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# PAPERS

PRESENTED TO PARLIAMENT BY HIS  
MAJESTY'S COMMAND,

IN EXPLANATION OF THE MEASURES ADOPTED BY HIS  
MAJESTY'S GOVERNMENT,

FOR THE MELIORATION OF THE CONDITION OF

## THE SLAVE POPULATION

IN HIS MAJESTY'S POSSESSIONS IN THE

*WEST INDIES AND ON THE CONTINENT  
OF SOUTH AMERICA.*

[In continuation of the Papers presented in the Year 1826.]

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PART I.—1827.

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LONDON :

PRINTED BY R. G. CLARKE,

AT THE LONDON GAZETTE OFFICE, CANNON-ROW, WESTMINSTER.



## SCHEDULE

Of Correspondence between Earl Bathurst and the Officers Administering  
the Governments in His Majesty's Possessions in the West Indies,  
and on the Continent of South America.

### JAMAICA.

No.	Date. 1826.	SUBJECT.	Page.
1.	March 13,	Earl Bathurst to the Duke of Manchester, referring to the Resolutions of the House of Commons, and to the Measures recommended by His Majesty's Government in 1823, and to the Trinidad Order in Council of 1824, for the improvement and manumission of the Slave population; recommending his Grace to communicate to the new Assembly the unanimous concurrence of the House of Lords thereto: intimating his intention of forwarding to his Grace all the measures contained in the said Order, classed under separate heads, accompanied by such explanations as may be necessary, with a view of placing in a clear light the effect of the provisions which have been misunderstood; and urging that proper steps should be taken for carrying them into effect — — — — —	1
2.	March 13,	Earl Bathurst to the Duke of Manchester, signifying His Majesty's pleasure that the Assembly should be dissolved, and requesting his Grace to use his own discretion as to the time — — — — —	2
3.	April 12,	Earl Bathurst to the Duke of Manchester, notifying the impossibility of transmitting by the then Mail the Instructions promised in his Dispatch of the 13th ult., and signifying that they should be forwarded by the Jamaica Mail at the commencement of the ensuing Month — — — — —	3
4.	May 29,	Duke of Manchester to Earl Bathurst, acknowledges the receipt of No. 3, and intimates his intention of summoning the Legislature at an early period, to lay before them the Instructions referred to in his Lordship's Dispatch of the 13th March — — — — —	<i>ibid.</i>
5.	May 11,	Earl Bathurst to the Duke of Manchester, incloses the substance of eight Bills, classing under separate heads the provisions of the Trinidad Order in Council, for improving the condition of the Slaves, with such modifications as have been introduced by subsequent enactments, also Copies of Official Correspondence between his Lordship and the Governor of Trinidad on that subject; requests his Grace to lay the same before the Law Officers of the Crown within his Government, and that as soon as they shall have adjusted the shape in which those measures can be brought forward he will introduce them to the consideration of the Legislative Council and Assembly (Eight Inclosures) — — — — —	<i>ibid.</i>
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8.	Oct. 16,	Duke of Manchester to Earl Bathurst, inclosing Copy of his Speech to both branches of the Legislature at the opening of the Session, also Copies of Addresses from the Council and Assembly to his Grace, and his Message sent to the Assembly on the 12th instant, together with a Document containing in substance all the provisions of the eight Bills which accompanied his Lordship's Dispatch of the 11th of May last; also transmitting Drafts of the Bills altered and adapted to the usages of the Colony; and stating that his Message had been referred to a Committee of the whole House (Thirteen Inclosures) — — — — —	<i>ibid.</i>



## SCHEDULE.

No.	Date.	1826.	SUBJECT.	Page.
9.	Nov. 13,		Duke of Manchester to Earl Bathurst, inclosing Copy of Message from the House of Assembly, in answer to a Communication made by his Grace on the 12th ultimo; stating that a Committee of thirteen had been appointed to revise the Consolidated Slave Law, and a Sub-Committee of seven nominated, who had gone through the said Law, and had made many alterations, embracing in the proposed Act several of the propositions of His Majesty's Government; and intimating that there appeared to be no disposition for the appointment of a Protector and Guardian of Slaves, nor for the regulation of punishments (One Inclosure) — — — — —	59
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## BAHAMAS.

1.	March 13,	1826.	Earl Bathurst to Officer Administering the Government, referring to the Resolutions of the House of Commons of 1823, to the Act of the Legislature of 1824, and to the Measures recommended by Government, for consolidating the Slave Laws; and stating his intention of sending out all the Measures of the Trinidad Order in Council, classed under separate heads — — — — —	107
2.	June 3,		President Munnings to Earl Bathurst, acknowledging the receipt of No. 1 — — — — —	108
3.	May 21,		Earl Bathurst to Officer Administering the Government, inclosing the Copy of Eight Bills promised in No. 1; desiring that a Copy of them, as well as the Dispatch itself, may be transmitted to the Law Officers of the Crown within his Government, in order to prepare Drafts of Bills for giving full effect to the wishes of His Majesty's Government, and requesting that as soon as the shape is adjusted in which they can be brought forward, he will introduce them to the consideration of the Legislature (Eight Inclosures) —	ibid.
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6.	Jan. 8,	1827.	President Munnings to Earl Bathurst, inclosing Copies of Eight Bills brought by the Attorney-General before the House of Assembly, embracing the Measures contained in the Trinidad Order in Council; stating that they had been referred to a Select Committee, but rejected by the House; and that by a recommendation of the Committee a Bill was afterwards brought in and passed to amend the Consolidated Slave Act (Eleven Inclosures) — —	132
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**BARBADOES.**

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2.	May 21,	Earl Bathurst to Officer Administering the Government, inclosing Copies of the Bills promised in No. 1; also Copies of Official Correspondence between his Lordship and the Governor of Trinidad, and Lieutenant-Governor of Demerara, with instructions how they are to be introduced to the consideration of the Legislature — —	198
3.	Sept. 5,	Lieut.-Gen. Sir H. Warde to Earl Bathurst, Extract of Dispatch, transmitting Copy of his Address to the Legislature (One Inclosure) —	200
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5.	Oct, 24,	Lieut.-Gen. Sir H. Warde to Earl Bathurst, transmitting Copy of a Bill (No. 1.) "For consolidating and bringing into one Act the several Laws relating to Slaves," with observations thereon; also Copy of an Act (No. 2.) "For the encouragement of Baptisms and Marriages amongst Slaves, and for the due observance of the Sabbath, &c.;" together with an Act (No. 3.) "To remove pecuniary impediments to the manumission of Slaves, and to extend the benefit of testimony to Free Persons manumitted not according to the Laws of this Island, and to repeal Acts and parts of Acts relating thereto" (Twenty-eight Inclosures) — — — —	203



# P A P E R S

RESPECTING THE

## SLAVE POPULATION IN THE WEST INDIES,

&c. &c. &c.

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### JAMAICA.

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No. 1.

MY LORD,

*Downing Street, 13th March 1826.*

WHEN I had the honour of communicating to your Grace the resolutions of the House of Commons in 1823, you were instructed to bring under the consideration of the Council and Legislative Assembly of Jamaica, some of the measures which his Majesty's government recommended for improving the condition of the Slave population.—In 1824 I had the honour of communicating to your Grace a copy of the Trinidad Order in Council, containing, with the others, the further measures which his Majesty's Government considered it to be their duty to propose for carrying into effect, in his Majesty's Colonies, the Resolutions of the House of Commons. The measures recommended in these communications provided,—First, for the improvement of the condition of the Slave population.—Secondly, for the manumission of Slaves, on such principles as would give to the Slaves, on the one hand, a means of acquiring their freedom, or that of their families, and on the other, secure to the planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing your Grace to lay this order before the Council and Legislative Assembly, I thought it desirable in the first instance, that it should be left for them to proceed in such a manner as might appear to them advisable for taking all these several measures under their consideration. Your Grace has since then twice called the attention of the assembly to these measures, and has at last had the painful duty to inform me that you are afraid there is no hope of persuading the present House of Assembly to do any thing effectual on the subject.

I consequently have to convey to you, in a separate despatch, his Majesty's commands for their dissolution.

You will, on addressing yourself to a new assembly, have to communicate to them the unanimous concurrence of the House of Lords with the

resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of this assembly in a more distinct shape, I shall take an early opportunity of sending out to your Grace all the measures contained in the Order of Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clear light the effect of some of those provisions which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having Bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of Jamaica.

When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the assembly, so that the assembly may have them separately before them; and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The new assembly will thus be placed in full possession of all which his Majesty's government contemplate for carrying into effect the resolutions of the two Houses of Parliament, and the result of their deliberations will enable his Majesty's government to judge whether it will be necessary to take any other course for the attainment of that object.

If your Grace should have it in your power to announce to me that the council and assembly have agreed to Bills substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you his Majesty's allowance of these Bills, to congratulate you and the legislature of Jamaica, on the establishment of a system both for improving the condition of the Slave population, and for providing for the manumission of Slaves, or of their families, on a principle of equitable appraisement, which system will have fully carried into effect the resolutions of the two Houses of Parliament.—Nothing will then remain but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object will be facilitated by the report of the Commissioners of legal inquiry, who, as your Grace is aware, are now employed for that purpose, in the examination of the constitution and practice of all the courts of justice in the Island.

I have, &c.,

(Signed)

BATHURST.

*His Grace The Duke of Manchester,*  
&c. &c. &c.

No. 2.

MY LORD,

*Downing Street, 13th March 1826.*

YOUR Grace having, in your Despatch of the 22d December, 1825, informed me, that "you are afraid after so many repeated trials, that there is no hope of persuading the present House of Assembly to do any thing effectual for the relief of the Slaves," I am to signify his Majesty's pleasure, that the present Assembly be dissolved, and your Grace will exercise your discretion as to the period when this necessary measure shall take place.

I have, &c.

(Signed)

BATHURST.

*His Grace the Duke of Manchester,*  
&c. &c. &c.

## JAMAICA.

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## No. 3.

MY LORD,

*Downing-Street, 12th April 1826.*

IT has been found impossible to transmit by the present mail the instructions which I have given you reason to expect in my despatch of the 13th ultimo.

At the same time these instructions are already so far prepared, as to enable me to inform you with certainty, that they will be transmitted by the Jamaica mail at the commencement of the ensuing month, and you will not fail to summon the Legislature, for the consideration of the various important points which are therein involved, at as early a period as will be compatible with the convenient attendance of the members.

I have, &amp;c.,

(Signed)

BATHURST.

*His Grace The Duke of Manchester,*  
&c. &c. &c.

## No. 4.

MY LORD,

*King's House, Jamaica, 29th May 1826.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, marked circular, of 12th ultimo, stating that your Lordship proposes to transmit to me by the mail of this month, the instructions referred to in your Lordship's despatch of 13th of March last. And I shall not fail to summon the legislature for the consideration of the various important points which are therein involved, at as early a period as may be compatible with the convenient attendance of the members.

I have, &amp;c.,

(Signed)

MANCHESTER.

*The Earl Bathurst, K. G.*  
&c. &c. &c.

## No. 5.

MY LORD,

*Downing Street, 11th May 1826.*

IN my despatch to your Grace dated the 13th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to your Grace all the measures contained in the Order in Council for improving the condition of Slaves in Trinidad, classed under separate heads.

I now enclose the substance of eight Bills, in which will be found all the provisions of the Order in Council of the 10th of March, 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that Order as have been introduced by any subsequent enactments. These eight enclosures are to be thus classed. First:—The Office of the Protector and Guardian of Slaves. Secondly:—The Admission of the Evidence of Slaves in Civil and Criminal Cases. Thirdly:—The Manumission of Slaves. Fourthly:—The Intermarriage of Slaves. Fifthly:—The Observance of Sunday, and the Abolition of Public Markets on that Day. Sixthly:—The Acquisition of Property by Slaves, and the Establishment of Savings Banks for the better Protection of it. Seventhly:—The Separation of Families under judicial Process. And, Eighthly:—The Punish-

ment of Slaves, with the Record to be kept of such Punishments when inflicted by the Authority of the Owner.

To each of these enclosures I have subjoined notes explanatory of the deviations which may be found in them, from the rules originally promulgated in the Order in Council of the 10th of March, 1824.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad, and the Lieutenant Governor of Demerara. From the perusal of that correspondence your Grace will learn the views which have been taken by his Majesty's government of the various objections which have been successively urged against the different provisions of the Order in Council, and will perceive what parts of that law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, on so comprehensive a subject, enactments which are to have their operation in Jamaica. I am aware also, that upon some of the topics comprised in these enclosures, the wishes of his Majesty's government have already, to a certain extent, been anticipated by the existing laws of the Island, and that, without a very intimate and practical acquaintance with those laws, it may, perhaps, be impracticable to frame, with safety, new legislative provisions, on the same or similar subjects.

In transmitting, therefore, to you, the enclosed papers, I do not propose them as drafts which could be passed without a careful revision, nor probably, without some material alterations. My object in this communication has rather been to explain anew, under separate heads, and in the fullest manner, the measures which his Majesty's government desire to introduce; and I have for this purpose adopted the form and language of legislative acts, because in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any laws in which the legislature of Jamaica may effectually embody these principles, and give effect to those intentions, however much such laws may depart from the enclosed papers in arrangement, language, or minor details.

You will, therefore, immediately on receiving this despatch, make a confidential communication on the subject, to the law officers of the crown within your government, transmitting to them a copy of this despatch, and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct Bills as they may think best adapted for giving full and complete effect to the wishes of his Majesty's government as explained in the enclosures. In performing this duty, they will, of course, have regard not only to such local circumstances as may necessarily affect the form and language of those enactments, but also to any of the existing laws of the colony in which the same or similar provisions may be found. They will also consider how far a consolidation of such former Acts with the projected Bills may be practicable or convenient, and they will report to you, in writing, every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the legislative council and assembly. It is almost superfluous to remind your Grace of the necessity of proceeding on this occasion with such discretion, and with such a regard to the constitutional privileges of the council and assembly, as to afford no reasonable cause for any jealousy, or complaint on the part of those bodies. Upon this subject your Grace will exercise your own judgment with all the advantages to be derived from your long and intimate acquaintance with the established usages of the colonial legislature.

Your Grace will transmit to me, with the least possible delay, a report of the progress which may have been made in carrying those intentions of his Majesty's government into effect; and at the conclusion of the session, you will report to me, in reference to each clause contained in each of the enclosures of this despatch, the reasons which may prevent the adoption of

any of those clauses, distinguishing with precision, what parts of the whole have been enacted, and what parts have been rejected by the legislature. In those cases where the existence of previous enactments may have been thought to render any further legislation unnecessary, your Grace will, at the same time, transmit to me copies of such previous enactments.

I have thus once more directed your attention to this most important subject; and I cannot close the present despatch without again reminding your Grace that his Majesty's government will feel the most lively interest in the result of the deliberations of the legislative council and assembly in the ensuing session. I am not disposed to anticipate the continued rejection of enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope that it will shortly be in my power to lay before his Majesty, Acts of the assembly of Jamaica, fully carrying into effect the spirit of the various provisions, which, by his Majesty's commands, I have now the honour to transmit to your Grace.

I have, &c.,

(Signed) BATHURST.

*His Grace the Duke of Manchester,*  
&c.      &c.      &c.

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*Heads of a Bill for establishing within the Island of Jamaica an Officer to be called "The Protector and Guardian of Slaves."*

CLAUSE I.—THERE shall be hereafter, within the Island of Jamaica, an officer to be called "The Protector and Guardian of Slaves," who shall be appointed to such his office by his Majesty, to hold the same during his Majesty's pleasure; and such appointment shall be made by a warrant to be issued under his Majesty's signet and sign manual.

CLAUSE 2.—In the event of the death of the said protector and guardian of Slaves,—or of his resignation—or of his bodily or mental incapacity— or of his removal or suspension from office— or of his temporary absence from the island—the governor shall appoint a proper person to act as the deputy protector or guardian of Slaves until his Majesty's pleasure shall be known.

CLAUSE 3.—The protector and guardian of Slaves shall at all times perform his duty in person, and not by deputy, excepting only in those cases in which the governor is expressly authorized to appoint a deputy for that purpose.

CLAUSE 4.—The protector and guardian of Slaves shall, before entering on the execution of his office, take and subscribe before the governor, an oath in the following words; *viz.*, "I, A. B. do swear that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the protector and guardian of Slaves in the Island of Jamaica, without fear, favour, or partiality. So help me God."

"The same oath shall also be taken and subscribed by the deputy protector and guardian.

CLAUSE 5.—Neither the protector and guardian of Slaves, nor any deputy, shall be the owner of any plantation within the Island of Jamaica or its dependencies, or of any Slave employed upon any plantation, or in any kind of agriculture; and shall not have any interest in, or any mortgage or security upon, any such plantation or Slave; and shall not be competent to act as the manager, overseer, agent, or attorney, for or upon any plantation in the island; nor as the guardian, trustee, or executor of any person having any such plantation or any Slaves. If the protector and guardian of Slaves shall acquire, or hold in his own right, or in that of his wife, or in trust for any other person, any plantation in the island, or any Slaves employed in any plantation, or in any kind of agriculture; or any interest in, or any mortgage or security upon, any such plantation or Slaves; or shall act as such manager, overseer, agent, attorney, guardian, trustee, or executor, as before mentioned, he shall thenceforth, *de facto*, cease to be protector and guardian, and forfeit his office.



CLAUSE 6.—Provided that all the acts of the protector and guardian of Slaves, done after such forfeiture of office, and before the office is declared void by public notice in the Gazette of the island, shall be as effectual as if no such forfeiture and vacancy of the office had taken place.

CLAUSE 7.—The protector shall constantly reside within the island, unless he shall obtain a special leave of absence from his Majesty, or from the governor. The leave of absence shall never exceed [ ] at any one time, and shall not be granted by the governor, unless it shall be made to appear to him, upon the oath of some medical practitioner, that such temporary absence is necessary for the preservation or recovery of the health of the protector and guardian of Slaves.

CLAUSE 8.—The protector and guardian of Slaves shall keep a public office in the [ ] of [ ], and shall attend there on such days, and during such hours of the day, as the governor shall from time to time appoint; and shall keep at such office, and not elsewhere, all public records, books, and papers relating to his office.

CLAUSE 9.—Some proper person shall be appointed by the governor in every parish of the island, to be the assistant protector and guardian of Slaves in that parish; and such assistant protectors and guardians shall, in their respective parishes, be assisting the protector and guardian of Slaves in the execution of the duties of his office; and shall carry into execution such lawful instructions as they may receive from him in reference to such duties: Provided that such assistant protectors and guardians of Slaves shall always be persons named in the commission of the peace for the county or parish in which they may be so appointed to act.

CLAUSE 10.—The assistant protectors and guardians of Slaves shall hold such their offices during his Majesty's pleasure.

CLAUSE 11.—The protector and guardian of Slaves, and his deputy and assistants, shall respectively receive their salaries in lieu of all fees and other emoluments; and any such protector and guardian of Slaves, his deputy or assistant, receiving any fee or emolument besides his salary, in respect of any act done by him in the execution of his office, shall incur a fine equal to [ ] the amount of what he may so receive, and shall become disqualified from holding such his office.

CLAUSE 12.—In any prosecution commenced in any court of justice in the island, in which any person may be charged with the murder of any Slave, or with any offence against the person of any Slave, the protector and guardian shall attend and act as the public prosecutor; but if the trial shall take place at the distance of more than [ ] from the [ ] of [ ], the protector and guardian of Slaves shall direct the assistant protector and guardian, whose residence shall be most near to the place of trial, and who shall have no interest in the result of the prosecution, to attend and act as such public prosecutor; provided that this rule shall not extend to prevent the attorney-general from acting in such prosecutions as he hath heretofore done, or to prevent the owner of the deceased or injured Slave from employing, at his own expense, any counsel or attorney to conduct any such prosecution.

CLAUSE 13.—On the first Monday next after the 25th day of December, and on the first Monday after the 24th day of June, in each year, the protector and guardian of Slaves shall deliver to the governor a written report of the manner in which the duties of his office have been performed during the preceding half year, which report shall contain a statement of all prosecutions in which he or his assistants may have acted as the protector of any Slaves, with the dates and effect of all the proceedings therein, together with such other particulars as are required by any other Acts of Assembly. to be stated therein; and the governor of the colony shall administer to the protector of Slaves an oath, that the report contains a true statement of the several matters therein referred to. As soon as the protector and guardian of Slaves has taken such oath, then, and not before, he shall receive from the governor a warrant for the amount of his salary for the half year next preceding the date of such report, which

## JAMAICA.

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report shall then be transmitted by the governor to one of his Majesty's principal secretaries of state.

CLAUSE 14.—If the protector and guardian of Slaves, or any deputy or assistant protector and guardian, or any other person, shall fraudulently make any erasure or interlineation in any book, record, or return, which by any Act of Assembly he may be required to keep; or shall wilfully falsify any such book, record, or return; or make any false entry therein; or burn, cancel, obliterate, or destroy the same, or any part thereof; he shall incur a fine of not less than [ ] nor more than [ ]; or imprisonment for any time not exceeding [ ] nor less than [ ]; or both fine and imprisonment, at the discretion of the Court. And all such fines shall be recovered in the Court of King's Bench and Common Pleas of the island, and shall be divided equally between his Majesty and the informer.

CLAUSE 15.—In the absence of the governor from the island, any person lawfully administering the office of governor, shall be competent to do all such acts as the governor is hereby empowered to do.

CLAUSE 16.—The protector and guardian of Slaves, the deputy protector and guardian of Slaves, and the assistant protectors and guardians of Slaves, shall respectively execute and perform such duties as may be imposed upon, or required of, them respectively, by any Act of Assembly passed, or to be passed, in the present or any future session.

*Notes on a Bill for establishing, within the Island of Jamaica, an Officer to be called "The Protector and Guardian of Slaves."*

NOTE ON CLAUSE 1.—The Order in Council for improving the condition of Slaves in the island of Trinidad, does not provide for the erection of a new office, because in that colony the procurador-syndic was already invested by the Spanish law with the office of guardian of Slaves. As there is no official protector of Slaves in Jamaica, it is necessary to make provision by law for the establishment of such an office. As the duties of the protector will be amply sufficient to occupy his whole time and attention, it would be highly inexpedient to follow the precedent of the Trinidad Order, by combining this office with any other at present existing in the island.

NOTE ON CLAUSE 2.—The Court of Policy of Demerara objected to imposing upon the deputy protector of Slaves the condition of not holding any plantation or any agricultural Slaves. In consequence of this objection, the governor was permitted to depart from the general rule on any special occasion, when he might be unable to find a person fit for the employment, and possessing this negative qualification. In Jamaica, it is hoped that a similar difficulty will not occur. The more extensive population of that island will always supply a competent deputy not engaged in agricultural pursuits.

NOTE ON CLAUSE 9.—In the Trinidad Order in Council, the guardian of Slaves is declared to be a magistrate, and is invested with powers similar to those of the commandants of quarters, and which he is to exercise throughout the whole of that island. In Jamaica it is unnecessary to make such a provision, as the governor will be instructed to place the protector and guardian of Slaves in the commission of the peace.

As there are not in Jamaica any officers whose functions correspond with those of the commandants of quarters in Trinidad, it seems necessary to leave to the governor the selection of the assistant protectors in the several parishes. He is, however, restricted in his choice to gentlemen in the commission of the peace, because this seems the best security for the appointment of persons of sufficient property and personal respectability.

NOTE ON CLAUSE 12.—The extent of the Island of Jamaica, and the variety of courts held there for the trial of Slaves, makes it necessary to delegate to the assistant protectors and guardians the duty of attending on all prosecutions which may take place at the distance of twenty miles from Kingston.

*Heads of a Bill to regulate the Admission of the Evidence of Slaves.*

**CLAUSE 1.**—Every clergyman of the Established Church of England, and every minister of the Kirk of Scotland, and every priest or minister professing the Roman Catholic religion within the island, and carrying on no other business or occupation with a view to profit there, except that of a schoolmaster, shall be authorized to transmit, or deliver under his hand, to the protector and guardian, or assistant protector and guardian of Slaves, of the parish in which he may be resident, certificates setting forth the names and places of abode of any Slaves who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath. The assistant protectors of Slaves of the several parishes, shall transmit such certificates to the protector and guardian of Slaves, who shall register the same in a book to be kept by him for that purpose, stating therein the date of such certificate, and the name and place of abode of the person by whom the same may be granted, and the name of every Slave mentioned and included therein.

**CLAUSE 2.**—No priest, minister, or public teacher of religion, not being a clergyman of the Church of England, or a minister of the Kirk of Scotland, shall be competent to grant any such certificate, unless his Majesty's principal secretary of state, having the department of the colonies, or the governor or acting governor of the Island of Jamaica, shall grant to such priest, minister, or public teacher a written license to grant such certificates; nor unless such license shall continue in force at the time of signing the certificate, and shall have been registered in the office of the protector and guardian of Slaves.

**CLAUSE 3.**—No person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any court of civil or criminal justice in Jamaica, by reason of his or her being in a state of Slavery, if the person producing such Slave as a witness, shall also produce to the court a certificate, under the hand of the protector and guardian of Slaves, that such proposed witness is registered in the before-mentioned book.

**CLAUSE 4.**—The protector and guardian of Slaves shall, without fee or reward, grant to any person applying for the same, a certificate of the fact, whether the proposed witness is registered in the before-mentioned book or not.

**CLAUSE 5.**—No person in a state of Slavery shall be admitted to give evidence in any civil suit, or action, in which the owner is directly concerned.

**CLAUSE 6.**—No person in a state of Slavery shall be admitted to give evidence in any case where any white person may be charged with, or prosecuted for, any offence punishable with death.

**CLAUSE 7.**—Nothing in this Act contained, shall extend to take away or diminish any power or authority which any court of criminal jurisdiction in the said colony now hath, to admit in any case the evidence of any persons in a state of Slavery.

**CLAUSE 8.**—Nothing contained in the Act shall extend to render any Slave competent, in the law, to give evidence in any case, in which such Slave would be incompetent to give evidence, if he or she were of free condition.

**CLAUSE 9.**—The protector and guardian of Slaves, in his half-yearly reports to the governor, shall include a statement of the name of every Slave who, during the preceding half-year, has, in manner aforesaid, been certified as competent to understand the nature and obligation of an oath.

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*Heads of a Bill to regulate the Proceedings for the Manumission of Slaves, and to enable Slaves under certain restrictions to purchase their own Freedom.*

**CLAUSE 1.**—No duty, or tax, or fee of office, shall be paid in Jamaica, upon, or in respect of the manumission of any Slave, or the enrolment of

any deed of manumission, except a fee not exceeding [ ] sterling, which the protector and guardian of Slaves shall pay to the secretary and registrar of the island for enrolling every deed of manumission. Such fee shall be repaid to the protector and guardian of Slaves by the public treasurer out of any unappropriated money in his hands. Any person taking or demanding any duty, tax, or fee of office, save as aforesaid, shall incur a fine not exceeding [ ] nor less than [ ] sterling, to be recovered by bill, plaint, or information in the Court of King's Bench and Common Pleas, of the island, by any one who may sue for the same; and to be divided in equal moieties between his Majesty and the person so suing.

CLAUSE 2.—If any Slave shall be desirous of purchasing his or her freedom, or the freedom of the wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother, or sister, of such Slave, it shall be lawful for any such Slave so to purchase the freedom of himself or herself, or of any such other person as aforesaid.

CLAUSE 3.—If the owner of such Slave shall be unwilling to effect his or her manumission,—or shall by reason of any mortgage, settlement, or lease, or other charge upon, or interest in, any such Slave, invested in any other person, be unable to execute a valid manumission of any such Slave;—or if the owner or any other person having interest in the Slave shall be a minor, or a married woman, or idiot, or lunatic;—or if the owner of the Slave is absent from the island;—or shall not be known;—or if any suit or action shall be depending in any court of justice in the island wherein the title to such Slave, or the right to his services, shall be in controversy;—or if the owner of the Slave shall demand as the price of his freedom, any sum which in the judgment of the protector and guardian of Slaves, shall exceed the real value of such Slave;—then, and in every such case, the chief justice of the court of King's Bench and Common Pleas, on the application of the protector and guardian of Slaves, shall issue a summons requiring the owner or manager of the Slave to appear before him at some convenient time and place. Notice shall be published by the protector and guardian of Slaves in the public gazette of the island, on [ ] different days, of the time and place so appointed for the purpose aforesaid, and in such notice all persons having, or claiming, any interest in any such Slave, either in his own right, or as the trustee of any other person, shall be required to attend and prefer such their claims.

CLAUSE 4.—At the time appointed for any such meeting, the chief justice in the presence of the protector and guardian of Slaves, and also in the presence of the owner or manager, or (upon proof being made to him, upon oath, of the due service and publication of the before-mentioned notices, then if necessary) in the absence of such owner or manager, shall proceed to hear, in a summary way, what may be alleged by the said protector and guardian of Slaves, and by the owner or manager, or other persons claiming any interest in the Slave proposed to be manumitted; and in case any of the parties shall refuse to effect any such manumission;—or if it shall appear to the said chief justice that a valid manumission of any such Slave cannot legally be effected by private contract;—or that the owner of any such Slave, or that any person having any charge upon, or interest in him, or her, is a minor, or married woman, or idiot or lunatic;—or that the real owner of any such Slave, or that any person having any charge upon, or interest in him or her, is absent from the said island—or is unknown—or cannot be found—or that any suit or action is depending in any court of justice in the said island, wherein the title to the said Slave, or the right to his services is in controversy;—or if it shall appear to the said chief justice that any difference of opinion exists between the protector and guardian of Slaves, and the owner of any such Slave, respecting his or her price or value; then the said chief justice shall require the protector and guardian of Slaves, and the owner or manager of any such Slave, each to nominate an appraiser of his or her value; and the said chief justice shall himself nominate an umpire between such appraisers. And the said appraisers, being first duly sworn before the said chief justice, to make an

inpartial appraisement, shall within [ ] days next after such their appointment, make a joint valuation of the Slave proposed to be manumitted; and shall certify such their valuation to the chief justice under their hands and seals. And in case such joint certificate shall not be delivered to the said chief justice within the said term of [ ] days, then the said umpire, being duly sworn in manner aforesaid, shall within the next [ ] days certify his valuation under his hand and seal, to the said chief justice; and the valuation to be made in manner aforesaid, either by the said joint appraisement, or in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the office of registry in the said island.

CLAUSE 5.—Upon payment to the treasurer of the said island, of the appraised value of any such Slave as aforesaid, after making, in the cases hereinafter particularly mentioned, such deduction therefrom for the expense of the appraisement as is hereinafter directed, the said treasurer shall grant to the protector of Slaves a receipt for the money so to be received by him. And such receipt shall be duly enrolled in the office of the secretary and registrar in the said island, together with a declaration under the hand and seal of the said chief justice, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money was paid, had been duly had before him, and thereupon such Slave shall be, and be deemed and taken to be, free to all intents and purposes.

CLAUSE 6.—The money to arise from the manumission of any Slave, by virtue of the proceedings before mentioned, shall and may be laid out and invested, under the authority of the chief justice, on the application of any person or persons interested therein, in the purchase of any other Slave or Slaves; or if no such application shall be made, then such money shall remain in the hands of the public treasurer of the said island at interest, at the rate of [ ] per cent. per annum, such interest to be borne by and defrayed out of [ ]; and the Slave or Slaves so to be purchased with the said money as aforesaid, or in case of no such purchase being made, then the said money in the hands of the said public treasurer, and the interest from time to time accruing thereupon, shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to all such and the same uses, conditions, mortgages, and demands, of what nature or kind soever, as such Slave or Slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission; and the said treasurer shall hold the said money, and the interest accruing thereupon, subject to such order, as the chief justice of the said colony, may, upon a summary application of any person interested therein, see fit to make; and such principal, money, and interest, shall, by the said treasurer, be paid and disposed of, in pursuance of, and obedience to, any such order.

CLAUSE 7.—In all cases where an appraisement of a Slave shall be made, by reason of the refusal of the owner to effect the manumission, or by reason of any difference of opinion between the owner, and the protector, and guardian, respecting the price or value of the Slave, the expenses of the appraisement shall be borne equally by, and divided between, the owner and the Slave proposed to be manumitted. In all cases where the appraisement is made, by reason of the inability of the owner to effect a valid manumission, by private contract; or by reason of the minority, coverture, idiotcy, or lunacy, of the owner; or by reason of the absence of the owner, or other person, having a charge upon the Slave from the island; or by reason that the owner is unknown, or cannot be found; or by reason of the pendency in any court of justice of any suit wherein the title of a Slave, or the right to his services is in controversy; then, and in all such cases, the expenses of the appraisement shall be equally divided between the Slave proposed to be manumitted, and the owner. The portion of the price to be paid by the owner shall be deducted from the money arising from the manumission of the Slave, before such investment thereof, as aforesaid.

**CLAUSE 8.**—Before the manumission of any Slave, by virtue of any private contract for that purpose between such Slave and his owner, notice of such intended manumission shall, by the owner of such Slave, be given in writing to the protector and guardian of Slaves, who, on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said protector and guardian of Slaves shall also, without fee or reward, prepare the proper deed of manumission; and the same shall, in all cases, be executed in the presence of the said protector and guardian of Slaves, or of some proper witness to be by him appointed for that purpose; and being so executed, shall, by such protector and guardian of Slaves, be enrolled in the office of the secretary and registrar in the said island, within one calendar month next after the date and execution thereof: and in case any such deed shall not be left for enrolment at the said office within the said period of one calendar month, the said protector of Slaves shall incur and be liable to the payment of a fine not exceeding [                    ], nor less than [                    ] sterling.

**CLAUSE 9.**—In case any such deed of manumission as aforesaid shall be executed voluntarily, and without any valuable consideration passing to the owner, or other person, effecting such manumission, the Slave so to be manumitted shall, before the actual execution of any such deed, appear before the said protector and guardian of Slaves, or before the commandant of the quarter in which such Slave may happen to be resident; and if it shall appear to the said protector and guardian of Slaves, or to the commandant, as the case may be, that the Slave, about to be gratuitously manumitted, is under the age of [                    ] years, or above the age of [                    ]; or is labouring under any habitual disease, or infirmity of mind or body; the owner, or other person about to effect such manumission, shall, at the time of the execution of the deed of manumission, execute and deliver under his hand and seal a bond to his Majesty in the penal sum of [                    ], with a condition thereunder written for the defeasance thereof, if the Slave shall be properly fed, clothed, and maintained, until the age of [                    ] years, in the case of infants; or during the term of his or her natural life, in the case of adults of the age of [                    ] years, or labouring under any such sickness or infirmity as aforesaid: and no such manumission shall be valid and effectual in the law, or shall be received for enrolment at the office of registry, until such bond as aforesaid be duly executed, and registered, and deposited, in the said office.

**CLAUSE 10.**—In the half yearly returns to be made by the protector and guardian of Slaves to the governor of the island, shall be included a statement of the names of all the Slaves manumitted under the authority of this Act.

*Notes upon Heads of a Bill to regulate the Proceedings for the Manumission of Slaves, &c.*

The preceding regulations respecting the manumission of Slaves have given rise to a protracted discussion between his Majesty's government, and the local authorities in Trinidad and Demerara. The progress of those discussions will be best learned by referring to the printed papers which have been laid by his Majesty's command before both Houses of Parliament. His Majesty's government have no intention to recede from the principles which have been advanced in the course of the official correspondence in question. A particular reference to a despatch to the lieutenant-governor of Demerara, of the 25th of February, 1826, will probably diminish, if it does not entirely dispel, the apprehensions which this part of the Trinidad Order in Council appears to have excited.

**NOTE ON CLAUSE 7.**—The regulations contained in this clause for dividing the expenses of the appraisal between the manumitted Slave and his owner, form an addition to the original Order in Council for Trinidad, and were introduced by the governor's proclamation to supply a defect which had been pointed out in the original order.

*Heads of a Bill for regulating the Celebration of Marriages among Slaves, and for declaring such Marriages valid and effectual in the Law.*

CLAUSE 1.—Slaves desirous to intermarry shall be at liberty to apply either to the protector and guardian of Slaves, or to the assistant protector and guardian of Slaves of the parish in which the woman may reside, for a marriage license, producing the consent in writing of their owners or managers to the celebration thereof.

CLAUSE 2.—If the owner or manager of both or either of the Slaves shall refuse his consent to the marriage or shall not give his written permission for the celebration thereof, the protector and guardian of Slaves, or the assistant protector and guardian, shall issue a summons requiring the owner or manager to appear before him at a time and place to be appointed for that purpose;—such time not being more than [ ] distant from the time when the application shall be received by such protector and guardian of Slaves, or assistant protector and guardian of Slaves. If the owner or manager fails to appear, or appearing fails to produce good proof that the marriage would be injurious to the well-being of the Slaves, the protector and guardian of Slaves, or the assistant protector and guardian, shall issue a marriage license.

CLAUSE 3.—The licenses are to be issued without fee or reward, authorizing any clergyman of the Established Church of England and Ireland, or any minister of the Kirk of Scotland, or any priest or curate professing the Roman Catholic Religion, or any public teacher of religion within the island, carrying on there no other profession, business, or occupation of profit except that of a schoolmaster, to solemnize the marriage of such Slaves. Provided that no public teacher of religion, not being a clergyman of the Church of England, or a minister of the Kirk of Scotland, or a priest or curate professing the Roman Catholic Religion shall be so authorized to solemnize any such marriage, unless his Majesty's principal secretary of state, having the department of the colonies, or the governor, or acting governor of the island of Jamaica, shall grant to such public teacher a written license to celebrate marriages, nor unless such license has been registered in the office of the protector and guardian of Slaves, and continues in force at the time of his being so authorized to solemnize any such marriage.

