

# PRESERVING YOUR NEW YORK STORY: UNIQUE ASPECTS OF RESEARCHING ENSLAVED PEOPLE IN NEW YORK STATE\*

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NYC  
& INF

Census of the whole Population of the City & County of New York 1810

Wards	Freeholders	Personal Estate	Tenants	Survivors	White Inhabitants		Aliens		Coloured Inhabitants		Slaves			Total
					Male	Female	M	F	M	F	M	F	F	
First	505	1183	766	880	3461	3615	370	108	250	443	230	287		8824
Second	338	934	734	579	2943	3024	222	135	200	398	44	100		7086
Third	338	961	1328	592	3304	3311	135	79	320	471	93	176		7891
Fourth	348	1420	1453	654	4486	4634	404	8	272	427	22	72		10323
Fifth	330	1277	2294	752	6231	6732	217	2	702	1002	86	141	30	15113
Sixth	260	618	1344	482	4082	4134	837	902	458	585	48	51		11097
Seventh	337	1991	1602	636	4633	5193	548	378	339	378	24	32	4	11597
Eighth	421	326	1227	302	4324	4203	218	164	233	247	50	92		9533
Ninth	207	126	213	274	1213	1516	150	111	112	126	101	132	3	3461
Tenth	354	1207	442	1189	4302	4606	244	234	764	190	31	62	1	9833
	3638	10143	11963	6340	38981	40870	3343	2341	3032	4267	731	1165		94760

Census of the population of the City and County of New York for the year 1810.

The list includes whites, colored, aliens, slaves, tenants and freeholders.

Records of the Common Council

1810 census record showing enslaved people in the City and County of New York <sup>1</sup>

## INTRODUCTION

When researching the genealogies of enslaved people who lived during the colonial period, it is important to keep in mind that England was not the only colonizer in what became the continental United States. The Dutch originally settled New York City and in 1627 introduced the enslavement of African-descended people in New Amsterdam, 37 years before England acquired the city in 1664 and renamed it “New York.” <sup>2</sup> This paper provides an overview of three unique aspects of

\* All websites cited were accessed 16 May 2025.

<sup>1</sup> New York City Archives (<http://www.archives.nyc/slavery-manumission>).

<sup>2</sup> Japp Jacobs, “The First Arrival of Enslaved Africans in New Amsterdam,” *New York History* 104, no. 1 (Summer Jaap 2023): 96-114. Thank you to Yvette Hoytink, a fellow associate of the Board for Certification of Genealogists®, for alerting me to this article that explains that the long-held 1626 date of arrival was incorrect. See also, Andea Mosterman, “Slavery in Dutch North America,” *Slavery and The Dutch State: Dutch Colonia Slavery*

researching enslaved ancestors in New York State: The treatment of enslaved people in New Amsterdam under the Dutch civil law, the gradual abolition of slavery in the state, and an important database.

## **APPLICABILITY OF GENEALOGY STANDARDS**

Researching the genealogy of an enslaved person is challenging, primarily because of forced separations that severed family ties and records that rarely identified the enslaved with surnames. These obstacles reduce the likelihood of finding direct evidence of identity or relationships. Fortunately, however, there is a comprehensive set of widely used genealogy standards that can help to overcome the challenges.<sup>3</sup> These “best practices” flesh out the requirements of the Genealogical Proof Standard (“GPS”) that has universal application for purposes of assessing the accuracy of genealogical research. There are distinctive sources of information about enslaved people, but the same genealogy standards apply.

## **DUTCH CIVIL LAW VERSUS ENGLISH COMMON LAW**

*“[S]lavery among the Dutch never achieved the acceptance as a legal precept that it enjoyed among the English.”<sup>4</sup>*

Reconstructing the life of any ancestor requires attention to details such as history and applicable laws.<sup>5</sup> Much of the American legal system was derived from the English “common law,” a system of jurisprudence that relies heavily on judicial decisions.<sup>6</sup> The law of slavery was somewhat different in areas of North America controlled by continental European countries with “civil law” systems. The hallmark of a civil law legal system is a comprehensive code derived from ancient

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*and Its Afterlives*, Rose Mary Allen, Esther Captain, Matthias van Rossum, and Urwin Vyent, *editors* (Leiden University Press, 2005), p. 263-267; viewed on *Jstor.org* (<https://www.jstor.org/stable/jj.27080106>).

