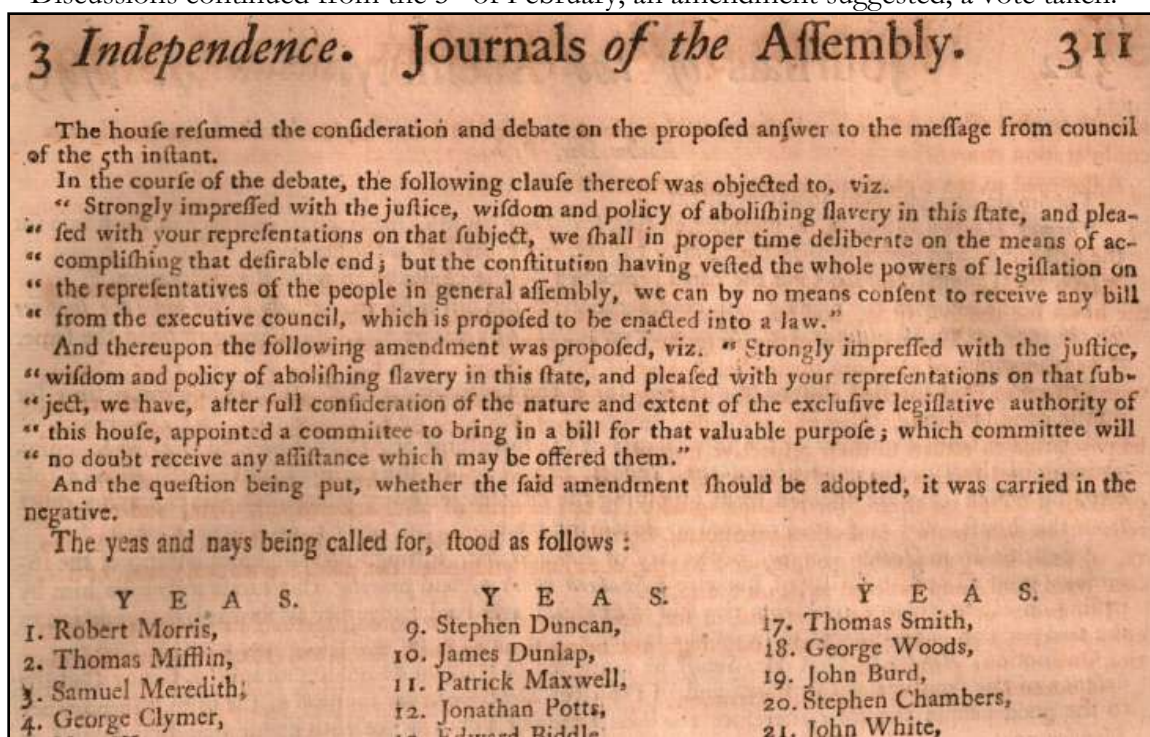
**MESSAGE from the PRESIDENT and SUPREME EXECUTIVE COUNCIL to the REPRESENTATIVES of the Freemen of Pennsylvania, in Assembly.**

We would also again bring into your view a plan for the gradual abolition of slavery, so disgraceful to any people, and more especially to those who have been contending in the great cause of liberty themselves, and upon whom Providence has bestowed such eminent

marks of its favour and protection. We think we are loudly called on to evince our gratitude, in making our fellow men joint heirs with us of the same inestimable blessings, under such restrictions and regulations as will not injure the community, and will imperceptibly enable them to relish and improve the station to which they will be advanced. Honoured will that state be in the annals of history, which shall first abolish this violation of the rights of mankind, and the memories of those will be held in grateful and everlasting remembrance, who shall pass the law to restore and establish the rights of human nature in Pennsylvania. We feel ourselves so interested on this point, as to go beyond what we may be deemed the proper line of our duty, and acquaint you that we have reduced this plan to the form of a law, which, if acceptable, we shall in a few days communicate to you.

13<sup>th</sup> February 1779

Discussions continued from the 5<sup>th</sup> of February, an amendment suggested, a vote taken.



And the question being put, whether the said amendment should be adopted, it was carried in the negative." [22 AYS v. 27 NAYS].

23<sup>rd</sup> February 1779

The bill intituled, “*An act for the gradual abolition of slavery,*” being read a second time, and debated by paragraphs, was thereupon ordered to be transcribed for a third reading, and to be printed in the meantime for public consideration.

T U E S D A Y, February 23, 1779.

The house met pursuant to adjournment.

On motion, *Resolved*, That this house will postpone to a future day, the consideration of the best means to prevent the wicked and injurious practices of forestallers and monopolizers, appointed for this day's deliberation.

A petition and remonstrance from 125 of the inhabitants of the county of *Bedford*, stating their reasons against, and praying that the house would rescind their resolves for the calling of a convention, was read, and ordered to lie on the table.

A petition and representation from 398 of the inhabitants of *Northampton* county, praying that the house would either rescind their resolutions relating to the election of a convention, or only collect the votes of the people concerning a convention at one time, and appoint another day for electing the members, was read, and ordered to lie on the table.

The bill intituled, "*An act for the gradual abolition of slavery*," being read a second time, and debated by paragraphs, was thereupon ordered to be transcribed for a third reading, and to be printed in the mean time for public consideration.

Adjourned to half past three o'clock this afternoon.

*Eodem Die, P. M.*

4<sup>th</sup> March 1779 – Pennsylvania Packet:

P H I L A D E L P H I A.

In GENERAL ASSEMBLY of Pennsylvania,  
Tuesday February 23d, 1779.

The bill intituled "An Act for the gradual abolition of  
"slavery," being read a second time, and debated by  
paragraphs, was thereupon ordered to be transcribed for a  
third reading, and printed in the mean time for public con-  
sideration. Extract from the minutes,

J O H N M O R R I S, Junior,  
Clerk of the General Assembly.

*An ACT for the gradual abolition of Slavery.*



**W**HEREAS the practice of domestic slavery, so highly detrimental to morality, industry, and the arts, has been, in the instance of the natives of Africa and their descendants in modern ages, revived among Christians; and America is made the scene of this new invasion of the rights of mankind, after the spirit of christianity had abolished it from the greater part of Europe: And whereas it becomes those, who contend for their own freedom, to promote the liberty of others as far as the same is practicable and lawful; and whereas the most remarkable deliverance from tatablom, which God, the great disposer of all events, has graciously vouchsafed to grant to Pennsylvania, in common with the other free united states of North America, calleth for suitable returns of gratitude to the author of all salvation: and at the same time, by establishing the independence of this country, has enabled the good people of America to do justice to those oppressed people. Wherefore

Be it enacted, and it is hereby enacted, by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That all persons, as well negroes and mulattoes, as others born within this State, on or after the first day of \_\_\_\_\_ next ensuing the date hereof, shall be deemed and considered as free men and free women, and not servants for life or slaves; but that all servitude for life, or slavery of infants, thereafter born within this state, in consequence of the slavery of the mothers of such infants, or otherwise, be utterly taken away, extinguished, and for ever abolished.

At a Preparative Meeting Held by Appointment at Byberry the 15<sup>th</sup> of the 9<sup>th</sup> Mo. 1779:

Silas Walmsley & William Walmsley are Appointed to provide a Suitable piece of Ground for a Burying place for the Negroes that are Set free Either by - Manimistion or Otherwise and Report Next meeting ...

At a Preparative Meeting Held at Byberry the 26<sup>th</sup> of the 10<sup>th</sup> Mo. 1779:

The Friends Appointed to procure a piece of Land for a Buring place for the Negroes are Continued with Thomas Townsend and Daniel Walton being added who are Requested to Continue their care in that Respect, and report to N.t Meeting...

3<sup>rd</sup> November 1779

On motion made and seconded, That a bill be brought in for the gradual abolition of slavery: Mr. *Byran*, Mr. *M'Clean*, and Mr. *Thomas*, were appointed a committee for that purpose.

W E D N E S D A Y, November 3, 1779.

The house met pursuant to adjournment.  
 Mr. *Thomas Paine*, appearing, was sworn in as clerk of the house.  
 On motion made and seconded, That a bill be brought in for the gradual abolition of slavery: Mr. *Bryan*, Mr. *M'Clean*, and Mr. *Thomas*, were appointed a committee for that purpose.

18<sup>th</sup> November 1779

The Bill instilled, "*An act for the gradual abolition of slavery*," was read the second time, and being debated by paragraphs, was ordered to be transcribed for the third reading, and in the mean time published for consideration.

The bill intituled, "*An act for the gradual abolition of slavery*," was read the second time, and being debated by paragraphs, was ordered to be transcribed for the third reading, and in the mean time published for consideration.  
 The yeas and nays on the question, Whether the bill last mentioned shall be transcribed, and published for consideration? was called for, and by order taken as follows:

Y E A S.	Y E A S.	Y E A S.
1. George Bryan,	14. Joseph Savage,	27. Matthew Dill,
2. William Hollinghead,	15. David Thomas,	28. John Orr
3. Jacob Schreiner,	16. Henry Hayes,	29. Jonathan Hoge,
4. Michael Shubart,	17. William Harris,	30. Abraham Smith,
5. Charles W. Peale,	18. John Smiley,	31. Samuel Culbertson,
6. Robert Knox,	19. John Gilchreest,	32. Frederick Watts,
7. Joseph M'Clene,	20. Christopher Kucher,	33. Sebastian Levan,
8. Edward Heston,	21. James Cunningham,	34. Christian Lower,
9. William Coates,	22. William Brown, senior,	35. Jonathan Jones,
10. Daniel Heester,	23. James Jacks,	36. Joseph Powell,
11. Gerardus Wynkoop,	24. John Whitehill,	37. Robert Martin,
12. Arthur Watts,	25. James Dixon,	38. Samuel Dale.
13. William Scott,	26. David Dunwoody,	

N A Y S.	N A Y S.	N A Y S.
1. James Boyd,	4. James Anderson,	7. David Kennedy,
2. Patrick Anderson,	5. William Porter,	8. John Burd.
3. Joseph Parke,	6. William Brown, junior,	

Adjourned to ten o'clock to-morrow morning.