CLAUSE 4.—It shall be lawful for any such clergyman, minister, priest, curate, or religious teacher, upon receiving any such license, to solemnize any such marriage, and the marriage when so solempnized shall, to all intents and purposes, be valid, binding, and effectual in the law. Provided, that no such marriage shall confer on any such Slaves or their issue, any rights inconsistent with the duties which the Slaves owe to their owner, or to the government, or at variance with those rights which the owner and the government are by law entitled to assert and exercise over such Slaves and their progeny.

CLAUSE 5.—Any person by whom any such marriage may be solemnized by virtue of any such license as aforesaid, shall, within [ ] next after the solemnization thereof, under a penalty of not more than [ ] nor less than [ ] transmit to the protector and guardian of Slaves at [ ] a certificate of the solemnization of the marriage; and such protector and guardian of Slaves shall register in a book, to be kept by him for that purpose, every marriage which shall be so solemnized, with the date thereof, and the names, descriptions, and places of abode, of the parties contracting and of the persons solemnizing every such marriage.

CLAUSE 6.—The Act shall not extend or be construed to render any marriage between persons in a state of Slavery valid and effectual, which would be illegal or void if such persons were of free condition.

CLAUSE 7.—In his half yearly returns to the governor, the protector and guardian of Slaves shall include a statement of the number of licenses which may have been granted by him in the preceding half year, for the marriage of any Slaves, with the number of marriages solemnized in pursuance thereof.

*Note on a Bill for regulating the Celebration of Marriages among Slaves, and for declaring such Marriages valid and effectual in Law.*

NOTE ON CLAUSE 4.—The provision, that the marriages of Slaves shall not invest the parties with any rights inconsistent with the duties which they owe to their proprietors, or to the government, was introduced into the law of Demerara in compliance with the wish of the court of policy, and is an addition to the Trinidad order in council.

*Heads of a Bill for the Suppression of public Markets on Sunday, and for preventing Slaves being compelled to labour on that Day.*

CLAUSE 1.—From the time when the Act shall come into operation, all persons of free condition, who on any Sunday after the hour of [ ] in the forenoon, shall expose goods for sale in any public market, or in any shop, house, stall, or booth, or shall buy or sell any such goods, or attend at any such market, shall be liable to such punishments, penalties, and forfeitures, as by any law in force within the realm of England, may be inflicted upon or incurred by any person offending therein in like manner; if the offence shall be committed by a Slave, such Slave shall be liable to forfeit the goods or effects exposed for sale, which may be seized by the clerk of the market, or any constable; and such goods shall be taken on the following day before any justice of the peace, who, upon view thereof, shall order the same to be sold forthwith, to be applied as follows: (that is to say) one-third to the informer, and the remainder to such pious or charitable purposes as such justice of the peace shall direct.

CLAUSE 2.—From the time when Sunday markets shall be totally suppressed, as after mentioned, the same punishments, penalties, and forfeitures shall be inflicted upon, and incurred by, all persons exposing goods for sale, or buying or selling any such goods in manner aforesaid, or attending at any such market, at whatever part of the day called Sunday, the offence may be committed.

CLAUSE 3.—It shall be lawful for his Majesty by an instruction to be issued to the Governor of Jamaica, through one of his principal secretaries of state to direct the Governor of Jamaica, to issue in his Majesty's name, a proclamation for the discontinuance and suppression of all markets throughout the island on the Sunday; and so soon as such proclamation shall have been issued, all Sunday markets shall cease and be absolutely unlawful.

CLAUSE 4.—The Act shall not extend to prevent the dressing or selling meats in inns or victualling-houses, or the sale of fish or milk;—provided, that such sale shall not take place in any city, town, or parish during the hours appointed and set apart for the celebration of Divine Service therein. The Act shall not extend to prevent the sale of medicines during any part of the Sunday.

CLAUSE 5.—In every city and town throughout the island, wherein markets are by any usage or supposed prescription now holden on Sunday, markets shall be henceforth holden on [ ]; and the proprietors of any such market-places, and all persons resorting thereto, shall on each [ ] have, exercise, and enjoy the same rights, in respect of such markets, and shall receive and pay the same tolls and dues as have hitherto been exercised, enjoyed, received, or paid by or to any such persons in respect of any such markets or market-places on Sunday.

CLAUSE 6.—If any person shall work or employ any Slave between the hours of ten at night on any Saturday, and sunrise on any Monday, or shall during that period, procure, induce, or compel any Slave to engage in any labour for the profit or advantage of his owner, manager, or employer, the person so offending shall incur a fine not exceeding [ ] nor less than [ ].

CLAUSE 7.—If any person shall hire any Slave to work between the before-mentioned hours of ten o'clock on Saturday night, and sunrise on



Monday morning, for wages or any other consideration, the person so hiring any such Slave shall incur the penalties before mentioned.

CLAUSE 8.—The preceding rules shall not extend to any labour performed by any Slave on Sunday in the necessary attendance on the person, or in the family of his owner or employer, nor to labour performed in the necessary preservation of the cattle or live stock, on any plantation, nor to labour performed by Slaves as watchmen on any estate, or in nursing or attendance on the sick, or in performing or making preparations for any interment, or in extinguishing any fire, or in preventing any irreparable damage or injury to the property of his owner or employer. And no Slave so employed by his owner or employer on Sunday, shall be entitled to any hire or wages for such services.

CLAUSE 9.—In any case where it shall be absolutely necessary, for the preservation of any crops or produce upon any estate, and for the prevention of essential injury to the same, to employ any Slaves thereupon on the Sunday, the Act shall not extend to prevent any Slaves from hiring themselves either to their owner or to any other person, to perform such necessary work on that day. Provided that no Slave may be hired by any person except the owner to perform even such necessary work as aforesaid, on the Sunday, except with the written consent of the owner, and also provided that the protector and guardian of Slaves of the island shall publish a notice in the public Gazette on the 25th day of December, and the 24th day of June, or as soon after those days as any such Gazette may be published in each year, in which notices shall be stated in the lowest rate of wages at which Slaves may, during the half year following each such notice, hire themselves to work, for the special purpose before mentioned; and such notices shall state the different rates of wages according to the age and sex of the Slaves, and according as they may be field Negroes or artificers. No hiring of any Slave on the Sunday, for any such special purpose shall be a legal hiring, or exempted from the penalties of the law, unless such Slave shall actually receive and be paid for his own use and benefit, wages of not less than the rate so to be fixed by such public notice.

CLAUSE 10.—No Slave shall be employed on Sunday in field labour, or in any of the ordinary works upon the plantation, on the ground that irreparable injury would arise from the postponement of such labour, unless the Slave shall engage in it voluntarily and shall receive such wages as before mentioned.

*Notes on the Bill for the Suppression of Sunday Markets, and for preventing Slaves from labouring on that Day.*

NOTE ON CLAUSE 1.—The penalties which it is proposed by the preceding Clause No. 1., to inflict upon free persons dealing or attending at any public market, are the same as are denounced by the law of England against the same offence. In Trinidad the governor is authorized to impose penalties by his proclamation. It is scarcely necessary to observe, that in a colony where the law of England prevails, this portion of the Trinidad code could not properly be introduced.

The same clause, however, ascertains the punishment when the offence is committed by Slaves, because this is a case to which the law of England would be inapplicable.

NOTE ON CLAUSE 4.—The permission to sell milk and medicines on the Sunday is a relaxation of the rule not to be found in express terms in the Trinidad proclamation, but which is obviously required by the spirit of the law.

NOTE ON CLAUSE 5. As it is not certainly known whether markets may not have been habitually held in Jamaica on Sunday, upon land belonging to some private person or corporation, it seems necessary to provide for the exercise in such market-places, on some other day of the week, of any rights which by practice and usage have hitherto been exercised there on Sunday. It has never been suggested that any such private rights existed in Trinidad, and therefore the Order in Council for that Island is silent on the subject.

**NOTE ON CLAUSE 6.**—The power of employing Slaves until the hour of *ten* on Saturday night, is an alteration made in consequence of the representations received from Trinidad, and a modification of the original order.

**NOTE ON CLAUSE 7.**—The express prohibition of Slaves *hiring* themselves out to labour, was introduced by the proclamation issued in his Majesty's name in Trinidad, to explain the supposed ambiguity of the original order on this subject.

**NOTE ON CLAUSES 8 and 9.**—The particular occasions on which Slaves might be employed to labour on the Sunday, are specified in this Clause, in the terms of the Proclamation mentioned in the preceding Note. It is to be observed that a distinction has been maintained both in Trinidad and Demerara, between the occasional and the habitual exigencies of the plantation. When the necessity of labour on Sunday habitually recurs, as in the case of labour undertaken for the preservation of the crops, there it is required that the Slave should receive wages. Where the labour is only occasional and accidental, as in the case of interments, hurricanes, &c., there the Slave is required to work without wages.

These Clauses suppose the existence of such an office as the protector and guardian of Slaves, it being the wish of his Majesty's government that the Bill creating that office should precede the other measures which are suggested.

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*Heads of a Bill to enable Slaves to acquire Property, and to make Provision for the safe-keeping of such Property, by the Establishment of Banks for Savings.*

**CLAUSE 1.**—Whereas, by the usage of Jamaica, persons in a state of slavery have hitherto been permitted to acquire and enjoy property free from the control of their owners, and it is expedient that such laudable custom should be recognised and established by law, therefore be it enacted, &c., that no person in the island of Jamaica, being in a state of slavery, shall, on account of such his condition, be, or be deemed to be, incompetent to purchase, acquire, hold, or alienate property, but every such Slave shall be, and is hereby declared to be, competent to purchase, acquire, possess, hold, alienate, and dispose of lands situate in Jamaica, or money, cattle, implements, or utensils of husbandry, or household furniture, and other effects of such or the like nature, of what value and amount soever; and to bring, maintain, prosecute, and defend any suit or action in any court of justice, for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition.

Provided that this Act shall not extend or revoke to alter any law now in force in the island of Jamaica, respecting the manner in which Slaves may cultivate land for their own advantage. Provided also that the Act shall not extend to authorize any Slave to acquire or to become the owner of any fire-arms, gunpowder, or ammunition.

**CLAUSE 2.**—For the better preserving the property of any such Slaves, banks for savings shall be established within the island of Jamaica, and interest at the rate of [ ] per cent. per annum shall be allowed upon every sum deposited in any such bank, which interest shall be charged upon his Majesty's revenue within the island.

**CLAUSE 3.**—Any Slave making any deposit of money in any such savings bank, shall be at liberty to make a declaration of the manner in which, and of the persons to whom, in the event of his or her death, the amount of such deposits shall be paid; and such declaration shall be recorded in a book to be kept for that purpose at the savings bank where such deposit may be made; and upon the death of the Slave making such declaration, the same shall be taken to be the last will of such Slave, in the absence of any other will. In case any Slave shall marry, after making any such declaration, the marriage shall be taken to be a revocation of the declaration. If any Slave shall die intestate, and without having made any such declaration remaining unrevoked at the time of his or her death, the property of the Slave shall be disposed of in favour of such persons as,

by virtue of the Statutes of Distribution of Intestate's Estates, would, according to the law of England, be entitled to any such property.

CLAUSE 4.—The savings banks throughout the island shall be under the protection and control of the protector and guardian of Slaves, and the governor of the island, shall have authority to appoint such proper officers, and make such necessary rules and regulations, as will be best adapted for managing the business of such banks, and for ensuring order and punctuality therein, and for preventing misapplication of any money which may be there deposited, provided that such regulations be not repugnant to this Act, and that the same be transmitted to England for his Majesty's approbation.

CLAUSE 5.—No deposit of money shall at any one time, or in any one week, be received at any bank for savings from any Slave exceeding the sum of [ ] in the whole, unless at the time of tending such deposit the Slave shall produce the written consent of his owner or manager to such deposit being made; and if any Slave shall be desirous, at any one time, or in any one week, to make a larger deposit, and the owner shall refuse his consent, then the protector of slaves, upon application made to him for that purpose, shall issue a summons, requiring the owner or manager to appear before him at some particular time and place; and if the person being so cited shall not appear, or appearing, shall not lay before the protector and guardian of Slaves sufficient cause why the deposit should not be made, then such protector and guardian of Slaves shall issue an order in writing, requiring the manager of the savings bank to receive the amount of the deposit, and the same shall be received by him accordingly.

CLAUSE 6.—In his half-yearly returns to the governor, the protector and guardian of Slaves shall, amongst other things, state the amount of the sums of money deposited in any savings banks in the island in the preceding half year.

*Note on a Bill to enable Slaves to acquire Property, and to make Provision for the safe keeping of such Property, by the Establishment of Banks for Savings.*

NOTE ON CLAUSE 1.—The right of Slaves to acquire property, is established in the Trinidad Order in Council, in such language as not to permit a Slave to become himself the owner of other Slaves. If it should be thought right to make this exception in more direct and explicit terms, there could be no objection to it,

The Trinidad Order in Council, as originally drawn, did not make any exception of the staple commodities of the island, in the enumeration of the kinds of property which a Slave was permitted to acquire. It was represented by the governor that a colonial law existed, by which a Slave was prohibited from planting any such staple commodities, and he desired to be informed whether the Order in Council was to be considered as having repealed that law. He was accordingly informed, that in granting to Slaves the power of acquiring land, the order had not exempted them from any existing restrictions, as to the mode in which land might be cultivated by persons of their class and condition. The Court of Policy, in Demerara, represented that by the law of that colony, Slaves were not permitted to sell or barter the staple commodities. It appearing therefore that in the one colony the Slaves could not cultivate these articles, and that in the other they could not sell them, his Majesty's government deemed it expedient not to claim for the Slaves the abstract and unprofitable right of owning this description of property. It was therefore admitted that Slaves ought not to be proprietors of sugar, coffee, or cotton. A similar admission may therefore be made in Jamaica, if the law of that island has already established the same or similar restrictions.

The Court of Policy urged various objections against permitting a Slave to bring an action, at his own direction, and they proposed to invest the protector of Slaves, or the master, with a power of deciding in any particular case whether there was sufficient reason for such a proceeding. These objections so far prevailed, that it was agreed to substitute for the

enactment of the Trinidad code a provision, giving to the protector of Slaves a clear right to bring or defend any action, in respect to the property of the Slave, and empowering the President of the Supreme Court of the Colony to direct prosecutions on the application of the Slave. The form in which these modifications of the law may be best made, still remains to be considered by the Court of Policy. A similar alteration may, if necessary, be introduced in Jamaica. The proper form to be adopted for that purpose, will be best decided by the law officers of the crown for that island.

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*Heads of a Bill to prevent the Separation of Slaves, being Members of the same Family, by Virtue of any legal Process.*

CLAUSE 1.—In the execution of any judgment, sentence, decree, or order of any court of justice within the Island of Jamaica, it shall not be lawful to seize or sell any Slave having a husband, or wife, or a child under the age of [ ] years, or a reputed husband, or wife, or child under that age, who may be the property of the same persons or person, unless such husband, and wife, and child, or reputed husband, wife, or child, shall be sold together, and in one and the same lot, and to the same persons or person.

If in the execution of any such judgment, sentence, decree, or order, any Slave or Slaves shall be sold separate or apart from any such husband, or wife, or child, or reputed husband, or wife, or child as aforesaid, such sale and execution shall be absolutely null and void in the law, to all intents and purposes.

CLAUSE 2.—If the provost-marshal, or his deputies, on any other executive officer, making any levy upon Slaves under any writ of execution or judicial process, shall be unable to ascertain whether any Slave on which he may so levy, has or has not a husband or wife, or reputed husband or wife, or child under the age of [ ] years, belonging to the same owner, it shall be the duty of such provost-marshal, or other officer, to make a special return of any such circumstance to the court out of which the execution has issued, and the court shall thereupon direct a copy of such return to be transmitted to the protector and guardian of Slaves; and upon hearing what may be alleged by such protector and guardian, and by the several parties in any such action, cause, suit, or proceeding, the court shall decide whether the Slave so seized hath or hath not any husband or wife, or reputed husband or wife, or child, under such age as aforesaid, belonging to the said persons or person; and such court shall make a rule upon such provost-marshal, or other officer requiring him either to proceed to the sale of the single Slave, or not, as the case may require.

*Note on a Bill to prevent the Separation of Slaves, being Members of the same Family, by Virtue of any legal Process.*

CLAUSE 2.—This clause is adopted from the Act of the Court of Policy of Demerara. There is an obvious convenience in enabling the officer of the court to refer to some higher authority the decision of the question of fact, whenever a doubt arises whether a Slave has any connexion from which such Slave cannot legally be separated. But it seems more consistent with the spirit of English law, to refer this question to the decision of the court from which the process issues, than to leave it, as in Demerara, to the arbitrement of the protector of Slaves. He would be entitled to be heard on behalf of the Slave, but could not, with propriety, be intrusted with the determination of the question of private right.

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*Heads of a Bill for preventing Abuses in the Punishment of Slaves, whether such Punishment is inflicted in due Course of Law, or by the Authority of the Master.*

CLAUSE 1.—In all prosecutions which may be commenced in any court of justice in the island, wherein a Slave may be charged with any offence

punishable by death or transportation, the same notice is to be given to the protector and guardian of Slaves of such prosecution, as, according to the law of the island, would be given to the Slave, if he were of free condition; and the protector and guardian of Slaves is required to attend at the trial and other proceedings in every such prosecution, as the protector of such Slave, and on his behalf, and to act therein in such manner as may be most conducive to the benefit of the Slave.

If such trial shall take place at the distance of more than [ ] miles from the [ ] of [ ], the protector and guardian of Slaves shall direct the assistant protector and guardian, whose residence may be most near to the place of trial, to attend and act therein for the benefit of the Slave. If such assistant protector and guardian is any way interested in the result of the prosecution, then the order shall issue to the nearest assistant protector and guardian who has no such interest therein.

The protector and guardian of Slaves, and his assistants, shall be allowed on all such trials and proceedings to act for the benefit of the Slaves, in the same manner as by the law of the island any council or attorney at law may upon similar occasions act for the benefit of any person of free condition.

CLAUSE 2.—It shall be illegal for any person within the Island of Jamaica to carry any whip, cat, or other instruments of the like nature, while superintending the labour of any Slaves in or upon the fields or cane pieces upon any plantation; or to use any such whip, cat, or other instrument of the like nature, for the purpose of impelling or coercing any Slave to perform labour of any kind whatever; or to carry or exhibit upon any plantation, or elsewhere, any such whip, &c., as an emblem of the authority of the person so carrying the same over any Slaves or Slave. And any person offending against this rule, or directing, instigating, or abetting in any such illegal driving or use, or exhibition of any such whip, &c., shall be guilty of a misdemeanour.

CLAUSE 3.—It shall be unlawful for any person to inflict, in any one day, upon any male Slave, for any offence, upon any ground, or for any reason whatever, any number of lashes exceeding [ ] in the whole; or to inflict upon any such male Slave any punishment by the whipping or beating of his person, unless the person of such Slave shall, at the time of such punishment, be free from any laceration occasioned by any former whipping or beating; or to inflict upon any male slave any punishment, by the whipping or beating of his person, until twenty-four hours, at the least, shall have elapsed from the time of the commission of the offence in respect of which any such punishment may be inflicted; or to inflict upon any male Slave any such punishment, unless one person of free condition shall be present at, and witness the infliction of the whole of such punishment, other than the person by whom, or by whose authority, the punishment may be inflicted. Persons offending against any of these rules, or directing, instigating, or abetting any such illegal punishment of any male Slave, shall be guilty of a misdemeanour.

CLAUSE 4.—The preceding rules are not to extend to any punishments which may be inflicted on any Slave under the judgment of any court of competent jurisdiction.

CLAUSE 5.—It shall not be lawful to punish, by whipping, any female Slave for any offence committed, or alleged to be committed by her. And any person offending against this rule, or directing, instigating, or abetting in any such punishment, shall be guilty of a misdemeanour.

CLAUSE 6.—The preceding clause does not extend to prevent the owner of any female Slave, under the age of [ ] years, from causing her to be punished and corrected for any fault or misconduct by her committed, in the same manner, and in the same extent, as any child of free condition may be, and usually is, punished in any school for the education of youth in the island.

CLAUSE 7.—Crimes which may be hereafter committed by female Slaves, and which were heretofore punishable by flogging, shall hereafter be pun-

ished at the discretion of the court of justice, or the owner or manager directing such punishment, in one or the other of the following modes ;— that is to say :—First :—By solitary confinement, with or without work, in any proper place for that purpose on the estate ; provided that no such place of confinement shall be used for any such purpose, unless and until some practitioner of medicine in the island, and the protector and guardian, or the assistant protector and guardian of Slaves of the parish where the same is situate, shall have signed a certificate, in writing, approving such place of confinement, which certificate shall be transmitted to, and deposited in the office of the protector and guardian of Slaves ; and also provided that no such solitary confinement shall be continued more than [ ] for any one offence ; and that no slave shall be subjected to punishment by solitary confinement more than [ ] in any one calendar month. Secondly :—By field stocks or confinement of the hands during the hours of labour in the field ; provided that the period of confinement shall not at any one time exceed [ ] and shall not be repeated a second time until [ ]. Thirdly :—House stocks for the hands and feet, or either of them, with or without seats, during any period of the day ; provided that the period of confinement shall not exceed [ ] for any one offence ; and that no such punishment shall be repeated twice within the period of [ ] Fourth :—Bed stocks, for the confinement of the feet during the night ; provided that no such punishment shall be repeated within the period of [ ] Fifthly :—Distinguishing dresses to be used either with or without the stocks, provided that such punishment be not continued more than [ ] [ ] for any one offence, and that the same be not repeated within [ ]. Sixthly :—Confinement, either solitary or otherwise, during one of the hours of noon, with or without work during such confinement ; provided that no such punishment be repeated within the period of [ ].

CLAUSE 8.—Any person repeating any such punishment as aforesaid, at an earlier period than is hereby allowed, or continuing any such punishment beyond the period prescribed for that purpose ; or placing any Slave in solitary confinement in any place which hath not been approved in manner aforesaid within [ ] next preceding such confinement, or using any stocks for the purpose of punishment, in such a manner as to affect the health of the Slave confined therein, or as to inflict any permanent injury on her person ; or who shall not supply the Slave undergoing such punishment, when the same shall continue for more than twelve hours, with a proper quantity of prepared farinaceous food, and with a proper supply of water ; or who shall punish any woman known or supposed by him to be pregnant, by solitary confinement, or by any stocks applied in such a manner as to produce the risk of a miscarriage, shall be guilty of a misdemeanour.

CLAUSE 9.—In any case in which a male Slave is now, by law, punishable with flogging, it shall be lawful for his owner or employer, or for any court of justice, or justice of the peace, having jurisdiction therein, to substitute for such flogging, any one of the punishments before mentioned ; provided that the conditions and regulations aforesaid, so far as they are applicable to the case of male slaves, be duly observed.

CLAUSE 10.—None of the before-mentioned punishments shall be inflicted on any Slave by the authority of the owner or employer, until twenty-four hours, at the least, have elapsed from the time of the commission of the offence for which any such punishment may be so inflicted ; nor unless one person of free condition shall be present at, and witness the infliction of such punishment.

CLAUSE 11.—Every person having charge of a task, or working gang of Slaves exceeding [ ] in number, and every owner of, or other person having the direction of any plantation or estate within the colony, shall keep a book to be called “ The Punishment Record Book.” And it shall be the duty of such owner, or other person, to enter and record in the said book, at or immediately after the time of infliction of any

punishment whatever, on any female Slave, hereby authorized, or on any male Slave who may be punished in any one day, with any number of stripes exceeding [                    ], or who shall receive any other kind of punishment hereby authorized, a statement of the nature and particulars of the offence for or with respect of which such punishment may be inflicted, and of the time at which, and the place where, the offence was committed, and of the time at which, and the place where, such punishment was inflicted, and of the nature, extent, and particulars of the punishment; and, in the cases of male slaves, of the number of stripes actually inflicted upon the offender, together with the names of the persons by whom, and by the authority of whom, the punishment was inflicted; and of the persons of free condition present and attending at the infliction of every such punishment. Any person neglecting to make such entries in the Punishment Record Book, or not making such entry within [                    ] after the infliction of the punishment, shall incur a penalty not exceeding [                    ] nor less than [                    ]. Persons wilfully or fraudulently making a false entry or erasure in any such book, or burning, destroying, cancelling, or obliterating the same, shall be guilty of a misdemeanour.

CLAUSE 12.—Every person required to keep a punishment record book shall, on the first Monday next following the 5th of April, 24th of June, 29th of September, and 25th of December, in each year, repair to the assistant protector and guardian of Slaves of the parish in which he may dwell, and produce before him transcripts of every entry which, during the preceding quarter of a year, may have been made in his Punishment Record Book; and shall take the following oath, which such assistant protector and guardian of Slaves is authorized to administer. “ I, A B, the owner (or manager as the case may be,) of the estate or plantation called                    in the parish of                    in the Island of Jamaica, do make oath and say, that the writing hereunto annexed, contains a true and exact copy of every entry which since the                    day of                    last, hath been made in the punishment record book of the before-mentioned plantation; and I do further swear that the said punishment record book hath been punctually and accurately kept since the said                    day of                   , in the manner by law required, and that no fraudulent erasure, or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge or consent.”

CLAUSE 13.—If any owner or manager shall not, since the time of making his last preceding return, have inflicted any punishment required by law to be recorded, then instead of the before-mentioned oath, he shall take and subscribe before the assistant protector and guardian of Slaves, of the parish in which he may be resident, the following oath: *viz.*, “ I, A. B., do swear, that since the                    day of                    now last past, no punishment hath been inflicted by me or by my order, or with my knowledge, on any Slave belonging or attached to the plantation called                    situate in the parish of                    whereof I am owner (or manager as the case may be), excepting punishments inflicted on male Slaves not exceeding three lashes; and I further swear that no entry of any such punishment hath since the                    day of                    been made in the punishment record book of the said plantation. So help me God.”

CLAUSE 14.—[                    ] at the least before the time of making any such returns, the assistant protector of Slaves of each parish within the island, shall transmit to the owner, or manager, of every plantation situate within such parish, a printed blank form of the before-mentioned affidavits, with a notice of the time and place at which he will attend for the purpose of receiving the returns and administering the oath aforesaid. And every such assistant protector of Slaves shall attend from day to day, for [                    ] successive days, for the before-mentioned purposes; and if it should be made to appear to any such assistant protector and guardian, by the certificate of any medical practitioner, that any person liable to make such return is rendered incapable, by sickness, of attending for that purpose,

then such assistant protector and guardian shall attend any such person at their place of abode, for the purpose of receiving their returns and taking the affidavits before mentioned.

CLAUSE 15.—Any person refusing or neglecting to make any return, or to take the oaths required by this Law, shall incur a fine, at the discretion of the court, not exceeding [                    ], nor less than [                    ]. Any quaker liable to make any such returns, may make the same upon his solemn affirmation.

CLAUSE 16.—The assistant protector and guardian of Slaves of each parish, is to transmit to the protector and guardian of Slaves, at his office in Kingston, the whole of the returns made to him, with the original affidavits thereto annexed, within [                    ] next after such quarterly returns are complete. If any such assistant protector and guardian of Slaves shall himself be the owner or manager of any plantation, he shall, with the returns, deliver to the protector and guardian of Slaves, transcript of the entries in his own punishment record book for the last preceding quarter of a year, with an affidavit sworn before one of the justices of the Court of King's Bench and Common Pleas, in the manner and form before mentioned, under the same penalties as are imposed on other persons neglecting to make the returns, or to take the oaths aforesaid. Provided, however, that such assistant protectors and guardians of Slaves may make such returns of the punishments inflicted on their own Slaves twice only in each year, if they think proper so to do.

CLAUSE 17.—The protector and guardian of Slaves is to record, in books kept by him for that purpose, the whole of the returns so to be made to him, preserving in his office the originals of such returns and affidavits. A distinct book shall be kept for each parish, and in those books the returns shall be transcribed in alphabetical order, according to the names of the plantations, and full and exact indexes shall be made to such books.

CLAUSE 18.—On the prosecution of the owner or manager of a plantation for inflicting on any Slave any illegal punishment, if the Slave is produced in open court, and if the traces of a recent flogging shall appear on the person of such Slave, and if the Slave shall, in open court, declare such traces to be the consequences of any unlawful punishment or correction, and, being duly examined by the court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, although such Slave should not be a competent witness, the owner or manager shall be bound to prove either that the punishment of which the traces are apparent was not inflicted by him, or by his procurement, or with his knowledge or consent; or that the punishment was a lawful punishment within the meaning of this Act, and was inflicted in the presence of one witness of free condition as is hereby required. In default of such proof, such owner or manager is to be convicted, and judged guilty of the offence imputed to him. No such prosecution shall be discontinued, except in obedience to a written order issued for that purpose by the governor under his hand and seal.

CLAUSE 19.—Persons guilty of swearing falsely, or, being Quakers, of making a false affirmation under this Act, shall suffer such punishment as, by the law of Jamaica, may be inflicted on any persons guilty of wilful and corrupt perjury.

CLAUSE 20.—Any person convicted of any misdemeanour under this Act shall, if of free condition, become liable to a fine not exceeding [                    ], nor less than [                    ], or to imprisonment for any time not exceeding [                    ], nor less than [                    ], or both to fine and imprisonment, at the discretion of the court before which such conviction may take place. If the offender is a Slave, such Slave shall be punished by imprisonment and hard labour for any time not exceeding [                    ] at the discretion of the court before which the conviction may take place.

CLAUSE 21.—In case any person shall be convicted of cruelty to any Slave, the court may, at their discretion, declare the right and interest of the person so convicted in, and to any such Slave, to be absolutely forfeited to his Majesty.



CLAUSE 22.—If any person shall be twice convicted of inflicting upon any Slave any cruel and unlawful punishment, the person so convicted shall, in addition to the penalties before mentioned, be declared by the court, before which such second conviction may take place, absolutely incapable in the law to be the owner or proprietor, or to act as the manager, overseer, or superintendent, of any Slave or Slaves within the island; and all Slaves, of which any such person may at the time of such conviction be the owner or proprietor, and all the right and interest of any such person in any such Slaves, shall thenceforth be absolutely forfeited to his Majesty.

CLAUSE 23.—No forfeiture to his Majesty of any Slave, or of any right or interest in any Slave, shall in any way diminish, affect, or take away, the right or interest of any person in or to such Slave, except the person upon the conviction of whom any such forfeiture may be incurred.

CLAUSE 24.—Whenever any such forfeiture as aforesaid shall accrue to his Majesty, it shall not be carried into effect by the actual seizure or sale of the forfeited property, until all the particulars and circumstances of the case shall have been reported to his Majesty, through one of the Secretaries of State, and his Majesty's pleasure shall have been signified thereupon; but, pending such reference, the forfeited property shall remain vested in his Majesty, subject to be divested if his Majesty shall be graciously pleased to remit the forfeiture.

CLAUSE 25.—The protector and guardian of Slaves, in his half yearly returns to the governor, shall state the particulars of all the returns which, by virtue of this Act, may have been made to him in the preceding half year by the assistant protectors and guardians of Slaves within the several parishes of the island, and the names of the persons, if any, against whom he may in the preceding half year have instituted any criminal prosecutions under this Act.

*Notes on a Bill for preventing Abuses in the Punishment of Slaves.*

NOTE ON CLAUSE 1.—The extent of the island of Jamaica, and the practice of holding Slave courts in different parts of the colony, seem to require that the assistant protectors and guardians should attend at the prosecutions of Slaves, where the trial takes place at more than twenty miles distance from [            ]. As the rules of English law exclude all persons from acting in criminal proceedings on behalf of the accused party, except his counsel and attornies, it is necessary to sanction, by express enactment, the interposition of the protector and guardian.

In Demerara the attendance of the protector of Slaves on *all* prosecutions, has been dispensed with, because that duty would not be compatible with the due discharge of the functions of the same officer as fiscal, and though separated, those offices were at first held by the same individual. In Jamaica the same reason will not apply, and therefore the same provision is there unnecessary.

NOTE ON CLAUSE 3.—In Demerara, the attendance of six Slaves as witnesses of punishments has been substituted for the attendance of one free person, but this relaxation of the rule is to take place only in particular cases, when very special circumstances may require it; and it is expressly insisted, that the law should distinctly and unequivocally ascertain the admissibility of the evidence of all Slaves in the courts of the colony. But the law of Jamaica differs entirely from that of Demerara with respect to the general admission of such evidence. Consequently, the partial departure from the rule which has been allowed in Demerara, could not safely take place in Jamaica.

NOTE ON CLAUSE 6.—This explanatory clause was introduced in Trinidad, in deference to the wishes of the inhabitants, although it might seem almost superfluous to declare, that the law had no reference to domestic discipline in the case of young children.

NOTE ON CLAUSE 7.—The enumeration here made of the punishments which may be inflicted on females, is taken from the proclamation of the Governor of Trinidad, of the 23d of June, 1824. That proclamation,

however, not having defined what interval of time shall intervene between successive punishments, it is necessary to supply the omission, otherwise ill-disposed persons might, under colour of law, inflict punishments of extreme severity, merely by the frequent and early repetition of the same punishment. The punishment of females, by suspending marks from the neck, and the use of hand-cuffs, are omitted, because they are scarcely susceptible of any previous definition sufficiently accurate to prevent abuses.

The same proclamation makes provision for the punishment of a class of offences, too serious to be adequately corrected by the authority of the owner, circumscribed as it now is; and in such cases the local magistrates are authorized to inflict punishments of greater severity. The law of Jamaica has, however, provided so completely for the punishment of the offences of Slaves in all ordinary cases, that it seems superfluous to invest the justices of the peace of that colony with any new powers. Neither could the general rules established by the proclamation in Trinidad, for the decision of complaints made by Slaves against their owners, be transferred to Jamaica, without the repeal of the various provisions which have been established by Acts of Assembly on that subject. Without expressing any opinion on the comparative advantages of the Slave Codes of the two islands, on the subject of the redress of complaints preferred by Slaves against their owners, it is sufficient to say, that this particular part of the law, however important, does not fall within the immediate object of the projected measures of reform.

NOTE ON CLAUSE 9.—This enactment was introduced into the proclamation of Trinidad, because some proprietors in that island desired to have it distinctly ascertained that the punishments to be inflicted on females might legally be applied to the case of male offenders. If experience should prove their efficacy in the one case, it was supposed that they might be equally effectual in the other.

NOTE ON CLAUSE 11.—Persons having a working gang of six Slaves, as well as the owners of plantations, are required by the law of Demerara to keep a record of punishments. This appears to be an improvement on the Trinidad Order, and especially in reference to Jamaica, where the practice of working estates by jobbing gangs, is understood to prevail not unfrequently.

NOTE ON CLAUSE 16.—The assistant protector and guardian of Slaves was permitted in Trinidad to make his own returns once in each half year, instead of making them in each quarter, because his personal attendance being necessary for that purpose, more frequent returns would have subjected him to serious inconvenience.

NOTE ON CLAUSE 18.—This Clause, which, in certain cases, raises a presumption of guilt against the owner or manager, does not appear in the Act of the Court of Policy of Demerara. In that colony such an enactment would be superfluous, if, as is stated, a Slave is in all cases admissible as a witness under the ancient Dutch laws. It would, of course, be needless to resort to presumption, when direct legal proof could be adduced. But in Jamaica this reason does not apply, because the law of that island has not recognised the admissibility of Slave evidence; and because, even under the proposed amendments of the law, there will be many cases in which Slaves could not be heard as witnesses.

NOTE ON CLAUSE 23.—The express declaration that the forfeiture was not to extend beyond the interest which the party convicted might have in the Slave, was introduced, at Trinidad in deference to the wishes of the inhabitants, and although such a declaration may appear superfluous, yet it seems most prudent to avoid every possibility of doubt upon a subject so important.

NOTE ON CLAUSE 24.—The suspension of the forfeiture, so far as respects the actual sale of the forfeited Slaves, until his Majesty's pleasure can be known, was introduced in Trinidad to quiet the apprehensions which the law had there excited. There can be no objection to extending a similar modification to the Island of Jamaica; but of course the right of the crown to the forfeited Slaves must be preserved inviolate, although the exercise of that right be suspended during the reference to England.

## No. 6.

*Extract from a Despatch from his Grace the Duke of Manchester to Earl Bathurst, K. G., dated King's House, Jamaica, 12th June 1826.*

REFERRING your Lordship to my communication of 29th ultimo, I have the honour to inform your Lordship that I have this day dissolved the House of Assembly, and directed writs to be prepared, calling a new assembly, for the 28th proximo, so that I shall be prepared for any instructions your Lordship may be pleased to furnish me with, relative to the time when the new assembly should meet.

Should I receive no such instruction from your Lordship, my present intention is to call the new assembly about the 20th September, which will afford sufficient time for putting your Lordship in possession of the decision of the Assembly relative to the propositions to be submitted to them before the meeting of Parliament, and will enable the Legislature to dispose of the general business of the Island, without the inconvenience of an extraordinary session.