<sup>3</sup> See Board for Certification of Genealogists, *Genealogy Standards*, second edition revised (Nashville, Tennessee: Ancestry.com 2021).

<sup>4</sup> A. Leon Higginbotham, Jr., “New York,” *In the Matter of Color: Race and the American Legal Process, the Colonial Period* (New York: Oxford University Press, 1978), 113.

<sup>5</sup> *Genealogy Standards*, Standard 12 (Broad Context), Standard 14 (Topical Breadth), and Standard 41 (Evidence Scope).

<sup>6</sup> Henry Campbell Black, “Common Law,” *Black’s Law Dictionary: Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern*, revised 4<sup>th</sup> ed. (St. Paul Minnesota: West Publishing Co., 1968), 345-346.

Roman law.<sup>7</sup> In New York, genealogical researchers must be mindful of the Netherland's early colonization of the area and the influence of that nation's civil law system.

There was no legal precedent for enslaving people on the basis of race under either the common law or the civil law. Very generally, the civil law is more concerned with the rights and obligations of individuals versus the common law focus on property rights. This was the context in which civil law jurisdictions such as Spain and France codified the legal parameters of slavery.<sup>8</sup> For example, The law of Spain was based on Las Siete Partidas, the 13<sup>th</sup> Century code that included specific laws on the relationship between "masters" and "slaves,"<sup>9</sup> and that country expressly permitted the enslavement of African-descended people in its colonies from the early sixteenth century.<sup>10</sup> The Dutch did not follow suit, although they did follow custom.<sup>11</sup> Perhaps because the Dutch did not codify a legal framework to undergird slavery, enslaved people in New Amsterdam were reported to have been accorded rights similar to those of indentured servants.<sup>12</sup>

As one example, around the time Massachusetts became the first English colony in North America to enact a 1641 law that legalized the enslavement of people who were captured in war or sold into slavery,<sup>13</sup> in 1644 enslaved people of African descent in New Amsterdam successfully petitioned for a conditional grant of freedom (referred to as "half-freedom"):

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<sup>7</sup> "Civil Law," *Black's Law Dictionary*, 312.

<sup>8</sup> See David. A. Furlow, "The Lone Star Republic's Supreme Court Wove the Fabric of Texas Law from the Threads of Three Competing Legal Traditions: Part 1: Material Differences in Legal Culture," *Journal of the Texas Supreme Court Historical Society* (Fall 2013): 17

([https://www.texascourthistory.org/Content/Newsletters/TSCHS\\_Journal\\_Fall\\_2013.pdf](https://www.texascourthistory.org/Content/Newsletters/TSCHS_Journal_Fall_2013.pdf)). Also, "Slavery in the French Colonies: Le Code Noir (the Black Code) of 1685," *Library of Congress Blogs* (<https://blogs.loc.gov/law/2011/01/slavery-in-the-french-colonies/>).

<sup>9</sup> Luis Martinez-Fernandez, "Marriage Between Slaves: Analyzing Legal Documents From Spain and the United States," *Social Education*, 82: 138:142 ([https://www.socialstudies.org/system/files/publications/articles/se\\_8203138\\_0.pdf](https://www.socialstudies.org/system/files/publications/articles/se_8203138_0.pdf)).

<sup>10</sup> Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821–1865* (Baton Rouge: Louisiana State University Press, 1989); e-book location 215. Campbell noted that "[n]egro slavery was permitted and protected from the early sixteenth century in New Spain."

<sup>11</sup> For a scholarly overview of the legal differences in the treatment of enslaved people in New Amsterdam and New York, see Higginbotham, Jr., *"In the Matter of Color: Race and the American Legal Process, the Colonial Period"* (New York: Oxford University Press, 1978), 100–114.

