DRAFT: 1/31/03

Appendix D

Laws Affecting Slaves in New York City and Colony, 1664-1742

1664
Under the Duke's Laws adopted at the time of English possession in 1664, "No Christian shall be kept in Bondslavery villenage or Captivity, Except Such who shall be Judged thereto by Authority, or such as willingly have sould or shall sell themselves, In which Case a Record of such Servitude shall be entered in the Court of Sessions held for that Jurisdiction where Such Matters shall Inhabit, provided that nothing in the Law Contained shall be to the prejudice of Master or Dame who have or shall have by any Indenture or Covenant take Apprentices for Terme of Years, or other Servants for Term of years or life" ("Lawes ... 1664," *NYHSC* 1 [1809]: 322-323).

1674
amendment added "This law shall not set at liberty any Negro or Indian Slave, who shall have turned Christian after they had been bought by a person." **(see *Laws of New York,* 1752, p. 69).**

1680 Municipal A Proclamation Prohibiteing ye Intertainment of Negers
"Whereas Severall Inhabitants within this Citty have and Doe dayly Harbour Intertaine and Countenance Indian and Neger Slaves in thier Houses and to them sell and Deliver Wine Rumm and other Strong Liquors for which they receive money or Goods which by the said Indian and Neger Slaves is Pilfred purloyned and Stoln From their Severall Masters by which meanes & Practices many Disorders Are acted and Committee within this Citty to the Breach of the publique Peace and welfare of the same and to the Greate Damage of the owners and Masters of such Indian and Neger Slaves. For the Prevencion of the Like Disorders for the Future These are to Declare and Publish to all the Good Inhabitants & others Within this Citty That none Doe for the future Presume to Harbour Intertaine or Countenance any Indian or Neger Slave What soever in their Houses or Otherwise or to sell or Deliver to them any Wine Rumm or other strong Liquor, or receive or take from Such indian or Neger slaves any mony or other Goods on any account

Whatsoever. But upon any offer Desire or attempt made by any such Indian or Neger slave soe to Doe, They are forthwith to Reveale the same to the Master or owner of Such Indian or Neger Slave or to the Mayor or Eldest Alderman .... under the Paine and penalty of Forfeiture of the Summe of Five pounds ..." (*MCC* 1, 85-6).

1682 Municipal (Court of Assizes)

"Whereas many Greate Evills and Inconveniencys have been Represented to this Court to be Occasioned Committed and Done by Negros and Indian Slaves their ffrequent meetings and Gathering themselves together in Greate numbers on the Lords Day and att Other unseasonable times useing And Exerciseing Severall Rude and Unlawfull sports and Pasetimes to the Dishonour of God Profanacon of hisholy Day Breach and Disturbance of the Peace and Quiett of his Maties Subjects many whereov are Likewise Drawed aside and Mislead to be Spectators of such their Evill Practices and thereby Diverted from the more Sutiable and Pious Duty and Service of the Day ffor Prevencion whereof ffor the ffuture and that Good Order and Civill Discipline may be ffrom henceforth kept and Maintained in all Parts of this Government It is RESOLVED and ORDERED by this Court ... noe Negro or Indian Slaves within this Government Doe presume to Goe or Absent themselves fromtheir Masters Houses or Plantacions on the Lords Day or any Other Unseasonable time or times without hte said Masters Lycense or Consent ffirst had and Obteined and Signified by A Writing or Tickett under their Hands by the Date therof, mencioning the time when such Lycense was Given And if any Negro or Indian Slaves shall presume to Absent themselves or Departe ffrom their said Masters Houses or Plantacions without such writeing or Tickett as Aforesaid It shall and may be Lawfull ffor the Sherriffe Constable or Other Officers in any City Corporacon Towne Liberty or Precinct within this Government who are hereby Likewise Authorized And Required to Apprehend Seize and Secure any such Negro or Indian Slaves And them to Carry and Bring Before the next Magistrate or Justice of the peace who are to order all such Negro or Indian Slaves to be Forthwith Severly whipped and sent To their Masters their said Masters paying such ffees and Charges to the Officer For his paines and Touble therein as shall be Judged Reasonable by the said Magistrate of Justice of the Peace. And if any person or persons Whatsoever shall Presume to Entertaine, Harbour, or Conceale any Negro or Indian Slave to buy Sell or Trade with them ffor any Liquors or Other Goods whatsoever without the knowledge, Lycense and Approbacion of their said Masters upon Proofe made thereof. Before any Magistrate or Justice of the Peace they shall Incurr the penalty and fforfeiture of five pounds ffor each Offence [half to the town, half to the officer]" (*MCC*, 1: 92-3).

[misdemeanor for four slaves to meet together. See ***Proceedings of the General Court of Assizes*, 37-8**]

1684 Municipal

"Noe Negro or Indian Slaves, Above the Number of four, doe Assemble or meet together On the Lords Day or att Any other tyme att Any Place, from their Masters Service ... And that noe such Slave doe goe Armed att Any tymes with gunns, Swords, Clubs, Staves Or

Any Other kind of weapons whatSoever, under the Penalty of being whiipped att the Publique whipping poste Tenn Lashes, unless the master or Owners of Such Slave will Pay Six Shillings to Excuse the Same" (*MCC*, 1: 134)

1686 Municipal
"noe Negroe or Slave be Suffered to worke the bridge as a Porter about any goods either Exported or imported from or into this Citty" (MCC 1, 179-180).

1686 Provincial ?
The Duke of York instructs the governor to pass a law restraining owners from abusing or killing servants or slaves: "You shall pass a Law for the Restraining of Inhuman Severitys which by all masters or overseers may bee used toward their Christian servants, or slaves, wherein provision is to be made that ye wilful killing of Indians & Negros may bee punished with death, And that a fit penalty bee imposed for the maiming of them." (King's Instructions to Governor Thomas Donaghan, May 29, 1686, *Documents Col. NY*, 3: 374). No such law is passed, as far as I can tell.

1691 Municipal
"That no person or Persons whatsoeuver with in this Citty and Libertyes thereof doe harbour Entertaine or Countenance any Negro or Indian Slave in thier house or otherwise or Sell or Deliuer to them any Wine Rumm or other Strong Liquor without Leaue from their Master or Recieue or take from them any money or other goods on Any other Account whatsoever but upon any offer Desire or Attempt made by any Such Slaue Soe to doe they are forwith to Reveale the Same to the Mster or owner of Such Slaves tor to the Mayor of this Citty or Eldest Alderman under the Penalty of five pounds one halfe for the Use of the Citty the other halfe to the Informer." (*MCC* 1, 223-4).