## No. 7.

MY LORD,

*King's House, Jamaica, 28th June 1826.*

I HAVE had the honour to receive your Lordship's despatch of the 11th May (No. 5), accompanied by the substance of eight Bills, containing all the provisions of the Order in Council of 10th March, 1824, for improving the condition of Slaves in the Island of Trinidad. And copies of these documents, as well as of your Lordship's despatch, have been prepared and transmitted to the Attorney and Advocate General, and Mr. Rennalls, the Judge of the Court of Vice-Admiralty. And your Lordship may be assured, that I shall avail myself of all the advantage which my long and intimate acquaintance with the established usages of the Colonial Assembly may supply, in order to ensure the most favourable reception, by the two branches of the Legislature, of the several important objects which I am instructed to submit to their consideration. In the mean time I shall take care to furnish your Lordship with a copy of such report as may be made to me by the law officers of the crown, after they have given to your Lordship's despatch, and to the documents which accompanied it, their most mature consideration.

As the several points to be submitted to the Assembly are so distinct as not to require any prolonged discussion or consideration, it is my present intention that the new assembly shall not meet until the first Tuesday in October, which being four weeks sooner than the usual period, will afford sufficient time for their deliberations, and my communicating to your Lordship the result of them before the next meeting of Parliament.

I have &c.

(Signed)

MANCHESTER.

*The Earl Bathurst, K. G.*

&c. &c. &c.

## No. 8.

MY LORD,

*King's House, Jamaica, October, 16th 1826.*

I HAVE the honour to enclose for your Lordship's information the copy of my speech to the two branches of the Legislature at the opening of the session, which took place on the tenth instant. Also copies of the

addresses of the Council and Assembly, the latter of which will not be presented until Tuesday next, but has been agreed to by the House. I at the same time transmit to your Lordship the copy of a message I sent to the Council and Assembly on the twelfth instant, together with a document containing in substance all the provisions of the eight Bills which accompanied your Lordship's despatch of the eleventh of May last.

I have also the honour to transmit to your Lordship drafts of the eight Bills altered and adapted to the usages of this Colony by the law officers of the crown, together with a report from them on the subject. My message has been referred to a committee of the whole House, on the state of the Island to be taken into consideration on the 19th instant, and it is intended to propose a conference with the Council on the subject matter of the propositions which have been brought before them. Whether the Assembly will agree to ask such conference, and what the result of it, if agreed to, may be, I cannot venture to anticipate.

I have the honour to be, my Lord,  
Your Lordship's most obedient,  
humble Servant,  
(Signed) MANCHESTER.

*The Earl Bathurst, K. G.*  
&c. &c. &c.

*Gentlemen of the Council,*

*Mr. Speaker and Gentlemen of the Assembly,*

I HAVE called you together at an earlier period than usual, in order to afford you ample time for deliberating upon certain propositions regarding the Slave population to which I have been instructed to direct your attention.

I shall lose no time in putting you in possession of the substance of the instructions I have received, and I have no doubt that you will entertain them with that respect which is due to all subjects submitted to you by his Majesty's command.

Mr. Speaker and Gentlemen of the Assembly, I trust that you will grant such supplies as may be found necessary for the public service.

*Gentlemen of the Council,*

*Mr. Speaker and Gentlemen of the Assembly,*

The anxiety his Majesty's government will feel to learn the result of your proceedings induces me to hope that you will take into consideration the several matters which will be brought before you without delay.

It will form a most pleasing part of my duty should your policy and wisdom enable me to lay at his Majesty's feet a code of laws respecting the Slave population conformable to the spirit of the unanimous resolutions of the two Houses of Parliament, and at the same time advantageous to this colony.

To his Grace William Duke of Manchester, Captain General and Governor in Chief of this his Majesty's Island of Jamaica and the Territories thereon depending in America, Chancellor and Vice-Admiral of the same.

THE HUMBLE ADDRESS OF THE COUNCIL.

*May it please your Grace,*

WE his Majesty's most dutiful and loyal subjects the Council, beg leave to return your Grace our best thanks for the speech with which you have been pleased to open this session.

We acknowledge your Grace's accustomed consideration in affording us abundant time for deliberating upon those propositions regarding the Slave population which your Grace has been instructed to submit to us. We trust

it is unnecessary for us to assure your Grace, that we shall immediately take them into consideration, with all the deference and respect due to every subject communicated to us by his Majesty's command.

Your Grace may confidently rely on the continued desire of the Council to contribute, by all the means in their power, to the establishment of a code of laws respecting the Slave population, conformable in principle to the declared sense of the two Houses of Parliament, and at the same time advantageous to this Colony.

Passed the Council,  
this 12th day of October 1826.  
(Signed) W. BULLOCK, Clk. Council.

*May it please your Grace,*

WE his Majesty's dutiful and loyal subjects, the Assembly of Jamaica, return your Grace our thanks for your speech at the opening of the session.

We notice that your Grace has called us together at an earlier period than usual, to deliberate upon certain propositions regarding the Slave population to which you have been instructed to direct our attention.

Whatever propositions or instructions your Grace shall put us in possession of, you may be assured we shall entertain with that respect which is due to all subjects submitted to us by his Majesty's command.

The impoverished state to which this island has been reduced in common with all his Majesty's other colonies in the West Indies, by oppressive imposts upon the staple productions of our soil, aggravated by the agitation of measures relating to the labouring class of our population, will render it extremely difficult for us to raise the usual supplies; at the same time we beg to assure your Grace that no exertion shall be wanting on our parts to raise such supplies as may be absolutely necessary for the public service.

It will be highly gratifying to us to enable your Grace to lay at his Majesty's feet, such amendments of our Slave code as our own local knowledge and experience convince us will be advantageous to this colony.

*Message from the Governor to the Assembly.*

MR. SPEAKER.—HIS Grace the governor has been instructed by his Majesty's government to submit to the House the several propositions accompanying this message, and which have for their object the improvement of the condition of the Slave population.

His Grace has been induced to embrace them all in one communication, in order to prevent any unnecessary interruption of the proceedings of the House.

Upon a subject of so much importance and involving in its consequences the future welfare of the Colony, his Grace feels it his duty to observe that the propositions now submitted to the House have received the unqualified approbation of both Houses of Parliament, and as in addition to those high authorities; the voice of the nation at large has loudly and unequivocally called for a melioration of the condition of the Slaves in the West Indies, his Grace hopes that the House will cheerfully concur in measures which experience has shewn to be attended with no inconvenience in those Colonies where the experiment has been tried.

The First Proposition regards the establishing an officer to be called the protector and guardian of Slaves.

This officer to be appointed by his Majesty under the Sign Manual, and to continue during his Majesty's pleasure. In the event of the death, resignation, mental incapacity, removal, suspension, or temporary absence of such officer, the governor to appoint an acting protector and guardian. The duty of the protector or acting protector to be discharged in person, and not by deputy. The protector or acting protector before he enters on the execution of his office to take an oath for the faithful discharge

of his duty. No protector or acting protector to own any plantation or Slave employed in agriculture, nor have any interest by mortgage or otherwise in any plantation or Slaves, and be incapable of representing absentees or acting as guardian, trustee, executor, receiver or otherwise as manager or as overseer, agent or attorney, for or upon any plantation. If any such protector or acting protector shall acquire or hold property in his own or wife's right, or as trustee, or shall act as such, his office of protector to be thereupon declared void by notice from the governor to be published in the Royal Gazette of this island, provided that all Acts done by such protector or acting protector, after such forfeiture, and before such notice as aforesaid, shall be effectual as if no such forfeiture had taken place. Protector or acting protector constantly to reside in the island unless by leave from his Majesty or the governor, which is not to exceed [ ] at one time, and leave not to be granted unless on a certificate of some medical practitioner. The protector or acting protector to keep an office in the town of St. Jago de la Vega, and to attend there on such day, and during such hours, as the governor may appoint. All the records to be preserved in such office. One or more assistant protector to be appointed by the governor in every parish to assist the protector and obey his instructions. Such assistant protector to be in the commission of the peace for the parish where they act as assistant protectors. The office of assistant protector to be held during his Majesty's pleasure. The protector or acting protector, and the assistant protector to receive salaries in lieu of fees and other emoluments, on pain of being indicted for a misdemeanour; and on conviction in the Supreme or Assize Courts, to be subject to a penalty not exceeding                      pounds, and to become disqualified from holding such office. In all prosecutions for the murder of a Slave, or any offence against the person of a Slave, the protector or acting protector to attend and act as public prosecutor; but at a distance of                      miles from Spanish Town, the assistant protector whose residence shall be most near the place of trial, to attend and act as public prosecutor. This regulation not to prevent the attorney-general from acting in such prosecutions as he has heretofore done, or the owner of a deceased or injured Slave employing counsel or attorney to conduct such prosecution. On the first Monday after the 25th December, and the first Monday after the 24th June, the protector or acting protector to deliver to the governor a written report of his proceedings during the preceding half year; such report to contain a statement of all prosecutions in which he or his assistants may have acted, with the dates and proceedings had therein respectively, together with such particulars as are or may be required by law to be therein stated, such report to be verified on oath before the governor, and then, and not before, the governor to grant a warrant for protector's salary. The government to transmit the report to one of his Majesty's principal Secretaries of State. Any protector, acting protector or assistant protector, guilty of making any fraudulent erasure, interlineation or false entry in protector's records, or burning, cancelling, obliteration or destruction of the same, to be liable to be indicted for a misdemeanour, and on conviction in the Supreme or Assize Court, to be subject to a penalty not exceeding                      pounds, or imprisonment not exceeding                      , or both at the discretion of the court.

The Second Proposition regards the admission of the evidence of Slaves.

In order to give effect to this proposition, it will be necessary to provide that every clergyman of the Established Church, ministers of the Kirk, and every Roman Catholic priest, and carrying on no other business or occupation with a view to profit, except that of a schoolmaster, shall be authorized to transmit to the protector, or acting protector, or assistant protector of the parish where he resides, certificates setting forth the names, colour, and place of abode, and the name of the owner of any Slave whom they deem sufficiently instructed in the principles of religion, to understand the nature and obligation of an oath, to express the place of residence of such person granting the same, and the date thereof. Such certificate to be registered by the protector in a book to be kept for that purpose. No such certificate to be granted by any priest or minister

professing the Roman Catholic religion, unless by a written license from the secretary for the colonies, or the governor, nor unless such license shall be in force at the time of signing such certificate, and shall have been registered in the protector's office. All Slaves to be received as witnesses in all courts, civil and criminal, on producing a certified copy under the hand of the protector or acting protector, of the entry relating to such Slave, together with proof of identity of the party producing the same; such certificate to be granted without any fee. No Slave to be admitted as an evidence in any action, or proceeding of a civil nature, in which his or her owner is interested. The admission of the evidence of Slaves not to extend to cases where a white person, or person of free condition, shall be charged with, or prosecuted for, any capital crime. No Slave to be competent to give evidence in any case where he would have been incompetent if of free condition. The names of all Slaves certified as competent to give evidence, to be included in the protector's half-yearly report.

The Third Proposition regards the enabling Slaves, under certain restrictions, to purchase their freedom.

In order to give effect to this proposition, it will be necessary to consolidate the provisions of an Act, 5 Geo. 4, for removing impediments to the manumission of Slaves, by owners having only a limited interest, and to repeal the said Act. To declare that no duty, fee, or tax shall be paid on any manumission, or recording any manumission, but the secretary of the island to be paid by the public for recording of such manumission at the rate established by law. Any person taking or demanding any duty, tax, or fee of office, save as aforesaid, to be liable to indictment; and on conviction, subject to a penalty not exceeding . . . . . That it shall be lawful for any Slave to purchase his or her freedom, or that of the wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, brother, or sister, of such Slave. If the owner of such Slave be unwilling to consent to such manumission, or shall, from any cause, be unable to execute a valid manumission, or if the person having any estate or interest in such Slave, shall be a minor, married woman, idiot, or lunatic, or if the owner be absent from the island unrepresented, or such owner shall not be known, or if any action, suit, or other proceeding, be depending on any court in this island wherein the estate or title to such Slave shall be in dispute, or if the owner shall demand a price for the freedom of the Slave greater than, in the judgment of the protector, or acting protector, shall appear the real value of such Slave, in such case the chief justice, or in case such Slave, or the owner, shall reside at a greater distance than . . . . . miles from St. Jago de la Vega, any assistant-judge of the Supreme Court, or justice of assize, on the application of the protector, acting protector, or assistant protector, to summon in writing the owner, or person in possession, of such Slave, requiring such person to appear at a fixed time, and at a convenient place, to be in such notice mentioned before the chief justice, assistant-judge, or justice of assize, the protector, or acting protector, to publish in the three county newspapers, for three weeks successively, notice of the time and place appointed as aforesaid, with the name or names of the Slaves, the place of their residence for the preceding twelve months, and requiring all persons claiming any interest in such Slave, either in their own right, or as the legal representatives of others, to attend and prefer their claim; that at the time and place fixed for such purpose, the chief justice, assistant-judge, or justice of assize, as the case may be, in the presence of the protector, acting protector, or assistant protector; also in the presence of the owner, or person in possession, of such Slave, or in the absence of such owner, or person in possession, of such Slave, proof being just made of the due service and publication of such notice, to proceed to hear in a summary way what may be alleged by the protector, acting protector, or assistant protector, and by the owner, or any person, claiming any interest in the Slave proposed to be manumized; and in case of their refusal to effect such manumission by private contract, or that there be any other legal impediment to such Slave obtaining his manumission, then the chief justice, assistant-judge, or justice of assize, to

require the protector and the owner, or person interested in such Slave, to nominate an appraiser of the value of such Slave, and the chief justice, assistant-judge, or justice of assize, to nominate an umpire between such appraisers; and the said appraisers are to be sworn to make an impartial appraisement before the chief justice, assistant-judge, or justice of assize. The appraisers to make a joint valuation of the Slave to be manumized, and certify the same to the chief justice, assistant-judge, or justice of assize; and in case such joint certificate be not delivered as aforesaid within                    days, then the umpire having been duly sworn to certify his valuation, which valuation, whether made by the joint appraisers, or by the umpire, to be binding and conclusive. After such valuation, the chief justice, assistant-judge, or justice of assize, to authorize the receiver-general to receive the amount of such valuation, after making, in the cases hereinafter particularly mentioned, such deduction therefrom for the expense of the appraisement as hereafter directed, and to place the sum when paid to the credit of the person or persons interested in the said Slave, bearing an interest of                    per cent., as long as the same shall remain in the hands of the receiver-general. The receiver-general to give to the protector, acting protector, or assistant protector, a certificate that the said sum has been paid to him; and on the production of such certificate, the chief justice, assistant-judge, or justice of assize, to make a declaration under his hand and seal that the proceedings required by law have been duly observed, touching the Slave in the said declaration named, and thereupon the Slave to be deemed and taken to be free. The said valuation, receiver-general's certificate, and the declaration aforesaid, to be recorded in a separate book for manumissions in the office of the secretary of the island, and not to be delivered out, except under an order of the Court of Chancery, or Supreme Court, but to be preserved as original documents, and certified copies of the same to be received as evidence in all courts. The amount of the valuation, or the interest thereof, to be paid by the receiver-general, under an order of the Court of Chancery, or Supreme Court, upon the application of the parties interested in the money; such money to be considered as of the same nature with the real or personal estate as the Slave would have been if no proceedings had taken place. The said money to be liable to the same descent, limitations, trust-debts, and encumbrances, as the Slave was subject to. The courts to have power to direct the principal or interest to be paid by the receiver-general, according to the rights of the different owners or their creditors. That in case of a Slave thus manumized having belonged to a tenant for life, or a tenant for life shall have become entitled to the interest of the money, and such Slave, after being so manumized, if a male, shall die in the life-time of the tenant for life, or, being a female, shall die in the life-time of the tenant for life, without leaving any children, in such case the person in remainder not to be considered entitled to the principal or interest of the said money, but to belong to the tenant for life, without prejudice to the creditors of the person who limited the said Slave in settlement, or the creditors of the tenant for life. That in all cases where the appraisement of Slaves may become necessary, by reason of the refusal of their owners to effect their manumission, or by reason of any difference of opinion between the owner, and the protector, acting protector, or assistant protector, of Slaves, respecting the value of such Slave, the expense of appraisement to be equally divided between the owner and the Slave manumized; and where appraisement becomes necessary, in consequence of any legal disability to effect a valid manumission, so much of the expense as would have been borne by the owner, in case of refusal to manumize, should be deducted from the amount of the valuation, and the residue thereof paid to the receiver-general. That before the manumission of any Slave by private contract, notice of such intended manumission be given to the protector, acting protector, or assistant protector, who, on behalf of the said Slave, should ascertain that the owner is competent to effect such manumission, and without fee prepare the proper deed of manumission; the same to be executed in the presence of the protector, acting protector, or assistant protector, or some witness to be by him appointed; and after



being so executed, to be by such protector, acting protector, or assistant protector, recorded in the secretary's office within one month, under a penalty of . . . . . No bond to be given to the churchwardens. In case a deed of manumission be executed without any valuable consideration, the Slave so manumized, before the execution of such deed, appear before the protector, acting protector, or assistant protector, as the case may require; and if it appear that the Slave, about to be gratuitously manumized, is under the age of . . . . ., or above the age of . . . . ., or labours under any habitual disease, or infirmity, the person about to effect such manumission to enter into bond, on the penal sum of . . . . ., for the feeding, clothing, and maintaining, until the age of . . . . . years; in case of infancy of the Slave about to be manumized, or during life; in the case of adults of . . . . . years, or labouring under such sickness or infirmity as aforesaid; and no such manumission to be valid or enrolled in the secretary's office until such bond shall have been executed and recorded. The protector to include in his half yearly report to the governor, a statement of the names of all the Slaves so manumized.

The Fourth Proposition relates to the celebration of marriages amongst Slaves, and declaring such marriages valid in law.

The following provisions will be necessary in order to give effect to this proposition.

Slaves desirous to intermarry, to apply to protector, acting protector or assistant protector of the parish in which the female Slave may reside, for a marriage license, producing the consent in writing, of their owner or manager. If the owner or manager refuse consent, to be summoned before protector; and in failing to prove that the marriage would be injurious to the parties, the license to issue. No fee to be taken on such license so to be granted by the protector, acting protector, or assistant protector, such license to authorize any clergyman of the Established Church, minister of the Kirk, priest or curate professing the Roman Catholic religion, or any public teacher of religion, carrying on no other occupation of profit except that of a schoolmaster, to solemnize the marriage of such Slaves, provided that no such public teacher as last mentioned, be authorized to solemnize any marriage unless he shall have obtained a license from his Majesty's secretary of state, for the colonies or the governor, nor unless such license shall have been registered in the office of the protector. All marriages conforming to the foregoing regulations, to be declared valid in law. No such marriage to confer any rights inconsistent with the duties Slaves owe to their owners, or at variance with the rights which the owner and the government by law now exercise over such Slaves, and their issue. Persons solemnizing such marriages, to transmit, under penalty, to the protector or acting protector, a certificate of such marriage, which is to be registered in the protector's office, stating the date, names, and description of the contracting parties, their place of abode, and the officiating minister's name. No marriage between Slaves to be deemed valid, which would be invalid between persons of free condition.

A statement of the licenses granted, and marriages solemnized, to be included in protector's half yearly report.

The Fifth Proposition relates to the suppression of public markets on Sundays, and for preventing Slaves being compelled to labour on that day.

In order to accomplish this object, it will be necessary to declare that after the 31st of December next, no person of free condition, shall expose on a Sunday, after the hour of ten o'clock in the forenoon, any goods or provisions for sale in any market, or in any shop, or other place, under pain of incurring such punishments, as persons so offending in the United Kingdom, are liable to by any law now in force there; and if any Slave do commit such offence, the goods so exposed, to be forfeited and sold by order of any justice of the peace; and the proceeds of such sale shall be applied one-third to the informer, and the remainder to such pious and charitable purposes as such justice shall direct. His Majesty to be authorized to direct the governor to issue a proclamation for the abolition of all markets throughout the island, on a Sunday; and as soon as such proclamation shall have been issued, all acts before prohibited, to be done after the hour of

ten in the forenoon, shall be unlawful, if done at any time of a Sunday, provided that nothing shall extend to prevent the sale of fresh meat or fresh fish or milk, on a Sunday; such sale however not to take place in any town or place during the hours appointed for the celebration of Divine service therein. This regulation not to extend to prevent the sale of medicines, nor to the keeping open any tavern or lodging house, during any part of Sunday. No Slave to be employed between the hour of ten on Saturday night, and sunrise on the following Monday, for the profit or advantage of the owner of such Slave, under a penalty on such owner, not exceeding \_\_\_\_\_ or less than \_\_\_\_\_.

No white person, or person of free condition to hire any Slave to work between the hours before mentioned for any wages under the same penalty, as would attach to the owner employing such Slaves. This prohibition not to extend to the necessary attendance of Slaves upon the persons or in the family of their owners or employers, nor to prevent the performance of any necessary labour by any Slave in the preservation of, or attending the cattle or live-stock on any plantation, or to prohibit Slaves from being employed as watermen, or in nursing, or attendance on the sick, or in making preparation for any interment, or in extinguishing any fire, or in preventing any immediate loss, injury, or danger to the property of his or her owner or employer, and no Slave so employed, to be entitled to any hire or wages for such service.

The Sixth Proposition has for its object to enable Slaves to acquire property, and to make provision for the safe keeping of such property by the establishment of banks for savings.

In order to give effect to this proposition, it will be necessary to repeal the 39th, 40th, and 48th sections of the Consolidated Slave Law. To provide that all persons in a state of slavery, shall be competent to purchase, acquire, hold, alienate, or dispose of lands, money, cattle, implements of husbandry, household furniture, and other effects, of such, or the like nature, of any value or amount, as fully and amply as if they were of free condition. This privilege not to extend to repeal such parts of the Consolidated Slave Law as prohibits Slaves from having in their possession any fire-arms, pikes, sabres, swords, cutlasses, lances, gunpowder, slugs or ball without the knowledge of their owner or manager, nor to repeal another Act passed in the eighth year of his late Majesty, Geo. II., entitled "An Act to prevent hawking and peddling, and disposing of Goods clandestinely;" or of a certain other Act passed in the fiftieth year of his late Majesty Geo. III., entitled "An Act to repeal an Act for preventing Depredations on Coffee and other produce, and for discovering and punishing Receivers of stolen Produce, and for better regulating Certificates of the Growth of such Produce, and for making further provision against the evils contemplated in the said Act" as prohibits any Slave from selling, disposing of, or possessing any of the articles of produce which he or she is by the said two last-mentioned Acts, or either of them, prohibited from selling or disposing of, or possessing, except or otherwise than with the permission and in the manner, and under the circumstances therein mentioned. The protector or acting protector, to bring, prosecute, or defend any suit or action in any court of justice in behalf of any Slave in respect of any such property, as they are by law competent to purchase, receive, hold, alienate, or dispose of any thing in the proviso, contained in a certain Act made and passed in the sixth year of his present Majesty, entitled, "An Act to enable Slaves to receive Bequests of Money or other personal Estate" or any other Act, law, usage, or custom to the contrary thereof, in anywise notwithstanding. But for the better preserving the property of such Slaves, banks for savings, shall be established, and interest at the rate of \_\_\_\_\_ per centum, per annum, allowed on every sum deposited, as hereinafter mentioned. Such savings banks to be under the control of the protector and guardian of Slaves, and the governor authorized to appoint managers of such banks, and to make such regulations for the managing of such banks as may be necessary to prevent the misapplication of any money which may be there deposited, as may be necessary. Such regulations to be transmitted to the colonial department for his Majesty's approbation.

The several officers so to be appointed for the management of such banks, to pay over to the receiver-general, all such sums as shall have been deposited with them, respectively, and which said sums so paid to the receiver general, shall be deemed as so much borrowed by the public of this island, and for the payment of which, and also of interest, at the rate of per centum, the public faith to stand pledged to the Slaves or persons entitled to receive the same. The receiver-general to pay such principal and interest to the persons entitled thereto, and to give security in such sum as the commissioners of accounts may approve of, for the due performance of such duty. Persons appointed to take charge of savings banks, to enter into such security as may be approved of by the governor, for the due performance of their duty, and the punctual payment to the receiver-general of all such sums as may from time to time, be deposited with them. Slaves making a deposit in any savings banks, to be at liberty to make a declaration of the manner in which, in the event of his or her death, the monies so deposited shall be disposed of. Such declaration to be recorded in a book to be kept for that purpose. And that upon the death of the Slave making such declaration, the same to be taken to be his will, unless such Slave shall have made any other disposition thereof. The marriage of any Slave after such declaration, to be deemed a revocation of such declaration. And if a Slave die intestate without having made any such declaration, the amount of the monies so deposited by such Slave, to be disposed of in favour of such persons as would, according to the law of England, be entitled to such property. No deposit of money to be received at any bank, at any one time, or in any one week, exceeding the sum of , in the whole, unless the consent, in writing, of the owner or manager, be produced; and if a Slave be desirous, at any one time, or in any one week, to make a deposit exceeding the sum of , and the owner or attorney of such Slave shall refuse his or her consent, the protector or acting protector, is to require such owner or manager, by written notice, to appear before him; and if such owner or manager do not show sufficient cause why the deposit should not be made, then the protector, or acting protector, to issue an order, in writing, requiring the manager of the savings bank, to receive the amount of the deposit. The protector, or acting protector, to include in his half-yearly report, the amount of the several sums deposited in the several savings banks, and all such sums as shall have been paid over to the receiver-general in the preceding half year.

The Seventh Proposition is intended to prevent the separation of Slaves being members of the same family, by virtue of any legal process.

It will be necessary to provide, that in the execution of any judgment, sentence, decree, or order of any court of justice, or levy made by any collecting constable, no Slave having a husband, or wife, or child, under the age of , or a reputed husband, wife, or child, under that age, who may be the property of the same person or persons, shall be levied on, seized, or sold, unless they be sold together and in one lot, and to the same purchaser; and any sale, execution, or levy, not conforming to this regulation, shall be null and void in law. If the officer or person making a levy on Slaves under any judicial process, be unable to ascertain whether any Slaves levied on, has or has not, a husband, or wife, or child, or reputed husband, or wife, or child, under the age of years, belonging to the same owner, such officer to make a special return of such circumstance to the court, by which the process has been awarded; and in the case of a collecting constable, such return to be made to the Supreme Court, except where a levy may have been made by order of the Court of Chancery, when such return shall be made to the said court; and thereupon the court to which such return shall be made, shall direct a copy thereof to be transmitted to the protector and guardian of Slaves, and upon hearing what may be alleged by such protector or acting protector, and by the several parties in the action, cause, suit, or proceeding, in respect of which such execution or process had been awarded; and in case of a levy or levies made by any collecting constable, or his deputy, after hearing what may be alleged as well by the said protector or acting protector

as by any other persons interested in the said levy, and by the collecting constable, to decide whether the Slave so levied on hath or hath not any husband, or wife, or child, or reputed husband, or wife, or child, under such age as aforesaid, belonging to the said person or persons, and such court to make an order upon such provost-marshal, or his deputy or collecting constable, or other officer requiring him either to proceed to the sale of the single Slave or not, as the case may be.

The Eighth Proposition regulates the punishment of Slaves under judicial sentence, or by the authority of the owner or other person having the management of Slaves.

For this purpose it will be necessary that in all prosecutions where any Slaves may be charged with any capital offence, or which may be punishable by imprisonment for life, or transportation, notice of trial be given to the protector and guardian, or acting protector, as by "An Act for the Subsistence, Clothing, and better Regulation and Government of Slaves, and for enlarging the Powers of the Council of Protection for preventing improper transfers of Slaves, and for other Purposes," is required to be given to the owner or possessor of such Slaves, and the protector and guardian, or acting protector is to attend such trial as the protector of such Slave. If the trial take place at more than \_\_\_\_\_ miles from the town of St. Jago de la Vega, the assistant protector to attend, whose residence is nearest; and in the event of such assistant being in any way interested in the trial, then the next nearest assistant to attend. That no whip, cat, or other instrument of the like nature, be carried by any person superintending the labour of Slaves upon any plantation, or to use any such instrument for the purpose of coercing Slaves to perform labour, or to carry or exhibit anywhere such instrument as an emblem of authority. And any person offending against this regulation, or instigating such offence, shall be deemed guilty of a misdemeanour. No more than \_\_\_\_\_ lashes to be inflicted on any Slave in any one day, nor any corporal punishment at any time administered, unless the Slave shall be free from the effects of any former whipping, nor any punishment be inflicted on a Slave, until twenty-four hours after the offence for which punishment may be required, nor unless one person of free condition be present and witness the punishment, in addition to him by whose order the punishment may be inflicted. Every person guilty of offending, or assisting in offending against this regulation, to be declared guilty of a misdemeanour. This regulation not to extend to punishments inflicted under judicial sentence. No corporal punishment to be inflicted on any female Slave for any offence whatever, under the penalty of the person inflicting or directing the same, being declared guilty of a misdemeanour. Female children under the age of \_\_\_\_\_, to be still liable to such punishment as children of free condition would be liable to in any school for the education of youth. Offences committed by female Slaves, to be punished at the discretion of the court of justice, or magistrate having competent jurisdiction in that behalf, or the owner or manager directing such punishment in one or other of the following modes. First. By solitary confinement with or without work in any gaol or work-house, where such punishment may be awarded by a court, or magistrate; or on the plantation, where such punishment may be awarded by the manager or owner. No place of confinement to be used as such until some medical practitioner and the protector, acting protector, or assistant protector of the parish where the same is situate, shall have signed a certificate approving of such place of confinement. Such certificate to be deposited in the office of the said protector. No such solitary confinement to be continued more than \_\_\_\_\_ for any one offence, and no female Slave to be punished by solitary confinement more than \_\_\_\_\_ in any one month. Second. By field stocks or confinement of the hands during the hours of labour in the field, such confinement not to exceed \_\_\_\_\_ nor to be repeated until \_\_\_\_\_. Third. House stocks for the hands and feet, or either of them, with or without seats during the day, not exceeding \_\_\_\_\_ and not to be repeated until \_\_\_\_\_. Fourth. Bed stocks for the confinement of the feet during the night, but not to be repeated within \_\_\_\_\_. Fifth. Distinguishing dresses,

with or without the stocks, such punishment not to continue more than \_\_\_\_\_, nor to be repeated within \_\_\_\_\_. Sixth. Confinement, either solitary or otherwise, during one of the hours of noon, with or without work, but not be repeated within the period of \_\_\_\_\_. If any person repeat any or either of such punishments as aforesaid, at an earlier period than allowed, or continue any or either of such punishments beyond the period limited for that purpose, or shall place any female Slave in solitary confinement, in any place which has not been approved of in the manner before mentioned, within \_\_\_\_\_ next preceding such confinement, or shall use any stocks for the purpose of any punishment, in such a manner as to affect the health of the Slave confined therein, or as to inflict any permanent injury on her person, or who shall not supply the Slave undergoing such punishment, when the same shall continue more than twelve hours, with a proper quantity of wholesome food, and with a proper supply of water, or who shall punish any woman known or suspected by him or her to be pregnant, by solitary confinement, or by any stocks applied in such a manner as to produce risk of miscarriage, to be deemed guilty of a misdemeanour. Courts of justice, or justice of the peace having jurisdiction therein, to be empowered to substitute for flogging any or either of the punishments before mentioned. Neither of such punishments to be inflicted until twenty-four hours after the commission of the offence, nor unless in the presence of one person of free condition. Every owner or manager of any plantation, or of any jobbing gang, exceeding [ \_\_\_\_\_ ] in number, to keep a book, to be called the punishment record book, in which all punishments must be registered, and a statement of the particulars of the offence, the time and place where it was committed, and the time at which punishment may have been inflicted, stating also the nature of such punishment, by whose authority, and in whose presence it was inflicted. And any person neglecting to make such entries within \_\_\_\_\_ after every such punishment, shall be subject to a penalty not exceeding \_\_\_\_\_ nor less than \_\_\_\_\_. Any fraudulent or false entry, or wilful destruction or obliteration of the said book by an owner or manager, to be declared a misdemeanour. Transcripts of every entry in the punishment record book to be produced quarterly, before the assistant protector, by the person keeping such record book, who is to take the following oath: "I A. B., the owner (manager, attorney, or overseer, as the case may be,) of the plantation, penn, or settlement, called \_\_\_\_\_ in the parish of \_\_\_\_\_ in the island of Jamaica, or of the jobbing gang worked by me, as the case may be, do make oath, and say that the writing hereunto annexed, contains a true and correct copy of every entry which, since the \_\_\_\_\_ day of \_\_\_\_\_ last past, hath been made in the record punishment book of the before-mentioned plantation, penn, or settlement (or of the said jobbing gang, as the case may be): And I do further swear, that the said punishment record book hath been punctually and accurately kept since the said \_\_\_\_\_ day of \_\_\_\_\_, in the manner by law required, and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge, privity, or consent." Where no punishment shall have been inflicted on any plantation during any quarter, instead of the preceding oath, the following shall be taken by the owner or manager: "I A. B. do swear that from the \_\_\_\_\_ day of \_\_\_\_\_ now last past, no punishment hath been inflicted by me or by my orders, or with my knowledge, privity, or consent, on any Slave belonging or attached to the plantation, penn, or settlement, called \_\_\_\_\_, situate in the parish of \_\_\_\_\_ (or belonging to the jobbing gang,) whereof I am owner (attorney, manager, or overseer, as the case may be,) excepting punishments inflicted on male Slaves, not exceeding three lashes; and I further swear, that no entry of any such punishment hath, since the \_\_\_\_\_ day of \_\_\_\_\_ been made in the punishment record book of the said plantation, penn, or settlement, or of the said jobbing gang. So help me God." Assistant protector to be required, within \_\_\_\_\_ days before such transcripts of entries in the record book are to be produced to him, to furnish the owner or manager required so to keep such record book with a printed blank form of the before-mentioned affidavits, with a

notice of the time and place at which he will attend for the purpose of receiving such transcripts, and administering the oaths before mentioned; and every such assistant protector and guardian of Slaves shall attend from day to day, for                    successive days, for the before-mentioned purposes; and if it should be made to appear to any such assistant protector and guardian by the certificate of any medical practitioner, that any person liable to make and verify such transcripts as aforesaid, is rendered incapable, by sickness, of attending for that purpose, then such assistant protector and guardian to attend every such person at his or her place of abode, for the purpose of receiving and taking such transcripts and affidavits as before mentioned. Persons refusing or neglecting to make and produce such transcripts to forfeit the sum of                    . The affirmation of Quakers to be admitted. The assistant protector in every parish to transmit to the protector the several transcripts produced to him, with the original affidavits annexed thereto within                    after such quarterly returns are completed. And if he himself be owner or manager of any plantation or jobbing gang as aforesaid, he shall, with such transcripts and affidavits, deliver to the protector a transcript of his own entries for the preceding quarter, sworn to before a judge of the Supreme or Assize Courts, in the form and under the penalties on other persons neglecting to comply with such regulation. Assistant protector not to be required to transmit such transcripts of the entries of punishments inflicted on their own Slaves oftener than twice in each year; all such transcripts to be recorded in a book to be kept for that purpose by the protector, and the originals to be preserved in his office. A separate book to be kept for each parish. The transcripts to be entered in alphabetical order, according to the names of the plantations, or those having charge of jobbing gangs, and an exact index to be made to every book. That on the prosecution of an owner or manager of Slaves for any punishment inflicted contrary to the foregoing provisions, or any act of the legislature of this island, if such Slave be produced in open court, and the traces of recent punishment appear on the person of such Slave; and if such Slave declare in open court that they are the consequences of any punishment prohibited by the foregoing provisions, or any act of the legislature of this island, and, being examined by the court, shall make a consistent and probable statement of all the circumstances which attended such punishment, then, notwithstanding such Slave may not be a competent witness, such owner or manager must prove either that the punishment had not been inflicted by him, or by his order, or with his knowledge, or that such punishment had in all respects conformed to the foregoing provisions, and in default of such proof, such owner or manager shall be adjudged guilty of the offence charged against him, and no such prosecution shall be discontinued, except by order of the governor. Persons swearing falsely, to suffer such punishment as is inflicted by the law of England for such offence. All persons of free condition, guilty of offences declared to be misdemeanours by the foregoing provisions, to be indicted in the Supreme or Assize Courts, and on conviction to be punished by fine not exceeding                    nor less than                    , or by imprisonment, not exceeding                    nor less than                    , or by fine and imprisonment, at the discretion of the court.

