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THE
REVISED STATUTES
OF THE
STATE OF NEW-YORK,
AS ALTERED BY THE LEGISLATURE;

INCLUDING THE STATUTORY PROVISIONS OF A GENERAL NATURE, PASSED FROM
1828 TO 1835 INCLUSIVE;

WITH REFERENCES TO JUDICIAL DECISIONS:

TO WHICH ARE ADDED,

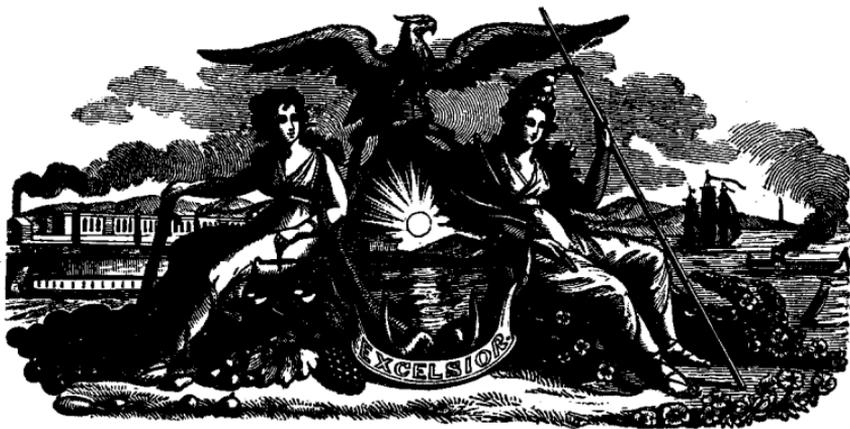
CERTAIN LOCAL ACTS PASSED BEFORE AND SINCE THE REVISED STATUTES; ALL
THE ACTS OF GENERAL INTEREST PASSED DURING THE SESSION OF 1836;

AND AN APPENDIX,

CONTAINING EXTRACTS FROM THE ORIGINAL REPORTS OF THE REVISERS TO THE
LEGISLATURE, ALL THE MATERIAL NOTES WHICH ACCOMPANIED
THOSE REPORTS, AND EXPLANATORY REMARKS.

PREPARED BY AND PUBLISHED UNDER THE SUPERINTENDENCE OF
THE LATE REVISERS.

IN THREE VOLUMES.



VOLUME I.

CONTAINING THE FIRST PART, AND THE FIRST FIVE CHAPTERS OF THE SECOND PART.
OF THE REVISED STATUTES, AND THE GENERAL LAWS FROM 1828 TO
1835 INCLUSIVE, CONNECTED WITH THEM.

ALBANY:

PRINTED ON STEAM PRESSES BY PACKARD AND VAN BENTHUSEN.

1836.

TITLE VII.

OF THE IMPORTATION INTO THIS STATE OF PERSONS HELD IN SLAVERY, OF THEIR EXPORTATION, OF THEIR SERVICES, AND PROHIBITING THEIR SALE.

- SEC. 1. Persons held as slaves not to be brought into this state.
2. Last section not to discharge fugitives from other states.
 3. Emigrants from other states may bring servants with them.
 4. Duration of service of persons so brought, since a certain time.
 5. Term of service of those so brought after this Title becomes a law.
 6. Travellers not remaining more than nine months, may bring and carry out servants.
 7. Persons residing part of a year in this state, may do the same.
 8. Penalty for selling any person as a slave under any circumstances.
 9. Persons so sold, discharged from all obligations of service.
 10. Persons imported since certain time, not to be transferred for any time.
 11. Contracts for service by slaves, since certain time, void.
 12. Penalty for sending out of the state, slaves or servants.
 13. Last section not to apply to slaves or servants pardoned by governor.
 14. Inhabitants may take servants on a journey; duty on their return.
 15. Persons of colour escaping into this state in a vessel, how returned.
 16. Every person born in this state, or now or hereafter brought into it, free, &c.

§ 1. No person held as a slave shall be imported, introduced or brought into this state, on any pretence whatever, except in the cases *hereinafter specified. Every such person shall be free. Every person held as a slave who hath been introduced or brought in this state contrary to the laws in force at the time, shall be free.³

Persons held in slavery not to be brought into this state.
* 657

(1) 1 R. L. 307, § 4. (2) "An act concerning bastards in certain counties," passed October 14, 1828, chap. 6, p. 6 of laws of 2d meeting, 51st session. (3) Laws of 1817, p. 136, § 9.

TITLE 7.

Fugitives from other states.

Emigrants from other states allowed to bring servants on certain conditions.

Duration of service of certain persons so brought.

Of persons hereafter brought.

Travellers with servants.

* 658
Persons residing part of time in this state.

Penalty for selling any person as a slave.

§ 2. The preceding section shall not be deemed to discharge from service any person held in slavery in any state of the United States, under the laws thereof, who shall escape into this state.