1699 Provincial A Bill for facilitating the conversion of Indians and Negros
[This bill, "which the Kings instructions require should be endeavoured to be pass'd," failed to pass in the General Assembly "they having a notion that the Negros being converted to Christianity would emancipate them from their slavery, and loose them from their service, for they have no other servants in this country but Negroes" (Earl of Bellomont to the Lords of Trade, April 27, 1699; *Documents Col. NY*, 4: 510-511). Such a bill was not passed until 1706 (below).]

1702 Provincial An Act for Regulateing of Slaves
[In 1703 Governor Cornbury reported that "An Act ... for regulating slaves is become absolutely necessary through the great insolency that short of people are grown to" (**SEE Governor Cornbury to the Lords of Trade, March 5, 1703, *Calendar of State Papers* XXI**

(1702-3), 32). The provisions of this act may be similar to those of "An Act for Regulating Negro Indians and Mulato Slaves within this Province of New Jersey," passed in 1704, which the Queen vetoed in 1709 on the grounds that "the Punishment to be inflicted on Negroes &c is such as never was allowed by or known in the Laws of this Kingdom" (Lords of Trade to Governor Robert Hunter, December 23, 1709 (*Documents Col. NY* 5: 157). **I HAVE TO LOOK UP THE NJ LAW**

This Act was passed on XX, 1702. It was repealed in 1730, and replaced by the new slave code of that year.]

1. "no P'son or Psons ... do presume to Trade with any slave either in buying or selling, w'th'out leave and Consent of the Master or Mistress, on penalty of forfeiting Treble the value of the thing traded for, and the sume of ffive pounds ... to the Master or Mistress of such slave"
2. "it shall and may be lawful for any Master or Mistress of slaves to punish their slaves for their Crimes and offences att Discretion, not extending to life or Member"
3. "And for as much as the Number of slaves in the Citty of New York ... doth daily increase, and that they have been found oftentimes guilty of Confederating together in running away, or other ill practices, ... it shall not hereafter be lawful for above three Slaves to meet together att any other time, nor att any other place, than when it shall happen they meet in some servile Imploym't for their Master's or Mistress's proffitt, and by their Master or Mistress consent, upon penalty of being whipt upon the naked back, at discretion of any Justice of the peace, not exceeding fforty Lashes.
4. "it shall and may be lawful hereafter for any City or Town w'thin this Province; to have and appoint a Comon Whipper for their slaves, And for this sallary ... not exceeding three shillings P head"
5. "in Case any slave presume to assault or strike any ffreeman or Woman professing Christianity, it shall be in the power of any two Justices of the peace, who by this Act are thereunto authorized, to Comitt such slave to Prison, not exceeding fourteen days for one fact, and to inflict upon such other Corporal punishm't (not extending to life or limb)"
6. "no person or persons whatsoever do hereafter Imploy, harbour, Conceal, or entertain other mens slaves at their house, out-house or Plantation, w'thout the Consent of their Master or Mistress either signifyed to them verbally or by Certificate in writing, under the Said Master or Mistress hand, upon fforfeiture of five pounds for every night or day, to the Master or Mistress of such slave or slaves"
7. "if any person or persons whatsoever shall be found guilty of harbouring, entertaining or Concealing of any slave, or assisting to the Conveying of them away, if such slave shall thereupon be lost, dead, or otherwise destroyed, such person or persons So harbouring, entertaining, concealing, assisting or Conveying of them away, shall be also lyable to pay the value of Such slave to the Master or Mistress"

8. "Whereas slaves are the property of Christians, and cannot without great loss or detriment to their Masters or Mistresses, be subject in all Cases criminal, to the strict Rules of the Laws of England, Bee it Enacted ... That hereafter if any slave by Theft or other Trespass shall damnifife any p'son or p'sons to the value of five pounds, or under, the Master or Mistress of such slave shall be lyable to make satisfaction for such damage to the party injured, to be recovered by action of Debt..."
9. "no slave shall be allowed good evidence in any matter, Cause or thing whatsoever, excepting in Cases of Plotting or Confederacy amongst themselves, either to run away, kill or destroy their Master or Mistress, or burning of houses, or barnes or barracks of Corn, or the killing of their Master's or Mistress's Cattle and that against one another, in w'ch Case the Evidence of one slave shall be allowed good against another slave." (*Col. Laws of NY* 1: 519-21)

1705 Provincial An Act to prevent the Running away of Negro Slaves out of the City and County of Albany to the French and Canada

[look this up in ***Col. Laws of NY***]

1706 Provincial An Act to Incourage the Baptizing of Negro, Indian and Mulatto Slaves

1. "Whereas divers of her Maties good Subjects, Inhabitants of this Colony now are and have been willing that such Negro, Indian and Mulatto Slaves who belong to them and desire the same, should be Baptized, but are deterr'd and hindred therefrom by reason of a Groundless opinion that hath spread itself in this Colony, that by the Baptizing of such Negro, Indian or Mulatto slave they would become free and ought to be sett at Liberty. In order therefore to put an end to all such Doubts and Scruples ... it is hereby Enacted ... That the Baptizing of any Negro, Indian or Mulatto Slave shall not be any Cause or reason for the setting them or any of them at Liberty"
2. "all and every Negro, Indian Mulatto and Mestee Bastard Child & Children who is, are, and shalbe born of any Negro, Indian, Mulatto or Mestee, shall follow ye State and Condition of the Mother & be esteemed reputed taken & adjudged a Slave & Slaves to all intents & purposes whatsoever"
3. "no slave whatsoever in this Colony shall att any time be admitted as a Witness for, or against, any Freeman, in any Case matter or Cause, Civill or Criminal whatsoever." (*Col. Laws of NY* 1: 597-8)

1708 Provincial An Act for preventing the Conspiracy of Slaves

[This Act was passed shortly after the Hallet family was murdered by "an Indian Man Slave and a Negro Woman" in early 1708 (Lord Cornbury to the Board of Trade, February 10, 1708, *Documents Col. NY* 5: 39). It was repealed in 1730, when it was replaced by the new conspiracy law passed that year.]

