Perpetuation, Subjugation or Colonial Prosperity: The Laws of Slavery and Elite White Power within Colonial Virginia, New Netherlands, and New York

In 1669 the men of the General Assembly of Virginia completely removed the penalty for those who “by chance” murdered a slave in the process of punishment—otherwise known as “Act I: The Casual Killing of slaves.”\(^1\) The very words of the law rendered the slave’s murder “casual;” to the men of the General Assembly the black laborer was property. In colonial New York, the intersection between murder and slavery was less grotesque. In 1709 “An Act for Preventing the Conspiracy of Slaves,” extended murder in self-defense to all races—these Assemblymen recognized the slave’s personhood.\(^2\) This recognition first emerged during the region’s Dutch rule as the colony of New Netherland. With these differences illuminated, one begins to wonder—what crafted such distinctions in the rhetoric of slave law? What preoccupations drove the legislating elite in maintaining the institution of slavery?

Overall, seventeenth and early eighteenth century slave laws discussed miscegenation and the construction of race, violence, punishment and insurrection, and to an extent, manumission. In examining such law, the differing preoccupations of the governing bodies in controlling labor, race, justice, and freedom, become apparent. Thus, to understand the development of slave law it is vital to examine the government’s structure, legislators, and legislative platforms. The original laws establishing the institution of slavery in Virginia and the

\(^1\) William W. Henning, *The Statutes at Large; Being a Collection of all the Laws of Virginia*, vol. 2 (1823), 270.

New Netherland colony that preceded New York further illuminate this. Miscegenation laws shed differing lights on the use of racism within slave law; punishment laws display divergent views on justice for the slaveholder and slave; a final discussion of manumission laws summarizes these differences. Ultimately both colonies were premised on the capital advancement of which slavery played a role. However the lawmaker’s role, from the journey of establishment to freedom, created differences in racism, justice, and freedom for the slave, as their relationships with society were inherently different.

When comparing the development of slave law in New Netherlands and Virginia it is first vital to understand the relationship between law, society, and the governing elite. The law acts as the greatest foundation of society and it’s norms. Ultimately, those in power render certain actions and viewpoints – such as “casual” killing— legal, normal and acceptable. Consequently, the law sustains the government’s power by maintaining the government’s interests. Therefore, when examining the rhetoric of slave law, one must take into account the interest of the lawmaker in shaping the law. In order to further the interests of colonial white elite, the language of law became the language of power. Within colonial America the elite white male, or the companies that employed them, crafted the law. These laws reflected the governing bodies’ desires for slavery, its economic profit, or – as to be seen in Virginia— its perpetual institutionalization.

The legislative platform of Virginia Assemblymen commenced under a language of labor and profit. In 1606 Virginia was chartered as a proprietary colony under the command of English

---

5 Ibid, 5.
merchants whose official intentions were to profit from “lucrative trading.” More importantly, however, their charter institutionalized indentured servitude, binding most poor white laborers to the company for seven years. In 1619 the Company created America’s first representative government – the Virginia General Assembly. Virginia property holders elected the councilmen. In turn, the councilmen were Virginia property holders. These plantation owners also comprised the upper house, or the Burgesses, and thus acted as both the Supreme Court and the legislature. When the Crown took over in 1624 the legislature continued to meet annually to discuss and draft local laws with representatives from each county, and notably, each plantation. Nearly all power to mold Virginia law and society was concentrated within a small class of plantation owners. The representatives’ power to codify their plantation, labor-exploiting lifestyle was immense. From its onset, the Assembly was concerned in controlling the labor force.

Within Virginia’s early representative government, several realities make clear the power associated with the exploitation of labor. In 1619, the Assembly’s first session “secured every man’s rights to his servants.” By no coincidence the elected elite both owned and controlled the majority of land and servants in Virginia. Soon after, a legislative hearing directly discussed the servant slave. Councilman Wyatt acquired “a negro servant” when he ruled a ship captain guilty of trading without Assembly approval. In claiming the slave “booty of the ship,” the Assemblyman manipulated his lawmaking role to advance his personal property. In the Assembly’s infancy, the legislators secured their labor interests and introduced the exploitation of “negro” slaves. Seemingly, the General Assembly’s initial laws and actions built a society in

---

8 Morgan, 93, 96.
9 Morgan, 123-125.
which profit and labor control lay in the hands of elite planter’s. With Virginia’s permanent shift to a slave-driven economy, the Assembly’s exploitative labor platform deepened.

