

# L A W S

OF THE

## STATE OF NEW-YORK,

COMPRISING THE

## CONSTITUTION,

AND THE

## ACTS OF THE LEGISLATURE,

SINCE THE REVOLUTION, FROM THE

FIRST TO THE FIFTEENTH SESSION, INCLUSIVE.

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IN TWO VOLUMES.

VOLUME II.

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*Quum Leges alie super alias accumulatz, eas de integro retractare, et in Corpus sanum et habile redigere, ex Ufu sit.*

*Mifera Servitus est ubi Jus est vagum aut incognitum.*

BACON.  
4 Inst. 246.

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P R E F A C E.

**T**HE *second Volume of the Laws of New-York is finally completed. In this Volume the same Plan has been pursued as in the first, nor has a Sheet of it been put to the Press until critically examined by some one Gentleman of the Profession of the Law.*

*The Patrons to this Work will please to observe, that agreeably to the Request of a great Part of them, the Laws which were passed at the fifteenth Session of the Legislature, comprises Part of this Volume; and, as this Addition was not contemplated in the original Proposals, that this is subject to the trifling extra Charge of TWO SHILLINGS and SIX-PENCE. The Editor has no Doubt but the Demand will be cheerfully complied with by all the Subscribers; and hopes, that the whole Work will fully answer their most sanguine Expectations—being, with sentiments of respect, &c.*

THOMAS GREENLEAF.

☞ *The Editor has this Day issued Proposals for printing the future Laws of New-York in NUMBERS, to commence with the next (or sixteenth) Session; each Number to contain the Laws of one Session, be it more or less, to be stitched in Blue, at 3s. the Number.*

C H A P. XL.

An ACT concerning Slaves.

Passed 22d February, 1788.

Amended, 13th Feb.  
Ch. II.

**W**HEREAS in consequence of the act, directing a revision of the laws of this state, it is expedient that the several existing laws, relative to slaves, should be revised, and comprised in one; Therefore,

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same,* That every negro, mulatto or mestee, within this state, who at the time of the passing of this act, is a slave for his or her life, shall continue such for and during his or her life, unless he or she shall be manumitted or set free in the manner prescribed in and by this act, or in and by some future law of this state.

II. *And be it further enacted by the authority aforesaid,* That the children of every negro, mulatto or mestee woman, being a slave, shall follow the state and condition of the mother, and be esteemed, reputed, taken and adjudged slaves, to all intents and purposes whatsoever.

III. *And be it further enacted by the authority aforesaid,* That the baptizing of any negro, or other slave, shall not be deemed, adjudged or taken to be a manumission of such slave.

IV. And to prevent the further importation of slaves into this state; *Be it further enacted by the authority aforesaid,* That if any person shall sell, as a slave, within this state, any negro or other person who has been imported or brought into this state, after the first day of June, in the year of our Lord one thousand seven hundred and eighty-five, or who shall be imported or brought into this state after the passing of this act, such seller, or his or her factor or agent, making such sale, shall be deemed guilty of a public offence, and shall, for every such offence, forfeit the sum of one hundred pounds, current money of this state, to be recovered by any person who will sue for the same, with costs of suit, by action of debt, in any court of record within this state, having cognizance thereof; the one half of which forfeiture, when recovered, to be paid to the treasurer of this state, for the use of the people thereof; and the other half to the person who shall sue for the same to effect. And further, That every person, so imported or brought into this state, and sold contrary to the true intent and meaning of this act, shall be free.

Any person selling a slave brought into this state after first June, 1785, to forfeit 100l.

And such slave to be free.

Any person buying or receiving a slave, with intent to remove such slave out of this state to be sold, to forfeit 100l.

V. *And be it further enacted by the authority aforesaid,* That if any person shall, at any time, purchase or buy, or shall, as factor or agent to another, take or receive, any slave with intent to remove, export or carry such slave from this state, to any other place without this state, and there to be sold; the person so purchasing or buying, or so, as factor or agent, receiving or taking a slave, with such intent as aforesaid, shall be deemed to have committed an offence against the people of this state, and shall, for every such offence, forfeit the sum of one hundred pounds, to be recovered, with costs, by any person who will sue for the same; the one moiety to the use of the people of this state, and the other moiety to the use of the person

And such slave to be free.

who will sue for the same; and the slave so purchased, bought, taken or received, shall be immediately after he or she shall be so purchased, bought, received or taken, and hereby is declared to be free.