F R I D A Y, November 19, 1779. A.M.

## **24<sup>th</sup> November 1779 – The Pennsylvania Gazette**

We are well assured, that on Thursday last, when the Bill depending before the General Assembly of this State for the gradual abolition of slavery, was ordered to be engrossed for the third reading, there were only eight votes against the Bill, and that two of the Members who appeared against it afterwards explained their views, by alledging they thought the age of 28 years for the entire freedom of the young blacks, hereafter born, was unreasonably long.

### **At a Preparative Meeting held at Byberry the 24<sup>th</sup> of the 11<sup>th</sup> Month 1779**

The Friends Appointed to Provide a Suitable piece of ground for a Burying Place for the Negroes Report they have procured a piece for that purpose but there Appearing Some Dissatisfaction Respecting it & is therefore left Under Consideration a Nother Month

### **At a Preparative Meeting held at Byberry the 22<sup>nd</sup> of the 12<sup>th</sup> Month 1779**

A friend reports that there is a piece of Ground between Wm. Homer & Silas Walmsly that he thought might be had for a Negros burring ground this Meeting Approving of it Appointed John Townsend & Jonathan Knight to assist the friends before Appointed, and Likewise Appoints Wm. Walmsley, Wm. Walton, Evan Townsend and Joseph Thornton to be trustees for the Same all the Above Named friends are Desired to View the Same and Agree for it, if they should think it Suitable peace, and get a Convance for the Same to the Next preparative meeting.

## **29<sup>th</sup> December 1779 – The Pennsylvania Gazette**

An ACT for the gradual abolition of Slavery.

WHEN we contemplate our abhorrence of that condition, to which the arms and tyranny of Great Britain were exerted to reduce us; when we look back on the variety of dangers to which we have been exposed, and how miraculously our wants in many instances have been supplied and our deliverances wrought, when even hope and human fortitude have become unequal to the conflict; we are unavoidably led to a serious and grateful sense of the manifold blessings which we have undeservedly received from the hand of that Being, from whom every good and perfect gift cometh. ... (continued).

### **At a Preparative Meeting held at Byberry the 26<sup>th</sup> of the 1st Month 1780**

One of the friends Appointed to Procure a burying ground for the Negroes; Report that they had Viewed the piece of ground purported Last meeting, but found Some Difficulty in obtaining it, but have got a peace of Thomas Townsend Convaidd to the friends Appointed for Trustees as Ordered by Last, and are desired to get it fenced as Soon as the Weather will permit the Deed is Lodged in the Hands of William Walmsley.



15<sup>th</sup> February 1780

The petition of divers inhabitants of the city of *Philadelphia*, praying that the bill for gradual abolition of slavery may pass into a law; and another from divers inhabitants of the county of *Bucks*, stating some objections against the aforesaid bill, were read, and ordered to lie on the table.

Agreeable to the order of the day, postponed in the forenoon, the house, on motion made for that purpose, went into the third reading of the bill intituled, "*An act for the gradual abolition of slavery*," and the same being debated by paragraphs, was ordered to be engrossed, in order to be enacted into law.

The petition of divers inhabitants of the city of *Philadelphia*, praying that the bill for the gradual abolition of slavery may pass into a law; and another from divers inhabitants of the county of *Bucks*, stating some objections against the aforesaid bill, were read, and ordered to lie on the table.

Agreeable to the order of the day, postponed in the forenoon, the house, on motion made for that purpose, went into the third reading of the bill intituled, "*An act for the gradual abolition of slavery*," and the same being debated by paragraphs, was ordered to be engrossed, in order to be enacted into a law.

The yeas and nays being taken thereon, are as follows:

Y E A S.

The yeas and nays being taken thereon, are as follows:

4 Independence. Journals of the Assembly. 425		
Y E A S.	Y E A S.	Y E A S.
1. George Bryan,	15. Joseph Savage,	29. Samuel Culbertson,
2. William Hollingshead,	16. David Thomas,	30. John Harris,
3. Jacob Schreiner,	17. Henry Hayes,	31. Frederick Watts,
4. Michael Shubart,	18. John Fulton,	32. Ephraim Steel,
5. Charles W. Peale,	19. William Harris,	33. Jonathan Jones,
6. Robert Knox,	20. Sketchly Motton,	34. Peter Rhoads,
7. Joseph M <sup>c</sup> Clean,	21. John Smiley,	35. John Ralston,
8. Edward Heston,	22. John Gilchreest,	36. John Burd,
9. William Coates,	23. William Brown, senior,	37. Joseph Powell,
10. Joseph Blewer,	24. David Dunwoody,	38. Samuel Dale,
11. Gerardus Wynkoop,	25. Matthew Dill,	39. John Proctor,
12. Benjamin Fell,	26. John Orr,	40. Isaac Mason.
13. William Scott,	27. Jonathan Hoge,	
14. Arthur Watts,	28. Abraham Smith,	
N A Y S.	N A Y S.	N A Y S.
1. Samuel Mechlin,	7. Emanuel Carpenter,	13. David Kennedy,
2. Patrick Anderson,	8. William Porter,	14. Gabriel Fleister,
3. Joseph Parke,	9. James Jacks,	15. Christian Lower,
4. James Anderson,	10. William Brown, junior,	16. Christopher Wagner,
5. Christopher Kucher,	11. John Whitehill,	17. Simon Driesbach,
6. James Cunningham,	12. James Dixon,	18. William Montgomery.
Adjourned till to-morrow morning at ten o'clock.		

29<sup>th</sup> February 1780

The petition of divers inhabitants of the county of *Lancaster*, against the bill for gradual abolition of slavery, was read, and on motion thereon was dismissed on account of its indecency.

A petition of divers inhabitants of the county of *Chester*, against the aforesaid bill, was read, and ordered to lie on the table.

JOSEPH REED, President.

COUNCIL CHAMBER, February 29, 1780.

The memorial of *Jebu Eyre*, and an order respecting the timber taken from him by the enemy, for building redoubts, and employed upon the redoubts, &c. and an appointment of auditors by the council thereon, with the report of *William Ball* and *John Purviance*, two of said auditors, empowered to estimate the value of the same, and other cases of the like nature, were read, and ordered to lie on the table.

The petition of divers inhabitants of the county of *Lancaster*, against the bill for the gradual abolition of slavery, was read, and on motion thereon was dismissed, on account of its indecency.

A petition from divers inhabitants of the county of *Chester*, against the aforesaid bill, was read, and ordered to lie on the table.

The bill intituled, "*An act for the gradual abolition of slavery*," was brought in engrossed, and being compared at the table, was enacted into a law, and the speaker directed to sign the same.

The yeas and nays being thereon called for, are as follows, viz.

Y E A S.	Y E A S.	Y E A S.
1. George Bryan,	13. Joseph Savage,	25. John Harris,
2. William Hollingshead,	14. David Thomas,	26. Frederick Watts,
3. Jacob Schreiner,	15. Henry Hayes,	27. Ephraim Steel,
4. Michael Shubart,	16. John Fulton,	28. Jonathan Jones,
5. Charles W. Peale,	17. John Smiley,	29. Peter Rhoads,
6. Robert Knox,	18. John Gilchreest,	30. John Ralston,
7. Joseph M'Clean,	19. William Brown, senior,	31. John Burd,
8. Edward Heston,	20. David Dunwoody,	32. Joseph Powell,
9. William Coates,	21. Matthew Dill,	33. Samuel Dale,
10. Gerardus Wynkoop,	22. John Orr,	34. William Montgomery,
11. Benjamin Fell,	23. Jonathan Hoge,	
12. William Scott,	24. Abraham Smith,	
N A Y S.	N A Y S.	N A Y S.
1. Daniel Heester,	8. James Cunningham,	15. Christian Lower,
2. Samuel Mechlin,	9. William Porter,	16. Christopher Wagner,
3. Joseph Blewer,	10. William Brown, junior,	17. John Van Campen,
4. James Boyd,	11. John Whitehill,	18. Simon Driefbach,
5. Patrick Anderson,	12. James Dixon,	19. Robert Martin,
6. James Anderson,	13. David Kennedy,	20. John Proctor,
7. Christopher Kucher,	14. Valentine Eckart,	21. Isaac Mason,

5 V

Reasons



29<sup>th</sup> February 1780

Reasons of the dissenting members, on the bill for the gradual abolition of slavery

*DISSENTIENT.*

436

*Journals of the Assembly.*

*A. 1780*

Reasons of the dissenting members, on the bill for the gradual abolition of slavery.

*DISSENTIENT.*

1<sup>st</sup>. **B**ECAUSE, although we are the representatives of a free state, and accountable to no other for our proceedings, as far as regards our internal police; yet, as we are confederated with other states for our common exertion and defence, we are of opinion, that in adopting a measure, to which some of them cannot in their present invaded condition (with its attendant calamities) conform, we should be highly censurable, as regardless of the safety of our neighbours, even supposing that it could not injure ourselves; but when we consider, that the pernicious consequences which such a measure may draw on any state or states in the union, tend to weaken that body, of which this state is a member, and indirectly to involve this state in difficulties which we think we should have to answer for to our constituents, we must consider it as a step imprudent, premature, and for which we had no instructions from them.

2<sup>d</sup>. Because, notwithstanding we approve and are sensible of the humanity and justice of manumitting slaves in time of peace, we cannot think this the proper time, since the seat of war is likely to be transferred to the southward, and to all appearance the force of that country may be called out, when the white inhabitants will be obliged to leave their families, and all that is near and dear to them, at the mercy of a superior force of slaves, which may from the sound of freedom, that may go forth from this law, (perhaps unattended with every circumstance) lead the negroes of these states, to a demand of an immediate and intire freedom, or to other disorders, that may end in the greatest cruelties, which an ignorant, and perhaps desperate people, stimulated by the enemies of their masters, can be capable of committing.

