

THE
COLONIAL LAWS
OF
NEW YORK

FROM THE

YEAR 1664 TO THE REVOLUTION,

INCLUDING THE

**CHARTERS TO THE DUKE OF YORK, THE COMMISSIONS AND IN-
STRUCTIONS TO COLONIAL GOVERNORS, THE DUKE'S LAWS,
THE LAWS OF THE DONGAN AND LEISLER ASSEM-
BLIES, THE CHARTERS OF ALBANY AND NEW
YORK AND THE ACTS OF THE COLO-
NIAL LEGISLATURES FROM 1691
TO 1775 INCLUSIVE.**

VOLUME II.

**TRANSMITTED TO THE LEGISLATURE BY THE COMMISSIONERS OF STATUTORY
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[CHAPTER 560.]

[Chapter 560, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford, 1732 ed., p. 367. Acts repealed hereby are chapters 123, 181, 250 and 341.]

An Act for the more Effectual Preventing and Punishing the Conspiracy and Insurrection of Negro and other Slaves; for the better regulating them and for repealing the Acts herein Mentioned Relating thereto

[Passed, October 29, 1730.]

WHEREAS many Mischiefs have been Occasioned by the too great Liberty allowed to Negro and other Slaves and that some of the Acts relating thereto are Expired and others not fully answering the Good purposes thereby Intended, the General Assembly therefore pray it may be Enacted and be it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the same, that no Person or Persons do hereafter through out this Colony presume to trade or Traffick with any Slave or Slaves either in buying or selling without leave and Consent of the Master or Mistress of Such Slave or Slaves on forfeiture of treble the Value of the thing or things traded for and also the sum of five pounds Currant Lawfull mony to the Master or Mistress of Such Slave or Slaves for each offence to be recovered of Such Person or Persons so trading contrary to the true intent and meaning of this Act by Action of Debt in any Court of record within this Colony where Such Sum or Sums is Cognizable and all Contracts and Bargains made with any Slave or Slaves shall be utterly void. And whereas notwithstanding Sundry Laws passed heretofore in this Colony for the purposes abovementioned several evil disposed Persons having nothing in View but their private gain do clandestinely trade and traffick with Slaves, for remedy whereof Be it Enacted by the Authority aforesaid that if any Person or Persons within this Colony shall from and after the Publication of this Act sell any rum or other strong Liquor to any Negro Indian or Mulato Slave or Slaves or shall buy or take in pawn from them any wares Merchandises apparel Tools Instruments or any other Kind of goods whatever and shall thereof be accused by the Master or Mistress of Such Slave or Slaves, or by any

other Person or Persons before any one Justice of the Peace 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 the said Justice of the Peace or before any other Justice dwelling where such offence is committed (who is hereby strictly required and directed to hear and finally to determine the same) unless the Person or Persons accused as above said do take his her or their Corporal Oath (which Oath the said Justice is hereby empowered to administer) that he she or they have not either by themselves or by any other Person or Persons on his her or their behalf directly or indirectly sold bought or taken in pawn any of the thing or things of which he she or they shall be accused in manner as aforesaid: which forfeiture shall be one half to the Informer the other half for the Poor of the City Town manner or Precinct where such offence is committed and upon non payment of the above mentioned penalty the offending party or parties shall be by the said Justices committed to the Common Gaol there to remaine for THE space of Twenty days unless the said penalty be sooner paid,

AND be it further Enacted by the same Authority that hereafter it shall and may be Lawfull for any Master or Mistress to Punish his her or their Slave or Slaves for their Crimes and offences at discretion not Extending to Life or Limb

AND for as much as the Number of Slaves in the Citys of New York and Albany as also within the Several Counties Towns and Mannors within this Colony doth daily increase, and that they have been often times guilty of Confederating together in running away & of other ill and Dangerous practices

Be it therefore Enacted by the aforesaid Authority that it shall not hereafter be Lawfull for above three Slaves to meet together at any time nor at any other Place then when it shall happen they meet in some servile employment for their Master or Mistresses profitt and by their Master or Mistresses Consent upon penalty of being whipt upon the Naked Back at the discretion of any one Justice of the Peace not Exceeding forty Lashes for each offence