And any person guilty of such offence, being a Slave, to be tried at a Slave court, and, on conviction, to be confined to hard labour for any time not exceeding                    Persons convicted a second time of having inflicted upon a Slave any cruel or unlawful punishment, such person, in addition to the former penalties, to be declared by the court before whom he is tried absolutely incapable of being the owner or proprietor, or to act as the attorney, manager, trustee, executor, administrator, or overseer of any Slaves; and all Slaves of which such person may at the time of such second conviction be the overseer or proprietor, and all the estate, right, title, and interest which such proprietor may have in, or to any Slaves, to be absolutely forfeited to his Majesty, preserving to the Supreme and Assize Courts the authority they now possess under the Consolidated Slave Law, to declare Slaves free, on the conviction of their owner of mal-treatment. No forfeiture to his Majesty of any Slave to diminish or affect the interest of any other person than him, on the conviction of whom such forfeiture

may be incurred whenever such forfeiture shall accrue, such forfeiture shall not be carried into effect by the actual seizure or sale of the Slave so forfeited, until a report shall have been made to his Majesty, and his Majesty's pleasure be received; and until his Majesty's pleasure shall be signified, remitting such forfeiture, the Slave so forfeited to remain vested in his Majesty, subject only to be divested, if his Majesty should remit such forfeiture. Nothing in the foregoing provisions or regulations to affect the power or authority of the justices of the peace or the Slave courts, except so far as applies to the punishment of whipping, in regard to females. Protector to include in his half-yearly report particulars of all the transcripts transmitted to him in the preceding half year, and the names of persons against whom any criminal prosecutions may have been instituted.

*Letter from the Law Officers of the Crown to the Governor.*

SIR,

*Spanish Town, 19th September 1826.*

WE regret extremely that the indisposition of the Judge of the Court of Vice Admiralty, has prevented the law officers of the crown from making an earlier report to his Grace the Governor, on the subject of the eight Bills which accompanied your letter to us of the 28th of June; and in now making our Report we have, in regard to the Bills stated in the margin\* been deprived of Mr. Rennell's assistance.

After a very careful perusal of Lord Bathurst's despatch of the 11th of May last, it has appeared to the law officers of the crown, that their duty is limited to the form and structure of the Bills submitted to them, and to take care that in their arrangement and language they correspond with the ordinary usages of this colony, and more especially to provide, that in cases where any of the regulations contained in them may interfere with existing laws, or where existing laws contain similar regulations, such interference may be avoided.

In the consideration therefore of these Bills, the law officers have confined their attention exclusively to form, regarding the substance and matter contained in them, as conclusively determined upon by his Majesty's government.

This view of their duty, has governed the law officers in the alterations which they have made in the several Bills, and in the remarks which such alterations suggested. These remarks will be found annexed to the accompanying Bills.

In order to give full and complete effect to the wishes of his Majesty's government, and to ensure a favourable reception by the assembly, of the several propositions to be submitted to them, we beg leave to offer to his Grace our humble opinion, that as there has never been a law officer in the House of Assembly, acting as a servant of the crown, and employed in a political capacity, the attorney-general, to whom such duty would belong, being a member of the Council, where no such legislative proceedings originate, and as the Assembly would view with jealousy any Bills of a new or unusual nature, introduced by a law officer of the crown, by command of his Majesty's government, it may be more advisable that his Grace should embody the several propositions of government in the form of a message, embracing in detail all the different provisions which are deemed necessary to give such propositions effect.

By such a course of proceeding all the views of his Majesty's government will be explained with equal accuracy and precision, and it will be left to the Assembly, either to pass separate Bills on each point, or to consolidate the several objects contemplated by his Majesty's government in one or more Bills as shall seem most advisable.

We have, &c.

(Signed)

WILLIAM BURGE.

(Signed)

HUGO JAMES.

*William Bullock, Esq.*

&c. &c. &c.

\* Manumission of Slaves. To enable Slaves to acquire property and to establish Savings' Banks. To prevent the separation of families in sales, &c. To regulate punishments, &c.



An Act for establishing within the Island, an Officer to be called  
 "The Protector and Guardian of Slaves."

WHEREAS it has been deemed expedient to establish an officer for the further protection of Slaves, within this island; may it, therefore, please your Majesty, that it may be enacted. Be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's Island of Jamaica. And it is hereby enacted by the authority of the same, that from and after I. the passing of this Act, it shall and may be lawful for his Majesty to appoint an officer within this island to be called "The Protector and Guardian of Slaves," and which office shall be held during his Majesty's pleasure; and such appointment shall be made by a warrant, to be issued under his Majesty's signet and sign manual: And be it further enacted by the authority II. aforesaid, that in the event of the death of the said protector and guardian of Slaves, or of his resignation, or of his bodily or mental incapacity, or of his removal or suspension from office, or of his temporary absence from the island, the governor, or person executing the functions of governor for the time being, shall, and he is hereby authorized and empowered to appoint a proper person to act as protector and guardian of Slaves, until his Majesty's pleasure shall be known: And be it further enacted, by the authority III. aforesaid, that the protector and guardian of Slaves, or the acting protector and guardian to be appointed in manner aforesaid, shall at all times perform his duty in person, and not by deputy: And be it further enacted by the authority IV. aforesaid, that the protector and guardian of Slaves, and such acting protector and guardian as aforesaid, shall, before entering on the execution of their respective offices, take and subscribe before the governor, or person executing the functions of governor, for the time being, an oath in the following words, *viz.*, "I A. B. do swear, that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the protector and guardian of Slaves, in the island of Jamaica, without fear, favour, or partiality. So help me God:" And be it further enacted by the authority V. aforesaid, that it shall not be lawful to appoint any person to the office of protector and guardian of Slaves, or acting protector and guardian as aforesaid, who shall be the owner of any plantation within this island, or its dependencies, or of any Slave employed upon any plantation, or in any kind of agriculture, or who shall have any interest in, or any mortgage or security upon any plantation or Slave within this island, or its dependencies, and it shall not be lawful for such protector and guardian, or acting protector and guardian, to act as guardian, trustee, executor, receiver or otherwise, as manager, or as overseer, agent, or attorney, for, or upon any plantation in this island, for on account of any person having any plantation, or any Slaves within this island; and if any such protector and guardian of Slaves, or acting protector and guardian of Slaves, shall acquire or hold, in his own right, or in right of his wife, or in trust for any other person, any plantation in this island, or any Slaves employed on any plantation, or in any kind of agriculture, or any interest in, or any mortgage or security upon any such plantation or Slave, or shall act as such guardian, trustee, executor, receiver, or otherwise, as manager, or as overseer, agent, or attorney as aforesaid, such protector and guardian of Slaves, or acting protector and guardian of Slaves, shall from thenceforth be incapable of further holding and executing his said office, and the same shall be thereupon declared void by notice, which the governor, or person executing the functions of governor, for the time being, is hereby required to cause to be published in the Royal Gazette of this island: Provided always, And be it VI. further enacted by the authority aforesaid, that all Acts done by such protector and guardian of Slaves, or acting protector and guardian of Slaves, after he shall have become so incapable of holding his said office as aforesaid, and before such office shall have been declared void by such notice as aforesaid, shall be as effectual as if no such vacancy of the office had taken place: And be it further enacted by the authority aforesaid, that VII. the protector and guardian of Slaves, shall constantly reside within this island, unless he shall obtain a special leave of absence from his Majesty,



- or from the governor, or person executing the functions of governor, for the time being, provided always, that such leave of absence shall not exceed [ ] at any one time ; and no leave of absence shall be granted by the governor, or person executing the functions of governor, for the time being, unless it shall be made to appear to him upon the oath of some medical practitioner, that such temporary absence is necessary for the preservation or recovery of the health of the protector and guardian of
- VIII.** Slaves: And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves, shall keep a public office in the town of Saint Jago de la Vega, and shall attend there on such days, and during such hours of the day, as the governor, or person executing the functions of governor, for the time being, shall from time to time appoint ; and shall keep at such office, and not elsewhere, all public books, records, and papers,
- IX.** relating to his said office of protector and guardian of Slaves : And be it further enacted, by the authority aforesaid, that it shall be lawful for the governor, or person executing the functions of governor, for the time being, and he is hereby required to appoint one or more, fit and proper person, or persons, in every parish of this island, to be assistant protectors and guardians of Slaves in such parish, and who shall be at the time of such appointment magistrates named in the commission of the peace for such parish, and such assistant protectors and guardians shall in their respective parishes be assisting the protector and guardian of Slaves in the execution of the duties of his office, and shall carry into execution such lawful instructions as they may receive from him in reference to such duties : And be it further enacted by the authority aforesaid, that such assistant protectors and guardians of Slaves shall hold their respective offices during his Majesty's pleasure : And be it further enacted
- XI.** by the authority aforesaid, that the protector and guardian of Slaves, and the acting protector and guardian, and such assistant protectors and guardians of Slaves, shall respectively receive their salaries in lieu of all fees and other emoluments ; and if any such protector and guardian of Slaves, or acting protector and guardian of Slaves, or any such assistant protector and guardian of Slaves, shall receive any fee or other emolument besides his salary for, or in respect of any Act done by him, in the execution of his office, he should be liable to be indicted for a misdemeanour, and on conviction thereof in the Supreme Court of Judicature or Courts of Assize of this island, he shall be subject to a penalty not exceeding [ ], and shall for ever thereafter be disqualified from holding such his office : And be it
- XII.** further enacted by the authority aforesaid, that at the trial of all indictments, whereby any white person or persons of free condition is charged with the murder of any Slave, or with any offence against the person of any Slave, the protector and guardian shall attend and act as the public prosecutor ; and in case any such trial shall take place at the distance of more than [ ] miles from the town of St. Jago de la Vega, the protector and guardian of Slaves, shall direct the assistant protector and guardian whose residence shall be most near to the place of trial, and who shall have no interest in the result of such trial, to attend and act as such public prosecutor : provided always that nothing herein contained, shall be construed to prevent the attorney-general from acting in such prosecutions as he hath heretofore done, or to prevent the owner of the deceased, or injured Slave from employing, at his own expense, any counsel or attorney to conduct any such
- XIII.** prosecution : And be it further enacted by the authority aforesaid, that on the first Monday next after the twenty-fifth day of December, and on the first Monday next after the twenty-fourth day of June in each and every year, the protector and guardian of Slaves, or acting protector and guardian, shall deliver to the governor or person executing the functions of governor for the time being, a report in writing, of the manner in which the duties of his office have been performed during the preceding half year ; which report shall contain a statement of all prosecutions, in which he or such assistants as aforesaid may have acted as the protector of any Slaves, with the dates and proceedings had therein respectively together, with such other particulars as are or may be required by any other Acts of the governor, council, and assembly of this island to be stated therein ; and

such report shall be verified by the oath of such protector and guardian of Slaves, or acting protector and guardian, to be administered by the governor, or person executing the functions of governor, for the time being; and when and as soon as the protector and guardian of Slaves, or the acting protector and guardian of Slaves, shall have delivered such report, so verified as aforesaid to the governor or persons executing the functions of governor for the time being, he shall receive from the governor or person executing the functions of governor for the time being, a warrant for the amount of his salary, for the half year next preceding the date of such report, which report shall then be transmitted by the governor or persons executing the functions of governor for the time being, to one of his Majesty's principal secretaries of state: And be it further enacted by the XIV authority aforesaid, that if the protector and guardian of Slaves, or the acting protector and guardian of Slaves, or any assistant protector and guardian, or any other person, shall fraudulently make any erasure or interlineation in any book, record, or return, which by this or any other Act of the common council and assembly of this island, he is or may be required to keep or make or shall wilfully falsify any such book, record, or return, or make any false entry therein, or with evil intent burn, cancel, obliterate, or destroy the same, or any part thereof, he shall be liable to be indicted as for a misdemeanour, and on conviction thereof in the Supreme Court of Assize Court, shall be subject to a penalty not exceeding [ ] or to imprisonment for any time not exceeding [ ] or to both fine and imprisonment at the discretion of the court.

NOTES.—Referring to our letter of the 19th of September, to the secretary of his Grace the governor, which accompanies this and the other seven Bills, as expressing the opinion of the law officers of the crown, that their duty was limited to the form and structure of the Bills submitted to them:—We have not considered ourselves called upon to notice in the draft of this Bill, either by way of repeal or otherwise, that part of the 25th section of the Consolidated Slave Law, which constitutes the justices and vestry of each parish, a council of protection, because the duties assigned to that body are of a nature perfectly distinct from those which are committed to the protector and guardian of Slaves, by the provisions of this Bill. In the 9th clause of the heads of the Bill as submitted to us, the governor was empowered to appoint one assistant protector in each parish; as however several of the parishes in this island are of considerable extent, we have deemed it advisable to invest the governor with the power of appointing more than one if necessary. By adopting the ordinary language of the Act of the Jamaica legislature, when speaking of the governor, the 15th clause is rendered unnecessary, and the provisions of the 16th clause are incorporated in the 13th.

(Signed) WILLIAM BURGE, Attorney-General.  
 (Signed) HUGO JAMES, Advocate-General.

### An Act to regulate the Admission of the Evidence of Slaves.

WHEREAS it is expedient to allow Slaves to give evidence in certain cases, provided they are properly qualified from their knowledge of the obligation of an oath,—May it therefore please your Majesty that it may be enacted: be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's Island of Jamaica. And it is hereby enacted, by I. the authority aforesaid, that every clergyman of the Established Church of England, and every minister of the Kirk of Scotland, and every priest or minister professing the Roman Catholic religion within this island, and carrying on no other business or occupation with a view to profit, within this island, except that of a schoolmaster, shall be, and he is hereby authorized to transmit or deliver, under his hand, to the protector and guardian of Slaves, or the assistant protector and guardian of Slaves of the parish in which such clergyman, minister, or priest, may be resident, separate certificates setting forth the name, colour, and place of abode, and the name of the owner of any Slave, who, in the judgment and belief of

- such clergyman, minister or priest, may be sufficiently instructed in the principles of religion, to understand the nature and obligation of an oath: and which certificate shall express the place of residence of such clergyman, minister, or priest, granting the same, and the date thereof. And the assistant protector and guardian of Slaves of the several parishes in this island, shall transmit such certificates to the protector and guardian of Slaves, who shall transcribe and record the same: and also such certificates as shall have been delivered to himself in a book to be kept by him for that
- II. purpose: And be it further enacted by the authority aforesaid, that no priest or minister professing the Roman Catholic religion, as before mentioned, shall be competent to grant any such certificate, unless his Majesty's principal secretary of state having the department of the colonies, or the governor or person executing the functions of governor for the time being, shall grant to such priest or minister, a written license to grant such certificate, nor unless such license shall continue in force at the time of signing the certificate and shall have been recorded in the office of the
- III. Protector and guardian of Slaves: And be it further enacted by the authority aforesaid, that from and after the passing of this Act, no Slave shall be deemed incompetent to give evidence in any of the courts of this island in criminal, in civil cases, or in any inquiry before any magistrate by reason of his or her being in a state of Slavery, provided such Slave shall produce to the court or magistrate, previously to his or her being admitted as a witness, a certified copy, under the hand of the protector and guardian of Slaves, of the entry relating to such Slave in the book hereinbefore mentioned, together with proof that the Slave so produced as a witness, is the person named in such certificate; and which certified copy, the protector and guardian of Slaves is hereby authorized and required to grant without fee or reward:
- IV. And be it further enacted and provided by the authority aforesaid, that no Slave shall be deemed competent to give evidence in any action or proceeding of a civil nature, in which his or her owner is interested; and provided also that no Slave shall be admitted to give evidence in any case where any white person, or person of free condition, shall be charged with, or prosecuted for, any capital crime: And provided always, that nothing in this Act shall extend to make a Slave a competent witness in any case in which such Slave would be incompetent to give evidence, if he or she were of free condition: And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves shall, and he is hereby required to include in the Report, which by law he is directed to make half-yearly to the governor or person executing the functions of governor for the time being, a statement of the name of every Slave who, during the preceding half year, shall have been certified to, and registered by him in manner aforesaid.

NOTE.—All the clauses contained in the heads of the original Bill, submitted to us, have been retained, except the seventh, which is omitted, because, according to the present law of Jamaica, the evidence of a Slave would not be admissible against a white person, or person of free condition.

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An Act further to facilitate the Manumission of Slaves, and to enable Slaves, under certain Restrictions, to purchase their own Freedom.

- WHEREAS it is expedient to make further provision for facilitating the manumission of Slaves, and to enable Slaves, under certain restrictions, to purchase their freedom: And whereas it is expedient to consolidate the provisions of an Act of the Governor, Council, and Assembly of this island, made and passed in the fifth year of the reign of his present Majesty entitled "An Act for removing Impediments to the Manumission of Slaves, by Owners having only a limited Interest," and for that purpose to repeal the said Act. May it therefore please your Majesty, that it may be enacted: be it therefore enacted by the Governor, Council, and Assembly of this
- I. your Majesty's island of Jamaica: And it is hereby enacted by the authority of the same, that from and after the passing of this Act, the said

hereinbefore-mentioned Act, and every clause, matter, and thing therein, shall be, and the same is hereby repealed: And be it further enacted by the authority aforesaid, that no duty, fee, or tax of office shall be paid in this island, by, or on behalf of any Slave, upon, or in respect of the manumission of any Slave, or in respect of the recording of any deed of manumission: but the secretary of this island shall be paid by the public for recording all such manumissions at, and after the rate he is entitled to charge for recording deeds, anything contained in a certain Act of the Governor, Council, and Assembly of this island, entitled, "An Act for raising a Tax by a Duty on Vellum, Parchment, and Paper, ascertained by Stamps, and applying the same to the Public Service," or in any other Act, or any law, usage, or custom, to the contrary thereof in anywise notwithstanding; and if any person shall take or demand any duty, tax, or fee of office, save as aforesaid, such person shall be liable to be indicted for a misdemeanour, and upon conviction thereof, shall be subject to a penalty not exceeding [            ].

And be it further enacted by the authority aforesaid, that if any Slave shall be desirous of purchasing his or her freedom, or the freedom of the wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother, or sister of such Slave, it shall and may be lawful for any such Slave so to purchase the freedom of himself, or herself, or of such wife, husband, child, brother, or sister, as aforesaid. And be it further enacted by the authority aforesaid, that if the owner of such Slave shall be unwilling to effect his or her manumission; or shall, by reason of any mortgage, settlement, lease, or other charge upon, or interest in any such Slave, vested in any other person, be unable to execute a valid manumission of any such Slave; or if the owner or any other person, having any other estate or interest in any such Slave, shall be a minor, or married woman, or idiot, or lunatic; or if the owner of such Slave shall be absent from this island, unrepresented by attorney; or if the owner of such Slave shall not be known; or if any action, suit, or other proceeding, shall be depending in any court of justice in this island, wherein the estate, interest, or title to such Slave, or the right to his or her services shall be in dispute, or be contested; or if the owner of such Slave shall demand, as the price of his or her freedom, any sum which, in the judgment of the protector and guardian of Slaves, shall exceed the real value of such Slave, then, and in every such case, the chief justice of this island, or in case such Slave, or his or her owner, or the person having any estate, interest, or title in such Slave, shall reside at a greater distance than [            ] miles from the town St. Jago de la Vega, any assistant-judge of the Supreme Court of Judicature, or justice of assize, on the application of the protector and guardian of Slaves, or the assistant protector and guardian, shall issue a summons in writing, directed to the owner, or his or her attorney, in possession of any such Slave, requiring such owner or attorney to appear within [            ] days after the service of such notice, at a convenient place to be therein mentioned, for that purpose, before such chief justice, assistant-judge, or justice of assize, as the case may be; and the protector and guardian of Slaves, or the assistant protector and guardian of Slaves shall publish, or cause to be published, in the three county newspapers, for three weeks successively, notice of the time and place so appointed for the purpose aforesaid, stating therein the name or names of the Slaves, the place or places where such Slave has been resident for the last twelve months, and by such notice shall require all persons having or claiming any estate, title, or interest in any such Slave, in either his or her own right; or as the trustee, guardian, executor, administrator, or attorney, of any other person or persons, to attend at such time and place, and prefer his, or her, or their claims. And be it further enacted by the authority aforesaid, that at the time and place fixed for such purpose by such summons as aforesaid, the chief justice, assistant-judge, or justice of assize, as the case may be, shall, in the presence of the protector and guardian of Slaves, or of the assistant protector and guardian of Slaves, and also in the presence of the owner or attorney in possession of any such Slave, or in absence of such owner or attorney, after proof having been first made upon oath of the due service of such summons, and of the publication of such notice as aforesaid, shall proceed to hear in a summary way, what may be alleged by the said

protector and guardian of Slaves, or by the assistant protector and guardian, and by the owner or attorney, or other person or persons claiming any title, estate, or interest in the Slave proposed to be manumized; and in case any of the parties having any estate, title, or interest, in or to such Slave, shall refuse to effect such manumission, or in case it shall appear to the said chief justice, assistant-judge, or justice of assize, that a valid manumission of any such Slave cannot be legally effected by private contract, or that the owner of any such Slave, or that any person having any estate, title, claim, or interest in or to him or her, is a minor, or married woman, or idiot, or lunatic, or that the owner or person having any estate, title, claim, or interest in or to him or her, is absent from this island, unrepresented by attorney, or is unknown, or cannot be found, or that any action, suit, or other proceeding, is depending in any court of justice in this island, wherein the estate, title, or interest in or to the said Slave, or the right to his or her services is in dispute or contested; or in case it shall appear to the said chief justice, assistant-judge, or justice of assize, that any difference of opinion exists between the protector and guardian of Slaves, or the assistant protector and guardian, and the owner or person having the estate, title, or interest in or to any such Slave, or his or her attorney in possession of any such Slave, respecting the price or value of such Slave, then the said chief justice, assistant-judge, or justice of assize, shall require the protector and guardian of Slaves, or the assistant protector and guardian of Slaves, or the owner or person having any estate, title, or interest in or to any such Slave, or the attorney of such owner or other person in possession of any such Slave, to nominate an appraiser of the price or value of such Slave; and the said chief justice, assistant-judge, or justice of assize, shall himself nominate an umpire between such appraisers: and the said appraisers, being first duly sworn before the said chief justice, assistant-judge, or justice of assize, who are hereby respectively empowered to administer an oath to such appraisers, in that behalf to make an impartial appraisement of such price or value, shall, within [ ] days next after such their appraisement, make a joint valuation of the Slave to be manumized, and shall certify such their valuation to the chief justice, assistant-judge, or justice of assize, under their hands and seals; and in case such joint-certificate shall not be delivered to such chief justice, assistant-judge, or justice of assize, within the said space of [ ], then the said umpire, being duly sworn in manner aforesaid, shall, within the next [ ] days, certify his valuation, under his hand and seal, to the said chief justice, assistant-judge, or justice of assize; and the valuation to be made in manner aforesaid, either by the said joint-appraisers, or in their default by the said umpire, shall be binding and conclusive, to all intents

VI. and purposes whatsoever. And be it further enacted by the authority aforesaid, that when and so soon as such valuation shall have been made, the chief justice, assistant-judge, or justice of assize, shall, and he is hereby required to, give an authority to the receiver-general of this island, to receive the amount of such valuation, after making, in the cases hereinafter particularly mentioned, such deduction therefrom for the expense of the appraisement as is hereinafter directed, and to place the sum, when paid, to the credit of the person or persons interested in the said Slave. And the said amount shall bear an interest of [ ] per centum per annum, payable out of the public funds, so long as the same shall remain in the hands of the receiver-general. And the receiver-general shall give to the protector and guardian of Slaves, or the assistant protector and guardian, a certificate under his hand, that the said sum had been paid to him, and upon the production of such certificate of the receiver-general, to the said chief justice, assistant judge, or justice of assize, he is hereby authorized and empowered to make a declaration under his hand and seal, that the proceedings required by an Act made and passed in the seventh year of the reign of his present Majesty, entitled "An Act further to facilitate the Manumission of Slaves and to enable Slaves under certain Restrictions to purchase their own Freedom." has been duly had before him, touching the Slave in the said declaration to be named; and thereupon such Slave shall be, and be deemed and taken

VII. to be, free to all intents and purposes whatsoever: And be it further en-

acted by the authority aforesaid, that the said valuation, the receiver-general's certificate, and the declaration aforesaid, shall be entered in the office VII. of the secretary of this island, and be recorded in a separate book for manumission, and shall not be delivered out except under an order of the Court of Chancery or Supreme Court, but shall be kept in the said office, as original documents, and a certified copy of the same shall be received as evidence in all courts, and be of the same force as the originals: And be it VIII. it further enacted by the authority aforesaid, that the amount of the valuation or the interest thereof, shall be paid by the receiver-general under an order of the Court of Chancery or of the Supreme, to be made upon the application of the person or persons interested in the money, and such money shall be considered as of the same nature, whether real or personal estate, as the Slave would have been if proceedings under this Act had not taken place, and the said money shall be liable to the same descent, limitations, trusts, debts, and encumbrances as the Slave was subject to, and it shall be in the power of the said courts, or either of them, to direct the principal or interest thereof to be paid by the receiver-general, according to the rights of the different owners or their creditors: And be it further IX. enacted by the authority aforesaid, that in case any Slave manumized in pursuance of this Act, shall have belonged at the time of his or her manumission, to a tenant for life, or a tenant for life shall have become entitled to the interest of the money, and such Slave after being so manumized, if a male, shall die in the life-time of the tenant for life, or being a female Slave, shall die in the life-time of the tenant for life, without leaving her surviving any child or children, born after the date of her manumission, or such child or children shall after her death die in the life-time of the tenant for life, then and in every such case, the person or persons in remainder, shall not be considered to be entitled to the principal or interest of the said money, but the same shall be deemed the property of the tenant for life, as against all persons to take in succession without prejudice to the creditors of the person who limited the said Slave in settlement, or the creditors of the tenant for life: And be it further enacted X. by the authority aforesaid, that in all cases where the appraisement of a Slave shall become necessary under this Act, by reason of the refusal of the owner, or other person or persons, having any estate, title, or interest in or to any Slave, or his, or her, or their attorney in possession, of such Slave, to effect his or her manumission, or by reason of any difference of opinion between the owner or such other person or persons, and the protector and guardian of Slaves, or assistant protector and guardian respecting the price or value of such Slave, the expense of such appraisement shall be borne and sustained equally by, and divided between the owner or such other person or persons and the Slave manumized; and in all cases where the appraisement is made by reason of the inability of the owner or other person or persons having any estate, title, or interest, in or to such Slave, to effect a valid manumission by private contract, or by reason of the minority, coverture, idiotcy, or lunacy of the owner, or such other person or persons as aforesaid, or by reason of the absence of such owner or other person or persons as aforesaid from the island, and being unrepresented therein by attorney, or by reason that the owner is not known, or cannot be found, or by reason of the pendency of any action, suit or proceeding in any court of justice wherein the estate, title, or interest, in or to any Slave, or the right to his or her services is in dispute or contested, then, and in every such case, the expense of the appraisement shall be equally divided between the Slave manumized, and the owner or other person or persons as aforesaid, and so much of such expense as, according to such division as aforesaid would have to be borne and sustained by such owner or other person or persons as aforesaid, shall be deducted from the amount of the valuation. and the residue thereof, after making such XI. deduction, shall be paid to the receiver-general as aforesaid: And be it further enacted by the authority aforesaid, that before the manumission of any Slave by virtue of any private contract for that purpose, between such Slave and his or her owner, notice of such intended manumission shall, by the owner of such Slave, be given in writing to the protector and guardian

- of Slaves, who, on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, as is competent to effect such manumission; and the said protector and guardian of Slaves shall also without fee or reward, prepare the proper deed of manumission, and the same shall in all cases be executed in the presence of the said protector and guardian of Slaves, or of some proper witness to be by him appointed for that purpose, and being so executed, shall by such protector and guardian of Slaves be recorded in the office of secretary of this island, within one calendar month next, after the date and execution thereof; and in case any such deed shall not be lodged in the secretary's office for the purpose of being recorded, within the said period of one calendar month, the said protector and guardian of Slaves shall incur and be subject to the penalty of [ ] to be recovered in the Supreme Court of Judicature of this island, or either of the Courts of Assize of this island, by action of debt, bill, plaint, or information, wherein no *essoin* or wager of law, shall be allowed or *non vult ulterius prosequi* be entered anything therein contained to the contrary in anywise notwithstanding, one moiety thereof shall be to the use of his Majesty, his heirs and successors, to and for the use of the government of this island, and the contingent charges thereof; and the other moiety shall be to the use of the person who shall sue for the same: and whereas it is now required by law, in all cases of manumission by deed, that a bond should be given to the churchwardens of the parish for the payment of an annuity of five pounds for the maintenance of any Slave intended to be manumized and which bond is in many cases unnecessary: Be it further enacted by the authority aforesaid, that it shall not be necessary to give such bond to the churchwardens:
- XIII. Provided always, and be it further enacted by the authority aforesaid, that in case any such deed of manumission as aforesaid shall be executed voluntarily, and without any valuable consideration passing to the owner or other person effecting such manumission, the Slave so to be manumized shall, before the actual execution of any deed, appear before the said protector and guardian of Slaves, or before the assistant protector and guardian of Slaves for the parish in which such Slave may happen to be resident: and if it shall appear to such protector and guardian of Slaves, or to the assistant protector and guardian of Slaves, as the case may be, that the Slave about to be gratuitously manumized is under the age of [ ] years, or above the age of [ ] years, or is labouring under any habitual disease or infirmity of mind or body, the owner, or other person about to effect such manumission shall, at the time of the execution of the deed of manumission, execute and deliver, under his hand and seal, a bond to his Majesty, his heirs, and successors, in the penal sum of [ ], with a condition thereunder written, for the defeasance thereof, if the said Slave shall be properly fed, clothed, and maintained, until the age of [ ] years, in the case of infants; or during the term of his or her natural life, in the case of adults of the age of [ ] years; or labouring under any such sickness or infirmity as aforesaid; and no such manumission shall be valid and effectual in the law, or shall be received for enrolment at the office of the secretary of this island, until such bond as aforesaid shall be duly executed and recorded:
- XIV. And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves shall, and he is hereby required to, include in the half-yearly report to the governor, or person executing the functions of governor for the time being, as he is by law required, to make a statement of the names of all the Slaves manumized under the authority of this Act.

NOTES.—It is more simple, and more in conformity with the practice adopted in the Acts of the Jamaica legislature, when it is intended that the colonial treasury should reimburse the secretary for recording any instrument, to make him a creditor at once on the public, and his charge against the public, is annually audited and paid during the sitting of the Assembly.

From the great extent of the island of Jamaica, it would be highly inconvenient, and would be productive of considerable delay, if the duties



assigned to the chief justice alone, by the heads of the Bill submitted to us, relative to the manumission of Slaves, could not be concurrently exercised by the assistant judges and justices of assize. We have therefore given them a concurrent jurisdiction with the chief justice.

An Act having passed the legislature in the Session of 1824, "for removing Impediments to the Manumission of Slaves by Owners, having only a limited Interest," it appeared to us advisable to repeal that Act in express terms, because the present Bill necessarily includes the cases provided for by that Act. We have, however, adopted the 4th, 5th, and 6th Sections of that Act, as they were framed with an attentive consideration to the best means of securing the rights of all parties interested, and as they, at the same time, embrace the object contemplated by the 6th Clause in the heads of the Bill submitted to us. It seemed also necessary to give to the tenant for life, not merely the interest, but also the principal of the price of the manumission, in case the Slave manumized, if a male, died in the life-time of such tenant for life, or if a female, without leaving her surviving any children,

We have introduced the 13th Clause, dispensing with the necessity of giving the usual bond to the churchwardens, and have provided by the 13th Clause of the annexed Bill, for the case of a manumission effected for the purpose of relieving the owner from the expense of maintaining an infirm Slave, which was provided for by the 9th Clause of the heads of the Bill submitted to us.

(Signed) WILLIAM BURGE, Attorney-General.  
HUGO JAMES, Advocate-General.

An Act to Regulate the Celebration of Marriages among Slaves,  
and for declaring such Marriages Valid and Effectual in the  
Law.

WHEREAS it is expedient to promote marriages amongst Slaves. May it therefore please your Majesty that it may be enacted. Be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's Island of Jamaica. And it is hereby enacted by the authority of the same, that from and after the passing of this Act, Slaves desirous to intermarry, shall be at liberty to apply either to the protector and guardian of Slaves, or to the assistant protector and guardian of Slaves of the parish in which the female Slave may reside, for a marriage license, producing the consent in writing to such marriage, of their owners, or of the attorney or attornies in the possession of such Slaves. And be it further enacted by the authority aforesaid, that if the owner or attorney in possession of both or either of such Slaves, shall refuse his or her consent to their marriage, and shall not give his or her permission in writing, for the celebration thereof, the protector and guardian of Slaves, or the assistant protector and guardian of Slaves, shall cause a written notice to be served on such owner or attorney requiring him or her to appear before such protector and guardian of Slaves within [ ] days after the service of such notice, at a convenient place to be mentioned therein for that purpose. And if such owner or attorney shall neglect to appear according to such notice, or shall not show sufficient cause why such marriage should not be celebrated, the protector and guardian of Slaves, or the assistant protector and guardian, shall, and he is hereby authorized and required to issue a license for celebrating such marriage, and for which license no fee or reward shall be demanded or taken by such protector and guardian of Slaves, or assistant protector and guardian. And be it further enacted by the authority aforesaid, that such license shall give authority to any clergyman of the Established Church of England and Ireland, or any minister of the Kirk of Scotland, or any priest or curate professing the Roman Catholic religion, or any public teacher of religion within the island, carrying on there no other profession, business, or occupation of profit, except that of a schoolmaster, to solemnize the marriage of such Slave, provided that no public teacher of religion, not being a clergyman of the Church of England,

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or a minister of the Kirk of Scotland, or a priest or curate, professing the Roman Catholic religion, shall be so authorized to solemnize any such marriage, unless his Majesty's principal secretary of state having the department of the colonies, or the governor or person executing the functions of governor of this island for the time being, shall grant to such public teacher a written license to celebrate marriages, nor unless such license shall have been registered in the office of the protector and guardian of Slaves, and shall continue in force at the time of his being so authorized to solemnize any such marriage, any thing in a certain Act of the Governor, Council, and Assembly of this island, made and passed in the sixth year of the reign of his present Majesty, entitled "An Act to consolidate and amend the several Laws relating to the Clergy of this island, and to invest the Bishop of Jamaica with ecclesiastical Jurisdiction," to the contrary

- IV. thereof in anywise notwithstanding. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any such clergyman, minister, priest, curate, or religious teacher, upon receiving any such license, to solemnize any such marriage, and the marriage when so solemnized, shall, to all intents and purposes, be valid, binding, and effectual in the law: Provided always that such marriage shall not confer on any such Slaves, or their issue, any rights inconsistent with the duties which such Slaves owe to their owner or owners, or to the government, and shall not prejudice or abridge any rights whatsoever, which the owner or owners, or the government respectively are, or is by law entitled to in regard to such
- V. Slaves respectively, and their issue. And be it further enacted by the authority aforesaid, that the clergyman, minister, priest, curate, or licensed religious teacher, by whom any such marriage shall have been solemnized, by virtue of any such license as aforesaid shall, within [ ] next after the solemnization thereof, under a penalty not exceeding the sum of [ ] nor less than [ ] transmit to the protector and guardian of Slaves at his office, a certificate of the solemnization of such marriage; and such protector and guardian of Slaves, shall register in a book to be kept by him for that purpose, every marriage which shall have been so certified to him to have been solemnized, with the date thereof, and the names, descriptions, and places of abode of the Slaves married, and of the clergyman, minister, priest, curate, or licensed religious teacher solemnizing every such marriage: Provided always, and be it further enacted, by the
- VI. authority aforesaid, that this Act shall not extend or be construed to extend, to render valid any marriage between Slaves, which would be invalid
- VII. if celebrated between persons of free condition. And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves shall and he is hereby required to include in the report, which by law he is directed to make half yearly to the governor or person exercising the functions of governor of this island for the time being, a statement of the number of marriages which shall have been celebrated in manner aforesaid, and certified to him under the provisions before mentioned in the preceding half
- VIII. year. And be it further enacted by the authority aforesaid, that the penalties incurred under this Act, shall be recovered in the Supreme Court of Judicature of this island, by action of debt, bill, plaint, or information wherein no *essoin*, protection, or wager of law, or *non vult ulterius prosequi* shall be entered, one moiety whereof shall be to the use of his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety to him; her, or them, who shall sue for the same.

NOTE.—In preparing the draft of this Bill, it was necessary to advert to the ecclesiastical Act of the last sessions, which allowed ministers of the Established Church only to solemnize the marriage of Slaves.

(Signed) WILLIAM BURGE, Attorney-General.  
 (Signed) HUGO JAMES, Advocate General.

An Act for the Suppression of Public Markets on Sundays, and for preventing Slaves being compelled to Labour on that Day.