3<sup>d</sup>. Because, if even the time were come when slaves might be safely emancipated, we could not agree to their being made free citizens in so extensive a manner as this law proposes; we think they would have been well satisfied, and the legislature would have sufficiently answered their humane purposes, had these unhappy people been enabled to enjoy the fruits of their labour, and been protected in their lives and property, in the manner white persons are, without giving them the right of voting for, and being voted into offices, intermarrying with white persons, confronting them with their masters, and being witnesses in every respect during the limited time of their servitude, which we fear in some instances may ruin families. We think that future legislatures, might have added to their privileges in proportion as they would have found them more civilized and better qualified to receive them, with much more propriety than they could abridge them, should they be found too extensive, after being fixed by a fundamental law.

4<sup>th</sup>. Because the motion for postponing the comparing of this bill till next session of assembly, and a motion for the previous question on the passing of this bill, were over ruled, as both these motions were only intended to gain more time for knowing the sentiments of our constituents, and to know whether a change of circumstances might not then enable us to vote for the bill.

*Samuel Culbertson,  
James Anderson,  
John Whitehill,  
John Van Campen,  
Christopher Wagner,  
Samuel Meehlin,  
William Brown, jun.  
James Jacks,  
John Proctor,  
Joseph Park,  
Isaac Mason,  
Daniel Hoefler, jun.*

*James Cunningham,  
James Dickson,  
Christian Lower,  
Valentine Eckart,  
Christopher Kueber,  
William Porter,  
David Kennedy,  
James Boyd,  
Patrick Anderson,  
Joseph Blewer,  
Robert Martin.*

Adjourned till to-morrow morning at ten o'clock.



1st. **B E C A U S E**, although we are the representatives of a free state, and accountable to no other for our proceedings, as far as regards our internal police; yet, as we are confederated with other states for our common exertion and defence, we are of opinion, that in adopting a measure, to which some of them cannot in their present invaded condition (with its attendant calamities) conform, we should be highly censurable, as regards the safety of our neighbours, even supposing that it could not injure ourselves; but when we consider the pernicious consequences which such a measure may draw on any state or states in the union, tend to weaken that body, of which this state is a member, and indirectly to involve this state in difficulties which we think we should have to answer for to our constituents, we must consider it as a step imprudent, premature, and from which we had no instructions from them.

2d. Because, notwithstanding we approve and are sensible of the humanity and justice of manumitting slaves in time of peace, we cannot think this the proper time, since the seat of war is likely to be transferred to the southward, and to all appearance the force of that country may be called out, when the white inhabitants will be obliged to leave their families, and all that is near and dear to them, at the mercy of a superior force of slaves, which may, from the sound of freedom that may go forth from this law, (perhaps unattended with every circumstance,) lead the negroes of these states to the demand of an immediate and intire freedom, or to other disorders, that may end in the greatest cruelties, which an ignorant, and perhaps desperate people, stimulated by the enemies of their masters, can be capable of committing.

3d. Because, even if the time were come when slaves might be safely emancipated, we do not agree to their being made free citizens in so extensive a manner as the law proposes; we think they would have been well satisfied, and the legislature would have sufficiently answered their humane purposes, had these unhappy people been enabled to enjoy the fruits of their labour, and been protected in their lives and property, in the manner white persons are, without giving them the right of voting for, and being voted into offices, intermarrying with white persons, confronting them with their masters, and being witnesses in any respect during the limited time of their servitude, which we fear in some instances may ruin families. We think that future legislatures, might have added to their privileges in proportion as they would have found them more civilized and better qualified to receive them, with much more propriety than they could abridge them, should they be found too extensive, after being fixed by a fundamental law.

4th. Because the motion for postponing the comparing of this bill till the next session of the assembly, and a motion for the previous question on the passing of this bill, were overruled, as both these motions were only intended to gain more time for knowing the sentiments of our constituents, and to know whether a change of circumstances might not then enable us to vote for the bill.

*Samuel Culbertson, James Cunningham, James Anderson, James Dickson, John Whitehill, Christian Lower, John Van Campen, Valentine Eckart, Christopher Wagner, Christopher Kucher, Samuel Mechlin, William Porter, William Brown, jun., Davis Kennedy, James Jacks, James Boyd, John Proctor, Pactrick Anderson, Joseph Parke, Joseph Blewer, Isaac Mason, Robert Martin, Daniel Heester, jun.*

On the 29th of February 1780...“Our bill," wrote *Mr. Bryan, astonishes and pleases the Quakers. They looked for no such benevolent issue of our government, exercised by the Presbyterians.*<sup>1</sup>

## HISTORICAL BACKGROUND: CHATTEL SLAVERY IN AMERICA

Christopher Columbus discovered that Native American Islanders were nearly defenseless.



Christian Theology justified Columbus in the genocide & enslavement of Native Americans.<sup>2</sup>

Several Christian Nations would follow Spain in the establishment of slave-colonies in the New World using similarly flawed “Christian Logic” of baptizing the Indians with gunpowder, lead and prayer.

Wars soon followed as the French, Dutch, Swedes, English, Spanish and Portuguese staked their claims while dividing the Northern and Southern lands of the Western Hemisphere.

England eventually became the dominant nation on the East Coast of North America by using slave labor<sup>3</sup> in the establishment of plantations and island prisons,<sup>4</sup> & threatening the Indians with Hell.<sup>5</sup>

Slavery, its justification along with apologies and self-forgiveness appear to be deep rooted within Christian Doctrine. Early Christian writings contain several entries regarding slavery:

They are in fact our slaves, but if they break out in rebellion against us, they leave us no choice, but force us to take up arms against them as equals, though we know and they know too, that they fight on most unequal terms.<sup>6</sup>



## THE CHRISTIANIZING OF THE AFRICANS & NATIVE AMERICANS



There is voluminous documentation of African Negro Slaves arriving in New York and Pennsylvania with the Dutch and Swedes along the South River (Delaware River), eventually governed by the Laws of the Duke of York.<sup>7 8</sup>

The Christian settlers & their missionaries viewed Native Americans in nearly the same light as the Negro Slaves. There were accounts of Black Indians, describing the Native Aborigines as having *Lips and flat Noses so frequent with Negroes and East Indians.*<sup>9</sup>

Another account describes several classes of people, *freemen* & slaves. Englishmen, Negroes and Indians occupied the settlement, however the Indians were in "perpetual slavery."<sup>10</sup>



A slave desired to be made a Christian, but the Laws of England governed Christianity:

[Sic] ...when I came home, I spoke to the Master of the Plantation, and told him, that poor *Sambo* desired much to be a Christian. But his answer was, That the people of that Island were governed by the Lawes of *England*, and by those Lawes, we could not make a Christian a Slave. I told him, my request was far different from that, for I desired him to make a Slave a Christian. His answer was, That it was true, there was a great difference in that: But, being once a Christian, he could no more account him a Slave, and so lose the hold they had of them as Slaves, by making them Christians, and by that means should open such a gap, as all the Planters in the Inland would curse him. So I was struck mute, and poor *Sambo* kept out of the Church...<sup>11 12</sup>

The Anglican Church held a belief that Negro Slaves might be without souls, or if were baptized that they would cease to be slaves. There was a proposal within the Church to have legislation passed in England that would allow Baptism of Negro Slaves.<sup>13 14 15</sup>

While most Christians believed that the Indians were Savages and Godless heathens, an Indian Chief delivered a very eloquent speech as a reply to a sermon by Swedish Missionary.

The Indian Chief pointed out the flaws in Christianity, which the Church Bishops in Uppsala, Sweden could never answer. Translated excerpt of the Indian Chief:

We shall, in the next place, consider the arguments, which arise from a consideration of Providence.

If we were the work of God (which I presume will not be denied), it follows from thence that we are under the protection and care of God, for it can not be supposed that the Deity should abandon his own creatures and be utterly regardless of their welfare.

Then, to say that the Almighty has permitted us to remain in a fatal error through so many ages is to represent him as a tyrant.

How is it consistent with his justice to force life upon a race of mortals, without their consent, and then dam them eternally, without ever opening to them a door of salvation?

Our conceptions of the gracious God are more noble; and we think that those who teach otherwise do little less than blaspheme.

Again, it is through the care and goodness of the Almighty, that from the beginning of time, through many generations to this day, our name has been preserved, unblotted out by enemies, unreduced to nothing.

By the same care we now enjoy our lives; are furnished with the necessary means of preserving our lives. But all these things are trifling, compared with our salvation.

Therefore, since God hath been so careful with us, in matters of little consequence, it would be absurd to affirm that he has neglected us, in cases of the greatest importance. Admit that he hath forsaken us, yet it could not have been without a just cause.

Let us suppose that an heinous crime was committed by one of our ancestors, like to that which we are told happened among another race of people; in such case, God would certainly punish the criminal, but would never involve us, who are innocent, in his guilt. Those who think otherwise must make the Almighty a very whimsical ill-natured being.

Once more are the Christians more virtuous, or rather are not they more vicious than we are? If so, how came it to pass that they are the objects of God's beneficence, while we are neglected?

Does the Diety confer his favors without reason, and with so much partiality?

In a word, we find the Christians much more depraved, in their morals than ourselves; and we judge of doctrine by the badness of our lives.<sup>16</sup>

## **ARRIVAL OF THE QUAKERS TO BYBERRY – TACONY - SHACKAMAXON**

### **Charter to William Penn, and the laws of the Province of Pennsylvania**

The King signed the Charter of Pennsylvania on March 4, 1681, and it was officially proclaimed on April 2. The King named the new colony in honor of William Penn's father. It was to include the land between the 39th and 42nd degrees of north latitude and from the Delaware River westward for five degrees of longitude. Other provisions assured its people the protection of English laws and, to a certain degree, kept it subject to the government in England. Provincial statutes could be annulled by the King. In 1682 the Duke of York deeded to Penn his claim to the three lower counties on the Delaware, which are now the state of Delaware. ...