And be it further Enacted by the Same Authority that it shall and may be Lawfull hereafter for every City Town and Mannor within this Colony to have and appoint a Common whipper for their Slaves and for his Salary it shall and may be Lawfull for any City Town or Mannor within this Colony at their Common Council or Town Meeting to agree upon such Sum to be paid him

by the Master or Mistress of Slaves, not Exceeding the sum of three shillings per head for all Such Slaves as shall be whipt as aforesaid, and upon Neglect or refusal of the Master or Mistress to pay the sum so agreed upon as above that then such Slave or Slaves Shall be Comitted untill payment be made with Costs, and in Case any Slave Shall presume to Assault or Strike any Christian or Jew it shall be in the power of any two Justices of the Peace (who by this Act are hereunto Authorised) to Committ Such Slave or Slaves to Prison not Exceeding fourteen days for one fact and to inflict Such other Corporal Punishment not Extending to Life or Limb upon him her or them so offending as to the said Justices Shall Seem meet and reasonable

And be it further Enacted by the Authority aforesaid that no Person or Persons whatsoever do hereafter Imploy Harbour, Conceal or Entertain other mens Slave or Slaves, at their House out House or Plantation without the Consent of his her or their Master or Mistress upon the forfeiture of five pounds for every Twenty four hours (and so proportionably for a Less time) they are So Concealed or Entertained to the said Master or Mistress of Such Slave or Slaves, so that the Penalty for Entertaining such Slave do not Exceed the Value of such Slave and if any Person or Persons whatsoever shall be found guilty of Harbouring Entertaining or Concealing of any Slave or Slaves or assisting to the Conveying him her or them away if Such Slave shall happen to be lost dead or otherwise destroyed such Person or Persons so harbouring entertaining concealing assisting or Conveying them away, shall be also Liable to pay the Value of Such Slave or Slaves to the Master or Mistress to be recovered by action of Debt in Any Court of record. And whereas It often happens that through the Lenity of the said Master or Person under whose Care the said Negroes or Slaves are, the Persons so Entertaining and dealing with them are forgiven and not brought to Condign punishment, to the verry great hurt not only of the said Masters but of other his Majesties leige people owning Negroes and other Slaves

Be it therefore Enacted by the Authority aforesaid that if any Master or Mistress or Person under whose Care any Negro or other Slave is shall forgive make up Compound Compromise or receive or take any other or Less Consideration than is by this Act prescribed, shall forfeit double the sune the said Person or Persons so entertaining ought to have forfeited to be recovered in any Court of Record within this Colony by Action of

debt Bill Plaintiff or Information wherein there shall be no Essoin protection wager of Law or any more then one Imperlance allowed, one half thereof to any Person that shall sue for the same, the other half to his Majesty his heirs and Successors for and towards defraying the Publick Charge of the City Town burrough mannor, or Precinct in which the Master, Mistress or Person under whose care the said Negroes or other Slaves are, doth dwell or Inhabit

Be it also further Enacted by the same Authority that if any Person or Persons knowing of such Entertainer of Slave or Slaves and does not discover the same to the Master Mistress or Person under whose Care the said Slave or Slaves are or to some one Justice of the Peace or being suspected to know upon Complaint doth not discover the same or upon tender of an oath before any Justice of the Peace before whome such Complaint shall come (who is hereby Authorized to administer the same) shall refuse to take Such oath and purge him her or themselves the said Person or Persons so neglecting or refusing to Discover or take the said oath shall forfeit the sum of Forty Shillings to be immediately after Conviction Levyed upon his her or their goods and Chattles, to the use of the Person or Persons who Shall Informe or complain and in Case there be no goods and Chattles then the body of the Person or Persons Offending shall be Comitted to Gaol till he she or they pay and Sattisfy the Said Sum of Forty Shillings and charges accruing thereon and if it afterwards appear that any Person or persons who by the directions in this Act are in any Case Obliged to purge him her or themselves by their oath, have Sworn falsly such Person or persons so offending shall incur the Like pains and penalties as those who are found guilty of Willfull perjury and be prosecuted accordingly

And whereas there are many Negroes Indians and Mulattoes who have formerly been Manumitted and made free within this Colony by their Masters or Owners, and it is found by Experience that they entertaine harbour Support and Encourage Negro Indian and Mulatto Slaves, to the Great Damage and Detriment of the Masters or owners of Slaves, and of other of his Majesties Liege Subjects within this Colony