In 1662 the General Assembly codified slavery as hereditary and perpetual; the control of property was indefinitely bound to the slaveholder’s desires. By the 1660s, plantation labor and the development of chattel slavery were flourishing in Virginia. Additionally, a decreased profitability and availability of indentured servants preceded the law’s enactment. Rather than continue the paternal lineage of English Common Law, the Assembly issued “Act XII: Negro women’s children to serve according to the condition of their mother.” Acting on local “doubts that have arisen,” the act affirmed any “children got by any Englishman upon a negro woman,” contingent to maternity. English law had made an illegitimate child, free; yet the assembly’s preoccupations forever yielded anyone of black descent property. The act illuminates how deeply concerned Virginian’s were with property rights. However, it was the men of greatest property—property that included the slave—who made the law. Thus, the “doubts” on which the law was founded illuminated the doubts of individual Assemblymen. With these doubts suppressed, the law now perpetuated both the planter’s right to labor and his needs for indefinite slavery. In merely one sentence the General Assembly completely transformed the notion of lineage, solely for the advancement of white property holder’s. Notably, the chattel’s perpetual subjugation produced a larger population available for exploitation. Plantation owners no longer had to promise indentured servants freedom or land. The words of law now bound “negro-borne children” forever to the white man’s desires. Nearly four years later Virginia’s slave

---

10 Wood, 92.
11 Henning, II, 170.
12 Stroud, 5.
13 Stroud, 4.
14 Henning II, 170.
population reached 2,000; and as the exploited population rose, as would the discussion of race within the Assemblymen’s laws.  

However New Netherland’s governing body would not follow this pattern. Unlike Virginia’s local planters, New Netherland’s government was geographically removed from the land, the landowner, and the laborer. Similar to the Virginia Company establishing Virginia, New Netherland was founded by the Dutch West India Company. In 1621 the State General of Netherlands granted the Dutch West India Company trading rights to the region of present day New York, Connecticut, Delaware, and New Jersey. WIC was an international charter company composed of Dutch merchants who established trade posts, and upon colonization, plantations.

The Council of Nineteen, New Netherland’s legislature, was comprised of these merchants, all of whom resided in Amsterdam. Their laws ensured each settler’s right to be “governed comfortably to the rule of the government made, or to be made, by the Council of Nineteen.” Of great contrast to Virginia’s local planter class, the “Patroon” plantation owner was not the region’s lawmaker. A distant commercial government set the foundations of New Netherland law. Indeed the Council was, like the elite Virginia Assembly, was concerned with economic profit. However commercial success, rather than individual property concerns, was the basis of New Netherland law. The preoccupation upon which these men made laws was inherently different.

Rather than ensure servitude the Council’s first decree promoted the entire region’s commercial success, even if premised off the individual merchant’s desires. “The Freedom and

---

15 Wood, 82. [Paul Clemens, “Reimagining the Political Economy of Virginia”
17 “ Freedoms and Exemptions Granted by the West India Company to all Patroons, Masters, or Private Persons who will plant Colonies in New Netherland, 7 June, 1629,” in Laws and Ordinances of New Netherland: 1638-1674, (Albany: Parsons and Company, 1868), 4.
Exemptions Granted by the Council of West India Company to all Patroons, Masters, or Private Persons who will plant Colonies in New Netherland 7 June, 1629,” contained a series of trade regulations, duties, and settler rights to “ensure the prosperity of the colonies.” The acts produced an intersection between the “comforts provided” to settlers and overall commercial prosperity. For example, Article XIII permitted both “Patroon and colonist” to profit from maritime trade. Yet, it required “a duty of five per cent paid to the Company for all goods required.” Article XXII allowed colonists to “take possession” of self-discovered land and immediately “work on them as their own absolute property.” The article also stipulated duties for the goods subsequently produced. The act even allowed servants to “be at liberty” to take possession of as much land as they can “properly improve.” Ultimately, the servant labored for the elite landowner, who in turn cultivated land and traded for Company. However, the extent to which New Netherland’s first act acknowledged each individual’s role in society is vital to note. The privileges granted evoked a sense of protectionism for both individual and colonial profit. The settler’s agency, no matter servant or Patroon, added to the overall betterment of the company. As in Virginia, the laws of New Netherlands were created to ensure the economic agenda of the elite. However, WIC’s commercial agenda acknowledged its greater colonial prosperity, as it was vital to their own.

