

1817. Gradual Manumission in New York State

"An Act relative to slaves and servants," March 31, 1817, in *Laws of the State of New-York Passed at the Fortieth Session of the Legislature, Begun and Held at the City of Albany, the Fifth Day of November, 1816* (Albany, 1817), 136-144. Source: D. Gellman and D. Quigley, ed. (2003). Jim Cow New York, A Documentary History of Race and Citizenship 1777-1877. NY: New York University Press, 68-72.

I ... every negro, mulatto or mustee, within this ... state, who is now a slave, shall continue such, unless such slave shall be manumitted according to law; and that the baptizing of any such slave, shall not be deemed a manumission of such slave: *Provided always*, that every person born a slave within the United States, and who hath heretofore been, or shall hereafter be manumitted, shall be deemed, taken and adjudged to have been capable of taking by devise, descent or otherwise, all estates, real or personal, in the same manner as if he or she had been born free, and shall and may at all times hereafter, and in all courts, have the like remedy for the recovery of such estates, or for injuries done to the same, as if such person had been born free; but this act shall not be construed to create a cause of action against the former owner of such slave or his representatives.

II. . . all marriages contracted, or which may hereafter be contracted, wherein one or both of the parties was, were or may be slaves, shall be considered equally valid as though the parties thereto were free, and the child or children of any such marriage shall be deemed legitimate: *Provided*, that nothing in this section contained, shall be deemed or construed to manumit any such slave or slaves.

III.... no slave shall be a witness in any case, except for or against another slave, in criminal cases.

IV. *And be it further enacted*. That every child born of a slave within this state, after the fourth day of July, in the year of our Lord one thousand seven hundred and ninety-nine, shall be free, but shall remain the servant of the owner of his or her mother, and the executors, administrators or assigns of such owner, in the same manner as if such child had been bound to service by the overseers of the poor, and shall continue in such service, if a male, until the age of twenty-eight years, and if a female, until the age of twenty-five years; and that every child born of a slave within this state after the passing of this act, shall remain a servant as aforesaid until the age of twenty-one years and no longer.

V.... every person entitled to the services of any child, under and by virtue of this act, shall, before such child arrive at the age of eighteen years, teach such child, or cause to be taught, to read, so that it may be able to read the holy scriptures, or shall give such child, between the ages of ten and eighteen, four quarters schooling; and if the person so entitled to such service, shall neglect to cause such child so to be taught, or to have such schooling, then such child shall be released from its servitude when it shall arrive at the age of eighteen years, any thing herein contained to the contrary notwithstanding: *And further*, that in every such case, the overseers of the poor of the city or town in which such child shall or may be or reside, may, and it shall be their duty, forthwith to bind out such child, until it shall have arrived at the age of twenty-one years. . . .

VII. ... it shall be lawful for the owner of any slave, to manumit such slave, by last will and testament, or by any such instrument in writing under his hand; but if such slave, at the time of such manumission, be above the age of forty-five years, or within that age and not of sufficient ability to provide for his or her support, the person manumitting such slave, and his or her heirs, executors and administrators, shall respectively be liable for the maintenance of the slave so manumitted, in case such slave shall become a charge to any city or town within this state... *Provided nevertheless*, that if the owner of such slave, at or immediately before the time of manumission, shall obtain a certificate . . . certifying that such slave appears to be under the age of forty-five years, and of sufficient ability to provide for himself or herself, or that the parent or parents of such slave is or are willing and able to maintain and provide there for. . . .
[IX through XII ban the importation of slaves into New York and define the exceptions to this rule, originally established by state law in 1785.]

XIII. ... if any person shall send to sea, or export, or attempt to export from this state, or send or carry out of, or attempt to send or carry out of this state, except as is by this act provided, any slave or servant, every person so exporting, or attempting to export, or sending or carrying out of this state, or attempting to export, or sending or carrying out of this state, such slave or servant; and every person aiding or

consenting to such exportation, or attempt to export; or to such sending or carrying out of this state, or to such attempt to send or carry out, shall be deemed guilty of a public offence, and forfeit the sum of five hundred dollars. . . .

XIV. ... it shall be lawful for every person who shall have resided ten years within this state, and who shall be about to remove permanently there from, to carry with him or her every such slave as shall have been the property of such person during the ten years next preceding. . . .

XV.... it shall be lawful for any person not an inhabitant of this state, who shall be travelling to or from, or passing through this state, to bring with him any slave, and take such slave with him from this state, provided such slave shall not reside or continue in this state more than nine months; and it shall also be lawful for any inhabitant of this state, going [on] a journey to any other part of the United States, to carry with him or her any such slave or servant as aforesaid: but such inhabitant shall bring back such slave or servant, and in default thereof shall be deemed to have committed a public offence. . . .

[Sections XVI. and XVII. extend the principle of gradual abolition to slaves born after July 4, 1799, who were brought into the state with their masters.]

XXII.... it any person shall employ, harbor, conceal or entertain, any slave, or such servant as aforesaid, knowing such slave or servant to belong to any other person, without the consent of such owner, such person shall forfeit to the owner of such slave or servant, the sum of twelve dollars and fifty cents for every twenty-four hours. . . .

XXIII.... it any person shall trade or traffic with any such slave or servant, knowing them to be such, either in buying or selling, without the consent of the owner of such slave, or the master or mistress of such servant, such person shall, for every such offence, forfeit treble the value of the articles so bought or sold. . . .

XXIX. ... if any person shall, without due process of law, seize and forcibly confine, or inveigle or kidnap, any negro, mulatto, mustee or other person of color, with intent to send or carry him out of this state against his will, or shall conspire with any person or persons, or aid, abet, assist, hire, command or procure any other person to commit the said offence,-or any captain of a vessel or other person, shall sell or dispose of in any foreign port or place any negro, mulatto, mustee or other person of color, and shall be duly convicted of any of the said offences . . . shall be fined or imprisoned, or both. . . .*Whereas* persons of color, owing service or labor in other states, sometimes secrete themselves on board of vessels while such vessels are lying in the ports or harbors of other states . . .

XXX. *Be it further enacted.* That it shall be lawful for all such captains or commanders ... to seize such person of color and take him before any magistrate of a county . . . and upon proof by oath or affirmation, to the satisfaction of the said magistrate or justice, that such person of color did, without his consent or knowledge, secrete himself on board his vessel, such magistrate or justice shall give a certificate ... which shall be sufficient warrant to send or carry such person of color to the port or place from which such person was so brought: *Provided*, that nothing in this section contained shall prevent such person of color, when brought before such magistrate or justice, from proving he does not owe service or labor in any other state.

XXXII.... That every negro, mulatto or mustee within this state, born before the fourth of July, one thousand seven hundred and ninety-nine shall, from and after the fourth day of July, one thousand eight-hundred and twenty-seven, be free.