Be it therefore Enacted by the Authority aforesaid that if any NEGROE Indian or Mulatto made or born free, or to be made free hereafter shall Knowingly and wittingly Entertain any Slave or Slaves Absenting himself or themselves from his her or

their Masters or Mistresses Service without leave first given and signified as aforesaid or without the Master or Person under whose care the said Slave is, be present, the said Negro, Indian or Mulatto So Offending shall be forthwith apprehended and forfeit the sum of Ten Pounds for every night or day they are so Entertained, to the Master or Mistress of such Slave or Slaves to be recovered by Action of debt as aforesaid

AND be it further Enacted by the Same Authority that if any Master or Mistress shall manumitt and sett at Liberty any Negro Indian or Mulatto Slave and such Master or Mistress so manumitting and setting at Liberty, or any other sufficient person for and on behalf Such negro Indian or Mulatto Slave Shall do and Enter into a bond unto his Majesty his heirs and Successors with two Sureties in a sum not Less then two hundred pounds at the General Sessions of the Peace for the County where Such Negro Indian or Mulatto Slave shall Live or reside to keep and save Such Negro, Indian or Mulatto Slave from becoming or being any Charge to the City Town Parish or Place within this Colony where he she or they Shall at any time after Such Manmission live the said negro Indian or Mulatto Shall be free according to such manumission of the Master or Mistress so manumitting and Setting at Liberty Such Slave or Slaves and IF any Negro Indian or Mulatto Slave Shall have been made free or hereafter shall be made free by the Will or testament of any Person Deceased that then if any Executor or Executors of any Person or Persons Deceased or on their Neglect or refusal any other Sufficient Person for and on the behalf of Such Negro Indian or Mulatto Slave shall and do Enter into such Security as aforesaid at the General Sessions of Peace for the County where such negro Indian or Mulatto Slave Shall live or reside to keep and save such Negro Indian or Mulatto Slave from becoming or being any Charge to the City Town Parish or Place within this Colony where he she or they shall at any time after such Manmission live, the said Negro Indian or Mulatto Slave shall be free according to the true intent and meaning of the Will or testament of any Person or Persons deceased, and if Security be not given in Manner as aforesaid such Manmission or devise as beforementioned shall be void and of none Effect any usage or Custom to the Contrary notwithstanding.

And whereas Slaves are the Property of Christians or Jews and cannot without great Loss or detriment to their Masters or Mistresses be Subjected in all Cases Criminal to the Strict Rules of the Laws of England

Be it Enacted by the Authority aforesaid that hereafter if any Slave or Slaves by theft or other tresspass shall damnify any Person or Persons to the Value of five pounds or under, the master or Mistress 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 in any Court having Jurisdiction and Cognizance of Pleas to that Value and the Slave or Slaves shall receive corporall punishment at the discretion of any one Justice of the Peace, and immediately thereafter (the Master or Mistress having first paid the Charges of such punishment) be permitted to attend his or her Master or Mistresses Service without further punishment

And be it further Enacted by the Authority aforesaid that hereafter no Slave or Slaves shall be allowed as Evidence or Evidences in any Matter Cause or thing whatsoever excepting in Cases of Plotting or Confederacy among themselves, either to run away Kill or distroy their Master Mistress or any other Person, or burning of houses Barns, barracks or Stacks of hay or of Corne or the Killing of their Master or Mistresses Cattle or Horses and that only against one another, in which Case the evidence of one Slave Shall be allowed good against an other Slave

And be it further Enacted by the same Authority that all and every Negro Indian or other Slave or Slaves who after the Publication of this act Shall Murther or other wise Kill unless by misadventure or in the Execution of Justice, or Conspire or attempt the death of any of his Majesties Leige people not being Slaves or shall attempt or committ any rape on any of the said Subjects or Shall willfully burn any Dwelling House barne Stable out House Stacks of Corn or hay or Shall willfully mutilate mayhem or Dismember any of the said Subjects not being Slaves as aforesaid or shall willfully murder any negro, Indian or Mulatto Slave within this Colony and shall thereof be Convicted befor three or more of his Majesties Justices of the Peace for the County where such fact shall be Comitted one whereof to be of the Quorum (who are hereby Authorized to hear and determine the Same) in Conjunction with five of the Principle freeholders of the County without A Grand Jury seven of whome agreeing shall put their Judgement in Execution according to this Act or before any Court of oyer and Terminer or general Gaol Delivery he she or they so offending shall suffer the pains of death in Such manner and with Such Circumstances as the

Aggravation or Enormity of their Crimes, in the Judgement of the Justices of those Courts aforesaid or as in the Judgement of Seven of the said Justices and freeholders shall meritt and require.