1. "all and every Negro Indian or other Slave or Slaves within this Colony who at any time after the Execrable and Barberous Murder comitted on the Person and family of William Hallet Junr late of New Town in Queens County Gentleman Deceased have has or shall Murder or otherwise Kill unless by Misadventure or in Execution of Justice or Conspire or attempt the Death of his her or their Master or Mistress or any other of her Majesties Leige People not being Negroes Mulattos or Slaves within this Colony and shall thereof be Lawfully Convicted before three or more of her Majesties Justices of the Peace ...he she or they so offending shall Suffer the paines of Death in such manner and with such ...Circumstances as the aggrevation and Enormity of their Crime in the Judgment of the Justices ... shall merrit and require"
2. "the Owner or Owners of Such Negro or Indian Slave or Slaves to be Executed by Virtue of this Act shall be paid for the same in the like manner [as specified in the Act to Prevent the running away of Negro Slaves]" (*Col. Laws of NY* 1: 631)

1709 Provincial

Hunter's instructions include the same warning issued to Governor Donaghan, in 1686: "You shall endeavour to get a Law past (if not already done) for the restraining of any inhumane severity which by ill Masters or overseers may be used towards their Christian servants and their slaves, and that provision be made therein, that the wilful killing of Indians and Negroes, may be punished with death, and a fit penalty imposed for the maiming of them. (Draft of Instructions for Robert Hunter, 1709, *Documents Col. NY*, 5: 138). Hunter is also instructed

1710

Will, owned by Joris Elsworth of NYC sues his owner for wages, claiming to be a freeman. June 25, 1710. Went to the Supreme Court and Elsworth won. ***New York Colonial MSS*** lvi, 21.

1710 Provincial

Hunter reports to the Lords of Trade that "An Act for laying a Duty on Tonnage of vessells and slaves for the smae time," has passed (Hunter to the Lords of Trade, November 20, 1710, *Documents Col. N.Y.* 5: 178) and the following year an act is passed to continue it (Hunter to the Lords of Trade, January 29, 1711, *Documents Col. N.Y.* 5: 185). **I need to find this act in Col. Laws of N.Y.**

1712 Provincial An Act for preventing Suppressing and punishing the Conspiracy and Insurrection of Negroes and other Slaves

[This act was passed following the 1712 slave revolt in New York City; it was repealed in 1730 when it was replaced with a new conspiracy law passed that year. In 1713, Hunter warned the Lords of Trade about the "Negro Act": "tho much mitigated in its severities by the Council's amendments, I am apt to believe, your Lordships will still think too severe, but after the late barbarous attempt of some of their slaves nothing less could please the people" (Governor Robert Hunter to the Lords of Trade, March 14, 1713, *Documents Col. NY*, 5: 356). In 1715, Hunter complained of its twelfth provision: "wherein ... it is enacted that if any Negroe &c, shall be made free by the Will or Testament of any Person deceased, that the Executors of such person shall enter into security &c, immediately upon proving said Will or Testament, which if refused to be given, the said Manumission to be void & of no effect, but there being no penalty on ye executor refusing to enter such security, nor any method to compel him, he is left at his liberty to render every such manumission fruitless, which cutting off all hopes from those slave [sic] who by faithful and dilligent discharge of their duty, may at last look for the reward of a manumission by their masters will, will make 'em not only careless servants, but excite 'em to insurrections more bloody than any they have yet attempted, seeing that by that Act death is made more eligible than life, for the longer they live the longer they are slaves, which is already too well known from the following instance; one Norton a butcher of this Town dyed lately, and by his Will manumitted one of his Negroes who by his faithful and dilligent service, had helpt to gain most part of his masters Wealth, and gave him a legacy in money, and another Negroe to help him pursue the same Trade as a reward for his good service; The executor after Norton's death, proved the Will, but absolutely refused to enter into the security directed by the Act, by which means the Negro is deprived of his liberty and his Legacy; the rage the people were in for that insurrection, could only justify ye passing that Act in other instances equally cruel" (Governor Robert Hunter to the Lords of Trade, November 12, 1715, *Documents Col. NY* 5: 461).

1. "no person or persons hereafter throughout this Colony, do presume to Trade with any Slave, either in buying or Selling, without leave and consent of the Master or Mistress of such Slave, on penalty of fforfeiting triple the Value of the thing traded for, and the Sum of ffive pounds ... to the Master or Mistress of such Slave"
2. "it shall and may be lawful for any Master or Mistress of such Slaves to punsih their Slaves for their Crimes and Offences at Discreteion, not extending to Life or Member"
3. "for as much as the Number of Slaves int he Cities of New York and Albany ... doth daily increase, and that they have been found oftentimes guilty of confederating together in running away or other ill practices, BE IT therefore Enacted ... That it shall not hereafter be lawful for above Three Slaves to meet together at any other Time nor at any other place than when it shall happen they meet in some servile Employment for their Masters or Mistresses profit, or by their Masters or Mistresses

Consent, upon penalty of being whipt upon the naked back,a t the Discretion of any Justice of the Peace, not exceeding forty lashes"

4. "it shall and may be alwfull hereafter for any City or Town and Mannors within this Colony, to have and appoint a common Whipper for their Slaves"
5. "in Case any Slave shall presume to assault or strike any Freeman or Woman, professing Christianity, it shall be in the power of any two Justices of the Peace ... to inflict such corporal punishment (not extending to life or limb)"
6. "no person or persons whatsoever Do hereafter imploy, harbour, conceal, or entertain other Men's Slaves at their House, Out-house or Plantation without the Consent of their Master or Mistress either signify'd to them verbally or by Certificate in Writing under the said Master's or Mistresses hand upon forfeiture of five Pounds for every night or day ... so that the penalty for entertaining such Slave do not exceed the value of ye said Slave"
7. "if any person or persons whatsoever shall be found guilty of harbouring, entertaining or concealing of any slave, or assisting to the convveying them away, if Such Slave shall happen to be lost, dead, or otherways destroyed, such person or persons ... shall be also liable to pay the value of such Slave to the Master or Mistress"
8. "Whereas it often happens, that through the Lenity of the said Master or Person, under whose Care the said Negros or other Slaves are, the person so entertaining and dealing with them are forgiven and not brought to condigne punishment, to the very great hurt not only of the said Masters but of other Her Majesty's liege people owning Negroes and other Slaves. Be IT therefore Enacted by the Authority aforesaid, That any Master or Mistress or person, under whose Care any Negro or other Slave is, that shall forgive, make up, compound, compromise or receive any other or less Consideration than is by this Act prescribed, shall forfeit double the Sum the said person or persons entertaining ought to have forfeited"
9. "if any person or persons, knowing of such Entertainer of any Slave or Slaves, and dos 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, dos upon Complaint not discover the same, or upon Tender of an Oath ... shall refuse to take such Oath ..., the said person ... shall forfeit the Sum of Two Pounds"
10. "WHEREAS there are many Negroes, Indians, or Mallattos, who have been formerly manumitted and made free within this Colony by their Masters or owners, and it is found by Experience that they entertain, harbour, support and encourage Negro Indian and Mallatto Slaves, to the great detriment of the Masters of such Slaves ... BE IT therefore Enacted ... that if any Negro, Indian or Mallatto 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 ... the said Negro Indian or Mallatto so offending shall be forthwith apprehended and forfeit the Sum of Ten pounds for every night or day tehy are so entertain'd to the Master or Mistress"