In New Netherlands, the language of the law evoked colonial prosperity—even in the Council’s original discussion of slavery. Only one out of thirty-one “Freedom and Exemptions” discussed the institution of slavery. Notably the second to last, Article XXX ensured the company would provide settlers with slaves “in such manner however that they shall not be

---

18 “Freedoms and Exemptions,” 1.  
19 “Freedoms and Exemptions,” 5.  
20 “Freedoms and Exemptions,” 8.  
21 Quoted for Emphasis.
bound to do it for a longer time than [they] shall think proper.” The “proper” control of slavery was to be implemented at the colonial government’s, not the planter’s, discretion. The law also required each slave owner to import fifty white settlers. These white settlers would supply the company with labor, while the slave’s main role would be to build company infrastructure in order to increase permanent settlement. The importation of both races was solely to increase settlement and thus, the colony’s economic stability. With both black and white importation vital to the economy, the government did not need to establish racial restraints by law. This lack of racist rhetoric persisted even as the Council expanded the slave trade for its New Netherland merchants.

Ultimately, the institution of slavery and regulation of the individual slave was of less concern to the Council than the actual profit their trade could provide. In 1650, to “favor this plantation the more,” New Netherland Deputies requested participation in the WIC controlled slave trade. The subsequent correspondence and distance of the Council produced a two-year gap between colonial request and codification. Ultimately, the “Conditions and Regulations for the Importation of Negroes from Africa into New Netherland” was granted. However the importation was under explicit regional restrictions along Africa’s coast. Secondly, colonist’s private ships were exempt; only WIC licensed merchant ships could embark in the slave trade. Although again premised on societal betterment the significance of the act lie in the language the council’s did not employ; the entire act lacked reference to the institution of slavery. Mirroring

---

“Freedoms and Exemptions,” the law’s discussion of slavery was minimal and supplemented broader tactics for economic expansion, even within slavery’s very expansion. The company did not codify the hereditary perpetuation of slavery. They did not impose laws on the everyday aspects of slavery, for these laid outside the Council’s concern. Even within the Council’s legalization of the slave trade, discussion of the slaveholder, the control of the slave, and the notion of race were exempt.

Contrastingly, Virginia had no official decree limiting slave imports; however as the slave population rose as did the issue of racial intermixing. It is here where the notion of race became the Assemblyman’s greatest tool of control. While the 1662 “Condition of the mother” Act first codified Virginia’s racialization of labor, the entire realm of miscegenation law constructed racism’s control. As early as 1630 the Assembly intersected the notions of fornication and racial inferiority. A law was enacted in regards to a man whom “abus[ed] himself to the dishonor of God and shame of Christians, by defying his body with a Negro.” The language of “dishonor” and “shame” informs the white audience the offender was “defying” societal norms. The punishment included being whipped “before an assembly of negroes.” The punishment itself crafted the inferiority of the black race. The law promoted the public suppression of one race over another by subjugating the white man before the black. In 1691 the Assembly heard a case on an interracial couple with four mulatto children. Subsequently, the Assembly produced “For the prevention of that abominable mixture and spurious issue which hereafter may increase in this dominion.” Any “unlawful accompanying” imposed “three months

25 Morgan, 303-307.
26 Henning, III, 146.
27 Morgan, 333-334.
banishment” upon the white man.\textsuperscript{28} Merely outlawing racial intermixing codified racism, and Virginia’s later miscegenation laws increasingly divided society by race. Although some of the general public protested the banishment clause, Assemblymen initially ignored the contest. However, disagreement meant a degree of miscegenation was occurring; the General Assembly was forced to act.

Utilizing miscegenation’s racism, the Assemblymen continued to pursue an agenda contingent to their empowerment. The 1705 revision “Concerning Servants and Slaves” altered the punishment to six years hard labor for the county.\textsuperscript{29} The response simply entailed a more efficient punishment to advance the Assembly’s economic needs.\textsuperscript{30} Several notions demonstrate the ability of the Assembly to ensure white male dominance; their flexible methods exploited economically, racially and even by gender. Firstly, upon violation, the act either threatened or temporarily crafted the white offender as a slave for the governing elite. The act sanctioned mulatto children with white mothers to “live thirty years” in servitude; white mothers who could not pay five shillings for their crime lived five years in servitude or added two years upon already binding contracts.\textsuperscript{31} Thus, mulatto children of white mothers were originally exempt from inherited enslavement, but miscegenation law extended to them the consequences of racial inferiority, the white female to an extent as well. Lastly, the law does not discuss female slaves birthing mulatto children. Notably, while the slave population escalated, women were still rare in Virginia, with approximately three men to every two women. Thus, by no means was the black man to reap the benefits of a white woman. Yet the white planter could “unlawfully accompany”