Be it further Enacted by the Authority aforesaid that upon Complaint made to any one Justice of the Peace against any negro Indian or Mulatto Slave or Slaves who have or are Supposed to have Comitted any of the Murders Rapes Maheymns Insurrections or Conspiracies mentioned in this Act the said Justice is Imediately to Issue his Warrant to the next Constable to apprehend the said offender or offenders and for all or any Person or Persons to Come before him that Can give Evidence and if upon Examination it appears that the slave or slaves apprehended are Guilty, he shall Comitt him her or them to prison and also shall certifie to the two next Justices of the Peace the Said Cause and require them by Virtue of this Act to associate themselves to him which the said Justices are hereby require to do and they so associated are to Issue their Summons to five freeholders acquainting them with the Cause, and appointing them the time and Place the same shall be heard and determined; at which time and Place the Justices are hereby impowered to appoint some person to prosecute the said offender or offenders, and the Person so appointed, shall preferr an Accusation in writting Specifying the Time Place and Nature of the offence as near as Conveniently may be to which accusation the Offender or Offenders Shall be obliged to plead, and upon refusal to plead the Like Judgement shall be given against Such Slave or Slaves So Accused as if Convicted by Virdict or Confession, and upon pleading thereto the Justices shall proceed to Trial in conjunction with the said freeholders, so summoned as aforesaid to which freeholders no peremtory Challenge shall be allowed, and if upon hearing the matter (the said freeholders being first sworn by the said Justices to Judge according to Evidence) they shall adjudge such Slave or Slaves guilty of the offence complained of they shall give sentence of death upon him her or them as aforesaid, and by their warrant Cause imediate Execution to be done by the Comon or any other Executioner in Such Manner as they shall think fitt.

Provided allways and it is hereby further Enacted by the Authority aforesaid that if any Master or Mistress of any Slave or Slaves be inclined to have his her or their slave or Slaves tryed by a Jury of Twelve men, it shall be granted, such Master

or Mistress paying the Charge of the same not Exceeding nine Shillings to the Jury then and in Such Case there shall a precept be Issued by the Justices to the next Constable to Summon a Jury of twelve men, who shall be sworn to Try according to Evidence, and the Justices shall proceed to Tryall by the said Jury Summon'd and sworn as aforesaid (without a Grand Jury) to which Jurors no peremptory Challenge Shall be allowed

And be it further Enacted by the Authority aforesaid that the Charge of prosecuting and Executing of Negros and other Slaves in manner before Expressed, shall be paid and defrayed by the City or County where such negros or Slaves Shall be Convicted and Executed, and be Lay'd assessed and Levied in the Same manner as the Publick and necessary Charge of Such City or County are or used to be Raised and to be distributed by the order and direction of the Justices, hereby Impowered to hear and determine the Crimes of such negro or other slaves offending as aforesaid So as the said Charge shall not Exceed the sum of three pounds Currant mony of this Colony for each Conviction and Execution

And be it further Enacted by the Authority aforesaid, that the owner or owners of a slave or slaves so Executed in the City and County of Albany or in any of the other Counties within this Colony Shall be paid for the same in like manner as the Charges for Prosecution and Execution is by this Act Directed to be assessed Levy'd and pay'd Provided the Value of such Slave do not Exceed the sum of Twenty five Pounds Current mony of this Colony.

And be it further Enacted by the Same Authority that in the City and County of New York the Justices of the Peace of the said City for the time being or THE major part of them do take Effectual Care in Case such Conviction and Execution happen within their Jurisdiction that Such Charge as abovesaid be Raised Levyed and Collected in the same Manner as is directed in an Act Entituled an Act for settling a Ministry and raising a Maintenance for them in the City of New York, County of Richmond, West Chester and Queens County passed in the fifth year of their Late Majesties King William and Queen Mary, and that the same shall be paid into the hands of the Treasurer or Chamberlain of the said City for the time being who is hereby required to pay the same by order and direction of the Justices hereby impowered to hear and determine the Crimes of such Slave or Slaves offending as aforesaid, so as the Charge of each Conviction

and Execution shall not Exceed the sum of three pounds Current mony of this Colony.