11. “no Negro, Indian or Mallatto, that shall hereafter be made free, shall enjoy, hold or possess any Houses, Lands, Tenements or Hereditaments within this Colony but the same shall Escheat to Her Majesty”
12. “Whereas it is found by Experience, that the free Negroes of this Colony are an Idle slothfull people and prove very often a charge on the place where they are, BE IT therefore further Enacted ... That any master or Mistress manumitting and setting at Liberty any Negro, Indian or Malatto Slave, shall enter into sufficient Security unto her Majesty ... not less than the Sum of Two hundred pounds, to pay Yearly and every Year to such Negro Indian or Mallatto Slave during their Lives the Sum of Twenty Pounds ...; AND if such Negro Indian or Mallatto Slave shall be made free by the Will or Testament of any person deceased, that then the Executors of such person shall enter into Security as above ....which if refused to be given, the said manumission to be void and of none effect”
13. “all and every Negro Indian and other Slave, who after the Publication of this Act shall murder or otherwise kill, unless by misadventure or in Execution of Justice, or conspire or attempt the Death of any of Her Majesty’s liege people, not being Slaves, or shall committ or attempt any rape on any of the said Subjects, or shall willfully burn any dwelling-house, barn, stable, out-house, stakes 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 Mallatto Slave within this Colony, and shall thereof be convicted before three or more of Her Majesty’s Justices of the Peace ... in Conjunction with five of the principal ffreeholders of the County wherein such fact shall be committed, without a Grand Jury, Seven of whom agreeing shall put their Judgment in Execution, ... 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 ... shall merit and require”
14. “upon Complaint made to any one Justice of the Peace against any Indian Negro or Malatto Slave or Slaves, who have or are suppos’d to have committed any of the Murders, Rapes, Mayhems, Insurrections, Conspiracies, mentioned in this Act, the said Justice is immediately to issue out 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 person or persons apprehended are guilty, he shall committ him, her or them to prison [and 3 Justices are to summon 5 freeholders and appoint a prosecutor who] shall preferr an Accusation in Writin, specifying the time, place and nature of the offence ..., to which Accusation the Offender or Offenders shall be obliged to plead, and, upon refusal to plead, the like Judgment shall be given against the person or persons so accus’d as if convict by Verdict or Confession, and upon pleading thereunto the Justices shall proceed to Tryall in conjunction with the said Freeholders ..., to which ffreeholders no peremptory challange shall be allowed; And if upon hearing the Matter ... they shall adjudge the Negro Indian or Mallatto Slave or Slaves guilty of the Offence complain’d of, they shall give Sentence of Death upon him her or them as aforesaid, and by their Warrant cause immediate Execution .... in such manner as they shall think fit. PROVIDED always, and IT IS hereby further Enacted, that if any Master or Mistress of any Negro Indian or Mallatto Salve be inclin’d to have his or her

Slave or Slaves try'd by a Jury of Twelve Men, it shall be granted such Master or Mistress, paying the Charge of the same, not exceeding the Sum of Nine Shillings ..., 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 Sworne as aforesaid (without a Grand Jury) to which Jurors no peremptory challenge shall be allowed"

15. "it shall not be alwful for any Negro, Indian or Mallatto Salve to have or use any Gun or Pistoll but in his Master's or Mistressese's presence or by their direction on panelty of being whipt for the same at the Discretion of the Justice of the peace before whom such Complaint shall come not exceeding twenty lashes on the bare back for every such Offence"
16. "every Justice of the Peace, Constable, or other Officer, neglecting, delaying or refusing to perform their several Dutys enjoyn'd by this Act shall for every such Offence forfeit the Sum or Two pounds"
17. "the Charge of prosecuting and Executing Negroes and Salves in manner before expressed shall be paid and defray'd by the City or County where such Negroes or Slaves shall be Convicted and executed"
18. "in the City and County of New York the Justices of the Peace do take effectual care in Case such Conviction and Execution happen within their Jurisdiction that such Charge as abovesaidshall be raised and levy'd by the sworn Assessors of the said City and Collected by the Collectors and paid to the Treasurer of the City" (*Col. Laws of NY* 1: 761-767)

1714 Provincial
tax on slaves (***Documents Col. NY*, 5 : 692**). not acctually on that page.

1717
an act passed this year was intended to EXPlain the act of 1712.

1719 Provincial An Act for Reviving an Act entituled an Act for Regulating Slaves
[That act, which had expired, is renewed until July 1, 1726]

[this same year also an act passed that placed duties on imported slaves; it was in effect until 1720 then renewed until 1726 and effectively in place until 1734.]

1722 Municipal A Law for Regulating the Burial of Slaves

"all Negroes and Indian Slaves that shall Dye within this Corporation on the South side of the Fresh Water be buryed by day light at or before Sunsett, under the Penalty of ten Shillings for Every Offence to the Contrary, to be paid by the Master Mistress or Owner of Such slave who shall be buryed after Sunsett. And to be Recovered by Complaint ..." (*MCC*, 3: 296).

1725 Provincial

The Assembly considers but rejects a proposition imposing "a poll tax on the negros which the rich will chiefly pay" (George Clarke to Mr. Walpole, November 24, 1725, *Documents Col. NY* 5: 769).