The New Colony – In April 1681, Penn made his cousin William Markham deputy governor of the province and sent him to take control. In England, Penn drew up the First Frame of Government, his proposed constitution for Pennsylvania. Penn's preface to First Frame of Government has become famous as a summation of his governmental ideals. Later, in October 1682, the Proprietor arrived in Pennsylvania on the ship Welcome.<sup>17</sup>

Quaker settlement in the Delaware Valley began in Salem, New Jersey (Nova Caesarea), in 1675, and within two years, up the river (Northward) at Burlington.<sup>18</sup>

Quaker Meeting Houses were soon established on the West side of the River Delaware.

The first meetings for worship and business held in the County of Philadelphia were kept at Shackamaxon, in the house of Thomas Fairman, where it was continued for more than a year.

“Second meeting [held] the 6th day of Twelfth month, 1682. The overseers appointed for the building of the meeting-house brought their answer, that according to order, men were already set to work in order to that building.”

At the Quarterly Meeting held the 5<sup>th</sup> day of Fourth month, 1683, the following minute was made. "Proposed by Friends that the meetings of the county be settled. Agreed that there be a publick First-day meeting of Friends at Tackony, and a First day publick meeting at Poquessin, and that they both shall make one Monthly Meeting.<sup>19</sup>

Whereas Thomas Fairman of Shackamaxon near Philadelphia, Surveyor by his Deed of 25<sup>th</sup> day of 1<sup>st</sup> month 1683 granted to Thomas Kitchen, Senior of Meeting House Yard ...

Know all Men by these presents that I Thomas Fairman of Shackamaxon near Philadelphia in the Province of Pennsylvania Surveyor one the one party and Thomas Kitchen Senior of Meeting House Yard one the other or parties Wellwisher that for and in Consideration of one Hen Pullet by the said Kitchen his Heirs and Assigns to be yearely and every yeare paid unto the said Tho: Fairman and his Heirs Executors Administrators and Assigns and that he the said Kitchen his Heirs Executors Administrators and Assigns do Sweepe and or cause to be swept and kept in decent manner A Certaine Meeting House Called by the Name of Oxford Meeting The aforesaid Tho: Fairman hath of his free Will given and doth hereby give and grant from him his Heirs Executors Administrators and Assigns Tenn Acres of Land bounded to the South East with Tackony Creeke and to the North West with the said Meeting House and Burying Ground To say Tenn Acres by Statute Measure

Philadelphia City Archives: Mortgage Book X vol. 3 page 216

Tenn acres with the Meeting House and the Burying Ground for the sum of one hen pullet yearly ... [Kitchens] Heirs Executors Administrators and Assigns do Sweepe and or cause to be swept and kept in decent manner A Certain Meeting House Called by the Name of Oxford Meeting ...

Meetings for worship, and for mutual edification, were held, probably at first in each other's cabins: and in the 5<sup>th</sup> mo. 1683, at a Quarterly meeting held in Philadelphia, it was



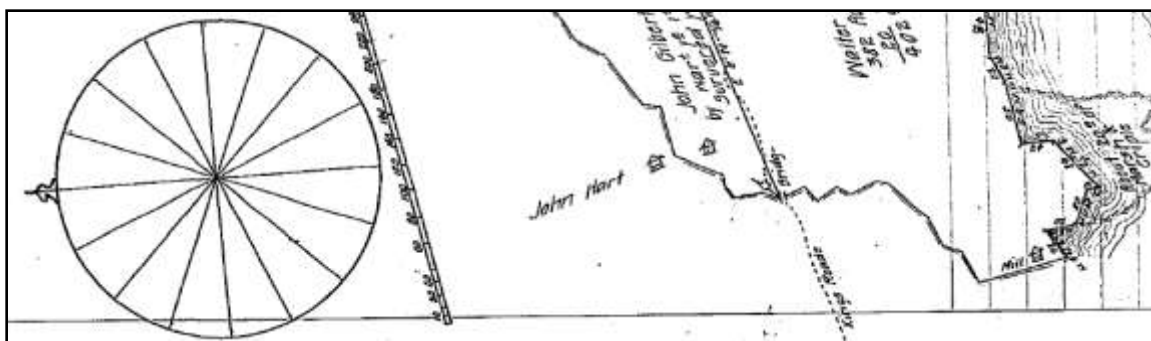
agreed "that there be established a first-day meeting of Friends at Tookany and Poetquesink, and that these two make one monthly meeting, men and women, for ordering the affairs of the church."

This monthly meeting commenced the 3d of 7<sup>th</sup> month following, and was held alternately at the house of Sarah Seary, in Oxford, near Tackony creek, and at John Hart's, near Poetquesink, in the southern part of Byberry. In the 10<sup>th</sup> month, 1683, a meeting was settled in or near Cheltenham, at the house of Richard Waln; and in the 12<sup>th</sup> month, 1686, it was agreed that the monthly meeting should be held at Byberry, Oxford and Cheltenham, "in course," the last week in the month, and on the days of their respective "weekly meetings" — that at Byberry being on fourth-day.

In the 1<sup>st</sup> month, 1687, it was "agreed that the monthly meeting be kept at the house of Richard Worrell junr. henceforward, on the last second-day in every month" — and that "there shall be a general meeting, moveable at four different places — Germantown, Byberry, Oxford, and at Richard Waln's, to be only and alone for the public worship of God."

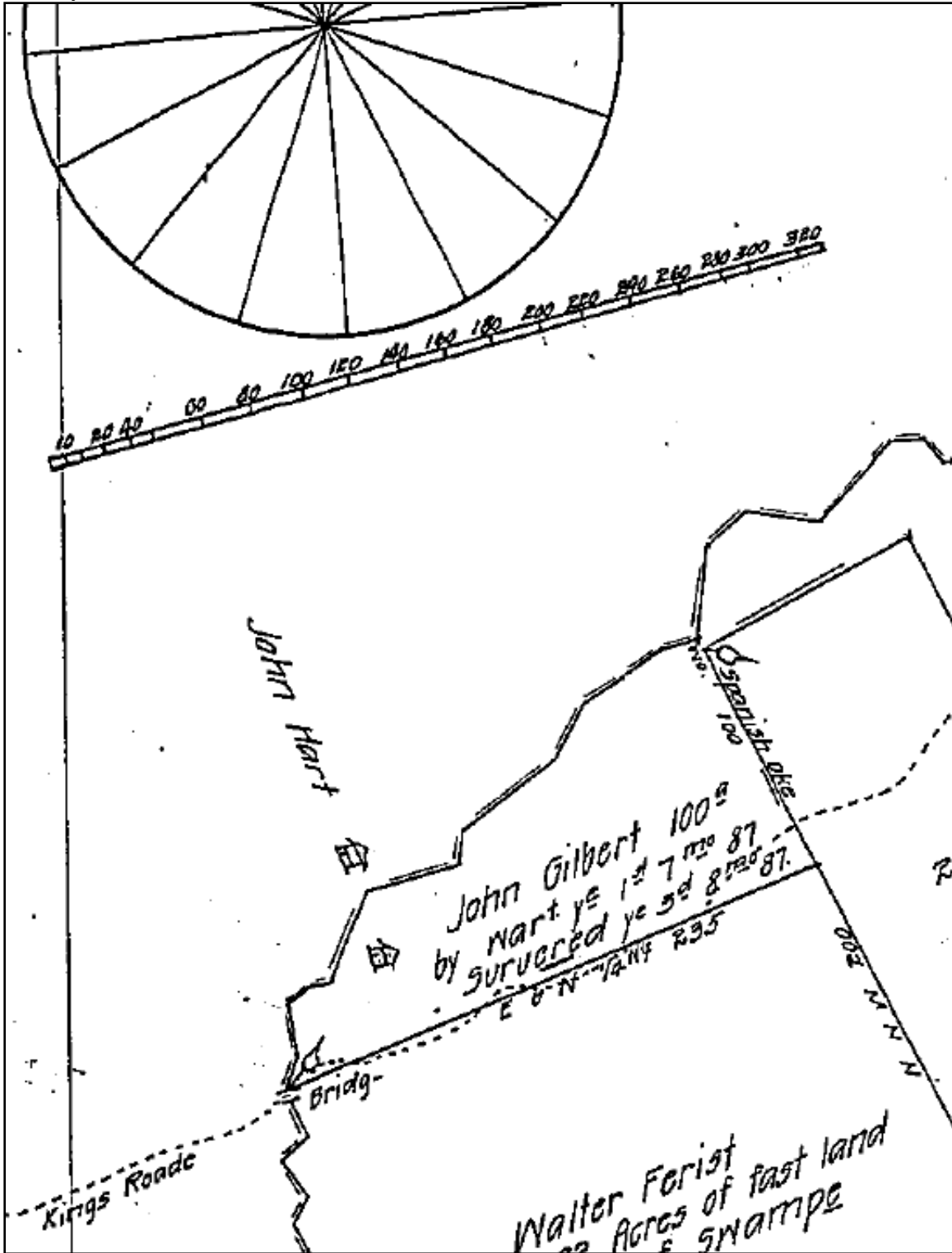
...We find no record designating the place where Friends of Byberry assembled, in their usual meetings for worship, till the monthly meeting, in the 4<sup>th</sup> mo. 1685, "ordered that the meeting which of late hath been held at Giles Knight's, be removed to the house of John Hart."<sup>20</sup>