And Be it further Enacted by the same Authority that the owner or owners of such slave or slaves which shall happen to be Executed by Virtue of this Act in the City and County of New York shall be paid for the same, and the mony shall be Assessed Collected and paid as in and by this Act the Justices of the Peace for the said City and County are directed and Impowered to Levy pay and discharge the prosecution and Execution of Slave or Slaves Provided the price to be paid for each Slave so Executed do not Exceed the sum of Twenty five pounds Current mony of this Colony

And be it further Enacted by the Authority aforesaid that it shall not be Lawfull for any Slave or Slaves to have or use any gun Pistoll sword Club or any other Kind of Weapon whatsoever, but in the presence or by the Direction of his her or their Master or Mistress, and in their own Ground on Penalty of being whipt for the same at the discretion of the Justice of the Peace befor whom such Complaint Shall Come or upon the View of the said Justice not Exceeding Twenty Lashes on the bare back for every such offence

And be it further Enacted by the Authority aforesaid, that every Such Justice of the Peace, Constable, Assessor Collector or any other officer as doe neglect delay or Refuse the several duties and Services hereby Enjond to be Respectively Done and performed by them shall for every such offence forfeit the sum of Fourty Shillings, and every freeholder summoned as aforesaid and neglecting or refusing to Serve shall forfeit the sum of Twenty shillings which Penaltie or Penalties shall be recovered befor any two Justices of the Peace dwelling in the City or County where Such Neglect delay or refusal shall happen, to be Levied on the goods and Chattles of the offender by a Constable by warrent from such Justices who are hereby Impowered and Directed upon such neglect delay or refusal to Issue their warrant for Levying the same and one half of Such penalties shall be for the use of the Prosecutor and the other half for the use of the Poor of the Place where such Penalty shall be Levy'd And for Preventing Doubts scruples or Confussion concerning the several Acts of General Assembly heretofore passed in Relation to Slaves

Be it Enacted by the Authority aforesaid that all and every the following Acts, and every Clause article and thing therein

or in the Acts for the Continuance or Revival thereof, shall after the Publication of this Act, be and Hereby are Repealed and made Null and Void that is to Say an Act Entituled an Act for regulating slaves passed in the first year of the Late Queen Anne. an Act Entituled an Act for preventing the Conspiracy of Slaves passed in the Seventh year of the said Queen Anne. an Act preventing, suppressing and punishing the Conspiracy and Insurrection of Negroes and other Slaves passed in the Eleventh year of her said Late Majesty & an Act Entituled an Act for Explaining and rendering more Effectual an Act of the General Assembly of this Colony, Entituled an Act for preventing suppressing and punishing the Conspiracy and Insurrection of Negroes and other slaves passed in the third year of King George the first

[CHAPTER 561.]

[Chapter 561, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 373.]

An Act to Defray the Charge of Victualing his Majestys Troops Posted at Oswego and for other the purposes therein mentioned

[Passed, October 29, 1730.]

WHEREAS among several other Acts of the General Assembly of this Colony Prohibiting the Selling Indian goods to the French or Laying a Duty on them his Majesty has been Pleased to Repeal one Act Entituled an Act for Continuing and Enforcing the Acts therein mentioned for discharging the Present demands on the Trading House at Oswego by borrowing mony of the Excise for the Effectual support of it untill the Twenty fifth day of December one thousand Seven hundred and thirty three for Continueing some Duties and Augmenting others untill that time, for regulating those Duties and the Trade at Oswego for the Gradual repayment of mony borrowed of the Excise and for reduceing former fines if Voluntarily paid within the time therein mentioned Passed in the third year of his Reign, whereby the Provision therein made to Victual the Troops at Oswego, and Defraying the Contingencies attending that Service, doe Cease and Determine, tho the same were Generally approved of and allowed to have afforded a fair Prospect to Answer the Ends thereby Proposed

And Whereas under the present Circumstances of the Trading House at Oswego, there is an Absolute Necessity to Defray the