Persons employing  
or harbouring, &c.  
slaves, without con-  
sent of the owners,  
to forfeit \$1. for every  
24 hours.

VI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, after the passing of this act, employ, harbour, conceal or entertain any negro, or other slave, knowing such negro or other slave to be the slave of any other person or persons, without the consent of the owner or owners of such slave, he, she or they shall forfeit to the owner or owners of such slave, the sum of five pounds for every twenty-four hours, and in that proportion for a greater or less time, while such slave shall have been employed, harboured, concealed or entertained, as aforesaid; but that such forfeiture shall not in the whole exceed the value of such slave. And further, That if any person or persons shall be found guilty of harbouring, entertaining or concealing any slave, or of assisting to convey him or her away, and if such slave shall be lost, die or be otherwise destroyed, the person or persons so harbouring, entertaining, concealing, assisting, or conveying away such slave, shall be liable to pay to the owner or owners of such slave, the value thereof; which several sums of money shall and may be recovered, by action of debt, with costs of suit, in any court of record having cognizance thereof.

VII. *And be it further enacted by the authority aforesaid,* That no person or persons shall trade or traffic with any slave or slaves, either in buying or selling, without leave or consent of the master or mistress of such slave or slaves, on pain of forfeiting treble the value of the thing or things traded for; and also, the sum of five pounds, to the master or mistress of such slave or slaves, for each offence, to be recovered, with costs, against the person or persons so trading contrary to the true intent and meaning of this act, by action of debt, in any court having cognizance thereof. And further, That every contract or bargain so made, or to be made, with any slave or slaves, without consent of his, her or their master or mistress, shall be utterly void.

VIII. *And be it further enacted by the authority aforesaid,* That if any person or persons shall sell any rum or other strong liquor, to any slave or slaves, without the consent of his or her master or mistress, and shall thereof be convicted, upon complaint made by the master or mistress of such slave or slaves, before any justice of the peace, mayor, recorder or alderman, in the city or county where the offender shall dwell or reside, shall forfeit and pay the sum of forty shillings for every such offence, to be recovered, with costs, before any such justice, mayor, recorder or alderman; the one half of which forfeiture, when recovered, shall be paid to such master or mistress, and the other half to the overseers of the poor of the city or town where such offence is committed.

IX. *And be it further enacted by the authority aforesaid,* That if any person or persons shall, by theft, or other trespass committed by any slave or slaves, sustain damages to the value of five pounds or under, the owner or owners of such slave or slaves, shall be liable to make satisfaction for such damages to the party injured, to be recovered by action of debt, with costs of suit, in manner aforesaid.

X. *And be it further enacted by the authority aforesaid,* That if any slave shall strike a white person, it shall be lawful for any justice of the peace to commit such slave to prison; and such slave shall thereupon be tried and punished, in the manner directed in cases of petit larceny, in and by the act, en-

Owners of slaves to  
be answerable for  
their trespasses to the  
value of \$1.

Slaves striking  
white persons, how to  
be tried and punished.

sized, † An act for the speedy punishment of such persons as shall commit any offences under the degree of grand larceny.

Slaves to be tried by juries in capital cases.  
 XI. *And be it further enacted by the authority aforesaid;* That all negroes and other persons whatsoever, commonly reputed and deemed slaves, shall, forever hereafter, have the privilege of being tried by a jury, in all capital cases, according to the course of the common law.

Slaves not to be witnesses, except in criminal cases against each other.  
 XII. *And be it further enacted by the authority aforesaid;* That from and after the passing of this act, no slave shall be admitted a witness for or against any person, in any matter, cause or thing whatsoever, civil or criminal, except in criminal cases in which the evidence of one slave shall be admitted for or against another slave.

XIII. *And be it further enacted by the authority aforesaid;* That from and after the passing of this act, no person or persons within this state, shall knowingly and willingly suffer, or permit his, her or their slave to go about begging of others, victuals, cloathing, or other necessaries; and if any person or persons shall be guilty of an offence against this clause of this act, he, she or they shall, for every such offence, forfeit the sum of ten pounds, to be recovered by action of debt, with costs of suit, in any court of record within this state, by any person or persons who will sue for the same; the one half of which forfeiture, when recovered, to be paid to the overseers of the poor of the city or town where such offence shall be committed, and the other half to the person or persons who shall sue and prosecute for the same to effect.