<sup>12</sup> *Ibid.*, 103.

<sup>13</sup> William H. Whitmore, Record Commissioner, "Bond Slavery," *The Colonial Laws of Massachusetts*, Reprinted from the Edition of 1672, with the Supplements Through 1686 (Boston, Massachusetts: Rockwell and Churchill, 1887), 10.

*We, Willem Kieft, director general, and the council of New Netherland, having considered the petition of the Negroes named Paulo Angola, Big Manuel, Little Manuel, Manuel de Gerrit de Reus, Simon Congo, Antony Portuguese, Gracia, Piter Santomee, Jan Francisco, Little Antony and Jan Fort Orange, who have served the Company for 18 or 19 years, that they may be released from their servitude and be made free.*

—Council Minutes, Manumission of Manuel de Gerrit et al, 25 February 1644<sup>14</sup>

Significantly, half-freedom did not automatically emancipate the children of the petitioners. It is also notable that the conditions imposed were not dissimilar from the obligation of free white people, specifically annual dues and assistance to the Dutch West India Company when called upon.<sup>15</sup>

## GRADUAL EMANCIPATION

Slavery persisted in the North into the 19<sup>th</sup> century. Vermont's 1777 constitution initiated a process of gradual emancipation,<sup>16</sup> and New York was among six northern states that did the same.<sup>17</sup> New York patterned its legislation after the exemplar enacted by Pennsylvania, the first northern state to adopt gradual abolition legislation in 1780:

- ⇒ No Adults were freed from slavery, only children born after the effective date to enslaved mothers;
- ⇒ Freedom was deferred: Infants born to enslaved mothers were subject to a period of servitude;

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<sup>14</sup> This excerpt is from "Slavery in New Netherland," *New Netherland Institute* (<https://www.newnetherlandinstitute.org/history-and-heritage/digital-exhibitions/slavery-exhibit/half-freedom>).

<sup>15</sup> Ibid.

<sup>16</sup> Yale Law School, "Constitution of Vermont," *The Avalon Project; Lillian Goldman Law Library* ([http://avalon.law.yale.edu/18th\\_century/vt01.asp](http://avalon.law.yale.edu/18th_century/vt01.asp)). Note that Vermont was not a state when it implemented gradual emancipation because it declared itself an independent republic during the American revolution and was not admitted to the union as the 14th state until 1791.

<sup>17</sup> "An Act for the gradual abolition of slavery," *Laws of the State of New York: Passed at the Sessions of the Legislature held 1797, 1798, 1799, and 1800, inclusive*, vol. iv (Albany, New York: Weed Parsons, and Company, Printers, 1887) 388-389; *Google Books* ([https://books.google.com/books?id=kOATAAAAYAAJ&pg=PA302&dq=%22Laws+of+the+state+of+New+York%22+and+1799&hl=en&newbks=1&newbks\\_redir=0&sa=X&ved=2ahUKEwiEi\\_2lu6GNAXU8EGIAHcGyMIkQ6wF6BAgIEAE#v=onepage&q=%22Laws%20of%20the%20state%20of%20New%20York%22%20and%201799&f=false](https://books.google.com/books?id=kOATAAAAYAAJ&pg=PA302&dq=%22Laws+of+the+state+of+New+York%22+and+1799&hl=en&newbks=1&newbks_redir=0&sa=X&ved=2ahUKEwiEi_2lu6GNAXU8EGIAHcGyMIkQ6wF6BAgIEAE#v=onepage&q=%22Laws%20of%20the%20state%20of%20New%20York%22%20and%201799&f=false)).



- ⇒ Former enslavers had the option of abandoning infants to the care of the “overseers of the poor,” with authorization for the latter to bind them out “by indenture” as apprentices during the prescribed term of servitude; and
- ⇒ Enslavers were required to register the birth.<sup>18</sup>

In 1771 New York had “the largest percentage of slaves in the North, about 10-12% of the population,” and was the next to last northern state to enact gradual abolition legislation.<sup>19</sup> New York enacted a series of staggered dates. Under the initial enactment enslaved children born after 4 July 1799 were to be free but subject to indenture: males until age twenty-eight and females until age twenty-five (figure 1).<sup>20</sup>

**Figure 1**

**CHAP. 62.**

**AN ACT for the gradual abolition of slavery.**

PASSED the 29th of March, 1799.