#### Walter Forrest's "Byberry Mill" - 1684



Pennsylvania State Archives: Records of the Commonwealth Land Office RG-17

Pennsylvania Historical and Museum Commission



Pennsylvania State Archives: Records of the Commonwealth Land Office RG-17

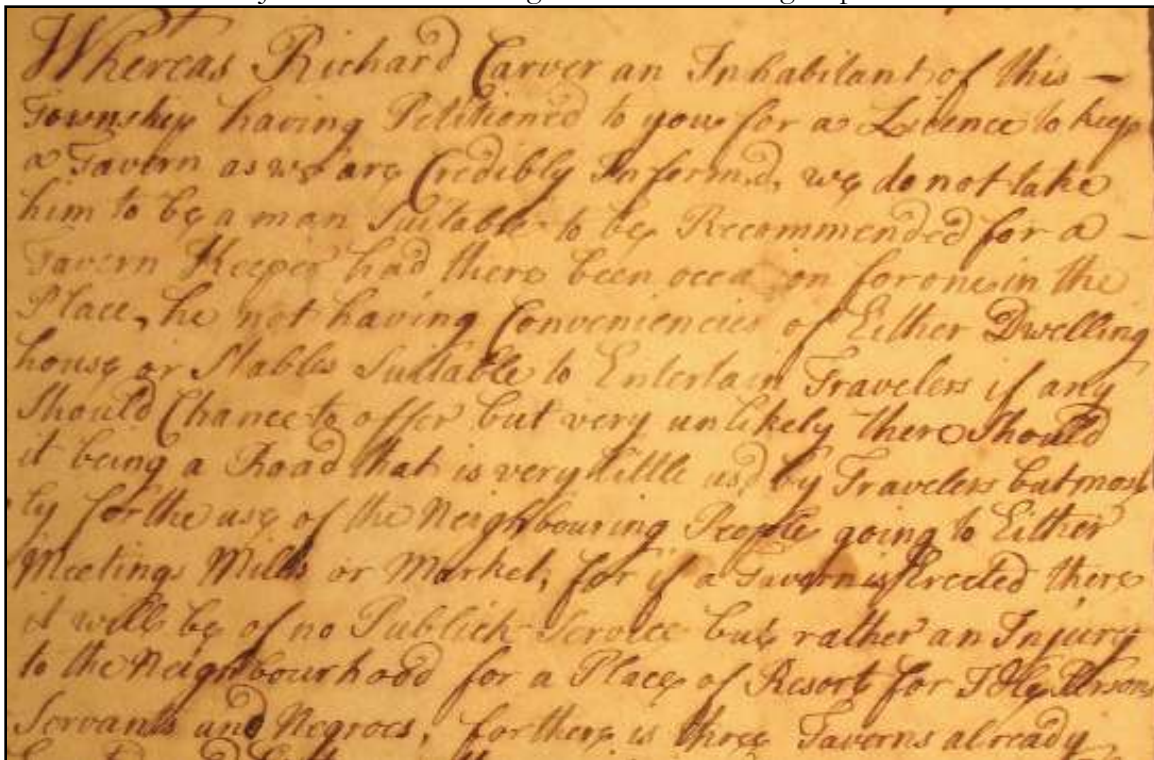
12<sup>th</sup> day of the 2<sup>nd</sup> mo. 1684, Survey: The Kings Road near the House of John Hart & the Bridge over the Poquessing Creek which divides Philadelphia County from Bucks County.

## AFRICAN AMERICANS IN BYBERRY

According to Joseph C. Martindale, who wrote *A History of Byberry and Moreland Townships, the great evil of human slavery was introduced into the townships in 1720; but it never became very popular, and the Society of Friends soon began setting them free.*<sup>21</sup>

Because there were so many free African Americans within Byberry & Moreland, in 1746 a petition against a tavern was filed for fear it would become a nuisance due to idle persons, servants and Negroes.<sup>22</sup>

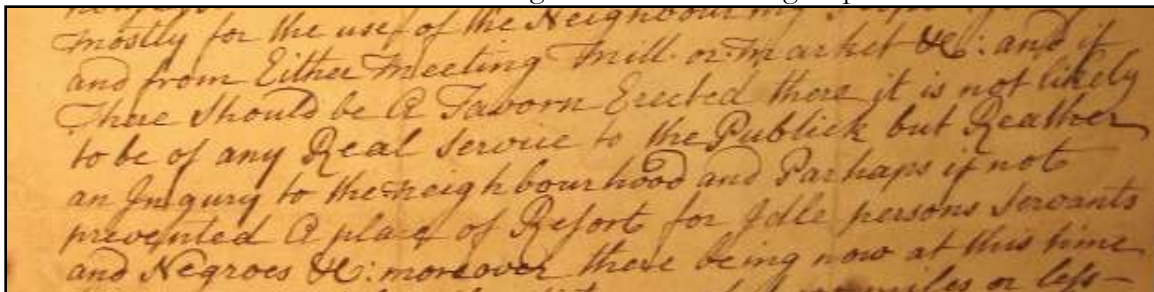
2<sup>nd</sup> June 1746: Petition Against a Tavern Being Kept



Whereas Richard Carver an Inhabitant of this Township having Petitioned to you for a Licence to keep a Tavern as we are Credibly Informed, we do not take him to be a man suitable to be Recommended for a Tavern Keeper had there been occasion for one in the Place, he not having Conveniencies of Either Dwelling house or Stables suitable to Entertain Travelers if any should Chance to offer but very unlikely ther should it being a Road that is very little us'd by Travelers but mostly for the use of the Neighbouring People going to Either Meeting, Mills or Market, for if a Tavern is erected there it will be of no Publick Service but rather an Injury to the Neighbourhood for a Place of Resort for Idle Persons Servants and Negroes, for there is three Taverns already

Tavern: No Public Service ... A Place of Resort for Idle Persons, Servants and Negroes<sup>23</sup>

1<sup>st</sup> December 1755: Petition Against a Tavern Being Kept<sup>24</sup>



Mostly for the use of the Neighbourhood and from Either Meeting Mill or Market &c. and if there should be a Tavern erected there it is not likely to be of any Real Service to the Publick but rather an Injury to the Neighbourhood and perhaps if not prevented a Place of Resort for Idle persons Servants and Negroes &c. moreover there being now at this time

An Injury ... if not prevented A Place of Resort for Idle Persons, Servants and Negroes<sup>25</sup>



[1780.] The census of the townships, taken this year, show only three persons held as slaves....

Previous to this time the colored people who died in the townships were generally buried in the orchards belonging to their masters or in the woods; but forty or fifty had been interred in a kind of a cemetery for them, on lands lately owned by Charles Walmsley, ...

All traces of it have long since been destroyed, and hundreds have since passed over the spot not knowing that they were treading upon the graves of the long since dead.

Another of these graveyards was on the farm lately owned by Mary Hillborn, where several slaves were buried. The exact spot is not now known. ...

Accordingly, in this year, we find that Byberry Meeting purchased a lot of Thomas Townsend for a burying place for the blacks, and the practice of burying on private grounds was discontinued. The record says the first person buried there was "Jim," a negro belonging to Daniel Walton. ...<sup>26</sup>

The graveyard for colored persons, previously mentioned as being situated in the eastern part of Byberry, is still kept for that purpose. Some years since a portion of this yard was plowed up, and most of the "little mounds" were levelled with the earth around, so that the exact spot where many of this race were buried can no longer be seen. ...

Of late years more care has been taken of this place, and it is now kept in good order by Byberry Meeting.

There was, also, a burying-place for slaves on William Tillyer's farm, in Moreland, which was continued until within the last twenty years. The lane leading to the dwelling-house then went in opposite to the school-house, and made a sharp turn about two hundred yards from the road to get to the house. At this bend the graveyard was located.

It was a small triangular lot, and had been used as a burial-place for many years. Jacob Saurman informs me ... He remembers that two colored persons were buried there, one of them while he was Overseer of the Poor in Moreland.

About a dozen graves were then visible, and the place remained in this condition until the death of William Tillyer, when the route of the old lane was changed, and the " old graveyard" was destroyed, so that not a vestige of it now remains to mark the last resting place of the ancient dead.<sup>27</sup>

## INDEPENDENCE – AMERICAN REVOLUTION – AFRICAN AMERICANS

The African American Slaves were used as pawns prior to and during the American Revolution. In September 1775, John Adams (unknowingly referring to the Geechee language<sup>28</sup>), writes the following:

These Gentlemen give a melancholly Account of the State of Georgia and S. Carolina. They say that if 1000 regular Troops should land in Georgia and their commander be provided with Arms and Cloaths enough, and proclaim Freedom to all the Negroes who would join his Camp, 20,000 Negroes would join it from the two Provinces in a fortnight.

The Negroes have a wonderfull Art of communicating Intelligence among themselves. It will run severall hundreds of Miles in a Week or Fortnight.

They say, their only Security is this, that all the Kings Friends and Tools of Government have large Plantations and Property in Negroes. So that the Slaves of the Tories would be lost as well as those of the Whiggs.<sup>29</sup>

What Adams may not have known is that Lord Dunmore; Royalist Governor of Virginia had issued a proclamation offering freedom to all slaves to fight against the American Rebels and formed the Ethiopian Regiment.<sup>30</sup>

A relatively obscure character that may have impacted Slavery and the Declaration of Independence was Rev. Josiah Tucker D.D., Dean of Gloucester. He was a critic and a correspondent of both Rev. William Smith, provost of the University of Pennsylvania<sup>31</sup> and Benjamin Franklin.<sup>32</sup> It is noteworthy that Rev. William Smith had published a dissertation on the Lawfulness of keeping Slaves.<sup>33</sup>

In 1774, the Rev. Josiah Tucker targeted Benjamin Franklin with the following:

... And were the Fact to be examined into, you would find, perhaps without a single Exception, that the greatest Conquerors abroad, have proved the heaviest Tyrants at Home. However, as Victory, like Charity, covereth a Multitude of Sins, thus it comes to pass, that reasonable Beings will be content to be Slaves themselves, provided they may enslave others... What a Pity it is, that you have been Slaves for so many Generations, and yet did not know that you were Slaves until now. ...<sup>34</sup>

In 1775, the Rev. Josiah Tucker addressed Philadelphia Congress with the following:

You bravely declare, "That by the *immutable* Laws of Nature, you are entitled to Life, Liberty, and Property." — Certainly you are: And the Reason you give is not a bad one, when *soberly* understood, viz. "Because you have never ceded to any Sovereign Power whatever, a Right to dispose of either without your Consent." Permit me therefore to ask, Why are not the poor Negroes, and the poor *Indians* entitled to the like Rights and Benefits? And how comes it to pass, that these immutable Laws of Nature are become so very mutable, and so very insignificant in respect to them? They probably never ceded to any Power, — most certainly they never ceded to you, a Right of disposing of their Lives,

Liberties, and Properties, just as you please. And yet what horrid Cruelties do you daily practise on the Bodies of the poor Negroes; over whom you can have no Claim, according to your own Principles? What shameful Robberies and Usurpations are you daily guilty of in respect to the poor *Indians* the only true and rightful Proprietors of the Country which you inhabit?