\textsuperscript{28} Henning, III, 86-87.
\textsuperscript{29} Henning III, 435-54.
\textsuperscript{30} Morgan, 335.
\textsuperscript{31} Henning, III, 86-87.
with a female slave, for a child born unto her yielded an increase in property. The entirety of the act expanded the pool of individuals planters could exploit. The law further ensured the white man reaped societal gain, even from illegal racial intermixing. The Assembly utilized race to create a society in which all members were contributing to the slave-owner’s wealth. Even if the contribution meant suppressing other whites—for the mixing of race only mattered to the extent the plantation owner desired it matter.

While Virginia’s miscegenation laws perpetuated racial inferiority, New Netherland’s lack of miscegenation laws illustrates the government’s lack of racial forethought. Within compilations of both New Netherland and New York laws, ranging from 1638 to 1718, only a 1658 act, “On Fornication” arises. The act subjected those “not enjoying marriage” after being caught, to double fines. Those who acted under a more standard moral capacity, “enjoined in marriage” faced less punishment. In great contrasts to Virginia inheritance law, the act “obliged” the male offender “to maintain the child begotten in fornication.” Moreover, the law made no mention of race. The Council maintained the tradition of societal development, and in turn maintained moral, not racial order. This legacy lived on even when the English took control of New Netherland and various reasons serve to explain the overall lack of miscegenation law.

Indeed slave labor had a role in both regions; however, the differences in slave populations certainly influenced the government’s desires for racial control. When the slave trade was introduced to New Netherland, the Council, fearing the slave supply was too large, granted settlers temporary leases of slave labor. These were meant to fill gaps between the Company’s intermittent uses of slave labor for public projects, consequently creating a system of

---

32 Morgan, 336.
“half-freedom” for the slave.\footnote{Cushing, John, “Preface,” in \textit{The Earliest Printed Laws of New York, 1665-1693}, (Wilmington: Michael Glaziers Inc, 1978), 59.} With constant commercial efficiency ensured, everyday control of slave and settler relations mattered little to the council. Even in 1664 when the English-Dutch battle for commercial control came to a close, Council legacy continued. Power over the region was given to the King’s brother, the Duke of York, who established a legislature comprised of a head governor and several assemblymen.\footnote{Ibid, vii.} These men fully adopted the region’s statutes so long as it comported with English law, creating new legislation only upon circumstance. Moreover, not until the beginning of the eighteenth-century did English Assemblymen outnumber those of Dutch blood.\footnote{Discussion with Greg O’Malley, February 26, 2014.} The Council’s distance, its lack of concern with racial control, and the lower use of slave labor certainly left a legacy on the absence of miscegenation law in New York. In great contrast, the Virginia Assembly had a much higher slave population to maintain. By 1671 the Lords Commission of Foreign Plantations noted “2,000 black slaves,” with “3,000 blacks” living in the colony by 1681.\footnote{Wood, 281.} Their fears, concerns, and need for racial control were of much greater concern than those of both New Netherland and New York.

In 1661 the Assembly utilized the racism that their miscegenation laws produced in order to reinforce racial divisions and suppress their own fears of a potential lapse in control. In an act titled “Run-aways” the assembly discussed how the “loss of time and the charge in the seeking” of runaway slaves “often exceed[ed] the value of their labor.” This reference, to trend, maintained the planters’ profit by repaying the planter for his loss. However, the significance truly lay in the government’s ability to utilize racism in its punishing powers. The act punished
“any English servant [who] shall run away in company of any negroes.” Each offender was ordered to pay the slave’s master “four years service for every negroe so lost or dead.” In turn, the Assembly cunningly created incentives for white servants to separate from blacks—to never coalesce for their mutual benefit, especially their mutual escape from servitude. If whites united with blacks and ran away together the planter would lose labor and profit, creating an undesirable society for the planter. The easiest way to distance blacks from their closest white counterparts and to prevent insurrection was through the threat of punishment. In instances where life was unpredictable, furthering the racial divide was the ultimate tool for the white planter. As a result Virginia’s most violent punishments were found in laws with titles similar to the 1661 act. Laws “preventing Negro insurrection” and “concerning servants and slaves” extended punishment into a greater public and violent dimension—however only in Virginia.