WHEREAS it is expedient to enact regulations for the more strict observance of the Sabbath-day, may it therefore please your Majesty that it may be enacted. Be it therefore enacted by the Governor, Council, and Assembly, of this your Majesty's island of Jamaica. And it is hereby enacted I. by the authority of the same, that from and after the thirty-first day of December, in the present year of our Lord, one thousand eight hundred and twenty-six, if any white person, or person of free condition, shall on Sunday, after the hour of ten o'clock in the forenoon; expose any goods, wares, merchandise, or provisions, of any description, for sale, or barter in any public market, or in any shop, house, stall, or booth, or shall on any Sunday, after the hour aforesaid, and in any of the places before mentioned, buy or sell any such goods, wares, merchandise, or provisions, of any description, or attend at any such market for the purpose of buying, or selling, any such goods, wares, merchandise, or provisions, of any description, such person shall be liable to the same punishments, penalties, and forfeitures, to which persons so offending, in that part of the United Kingdom of Great Britain and Ireland called England, are liable by any law now in force there. And if any Slave shall expose to sale on Sunday, after the hour of ten in the forenoon, in such place or places as aforesaid, any goods, wares, merchandise, or provisions of any description, such goods, wares, merchandise or provisions, so exposed to sale, shall be forfeited; and shall and may be seized by any lawful constable, and be taken on the following day before any justice of the peace, who, upon proper and sufficient proof, shall order the same to be sold forthwith, and the proceeds of such sale shall be applied as follows: (that is to say,) one-third to the informer, and the remainder to such pious or charitable purposes as such justice of the peace shall direct. And be it further enacted by the authority II. aforesaid, that when and so soon as a proclamation shall be issued, as hereinafter mentioned, for the total abolition of markets on Sunday, all and every the acts hereinbefore prohibited to be done after the hour of ten in the forenoon, shall be unlawful, if done at any time of the Sunday, and shall subject the party offending to the punishments and penalties, and the property exposed to sale to the forfeiture before mentioned. And be it further enacted by the authority aforesaid, that it shall and may be lawful III. for his Majesty to direct the governor, or person exercising the functions of governor for the time being, to issue in his Majesty's name a proclamation for the abolition of all markets throughout the island on Sunday; and from and after the period limited in such proclamation, all markets on Sunday shall be absolutely unlawful. Provided always, and be it further enacted IV. by the authority aforesaid, that nothing in this Act contained shall extend to prevent the sale of fresh meat, or fresh fish, or milk, on Sunday, provided that such sales shall not take place in any town or place during the hours appointed and set apart for the celebration of divine service therein. And provided also, that this Act shall not extend to prevent the sale of medicines, nor to the keeping open any tavern, or lodging-house, during any part of Sunday. And be it further enacted by the authority aforesaid, V. that if the owner, or other person in the possession or management, of any Slave shall work, or employ such Slave, between the hours of ten at night on Saturday and sun-rise on the following Monday, or shall procure, induce, or compel, such Slave to engage, during the period aforesaid, in any labour for the profit or advantage of such owner, or person in the possession and management, of such Slave, every person so offending shall be subject to a penalty not exceeding [ ] nor less than [ ] to be recovered in the Supreme Court of Judicature, of this island, by action of debt, bill, plaint, or information, wherein no *essoin*, protection, or wager of law, or *non vult ulterius prosecui*, shall be entered, one moiety whereof shall be to the use of his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety to him, her, or them, who shall sue for the same. And be it further enacted by the authority aforesaid, that if any white person, or VI.

person of free condition, shall hire any Slave to work between the hours of ten o'clock on Saturday night and sun-rise on the following Monday, for wages, or for any other consideration, such person so hiring such Slave shall be subject to the same penalty as if he or she were the owner, or in the possession and management, of such Slave. Provided always, and be VII. it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed to extend to prohibit any labour being performed by any Slave or Slaves on Sunday, in the necessary attendance upon the person, or in the family of his, her, or their owners or employers, nor to prevent the performance of any necessary labour by any Slave or Slaves, in the preservation of, or attending, the cattle, or live stock, on any plantation, penn, or settlement, nor to prohibit Slaves from being employed as watchmen on any plantation, penn, or settlement, or in nursing, or attendance on the sick, or in performing or making preparation for any interment, or in extinguishing any fire, or in preventing any immediate loss, injury, or danger, to the property of his or her owner or employer. And no Slave so employed by his or her owner or employer on Sunday shall be entitled to any hire or wages for such Services.

NOTES.—No such usage, or supposed prescription, exists in any part of this island, as the fifth clause of the original heads of the Bill contemplates; and that clause, therefore, is unnecessary, and has been omitted.

We have not considered it necessary to introduce the ninth and tenth clauses of the original heads, because they provide for a necessity which the legislature of the island considered need not exist; for, on a reference to the fifth clause of the Consolidated Slave Law, it will be found to be enacted, that “during the crop, not only shall the Slaves, as heretofore, be exempted from the labour of the estate or plantation on Sundays, but that no mill shall be put about, or worked, between the hours of seven on Saturday night, and five o'clock on Monday morning.” We apprehend that it must, therefore, have been considered that, by a provident arrangement during the week, no produce need be placed in such a situation as to require the labour of Slaves on Sunday.

(Signed) WILLIAM BURGE, Attorney-General.  
HUGO JAMES, Advocate-General

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An Act to enable Slaves to acquire Property, and to make Provision for the safe-keeping of such Property, by the Establishment of Banks for Savings.

WHEREAS by the usage of Jamaica, persons in a state of slavery have hitherto been permitted to acquire and enjoy property, free from the control of their owners, and it is expedient that such laudable custom should be recognised and established by law, and that the provisions contained in the clauses of the Consolidated Slave Law next hereinafter mentioned, which are inconsistent with such usage, should be repealed. May it therefore I. please your Majesty that it may be enacted. Be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, the 39th, 40th, and 48th Sections of an Act made and passed in the 57th year of his late Majesty's reign, entitled, “An Act for the Subsistence, Clothing, and the better Regulation and Government of Slaves, for enlarging the Powers of the Council of Protection, for preventing the improper Transfer of Slaves, and for other Purposes,” commonly called the Consolidated Slave Law, shall be, and the same are hereby II. severally repealed: And be it further enacted by the authority aforesaid, that no person in this island, being in a state of slavery, shall, on account of such his or her condition, be, or be deemed to be, incompetent to purchase, acquire, hold, alienate, or dispose of property, but that every such Slave shall be, and is hereby declared to be, competent to purchase, acquire, receive, possess, hold, alienate, and dispose of lands situate in

Jamaica, or money, cattle, implements, or utensils of husbandry, or household furniture, and other effects of such or the like nature of what value and amount soever, as fully and amply to all intents and purposes, as if he or she were of free condition: Provided always that nothing in this Act contained shall be construed to extend to repeal so much and such part or parts of the said Act hereinbefore mentioned, commonly called the Consolidated Slave Law, as prohibits any Slave or Slaves from having in his, her, or their custody or possession, any fire-arms, pikes, sabres, swords, cutlasses, lances, gunpowder, slugs, or ball, without the knowledge of his, her, or their owner, proprietor, or possessor, or his, her, or their overseer: And provided always that nothing in this Act contained shall be construed to extend to repeal so much of a certain other Act of the President, Council, and Assembly of this island, made and passed in the 8th year of the reign of his late Majesty King George II., entitled, "An Act to prevent Hawking and Pedling, and disposing of Goods clandestinely;" or of a certain other Act of the Governor, Council, and Assembly of this island, made and passed in the 50th year of the reign of his late Majesty King George III., entitled, "An Act to repeal an Act for preventing Depredations on Coffee, and produce, and for discovering and punishing Receivers of stolen Produce, and for better regulating Certificates of the Growth of such Produce, and for making further Provision against the Evils contemplated in the said Act," as prohibits any Slave, from selling, disposing of, or possessing any of the articles of produce which he or she is, by the said two last-mentioned Acts, or either of them, prohibited from selling or disposing of, except or otherwise than with the permission, and in the manner and under the circumstances therein mentioned: And be it further enacted by the **III.** authority aforesaid, that it shall and may be lawful for the protector and guardian of Slaves to bring, maintain, prosecute, and defend any suit or action in any court of justice in this island, in behalf of any Slave or Slaves, for or in respect of any such property as he, she, or they are by this or any other Act of the legislature of this island rendered competent to purchase, acquire, receive, possess, hold, alienate, or dispose of *any thing* in the proviso contained in a certain Act of the Governor, Council, and Assembly of this island, made and passed in the 6th year of the reign of his present Majesty, entitled, "An Act to enable Slaves to receive Bequests of Money or other personal Estate," or any other act, law, usage, or custom to the contrary thereof in anywise notwithstanding: And be it further enacted **IV.** by the authority aforesaid, that for the better preserving the property of any such Slaves, banks for savings shall, from and after the passing of this Act, be established within this island, and interest, at the rate of [ ] per centum per annum, shall be allowed upon every sum deposited as hereinafter mentioned: And be it further enacted by the authority afore- **V.** said, that the savings banks throughout this island shall be under the protection and control of the protector and guardian of Slaves; and the governor of this island, or the person exercising the functions of governor for the time being, shall, and he is hereby authorized and empowered to appoint a manager and managers for such savings banks, and such other officers, and make such necessary rules and regulations as will be best adapted for conducting and managing the business of such banks, and for ensuring order and punctuality therein, and for preventing misapplication of any money which may there be deposited: Provided always that such regulations shall not be repugnant to this Act, and that the same be transmitted to his Majesty's principal Secretary of State for the Colonies, for his Majesty's approbation thereof: And be it further enacted by the **VI.** authority aforesaid, that the several officers so to be appointed as aforesaid, and who, by virtue of such appointment, shall have the charge and care of such savings banks, shall, at such times as may be appointed and fixed for that purpose by the rules and regulations to be made by the governor, or person exercising the functions of governor for the time being as aforesaid, pay over and deliver, or cause to be paid over and delivered, to the receiver-general of this island for the time being, all such sum and sums of money as shall have been deposited in the savings banks under their care and charge respectively; and which said sum and sums of money so paid

- and delivered to the receiver-general shall, from the time and times respectively when they shall have been so paid, and until payment thereof to the Slave or Slaves, or other person or persons entitled thereto, respectively be deemed and taken as so much lent to and borrowed by the public of this island, and for the payment of which, and also of interest, at and after the rate of [ ] per centum per annum, the public faith of this island shall stand pledged to the Slave or Slaves, or person or persons entitled to receive the same, and the receiver-general for the time being shall, out of the public funds of this island, pay such principal and interest to the Slave or Slave, person or persons entitled thereto; and for the due performance of this duty in this behalf, and for the punctual payment of such principal and interest as aforesaid, the receiver-general shall enter into such security to his Majesty, his heirs, and successors in such sum of money as the commissioners for stating and settling the public accounts,
- VII. shall from time to time direct : And be it further enacted by the authority aforesaid, that the several officers so to be appointed as aforesaid to take charge of the said several savings banks to be established in this island as aforesaid, shall, at the time of their respective appointment, enter into such good and sufficient security to his Majesty, his heirs, and successors, as shall be approved by the governor, or person executing the functions of governor for the time being, for the due performance of their duty, and faithful observance of the rules and regulations which may be made for such savings banks, and for the punctual payment and delivery over to the receiver-general of this island for the time being, of all such sum or sums of money of such Slaves as may from time to time be deposited in such savings
- VIII. banks : And be it further enacted by the authority aforesaid, that any Slave who shall make a deposit of any money in any such savings banks as aforesaid, shall be at liberty to make a declaration of the manner in which, and of the persons to whom, in the event of his or her death, the amount of any money so deposited shall be paid, and that such declaration shall be recorded in a book to be kept for the purpose at the savings bank where such deposit may have been made; and that upon the death of the Slave making such declaration, the same shall be taken to be the last will of such Slave, in case such Slave shall not have made any other disposition thereof. And that in case any Slave should marry after having made such declaration, his or her marriage shall be deemed and taken to be a revocation of such declaration. And if any such Slave shall die intestate, and without having made any such declaration remaining unrevoked at the time of his or her death, the amount of the money so deposited by such Slave shall be disposed of in favour of such persons as by virtue of the statutes of distribution of intestate's estates, would, according to the law of England,
- IX. be entitled to such property. And be it further enacted by the authority aforesaid, that no deposit of money shall at any one time, or in any one week, be received at any banks for savings, from any Slave, exceeding the sum of [ ] in the whole, unless at the time of tendering such deposit, such Slave shall produce the consent, in writing, of the owner or attorney in possession of such Slave, to such deposit being made by him or her; and if any Slave shall be desirous at any one time, or in any one week, to make a deposit exceeding the sum of [ ], and the owner or attorney shall refuse his or her consent, then, and in such case, the protector and guardian of Slaves, upon application being made to him for that purpose, shall cause a written notice to be served on such owner or attorney, requiring him or her to appear before such protector and guardian within [ ] days after the service of such notice, at a convenient place to be mentioned therein, for that purpose; and if such owner or attorney shall neglect to appear according to such notice, or shall not show sufficient cause why the deposit should not be made, then such protector and guardian of Slaves shall issue an order in writing, requiring the manager of the savings bank to receive the amount of the deposit, and
- X. the same shall be received by him accordingly. And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves shall, and he is hereby required to, include in his half-yearly report to the governor, or person exercising the functions of governor for the time being, as

he is by law directed to make, the amount of the several sums of money which shall have been in the preceding half-year deposited in any of the savings banks in this island, and also of such sums as shall have been paid over in such preceding half-year to the receiver-general, as hereinbefore directed and appointed.

NOTES.—Although the usage recited in the preamble has been as prevalent and as much respected in Jamaica as in any other of his Majesty's colonies, yet there are enactments at variance with it: thus the 39th and 40th clauses of the Consolidated Slave Law, prohibited any Slave from keeping a horse, mare, mule, or gelding, and require an oath to be made by the person having any charge of the property, that no Slave thereon was possessed of this description of stock; and the 58th clause contains a provision respecting the possession of fresh meat by Slaves, which is entirely disregarded in practice, and is contrary to the usage which prevails on every estate. We have of course repealed these three clauses. The 48th section of the Consolidated Slave Law contains a similar prohibition to that which was inserted in the first clause of the Heads of the Bill submitted to us. We have adopted the terms in which the prohibition is expressed in the 48th clause of the Consolidated Slave Law, and we have continued the prohibition relative to the staple commodities of the island, enacted in 8th Geo. II., c. 6; and 50 Geo. III., c. 20.

As the chief justice would necessarily have to sit on the trial of any action brought to recover the property of a Slave, if it exceeded in value the sum of twenty pounds, so as to give the Supreme Court jurisdiction, it does not appear proper that the right of bringing such action should be submitted to him. To have left it in the discretion or power of the owner to bring such action, would be inconsistent with the right of property conceded to the Slave: there appeared, therefore, no other alternative than to vest the power of bringing the action in the officer to whom the protection of the Slaves was delegated, and we have, for this purpose, framed the third clause in the annexed draft, which will also embrace the power of suing for legacies and bequests under the Act passed in the last session—6 Geo. IV., c. 19.

From the great extent of the island of Jamaica, it would be necessary, for the purpose of giving full effect to the establishment of savings banks, to form one or more banks in each parish. Considering the numerous persons who would thus become intrusted with deposits, it appeared to us that the only mode, by which we could effect substantial security to the persons making such deposits, would be to require the managers of the banks to transmit the same to the receiver-general, and to render the public funds of the island a security for the payment of principal and interest of such deposits. We have provided for security being given, as well by the managers of the several banks as by the receiver-general.

(Signed) WILLIAM BRUGE, Attorney-General.

(Signed) HUGO JAMES, Advocate-General.

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An Act to prevent the Separation of Slaves, being Members of the same Family, by any legal Process.

WHEREAS in, and by a certain Act of the President, Council, and Assembly of this island, made and passed in the eighth year of the reign of His late Majesty, King George the Third, entitled, "An Act for the more effectual directing the Marshal's Proceedings, and regulating thereof," provision is made for the sale of Slaves in families; and whereas, according to the practice of the several courts of this island, the sale of Slaves in families, is enforced; and whereas, it is expedient to enjoin by legislative enactment, a due and strict observance of such salutary practice, as well in the several courts of this island, as by all officers who are by law authorized to make levies on Slaves, may it therefore please your Majesty, that it may be enacted: Be it therefore enacted by the Governor, Council, and Assembly,

- I. of this your Majesty's island of Jamaica: And it is hereby enacted, by the authority of the same, that in the execution of any judgment, sentence, or decree, or order of any court of justice within this island, or in any levy made by any collecting constable, it shall not be lawful to levy on, seize, or sell, any Slave, having a husband, or wife, or a child, under the age of [ ] years, or a reputed husband, or wife, or child, under that age, who may be the property of the same persons, or person, unless such husband, and wife, and child, or reputed husband, wife, or child, shall be sold together, and in one, and the same lot, and to the same persons, or person; and that if in the execution of any such judgment, sentence, decree, order, or levy, any Slave, or Slaves, shall be sold separate, or apart from any such husband, or wife, or child, or reputed husband, or wife, or child, as aforesaid, such sale, execution, or levy, shall be absolutely null and void
- II. in the law, to all intents and purposes whatsoever: And be it further enacted by the authority aforesaid, that if the provost marshal, or his deputy, or deputies, or any other officer, or person making any levy upon Slaves, under any writ of execution, or judicial process, shall be unable to ascertain whether any Slave so levied upon, has, or has not, a husband, or wife, or child, or reputed husband, wife, or child, under the age of [ ] years, belonging to the same owner, it shall be the duty of such provost marshal, deputy marshal, or other officer, or person to make a special return of any such circumstance to the court, by which the execution, or other process, has been awarded; and in case the person making such levy, shall be a collecting constable, or his deputy, such return shall be made to the Supreme Court of Judicature, except in any case where the collecting constable, or his deputy, shall have made a levy on any Slave, under, and by virtue of any order of the Court of Chancery of this island, in which case such return shall be made to the said Court of Chancery, and thereupon the said court, to which such return shall be made, shall direct a copy thereof to be transmitted to the protector and guardian of Slaves, and upon hearing what may be alleged by such protector and guardian, and by the several parties in the action, cause, suit, or proceeding in, or in respect to which such execution, or process had been awarded, and in case of a levy, or levies, made by any collecting constable, or his deputy, after hearing what may be alleged, as well by the said protector and guardian, as by any other persons interested in the said levy, and the collecting constable shall decide whether the Slave so levied on, hath, or hath not, any husband, or wife, or child, or reputed husband, or wife, or child, under such age as aforesaid, belonging to the said persons, or person, and such court shall make an order upon such provost marshal, or his deputy, or collecting constable, or other officer requiring him either to proceed to the sale of the single Slave, or not, as the case may require.

NOTES.—Although it might seem from the language of the 8th Geo. II. Cap. 5, that it was not imperative on the provost marshal to sell in families, yet it has been the practice both in the courts of law and equity, in this island, to enforce a sale in families. We have, therefore, considered ourselves fully warranted in introducing the preamble in the annexed draft.

We have extended the provisions of this Act to levies, made by collecting constables, for taxes, and in the latter case we have referred the question, whether the Slave levied on, belong to a family, to the decision of the Supreme Court, unless the Slaves have been in the hands of a receiver when as the levy could only be made with the sanction of the Court of Chancery, the reference is made to that court.

(Signed) WILLIAM BURGE, Attorney-General.  
 (Signed) HUGO JAMES, Adjutant-General.

**AN Act to regulate the Punishment of Slaves under judicial Sentence, or by the Authority of the Owner or other Person having the Management of Slaves.**

WHEREAS it is expedient to make further regulations for preventing abuses in the punishment of Slaves, under judicial sentence, or by the authority of the owner, or other person having the management of Slaves:— May it therefore please your Majesty, that it may be enacted: be it therefore enacted, by the Governor, Council and Assembly, of this your Majesty's island of Jamaica. And it is hereby enacted by the authority of the same, I. that in all prosecutions which may hereafter be commenced in any court of judicature in this island, wherein any Slave may be charged with any offence punishable by death, imprisonment for life, or transportation, the like notice of trial shall be given to the protector and guardian of Slaves, as by an Act of the Governor, Council and Assembly of this island, made and passed in the fifty-seventh year of the reign of his late Majesty, King George the Third, entitled "An Act for the Subsistence, Clothing, and the better Regulation and Government of Slaves, for enlarging the Powers of the Council of Protection for preventing the improper transfer of Slaves, and for other Purposes" is required to be given to the owner, proprietor, or possessor, or to the attorney, or other representative, or possessor of such Slave, against whom such prosecution has been commenced. And the protector and guardian of Slaves is hereby required to attend at the trial, and other proceedings, had in every such prosecution, as the protector of such Slave: and in his or her behalf, and to act therein in such manner, as may be most conducive to the benefit of such Slave. And that if such trial shall take place at the distance of more than [ ] miles from the town of Saint Jago de la Vega, the protector and guardian of Slaves shall direct the assistant protector and guardian whose residence may be most near to the place where such trial shall be had, to attend and act therein for the benefit of such Slave. And if such assistant protector and guardian is any way interested in the result of such prosecution, then the said protector and guardian of Slaves shall direct, such assistant protector and guardian, who may reside nearest to the place where such trial shall be had, and who has no such interest therein, to attend and act therein, as aforesaid, and the protector and guardian of Slaves, and the assistant protector and guardian of Slaves, shall be allowed in all such trials and proceedings, to act for the benefit of every Slave in the same manner as by the law of this island, any counsel or attorney at law, may, upon the like occasion, act for the benefit of any Slave or person of free condition.—And be it further enacted by the authority aforesaid, that it shall be unlawful II. for any person within this island, to carry any whip, cat, or other instrument of the like nature, while superintending the labour of any Slave or Slaves, in, or upon, the cane pieces, or fields of, or upon any plantation, penn, or settlement, or to use any such whip, cat, or other instrument of the like nature for the purpose of impelling or coercing any Slave or Slaves, to perform labour of any kind whatsoever, or to carry, or to exhibit upon any plantation, penn, or settlement, or elsewhere, any such whip, cat, or other instrument as aforesaid, as an emblem of the authority of the person so carrying the same, over any Slave or Slaves; and any person who shall offend herein, or who shall direct, instigate, or abet the commission of any, or either of the acts hereby declared to be unlawful, shall be guilty of a misdemeanour. And be it further enacted by the authority aforesaid, III. that it shall be unlawful for any person to inflict in any one day upon any male Slave, for any offence, upon any ground, or for any cause, or reason whatsoever, more than [ ] lashes, in the whole, or to inflict upon any such male Slave, any punishment, by the whipping or beating of his person, unless the person of such Slave shall, at the time of such punishment, be free from any laceration occasioned by any former whipping or beating, or to inflict upon any male Slave any punishment by the whipping or beating of his person, until twenty-four hours shall have elapsed, from the time of the commission of the offence, in respect of which any such punishment may be inflicted; or to inflict upon any male Slave any



such punishment, unless one person of free condition shall be present at and witness the infliction of the whole of such punishment, other than the person by whom, or by whose authority, the punishment may be inflicted; and every person who shall inflict, direct, instigate, or abet, the infliction of any such punishment of any male Slave, as hereinbefore declared to be unlawful, shall be guilty of a misdemeanour, anything in the said hereinbefore mentioned Act of the Governor, Council, and Assembly of this island, commonly called the Consolidated Slave Law, or any other Act, law, or usage, to the contrary thereof, in anywise notwithstanding. Provided always, that nothing in this clause shall be construed to extend to any punishments which may be awarded against, or inflicted on any Slave, under and by virtue of the sentence of any court of competent jurisdiction in this island.—

IV. And be it further enacted by the authority aforesaid, that it shall not be lawful to punish by whipping, any female Slave for any offence committed, or alleged to be committed by her, anything contained in the said Act, commonly called the Consolidated Slave Law, or any other Act of the legislature of this island, or any law, custom, or usage, to the contrary thereof, in anywise notwithstanding, and every person who shall inflict, or direct, or instigate, or abet the infliction of any such punishment, on any female Slave, shall be guilty of a misdemeanour: Provided always, that nothing in this clause contained, shall be construed to extend to prevent the owner, or his or her attorney in possession of any female Slave under the age of [ ] years, from causing her to be punished and corrected for any fault or misconduct by her committed, in the same manner and to the same extent, as any child of free condition may be, and usually is, punished in any school for the education of youth in this island: And be it further enacted by the authority aforesaid, that

V all crimes and offences which may hereafter be committed by any female Slave or Slaves, and which were heretofore punished by flogging, shall hereafter be punished at the discretion of the court of justice, or justice of the peace, having competent jurisdiction in that behalf, or the owner, attorney, manager, or overseer, directing such punishment in one or the other of the following modes, that is to say:—By solitary confinement with or without work, in any proper place for that purpose in the goal or workhouse, where such punishment is awarded by such court, or justice of the peace, or on the plantation, penn, or settlement, where such punishment is awarded by the owner, attorney, manager, or overseer; and that no such place of confinement shall be used for any such purpose, unless, and until some practitioner of medicine in this island, and the protector and guardian of Slaves, or the assistant protector and guardian of Slaves of the parish where the same is situate, shall have signed a certificate in writing, approving of such place of confinement, which certificate shall be transmitted to and deposited in the office of the protector and guardian of Slaves. And also provided that no such solitary confinement shall be continued more than [ ] for any one offence, and that no female Slave shall be punished by solitary confinement, more than [ ] in any one calendar month: Secondly. By field stocks, or confinement of the hands during the hours of labour in the field, provided that the period of such last-mentioned confinement, shall not at any one time exceed [ ] and shall not be repeated a second time until [ ]. Thirdly. House stocks for the hands and feet, or either of them, with or without seats, during any period of the day, provided that the period of such confinement shall not exceed [ ] for any one offence, and that no such punishment as last aforesaid, shall be repeated twice within the period of [ ]. Fourthly. Bed stocks for the confinement of the feet during the night, provided that no such punishment as last aforesaid, shall be repeated within [ ]. Fifthly. Distinguishing dresses to be used either with or without the stocks, provided that such last-mentioned punishment be not continued more than once for any one offence, and that the same be not repeated within [ ]. Sixthly. Confinement either solitary or otherwise, during one of the hours of noon, with or without work during such confinement, provided that no such punishment as last mentioned be repeated

within the period of [ ]]. And be it further enacted by the au- VI.  
 thority aforesaid, that if any person shall repeat any or either of such punish-  
 ments as aforesaid, at an earlier period than is hereby allowed, or shall con-  
 tinue any or either of such punishments beyond the period hereinbefore  
 limited for that purpose, or shall place any female Slave in solitary con-  
 finement, in any place which hath not been approved of in manner aforesaid  
 within [ ] next, preceding such confinement, or shall use  
 any stocks for the purpose of punishment, in such a manner as to affect  
 the health of the Slave confined therein, or as to inflict any permanent  
 injury on her person, or who shall not supply the Slave undergoing such  
 punishment, when the same shall continue for more than twelve hours, with  
 a proper quantity of wholesome food, and with a proper supply of water, or  
 who shall punish any woman known, or suspected by him or her to be  
 pregnant, by solitary confinement, or by any stocks applied in such a man-  
 ner as to produce the risk of miscarriage, shall be guilty of a misdemeanour. VII.  
 And be it further enacted by the authority aforesaid, that in any case in  
 which a male Slave now by law punishable by flogging, it shall and may  
 be lawful for any court of justice, or justice of the peace, having jurisdic-  
 tion therein, or any owner, attorney, manager, or overseer, to substitute for  
 such flogging any or either of the punishments before mentioned: Provided  
 that the conditions and regulations aforesaid, as far as the same are appli-  
 cable to the case of male Slaves, is duly observed: And be it further enacted VIII.  
 by the authority aforesaid, that it shall not be lawful for any owner, attorney,  
 manager, or overseer, to inflict any or either of the punishments aforesaid on  
 any Slave, until twenty-four hours shall have elapsed from the time of the  
 commission of the offence, for which any such punishment may be so in-  
 flicted, nor unless one person of free condition be present at, and witness  
 the infliction of such punishment: And be it further enacted by the autho-  
 rity aforesaid, that every owner, or person, having the care, management, or IX  
 possession of any plantation, penn, or settlement within this island, or of any  
 jobbing gang, exceeding [ ] in number, shall keep a book to be  
 called "The Punishment Record Book," and it shall be the duty of every  
 such owner, manager, or other person, to enter and record in the said book, at  
 or immediately after, the time of inflicting any or either of the punishments  
 hereby permitted to be inflicted on any female Slave, or on any male Slave,  
 who may be punished in any one day with any number of stripes exceeding  
 [ ], or who shall receive any or either of the other punishments hereby  
 authorized to be inflicted, a statement of the nature and particulars of the  
 offence for or in respect of which such punishment may have been inflicted,  
 and of the time at which, and the place where, such offence was committed,  
 and of the time at which, and the place where, such punishment was inflicted,  
 and of the nature, extent, and particulars, of such punishment; and in the  
 cases of male Slaves, of the number of stripes actually inflicted upon the  
 offender, together with the names of the persons by whom, and by the  
 authority of whom, such punishment was inflicted, and of the person or  
 persons of free condition who was or who were present and attending at  
 the infliction of every such punishment; and if any person shall neglect to  
 make such entries in the punishment record book, or shall not make such  
 entry within [ ] next after the infliction of every such punishment,  
 such person shall be subject to a penalty not exceeding [ ] nor  
 less than [ ] current money of this island. And if any person  
 shall wilfully or fraudulently make a false entry or erasure in any such  
 book, or shall, with evil intent, burn, destroy, cancel, or obliterate, the said  
 book, or any part thereof, or any entry therein, such person shall be guilty  
 of a misdemeanour. And be it further enacted by the authority aforesaid,  
 that every person who is hereby required to keep a punishment record  
 book, shall, on the first Monday next following the fifth day of April, the  
 twenty-fourth day of June, the twenty-ninth day of September, and the  
 twenty-fifth day of December, in each year, repair to the assistant protector  
 and guardian of Slaves, of the parish in which he may dwell, and produce  
 before him transcripts of every entry which, during the preceding quarter of  
 a year, may have been made in his punishment record book, and shall  
 take the following oath, which such assistant protector and guardian of

- Slaves is hereby authorized and empowered to administer: "I, A. B., the owner (manager, attorney, or overseer, as the case may be,) of the plantation, penn, or settlement, called [ ] in the parish of [ ] in the island of Jamaica, or of the jobbing gang worked by me, as the case may be, do make oath and say, that the writing hereunto annexed contains a true and correct copy of every entry which, since the [ ] day of [ ] last past, hath been made in the punishment record book, of the before-mentioned plantation, penn, or settlement (or of the said jobbing gang, as the case may be). And I do further swear, that the said punishment record book hath been punctually and accurately kept since the said day of [ ] in the manner by law required; and that no fraudulent erasure, or false entry, hath been made therein by me, or by any person, by my procurement, or with my knowledge, privity, or consent." And be it further enacted by the authority aforesaid, if any owner, attorney, manager, or overseer, shall not, in the first succeeding quarter after the first day of January, one thousand eight hundred and twenty-seven, or in any subsequent quarter, have inflicted any or either of the punishments which is or are required by this Act to be recorded as aforesaid, then instead of the oath hereinbefore required, he shall take and subscribe before the assistant protector and guardian of Slaves of the parish in which he may be resident, the following oath: viz. "I, A. B., do swear that from the [ ] day of [ ] now last past, no punishment hath been inflicted by me, or by my orders, or with my knowledge, privity, or consent, on any Slave belonging or attached to the plantation, penn, or settlement, called [ ] situate in the parish of [ ] or belonging to the jobbing gang, whereof I am owner, (attorney, manager, or overseer, as the case may be), excepting punishments inflicted on male Slaves not exceeding three lashes; and I further swear, that no entry of any such punishment hath, since the [ ] day of [ ] been made in the punishment record book of the said plantation, penn, or settlement, or of the said
- XI. jobbing gang. So help me God." And be it further enacted by the authority aforesaid, that the assistant protector, and guardian, of Slaves, of each parish within this island, shall, and he is hereby required [ ] days before the time when, by this Act, such transcripts of such entries are required to be made and produced to such assistant-protector and guardian of Slaves as aforesaid, to furnish, or cause to be furnished, to the owner, attorney, manager, or overseer, of every plantation, penn, or settlement, or of any jobbing gang, situate or worked within such parish, a printed blank form of the hereinbefore-mentioned affidavits, with a notice of the time and place at which he will attend for the purpose of receiving such transcripts, and administering the oaths aforesaid. And every such assistant protector and guardian of Slaves shall attend from day to day for [ ] successive days for the before-mentioned purposes; and if it should be made to appear to any such assistant protector and guardian, by the certificate of any medical practitioner, that any person, liable to make and verify such transcript as aforesaid, is rendered incapable by sickness of attending for that purpose, then such assistant protector and guardian shall attend every such person at his or her place of abode, for the purpose of receiving and taking such transcripts and affidavits as aforesaid.
- XII. And be it further enacted by the authority aforesaid, that if any person shall refuse or neglect to make and produce such transcripts, or to take such oaths as are required by this Act, such person shall for every such refusal or neglect, forfeit the penalty of [ ] to be recovered in the Supreme Court of Judicature of this Island, or in either of the Courts of Assize, by action of debt, bill, plaint, or information, wherein no *essoin*, protection, or wager of law, or *non vult ulterius prosequi* shall be entered, one moiety of which penalty shall be paid to the use of his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety to the informer or him, her, or them, who shall sue for the same. And if any person who by this Act is required to make, produce, and verify any such transcript, shall be a quaker, he or she may, and is hereby permitted to verify the same upon his or her solemn affirmation. And be it

further enacted by the authority aforesaid, that the assistant protector and guardian of Slaves of each and every parish, shall, and he is hereby required to transmit to the protector and guardian of Slaves, at his office in St. Jago de la Vega, the several transcripts made and produced to him as aforesaid, together with the original affidavits thereto annexed within [ ] next after such quarterly returns are completed ; and if any such assistant protector and guardian of Slaves shall himself be the owner, attorney, or manager, of any plantation, penn, or settlement, or of any such jobbing gang as aforesaid, he shall with such transcripts and affidavits, deliver to the protector and guardian of Slaves, a transcript of the entries in his own punishment record book, for the last preceding quarter of a year, with an affidavit sworn before one of the assistant judges of the Supreme Court, or one of the justices of assize, in the manner and form before mentioned, under the same penalties as are imposed on other persons neglecting to make such transcripts, or to take such oaths as aforesaid. Provided always that the several assistant protectors and guardians of Slaves shall not be bound or required to make and transmit such transcripts of the entries of punishments inflicted on their own Slaves oftener than twice in each year. And be it further enacted by the authority aforesaid, **XIV.** that the protector and guardian of Slaves shall, and he is hereby required to record, in books to be kept by him for that purpose, all such transcripts so to be transmitted to him as aforesaid, and shall preserve in his office the originals of such transcripts and affidavits, and such protector and guardian of Slaves shall, and he is hereby required to keep a distinct book for each parish, and to transcribe, in such book, the transcripts so transmitted to him as aforesaid, in alphabetical order, according to the names of the plantations, pennis, or settlements, and of the names of the owners or other persons having charge of jobbing gangs, and shall make and keep an exact index to each and every book. And be it further enacted by the authority aforesaid, **XV.** that on the prosecution of the owner, attorney, manager, or other person having the possession or management of any Slave or Slaves for any punishment inflicted on such Slave or Slaves, contrary to the provisions of this Act, or of any other Act of the legislature of this island, if such Slave shall be produced in open court, and if the traces of a recent flogging shall appear on the person of such Slave, and if he or she shall in open court declare that such traces are the consequence of any punishment or correction prohibited by this or any other Act of the legislature of this island, and being fully examined by the court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such punishment, then, notwithstanding such Slave may not be a competent witness, by reason of his or her slavery, such owner, attorney, manager, or other person having the possession and management of such Slave, shall be bound to prove, either that the punishment of which the traces are apparent, was not inflicted by him, or by his procurement, or with his knowledge, privity, or consent, or that such punishment was a lawful punishment, within the meaning of such Act, and was inflicted in the presence of one witness of free condition, as is hereby required ; and in default of such proof, such owner, attorney, manager, or other person having the care, possession, or management of such Slave, shall be convicted and adjudged guilty of the offence charged against him or her by such prosecution, and no such prosecution shall be discontinued, except under and by virtue of a written order, issued for that purpose by and under the hand and seal of the governor, or person executing the functions of governor for the time being : And be it further enacted by the authority aforesaid, **XVI.** that every person who shall knowingly and wilfully make any false oath or affirmation to any of the matters or things by this Act required to be so verified, or shall corruptly procure or suborn any person to swear or affirm falsely in any such oath or affirmation, shall, on being duly convicted thereof, suffer such punishment as is inflicted by the laws of England for that offence : And be it further enacted by the authority aforesaid, **XVII.** that if any person shall commit any or **XVIII.** either of the misdemeanours declared by this Act, such person being of free condition, shall be liable to be indicted in the Supreme Court of Judicature, or in any of the courts of assize in this island, and, upon conviction, shall



to be given to the owner of the Slave, as essential to found the jurisdiction of the Slave court. We have, therefore, required that a similar notice should be given to the protector, and accordingly we have altered the first clause of the original heads of the Bill submitted to us.

The enacting part of the third section of the annexed draft, nearly resembles the restriction contained in the twenty-seventh clause of the Consolidated Slave Law, but more precisely defines the interval of time which shall elapse before a second punishment can be lawfully inflicted.

We have not inserted the twenty-first clause of the original heads of this Bill submitted to us, because under the twenty-fifth section of the Consolidated Slave Law, a power is vested in the court, of declaring the Slave free, when the owner, or the person interested in such Slave, has been convicted of cruelty, and the exercise of this power has not been confined to those cases in which the convicted person has been the sole owner of the Slave, but has been extended to cases in which such person convicted, had only a limited interest. Thus in the *King v. Boyden*, at the Kingston Assizes in 1817, the attorney-general prayed judgment of freedom on the Slave, which was awarded, although Mr. Boyden was only a tenant in common with his brothers and sisters: and this clause of the Consolidated Slave Law, contains a further beneficial provision, by enabling the court to direct the payment by the convicted person, of the fine of one hundred pounds to the justices and vestry of the parish to which the Slave belongs, in consideration of their paying the Slave ten pounds per annum for his or her maintenance. We have thought it right to retain in the present Act, by express enactment, these salutary provisions.