Children of  
slaves de-  
clared free. *Be it enacted by the People of the State of New York represented in Senate and Assembly, 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.*

In 1817 the law was changed to emancipate all slaves, but implementation was delayed for ten years until 4 July 1827 (figure 2).<sup>21</sup> Gradual emancipation created the need for records to keep track of enslaved people who were eligible. For the general population, no New York birth records

<sup>18</sup> See Yale Law School, “Pennsylvania – An Act for the Gradual Abolition of Slavery, 1780,” *The Avalon Project; Lillian Goldman Law Library* ([http://avalon.law.yale.edu/18th\\_century/pennst01.asp](http://avalon.law.yale.edu/18th_century/pennst01.asp)).

<sup>19</sup> A.J. Williams Meyers, “Re-examining Slavery in New York,” *NewYorkStateArchives.org* ([https://www.nysarchivestrust.org/application/files/8315/6864/3958/archivesmag\\_winter2002.pdf](https://www.nysarchivestrust.org/application/files/8315/6864/3958/archivesmag_winter2002.pdf)).

<sup>20</sup> An Act for the gradual abolition of slavery,” *Laws of the State of New York: Passed at the Sessions of the Legislature held 1797, 1798, 1799, and 1800, inclusive.*

<sup>21</sup> “An Act relative to slaves and servants,” *Laws of the State of New York: Passed at the Thirty-ninth, Fortieth, and Forty-First Sessions of the Legislature, commencing January 1816 and ending April 1818*, vol. iv (Albany, New York: Printed For Webster And Skinners, 1818) 136-144; *Google Books* ([https://books.google.com/books?id=IFY4AAAAIAAJ&printsec=frontcover&source=gbs\\_ge\\_summary\\_r&cad=0#v=onepage&q&f=false](https://books.google.com/books?id=IFY4AAAAIAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false)).

are extant for periods before 1847,<sup>22</sup> but New York's gradual emancipation law required the creation of records for children born to enslaved mothers almost 50 years earlier.<sup>23</sup>

Figure 2

When free. XXXII. *And be it further enacted, That every negro, mulatto or mustee within this state, born before the fourth day of July, one thousand seven hundred and ninety-nine, shall, from and after the fourth day of July, one thousand eight hundred and twenty-seven, be free.*

## THE NORTHEAST SLAVERY RECORDS INDEX

The Genealogical Proof Standard contemplates the use of original records where possible.<sup>24</sup> It is important to keep in mind that a database is not a record; it is a source. Researchers should not rely on abstracts or other *derivative* information included in a database. Unless the database includes an image copy, competent genealogists seek the original record. If an image copy is used, the documentation of the information it contains should make that clear.<sup>25</sup>

The monumental task of centralizing datasets about enslaved ancestors is a work in progress.<sup>26</sup> In the interim, there are a multitude of existing databases that serve a similar purpose but are more limited in scope. In New York researchers have access to the Northeast Slavery Records Index (NESRI).<sup>27</sup> NESRI is an index of records that identify enslaved people and enslavers in the states of New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey and Pennsylvania.

The New York records are indexed by the names of both enslaved people and enslavers. The database also provides images of original documents that span the colonial and revolutionary eras—including the period of Dutch rule. Record types include notices or records of sales (see

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<sup>22</sup> “New York Vital Records,” *Familysearch* ([https://www.familysearch.org/en/wiki/New\\_York\\_Vital\\_Records](https://www.familysearch.org/en/wiki/New_York_Vital_Records)).

<sup>23</sup> “An Act for the gradual abolition of slavery,” *Laws of the State of New York: Passed at the Sessions of the Legislature held 1797, 1798, 1799, and 1800, inclusive.*, 388- 389.