Prior to examining Virginia’s violence, New Netherland runaway laws realized Council desires, without punishment a preoccupation and without the need for racial control. Interestingly, New Netherland’s first fugitive law passed directly in response to the “many persons [who] come here from both New England and Virginia.” Again, punishment merely constituted a fine. The law characteristically evokes the Council’s protectionism in “forbid[ing] all our good inhabitants” in “lodging any Strangers.” The councilmen’s words simply reminded the public of the “trouble” fugitive presence “afterwards occasions.” If one took part in promoting disorder, the government penalized for society’s greater good—not the control of human property. Moreover, the word “Strangers” itself refers to any fleeing foreigner. The act does not make one reference to race, “negroes,” or bondage. By no means did the council preoccupy itself with punishment, let alone punishment based on institutionalized racial

---

38 Henning, II, 170.
inferiority. Certainly, the rhetoric of inconveniencing the public emulated Virginia runaway laws. However the council’s need to “prevent all disorder” regarded those fleeing Virginian persecution, not simply the slave.\(^{39}\) Thus, perpetual bondage, punishment, and racial distinctions need not be a tool in preventing societal disorder. The council utilized plain, simple, and protective language in molding their desired population and subsequent social structure. The Councilmen were obviously less concerned with maintaining racial order and insurrection as the region saw no similar laws under the Dutch-born Council of Nineteen.

Although the region’s English rule saw an increase in insurrection law, New York’s laws emphasized a humanist value towards the slave as a member of society. As stated prior, the Duke of York fully adopted the region’s statutes and even employed some Dutch councilmen, only creating new legislation upon emergency.\(^{40}\) An example of this cumulated in the 1705 “Act to Prevent the Running away of Negro Slaves out of the City and Council of Albany, to the French at Canada.”\(^{41}\) It is first shocking to perceive that a region, in which the previous government passed a single fugitive law, legalized the murder of runaway slaves thirty-seven years later. However, done in a time of war, the law is more understandable. After several slaves fled with “Intelligence carried” for French Canada, the act authorized inhabitants of outlying counties to execute treasonous slaves. Likewise, the Assembly limited the act’s legality. Spanning only during the time of “great Concern to this Colony,” the lawful murder of slaves ended alongside the crisis of war. Simply, the law punished treason. However, the assembly also utilized its


\(^{40}\) Cushing, vii.

legislative power in a way unparalleled to Virginia; the act guaranteed accused slaves “could appear before some Justices.”42 In ensuring overall due process, the Assembly inherently certified the slave’s legal identity. Notably, the slave’s right to trial was completely denied in Virginia. However, in 1709 New York again extended justice to the slave in “An Act for Preventing the Conspiracy of Slaves.” Although passed as a result of a slave owner’s murder, New York assemblymen clarified murder committed “in execution of justice” was legal for all races. The assembly’s words reassured blacks of their equality before the law. This repeated declaration of due process illustrates the extent to which the government valued the lives of blacks; legal rights made black’s more than property. Although these insurrection laws applied only to blacks their punishment was about justice—not subordination. New York’s reinforcement of due process, even within the temporary legalization of murder resonated the value of life. The New York Assembly condemned that treasonous slaves “shall suffer the pains of death”43 — a great contrast to Virginia councilmen who apathetically endorsed “the casual killing of slaves.”44

This rhetorical vulgarity accompanied violent levels of admonishment in Virginia law, illuminating differing values and purposes of justice in the two societies. The 1669 act’s callous title illustrates the Assemblymen’s disrespect towards the African race. Ultimately, masters were “acquit from [the] molestation” of felony charges if slaves were to “by chance die” in punishment. The Assembly reasoned, “It cannot be presumed that malice existed” for nothing “should induce any man to destroy his own estate.”45 The black individual, because he was