1726 Provincial An Act to Continue an Act Entituled an Act for regulating Slaves and to Subject Such Persons as Trade with them to a presentment and prosecution

[This act renewed and expanded the 1702 Act for Regulateing of Slaves, which was revived for seven years in 17YY and then renewed for in 17XX and set to expire on July 1, 1726. The full terms of the 1702 Act were renewed until July 1, 1733, with this change only: instead of a fine of triple the value of the thing traded and five pounds to the master or mistress of any slave a person traded with, now anyone found trading "with any Slave or Slaves either in buying or Selling Goods of any Kind without leave Consent and approbation of his or their Master or Mistress" they shall be prosecuted in court and if convicted fined at the discretion of the court. (*Col. Laws of N.Y.*, 2: 310]

1729 Provincial An Act for the Effectual Recovery of the arrears of the severall Taxes and of the Excise therein mentioned; and for securing the Duties on Slaves not imported in the City of New York

"... Whereas Severall Negroes and other Slaves have been brought into severall parts of this Colony besides the city of NEW YORK without paying the Dutys Imposed threon by the Acts of the Generall Assembly which being a great discouragement to the fair Traders and a Lessening of the Dutys appropriated for supporting his Majestys Government in this Colony. BE IT ENACTED ... that the Treasurer of this Colony shall and hereby is directed and Impowered to depute proper Persons in such Citys or Countys where Negroes or other slave have been or hereafter shall be so brought in or Imported by Land or Water for recovering and receiving the Dutys to which such Negroes or other Slaves were Subject and liable by Virtue of the severall Acts then in Force" [and are subject to an additional penalty of two shillings for every pound of tax they failed to pay; but if a person was ignorant of his slave "being Clandestinely Imported or that they were subject to a Duty," they can pay without an additional penalty]" (*Col. Laws of N.Y.*, 2: 528-9).

1730 Provincial An Act for the more effectual preventing and punishing the Conspiracy of Negro and other slaves, for the better regulating them and for repealing the Acts herein mentioned relating hereto

[This act was passed on October 29, 1730. It repealed the 1702, 1708, and 1712 acts for regulating slaves and preventing conspiracy. On the need for this act, Montgomerie writes, "several Laws have been past formerly in this province for the regulating their Slaves, and preventing and punishing their conspiracies, which is no less necessary now, than it has been heretofore, but because some doubts have arisen, upon the construing some parts of those Acts, it was thought necessary to repeal all those heretofore made, and to substitute this present Act in their room, which will remove former doubts, and encourage the Magistrates to exert themselves when occasion requires, and I think it much better, that they should have a plain rule to walk by, than that they should be puzzled with doubts, intricacies and uncertainties" (Governor John Montgomerie to the Lords of Trade, December 21, 1730, *Documents Col. NY* 5: 905). The full text of this act—and only this act--was reprinted in the *New-York Gazette,* February 9, 1731.]

1. 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 ... 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 allso the sum of five pounds ... to the Master or Mistress of Such Slave or Slaves for each offence to be recovered of Such Person or Persons ... by an Action of Debt ... and all Contracts and Bargains made with any Slave or Slaves shall be utterly void."
2. "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 to Clandestinely trade and traffick with Slaves, for remedy whereof Be it Enacted ... that if any Person or Persons within this Colony shall ... 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 apparrel 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 were the offender shall Dwell or reside, shall forfeit and pay the Sume of fourty shillings for every Such offense ...."
3. "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."
4. "AND for as much as the Number of Slaves in the Citys of New York and Albany as also within the Several Coutnies Towns and Mannors within this Colony doth daily increase, and that they have been often times guilty of Confederating together in runing away & of other ill and Dangerous practices Be it therefore Enacted ... 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 imployment 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. ..."

5. "it shall and may be Lawfull hereafter for every City Town and Mannor ... to have an appoint a Common whipper for their Slaves [to be paid no more than three shillings per head for each slave whipped, to be paid by the slave's owner] ... 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,
6. 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 ... 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 ....
7. 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 Les time) .... 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 ...[if the slave be found dead the guilty pay the value of the slave to the owner]. ..."
8. "And whereas It offten 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 Master 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 sume the said Person or Persons so entertaining ought to have forfeited to be recovered in any Court of Record ..."
9. "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 ... 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 the use of the Person or persons who Shall Informe or complain [and if they have no money they go to jail till they can pay]..."
10. "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 .. Be it therefore Enacted ... 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 Masteres 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 tehy are so Entertained, to the Master or Mistress of such Slave or Slaves ..."

11. "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 ... 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 Manumission live ..."
12. "IF any Negro Indian or Mulatto Slave Shall have been made free or herafter shall be made free by the Will or testament of any Person Deceased [then the executor must pay the surety and if the executor fails to pay the security the manumission will be void "any usage or Custom to the Contrary notwithstanding"]
13. "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 ... 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 owner pays and the slave receives corporal punishment at the discretion of the justices of the peace and immediately thereafter is again available for service]
14. "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 of 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...."
15. "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 to commit 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, Indain or Mulatto Slave within this

Colony and shall thereof be Convicted before three or more of his Majesties Justices of the Peace for the Country where such fact shall be Committed one wherof to be of the Quorum ... 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."

"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 Maheyms 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 then he summons two justices nad five freeholders and the three justices appoint a prosecutor who] 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 if they refuse to plead they are to be found guilty as if convicted or confesed and then they proceed to trial with the freeholders—to which no peremproty challenge shall be allowed—and if they find the slave guilty they shall give sentence of death. but the owner can insist on a jury of 12 men, in which case the owner pays charges, and no peremptory challenge allowed.]

16. [the charge of prosecution and executing slaves is to be paid by the city or county where the slaves are convicted and executed and in NY this has to be done specifically following the earlier act]
17. "... 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 ... not Exceeding Twenty Lashes" (*Col. Laws of N.Y.*, 2: 679-688).

1731 Provincial An Act to explain part of an Act, entituled, an Act to repeal some parts and to continue and enforce other parts of the Act therein mentioned and for granting several duties to His Majestie

"some Doubts & scruples have Arisen whether Negroes taken aboard in Africa & in the same Bottom Imported into this Colony are not Liable to pay four pounds a head in Case the ship or other Vessel which brought them from Africa had before her arrival into this Port, stopt or Entered at any other Ports tho the want of water or refreshment or for some other Extraordinary Occasions

had Obliged, them thereto, for removing of which Doubts & Scruples BE it Declared and Enacted ... That all Negro slaves Imported into this Colony from Africa [in the same ship which tookt hem on board shall pay no more than four shillings per head, even if they stopped somewhere else on the way] (*Col. Laws of N.Y.*, 3: 704-5).

