

### **1811. Black Suffrage in New York**

"Act to prevent frauds and perjuries at elections, and to prevent slaves from voting," in Laws of the State of New-York Passed at the Thirty-Fourth Session of the Legislature, Begun and Held at the City for Albany the Twenty-Ninth Day of January, 1811 (Albany, 1811), 370-373. Source: D. Gellman and D. Quigley, ed. (2003). Jim Crow New York, A Documentary History of Race and Citizenship 1777-1877. NY: New York University Press, 65-66.

III. *And be it further enacted.* That whenever any black or mulatto person shall present himself to vote at any election in this state, he shall produce to the inspectors or persons conducting such election, a certificate of his freedom, under the hand and seal of any one of the clerks of the counties of this state, or under the hand of a clerk of any town within this state.

IV. *And be it further enacted.* That it shall and may be lawful for every black or mulatto person within this state, to make and exhibit proof before any one of the justices of the supreme court, any mayor, recorder, or judge of any court of common pleas within this state, of his freedom, such proof to be reduced to writing and exhibited in the county where the person producing the same shall reside. And provided the said justice, mayor, recorder or judge be of opinion, that the person producing the same is free according to the laws of this state, he shall certify the same in writing, stating therein a brief description of the person so adjudged to be free, his age, the place of his birth, and the time when he became free, as nearly as the same can be ascertained, and it shall be the duty of the said black or mulatto person to cause the said proof to be filed, and the certificate of the said justice, mayor, recorder or judge, to be entered of record, either in the clerk's office of the said county, or in the clerk's office of some one of the towns in the said county, and a copy of the said record, certified under the hand of the clerk in whose office the same shall be recorded, shall be the certificate of freedom required by the preceding section, to be produced at all such elections, and unless such certificate shall be produced, no black or mulatto person shall be permitted to vote at any such election.

V. *And be it further enacted.* That the officer taking such proof shall be entitled, as a compensation for taking the same, twenty-five cents, and for giving such certificate, the further sum of twelve and an half cents, to be paid by the person applying for the same; and the clerk for filing such proof and recording such certificate shall be entitled to such fees as are usual for like services.

VI. *And be it further enacted.* That every black or mulatto person producing such certificate, shall, if required by any one of the inspectors of such election, or if challenged by an elector, make oath or affirmation, that he is the identical person named and intended in such certificate, and if any person shall be guilty of false swearing in taking such oath or affirmation, he shall be adjudged guilty of wilful and corrupt perjury, and shall upon conviction thereof, suffer the punishment now directed by law in cases of wilful and corrupt perjury.

VII. *And be it further enacted.* That it shall be lawful for such justice of the supreme court, mayor, recorder, or judge, on application by any black or mulatto person, to issue a summons, requiring any person residing within the county wherein such application shall be made, to appear and make affidavit of all such matters and things as he or she may know concerning the freedom of such black or mulatto person; and whenever any person shall refuse to appear and make affidavit in pursuance of such summons, a warrant shall issue from such justice, mayor, recorder or judge, to compel his or her appearance, and if on his or her appearance, he or she shall refuse to make affidavit or affirmation, as the case may require, of the facts which may be within his or her knowledge, touching the matter to be enquired into, he or she may be committed to the common goal of the county, there to remain without bail or mainprize for a term not exceeding one calendar month.