42 “Act to Prevent the Running away,” 77-78.
44 Henning II, 270.
45 Ibid.
merely property, was to have no public agency and no legal identity. Virginia law did not regard blacks as human beings killed, but labor lost. Since the assembly was not dealing with human value, the undertone of Virginia law became increasingly vulgar. By 1680 the government pushed their views upon the greater public in creating the pretext for murderous action. “Act X: An act for preventing Negroes Insurrections” extended the power to murder fugitive slaves resisting recapture to “any persons or persons.”⁴⁶ A 1691 law permitted whites to “destroy by gun or any other way whatsoever” slaves “unlawfully absent” from labor.⁴⁷ The increased explicitness held dual purpose. Punishment was a tool for Virginia elite to expand societal subordination of the black labor. Unlike New York, the purpose of law was not simply to ensure justice in society, but acted as an elite realm of power. Thus, the General Assembly extended slave regulation to the greater public but simultaneously abridged the rights of the slave. The black laborer now legally murdered under various circumstances and by various individuals, held little agency against a public empowered by their legal capacity to harm. Premised on the fact the slave was not an inhabitant, but property, the Assembly could decriminalize their killing. Rather than ensure the rights of all were met, Virginia increased the capacity for white, planter empowerment. In all, justice achieved different realities in the minds of these legislators—a notion that cumulated within their varying respects to legal freedom and laws of manumission.

Virginia manumission, in great contrast to the justice provided by New Netherland insurrection laws, was founded within regulations of slave agency. The first acts denying manumission discussed the issue of slave baptisms. As miscegenation laws had pitted the "Christian servant" against the “Negro slave,” early colonial blacks attempted to overcome racial restrictions in

⁴⁶ Henning, II, 481.
⁴⁷ Henning, III, 86.
making themselves free, Christian servants. However, the concerned Assembly blatantly denied any attempts at a free black class. In 1667 they passed “An act declaring that baptism of slaves doth not exempt them from bondage.” The Virginia elite utilized their legislative powers to ensure their slave population included “Christians servants.” Virginia’s exploitable population thus expanded. Undercutting black agency, the act promoted the white planter’s ideals. While the Assembly denied emancipation via conversion, they acknowledged the slaveholder’s desired for the “propagation of Christianity.” The act allowed “masters [to] more carefully endeavour” in “permitting… greater growth” of Christianity among their slaves. For the planter the act provided him the freedom to baptize his property. For the slave, the act denied him his freedom.\footnote{Henning II, 260.} Notably, the slave employed a fraction of agency as fewer converted after the law exempt Christian freedom.\footnote{Morgan, 329-331.} However, it was the Assemblymen’s agency that reaped the greatest benefit. By 1705 all slaves “imported and brought into this country who were not Christians in their home country… shall be accounted and be slaves… and sold withoutstanding a conversion.”\footnote{Henning III, 447.} Even the black population not yet present was eligible for Christianity and thus—eligible for bondage. In quashing any development of a free black class, the Assembly ensured Virginia’s workforce was, although Christian, inferior, enslaved and lacked any capability for agency.

By 1691 the Assembly was explicit in its intentions in making efforts at manumission more difficult, particularly for the planter. It should be mentioned that Virginia’s manumission restrictions arose within the same insurrection laws that punished upon racial inferiority. However, in regards to manumission laws what is imperative to note is not the characteristic

\footnote{48 Henning II, 260.} \footnote{49 Morgan, 329-331.} \footnote{50 Henning III, 447.}
subjugation of slaves, but the regulations imposed on the master. In 1691 an “Act for suppressing out lying slaves” prohibited manumission by “any person or persons whatsoever.” The limitation upon “all persons” exposed who truly held greatest control and interest over the slave—the men of the General Assembly. Firstly, the only manumission power allotted to slaveholders required payment for the “transportation… out of the country within six months of such setting them free.” Even this minute agency allotted owners furthered the Assembly’s agenda. The transportation clause was premised on the planter’s possible reluctance—to issue a fine hindered the economic prosperity of the planter. However for the few planters still economically able and willing the assembly manipulated the law to serve their desires. After a year any manumitted slave was eligible for recapture and sale. In regards to manumission, the slave owner’s power was obsolete; by 1723 it was completely denied. The Assembly forbid manumission “except for meritorious services, to be adjudged by the governor and council.” However “to be adjudged by the governor,” meant one thing—denial. The only manumission hearing listed in the Executive Council of Virginia ordered, “the said Negro’s freedom not being heard.” For Virginia, the question of freedom simply produced the answer of “no.” The government’s views and goals were transparent. Seeking to establish and maintain racial inferiority created a broader denial of freedom—even for the white man. Ultimately, the chattel black had no societal agency or individual identity – a notion that constituted the greatest differentiating factor apparent in New Netherland’s manumission.