<sup>24</sup> Board for Certification of Genealogists, *Genealogy Standards*, 1.

<sup>25</sup> For guidance on the citation of information in database entries see Elizabeth Shown Mills, “Fundamentals of Research & Analysis,” *Evidence Explained, Citing History Sources from Artifacts to Cyberspace*, fourth edition (Baltimore, Maryland: Genealogical Publishing Company, 2024), 35 and 54-55.

<sup>26</sup> See “Our Mission,” *10 Million Names* (<https://10millionnames.org/about-10-million-names>).

<sup>27</sup> *Northeast Slavery Records Index*, (<https://nesri.commonsgc.cuny.edu>).

figure 3<sup>28</sup>), enslaved people in census records, emancipations, and advertisements for people who self-emancipated (referred to as fugitives).

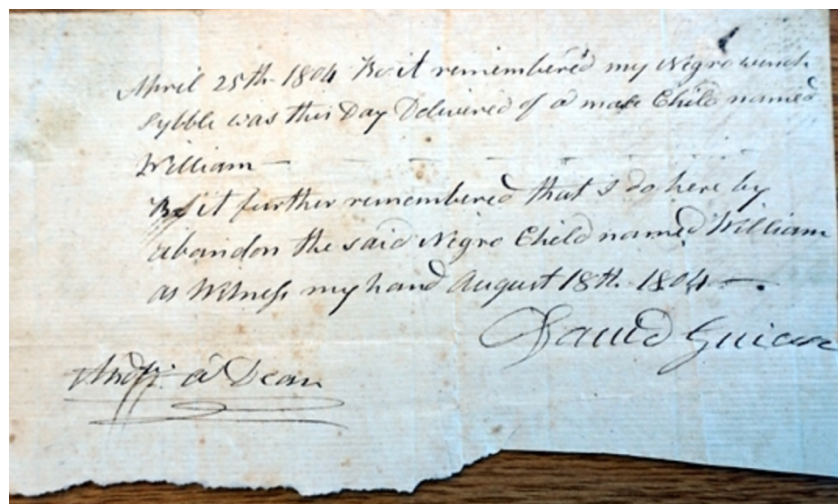
**Figure 3**

**Table 3D: Notices or Records of Sales**

Year	Enslaver Last Name	First	Number Sold	Locality	Description	Documentation	
1661			40	New York	Resolution to offer at public sale on public account forty negroes, young and old, male and female, recently received from Curaçao; payment to be made in beavers or in beef, pork, wheat or peas.	NYSA_A1809-78_V09_0760	<a href="#">View Details</a>

A major project of NESRI is to identify and assure access to birth records created pursuant to New York State's gradual abolition law. As of this writing there are 3,314 birth records for enslaved children in the New York database (see figure 4 for an example).<sup>29</sup> Researchers can locate records for a particular locality by going to the Locality Enslavement Records Report and entering the state as New York, and the county and locality of interest.

**Figure 4**



A birth record from the NESRI website<sup>30</sup>

The New York law included a typical provision for cases where a slaveholder did not want the expense or inconvenience of allowing an enslaved woman to care for a child: Within a year after

<sup>28</sup> "Locality Record Summary, NESRI

(<https://nesri.commonsc.gc.cuny.edu/dashboardresult/?CountyBoro=&Locality=>).

<sup>29</sup> "Birth Registrations and Abandonments," NESRI (<https://nesri.commonsc.gc.cuny.edu/birth-registrations-and-abandonments/>).

<sup>30</sup> Ibid.

a child's birth, the person entitled to the services of the child could abandon this property right, and the laws for the poor would kick in. The abandoned child would be bound out by the overseers of the poor on the same terms and conditions that the children of paupers could be bound or hired out.<sup>31</sup> The document in figure 4 indicates that the enslaver abandoned the child born to an enslaved mother.

## OTHER SOURCES

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<sup>31</sup> "An Act for the gradual abolition of slavery," *Laws of the State of New York: Passed at the Sessions of the Legislature held 1797, 1798, 1799, and 1800, inclusive*, 389.