

1799. Gradual Abolition Act

Source: Chap. 62, "An Act for the gradual abolition of Slavery," March 29, 1799, in *Laws of the State of New-York, Passed at the Twenty-Second Meeting of the Legislature Begun. .the Second Day of January, 1799* (Albany, 1799), 721-723 in D. Gellman and D. Quigley, ed. (2003). Jim Cow New York, A Documentary History of Race and Citizenship 1777-1877. NY: New York University Press, 52-55.

Be it enacted . . . That any child born of a slave within this state after the fourth day of July next shall be deemed and adjudged to be born free: *Provided nevertheless*. That such child shall be the servant of the legal proprietor of his or her mother until such servant, if a male, shall arrive at the age of twenty-eight years, and if a female, at the age of twenty-five years.

And be it further enacted. That such proprietor, his, her or their heirs or assigns, shall be entitled to the service of such child until he or she shall arrive to the age aforesaid, in the same manner as if such child had been bound to service by the overseers of the poor.

And be it further enacted. That every person being an inhabitant of this state who shall be entitled to the service of a child born after the fourth day of July as aforesaid, shall, within nine months after the birth of such child, cause to be delivered to the clerk of the city or town whereof such person shall be an inhabitant, a certificate in writing containing the name and addition of such master or mistress, and the name, age and sex of every child so born, which certificate shall be by the said clerk recorded in a book to be by him for that purpose provided, which record shall be good and sufficient evidence of the age of such child; and the clerk of such city or town shall receive from said person twelve cents for every child so registered; and if any such person neglects to make a return of every such child as aforesaid to said clerk within nine months after the birth thereof, such person shall forfeit and pay five dollars for every such offence, to be sued for and recovered by the clerk of the city or town in which such person resides, the one half for his own use and the remainder for the use of the poor of the said city or town: *Provided nevertheless*, that it shall be and is hereby made the duty of the town clerk to register the certificate of any such child at any time after nine months from its birth; and every master or mistress, masters or mistresses of every such child shall forfeit and pay the sum of one dollar for every month he, she or they shall neglect to deliver such certificate to the town clerk.

And be it further enacted. That the person entitled to such service may, nevertheless, within one year after the birth of such child, elect to abandon his or her right to such service, by a notification of the same from under his or her hand, and lodged with the clerk of the town or city where the owner of the mother of any such child may reside; in which case every child abandoned as aforesaid shall be considered as paupers of the respective town or city where the proprietor or owner of the mother of such child may reside at the time of its birth; and liable to be bound out by the overseers of the poor on the same terms and conditions that the children of paupers were subject to before the passing of this act.

And be it further enacted. That every child abandoned as aforesaid shall be supported and maintained till bound out by the overseers of the poor as aforesaid, at the expence of this state: *Provided however*. That the said support does not exceed three dollars and fifty cents per month for each child; and the comptroller is hereby authorized and directed to draw his warrant on the treasurer of this state for the amount of such account, not exceeding the allowance above prescribed.... *And provided also*, That the person so abandoning as aforesaid, shall, at his own expence, support and maintain every such child till it arrives at the age of one year, and every owner omitting to give notice in due form as aforesaid shall be answerable for the maintenance of every such child until the arrival of the respective periods of servitude specified in the first section of this act.

And be it further enacted. That it shall be lawful for the owner of any slave, immediately after the passing of this act, to manumit such slave by a certificate for that purpose under his hand and seal.