1731??? Municipal A Law Appointing a Place for the More Convenient Hiring of Slaves

"all Negro Mulatto and Indian slaves that are lett out to Hire within this City do take up their Standing, in Order to be Hired, at the Markett House at the Wall Street Slip untill such time as they are hired, whereby all Persons may know where to hire slaves as their Occasions shall require, and also Owners of Slaves discover when their Slaves are so hired." (*MCC*, 4: 85) [this law was in place at least as early as 1712, when it's listed in the *MCC*, 3: 3)

1731??? Municipal A Law Restraining Slaves, Negroes, & Indians from Gaming with Moneys or For Moneys

"whatsover Negro, Mulatto or Indian slave, or any Other Negro, Mulatto, or Indian within this City, that shall after the Publication hereof, be Convicted before the Mayor, Recorder or any one of the Aldermen of the same City, by the View of the said Mayor, Recorder and Aldermen or any one of them, or by the Oath of one or more Credible Witness or Witnesses, of Gaming or Playing in the Streets of this City, or any of them, or in any House, Out House or Yard within the same for Money or with any sort of Gold, Silver, Copper, Paper Money or Bills Copper Pennys, Copper half pence, Copper Farthings, or with any Other sort of Coined or Uncoined Moneys or Paper Money or Paper Bills which Commonly Pass for Current Money in this Colony of New York Shall for Every such Offence be Publickly Whipped at the Publick Whipping Post of this City ... unless the Master or Mistress or Owner ... shall pay to the Church Wardens ... three shillings ... for the use of the Poor" (*MCC*, 4: 87)

1731??? Municipal A Law Giving a Reward to Any Person or Persons who shall Apprehend any Negro, Mulatto or Indian Slaves Offending Against any of the Acts of General Assembly of this Colony

"if any Negro, Mulatto or Indian slave hereafter Shall be taken up or Apprehended within this City for Offending against any of the Acts of the General Assembly of this Colony and be lawfully Convicted thereof, the Master, Mistres or Owner of such Negro, Mulatto or Indian slave Shall pay to the Person or Persons who Shall so take up or Apprehend such slave the sum of Six Shillings ... as a Reward for his or their trouble and diligence in so doing" (*MCC*, 4: 90)

1731??? Municipal A Law for Regulating Carts and Carmen

[This law principally concerns white carmen but contains the following provision] "that no Boys or Negroes do drive any Cart for Hire or Wages within this City under the Penalty of three shillings for Every Offence" (*MCC*, 4: 92)

1731??? Municipal A Law for Punishing Slaves who Shall Ride Disorderly through the Streets

Forasmuch as Very many Negro, Indian and Mulatto Slaves within this City, in Riding their Masters Horses to Water, Make a Common Practice of Riding disorderly and Precipately through the Streets of the said City, whereby several Persons passing thro the same on their Lawfull Occasions, have been in great Danger of being Maimed or Killed thereby, and several Children in great danger dayly of being Rid over and Killed for the Prevention whereof for the future BE IT ORDAINED ... That if any Negro, Indian or Mulatto Slave shall hereafter Presume to Ride any Horse Mare or Gelding in or thro' any of the Streets, Lanes or Alleys within this City on the South side of the fresh Water, Swiftly, Hastily, Precipately or disorderly, and Otherwise than softly Orderly Patiently without Pasing Swiftly, Trotting fast or Galloping, Every slave so Offending, for Every such Offence shall publickly be Whipped at the Publick Whipping Post of this City ... unless the Master, Mistress or Owner of such slave so offending shall pay to the Person or Officer Informing of such Offence the sum of three shillings" (*MCC*, 4: 89-90)

1731??? Municipal A Law for Regulating the Burial of Slaves

[This a much more elaborate version of the law passed in 1722.]

1. "all Negro Mulatto and Indian Slaves that Shall Dye within this City on the southside of the Fresh Water be buried by Day-light under the Penalty of ten shillings for every Offence ... to be paid by the Master, Mistress or Owner" (*MCC*, 4: 88)
2. "for the Prevention of Great Numbers of slaves Assembling & Meeting together at their Funerals, under pretext whereof they have great Opportunities of Plotting and Confederating together to do Mischief, as well as Neglecting their Masters service, BE IT FURTHER ORDAINED .. that not above twelve slaves Shall Assemble or meet together at the funeral of any Slave (with the leave of their Master or Mistress) and in Case any greater Number than twelve Shall at any time hereafter assemble and meet together at the funeral of any slave, Every such slave so Assembling and Meeting together (Except the Bearers who Cary the Corps and the Grave digger, and Except the twelve slaves Admitted to the Funeral of such deceased Slave by the Master or Owner thereof) shall for Every such Offence be Publickly whipped at the Publick Whipping Post of this City ... unless the Master, Mistress or Owner ... shall pay to the Person or Officer Informing of such Offence the sum of three shillings .., and also the further sum of three shillings ... to the Church Wardens ... for the use of the Poor"

3. "no Pawl be Allowed or Admitted at the Funeral of any slave; and if any Slave shall hereafter, presume to hold up A Pawl or be A Pawl Bearer at the Funeral of any Slave, such slave shall be Publickly whipped at the Publick Whipping Post" (*MCC*, 4: 88-9)

1731 Municipal A Law for Regulating Negro's & Slaves in the Night Time

1. "No Negro Mulatto or Indian slave above the Age of fourteen years do presume to be or Appear in any of the Streets of this City on the South side of the fresh Water in the Night time above an hour after sun sett. And that if any such Negro Malatto or Indian Salve or slaves as Aforesaid Shall be found in any of the Streets of this City or in any Other place on the South Side of the fresh Water in the Night time above one hour after sun sett without A Lanthorn and lighted Candle in itt so as the light thereof may be plainly seen (and not in Company with his her or their Master or Mistress or some White Person or White servant belonging to the family whose slave he or she is, or in whose service he or she then are) that then and in such Case it Shall and may be lawfull for any of his Majestys subjects within the said City to Apprehend such slave or slaves not having such Lanthorn and Candle, and forthwith Carry him, her or them before the Mayor or Recorder or any one of the Aldermen of the Said City (if at A seasonable hour, and if at an unseasonable hour to the Watch House there to be Confined untill the Next Morning) who are hereby Authorized to Committ Such slave or slaves to the Common Gaol for such his, her or their Contempt and there to Remain untill the Master, Mistress or Owner of Every such slave or slaves shall pay to the Person or Persons who Apprehended and Convicted Every such slave or slaves the sum of four Shillings"

2. "Every Slave or slaves that Shall be Convicted of the Offence Aforesaid before he She or they be discharged out of Custody Shall be Whiped at the Publick Whipping Post (not Exceeding forty Lashes) if desired by the Master or Owner or such slave or slaves PROVIDED allways and it is the Intent hereof that if two or more Slaves (not Exceeding the Number of three) be together in any lawfull Employ or Labour for the service of their Master or Mistress (and not Otherwise) and only one of them have an Carry such Lanthorn with a Lighted Candle therein, the Other slaves in such Company, not Carrying a Lanthorn and lighted Candle Shall not be Construed or Intended to be within the Meaning and Penalty of this Law" (*MCC*, 4: 51-2)