(Signed) WILLIAM BURGE, Attorney-General.  
HUGO JAMES, Advocate-General.

### No. 9.

MY LORD,

*King's House, Jamaica, 13th November 1826.*

I HAVE the honour to enclose, for your Lordship's information, the copy of a message I have received from the House of Assembly, in answer to a communication which I made to that body on the 12th ultimo, accompanied by the several propositions of his Majesty's government respecting the Slave population.

The House have since appointed a Committee of thirteen, to revise the Consolidated Slave Law; and a Sub-Committee of seven has been since nominated, who have gone through the Slave Law, and made, as I understand, many alterations in it, embracing, in the proposed Act, several of the propositions of his Majesty's Government. But as the labours of the Sub-Committee are subject to the approbation of the Grand-Committee, and as afterwards this Bill will be discussed in the House of Assembly, I cannot venture to anticipate what may be the result of the proceedings of the Assembly on this important subject.

There seems no disposition to adopt the proposition which relates to the appointment of a protector and guardian of Slaves, nor to the regulation of punishments. The establishment of Savings Banks, the Assembly seem to consider a measure which requires great deliberation, and seem disposed to postpone the consideration until a future session. I have, &c.

*The Earl Bathurst, K. G.*

(Signed) MANCHESTER.

&c. &c. &c.

*Message from the House of Assembly to the Governor.*

*May it please your Grace,*

WE are desired by the House to wait on your Grace, and to inform you that, with as little delay as was compatible with due deliberation on a subject submitted to the House by the directions of his Majesty's government, and which involves in its consequences the future welfare of this Colony, they have taken into their most attentive consideration your Grace's first message of the 12th instant, and the several propositions which accompany that message.

The House return sincere thanks to your Grace, for the expression of your Grace's desire to prevent any unnecessary interruption of the proceedings of the House.

The House not possessing such means of information as your Grace derives from his Majesty's government, would have received with unfeigned pleasure, the intimation conveyed by your Grace, that the measures submitted to their consideration, have been shown by experience to have been attended with no inconvenience in those colonies where the experiment has been tried; but, referring to intelligence received in Jamaica from time to time, from the very commencement of the operation of the Order in Council in Trinidad, and more particularly to the proceedings of a public meeting which took place at Port of Spain in that Island, so lately as the 24th June last, and to the petition adopted on that occasion to be presented to both Houses of the Imperial Parliament, the House cannot refrain from expressing their apprehension that this declaration has emanated rather from the sanguine hope entertained by his Majesty's ministers of the success of the measures proposed, than from the testimony of facts; and that the trial, of what your Grace has termed the experiment, has not been of sufficient duration to establish much confidence as to its ultimate beneficial result. At the same time, the House feel quite satisfied, however harmless the experiment may have been hitherto found in a few of the other colonies, such measures, if adopted in this island in their present shape, would not only endanger our lives and properties, but would ultimately terminate in the ruin and destruction of the most valuable colony his Majesty possesses.

The House, however, sincerely actuated by that ardent desire which has long distinguished the Assembly of Jamaica, to embrace every opportunity of improving the condition of the Slave population, have appointed a committee to bring in a Bill to alter and amend the Slave-laws of this island. And they assure your Grace that they will cheerfully make such enactments as their long experience and local knowledge may point out as likely to be productive of benefit to the Slave, without injury to the master or detriment to the right of property.

#### No. 10.

*Extract from a Despatch from his Grace the Duke of Manchester, dated King's House, Jamaica, 23d December 1826.*

I HAVE the honour to inform your Lordship, that the Council and Assembly, who had been employed without interruption since 10th October last, finished the public business yesterday, and I enclose, for your Lordship's information, a copy of my speech when I prorogued the Assembly.

I have already apprized your Lordship, in my letter of the 13th ultimo, that the House of Assembly had appointed a Committee to revise the Consolidated Slave Law. This Committee made their report, and a Bill has been passed, of which I shall transmit to your Lordship a copy by the next packet. In the mean time I enclose, for your Lordship's information, an analysis of this Bill, and copies of such of the clauses as are entirely new. The admission of Slave evidence, the alteration in the mode of trial of Slaves, and the limitation of punishment by individuals, are very material points. And in the new Bill there is, throughout, a spirit of mildness and moderation which certainly improves the condition of the Slave in many important particulars.

The Council made several amendments to the Bill, but very few have been adopted, and none of any great importance, except the separation of Slaves sent to the workhouse for protection from those confined for crime; and that no Slave can be transported without the governor's warrant for the sentence being carried into execution.

*Extract from the Governor's Speech on the Prorogation of the Assembly.*

I TRUST that the laborious attention you have bestowed on the revision of the Slave Laws, the mildness and moderation which the new Act

betrays throughout, the beneficial alteration it produces in the condition of the Slave in many particulars, more especially those which regard the mode of trial, and the admission of their evidence in courts of justice, will be highly satisfactory to his Majesty's government.

Analysis of an Act entitled, "An Act to alter and amend the Slave Laws of this Island."

*Passed 22d December 1826.*

Sect. 1 and 2.—Repeals all former Acts relating to Slaves, except Act 25, Geo. 3, cap. 8.

3.—Owners to instruct their Slaves in religion, and have them baptized.

4.—Clergymen obliged to marry Slaves without any fee, on producing consent of their owners.

5.—All Slaves levied on for debt to be sold singly, except in cases of families, consisting of a man, his wife, and children, who must be sold in one lot.

6.—No market to be open after eleven o'clock on Sunday.

7.—No Slave to be taken or levied for debt on Saturdays.

8.—Slaves to have one day in every fortnight, exclusive of Sunday, except during crop, so that the number of days allotted to them are not less than twenty-six.

9.—No person to employ for hire the Slave of another on Sunday, without the consent of the manager of such Slave.

10.—No mills to be put about on Sundays, or Slaves worked between seven o'clock on Saturday night and five o'clock on Monday morning.

11.—Negro grounds to be inspected periodically.

12.—In places where no provision-grounds, not less than three-shillings and four-pence to be allowed each Slave weekly.

13.—Clothing to be provided each Slave once a year, under penalty.

14.—Quantity and quality of clothing, and inspection of Negro-grounds to be sworn to periodically.

15.—Penalty on Master not complying with the two preceding Clauses.

16.—Personal property secured to Slaves.

17.—Bequests and legacies secured to Slaves.

18.—Women with six children exempted from all field or hard labour, and the mother exempted from all tax.

19.—Owners or managers obliged, under penalty, to maintain sick, aged, or disabled Slaves.

20.—Contains further regulations for the protection of such infirm Slaves, and for manumized persons.

21.—Contains further regulations as to manumized persons.

22.—Owners manumizing Slaves to allow each Slave ten pounds per annum, under penalty of one hundred pounds.

23.—Contains further regulations as to old and infirm Slaves.

24.—Contains regulations relative to Slaves, the property of insolvent debtors.

25.—Contains further regulations.

26.—Owners prohibited, under penalty, allowing diseased Slaves to wander about.

27.—Slaves to be allowed half an hour for breakfast, and two hours for dinner.

28.—Slaves not to be allowed more than three consecutive holydays at Christmas, Easter and Whitsuntide.

29.—Slaves informing against runaways rewarded.

30.—Slaves killing Slaves in actual rebellion rewarded.

31.—Any person murdering a Slave to suffer death.

32.—Any person carnally knowing an infant under ten years, to suffer death.

33.—Rapes punished with death.

34.—New Clause preventing persons from maltreating Slaves.

35.—Penalty on vestrymen not attending council of protection.

36.—Regulating mode of proceedings when justices shall receive information of Slaves having been maltreated.

37.—No Slave to receive more than ten lashes in any workhouse, unless owner or manager present, and then not to exceed thirty-nine lashes.



- 38.—No person to commit a Slave to the workhouse for a longer space than ten days.
- 39.—How justices are to act on complaints made of improper punishments.
- 40.—No collar or chain to be put on a Slave, except a very light collar to distinguish runaways, and then by order of a justice.
- 41.—Slaves, except in going to market, to have tickets.
- 42.—No ticket to be in force for more than thirty days.
- 43.—Slaves absent without leave for five days declared runaways.
- 44.—Punishment on runaways.
- 45.—Further regulations as to runaways.
- 46.—Punishment on harbouring runaways.
- 47.—Regulations on same subject.
- 48.—How justices are to proceed when information is given where runaways are concealed.
- 49.—Penalty on persons giving false tickets.
- 50.—Reward to persons apprehending runaways.
- 51.—Regulations as to persons apprehending runaways.
- 52.—Runaways to be advertised, and keepers of workhouses to detain Slaves until all expences are paid.
- 53.—Slaves confined in workhouses to be properly fed.
- 54.—Proviso in regard to Slaves claiming freedom, when special sessions are to be called to investigate their claims.
- 55.—No runaway Slave to be sold by workhouse-keeper until special sessions has been held.
- 56.—Regulates replevins.
- 57.—Any Slave attempting to go off the island to be punished, not extending to life.
- 58.—Penalty on white or free persons aiding and assisting such attempt to escape.
- 59.—Contains further provisions on same subject.
- 60.—Slaves not to travel with guns or offensive weapons, under penalty, or to hunt cattle with lances, &c. except by permission.
- 61.—Punishment on managers allowing assemblages of strange Slaves to assemble with drums, horns, &c. authorized to call for military aid.
- 62.—Military and civil officers empowered to enter plantations to suppress disturbances.
- 63.—Negro dances and nightly meetings prohibited.
- 64.—Nightly burials prohibited under penalty.
- 65.—Penalty on free persons permitting unlawful assembly of Slaves.
- 66.—Punishment on free persons permitting gaming among Slaves.
- 67.—No bond required for Slaves manumized by will: but the estate of the testator held liable for the annual sum required by law to be paid to manumized Slaves.
- 68.—Proviso, that any will which passes personal estate is sufficient to manumize Slaves.
- 69.—Removes legal impediments in manumizing Slaves belonging to owners possessing only a limited interest in them.
- 70, 71, 72, 73.—Contain further regulations.
- 74.—Regulates the contingent interest of parties in Slaves manumized.
- 75.—Investment for the purchase of Slaves for effecting manumission.
- 76.—No bond required for manumission of Slaves able to maintain themselves.
- 77.—Prevents sale of Slaves for the purpose of re-sale.
- 78.—Declares the evidence of persons bringing offenders against preceding clause before a justice, good.
- 79.—Declares sales made for re-sale void.
- 80.—No writ of *certiorari* to issue.
- 81.—Slaves guilty of rebellion to suffer death.
- 82.—Striking a white person subjects Slaves to same punishment.
- 83.—Slaves found with fire-arms in their possession to be tried at quarter sessions.
- 84.—Slaves practising Obeah punished with death.
- 85.—Slaves found preaching, without permission, to be tried and punished by quarter session.

86.—All meetings of Slaves for the purpose of preaching or teaching, between sun-set and sun-rise, prohibited. Proviso, not to extend to the Presbyterian Kirk, or licensed minister, until eight o'clock; or the ceremonies of the Jewish or Roman Catholic religion.

87.—Dissenting ministers prohibited from collecting or receiving money from Slaves.

88.—Further prohibition of nightly meetings.

89.—Slaves using deleterious drugs in the practice of Obeah, to suffer death.

90.—Slaves having in their possession poisonous drugs, &c., used in witchcraft to be transported.

91.—Slaves attending meetings for administering unlawful oaths, or learning the use of arms, &c. to suffer death.

92.—Free persons aiding or assisting, to suffer death.

93.—Persons knowing of such meetings, and not giving information, to be punished by imprisonment or whipping.

94.—Slaves stealing horses or cattle punished with death.

95.—Slaves having fraudulently in their possession more than twenty pounds weight of beef, &c., without being able to account for it, to suffer punishment not extending to life, or imprisonment for life.

96.—Slaves maiming or chopping cattle, to be punished not exceeding fifty lashes.

97.—Slaves maiming or doing bodily injury to each other, to suffer death.

98.—For preventing accidents by fire, owing to Slaves improvidently setting fire to their grounds.

99, 100.—New clauses, altering the mode of trial of Slaves.

101.—Clerks of the peace may be dismissed for incompetenc.

102.—Custos, &c. required in future to appoint professional men clerks of the peace.

103.—Persons warned as evidence fined for non-attendance.

104.—Jurors protected against all civil process.

105.—Records of all proceedings on the trial of Slaves to be kept.

106.—Slaves giving false evidence to be punished as for perjury.

107.—When warrant is issued against Slaves, notice to be served on manager to produce such Slave.

108.—Six days notice of trial necessary.

109.—What sort of notice necessary when owner is not known.

110.—Contains further regulations as to notice.

111.—Ordering how punishment of death is to be inflicted.

112.—In cases of sentence of death, transportation, or imprisonment for life, owner to be paid the value of the Slave.

113.—No Slave to be executed or transported, except in cases of rebellion, unless by warrant under the hand of the governor.

114.—Slaves sentenced to death or transportation, to be paid for by the receiver-general.

115, 116, 117.—Direct mode of proceeding of provost marshal, in regard to Slaves sentenced to transportation.

118.—Slaves returning from transportation to be re-sold.

119.—Slaves who have been transported for crimes subjecting them to the punishment of death, and returning, to suffer death.

120.—Persons aiding or assisting Slaves to return from transportation, to pay a fine of three hundred pounds, and suffer imprisonment not exceeding twelve months.

121.—Slaves sentenced to transportation, that cannot be sold, to be committed to hard labour in the workhouse.

122.—In cases where Slaves, sentenced to transportation for life, conduct themselves well, governor authorized to remit their punishments, and order them to be sold, with their own consent.

123.—Slaves escaping from imprisonment to be punished with further imprisonment, or whipping.

124.—Slaves sentenced to hard labour for life escaping, to be transported.

- 125.—Punishment of persons permitting Slave prisoners to escape.  
 126.—Regulates how marshal's fees are to be paid.  
 127.—No Slaves in confinement to be employed by gaol-keeper for his benefit.  
 128.—Slaves guilty of inferior crimes to be punished by two justices, not exceeding thirty-nine lashes.  
 129.—Fees of the clerk of the peace, for attending summary trials.  
 130, 131, 132, 133, 134.—New clauses, which relate to the admission of Slave evidence.  
 135.—Free persons associating with Slaves in crime, to be deemed accessories.  
 136.—This act not suspended by martial law.  
 137.—Penalties how applied and recovered.  
 138.—Penalties and offences committed against present existing law, to be enforced and punished.  
 139.—Act to continue in force from 1st May 1827, to 1st May 1830.

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#### New Clauses in the Amended Slave Law.

AND in order to prevent any person from mutilating, dismembering, or cruelly beating, or confining any Slave or Slaves: Be it further enacted by the authority aforesaid, that if any master, mistress, owner, or possessor, or other person whatsoever, shall at his, her, or their own will and pleasure, or by his, her, or their direction, or with his, her, or their knowledge, sufferance, privity, or consent, mutilate, or dismember any Slave or Slaves, or wantonly or cruelly whip, maltreat, beat, bruise, or imprison, or keep in confinement without sufficient support, or brand any Slave or Slaves, he, she, or they shall be liable to be indicted for such offence, in the Supreme Court of Judicature, or in any of the Assize Courts, or Courts of Quarter Sessions of this island, and upon conviction, shall be punished by fine, not exceeding one hundred pounds, or imprisonment, not exceeding twelve months, or both, for each and every Slave so mutilated, or dismembered, punished, or confined; and such punishment is declared to be without prejudice to any action that could or might be brought at common law, for recovery of damages, for, or on account of the same, in case such Slave or Slaves shall not be the property of the offender, and in atrocious cases, where the owner of such Slave or Slaves shall be convicted for such offence, the court before whom such offender shall have been tried and convicted, are hereby empowered, in case they shall think it necessary for the future protection of such Slave or Slaves, to declare him, her, or them, free and discharged from all manner of servitude, to all intents and purposes whatsoever: and in all such cases, the court are hereby empowered and authorized, if to them it shall appear necessary, to order and direct the said fine of one hundred pounds to be paid to the justices and vestry of the parish to which the said Slave or Slaves belonged, to the use of the said parish, the said justices and vestry, in consideration thereof, paying to each of the said Slave or Slaves so made free, the sum of ten pounds per annum, for his or her maintenance and support during life; and in case any Slave or Slaves shall suffer any before-mentioned mutilations or wanton punishment or confinement, or branding, such Slave or Slaves, on his, her, or their application to any justice of the peace, the said justice of the peace shall be, and is hereby directed, required, and empowered on view, or its appearing to his satisfaction, that such mutilation or wanton punishment have been really suffered, to send such Slave or Slaves to the nearest workhouse where such offence shall be committed, and such Slave or Slaves shall be there safely kept and carefully attended, but not worked, at the expense of such parish, until such time as the special sessions hereinafter mentioned shall meet, and such Slave shall be kept separate and apart from Slaves committed to such workhouse as runaways or criminals, in a place

appropriated in such workhouse for that purpose; and the said justice of the peace to whom such application shall have been made as aforesaid, is hereby required and directed forthwith to certify the nature of such application or complaint to the custos, or senior magistrate, in the parish or precinct wherein such workhouse shall be situate, whose duty it shall be, and he is hereby directed and required, to convene a special sessions, consisting of not less than three justices of the peace of such parish or precinct, which special sessions, when met, is hereby empowered and required to make further and full inquiry, upon view, and by the examination of witnesses, into the commitment of the mutilation or punishment of such Slave or Slaves, and if, upon such examination, it shall appear to them that the complaint of such Slave or Slaves is frivolous or unfounded, it shall be lawful for them, and they are hereby required to dismiss the complaint, and to direct such Slave or Slaves to be delivered over to his, her, or their owner or owners, or possessors, or his, her, or their legal representatives, or to direct such punishment by confinement to hard labour or whipping, or both, as to them may seem proper; but if, upon such examination and inquiry as aforesaid, it shall appear to the satisfaction of the said justices that the complaint is well founded, they are hereby directed to lodge the examinations with the clerk of the crown, or clerk of the peace, that the parties may be prosecuted according to law, and to bind over the said offenders and witnesses in a sum not exceeding fifty pounds, with securities, to appear at the grand or assize courts, or quarter sessions of the parish, and to remand the said Slave or Slaves to the workhouse, to be kept until such time as there shall be a legal meeting of the justices and vestry of such parish, which meeting the custos is hereby required to call as early as conveniently may be; and such justices and vestry, when met, are hereby appointed a council of protection of such Slave or Slaves, and are hereby directed and empowered, if they think proper, to make further inquiry into the commitment of the mutilation or punishment of such Slave or Slaves, and if to them it shall appear proper, the said justices and vestry are hereby empowered and required to prosecute to effect such owner or owners, the expense of which prosecution shall be paid by the parish where such offence is committed; and in case the owner or owners of such Slave or Slaves shall appear capable of paying the costs and charges of such before-mentioned prosecution, the said justices and vestry are hereby empowered to commence a suit or suits against such owner or owners of such Slave or Slaves, and recover all costs and charges out of purse by them laid out and expended in such suit or suits; and the keeper of the workhouse where such Slave or Slaves shall have been first committed, is hereby directed and required, upon due notice of the meeting of the said special sessions, or of the first meeting of the council of protection, of the parish where the offence was committed, to produce such Slaves or Slaves for the inspection and direction of such special sessions and council of protection, under the penalty of one hundred pounds for every neglect in not producing before such council of protection, such Slave or Slaves. And be it further enacted by the authority aforesaid, that if after due notice of such meeting being convened, a sufficient number of magistrates and vestrymen do not attend to form a council of protection, the custos, or senior magistrate, who may preside at such meeting, is hereby empowered and required to inflict a fine not exceeding ten pounds upon any vestryman or magistrate voluntarily absenting himself, to be levied by warrant under his hand and seal. And be it further enacted by the authority aforesaid, that in case any justice of the peace shall receive any complaint or probable intelligence from any Slave or otherwise, that any Slave or Slaves is or are so mutilated or cruelly punished, or is or are confined without sufficient support, it shall and may be lawful for such justice of the peace, and he is hereby empowered and required forthwith, to issue his warrant to any constable, ordering him immediately to proceed to the place wherein such Slave or Slaves are confined, and such Slave or Slaves to release and bring before such justice, who, on view or proof of the fact, is hereby authorized to send such Slave or Slaves to the workhouse for protection, there to be kept, but not worked, until inquiry shall be made into the fact according to law, and in order to restrain arbitrary punishment.

And whereas it is necessary to declare how and in what manner Slaves should be tried for crimes and offences. Be it enacted by the authority aforesaid, that from and after this Act shall commence and be in force, all and every charge or complaint against any Slave or Slaves, of murder, rape, felony, burglary, robbery, burning or destroying houses, outhouses, stores, Negro houses or cane grass, or corn pieces, or breaking into such houses, outhouses, stores, or Negro houses in the day-time, no person being therein, and stealing thereout, rebellion, rebellious conspiracies, or any other offence whatsoever committed by any Slave or Slaves, that shall subject such Slave or Slaves to suffer death, transportation, or confinement to hard labour for life, or for a term exceeding one year, shall be heard, tried, and determined at the Court of Quarter Sessions, or Special Slave Court, for the parish or precinct wherein the offence shall be committed, as part of the business of such court, and by indictment before the grand and petty juries of such court, as indictable offences are now conducted at such courts against white persons and persons of free condition; but first disposing of such business of the court as shall concern white persons and persons of free condition, and then proceeding with the trial of Slaves, against whom bills may be found by the grand jury; and the justice before whom such charge or complaint is made, shall issue out his warrant for apprehending the offender or offenders, and all persons that can give evidence, who, being brought before him, or any other justice of the peace, if, upon examination, it appears probable that the Slave or Slaves apprehended, is or are guilty, shall commit the offender or offenders to gaol for trial, at the next Court of Quarter Sessions or Special Slave Court, and secure the attendance there of the witnesses, by recognizance or committal to gaol, as public justice may require: in all cases the evidence of Slaves shall be admitted against Slaves before the justice, the court, and the grand, or petit jury. And in case of the grand jury finding a true bill, then in any parish where a Court of Quarter Sessions is now usually holden, such Slave or Slaves shall have the indictment or charge distinctly read to him, her, or them, in open court, which indictment or charge shall be deemed valid, if sufficient in substance, and shall not be granted for defect in form, and thereupon the plea shall be taken down and entered, and such Slave or Slaves shall be put upon his, her, or their trial, before a petit jury, in like manner as is the practice, usual and accustomed at the Quarter Sessions, on the trial of indictments against white persons and persons of free condition. And if a petit jury be already formed for any preceding business of the court, it shall be lawful to try the indictment against such Slave or Slaves, upon calling over the names of the jurors, and causing them to be sworn to try all and every such Slave or Slaves as shall be brought before them, and a true verdict give according to evidence, as in other cases: reserving to the crown and to the prisoner the power of challenging any of the said jurors, upon assigning cause to be approved of by the court; and provided that no owner or proprietor of any prisoner, or the attorney, guardian, trustee, overseer, or book-keeper, shall be allowed to sit as a juror upon the trial of such prisoner. And the place of such jurors as shall be set aside upon challenge, or for the causes aforesaid, shall be supplied by others returned upon the pannel, to serve as jurors; or if a sufficient number should not be in attendance, then such deficiency shall be supplied by a writ of tales, to be issued by the court, in which such trial shall take place. And the same jury shall serve for every case under the preceding regulations at the same court, unless the court shall see, or the jury of themselves declare, that the circumstances of one trial too intimately affect another trial, to proceed without bias, in which case a new jury shall be called; and if the said jurors shall, upon hearing the evidence, unanimously find the Slave or Slaves guilty of the offence with which he, she, or they, stand charged, the court shall pass sentence of death, without benefit of clergy, or transportation, or confinement to hard labour for life, or a limited time, or whipping, or such other punishment as the court shall think proper, according to the nature of the offence: Provided always, that no sentence of death or transportation, pronounced on any Slave or Slaves, shall be carried into effect, unless by warrant under the hand and seal of the governor, or the person exercising the functions of governor, who is hereby authorized to issue

such warrant, and before whom shall be previously laid the charge or indictment, the evidence taken down at the trial, and the sentence of the court, or a true copy thereof, attested by the justice presiding at the trial, or in case of his death, or absence of one of the other justices constituting the court, except when sentence of death shall be passed upon any Slave or Slaves convicted of rebellion, or rebellious conspiracy; in which case, the court shall and may proceed to pass sentence, and carry the same into execution as heretofore, at such time and place as public expedience may require; or if no pressing occasion arise, the court may, if it seems fit, refer the proceedings to the governor in the manner, and to be disposed of by him, as in other cases of public convictions: Provided always, that if it shall be necessary or expedient for the furtherance of justice and the safety of the public, to hold any court, before the stated Court of Quarter Session, it shall be lawful to convene a Special Slave Court, and the custos, or senior magistrate of the parish or precinct, shall issue a special writ of venire, directed to the provost marshal general, or his lawful deputy, to summon and warn forty-eight persons, such as are usually warned and empannelled to serve on juries for the parish, or precinct, personally to be, and appear at such court, at the usual place for holding the quarter session, at such day and time as may be expressed in such venire, then and there to inquire, for our Sovereign Lord the King, of and concerning all such matters and things as shall be given them in charge, and enjoined, when and where the said persons, so warned by the provost marshal, or his lawful deputy as aforesaid, are hereby severally required to attend, under the penalty of five pounds on each defaulter; and when and where the said Special Slave Court shall proceed in like manner, in all respects as is the usual custom and practice, at a General Court of Quarter Sessions of the Peace, for indictable offences against persons of free condition. And whereas this mode of trying Slaves will naturally interfere with the facilities granted to those parishes which are component part of a precinct wherein Special Slave Courts are now allowed: Be it enacted, that in the parishes of Saint Thomas in the Vale, and Saint John part of the precinct of Saint Catharine, indictments against Slaves shall be preferred before the grand jury convened and sworn at the Court of Quarter Session of the respective precincts, and the attendance of all witnesses to support the charge before the grand jury, shall be summoned as aforesaid; and when a true Bill shall be returned against any Slave or Slaves, such trial shall be proceeded in a Special Slave Court, to be convened by a custos or senior magistrate of such parish, to meet at the place such court is at present held by law, and thereupon the custos, or in his absence the senior magistrate of the parish where such trial is to take place, shall and may hold such Special Slave Court at the place where parochial business is usually transacted in such parish, and shall sign and issue a writ of venire to the provost marshal, or his lawful deputy, for convening twenty-four persons of the parish qualified to serve on juries, at the time and place appointed by the writ of venire to form a petit jury for the trial of Slaves, against whom bills of indictment have been found at the quarter sessions, such trial to take place under the same regulations as are hereinbefore contained as to trials of Slaves in the Courts of Quarter Sessions; and the provost marshal, his deputy, and all persons under recognizance, and the persons so warned as jurors, for any breach of the duty hereby imposed in regard to such Special Slave Court, shall suffer the like penalties under the like remedies, as if done in regard to the quarter session, and all proceedings of such Special Slave Court shall be returned into the office of the clerk of the peace of the precinct, there to be recorded, and kept as part of the records of the same parish: Provided always, that if any Slave or Slaves shall have been detained in custody under commitment for six calendar months, and no indictment shall have been preferred against him, her, or them, or person appearing to prosecute the complaint during that time, it shall be the duty of the said justices of quarter sessions so associated for the purpose of holding such Court of Quarter Sessions, to discharge such Slave or Slaves by proclamation at the expiration of such six calendar months from the time of the commitment of such Slave or Slaves: and provided always, that in any case, upon an indictment against any

Slave or Slaves for murder, where malice prepense shall not be proved to the satisfaction of the jurors, such jurors shall be, and they are hereby declared to be, at liberty to return a verdict of manslaughter, if they shall think the nature of the case shall require it; and the person or persons so found guilty of manslaughter shall suffer such punishment as the court shall think fit to inflict, not extending to life: and whereas the ends of justice are sometimes defeated by the incapacity or gross neglect of their duties, by the clerks of the peace.

And be it further enacted by the authority aforesaid, that from and after the commencement of this Act, upon any complaint made before a justice of the peace of any murder, felony, burglary, robbery, rebellion, or rebellious conspiracy, treason, or traitorous conspiracy, rape, mutilation, branding, dismembering, or cruelly beating, or confining without sufficient support, a Slave or Slaves, or in any cases of seditious meetings, or of harbouring or concealing runaway Slaves, or giving false tickets or letters to such runaway Slaves to enable them to elude detection, or on any inquisition before a coroner, the evidence of any Slaves respecting such complaint or inquisition shall be received and taken by such justice of the peace or coroner; and on any prosecution in any of the courts of this island for any of the crimes before mentioned, the evidence of a Slave or Slaves shall also be admitted and received: Provided always, that before such evidence shall be received, a certificate of his or her baptism shall be produced, and the justice of the peace, coroner, or court shall be satisfied, on due examination had, that such Slave comprehends the nature and obligation of an oath: And provided also, that nothing herein contained shall prevent the court from receiving objections as to the competency of such witness, or from receiving evidence as to the credibility of such witness in like manner as they would receive the same as to white persons, and persons of free condition: And provided also, that no white person, or person of free condition shall be convicted of any of the crimes aforesaid on the testimony of any Slaves, unless two of the said Slaves at least clearly and consistently depose to the same fact or circumstance, such Slaves being examined apart, and out of the hearing of each other: And provided also, that no white person, or person of free condition shall be convicted on the testimony of any Slave or Slaves of any crime or offence as aforesaid, unless the complaint shall have been made within twelve months after the commission thereof, and unless the crime or offence shall have been committed subsequent to the commencement of this Act: And be it further enacted by the authority aforesaid, that every justice of the peace or coroner who shall take the deposition of any Slave, shall certify, as part of the jurat, that the deponent had been duly examined and found to possess a competent knowledge of the nature and obligations of an oath, and such justice of the peace and coroner shall take from the person in possession of such Slave, or from some fit and proper person, a recognizance in a sum not exceeding one hundred pounds nor less than twenty pounds, conditioned for the production of such Slave as a witness in the court at which the indictment is to be preferred or tried, and such justice or coroner shall forthwith transmit to the clerk of the crown such deposition and recognizance; and in case the person in possession of such Slave shall refuse to give, or shall not produce, such bail for the appearance of the Slave, as a witness, or the person in possession of such Slave, shall be the party accused, or if, under the circumstances of the case, the justice of the peace or coroner shall see cause to apprehend that the witness may be withheld from giving his or her testimony, then such justice of the peace or coroner, shall have the power of securing the attendance of such Slave, as a witness, by a committal to goal, in the same manner as the attendance of a witness for the crown, who is unable to find bail for his appearance is now ensured, and the marshal or keeper of such goal shall allow to the said Slave the sum of one shilling and eight pence per diem, for his or her support during confinement, and such allowances shall be repaid to the marshal or keeper of the goal, in the same manner as the allowance to witnesses for the crown is now paid to him: and in case the party in possession of a Slave, shall produce him or her as a witness, at the court where any indictment is preferred, or had, according to the condition of a recognizance entered into by, or on the part of such person in possession, as aforesaid, such

person in possession shall be entitled to receive mile-money, at the rate of one shilling per mile, for the first five miles, and sixpence per mile for every mile afterwards, and a sum not exceeding three shillings and fourpence per diem, for each and every day such Slave shall have been absent from home, for the purpose of attending at the court, as a compensation for the loss of the labour of such Slave: and the judges presiding at the trial, upon application made to them in court after the trial, are hereby authorized, if they shall deem it equitable and right, under the circumstances of the case, to assess the amount of such mile-money and compensation, and grant a certificate thereof under their signature; and such certificate, after being approved of by the commissioners of public accounts, shall be paid by the receiver general to the person or persons to whom such certificate shall be granted: and in order to remove as much as possible any temptation to commit perjury, by those Slaves who shall be required to give evidence, Be it enacted, by the authority aforesaid, that the court shall not be at liberty to exercise the power given by this Act, for declaring any Slave free, and discharged from all manner of servitude, where the owner of such Slave has been convicted of particular offences, if any Slave shall have been sworn upon the trial, as a witness on the part of the prosecution, And be it further enacted by the authority aforesaid, that if any Slave shall commit wilful and corrupt perjury, in giving evidence upon any of the occasions hereinbefore mentioned, such Slave shall be liable to be tried therefore, and upon conviction thereof, shall be sentenced to hard labour in the workhouse, or to stand in the pillory, for such time as the court shall direct, or to whipping, or to all or either of such punishment, at the discretion of the court. And it is hereby enacted by the authority aforesaid, that the Slaves, whose attendance are required as witnesses, shall be protected in their persons, from all civil process whatsoever, in going to, attending at, and returning from such examinations or trials, as are herein before mentioned, and that such Slaves shall, during such time, not be liable to be levied on for debt or otherwise.

## No. 11.

MY LORD,

*King's House, Jamaica, 8th January 1827.*

WITH a reference to my despatch of 23rd ultimo, I have now the honour to enclose an authenticated copy of the Act, entitled "An Act to alter and amend the Slave Laws of this Island," passed in the last session.

I have the honour to be,

&amp;c. &amp;c. &amp;c.

(Signed)

MANCHESTER.

*The Right Honourable the Earl Bathurst, K. G.*

&amp;c. &amp;c. &amp;c.

## An Act to alter and amend the Slave Laws of this Island.

PREAMBLE.—WHEREAS it is expedient that the laws now in force, relating to Slaves, should be revised and consolidated, and other provisions be enacted to promote their religious and moral instruction, and by means whereof their general comfort and happiness may be increased as far as is consistent with due order and subordination, and the well-being of this colony.

1.—May it therefore please your Majesty that it may be enacted. Be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's island of Jamaica, that from and after the commencement of this Act, an Act entitled, "An Act for the Subsistence, Clothing, and the better Regulation and Government of Slaves; for enlarging the Powers of the Council of Protection, for preventing the improper transfer of Slaves, and for other Purposes," passed the nineteenth day of December, in the fifty-seventh year of the reign of his late Majesty King George the Third;



also an Act, entitled "An Act to amend the Slave Act, by altering the Mode of carrying into Execution the Sentence of Death on Slaves," passed the fourth day of December, in the second year of the reign of his present Majesty King George the Fourth; also an Act, entitled "An Act to take away Clergy from Offenders in Rape on Slaves," passed the eleventh day of December, in the fourth year of the reign of his present Majesty King the Fourth; also an Act, entitled "An Act for removing Impediments to the Manumission of Slaves, by Owners having only a limited Interest," passed the eighteenth day of December, in the fifth year of the reign of his present Majesty King George the Fourth; also an Act, entitled "An Act to prevent Levies on Slaves on Saturday," passed the eighteenth day of December, in the fifth year of the reign of his present Majesty King George the Fourth; and also an Act, entitled "An Act to enable Slaves to receive Bequests of Money or other personal Estate," passed the twenty-first day of December, in the sixth year of the reign of his present Majesty King George the Fourth, shall be and stand repealed, and the same are hereby repealed accordingly.

2.—Whereas doubts may be entertained, whether the Act of the 25th George III., cap. 8, has been repealed by any Act or Acts heretofore passed, in order to put an end to such doubts, be it enacted by the authority aforesaid, that nothing in any Act heretofore passed, or nothing in this Act contained, shall repeal the said mentioned Act, but that the same shall be in as full force and virtue as if the said several Acts had never been made.

3.—And be it further enacted by the authority aforesaid, that all owners, proprietors, and possessors, and in their absence the managers or overseers of Slaves, shall, as much as in them lies, endeavour the instruction of their Slaves in the principles of the Christian religion, whereby to facilitate their conversion, and shall do their utmost endeavours to fit them for baptism, and as soon as conveniently can be, cause to be baptized all such as they can make sensible of the duty to God and the Christian Faith, which ceremony the clergyman of the respective parishes are to perform, when required, without fee or reward.

4.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for any Slave or Slaves, who has or have been baptized, who may be desirous of entering into the holy state of matrimony, to apply to any clergyman of the established church to solemnize such marriage, who is hereby required to perform the same without any fee or reward, if such clergyman shall, upon examination of such Slaves, consider them to have a proper and adequate knowledge of the nature and obligation of such a contract, provided always that such Slave shall produce to the clergyman a permission in writing from his owner, or from the legal representative of his owner, for that purpose.

5.—And whereas, by the ninth section of the eighth George the Second, chapter fifth, it is enacted "that whenever hereafter any Slave or Slaves, taken on any writ of *venditioni* shall be exposed to Sale, the provost marshal, or his deputies respectively, shall sell all such Slaves singly, unless in cases of families, in which case, and in no other, the said provost marshal, or any of his deputies, may set up to sale such family or families, consisting of a man and his wife, his or their children;" and whereas it seems necessary further to enforce this provision: Be it therefore enacted by the authority aforesaid, that in all cases where a levy shall be made by any deputy marshal, or collecting constable of a family or families, each family shall be sold together and in one lot: Provided always that nothing in this Act contained shall be understood to interfere with levies on individual Slaves, nor be construed to authorize excessive levies.