§ 3. Any inhabitant of any other state emigrating into this state, with intent to reside permanently therein, may bring with him any person lawfully held in slavery, and belonging to such inhabitant under the laws of the state from which he shall remove, who was born since the fourth day of July, one thousand seven hundred and ninety-nine, and before the fourth day of July, one thousand eight hundred and twenty-seven, upon the condition that such emigrant shall file with the clerk of the city or town in which he shall come to reside, within six months after his removal into this state, his own affidavit in writing, containing the name and addition of such emigrant, the county and state from which he removed, and the time of his arrival in this state, together with the name, age and sex of the person so held in slavery. The said affidavit shall be recorded by the clerk with whom it shall be filed, in a book to be provided for the purpose, which record and a certified copy thereof, shall be good evidence of the facts therein contained.¹

§ 4. Every such person held in slavery aforesaid, and born after the fourth day of July, one thousand seven hundred and ninety-nine, who hath been brought into this state according to the provisions of the preceding section, since the thirty-first day of March, one thousand eight hundred and seventeen, shall be free, but shall remain the servant of him to whom such person belonged, and of his executors and administrators, in the same manner as if such person had been bound as an apprentice according to law, and shall continue in such service, if a male, until the age of twenty-eight years, and if a female, until the age of twenty-five years.²

§ 5. The term of service of such persons who shall so be brought into this state, after this Title becomes a law, shall be only, until they attain the age of twenty-one years respectively.

§ 6. Any person not being an inhabitant of this state, who shall be travelling to, or from, or passing through this state, may bring with him any person lawfully held by him in slavery, and may take such person with him from this state; but the person so held in slavery shall not reside or continue in this state more than nine months, and if such residence be continued beyond that time, such person shall be free.³

*§ 7. Any person who, or whose family shall reside part of the year in this state, and part of the year in any other state, may remove and bring with him or them, from time to time, any person lawfully held by him in slavery, into this state, and may carry such person with him or them; out of this state.⁴

§ 8. No person shall under any colour or pretext whatever, sell any other person as a slave; and whoever shall offend against this provision shall be deemed guilty of a misdemeanor, and on conviction, shall be subject to a fine not exceeding two thousand dollars, or to imprisonment in the county jail, not exceeding three years, or to imprisonment in a state prison not exceeding fourteen years.⁵

(1) Laws of 1817, p. 140, § 16. (2) *Ib.* p. 141, § 17. (3) *Ib.* § 15. (4) Laws of 1819, p. 173, § 4. (5) Laws of 1817, p. 137, § 10.

TITLE 7.

Persons sold discharged from all service.

§ 9. If the person so sold as a slave, be at the time held in slavery, or in any manner bound to service, to the individual selling him, or with whose consent or knowledge he shall be sold, he shall thereupon, by the fact of such sale, become emancipated and discharged from all obligations of service.¹

§ 10. No person who hath been imported or brought into this state as a slave since the eighth day of April, in the year one thousand eight hundred and one, shall be transferred for any term of time; and every person transferred shall be free from all obligations of service to the individual transferring him, or with whose knowledge he shall be transferred.¹

Certain persons imported, not to be transferred.

§ 11. Every indenture, bond or contract, for personal service, made since the thirtieth day of March, one thousand eight hundred and ten, or which shall hereafter be made or entered into, by any person, who has been held or possessed as a slave without this state, shall be utterly void; and all such contracts made by any person who has been held as a slave within this state, shall also be void.²

Certain contracts for services, void.

§ 12. No person shall send, export or carry out of this state, any person who hath been held as a slave, or as a servant for a term of years, in consequence of his having been born of a person held in slavery, except as herein provided; and whoever shall offend against this provision, or shall attempt to send, export or carry out of this state, any such slave or such servant, or be aiding and consenting to such exportation or attempt, except as aforesaid, shall be deemed guilty of a misdemeanor, and every person so exported, or attempted to be exported, shall be free, and discharged from all obligations of service to the individual so exporting him, or with whose knowledge or privity he shall be so exported.²

Penalty for sending slaves or servants out of the state.

§ 13. The provisions in the preceding section, shall not be applicable to any slave or servant who shall be pardoned by the executive on condition of leaving the state.³

Last section qualified.

*§ 14. Any inhabitant of this state, going a journey to any other part of the United States, may carry with him any person by him lawfully held to service as aforesaid. Such inhabitant, on his own return to this state, shall bring back with him every person so carried away by him; and in default thereof, he shall be deemed guilty of a misdemeanor, unless it shall appear that within one month after such return, he filed with the clerk of the city or town in which he resides, a certificate signed by a judge of the county courts of the county, or by the mayor or recorder of the city, stating that it hath satisfactorily appeared to such officer, by the oath of such inhabitant or otherwise, that the person held to service and not brought back as aforesaid, could not be brought back as herein required, by reason of some unavoidable accident.⁴

* 659 Certain inhabitants may take servants with them.

Proof to be made on their return.

§ 15. Whenever any person of colour, owing service or labor in any other state of the United States, shall secrete himself on board of a vessel lying in any port or harbor of such state, and shall be brought into this state in such vessel, the captain or commander thereof, or his agent, may seize such person of colour, and take him before the mayor or recorder of the city of New-York. The officer before whom

Persons of colour involuntarily brought into this state, may be returned; proceedings.

(1) Laws of 1817, p. 137, § 10. (2) Laws of 1810, p. 33, § 2; 1817, p. 138, § 11. (3) Laws of 1819, p. 172, § 1. (4) Laws of 1817, p. 140, § 15.

TITLE 8.  such person shall be brought, shall inquire into the circumstances, and if it appear, upon proper testimony, that such person of colour owes service or labor in any other state, and that he did secrete himself on board of such vessel, without the knowledge or consent of the captain or commander thereof, and that by so doing, he subjected such captain to any penalty, such officer shall furnish a certificate thereof, to such captain or commander, which shall be a sufficient warrant to him, to carry or send such person of colour, to the port or place from which he was so brought as aforesaid.¹

Persons
born in this
state, &c.
free.

§ 16. Every person born within this state, whether white or coloured, is FREE; every person who shall hereafter be born within this state, shall be FREE; and every person brought into this state as a slave, except as authorized by this Title, shall be FREE.