1731 Municipal A Law for the Observation of the Lords Day Called Sunday

[this law prohibits children and others from playing in the streets on Sunday and prohibits taverns from serving alcohol during churchtime; it is mainly concerned with whites, but includes one provision specific to slaves]
"No Negro, Mulatto or Indian slaves, above the Number of three, do Assemble or meet together on the Lords Day Called Sunday, and Sport, Play or make any Noise or Disturbance, or at any Other time at any place from their Masters service, within this City ...; and that no such slave do go Armed at any time with Gun, Sword, Club, or any Other kind of Weapon whatsoever under the penalty of being Whip'd at the publick Whipping Post fifteen Lashes, unless the Master or Owner of such slave will pay Six shillings to Excuse the Same." (*MCC*, 4: 79)

1732 Provincial An Act to ... Grant unto his Majestty several Duties for supporting his Government in the Colony of New York untill the first day of September, which will being the year one thousand seven hundred and thirty seven

[This act was passed October 14, 1732; it expired September 1, 1737. Van Dam explained that this act originated because "a Ship belonging to this Colony with a considerable number of Negroes on Board her, in her voyage from Africa, touched at Antegua to purchase some provisions and Refreshments but landed none of her Slaves there, and then came to the Province of New Jersey, where there is no duty paid for any Slaves imported, but the owner of the vessel being desirious to import the greatest part of them into this province, if he might be allowed to pay only the duty of five ounces of plate for every head [40 shillings], which seemed to be a doubt in the Act for the settling the Revenue above mentioned being, it was said the ship did not come directly from Africa altho' the intention of the Legislature in that former Act was only to encourage the African Trade and so laid a double duty on slaves imported here from the West Indies, which are generally Refuse and very badd and could hardly be applicable to such slaves coming from Africa, and had been nowhere landed although the ship had stop't at some other Port for refreshment before she arrived here; I therefore considered that if I did not pass that Law, none of the Slaves would have been brought hither which woul dhave been a considerable loss to the Revenue, and might have encouraged the bringing them in clandestinely, whereby the duty would have been defrauded" (Rip Van Dam to the Lords of Trade, November 2, 1731, *Docs. Col. NY* 6: 32-3).

1. "... there shall be ... for and towards supporting his Government in and over this Colony , and to and for no other use or Purpose whatsoever, the following Duties and Impositions on the Goods and Merchandizes [shall be assessed from December 1, 1732 to September 1, 1737] ... For every Slave (male or Female) of four Years of age, and upwards Imported directly from affrica, ... Forty shillings ... For every Negro Mulato or Indian Slave (male or Female) of four years of age and upwards, Imported from all other Places by Lane or Water, the sume of four pounds ..."

2. "And to avoid and Clear up Disputes concerning the Duty of slaves, Be it declared and Enacted by the Authority aforesaid That all Slaves Imported from affrica in the same ship or Vessel which took them aboard on any part of that Coast shall be Subject to pay no more then the said forty shillings for each of them, tho such ship or Vessel had Stopt or Entered in any other Port or Ports before her arrival here, Provided that the MASTER or the mate, and Some other officers which came in such ship or Vessel from affrica make oath before the Treasurer of this Colony That all and every the slaves so Imported here were actually taken, aboard of that Vessel ont he Coast of affrica, and that they have not been Landed or put ashore at any Place Since they were so taken in by that Vessel on the said Coast..."
3. "all Such Negro or other Slaves, as belong to the navigation of any ship or other Vessel, and Slaves belonging to the Neighbouring Colonyes, and going or coming to and from one Colony to another, upon the Service of their owners Masters or Mistresses and Such as are under the age of four years, shall be Exempted from the Duty hereby imposed on Slaves..."
4. "any Gentleman or Gentlewoman may Import one Slave to attend on their Person without paying Duty for the same; But if such Gentleman or Gentlewoman shall at any time thereafter Sell or dispose of such Slave, he or she shall pay the full Duty thereof to the Treasurer and upon failure of Such payment within two days after such sale, the owner or owners of the Slave or Slaves so sold shall forfeit the sum of Ten pounds ... and the slave so sold shall nevertheless be subject to the Duty Imposed by this Act."
5. "AND WHERAS some People have often pretended that slaves Imported by them are designed to attend on their Persons BE it declared ... That if such Importer shall make oath before the Treasurer that Such Slave has actually waited on the Gentleman or Gentlewoman Importing the same upwards of one year before Such Importation such Slave shall thereupon be Exempted from the Duty ...; But if such Slave is afterwards Sold and the Duty thereof is not paid within two days after such sale the owner of Such Slave shall be Liable to the Penalty abovementioned ..."
6. "AND to remove Doubts and disputes that may arise concerning the age of slaves, hereafter to be Imported [this is to be judged by any two aldermen in the city of NY] ..."
7. "all such Slave or Slaves so Imported as shall Dye within thirty days after his her or their arrival shall be Exempted of the Duty beforementioned, provided proofs be made upon oath before the said Treasurer THAT such slave or Slaves was or were Sick at the time of the Landing thereof, and Dyed within the time above Limitted. And if any Slave or Slaves Should be sent from the British Islands to this Colony for the recovery of their health, They shall likewise be Exempted of the said Duty, PROVIDED proof is made in manner as aforesaid that such Slave was sent hither for that purpose and Security given to pay the said Duty in Case the same is not sent back within eight months after the Importation, or Imediately upon the sale thereof if sold in the meanhwile." (*Col. Laws of N.Y.*, 2: 768-774)