6.—And be it further enacted by the authority aforesaid, that no white persons, or persons of free condition, shall expose on a Sunday, after the hour of eleven o'clock in the forenoon, any goods or provisions for sale in any market, or in any shop or other places, under a penalty not exceeding five pounds for every offence, to be recovered in a summary manner before any two magistrates; and if any Slave do commit such offence, the goods so exposed to be forfeited by order of any justice of the peace, for the benefit of the poor of the parish where such offence is com-

mitted; provided that nothing herein shall extend to prevent the keeping open any druggist's shop, tavern, or lodging-house, or the sale of fresh meat and fresh fish or milk, on Sunday; such sale, however, not to take place in any town or place during the hours appointed for the celebration of divine service therein: Provided always, that sufficient notice be given in the market, that the hour for closing it has arrived.

7.—Whereas it is expedient to render the Sabbath as much as possible a day of rest and for religious worship: and whereas it would be right and proper that the Slaves should be protected on some other day in the week besides Sunday, from being taken or levied upon for debt under any process issuing out of any of the courts of justice in this island, or by collecting constables for taxes: Be it therefore enacted by the authority aforesaid, that it shall not be lawful to make any levy upon any Negro or any other Slave on Saturday, and that they shall be exempt from all such process, and also from levies by collecting constables, for taxes on that day the same as on Sunday.

8.—And be it further enacted by the authority aforesaid, that from and after the commencement of this Act, the Slaves belonging to or employed on any plantation or settlement shall, over and above the holydays hereinafter to be mentioned, be allowed one day in every fortnight to cultivate their own provision grounds, exclusive of Sundays, except during the time of crop, under the penalty of twenty pounds to be recovered against the overseer or person having the care of such Slaves: Provided always, that the number of days so allowed to the Slaves for the cultivation of their grounds, shall be at least twenty-six in the year.

9.—And whereas much mischief is occasioned by persons employing the Slaves of others: Be it enacted by the authority aforesaid, that from and after the commencement of this Act, no person or persons whomsoever shall employ the Slave or Slaves of others for any reward or hire to be paid to them on the Sunday or any other day allowed such Slave by law, without the consent in writing of such owner or owners or overseers, first had and obtained, under a penalty not exceeding five pounds for each Negro so hired or employed; such penalty to be recovered in a summary manner, by warrant under the hands and seals of two magistrates of the parish in which the property is situated where the offence shall have been committed; and in case of non-payment of such penalty, to commit the offender or offenders to the common gaol of the county in which such offence shall have been committed, for a space not exceeding twenty days, or until such penalty shall be paid; and such penalty shall be for the benefit of the party, proprietor, or possessor of such Slave complaining, in case such offence shall be proved by a disinterested person; and in case such offence shall be proved by the owner, proprietor, or possessor of such Slave, such penalties shall be for the benefit of the poor of the parish in which the same offence shall be committed.

10.—And be it enacted by the authority aforesaid, that during the crop, not only shall the Slaves, as heretofore, be exempted from the labour of the estate or plantation on Sundays, but that no mills shall be put about or worked between the hours of seven o'clock on Saturday night and five o'clock on Monday morning, under the penalty of twenty pounds, to be recovered against the overseer or other person having the charge of such Slaves.

11.—And be it enacted by the authority aforesaid, that every master, owner, or possessor of any Slave or Slaves, or his or her overseer or chief manager, shall, under the penalty of ten pounds for each neglect, cause the condition of the Negro grounds to be inspected once in every month at least, in order to see that the same are cultivated and kept up in a proper manner, of which oath shall be made as in this Act is hereafter directed.

12.—And whereas it may happen that on some plantations, pennis, settlements, and towns in this island, there may not be lands proper for the cultivation of provisions, or where, by reason of long continuance of dry weather, the Negro grounds may be rendered unproductive, then, and in that case, the masters, owners, or possessors, do by some other ways and

means make good and ample provision for all such Slaves as they shall be possessed of, equal to the value of three shillings and four pence currency per week for each Slave, in order that they may be properly supported and maintained under the penalty of fifty pounds.

13.—And be it further enacted by the authority aforesaid, that every owner, master or possessor of Slaves shall once in every year provide, and give to each Slave they shall be possessed of proper and sufficient clothing, to be approved of by the justices and vestry of the parish where such master, owner, or possessor of such Slaves shall reside, under the penalty of five pounds for each Slave for whom such clothing shall not be provided, to be recovered in a summary manner before three justices of the peace.

14.—And be it further enacted by the authority aforesaid, that every master, owner, proprietor, or possessor of Slaves, his or her overseer, or chief manager, at their giving in an account of their Slaves and stock to the justices and vestry, on the twenty-eighth day of March in every year, or at the vestry which shall be held next after that day, shall under the penalty of one hundred pounds for every neglect, give in an account on oath of the nature and quantity of the clothing actually served to each Slave on such plantation, penn, or other settlement for the approbation of the justices and vestry as aforesaid; and shall likewise at the same time declare on oath, that he has inspected, or caused to be inspected, the Negro grounds (where such Negro grounds are allotted) of such plantation, penn, or settlement, according to the directions of this Act, and that every Negro on the property is sufficiently provided with grounds, or where there are no Negro grounds, such ample provision as hereinbefore directed.

15.—And be it further enacted by the authority aforesaid, that when the number of Slaves belonging to any master, owner, or possessor, shall not exceed forty, and such master, or owner, shall not comply with the enactments contained in the two foregoing clauses of this Act, the justices and vestry of the parish where such master, owner, or possessor of such Slaves reside, shall have power and authority to impose a penalty not exceeding fifty pounds, to be recovered in a summary manner before any two of his Majesty's justices of the peace by distress and sale of the offender's goods and chattels.

16.—And whereas by the usage of this island, Slaves have always been permitted to possess personal property, and it is expedient that such laudable custom should be established by law: Be it therefore enacted by the authority aforesaid, that if any owner, possessor, or any other person whatsoever, shall wilfully and unlawfully take away from any Slave or Slaves, or in any way deprive or cause any Slave or Slaves to be deprived of any species of personal property by him, her, or them lawfully possessed, such person or persons shall forfeit and pay the sum of ten pounds over and above the value of such property so taken away as aforesaid, the same to be recovered under the hands and seals of any three justices of the peace before whom the complaint shall be laid and the facts proved: Provided nevertheless, that nothing in this Act shall be construed or deemed to authorize any trespass, or to allow any Slave or Slaves to turn loose or keep on his owner's, or other person's property, any horses, mares, mules, asses, cattle, sheep, hogs, or goats, without the consent of his owner or person in possession of such lands being first had and obtained.

17.—Whereas it is expedient that the owners of Slaves or other persons should have it in their power to reward the fidelity of Slaves, or to make them bequests as a reward for their services or good conduct: Be it therefore enacted by the authority aforesaid, that any pecuniary bequest or legacy of a chattel to a Slave, shall be deemed and considered to be a valid and legal bequest or legacy, and the executor or executors, or other representative of the testator, shall be authorized to pay the amount of such legacy, or to deliver such chattel to the Slave: Provided always, that nothing herein contained shall be deemed to authorize the institution of any action or suit at law or in equity, for the recovery of such legacy, or to make it necessary to make any Slave or Slaves a defendant or defendants to a suit in equity.

18.—And in order that further encouragement may be given to the increase and protection of negro infants, be it further enacted by the authority aforesaid, that every female Slave who shall have six children living, or who having raised from infancy, and during the period of nurture, a child or children of deceased mothers, and which shall continue to live with her as her adopted child or children, shall have of her own, and of such so raised and adopted child or children, six children living, shall be exempted from all hard labour in the field or otherwise, and the owner or possessor of every such female Slave, shall be exempted from all manner of taxes for such female Slaves, anything in the Act commonly called the Poll Tax Law, or any other of the tax laws of this island, passed or annually to be passed to the contrary notwithstanding, and a deduction shall be made for all such female Slaves from the taxes of such owner or possessor by certificate of the justices and vestry: Provided nevertheless, that proof be given on oath, to the satisfaction of the said justices and vestry, not only that the requisite number of children, together with the mother or adopted mother are living, but also that the mother is exempted from all manner of field or hard labour, and is provided with the means of an easy and comfortable maintenance.

19.—And be it further enacted by the authority aforesaid, that no master, owner, or possessor of any Slave or Slaves whether in his or her own right, or as attorney, guardian, trustee, executor, or otherwise, shall discard or turn away any such Slave or Slaves on account or by reason of such Slave or Slaves being rendered incapable of labour or service to such master, owner, or possessor, by means of sickness, age, or infirmity, but every such master, owner, or possessor, as aforesaid, shall be and he is hereby obliged to keep all such Slave or Slaves upon his, her, or their properties, and to find and provide them with sufficient clothing, wholesome necessaries of life, and not suffer such Slave or Slaves as aforesaid, to be in want thereof, or to wander about and become burdensome to others for sustenance, under the penalty of twenty pounds for every such offence, to be recovered in a summary manner before any three justices of the peace in this island, who are hereby authorized, empowered, and required to cause such master, owner, or possessor, his, her, or their attorney or agent, and such other persons as they shall judge necessary, to be summoned before them, to enable them to judge and determine of the propriety of such information, and whether such master, owner, or possessor, ought to incur the said penalty; and in the mean time, and until such trial can be had, the said justices of the peace, upon thir own view, or upon the information of any white or free person on oath, are hereby empowered and required to take up such wandering, sick, aged, or infirm Slave or Slaves, and to lodge him, her, or them, in the nearest workhouse, there to be clothed and fed, but not worked, at the expense of the master, owner, or possessor, until such trial as aforesaid can be had; and if it shall appear to the said justices on such trial, that the party or parties so complained of, is or are guilty of the said offence, and shall refuse to pay the said sum of twenty pounds and the fees of such workhouse, for the maintenance of such Slave or Slaves, together with the charges of clothing and of the conviction, the said justices are hereby required and empowered under the penalty of twenty pounds forthwith, by warrant under their hands and seals, directed to the constable, to commit such offender or offenders to the common gaol of the county or parish where the offence shall be committed, there to remain until he, she, or they, shall pay the said sum of twenty pounds and charges as aforesaid, one moiety of which said fine shall be paid to the informer, who is hereby declared to be a good witness, and the other moiety shall be paid into the hands of the churchwardens of such parish for the poor of the said parish, any law, custom, or usage to the contrary notwithstanding.

20.—And whereas from the decease and change of residence of many proprietors of Slaves and other circumstances, and from the manumission of Negro, Mulatto, and other Slaves, without any suitable provision being made for their future maintenance, many unhappy objects afflicted with contagious distempers, or disabled for labour by sickness, age, and otherwise, and having no owners, prove dangerous, or become a burden or nuisance to the

several towns and parishes of this island; for remedy whereof, be it further enacted by the authority aforesaid, that the justices and vestrymen of the several towns and parishes in this island, be empowered to lay a tax upon the several towns and parishes in the same manner as the parochial taxes are usually laid for the purpose of raising such a sum as they shall judge sufficient to provide for the maintenance, clothing, medical care, and attendance in the workhouses or other convenient places of the said several towns and parishes of this island, of such Negro, Mulatto, or other Slaves, or other unhappy objects as aforesaid; and the magistrates respectively of such town and parish are hereby empowered and required upon application being made to them, or either of them, or upon view, to order all such objects as aforesaid, to be removed and conveyed to the respective workhouses of each parish, where (if a Slave) the former proprietor or proprietors, owner or owners of such Slave lived or resided; or if a person manumized or made free, of the parish wherein the owner or owners commonly resided, or the property was situated to whom or to which such manumission or if such manumission be by will, immediately previous to the decease of the testator or testatrix, there to be lodged and taken care of as aforesaid; and the magistrates and vestries of the several towns and parishes as aforesaid, are hereby empowered and required to make from time to time all such humane and salutary regulations for the purposes aforesaid, as to them shall seem necessary and expedient, and the keeper of the workhouse in such parish to which such Slave or free person shall be sent by warrant from any other parish, shall be obliged to receive the same under the penalty of twenty pounds.

21.—And it is hereby enacted and declared, that every parish in this island to which any manumized person shall be removed in pursuance of this Act, or any clause of any former Act for this purpose, as to the place of the legal settlement of such person, shall be entitled to claim all the advantages to be derived by law, from the security bond directed to be entered into and given, in and by an Act passed in the fifteenth year of the reign of his late Majesty King George the Third, entitled “An Act for regulating the Manumission of Negro, Mulatto, and other Slaves, and to oblige the Owners to make a Provision for them during their Lives,” by any person or persons manumizing any Slave or Slaves to the churchwardens of whatsoever parish such bond may have been given, as fully as if the same had been entered into to the churchwardens of the parish to which such manumized person shall become burdensome.

22.—And be it further enacted by the authority aforesaid, that all owners or others who may manumize such Slaves as are old, infirm, or unable to work for their maintenance, are hereby obliged to provide for such maintenance, by allowing each and every such Slave at the rate of ten pounds per annum, under the penalty of one hundred pounds, to be recovered in Grand or Assize Courts, and to be paid over to the churchwardens of the parish where such Slave may reside, which parish shall after the recovery of such sum, provide for, and pay the sum of ten pounds annually for the support of such Slave.

23.—And be it further enacted by the authority aforesaid, that in case any goods, chattels, or Slaves, belonging to the owners of such old, infirm, and deserted Slaves as aforesaid, who shall have become burdensome to any parish for support, shall thereafter be found in any part of this island, it shall and may be lawful for the churchwardens of every such parish, to recover the full amount of all expenses to which such parish shall, at any time, have been put on account of any such deserted Slaves, before any three justices of the peace of the parish or precinct wherein such goods, chattels, or Slaves shall be found, by distress and sale of the same.

24.—And whereas it sometimes happens that aged, infirm, and disabled Slaves, belonging to the estates of insolvent debtors, remain in the custody of the provost marshal of this island, or his deputies, without a possibility of the same being sold for the benefit of the creditors of such estates: Be it enacted by the authority aforesaid, that upon proof being made on oath by any deputy marshal, before any three magistrates of the district,

wherein he shall hold his appointment, that any Slave or Slaves of the above description, has or have been in his custody for more than six months thereto preceding, that such Slave or Slaves have been repeatedly put up to sale by public outcry, that no bidder has offered to purchase the same, and that there is no probability of his or her being sold, it may and shall be lawful for the said three magistrates to make an order, under their hands and seals, for the removal of such Slave or Slaves to the parish wherein the owner of such Slave or Slaves resided, at or immediately before the time when he or she took the benefit of the Act for the Relief of Insolvent Debtors, now in force or hereafter to be in force, there to be maintained and provided for according to the direction of this Act, hereinbefore declared.

25.—And it is hereby enacted, that such order being recorded in the office of the clerk of the peace of the precinct, wherein the gaol of such deputy marshal as aforesaid shall be situated, shall be deemed and taken in all the courts of this island, as a complete and perfect acquittal of all demands, claims, suits, and actions of every kind, on or against such provost marshal, or any of his deputies, as may or shall be made, instituted, or preferred by any person or persons whatsoever, on account or by reason of the removal of any such Slave or Slaves as aforesaid, out of his or their custody: Provided always, that if such Slave should at any time thereafter recover and become saleable, it shall be the duty of the supervisor of the workhouse in which such Slave is confined, to report the same to the provost marshal general, and thereupon the supreme court shall order such Slave to be sold by the provost marshal for the benefit of the insolvent's estate.

26.—And whereas Negroes afflicted with the yaws, cocobay, or other contagious diseases, are sometimes permitted to leave their master's property, and travel about the country to the great annoyance of the public, and of those in the neighbourhood: Be it enacted, that every owner or proprietor of Slaves, or his, her, or their overseer, as the case may be, permitting the same, shall forfeit the sum of twenty pounds for every such offence, to be recovered in a summary manner, before any three magistrates, one moiety of which to be paid to the informer, and the other moiety to the churchwardens of the poor of the parish in which the offence shall be committed; and which forfeiture shall be recovered on oath of the informer or other person complaining, to be levied by warrant of the said magistrates, who on refusal or failure of payment are hereby authorized to commit the delinquent to the county or nearest gaol until paid.

27.—And be it therefore enacted, that every field Slave on any plantation or settlement, shall on work days, be allowed half an hour for breakfast, and two hours for dinner; and that no Slave shall be compelled to any manner of field-work upon the plantation before the hour of five in the morning, or after the hour of seven at night, except during the time of crop, under the penalty of fifty pounds, to be recovered against the overseer or other person having the charge of such Slaves.

28.—And be it further enacted by the authority aforesaid, that for the future all Slaves in this island shall be allowed the usual number of holydays that were allowed at the usual seasons of Christmas, Easter, and Whitsuntide; provided that at every such respective season, no more than three holydays shall be allowed to follow or succeed immediately one after the other, any law, custom, or usage, to the contrary notwithstanding. And if any master, owner, guardian, or attorney of any plantation or settlement, or the overseer of such plantation or settlements, shall presume at the seasons aforesaid to allow any holydays to any Slaves on any such plantation or settlement, other than is directed by this Act to be given, every person so offending shall forfeit the sum of five pounds.

29.—And in order to encourage Slaves to detect runaways: Be it enacted by the authority aforesaid, that every Slave or Slaves that shall inform against any person who shall have or conceal any runaway Slave or Slaves, so that such runaway Slave or Slaves may be taken and restored to his, her, or their owner or owners, or be committed to any workhouse, every such Slave or Slaves so informing shall be entitled to such reward as any justice

shall think just and reasonable, and be paid by such person or persons as such justice shall determine ought to pay the same, not less than twenty shillings nor exceeding forty shillings, to be enforced by a warrant under the hand and seal of such justice.

30.—And be it further enacted by the authority aforesaid, that if any Slave or Slaves shall kill or take any Slave or Slaves in actual rebellion, he or she shall receive from the churchwardens of the respective parishes where such Slave or Slaves shall have been killed, the sum of three pounds, and the sum of five pounds if taken alive, and a blue cloth coat, to be paid and furnished by the churchwardens of the respective parishes where such Slave or Slaves shall have been killed or taken, the whole expense whereof shall be re-imbursed by the receiver-general for the time being, out of any monies in his hands unappropriated.

31.—And be it further enacted by the authority aforesaid, that if any person hereafter shall, with malice aforethought, kill or murder any Negro or other Slave, such person so offending shall, on conviction, be adjudged guilty of felony without benefit of clergy, and shall suffer death accordingly for the said offence: Provided always, that such conviction shall not extend to the corrupting the blood, or the forfeiture of lands and tenements, goods or chattels; any law, custom, or usage to the contrary thereof in anywise notwithstanding.

32.—And be it further enacted by the authority aforesaid, that if any person or persons shall at any time after the commencement of this Act, unlawfully and carnally know and abuse any female Slave under the age of ten years, every such unlawful and carnal knowledge shall be felony, and the offender thereof, being duly convicted, shall suffer as a felon, without benefit of clergy.

33.—And be it further enacted by the authority aforesaid, that if any person or persons shall at any time, after the commencement of this Act, commit a rape on any female Slave, then and in every such case, every person being thereof lawfully convicted, shall be deemed guilty of felony, and suffer death without benefit of clergy: Provided always, that nothing herein contained shall extend to the corrupting the blood or the forfeiture of lands or tenements, goods, or chattels; any law, custom, or usage, to the contrary thereof in anywise notwithstanding.

34.—And in order to prevent any person from mutilating, dismembering, or cruelly beating or confining any Slave or Slaves: Be it further enacted by the authority aforesaid, that if any master, mistress, owner, possessor, or other person whatsoever shall, at his, her, or their own will and pleasure, or by his, her, or their direction, or with his, her, or their knowledge, sufferance, privity, or consent, mutilate or dismember any Slave or Slaves, or wantonly or cruelly whip, maltreat, beat, bruise, wound, or imprison, or keep in confinement without sufficient support, or brand any Slave or Slaves, he, she, or they shall be liable to be indicted for such offence in the Supreme Court of Judicature, or in any of the Assize Courts, or Courts of Quarter Sessions of this island; and upon conviction shall be punished by fine not exceeding one hundred pounds, or imprisonment not exceeding twelve months, or both, for each and every Slave so mutilated or dismembered, punished, or confined, and such punishment is declared to be without prejudice to any action that could or might be brought at common law for recovery of damages, for or on account of the same, in case such Slave or Slaves shall not be the property of the offender. And in atrocious cases, where the owner of such Slave or Slaves shall be convicted of such offence, the court before whom such offender shall have been tried and convicted, are hereby empowered, in case they shall think it necessary, for the future protection of such Slave or Slaves, to declare him or them free and discharged from all manner of servitude, to all intents and purposes whatsoever; and in all such cases the court are hereby empowered and authorized, if to them it shall appear necessary, to order and direct the said fine of one hundred pounds to be paid to the justices and vestry of the parish to which the said Slave or Slaves belonged, to the use of the said parish; the said justices and vestry, in consideration thereof, paying to each of the said Slave or Slaves, so made free, the sum of



ten pounds per annum for his or her maintenance and support, during life ; and in case any Slave or Slaves, shall suffer any before-mentioned mutilations or wanton punishment or confinement, or branding, such Slave or Slaves on his, her, on their application to any justice of the peace, the said justice of the peace shall be, and is hereby directed, required, and empowered, on view, on its appearing to his satisfaction that such mutilation or wanton punishment have been really suffered, to send such Slave or Slaves to the nearest workhouse where such offence shall be committed, and such Slave or Slaves shall be there safely kept, and carefully attended but not worked, at the expense of such parish, until such time as the Special Sessions, hereinafter mentioned, shall meet ; and such Slave shall be kept separate and apart from Slaves committed to such workhouse as runaways or criminals, in a place appropriated in such workhouse for that purpose ; and the said justice of the peace, to whom such application shall have been made as aforesaid, is hereby required and directed forthwith, to certify the nature of such application or complaint, to the custos or senior magistrate in the parish or precinct wherein such workhouse shall be situate, whose duty it shall be, and he is hereby directed and required to convene a Special Sessions, consisting of not less than three justices of the peace of such parish or precinct, which Special Sessions, when met, is hereby empowered and required to make further and full inquiry, upon view, and by the examination of witnesses into the commitment of the mutilation or punishment of such Slave or Slaves ; and if upon such examination it shall appear to them that the complaint of such Slave or Slaves is frivolous or unfounded, it shall be lawful for them, and they are hereby required to dismiss the complaint, and to direct such Slave or Slaves to be delivered over to his, her, or their owner or owners, or possessor, or his, her, or their legal representatives, or to direct such punishment by confinement to hard labour, or whipping, or both, as to them may seem proper ; but if upon such examination and inquiry as aforesaid, it shall appear to the satisfaction of the said justices, that the complaint is well founded, they are hereby directed to lodge the examinations with the clerk of the crown, or clerk of the peace, that the parties may be prosecuted according to law, and to bind over the said offenders and witnesses in a sum not exceeding fifty pounds, with securities, to appear at the Grand or Assize Courts, or Quarter Sessions of the parish, and to remand the said Slave or Slaves to the workhouse, to be kept until such time as there shall be a legal meeting of the justices and vestry of such parish, which meeting, the custos or chief magistrate is hereby required to call as early as conveniently may be ; and such justices and vestry, when met, are hereby appointed a council of protection of such Slave or Slaves, and are hereby directed and empowered, if they think proper, to make further inquiry into the commitment of the mutilation or punishment of such Slave or Slaves ; and if to them it shall appear proper, the said justices and vestry are hereby empowered and required to prosecute to effect such owner or owners, the expense of which prosecution shall be paid by the parish where such offence shall be committed ; and in case the owner or owners of such Slave or Slaves shall appear capable of paying the costs and charges of such before-mentioned prosecution, the said justices and vestry, are hereby empowered to commence a suit or suits against such owner or owners of such Slave or Slaves, and recover all costs and charges out of purse by them laid out and expended in such suit or suits ; and the keeper of the workhouse where such Slave or Slaves shall have been first committed, is hereby directed and required, upon due notice of the meeting of the said Special Sessions, or of the first meeting of the council of protection of the parish where the offence was committed, to produce such Slave or Slaves for the inspection and direction of such Special Session and council of protection, under the penalty of one hundred pounds for every neglect in not producing before such council of protection such Slave or Slaves.

35.—And be it further enacted by the authority aforesaid, that if after due notice of such meeting being convened a sufficient number of magistrates and vestrymen do not attend to form a council of protection, the



custos or senior magistrate who may preside at such meeting is hereby empowered and required to inflict a fine, not exceeding ten pounds, upon any vestryman or magistrate voluntarily absenting himself, to be levied by warrant under his hand and seal.

36.—And be it further enacted by the authority aforesaid, that in case any justice of the peace shall receive any complaint or probable intelligence from any Slave or otherwise, that any Slave or Slaves is or are so mutilated or cruelly punished, or is or are confined without sufficient support, it shall and may be lawful for such justice of the peace, and he is hereby empowered and required forthwith to issue his warrant to any constable, ordering him immediately to proceed to the place where such Slave or Slaves are confined, and such Slave or Slaves to release and bring before such justice, who, on view or proof of the fact, is hereby authorized to send such Slave or Slaves to the workhouse for protection, there to be kept, but not worked, until inquiry shall be made into the fact according to law.

37.—And in order to restrain arbitrary punishments: Be it further enacted by the authority aforesaid, that no Slave on any plantation or settlement, or in any of the workhouses or gaols in this island, shall receive more than ten lashes at one time, and for one offence, unless the owner, attorney, guardian, executor, or administrator, or overseer, of such plantation or settlement having such Slave in his care, or keeper of such workhouse, or keeper of such gaol shall be present; and that no such owner, attorney, guardian, executor, administrator or overseer, workhouse keeper or gaol keeper shall, on any account, punish a Slave with more than thirty-nine lashes at one time and for one offence, nor inflict, or suffer to be inflicted such last mentioned punishment nor any other number of lashes on the same day, nor until the delinquent has recovered from the effects of any former punishment, under a penalty not less than ten pounds, nor more than twenty pounds for every offence, to be recovered against the person directing or permitting such punishment in a summary manner, upon conviction before any three magistrates by warrant of distress and sale, and in default of payment, the said magistrates are hereby required and empowered to commit such offender to the common gaol for any space of time, not exceeding ten days, besides being subject to be prosecuted by indictment in the Supreme or Assize Courts or Courts of Quarter Sessions of this island, as for an offence against this Act.

38.—And be it further enacted by the authority aforesaid, that no person or persons shall, after the commencement of this Act, commit or send any Slave or Slaves belonging to him, her, or them, to any workhouse in this island for any offence whatsoever, for a longer space of time than ten days, without a commitment or warrant to be signed by a justice of the peace, nor shall give nor direct or cause to be given to any Slave in such workhouse, more than twenty lashes without a warrant from a justice of the peace under a penalty of five pounds for each and every such offence; and if any person shall further punish or cause to be punished, any such Slave or Slaves for the same offence for which he, she, or they had suffered such punishment as aforesaid, (or such punishment as a justice of the peace shall have directed) either by re-committing such Slave or Slaves to the same workhouse, or committing or sending him, her, or them to any other workhouse or otherwise howsoever, such person shall suffer such punishment by fine, not exceeding ten pounds: And if any workhouse keeper shall give, or cause to be given, any number of lashes contrary to the true intent and meaning of this clause, such workhouse keeper shall suffer punishment by fine, not exceeding ten pounds: and the several penalties and fines under this clause are to be recovered before any three justices of the peace, who may commit the person so offending to gaol until such penalties or fines are paid, or may issue their warrant for the levying and sale of the same, of the goods and chattels of the offender.

39.—And be it further enacted by the authority aforesaid, that in case any justice or justices of the peace shall receive any complaint or probable intelligence from any Slave or otherwise, that any Slave or Slaves has or have been improperly punished contrary to the true intent and meaning of this Act, it shall and may be lawful to and for such magistrate to associate two

other of the magistrates of the said parish with him, and to inquire in a summary manner into such complaint; and if upon inquiry, it shall be found that the said complaint is true, it shall be the duty of the said magistrates, and they are hereby required to proceed against the offender according to law; but if it shall appear that such complaints was groundless, the said magistrates shall punish the complainant and the person giving information thereof, in such manner as to them may seem proper.

40.—And be it further enacted by the authority aforesaid, that no such person shall on any pretence whatsoever, punish any Negro or other Slave, whether his own property or otherwise, by fixing or causing to be fixed, an iron or other collar round the neck of such Slave, or by loading the body or limbs of such Slave for any offence whatsoever with chains or weights of any kind, other than a light collar without hooks, to indicate that such Slave is an incorrigible runaway, or one accustomed to commit deprecations on the grounds of the other Negroes, and which collar shall only be put on by the directions of a magistrate, on complaint being made, under a penalty of not less than five pounds nor exceeding fifty pounds, to be recovered in a summary manner before two or more justices of the peace of the parish or precinct where the offence shall be committed; and all and every the justices of the peace within this island are hereby authorized, directed, and required, under the penalty of one hundred pounds on information and view of such offence, to order such collar, chains, irons, or weights to be immediately taken off from the Slave or Slaves wearing or bearing the same.

41.—And be it further enacted, that no Slave (such only excepted as are going with firewood, grass, fruit, provisions, or small stock, and other goods which they may lawfully sell, to market, and returning therefrom) shall, from and after the commencement of this Act, be suffered or permitted to go out of his or her master's or owner's plantation or settlement, or to travel from one town or place to another, unless such Slave shall have a ticket from his master, owner, employer, or overseer, expressing particularly the time of such Slave's setting out, and where he or she is going, and the time limited for his or her return, under a penalty not exceeding forty shillings for every Slave so offending, to be recovered from the master, owner, employer, or overseer in a summary manner before any one justice of the peace by warrant of distress, complaint being made to him on oath, unless the master, owner, employer, or overseer of such Slave shall prove upon oath before any justice of the peace of the parish or precinct where such master, owner, employer, or overseer, may or shall live or happen to be, that he did give the said Slave such ticket as aforesaid, or that such Slave went away without his consent, in which case the justice to order punishment; and if such justice shall neglect or refuse his duty, either in causing the penalty to be forthwith levied on complaint being made to him as aforesaid, on the owner, overseer, or any other person who shall suffer a Slave, being under his or their direction, to go without a ticket as aforesaid, every justice so offending shall forfeit the sum of five pounds, any law, custom, or usage to the contrary notwithstanding.

42.—And be it further enacted by the authority aforesaid, that no ticket shall be granted to any Slave or Slaves, for any time exceeding one calendar month.

43.—And whereas it is very dangerous to the peace and safety of this island to suffer Slaves to continue as runaways, and it is absolutely necessary to declare and make known to the public what Slaves shall be deemed such: Be it enacted by the authority aforesaid, that from and after the commencement of this Act, any Slave or Slaves, who shall be absent from his owner or employer without leave, for the space of five days, or who shall be found at the distance of eight miles from the house, plantation, or other settlement to which such Slave or Slaves shall belong, without a ticket or other permit to pass except as hereinbefore excepted, in going to and returning from market, shall be deemed a runaway.

44.—And be it therefore enacted by the authority aforesaid, that if any Slave shall run away from his or her owner, or lawful possessor, and continue absent for a term exceeding six months, such Slave being con-

victed thereof, shall be sentenced to be confined to hard labour for such time as the court shall determine, or be transported for life, according to the magnitude of the offence.

45.—And be it further enacted by the authority aforesaid, that if any Slave shall run away from his or her lawful owner or possessor as aforesaid, and continue absent for any time not exceeding six months, such Slave shall be liable to be tried before two justices, and upon conviction thereof shall, for the first offence, suffer such punishment by flogging or confinement to hard labour, not exceeding three months, as the said two justices shall think proper to direct; but if the said Slave hath frequently run away, and is by his or her owner or possessor, declared to be an incorrigible runaway, he or she shall be tried as if he or she had been run away from his or her said owner or possessor, and continued absent for a term exceeding six months, and such Slave being convicted thereof, shall be sentenced to be confined to hard labour, or be transported for life, as the court shall direct.

46.—And be it further enacted by the authority aforesaid, that every Slave or Slaves who shall knowingly harbour or conceal any runaway Slave or Slaves, or shall furnish a ticket or letter to such runaway Slave or Slaves, for the purpose of enabling them to escape detection, shall be liable to be tried for the same at the Quarter Sessions or Special Slave Court, hereinafter appointed, and on conviction shall suffer such punishment as the court shall think proper to direct, not extending to life.

47.—And be it further enacted by the authority aforesaid, that if a white person, or person of free condition, shall wilfully and knowingly employ, harbour, or conceal any runaway Slave, he, she, or they, shall be liable to be indicted in the Court of Quarter Sessions of the parish or precinct where such offence has been committed, and on conviction shall suffer such punishment by fine not exceeding fifty pounds, or by imprisonment not exceeding three months, as the court shall think proper to inflict, and also the further sum of three shillings and four pence per day for every day such Slave or Slaves may have been so runaway, to be paid to the owner or possessor of such Slave, to be recovered in the same manner, and by the same remedy as the fine: Provided nevertheless, that nothing in this clause shall prevent the injured party from prosecuting under the Act commonly called the Inveigling Act, if it shall be deemed proper.

48.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for any justice of the peace, and he is hereby authorized and required upon complaint made to him on oath, that any Slave or Slaves are runaway, or on suspicion or probable intelligence of the same, and that he, she, or they have absconded themselves from the service of their owners or employers, to grant a warrant to search for and apprehend all such runaway Slaves, as also such Slaves as the complainant shall have just cause to suspect to be guilty of wilfully entertaining, harbouring, or concealing such runaway Slaves; and it shall and may be lawful for any person or persons so authorized by warrant as aforesaid, to enter any Negro house or houses or other place occupied by any Slave or Slaves, having first given notice to the master, owner, manager, or overseer on the plantation, to which such house or houses, or other places as aforesaid, belong, or proprietor, or occupier of any house; and after such warrant obtained, and notice given as aforesaid, to break open the door or doors of such Negro houses or rooms, into which admittance shall be refused, provided such warrant be executed by a lawful constable, or some white person or free person, specially sworn as a constable for the purpose.

49.—And whereas the more effectually to conceal runaway Slaves, or to prevent their being apprehended, tickets are given by ill-disposed persons of free condition: Be it therefore enacted by the authority aforesaid, that any white person, or person of free condition, granting or giving a letter or ticket to enable any Slave to absent himself or herself from his or her owner or possessor, shall be liable to be tried for the said offence, before the Supreme Court of Judicature, or in either of the Courts of the Assize, or Courts of Quarter Sessions in this island, where the offence shall be committed, and on conviction, shall suffer such punishment by fine or imprison-

ment, or both, as the court in their discretion shall think proper to inflict, not extending to life.

50.—And be it further enacted by the authority aforesaid, that any Slave or other person or persons whatsoever, who shall apprehend any runaway Slave or Slaves, shall, for every one so apprehended, be entitled to receive from the owner, employer, overseer, or manager of such Slave or Slaves, the sum of ten shillings and no more, besides mile money, at the rate of one shilling per mile for the first five miles, and sixpence per mile for every mile afterwards: Provided nevertheless, that nothing in this Act contained, shall be construed to extend to an allowance of the said sum of ten shillings and mile money, in addition to the sum allowed to Maroon Negroes for apprehending runaways; and provided also, that it is not hereby intended to deprive the said Maroons of their legal and established reward of forty shillings for each Negro.

51.—And be it further enacted by the authority aforesaid, that the person or persons so apprehending such runaway Slave or Slaves, shall convey him, her, or them, to their respective owner, employer, or manager, or to a justice of the peace, who shall or may commit him, her, or them, to the nearest workhouse, and the workhouse keeper is hereby required and ordered to receive such Slave or Slaves into custody, and to pay the party delivering such Slave or Slaves, the said sum of ten shillings and mile money as aforesaid, and no more, for each Slave so delivered, under the penalty of five pounds.

52.—And to the end that the owners or proprietors of runaway Slaves may have a due knowledge where such Slaves are confined, after their being apprehended and sent to any workhouse in this island, in order that such owners or proprietors may apply for such Slaves: Be it further enacted by the authority aforesaid, that from and after the commencement of this Act, all and every the workhouse keepers in any of the parishes of this island; shall, and they are hereby obliged, once in every week, to advertise in the Gazette of Saint Jago de la Vega, the Royal Gazette, and the Cornwall Chronicle, the height, names, marks, and sex, and also the country where the same can be ascertained, of each and every runaway Slave then in custody, together with the time of their being sent into custody, and the name or names of the owner or owners thereof, if known, and that upon oath, under the penalty of ten pounds for every Slave so neglected by him to be advertised, and for the expense of such advertisement, they the said workhouse keepers shall and may, and they are hereby authorized to charge the owner or proprietor of such runaway Slaves so advertised, at and after the rate of three shillings and fourpence per month for each paper, and no more, which said sum of three shillings and fourpence per month for each paper, so to be paid to the printers of the several papers respectively, the amount of whose accounts, after being properly authenticated upon oath, shall be paid annually by the treasurers for the time being of the several workhouses in this island, and that it shall and may be lawful for the workhouse keeper to detain and keep in custody such runaway Slave or Slaves until the owner or owners thereof, or some person on their behalf properly authorized, shall pay unto such workhouse keeper what shall have been paid to the person or persons who apprehended and brought such Slave or Slaves into custody, with two shillings and sixpence in the pound for laying out the money, the cost of advertising at and after the rate above mentioned, and sixpence for twenty-four hours such Slave or Slaves shall have been in custody for maintenance, and twopence per day for medical care and extraordinary nourishment where necessary, the expense of clothing when supplied, and also the charges of advertising above directed, and no other fees whatever; and that the workhouse keeper and no other person, shall attest upon oath, that the charges in the account for mile money, and the reward for apprehending such Slave, were actually paid to the person who brought such runaway, and that the whole of the charges in the said account are strictly conformable to law: Provided always, and it is hereby declared, that the owner or owners of any Slave to be committed by the judgment of any court, or by order of any magistrates, to any workhouse by way of punishment, shall not be answerable for or compelled to pay the workhouse fees for the time such Slave shall be so committed and confined.