Rather than target or empower, New Netherland’s original manumission laws acknowledged the slave’s identity and his “faithful service” — even while realizing an elite

51 Henning III, 86-88.
52 Henning IV, 132.
53 Executive Council of Virginia, ed. H.R. McIlwaine, (April 21, 1694), 310.
agenda. Throughout the 1640s, Native American insurrection plagued the territory, prompting Director Keift to pass a series of acts for the colony’s protection. In 1643, the Council provided freedom and plots of land for black soldiers. These lands lay outside what is now New York City and acted as barrier to the region. Under this policy, by 1644, Keift and his council freed eleven “veteran employees” of the Company. Due to their “many years in the service of the honorable West India Company” the men and their wives were freed. Adding to the notion of societal betterment, the Council even recognized the “veterans” personal circumstance. The slaves were “burthened with many children… impossible for them to support, if they must continue in the Company’s service.” Although the product of a protective military tactic, the Director’s actions remained consistent to trend; the Council both acknowledged the black’s societal role and extended their individual agency. However, their freedom was not without condition; the men were “bound to pay” annual fees to the company, “earned [from] the land granted to them,” and to “work land and sea as it is fit.” Yet, by “setting them free at liberty” the Company placed each emancipated slave on “the same footing as other free people here in New Netherland.” As the Council’s secured a source of labor and betterment of society, free blacks became equal to all other inhabitants who soldiered and sowed the land. Race is not what bound these men, it was the labor they could provide the Company. This is a mark contrast to Virginia, where race is what denied the slave his freedom. Although WIC’s demands reflected the pursuit of profit, slaves were more than property. They were “faithful,” “loyal,” and human.

New York’s manumission laws also reflected the slave’s personhood. Although New York’s original emancipation laws (like Virginia) imposed economic deterrents upon the master,

---

54 Moore, 42.
the Council’s legacy in part, lived on. In 1712 the Assembly required manumitting slaveholders to “enter into sufficient security… to pay such slave during their lives, the sum of 20 pounds.”\textsuperscript{56} In doing so, newly freed blacks were guaranteed economic security—a far cry from the paid banishment required by Virginian law. Whether or not this agency was solely premised on desires to maintain the labor supply matters little; if freed, the black laborer would be accepted into society. Notably, the act was issued in response to a violent slave uprising and the bulk of the law imposed restrictions upon free black agency. It is here where an important intersection arises: as the region’s government begun responding to concerns of local elites increased manumission restrictions emerged. However, by acknowledging the freed black’s potential, a portion of the Council’s legacy lived on. Moreover, in fear the Assembly’s “law was too severe,” governor Robert Hunter wrote to English authorities. In explaining the Assembly’s actions, he plead “nothing less could please the people” effected by insurrection.\textsuperscript{57} In great contrast, Virginian slave laws did not produced any correspondence with English authorities.\textsuperscript{58} With these sentiments expressed, by 1717, the Assembly reversed the manumission restrictions.\textsuperscript{59} The Assembly issued an “Act on Conspiracy” decreeing any slave “freed by the will of his master… shall be free, according to the true intent and meaning.”\textsuperscript{60} Rather than deny emancipation via a master’s will and testament, the New York Assembly, like the region’s former Council, extended blacks the right of freedom. Not only was the black laborer’s role in society repeatedly acknowledged, as was a sense of his equality before the law. Even if premised on deep desires...
for maintaining societal profit, the lack of racism within the language of law persisted and triumphed. The region’s extension of freedom included the black slave, unlike in Virginia; even in discussion of freedom – the ultimate individual right— the region continued to exempt the notion of race.

New York’s next great discussion of emancipation came after the time period of the previous laws discussed. During the American Revolution a great number of New York’s enslaved population fought for independence, both gaining their freedom and purchasing it for their loved ones. New York’s protests for liberty included black men—both free and enslaved. Freeing Virginia’s slaves would not commence until the Civil War—a conflict greatly premised on the dispute over elite white men’s right to slavery. Certainly, the platform of commercial, societal betterment in New Netherland granted the slave greater rights, however, he was still a slave. His labor was still controlled to further the commercial development of society—to better society for those who could reap its prosperity. Although both New Netherland’s Council and the New York Assembly crafted a more humane realm of slave law, there is one notion not to be forgotten. Though both on different trajectories, an overall comparison of slave law cannot commence without the existence of slavery. Whether Virginian, perpetual, racist, and violent or not, both trajectories served to uphold the enslavement of people of African descent.

---

61 Lepore, 94.