

THE

REVISED STATUTES

OF THE

STATE OF NEW-YORK,

As altered by subsequent enactments :

TOGETHER WITH STATUTORY PROVISIONS OF A GENERAL NATURE,
PASSED BETWEEN THE YEARS 1828 AND 1845 INCLUSIVE,

ARRANGED IN CONNECTION WITH THE SAME OR KINDRED SUBJECTS IN THE
REVISED STATUTES ;

WITH NOTES OF DECISIONS BY THE COURTS UPON THE PROVISIONS ;
CONTAINED IN THE TEXT.

PREPARED BY

JOHN DUER, BENJAMIN F. BUTLER, AND JOHN C. SPENCER,

LATE REVISERS OF THE STATUTES,

AND PUBLISHED UNDER THEIR SUPERINTENDENCE, PURSUANT
TO AN ACT OF THE LEGISLATURE.

THIRD EDITION.

VOLUME I.

Containing the First Part of the Revised Statutes, and the General Laws connected therewith,
from 1828 to 1845 inclusive.

ALBANY:
WEARE C. LITTLE AND CO.

1846.

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. Penalty for selling any person as a slave under any circumstances.
4. Persons so sold, discharged from all obligations of service.
5. Persons imported since certain time, not to be transferred for any time.
6. Contracts for service by slaves, since certain time, void.
7. Penalty for sending out of the state, slaves or servants.
8. Last section not to apply to slaves or servants pardoned by governor.
9. Inhabitants may take servants on a journey; duty on their return.
10. Persons of color escaping into this state in a vessel, how returned.
11. 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 into 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.

§ 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.

[Sections 3, 4, 5, 6 and 7 Rev. Stat., repealed by chap. 247 of 1841.]

Penalty for
selling any
person as a
slave.

§ 3. [Sec. 8.] No person shall, under any color 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 the state prison not exceeding fourteen years.¹

Persons sold
discharged
from all ser-
vice.

§ 4. [Sec. 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

Certain per-
sons import-
ed, not to be
transferred.

§ 5. [Sec. 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 con-
tracts for ser-
vices void.

§ 6. [Sec. 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

Penalty for
sending
slaves or
servants out
of the state.

§ 7. [Sec. 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

Last section
qualified.

§ 8. [Sec. 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

[659]
Certain inha-
bitants may
take servants
with them.

§ 9. [Sec. 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,

Proof to be
made on
their return.

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

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.¹

§ 10. [Sec. 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 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.²

§ 11. [Sec. 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.

ART. I.

Persons of colour involuntarily bro't into this state may be returned; proceedings.

Persons born in this state, &c. free.