These Things, Gentlemen, ought not to be: For whilst you, and your Constituents, are chargeable with so much *real* Tyranny, Injustice, and Oppression; you declaim with a very ill Grace against the *imaginary* Tyranny, and the pretended Oppression of the Mother-Country. I am not unacquainted with your Manner of carrying on your *bartering* Trade with the *Indians*, any more than with your Treatment of your unhappy Slaves the Blacks. I could also give some Specimens of your *equitable Mode* of measuring, and making Purchases of Lands from the Natives; — when you condescend to the Formality and Farce of making a Purchase from them: — Also how you contrive to thin the Numbers of these unhappy Tribes by Means of your grand Engines of Death, Rum, and the Small-Pox: And then how you drive the miserable Survivors away, and seize their Lands. But I forbear: — For my Deign is not to rouse the Indignation of my Countrymen to go to War with you, — but to throw you entirely off: Which perhaps may prove the greater Punishment of the two. In regard to your setting up for Independence, it is no new Thing. Every Colony has done the like, as soon as it was able. ...<sup>35</sup>

Dean Tucker's words may have provoked Thomas Jefferson, John Adams and Benjamin Franklin as they wrote the Declaration of Independence.

Crimes of King George III against Negroes:

[he has incited treasonable insurrections of our fellow citizens, with the allurements of forfeiture & confiscation of our property. he has waged cruel war against human nature itself, violating its most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. this piratical warfare, the opprobrium of infidel powers, is the warfare of the **Christian** king of Great Britain. determined to keep open a market where **MEN** should be bought and sold he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce: and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another.]

— Struck from final draft.<sup>36</sup>

In 1776, Josiah Tucker envisioned a Civil War between the Northern & Southern States:

THE Northern and Southern Colonies of *America* have, and ever had, an inveterate Hatred and Antipathy against each other. And nothing prevents this from breaking out into Action even at present, but the Apprehension of common Danger. Remove, therefore, this Apprehension, and then there will remain no central Attraction uniting them in one



common League or general Association. And without such a Confederacy, it will be impossible for any one of these Republics to make the Conquest here proposed.

SHOULD two or three of these little Republics join together in such an Expedition, the rest would oppose them of Course to the utmost of their Power, and would invite *Great-Britain* to aid and assist them. The very Principle of Jealousy, natural to all States, especially to small Republics, would drive them to these Measures. For they would immediately see, that the Aggrandizement of their Rivals foreboded their own Destruction. And *Great-Britain* would at all Times be capable of holding the Balance of Power between these little, querulous, fretful States, by never inclining it too much to any one Side, so as to enable it to give Law to the rest.<sup>37</sup>

## THE AFRICAN AMERICANS AS SOLDIERS IN THE REVOLUTION

In 1777 the Rhode Island Regiment of African American Soldiers under the command of Christopher Green fought the battle of Red-Bank.

### THE VIRGINIA GAZETTE

November 7, 1777

*Extract of a letter from Major Clarke, Aid de Camp to General Green, dated Gospen, October 24th 6 o'clock, A. M.*

"A person employed by me to bring intelligence from the Dalaware shore, returned last night with the following intelligence: On the 22d at 4 o'clock, P. M. the enemy made several attacks upon Fort Missin, but was as often repulsed. The cannonade was very severe, and continued till 8 o'clock in the evening. Yesterday morning it was renewed with redoubled vigour, two large ships endeavoured to pass the chevanx de frise, while a brisk fire was kept up from Province Island. A party of 3000, at the same time attacked *Red Bank*, so that a continued fire was kept up on all sides, which lasted from 6 in the morning till 4 in the afternoon, without the least intermission; at which the enemy quitted their ships, having first set them on fire, and they soon blew up. The explotion exceeds every description. Thus ended the day. Every thing quiet this morning. I am also in formed a number of boats were manned, and made in attempt to land at Fort Misslin, but were defeated with great loss. It is said 300 Hessians were drowned in the attempt. One of the ships blown up is the Augusta, of 64 guns; the other not known."

This victory by Black Soldiers in Philadelphia, led to the manumission, recruitment & freedom of even more African Americans in February 1778:

IT is further Voted and Resolved, That every Slave so enlisting, shall, upon his passing Muster before Col. Christopher, Green, be immediately discharged from the service of his Master or Mistress, and be absolutely **F R E E**, as though he had never been incumbered with any kind of Servitude or Slavery.<sup>38</sup>

August 24, 1778, Report on Negroes in the Continental Army

*Return of the Negroes in the Army 21<sup>st</sup> Oct. 1778*

Brigades.	Present	Sick absent	On command	Total
N. Carolina.	12.	10.	6.	58
Woodford.	36.	3.	1.	10.
Muhlenberg.	61.	26.	8.	98.
Scott.	20.	2.	1.	24.
Smalwood.	13.	15.	2.	60.
2. Maryland.	33.	1.	1.	35.
Wagner.	2.	+	.	2.
2. Pennsylvania.	.	.	.	.
Clinton.	53.	2.	1.	30.
Parsons.	117.	12.	10.	118.
Huntington.	56.	2.	1.	62.
Wixon.	26.	.	1.	27.
Patterson.	61.	13.	12.	89.
Sale Learned.	31.	1.	8.	16.
Poor.	16.	7.	1.	27.
<b>Total.</b>	<b>586</b>	<b>98</b>	<b>71.</b>	<b>755</b>

George Washington Papers at the Library of Congress<sup>39</sup>

It is unknown how many African Americans participated in the War who were not enlisted as soldiers. Many were unpaid slaves that carried baggage or moved other materials.

For example in July 1777, Benjamin Rush's discharge from the Militia simply read: *Doctor Benj. Rush left with his negro.*<sup>40</sup>

George Washington was never in favor of Negroes in the military. By 1781 he was issuing orders, which treated free African-Americans enlistees harsh.<sup>41 42</sup>

### **Head Quarters, October 24, 1781.**

Sir: In Answer to your Queries of Yesterday. The Negroes that have been retaken, from whatever State, whose Owners do not appear, should all be treated in the same Manner and sent into the Country to work for their Victuals and Cloathes, and Advertised in the States they came from. Those from N York, are most probably the property of Inhabitants of that State and N Jersey and should be there Advertised. If any Officers, knowing who the Owners are, will undertake to send them Home, they may be delivered to them. The other Steps taken by you, are proper and Expedient. The Negroes may be furnished with two Days Provisions to carry them to Williamsburg, where there is a State Commissary. I am &c.<sup>43</sup>

### **George Washington, October 25, 1781, General Orders Head Quarters near York, Thursday, October 25, 1781.**

#### **AFTER ORDERS**

It having been represented that many Negroes and Mulattoes the property of Citizens of these States have concealed themselves on board the Ships in the harbor; that some still continue to attach themselves to British Officers and that others have attempted to impose themselves upon the officers of the French and American Armies as Freemen and to make their escapes in that manner, In order to prevent their succeeding in such practices All Officers of the Allied Army and other persons of every denomination concerned are directed not to suffer any such negroes or mulattoes to be retained in their Service but on the contrary to cause them to be delivered to the Guards which will be establish'd for their reception at one of the Redoubts in York and another in Gloucester. Mr. David Ross will have the superintendency and will give passes to enable them to return to their Masters or where that is not practicable will have directions to make other provision for them. Any Negroes or mulattoes who are free upon proving the same will be left to their own disposal.

The Gentlemen of the American Army who have made return to the Orderly Office of negroes in their possession agreeably to the Order of the 9th. instant are desired to deliver them to the above mentioned Mr. David Ross this day or tomorrow.

The General Officer of the day is requested to establish a Guard in York and the Commandant of Gloucester another at that post for the reception of negroes agreeably to the above order.

Discharging of fire arms in the vicinity of Camp is prohibited on pain of immediate and exemplary Punishment.<sup>44</sup>

### **THE AFTERMATH - MANUMISSION - FREEDOM**

For all the meticulous record keeping of the Quaker community, the amount of missing records regarding Slavery is remarkable and noteworthy. I have found no deeds of manumission recorded by Quakers within in the Philadelphia Deed Books, except one. [John Jones, friend of Benjamin Franklin], *carefully noted that he had already manumitted two men and confirmed that Cesar and John were free.*<sup>45</sup>

The Quakers did not end Slavery because it *violated the Golden Rule, Friends testimonies of equality, peace and simplicity.*<sup>46</sup> The Quakers ended the practice of Slavery, because in 1780 Gradual Abolition through Manumission became Law.



In spite of the Quakers modern day perception as the champion of Freedom for the Africans, their hands were not clean.<sup>47</sup> There was racism among Friends.

The Quaker meetings were segregated as well as their graveyards. *Friends are not satisfied with having negroes buried in Friends' burying ground...*<sup>48</sup>

Middletown Friends *unanimously agreed that hereafter no Deceased Negroes be Buried Within ye Walls of sd graveyard Belonging to this Meeting.*<sup>49</sup> No matter how "kind" they might be as masters, they did not welcome Blacks to join the meeting, or in any way encourage them.<sup>50</sup>

Other denominations (like the Pennepac Baptists) may have brought African Americans into their congregation with some greater level of acceptance. Mary Pary may or may not have been Free:

August 1743

Mary Pary bring a Negro Woman who made a Large Confession of ye work of Grace upon her Soul was Baptized at Pennypack by Jenkin Jones & received into full Communion by prayer and Laying on of hands.<sup>51</sup>

Neither manumissions nor Freedom were created equal. The "Road to Freedom" was often paved and purchased by the Slave himself.