1734 Provincial An Act to Lay a Duty on the Goods, & a Tax on the Slaves

1. "Whereas it is Prudent if not Absolutely necessary in times of Peace to Provide against those Dangers that Naturally attend a State of War, which the present Troubles in Urope Seems to Threaten, & how Soon our Mother Country may be Involved in it & we feel the Unhappy Consequences of it, the Divine providence can only Determine, in order therefore to Provide as much as we can for our own Defence & to raise Mony for that Purpose, Be it Enacted ... that there be given & Granted unto his Majesty ... the Several Duties & Quantities of Plate or Sums of Mony herein after Express'd to & for the Uses & Purposes herein after Mentioned, & to no other uses or Purposes whatsoever, that is to Say, for every barrel of Cyder [imported from December 25, 1734 to December 25, 1744, 1 shillings; for every barrel of pork, 3 shillings; for every barrel of beef, 2 shillings] ... & for every Negro Indian & Mollatta Slave which Shall be within this Colony above the Age of fourteen & under the Age of Fifty years, yearly and every year ... one Shilling ..." [This is not an import duty but a tax.]
2. "AND for the Regular & Effectual gathering & Collecting of the Said Pole Tax on Slaves during the Said Ten years in the City and County of New York. Be it Enacted by the Authority aforesaid That the Mayor & Aldermen of the Said City for the time being or the greater Number of them, whereof the Mayor to be one Shall on or before the Second Tuesday in January next Ensuing, & so annually on or before the Second Tuesday of the Same Month during the before mentioned ten years, Meet & Assembly in the City Hall of the Said City, and then & there by Warrants under their hands & Seals order all the respective Assessors of the Said City & County to take & make an Exact & Compleat List of all the Slaves male & Female from fourteen to fifty years of age with their Several Wards and Districts, together with the Name & Names of the owners or Possessors thereof, & to make Return thereon in due Form to the Said Mayor, on or before the Second Tuesday in the Month of February thereafter, Each of which Assessors Shall at the time he receives Such Warrant, or before he Executes the Same Take an Oath that he Shall & will make out Such a List as aforesaid to the best of his Skill and Understanding, which Oath the Mayor or any one Aldermen of the Said City is hereby Impowered & Required to Administer, & on or before the Second Tuesday in March following, the Said Mayor & Aldermen as aforesaid are again to Meet & Assemble in the Said City Hall, & then and there by Warrants in Manner as aforesaid, Order the Respective Collectors of the Said City & County to Gather Collect and Receive in their Several Wards & Districts of & from the owners or Possessors of all the Slaves Mentioned in Such List the Sum of one Shilling a head And in Case Such owner or Possessor Shall deny Neglect or Refuse to pay the Same on Demand, it Shall be Lawfull for the Collector to Destrain him her or them by his her or their Goods & Chattles & the Distress to Keep at the Charge of the owner for the Space of four Dayes, & not being Redeemed in that time, to make Sale thereof at Publick Vendue to the highest bidder, out of the Produce to Deduct the Said Tax & Charges & return the over plus (if any be) Imediately to the owner. [all monies raised by the slave tax are to be paid to the treasurer of the colony, annually, on the first of May each year] ...

3. ...if any Disputes Should arise concerning Slaves whether they are under fourteen or above fifty years the Same Shall be determiend in manner following, That is to Say, In the City & County of New York by one Alderman ... and their Judgment by Inspection Shall Finally Determin Such disputes & be conclusive to both Parties.
4. And whereas Some owners of Slaves often have occasion to Imploy or Send them into Different Places of this Colony, whereby it may happen that the Said Tax be demanded for them in Such Different Places ...[a receipt will be given to owners, mentioning the slaves by name, and whoever can produce such receipt won't have to pay twice]" (*Col. Laws of N.Y.*, 2: 876-884).

1735

[This act was apparently intended to raise revenue to improve the colony's defense (Cosby to the Lords of Trade, June 10, 1735, *Documents Col. NY*, 5: 27-8). "The Merchants and Traders of the City of Bristol," England, petitioned the Lords of Trade complaining that this act—which established a tax of 40 shillings on slaves brought directly from Africa and four pounds on those brought from anywhere else—including England—adversely affected their profits from slave trading and constituted a violation of the king's orders that no colonial laws could be passed that were "prejudicial to the Trade & Navigation of this Kingdom" (Lords of Trade to the Lords of the Privy Council, August 6, 1735, *Documents Col. NY*, 6: 32-4). This Act was repealed in 1736.]

1740 Municipal A Law to Prohibit Negroes and Other Slaves Vending Indian Corn Peaches or any other Fruit with this City

"Whereas of Late Years great Numbers of Negros Indians and Molatto Slaves have Made it a Common Practice of Buying, Selling and Exposing to Sale, not Only in houses, out houses & yards but Likewise in the Publick Streets Within this City, great Quantities of Boiled Indian Corn, pears peaches, Apples and other kind of fruit Which pernicious practice is not only Detrimental to the Masters Mistresses and Owners of Such Slaves in Regard they Absent themselves from their Service: But is also productive of Encreasing if not Occasioning Many and Dangerous fevours, and other Distempers & Diseases in the Inhabitants in the Same City. In order therefore to prevent Such pernicious practices for the future. BE IT ENACTED AND ORDAINED ... That any Negro Indian or Molatto Slave (those Coming to Markett from the Country or the Outward of this City by Order of their Masters or Mistresses only Excepted) that Shall ... be Convicted ....of Selling Carrying about or Exposing to Sale in any house out house or yard in any Street Lane alley or any other place. Within this City or the Limitts or jurisdiction thereof any boiled or Unboiled Indian Corn Pears Peaches Apples or any other kind of fruit

Whatsoever Shall for every Such Offence be publickly Whipped at the Publick Whipping post of this City ... Unless the Master Misress or Owner ... Shall pay to the person or officer Informing of Such Offence the Sum of Six Shillings" (*MCC*, 4: 497-8)

1741 Provincial An Act for the Returning of Able & Sufficient Jurors, and for the better Regulation of Juries

[This Act was passed on November 27, 1741. It attempts to reform the abuse by which sheriffs accept bribes to spare people jury service. Says that anyone called for jury service who is above twenty one and under seventy who have a freehold to the value of 60 pounds and can't have served within the last year] (Col. Laws of N.Y., 3: 185-192).

1741 Provincial An Act to Revise Digest & Print the Laws of this Colony from the Happy Revolution

[appoints Horsmanden to digest the laws. This act passed the same day as the new jury law.]

1742 Municipal A Law to restrain Negros from Going to Fetch Water on a Sunday other than to the next Well or Pump to their place of Abode: and riding Horses thro the Streets or out of Town on a Sunday

"no Negro Molatto or Indian Slave: within this City after the Publication hereof: Shall on any Lords Day or Sunday Presume to fetch any water: other than from the Next well or pump: to the place of their Abode or Shall Presume to Ride any Horse: thro any of the Streets: of this City: or on the Common: Every Slave So offending Shall be Whipt at the Publick Whipping Post: at the Discretion of any one justice of the Peace: Not Exceeding forty Lashes: Unless the Master: Mistress: or Owner: of Such Slave So offending: pay the sum of Three Shillings: for the Use of the Person Informing to Excuse the Same." (*MCC*, 5: 50)