Penalty on persons selling slaves to others unable to maintain them.  
 XIV. *And be it further enacted by the authority aforesaid;* That if any person or persons shall, by any collusive conveyance, or fraudulent agreement, sell or dispose, or pretend to sell, or dispose of any aged or decrepid slave, to any person or persons, who is, or are unable to keep and maintain such slave or slaves, such sale or pretended sale, shall be absolutely void, and the person or persons making such sale or pretended sale, shall forfeit the sum of twenty pounds for each offence; and shall, moreover, be deemed the owner or owners of such slave or slaves, within the true intent and meaning of the next preceding section of this act; which forfeitures shall be recovered and applied in the manner directed in and by the said section.

How slaves, under 50 years of age, may be manumitted.  
 XV. *And be it further enacted by the authority aforesaid;* That when the owner or owners of any slave under fifty years of age, and of sufficient ability to provide for himself or herself, shall be disposed to manumit such slave, he, she or they shall, previous thereto, procure a certificate, signed by the overseers of the poor, or the major part of them, of the city, town or place, and of two justices of the peace of the county where such person or persons shall dwell or reside, and if in the cities of New-York or Albany, then, from the mayor or recorder, and any two of the aldermen, certifying that such slave appears to be under fifty years of age, and of sufficient ability to provide for himself or herself, and shall cause such certificate of manumission to be registered in the office of the clerk of the city, town or place in which the owner or owners of such slave may reside; that then it shall be lawful for such person or per-

† There is no act with this title: It is supposed that the act intended is 10th sess. ch. 65.

sons to manumit such slave, without giving or providing any security to indemnify such city, town or place; And every slave, so manumitted, shall be deemed, adjudged and taken to be free, and the clerk, for registering such certificate, shall be entitled to two shillings, and no more.

XVI. *And be it further enacted by the authority aforesaid,* That if any person, by his or her last will and testament, shall give his or her slave freedom, such slave being, at the death of the testator or testatrix, under fifty years of age, and also of sufficient ability to provide for himself or herself, to be certified in manner aforesaid; such freedom, given as aforesaid, shall, without any security to indemnify the city, town or place, be deemed, taken and adjudged to be good and valid, to all intents and purposes. And further, That if the owner or owners of any other slave, shall be disposed to manumit and set at liberty such slave, and such owner or owners, or any other sufficient person, for or in behalf of such slave, shall and do, at the court of general sessions of the peace for the city or county where such negro or other slave shall dwell or reside, enter into a bond to the people of the state of New-York, with one or more surety or sureties, to be approved by such court, in a sum not less than two hundred pounds, to keep and save such slave from becoming or being any charge to the city, town or place, within this state, wherein such slave shall, at any time after such manumission, live, the said slave shall be free, according to such manumission of the owner or owners of such slave. And further, If

any such slave hath been, or hereafter shall be made free, by the last will and testament of any person deceased, and if the executor or executors of such person so deceased, or in case of the neglect or refusal of such executor or executors, if any other sufficient person for and in behalf of such slave, shall and do enter into such surety as aforesaid, in manner aforesaid, then the said slave shall be free, according to the true intent and meaning of such last will and testament. And moreover, That if any person shall, by last will or otherwise, manumit or set free his or her slave, and no such certificate or security as aforesaid be given or obtained, such slave shall, nevertheless, be considered as freed from such owner, his or her executors, administrators and assigns: But such owner, his and her heirs, executors and administrators, shall remain and be liable to support and maintain such slave, if the same slave shall become unable to support and maintain himself or herself.

Slaves under 50 years of age, may be manumitted by will.

Owners of other slaves may manumit them on giving security.

Such slave manumitted by will, on security given by executors, or any other.

Slaves set free by will or otherwise, to be considered as free; but the owner, if no certificate or security be given, liable to maintain them.

## C H A P. XLI.

*An ACT in the Form of the Act recommended by the Resolution of the United States in Congress assembled, of the Twenty-first Day of March, One Thousand Seven Hundred and Eighty-seven, to be passed by the several States, relative to the Treaty of Peace between the United States, and the King of Great-Britain.*

Passed 22d February, 1788.

**W**HEREAS certain laws or statutes made and passed in some of the United States, are regarded and complained of as repugnant to the treaty of peace with Great-Britain, by reason whereof, not only the good faith of the United States, pledged by that treaty, has been drawn into question, but their essential interests under that treaty, greatly affected: And