22 January 1745/6

Philadelphia Deed Book G.7.539 Richard Morry to Moorey Negro Women [Bargain & Sale for 500 years]

... in consideration of the good & faithful Service unto him done and performed by his now freed Negro Woman Mooney otherwise Cremona Morrey' as of 'The Sum of twenty Pounds unto him will & Truly paid by the said Cremona... All that Messuage & Tract of Land ... in Cheltenham Township...

1 June 1757

Philadelphia Deed Book H.8.29 Nathan Allen to Negro Jupiter – Manumission

But nevertheless my desire is that the said Jupiter work for and serve my son Nehemiah for the space of twelve months next after my decease At the expiration whereof, I desire my son Nehemiah to give the said Jupiter, Five pounds toward buying himself clothes.

19 December 1757

Philadelphia Mortgage Book X.3.438 Manumission - Martha Green to The Negro Man Cuff  
Martha Green, Executrix of Thomas Green House Carpenter deceased ... did desire his said Executrix to Release and discharge his negro Man called Cuff upon his Paying (or securing to be paid) the Sum of One Hundred Pounds ...

29 July 1762

Philadelphia Deed Book H.21.467 Manumission - Benjamin Armitage to Negro Dutchess  
Whereas Samuel Alford Jeweler & Goldsmith by Writing or Bill of Sale duly Executed on the 27 July 1762 in consideration of Sixty Seven Pounds Ten Shillings Current Money of Pennsylvania unto him in hand paid by me the said Benjamin Armitage ... [Samuel Alford] did deliver a certain Negro Slave Woman named Dutchess ...

25 April 1769

Philadelphia Deed Book i.6.319 Manumission - Thomas Lawrence to His Negro Man Bash

18 Nov. 1785

Philadelphia Deed Book D.14.322 John Bayard to Jacob his Negro Man

27 May 1789

Philadelphia Deed Book D.20.556 John Millard to Negro boy Samuel

7 October 1791

Philadelphia Deed Book D.30.82 Israel Elliott Manumission to Several Negroes

Estate of Peter Elliott & Enoch Elliott ... names: George, Joshua, Pheebe, Sipis, Sarah, Nance, Frank, Lucy, Thomas, Peter, Dons, James, Prach, Guy, Dick, Peter sen. Hannah ...

10 December 1791

Philadelphia Deed Book D.31.68 Ann Pemberton to William Scot, a Negro (Manumission)

Ann Pemberton, Widow of Joseph Pemberton, late of Anne Arundle County Maryland  
William Scott, a cooper by trade, bought his freedom & married Hannah (Blake), a Mullato Woman...

23 July 1792

Philadelphia Deed Book D.34.384 Ann Paul To Susanna Fisher

Susanna Fisher of the Manor of Moreland, a Black Woman (And Late the property of Samuel Swift). 1/2 Acre & 13 perches in Smithfield.

7 March 1795

Philadelphia Deed Book D.43.303 William Johnson Dawson to Primas a Negro - Manumission

12 June 1795

Philadelphia Deed Book D.53.59 Lawrence Justice to Samuel Potts, a negro

14 June 1802

Philadelphia Deed Book EF.11.28 William Lewis Manumission of Negro Isaac & Negro Shane

29 July 1797

Philadelphia Deed Book EF.12.56 Joshua Lambader to Jacob Fitzgerald (a Free Black Man)

House & Lot in Northern Liberties

1 December 1798

Philadelphia Deed Book EF.12.58 Jacob Fitzgerald to John Harris (Free Black Man)

House & Lot in Northern Liberties

16 October 1804

Philadelphia Deed Book EF.18.99 Susan Thornton to Negro Nicholas - Manumission

Susan Thornton of the County of Alexandria and District of Columbia... for the sum of one hundred and fifty dollars - paid by Nicholas

22 June 1805

Philadelphia Deed Book EF.19.515 Ann Gibson to Negro Boy called Henry Richmond -  
Manumission

(Property late of John Gibson, by Last Will dated 28 March 1782 ... freedom was given to  
man named Hector), other property to Ann Gibson.

22 June 1805

Philadelphia Deed Book EF.19.516 Ann Gibson to Negro Flora and others - Manumission

21 November 1805

Philadelphia Deed Book EF.22.310 John Davis to Jude Sharp – Manumission

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## **THE CHURCH RESPONSIBLE.**

But the church of this country is not only indifferent to the wrongs of the slave, it actually takes sides with the oppressors. It has made itself the bulwark of American slavery, and the shield of American slave-hunters. Many of its most eloquent Divines, who stand as the very lights of the church, have shamelessly given the sanction of religion, and the bible, to the whole slave system.—They have taught that man may, properly, be a slave; that the relation of master and slave is ordained of God; that to send back an escaped bondman to his master is clearly the duty of all the followers of the Lord Jesus Christ; and this horrible blasphemy is palmed off upon the world for Christianity.

For my part, I would say, welcome infidelity! welcome atheism! welcome anything! in preference to the gospel, *as preached by those Divines!* They convert the very name of religion into an engine of tyranny, and barbarous cruelty...<sup>52</sup>

Church and State Respond with an Apology.<sup>53 54 55</sup>

## CONCLUSION

The Byberry Township African-American Burial Ground, located to the west of 14700 Townsend Road in the Parkwood section of Philadelphia, and for which the Office of Property Assessment has not assigned a street address, is an extremely significant historic site that merits designation by the Philadelphia Historical Commission and inclusion on the Philadelphia Register of Historic Places. The Byberry Township African-American Burial Ground satisfies Criteria for Designation a, b, i and j as enumerated in Section 14-1004 of the Philadelphia Code. Byberry Township African-American Burial Ground is significant:

- as an African burial ground that has survived for more than 200 years in near-undisturbed condition, was established by a religious organization (The Quakers), specifically established for the burials of African Americans who had been manumitted or set free by any other instrument of law, thereby representing the cultural, political, social, geographical, and historical heritage of Byberry Township, Philadelphia County, Pennsylvania, and the United States (Criteria a & b);
- for its associations with the lives of persons significant in the past including several members of the Byberry Preparatory Meeting of Friends, who held significant positions in their Religious Organization which opposed all War, including the American Revolutionary War, and who were involved with the founding and advancement of important institutions such the Abolition of Slavery and the Constitutional Rights of Religious Practice, Expression of Objection due to Conscience, as well as the many un-named African Americans who are buried at the site (Criteria a and b);
- as a largely undisturbed site that was settled in the eighteenth century and therefore has an extremely high potential for important archaeological resources (Criterion i); and,
- as a site that exemplifies the cultural, political, economic, social, or historical heritage of the Byberry Township (Criterion j).

For Evaluation for an inclusion on the National Historic Register by the U.S. Department of the Interior, National Park Service:

- as a cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.



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## ENDNOTES

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<sup>7</sup> O'Callaghan, E B. *Calendar of Historical Manuscripts in the Office of the Secretary of State, Albany, N.Y., Part I., Dutch Manuscripts. 1630-1664.*, Albany: Weed, Parsons and Co., Printers, 1865. Web.

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<sup>8</sup> *Complete Index to Colonial Laws and Ordinances of New Netherlands and New York, 1638-1775: Six Volumes Indexed by Subject and Names of Persons for Each Volume, Brief Abstract of Each Colonial Law*.

Knightstown, Ind: Bookmark, 1977. Print. Web.

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<sup>9</sup> Thomas, Gabriel. *An Historical and Geographical Account of the Province and Country of Pensilvania; and of West-New-Jersey in America*. London: n.p., 1698. Web.

<<https://archive.org/details/historicalgeogra01thom>>. Search: Negroes.

<sup>10</sup> Holm, Thomas Campanius,, Ponceau Peter Stephen, Du. *A Short Description of the Province of New Sweden Now Called, by the English, Pennsylvania, in America*. Philadelphia: M'Carty & Davis, 1834. Web.

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<sup>17</sup> State of Pennsylvania. Web. 28 Oct. 2014.

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<sup>22</sup> Martindale—Ibid, 52

<sup>23</sup> Historical Society of Pennsylvania: Collection 425, miscellaneous collection - Box 4a. Accessed 27 May 2010.

<sup>24</sup> Martindale—Ibid, 55

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- <sup>25</sup> Historical Society of Pennsylvania: Collection 425, miscellaneous collection - Box 4a. Accessed 27 May 2010.
- <sup>26</sup> Martindale—Ibid, 61
- <sup>27</sup> Martindale—Ibid, 146 -147
- <sup>28</sup> The Gullah/Geechee people are descendents of enslaved Africans from various ethnic groups of west and central Africa., See: National Park Service: Gullah Geechee Cultural Heritage Corridor Commission website: <<http://www.nps.gov/guge/parkmgmt/>>
- <sup>29</sup> John Adams diary 24, 15 September 1775 - 3 January 1776 [electronic edition]. *Adams Family Papers: An Electronic Archive*. Massachusetts Historical Society. Web. <<http://www.masshist.org/digitaladams/archive/doc?id=D24>>. 13-14.
- <sup>30</sup> Carey, Charles W. *LORD DUNMORE'S ETHIOPIAN REGIMENT*. Thesis. Virginia Polytechnic Institute and State University, Blacksburg, Virginia. 1995. Web. 15 Oct. 2014. <[http://scholar.lib.vt.edu/theses/available/etd-12052009-020355/unrestricted/LD5655.V855\\_1995.C374.pdf](http://scholar.lib.vt.edu/theses/available/etd-12052009-020355/unrestricted/LD5655.V855_1995.C374.pdf)>.
- <sup>31</sup> The Wm. Smith Papers, Rare Book & Manuscript Library, University of Pennsylvania. Web. 29 Oct. 2014. <[http://sceti.library.upenn.edu/franklin/txt\\_doc\\_wsmithpapers\\_title.cfm](http://sceti.library.upenn.edu/franklin/txt_doc_wsmithpapers_title.cfm)>.
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- <sup>35</sup> Tucker, Josiah. *Tract V: The Respective Pleas and Arguments of the Mother Country, and of the Colonies, Distinctly Set Forth, and the Impossibility of a Compromise of Differences, or a Mutual Concession of Rights Plainly Demonstated : with a Prefatory Epistle to the Plenipotentiaries of the Late Congress at Philadelphia*. Gloucester: Printed by R. Raikes, and sold by T. Cadell ... and J. Walter ... London, 1775. iv - vi. Web. 28 Oct. 2014. <<https://archive.org/details/tractvrespective00tuck>>.
- <sup>36</sup> "Original Rough draught" of the Declaration of Independence, Library of Congress: Web. 28 Oct. 2014. <<http://www.loc.gov/exhibits/treasures/trt001.html>>, Image 3: <<http://www.loc.gov/exhibits/treasures/images/decp3.jpg>>.
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- <sup>38</sup> [Acts and resolves] *At the General Assembly of the governor and company of the English colony of Rhode-Island and Providence Plantations in New-England in America, begun and held at South-Kingstown within and for said colony, on the last Wednesday in October [1747], in the twenty-first year of the reign of his most Sacred Majesty*



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*George the Second [to the last Monday in October, one thousand eight hundred [May 1777 to December 1778]*, Pub. (1900). Web. 29 Oct. 2014.

<<https://archive.org/stream/actsresolvesatge09rhod#page/n215/mode/2up>>.

<sup>39</sup> George Washington Papers at the Library of Congress, 1741-1799: Series 4. General Correspondence. 1697-1799, Alexander Scammel, August 24, 1778, Report on Negroes in the Continental Army

Web. 29 Oct. 2014 <<http://memory.loc.gov/mss/mgw/mgw4/051/0500/0562.jpg>>.

<sup>40</sup> Montgomery, Thomas Lynch, *Pennsylvania Archives, Sixth Series. Vol. 1: Muster Rolls Relating to the Associators and Militia of the City of Philadelphia*. Harrisburg: Harrisburg Pub., 1906. 52. Web. 10 Sept. 2014. <<https://archive.org/details/6thpennsylvaniaarch01harruoft>>.

<sup>41</sup> The Writings of George Washington from the Original Manuscript Sources, 1745-1799. John C. Fitzpatrick, Editor. - Library of Congress. Web. 29 Oct. 2014.

<<http://memory.loc.gov/mss/mgw/mgw3g/001/112.jpg>>.

Head Quarters, Cambridge, November 12, 1775.

Neither Negroes, Boys unable to bare Arms, nor old men unfit to endure the fatigues of the campaign, are to be inlisted; The preferences being given to the present Army

<sup>42</sup> **Journals of the Continental Congress, 1774-1789** - Library of Congress.

Web. 29 Oct. 2014. <<http://memory.loc.gov/mss/mgw/mgw2/007/1710169.jpg>>

Cambridge, December 31, 1775.

It has been represented to me, that the free Negroes who have served in this Army, are very much dissatisfied at being discarded. As it is to be apprehended that they may seek employ in the Ministerial Army, I have presumed to depart from the Resolution respecting them and have given licence for their being enlisted, If this is disapproved by Congress I shall put a stop to it.

<sup>43</sup> **The Writings of George Washington from the Original Manuscript Sources, 1745-1799.** John C. Fitzpatrick, Editor. Web. 29 Oct. 2014.

<<http://memory.loc.gov/mss/mgw/mgw3b/014/265264.jpg>>.

<sup>44</sup> **The Writings of George Washington from the Original Manuscript Sources, 1745-1799.** John C. Fitzpatrick, Editor. Web. 29 Oct. 2014.

<<http://memory.loc.gov/mss/mgw/mgw3g/006/068.jpg>>.,

<<http://memory.loc.gov/mss/mgw/mgw3g/006/069.jpg>>.

<sup>45</sup> Boudreau, George W. "Notes and Documents: Solving the Mystery of the Junto's Missing Member: John Jones, Shoemaker." *The Pennsylvania Magazine of History and Biography* 131.3 (2007): 307-17. Web. <<http://journals.psu.edu/pmhb/article/viewFile/59014/58740>>.

This manumission is found in Philadelphia Deed Book H, Vol. 5 page 486.

<sup>46</sup> McDaniel, Donna, and Vanessa Julye. *Fit for Freedom, Not for Friendship: Quakers, African Americans, and the Myth of Racial Justice*. Philadelphia, Pa.: Quaker of Friends General Conference, 2009. 3.

<sup>47</sup> McDaniel, Donna, and Vanessa Julye —Ibid, 9

<sup>48</sup> McDaniel, Donna, and Vanessa Julye —Ibid, 197

<sup>49</sup> Grundy, Martha P. *The Evolution of a Quaker Community: Middletown Meeting, Bucks County, Pennsylvania, 1750-1850*. Lewiston, NY: Edwin Mellen Press, 2006. 74.

<sup>50</sup> Grundy, Martha P. —Ibid, 75

<sup>51</sup> Records of Pennypack/Lower Dublin Baptist Church (Microfilm). Web. 26 August 2014. 23.

<<http://nepillyhistory.com/pennepackbaptistbook-hsp.pdf>>.

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<sup>52</sup> Douglass, Frederick. *Oration Delivered in Corinthian Hall, Rochester*. Printed by Lee, Mann & Co., Rochester, NY. 1852. 28. Web. 04 July 2014.

<<https://archive.org/details/30553533.4879.emory.edu>>.

<sup>53</sup> *Legacy of The Trans-Atlantic Slave Trade Hearing Before the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of The Committee on The Judiciary, House of Representatives, One Hundred Tenth Congress, First Session, December 18, 2007., Serial No. 110-63*. Washington, D.C.: Printed for the Use of the Committee on the Judiciary by the G.P.O., 2007. Web. 24 Aug. 2014.

<<http://www.gpo.gov/fdsys/pkg/CHRG-110hrg39707/html/CHRG-110hrg39707.htm>>.

<sup>54</sup> Christ Church Speaks Out About Untold Colonial Past - With an Interpretive Experience. Tourism 2008: Slavery in Philadelphia. Web. 26 Aug. 2014.

<[http://www.christchurchphila.org/News\\_Events/Historic\\_Events/130/vobId\\_759/](http://www.christchurchphila.org/News_Events/Historic_Events/130/vobId_759/)>.

<sup>54</sup> 176th Convention of the Diocese of Chicago. *Final Report of the Task Force on the Legacy of Slavery*. (2013) Web. 26 Aug. 2014.

<sup>55</sup> 176th Convention of the Diocese of Chicago. *Final Report of the Task Force on the Legacy of Slavery*. (2013) Web. 26 Aug. 2014.

<[http://www.episcopalchicago.org/files/4613/8530/4287/Executive\\_Summary\\_Task\\_Force\\_on\\_the\\_Legacy\\_of\\_Slavery\\_ENGLISH.pdf](http://www.episcopalchicago.org/files/4613/8530/4287/Executive_Summary_Task_Force_on_the_Legacy_of_Slavery_ENGLISH.pdf)>.

## **ADDENDUM** — 3 November 2014.

### Chain of Title

19<sup>th</sup> January 1780 Thomas Townsend to the Byberry Meeting — Unrecorded.

14<sup>th</sup> April 1806

EF.24.140 — 142 Ezra Townsend from Evan Townsend

The larger parcel bordering the cemetery - containing fifty-two acres and forty-two perches [excluding] “*a lot of Burying Ground for the Black People...*”

2<sup>nd</sup> April 1849

GWC.12.147 — 148 Amos Wilson & James Townsend to Thornton Stackhouse

... along the middle of the said road by a burial ground for the colored people on one side and a lot formerly of Benjamin Adams on the other side ... *containing exclusive of the burial ground for the colored people, hereby expressly reserved and excepted, [containing] fifty acres and one-hundred-twenty-six perches ...*”

4<sup>th</sup> December 1872

FTW.16.24 — 26 John P. Townsend to Watson C. Martindale (trustee)

10<sup>th</sup> December 1906

WSV.813.4 — 6 Watson C. Martindale to Edward Comly (trustee)

... *in Trust only to and for the use intent and purpose of a Burying Place for all free negroes or people of colour within the limits of Byberry particular Meeting of Friends...*

These deeds may be viewed at the Frankford Gazette:

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<http://frankfordgazette.com/2013/02/18/african-american-burial-ground-at-benjamin-rush-state-park/>.

**ADDENDUM** — 3 November 2014, Continued...

1980:

Trustees of Byberry Monthly Meeting of Friends to the City of Philadelphia  
[Incomplete Copy of Deed.]

December 09, 2013 (Monday), Room 154 City Hall, received the following deeds:

20th June 1987

150N10-17 sub of 14

City of Philadelphia (Grantor) to

The Philadelphia Authority For Industrial Development (Grantee).

13th October 1993

150N10-18 sub of 17

The Philadelphia Authority For Industrial Development (Grantor) to

The Philadelphia Authority For Industrial Development (Grantee).

08 February 1996

150N10-18, 155N19-54 Byberry GSA Assignment of Agreement..

12th of February 1996

150N10-18, 155N19-54 Byberry GSA Release: 14700 Townsend Road.

31 May 2001

B.I.T. Holdings Eighteen Inc. (Grantor) to

Verizon Communications (Grantee) Easement.

This Nomination was revised with additions to this addendum and then re-submitted to the Philadelphia Historical Commission — 03 November 2014.

This Nomination was revised with additions and re-submitted to the Philadelphia Historical Commission — 11 June 2015.

This Nomination re-submitted to the Philadelphia Historical Commission — 29<sup>th</sup> June 2015 with corrections concerning the parcel id number and additions to the parcel description coordinated with additional maps (faulty map information has been removed).

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