53.—And be it further enacted by the authority aforesaid, that the keeper of every workhouse or gaol in this island, shall, under the penalty of ten pounds for every neglect, provide and give to every Slave confined in such workhouse or gaol, a sufficient quantity of good and wholesome provisions daily, that is to say, not less than one quart of unground Guinea or Indian corn, or three pints of the flour or meal of either, or three pints of wheat flour, or eight full grown plantains, or eight pounds of cocoes or yams, and also one herring or shad, or other salted provisions equal thereto; and shall also, under the like penalty, provide and supply every such Slave confined as aforesaid, with good and sufficient clothing where necessary.

54.—Provided always, and it is hereby enacted by the authority aforesaid, that in case any Negro or other person sent in and detained in any workhouse as a runaway Slave, shall allege himself or herself to be free, it shall be the duty of the custos or senior justice of the parish or precinct wherein such workhouse is situated, to convene, as soon as conveniently may be, a Special Sessions, consisting of not less than three justices of the peace of such parish or precinct, and of which Special Sessions, and of the time and place of holding the same, due notice shall be given in the several county newspapers of this island, and which Special Sessions being so convened, shall carefully and attentively investigate, inquire into, and examine the truth of such allegation; and if it shall appear to such Special Sessions that such person so detained as a runaway Slave is free, such person shall be forthwith discharged; and in case it shall appear to such Special Sessions that such person is a Slave, he or she shall be forthwith remanded to the workhouse whereto he or she had been sent: Provided always, and it is hereby declared, that the decision of such Special Sessions shall be without prejudice to the prosecution of the right or title of any person to such runaway, or to the prosecution by such person detained as a runaway of his or her right or title to his or her freedom.

55.—And it is hereby further enacted by the authority aforesaid, that no Slave or Slaves so detained as a runaway Slave or Slaves shall be sold by any workhouse keeper until such Special Sessions has been convened and held, and such investigation, inquiry, and examination had, and the same being certified by the justices attending such Special Sessions under their hands and seals; and the sale of any such runaway Slave or Slaves made without such certificate being obtained, shall be, and the same is hereby enacted and declared to be, null and void to all intents and purposes, and no right, title, or interest whatsoever shall pass thereunder to any purchaser whomsoever, anything in this Act, or in an Act of the Lieutenant, Governor, Council, and Assembly of this island, made and passed in the thirty-second year of his late Majesty's reign, entitled "An Act for establishing public Workhouses in the several Parishes in this Island;" or any other Act, law, usage, or custom to the contrary in anywise notwithstanding.

56.—And be it further enacted by the authority aforesaid, that from and after the commencement of this Act, every workhouse keeper in this island, who shall have any action in replevin, *homine replegiando*, or ejectment, brought against him for any Negro or other Slave or Slaves in his custody, shall, under a penalty for every offence not less than five pounds, nor exceeding fifty pounds, as shall be inflicted by the judges of his Majesty's Supreme Court of Judicature or Courts of Assize in this island, immediately after he receives such replevin, *homine replegiando*, or ejectment, give notice in the several country newspapers of such action, and at whose suit it is brought, and the name or names of such Negro or other Slave or Slaves, together with his, her, or their mark or marks, and the best information he can get concerning the real owner of such Slave or Slaves, and shall continue such notice for four weeks before the trial shall be had upon such replevin, *homine replegiando*, or ejectment, or such Slave or Slaves to be taken out of the custody of such workhouse keeper; the costs of which, and all other expenses incurred, shall be paid to such workhouse keeper by the person who shall receive such Slave or Slaves; and if any person or persons shall give notice to such workhouse keeper of his, her, or their intention to take the defence of any action so brought, such workhouse keeper shall detain in his custody the Slave or

Slaves, for or by whom such action shall be brought, until the trial of such action, or order of the court thereon, under the penalty of one hundred pounds, unless the security offered in cases of *homine replegiando*, shall justify before a judge of the Grand Court or Courts of Assize, in such sum as such judge shall think proper; notice of such justification, and the time and place thereof, and the judge before whom the same is to be taken, being given to the person intending to take the defence of such action.

57.—And whereas several Slaves have found means to run away from their owners and depart from this island, to the great damage of such owners, in evil example to other Slaves, who may be thereby induced to attempt or conspire to do the same; and whereas there is reason to suspect that such Slaves have been aided and assisted in such escape and departure by other persons, and there is not any adequate punishment provided by law for such running away or departure, or attempting or conspiring to run away and depart from this island, or for persons aiding, assisting, or abetting such runaways; for remedy whereof, Be it enacted by the authority aforesaid, that from and after the commencement of this Act, if any Slave shall run away from his, her, or their owner or owners, employer or employers, and go off, or conspire or attempt to go off this island, in any ship, boat, canoe, or other vessel, or craft whatever, or be aiding, or abetting, or assisting, to any other Slave or Slaves in such going off this island, he, she, or they, so running away and going off, or conspiring or attempting to go off, or so aiding, assisting, or abetting in such going off, being thereof convicted, shall suffer such punishment as the court shall think proper to direct, not extending to life.

58.—And be it further enacted by the authority aforesaid, that if any white person or person of free condition, shall knowingly be aiding, assisting, or abetting any Slave or Slaves in going off this island, he, she, or they being convicted thereof, by bill, plaint, or information, in the Supreme Court of Judicature, or either of the Courts of Assize of this island, shall forfeit the sum of three hundred pounds for each Slave, one moiety whereof shall be to our Sovereign Lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other moiety to the party or parties at whose suit or complaint such person was convicted, and shall also suffer imprisonment at the discretion of the said court, for any space of time not exceeding twelve months, without bail or mainprise.

59.—And be it further enacted by the authority aforesaid, that it shall and may be lawful to proceed against the person or persons so aiding, assisting, or abetting any Slave or Slaves in going off this island, whether the principal or principals be convicted or not, anything in this or any other Act, law, custom, or usage to the contrary thereof notwithstanding.

60.—And be it further enacted by the authority aforesaid, that no Negro or other Slave shall be allowed to travel the public roads with dogs or cutlasses or other offensive weapons, without a ticket from his owner, or to hunt any cattle, horses, mares, mules, or asses in any part of this island with lances, guns, cutlasses, or other instruments of death, unless in the company of his or their master, overseer, or some other white person, by him or them deputed, or by permission in writing; and if any Negro or other Slave shall offend contrary to the true intent and meaning of this Act, he, she, or they, being thereof convicted before three justices, shall suffer such punishment as they shall think proper to inflict, not extending to life or transportation for life.

61.—And be it further enacted by the authority aforesaid, that if any master, owner, guardian, possessor or attorney, overseer or book-keeper of any plantation or settlement, shall hereafter suffer any strange Slaves to assemble together and beat their drums, and blow their horns or shells, upon any plantation, penn, or settlement, or in any yard or place under his, her, or their care or management, or shall not endeavour to disperse or prevent the same, by immediately giving notice thereof to the next magistrate or commissioned officer, that a proper force may be sent to disperse the said Slaves, every such master, owner, guardian, possessor or

attorney, overseer or book-keeper, shall for every such offence, upon conviction thereof upon an indictment in the Supreme Court of Judicature, or Courts of Assize or Quarter Sessions of the parish wherein such offence shall be committed, pay a fine of fifty pounds to his Majesty, his heirs and successors, for and towards the support of the government of this island and the contingent charges thereof: Provided nevertheless, that information of such offence shall be made upon oath, before any of his Majesty's justices of the peace, within the space of fourteen days after the commission of the offence.

62.—And be it further enacted by the authority aforesaid, that all officers, civil and military, shall be, and are hereby empowered and required to enter into any plantation, settlement, or other place, to disperse all such unlawful assemblies, and to suppress and prevent all unlawful drummings and other noise as before mentioned, any law, custom, or usage to the contrary notwithstanding, according to the nature, degree, or circumstances of the case.

63.—And whereas it has been found by experience, that rebellions often have been concerted at Negro dances, and nightly meetings of Slaves, and as it has been found also, that those meetings tend much to injure the health of the Negroes: Be it therefore enacted by the authority aforesaid, that if any owner, or proprietor, overseer, or in his absence, any book-keeper, or other person, having the care and management of any plantation or settlement, shall suffer any Slaves to assemble together, or beat their drums, or blow their horns or shells, every such owner, or proprietor, overseer, book-keeper, or other person so offending, shall for every such offence, upon conviction thereof upon an indictment in the Supreme Court of Judicature, or before the justices of Assize or Court of Quarter Sessions wherein such offence shall be committed, suffer imprisonment without bail or mainprize for any term not exceeding six calendar months, provided information is made upon oath as aforesaid, before one of his Majesty's justices of the peace, within fourteen days after the commission of such offence; but nothing herein contained shall be construed to prevent any master, owner, or proprietor of any plantation or settlement, or the overseer thereof, from granting liberty to the Slaves of such plantation or settlement only, for assembling together upon such plantation or settlement, and playing and diverting themselves in any innocent amusements, so as they do not make use of military drums, horns, or shells, but that they shall and may grant such liberty, when and as often as they please, anything in this or any other Act to the contrary notwithstanding: Provided that such amusements are put an end to by twelve of the clock at night.

64.—And in order to prevent riots and nightly meetings among Negro and other Slaves, to the disturbance of the public peace, and endangering their healths: Be it therefore enacted by the authority aforesaid, that all Negro burials shall in future take place in the day-time, so that the same may be ended before sunset; and if any master, owner, or possessor of Slaves, his or her overseer or chief manager, shall knowingly suffer or permit the burial of any Slave otherwise than as before directed, he shall forfeit the sum of fifty pounds; and if any burials shall take place in any of the towns of this island, or in savannas, commons, or other places, not in charge of an overseer, after sunset, every person of free condition, in whose house, yard, or premises, any Slaves shall be permitted to assemble for attending such burial, shall forfeit a sum not less than five pounds nor exceeding fifty pounds, and the Negro or other Slaves who shall meet for the purpose of attending such burial, or be found thereat, shall, upon conviction before three or more magistrates, suffer such punishment as the said magistrates shall direct, not exceeding thirty-nine lashes.

65.—And be it further enacted by the authority aforesaid, that if any white or free person shall hereafter suffer any unlawful assembly of Slaves at his or her house, or settlement, every such free person shall, upon due conviction thereof before any Court of Quarter Sessions, suffer punishment by fine not exceeding one hundred pounds, or imprisonment not exceeding six months: Provided nevertheless, that information thereof shall be given on oath within fourteen days of such unlawful meeting.



66.—And be it further enacted by the authority aforesaid, that if any white or free person or persons, or any Slave or Slaves, shall knowingly suffer any person to game with any Slave or Slaves, in any house or outhouse in his charge, or shall be found gaming with any Slave or Slaves, such person and persons shall and may be apprehended and taken before any three justices of the peace in the parish in which such person or persons shall be apprehended, who are hereby authorized and empowered to inflict on such person or persons if a Slave or Slaves, such corporeal punishment by whipping, not exceeding thirty-nine lashes, as such justices shall, upon conviction thereof, think proper to order and direct, and if a white or free person, shall and may commit such white or free person to the nearest common gaol for any period of time not exceeding six days.

67.—And whereas it may happen that Slaves directed to be manumized by will, may find it difficult to establish their freedom, by reasons of the person or persons acting under such will, refusing to enter into the security required by law on the manumission of Slaves: Be it enacted by the authority aforesaid, that from and after the commencement of this Act, whenever any person shall, by will in writing, expressly manumize, or direct to be manumized, any Slave or Slaves belonging to him or her, the usual bond required by law in cases of manumission, shall not be necessary, but the estate of the person so manumizing any Slave or Slaves, or directing any Slave or Slaves to be manumized, shall be, and the same is hereby declared to be, liable to the payment of the annual sum, required by law to be paid to any Slave manumized, and the freedom of such Slave so manumized or directed to be manumized by will, shall be at once established: Provided always, that nothing in this Act contained, shall extend or be construed to extend to exempt such Slaves so manumized, from any debt or demand against the estate of the testator, to which such Slave or Slaves should be otherwise liable.

68.—And provided always, and it is hereby enacted, that any will in writing which by law would be deemed valid, and sufficient for disposing of goods and chattels, or other personal estate, shall be, and the same is hereby declared to be valid, and sufficient for manumizing, or directing to be manumized, any Slave or Slaves, anything in a certain statute, made and passed in the twenty-ninth year of the reign of his Majesty King Charles the Second, commonly called the Statute of Frauds and Perjuries, or in a certain Act of the Governor, Council, and Assembly in this island, made and passed in the sixteenth year of his late Majesty's reign, entitled "An Act to regulate the Devises of Negro, Mulatto, and other Slaves in Wills," or any act, law, usage, or custom to the contrary, in anywise notwithstanding.

69.—Whereas it sometimes happens, that persons in possession of Slaves, by reason of their having only an interest for life, or other limited freehold estate in such Slaves, or by limitations, trusts, or other legal impediments, are prevented from giving an effectual manumission to such Slaves, although desirous so to do, and it is proper that owners should possess in all cases the power of rewarding fidelity and good conduct in their Slaves by manumission, where the same can be effected without prejudice to the rights of other persons: Be it therefore enacted by the authority aforesaid, that any person or persons having legal or equitable estate for life, or for other freehold interest in, and being in the actual possession of any Slave, and who shall be desirous, or consenting that such Slave should be made free, shall be entitled to make an application to the custos or senior magistrate of the parish where such Slave shall reside; and in case such custos or senior magistrate shall be related to the party applying, or interested in the matter, then to some other magistrate, and shall deliver a written statement verified upon the oath of the applicant or applicants, or in case of absence of his, her, or their attorney, duly constituted; which oath the said custos or senior or other magistrate is hereby authorized to administer, stating the nature and extent of the interest of such person or persons, and the different rights, claims, and limitations to which such Slave is subject, and the impediments which prevent such Slave being manumitted in the ordinary manner; and such custos or



senior, or other magistrate, shall associate to himself two other magistrates disinterested in the matter, and shall inquire into the merits of the application; and if such application shall appear to the said magistrates, or any two of them, to be well founded, three indifferent persons shall be appointed as valuers, one of whom to be named by the party or parties applying, and another by the person or persons entitled in remainder or otherwise interested, or if a minor by his or her guardian, and appearing personally, or by his, her or their attorney or attorneys lawfully constituted, before the said magistrates, and the third to be nominated by the said magistrates; and in case no other person or persons shall appear before the said magistrates, having an interest in the said Slave, then two of the said valuers shall be appointed by the said magistrates, and such three persons shall inquire into the value of the Slave so intended to be manumitted, and shall make their report in writing under their signatures, to the said three magistrates: Provided always, that if the person having such vested estate or interest as aforesaid, or such estate in remainder, shall be covert, the consent of such femme covert to such manumission, and her authority to any person or persons to appoint a valuator, given in the same manner as by the laws of this island is required, in the execution of deeds by femme covert, and recorded in the office of secretary of this island, shall be sufficient to authorize the magistrate to give such authority and order as hereinafter mentioned, and when such femme covert is absent from this island, to dispense with her appearance before them: Provided, that before such custos, or senior, or other magistrate, shall entertain such application, it shall be made to appear to him, that notice has been given in the three county newspapers, for three weeks successively, of the intention to make such application, stating the name or names of the person or persons applying, the name or names of the Slave, the place or places where such Slave has been resident for the last twelve months, and the time when such application is intended to be made.

70.—And be it further enacted by the authority aforesaid, that when such valuation shall be reported and approved of, the said custos, or senior, or other magistrate, and his associates shall, and they are hereby required to give an authority to the receiver general to receive the amount of the valuation, and to place the sum, when paid, to the credit of the person or persons interested in the said Slave, and the said amount shall bear an interest of six per cent, payable out of the public funds, so long as the same shall remain in the hands of the receiver general.

71.—And it is further enacted by the authority aforesaid, that the receiver general shall give to the party or parties paying in the amount of the valuation, a certificate under his hand, that the same has been paid to him; and upon the production of such certificate of the receiver general to the said custos or senior, or other magistrate and his associates, they are hereby authorized and required again to meet, and give an order for the manumission of the said Slave in manner following:

“Whereas A. B., of \_\_\_\_\_ did, on the \_\_\_\_\_ day of \_\_\_\_\_ last past, appear before us, and did make a statement upon oath, that he was tenant for life, (or as the case may be,) and in the actual possession of a certain Slave named \_\_\_\_\_, and that he was desirous that the said Slave should be made free, but that he was prevented from so doing by reason of legal impediments: And whereas the said Slave named \_\_\_\_\_, hath been valued by three indifferent persons, at the sum of \_\_\_\_\_ pounds, and a certificate of the receiver-general hath been produced to us, that the amount of such valuation hath been paid into his office. We do, therefore, in pursuance of an Act of the Governor, Council, and Assembly, declare the said Slave to be free. In witness whereof, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_”

72.—And it is hereby enacted by the authority aforesaid, that the said order of manumission, together with the valuation and the receiver general's certificate annexed thereto, shall be entered in the office of the secretary of this island, and be recorded in a separate book for manumissions, and shall not be delivered out except under an order of the Court of Chancery

or Supreme Court, but shall be kept in the said office as original documents, and a certified copy of the same shall be received as evidence in all courts, and be of the same force as the originals.

73.—And be it further enacted by the authority aforesaid, that the amount of the valuation or the interest thereof shall be paid by the receiver general, under an order of the Court of Chancery or of the Supreme Court, to be made upon the application of the person or persons interested in the money, and such money shall be considered as of the same nature whether real or personal estate, as the Slave would have been, if proceedings under this Act had not taken place, and the said money shall be liable to the same descent, limitations, trusts, debts and encumbrances, as the Slave was subject to; and it shall be in the power of the said courts or either of them, to direct the principal or the interest thereof to be paid by the receiver general, according to the rights of the different owners or their creditors.

74.—And be it further enacted by the authority aforesaid, that in case any Slave manumized in pursuance of this Act, shall have belonged at the time of his or her manumission to a tenant for life, or a tenant for life shall have become entitled to the interest of the money, and such Slave after being so manumized, if a male, shall die in the lifetime of the tenant for life, or being a female Slave, shall die in the lifetime of the tenant for life, without leaving her surviving any child or children born after the date of the manumission, or such child or children shall after her death, die in the lifetime of the tenant for life, then and in every such case, the person or persons in remainder, shall not be considered to be entitled to the principal or interest of the said money, but the same shall be deemed the property of the tenant for life, as against all persons to take in succession without prejudice to the creditors of the person who limited the said Slave in settlement, or the creditors of the tenant for life.

75.—And whereas it may sometimes happen that the persons desirous of effecting such manumission as aforesaid, may wish to invest the consideration of such manumission in the purchase of other Slaves, instead of placing the same in the hand of the receiver general, or may be prevented from carrying their intentions into effect, without incurring considerable expense by reason of the estate to which the Slave or Slaves so intended to be manumized may belong, being in the hands of a receiver appointed by the Court of Chancery: Be it enacted by the authority aforesaid, that in all such cases it shall and may be lawful for the person or persons so desirous of effecting such manumission as aforesaid, under and subject to the same regulations as are hereinbefore prescribed, relative to persons having only a limited interest, to invest the consideration which he, she, or they, shall have received, in the purchase of other Slave or Slaves to be held by him, her, or them, subject to the same descent, limitations, trusts, orders, debts, and encumbrances to which the Slave or Slaves so manumized shall have been subject.

76.—And whereas it is now required by law in all cases of manumission by deed, that a bond should be given to the churchwardens of the parish, for payment of an annuity of five pounds for the maintenance of any Slave intended to be manumized, and such bond is in many cases unnecessary: Be it further enacted by the authority aforesaid, that it shall not be necessary to give such bond to the churchwardens, provided that in lieu thereof the Slave intended to be manumized, shall be produced to the magistrates and vestry of the parish where such Slave shall reside, or it shall be otherwise shewn to their satisfaction, that the manumission is not given for the purpose of relieving the owner from the obligation of maintaining an aged or infirm Slave, a certificate whereof shall be given by the clerk of the vestry, and shall be annexed to and entered in the secretary's office with the deed of manumission.

77.—And whereas it is expedient to prevent Slaves from being purchased by persons for the purposes of re-sale, and to prevent such re-sale: Be it enacted, that from and after the commencement of this Act, if any person or persons shall be found travelling about from place to place, exposing or offering for sale any Negro, Mulatto, or other Slave or Slaves, it shall and may be lawful for any person whomsoever, to seize and detain any such

person or persons, and the Slave and Slaves under his or their charge, and to carry such person or persons, and Slave or Slaves, before any one of his Majesty's justices of the peace of the parish where such offence shall be committed; which said justice, is hereby authorized and required to call to his assistance two other justices of the said parish, and which three justices being so associated, shall on due proof on oath, that the party or parties brought before them, had been found exposing or offering a Slave or Slaves to sale contrary to the true intent and meaning of this Act, cause the said Slave or Slaves so offered for sale to be publicly sold, by warrant under the hands and seals of the said three justices, one moiety of the monies arising from the sale thereof, after deducting the expenses of the said sale, to be paid into the hands of the churchwardens of the said parish where the offence shall be committed, for the use of the poor of the said parish, and the other moiety to the use of the person or persons who shall bring the offender or offenders before the said justices.

78.—And it is hereby enacted and declared, that the oath of the person or persons bringing such offender or offenders before the said justices, shall be received and taken, and shall be considered good evidence against such offender or offenders.

79.—And be it further enacted by the authority aforesaid, that if any sale or sales of Slaves shall be so made as aforesaid, the same shall be and are hereby declared to be null and void, and that no title shall accrue to the purchaser or purchasers thereof, and any Slave or Slaves so sold, shall become forfeited; and any justice of the peace, on receiving information on oath, of any such sale or sales, shall issue his warrant to take up such Slave or Slaves; and if it shall appear to his satisfaction, that such Slave or Slaves has or have been so sold, he shall declare the same to be forfeited, and proceed to sell the said Slave or Slaves, and apply the money arising from such sale in manner hereinbefore mentioned.

80.—And it is hereby enacted by the authority aforesaid, that no writ of *certiorari* or other process shall issue or be issuable to remove any proceedings whatsoever, had in pursuance of this Act, into the Supreme Court of Judicature, or any other of the courts of this island.

81.—And whereas it is absolutely necessary that the Slaves in this island should be kept in due obedience to their owners, and in due subordination to the white people in general, and as much as in the power of the legislature, all means and opportunities of Slaves being concerned in rebellious conspiracies, and committing other crimes to the ruin and destruction of the white people and others in this island, prevented, and that proper punishment should be appointed for all crimes by them committed: Be it therefore enacted by the authority aforesaid, that if any Slave or Slaves shall, after the commencement of this Act, enter into or be concerned in any rebellion or rebellious conspiracy, or commit any murder, felony, burglary, robbery, or set fire to any houses, out-houses, Negro houses, cane pieces, grass or corn pieces, or break into such houses, out-houses, or Negro houses in the day-time, no person being therein, and stealing thereout, or commit any other crime which would subject white persons or persons of free condition to be indicted for felony, such Slave or Slaves shall, for every such offence or offences, upon trial and conviction thereof, in manner hereinafter mentioned, suffer death, transportation, or such other punishment as the court shall think proper to direct, according to the nature and extent of the offence.

82.—And be it further enacted by the authority aforesaid, that if any Slave shall assault or offer any violence by striking or otherwise, to or towards any white person or persons of free condition, such Slave, upon due and proper proof, shall upon conviction be punished with death, transportation, or confinement to hard labour for life or a limited time, or such other punishment, according to the nature of the offence, as the court shall in their discretion think proper to inflict, provided such assault or violence be not by command of his, her, or their owners, overseers, or persons intrusted with them, or in the lawful defence of their owners, persons, or goods.

83.—And be it further enacted by the authority aforesaid, that if any

Slave or Slaves shall hereafter be found to have in his, her, or their custody or possession, any fire-arms, pikes, sabres, swords, cutlasses, lances, gun-powder, slugs, or balls, without the knowledge or consent of his or their owner, proprietor, or possessor, or his, her, or their overseer, such Slave or Slaves shall be taken before three magistrates, who shall, if they are of opinion that the same was with evil intent, commit such Slave or Slaves to the gaol, to be tried at the Court of Quarter Sessions or Special Slave Court, as hereinafter directed, and upon conviction, the said Slave or Slaves shall suffer transportation, or such other punishment as the court shall think proper to direct, not extending to life.

84.—And in order to prevent the many mischiefs that may hereafter arise from the wicked acts of negroes going under the appellation of Obeah men and women, and pretending to have communication with the devil and other evil spirits, whereby the weak and superstitious are deluded into a belief of their having full power to exempt them, whilst under their protection, from many evils which might otherwise happen: Be it further enacted by the authority aforesaid, that from and after the commencement of this Act, any Slave who shall pretend to any supernatural power, in order to excite rebellion or other evil purposes, or shall use, or pretend to use, any such practices with intent or so as to affect or endanger the life or health of any other Slave, shall, upon conviction thereof, suffer death or transportation, or any such punishment as the court may direct, anything in this or any other Act to the contrary in anywise notwithstanding.

85.—And whereas it has been found that the practice of ignorant, superstitious, or designing Slaves of attempting to instruct others, has been attended with the most pernicious consequences, and even with the loss of life: Be it enacted, that any Slave or Slaves, found guilty of preaching or teaching as Anabaptists or otherwise, without a permission from their owner and the Quarter Sessions for the parish in which such preaching or teaching takes place, shall be punished in such manner as any three magistrates may deem proper, by whipping, or imprisonment in the work-house to hard labour.

86.—And whereas the assembly of Slaves and other persons after dark, at places of meeting belonging to dissenters from the established religion and other persons professing to be teachers of religion, has been found extremely dangerous, and great facilities are thereby given to the formation of plots and conspiracies, and the health of Slaves and other persons has been injured in travelling to and from such places of meeting at late hours in the night: Be it further enacted by the authority aforesaid, that from and after the commencement of this Act, all such meetings between sunset and sunrise shall be held and deemed unlawful; and any sectarian, dissenting minister, or other person professing to be a teacher of religion, who shall, contrary to this Act, keep open any such place of meeting between sunset and sunrise, for the purpose aforesaid, or permit or suffer any such nightly assembly of Slaves therein, or be present thereat, shall forfeit and pay a sum not less than twenty pounds, or exceeding fifty pounds for each offence, to be recovered in a summary manner before any three justices by warrant of distress and sale, one moiety thereof to be paid to the informer, who is hereby declared a competent witness, and the other moiety to the poor of the parish in which such offence shall be committed, and in default of payment thereof the said justices are hereby empowered and required to commit such offender or offenders to the common gaol, for any space of time not exceeding one calendar month: Provided always that nothing herein contained shall be deemed or taken to prevent any minister of the presbyterian kirk, or licensed minister, from performing divine worship at any time before the hour of eight o'clock in the evening, at any licensed place of worship, or to interfere with the celebration of divine worship, according to the rites and ceremonies of the Jewish and Roman Catholic religions.

87.—And whereas under pretence of offerings and contributions, large sums of money and other chattels have been extorted by designing men professing to be teachers of religion, practising on the ignorance and superstition of the Negroes in this island, to their great loss and impoverish-

ment: And whereas an ample provision is already made by the public and by private means for the religious instruction of the Slaves: Be it enacted by the authority aforesaid, that from and after the commencement of this Act, it shall not be lawful for any dissenting minister, religious teacher, or other person whatsoever, to demand or receive any money or other chattel whatsoever from any Slave or Slaves within this island, for affording such Slave or Slaves religious instruction, by way of offering contributions, or any other pretence whatsoever; and if any person or persons shall, contrary to the true intent and meaning of this Act, offend herein, such person or persons shall, upon conviction before any three justices, forfeit and pay the sum of twenty pounds for each offence, to be recovered in a summary manner by warrant of distress and sale, under the hands and seals of the said justices, one moiety thereof to be paid to the informer, who is hereby declared a competent witness, and the other moiety to the poor of the parish in which such offence shall be committed, and in default of payment, the said justices are hereby empowered and required to commit such offender or offenders to the common gaol for any space of time, not exceeding one calendar month.

88.—And whereas a practice of nightly and other private meetings has frequently taken place amongst the Slaves in several parts of this island, and which have been unknown to the owner, attorney, or other person having charge of the Slaves of the property, and as such meetings are injurious to the health of the Slaves and of dangerous tendency: Be it therefore enacted by the authority aforesaid, that in future all such meetings shall be deemed unlawful, and the persons who shall or may attend them shall be liable to be apprehended and taken before any magistrate of the parish wherein the offence shall be committed; and if any white person, or person of free condition attend such meeting, and it appears to the said magistrate on the oath of the person accusing the party, or on the oath of any other person, that he or she is guilty, he or she shall be committed to the gaol to be tried at the next Quarter Sessions of the parish for the said offence, and if convicted thereof, he or she shall be sentenced to imprisonment in the county gaol for such period of time as the justices before whom he or she shall be convicted, think proper to direct, not exceeding three months; and if the offender be a Slave, he or she shall be tried at the Quarter Sessions or Special Slave Court, and if convicted thereof, he or she shall be sentenced by the said court to hard labour for such time as the court shall think proper to direct, or to receive such other punishment by whipping, not exceeding thirty-nine lashes at one time, as the court shall order and direct.

89.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave or Slaves shall mix or prepare, with an intent to give or cause to be given, any poison, or poisonous, or noxious drug, pounded glass, or other deleterious matter in the practice of Obeah or otherwise, although death may not ensue on the taking thereof, the said Slave or Slaves, together with their accessaries as well before as after the fact (being Slaves), being duly convicted thereof, shall suffer death or such other punishment as the court shall award, anything in this or any other Act to the contrary in anywise notwithstanding.

90.—And be it further enacted, that if there shall be found in the possession of any Slave any poisonous drugs, pounded glass, or any materials used in the practice of Obeah or witchcraft, such Slave upon conviction shall be liable to suffer transportation from this island, or such other punishment not extending to life, as the court shall think proper to direct.

91.—And whereas it is necessary to prevent secret and unlawful meetings of Slaves: Be it therefore enacted by the authority aforesaid, that all and every Slave or Slaves who shall be found at any meeting formed either for the purpose of administering unlawful oaths by drinking human blood mixed with rum, grave dirt or otherwise, or of learning the use of arms, or for any other unlawful or dangerous purpose, such Slave or Slaves shall on conviction thereof, suffer death or transportation for life, or such other punishment as the court shall direct.

92.—And be it further enacted by the authority aforesaid, that if any white person, or person of free condition shall be present at any such meeting, and aiding and assisting in any of the unlawful purposes before-mentioned, such person or persons shall upon conviction thereof in the Supreme Court or either of the Courts of Assize of this island, be punished with death, transportation off this island for life, or fine or imprisonment, or both, at the discretion of the court before whom such person or persons shall be tried.

93.—And be it further enacted by the authority aforesaid, that if any person or persons having knowledge of such unlawful meetings as aforesaid, shall not forthwith give information thereof to a justice of the peace, such person or persons shall on conviction before the Supreme or either of the Courts of Assize or Courts of Quarter Sessions of this island, suffer such punishment by fine or imprisonment, or both, or by public flogging, as the court before which such person or persons shall have been so convicted shall direct.

94.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave shall after the commencement of this Act, steal any horned cattle, sheep, goat, hog, horse, mare, mule, or ass, or shall kill any such horned cattle, sheep, goat, hog, horse, mare, mule, or ass, with intent to steal the whole carcass of any such horned cattle, sheep, goat, hog, horse, mare, mule, or ass, or any part of the flesh thereof, such Negro or other Slave shall on conviction thereof suffer death, transportation, or such other punishment as the court shall in its discretion inflict.

95.—And whereas great numbers of horned cattle, sheep, goats, hogs, horses, mares, mules, and asses, are frequently stolen and killed by Negro and other Slaves in so secret and private a manner that it is with the greatest difficulty they can be found out and discovered in such manner as to convict them of such offence, although large quantities of beef, mutton, and the flesh of other valuable animals are found upon him, her, or them; in order, therefore, to prevent such evils in future, and to punish the perpetrators of such Acts agreeable to their crimes: Be it enacted by the authority aforesaid, that if any Negro or other Slave shall fraudulently have in his, her, or their custody or possession, unknown to his, or her master, owner, overseer, or other person who shall have the overlooking or employing of such Slave, any fresh beef, veal, mutton, pork, or goat, or the flesh of horse, mare, mule, or ass in any quantity not exceeding twenty pounds' weight, without giving a satisfactory account in what manner he or she became possessed thereof, such Negro or other Slave, upon conviction thereof before any magistrate, shall be whipped in such manner as such justice shall direct, not exceeding thirty-nine lashes; and if there shall be found in his, her, or their custody or possession a larger or greater quantity than twenty pounds' weight of fresh beef, veal, mutton, pork, or goat, or the flesh of horse, mare, mule, or ass, and such Slave shall not give a satisfactory account how he or she became possessed of such meat, then such Negro or other Slave, upon conviction thereof, shall suffer such punishment as any three justices shall think proper to inflict or direct, not extending to life, or imprisonment for life.

96.—And be it enacted by the authority aforesaid, that if any Negro or other Slave shall wantonly and cruelly cut, chop, shoot at, or otherwise maim and injure any horned cattle, horse, gelding, mare, mule, or ass, such Negro or other Slave, shall for every such offence be tried in a summary manner before three or more justices of the peace of the parish or precinct where the offence shall be committed, and the said justices of the peace shall, on conviction of such Slave or Slaves, order and direct such punishment to be inflicted as they shall think proper, not exceeding fifty lashes, to be inflicted at one or more different times, or two months' hard labour in the workhouse; and in all cases where, from such treatment as above set forth, any horned cattle, horse, gelding, mare, mule, or ass, shall be killed, or shall die within ten days after the offence committed, although the carcass, or any part of the flesh thereof may not be stolen, such Negro or other Slave shall be tried at the Court of Quarter Sessions, or Special Slave Court, and on conviction thereof suffer death, transporta-

tion, or confinement to hard labour for life, or such other punishment as the court shall think proper.

97.—Be it further enacted by the authority aforesaid, that if any Slave or Slaves shall, by wantonly or cruelly cutting, chopping, striking, or by any other manner or way whatsoever, mutilate, disfigure, dismember, or injure any Slave or Slaves, so as to endanger life, although death shall not ensue, or that such Slave or Slaves shall become a cripple, or lose any of his or her limbs, or be deprived of the use thereof, all and every or any such Slave or Slaves so offending, shall for every or any such offence, be tried at the Court of Quarter Sessions, or Special Slave Court, and upon conviction shall suffer death, transportation for life, or such other punishment as the court shall direct.

98.—And whereas the practice of Negroes to clear their grounds by fire, is highly dangerous to the neighbouring proprietors, and frequent instances of alarm and injury occur for want of some restraint in that respect. For prevention of so great an evil, Be it further enacted, that if any injury shall arise to the owner, proprietor, or possessor, of one property by a Slave or Slaves on the adjoining property clearing ground by fire, the Slave or Slaves who shall so clear ground by fire, by which injury shall result to the adjoining property, shall be proceeded against, tried, and punished, if found guilty, as and for a misdemeanour; and if the overseer or other person then actually having charge of the property on which such fire shall originate, shall have knowledge that any Negro under his charge has made any such fire for clearing his or her ground, and shall not forthwith use his best endeavours to cause the same to be extinguished, and such fire shall cause injury to the neighbouring property, such overseer or other person shall suffer such fine as any two justices of the peace of the parish wherein such injury shall happen shall award, not exceeding ten pounds for one and the same offence, the complaint whereon shall be heard, determined, and the penalty, when imposed, shall be enforced in a summary manner before any two justices of the peace.

99.—And whereas it is necessary to declare how and in what manner Slaves should be tried for crimes and offences: Be it enacted by the authority aforesaid, that from and after this Act shall commence and be in force, all and every charge or complaint against any Slave or Slaves of murder, rape, felony, burglary, robbery, burning or destroying houses, out-houses, stores, Negro houses, or cane grass, or cane pieces, or breaking into such houses, out-houses, stores, or Negro houses, in the daytime, no person being therein, and stealing thereout, rebellion, rebellious conspiracies, or any other offence whatsoever, committed by any Slave or Slaves that shall subject such Slave or Slaves to suffer death, transportation, or confinement to hard labour for life, or for a term exceeding one year, shall be heard, tried, and determined, at the Court of Quarter Sessions, or Special Slave Court for the parish or precinct where the offence shall be committed, as part of the business of such court, and by indictment before the grand and petit juries of such court, as indictable offences are now conducted at such courts against white persons and persons of free condition, but first disposing of such business of the court as shall concern white persons and persons of free condition, and then proceeding with the trial of Slaves against whom bills may be found by the grand jury; and the justice before whom such charge or complaint is made shall issue out his warrant for apprehending the offender or offenders, and all persons that can give evidence, who being brought before him or any other justice of the peace, if, upon examination it appears probable that the Slave or Slaves apprehended is or are guilty, shall commit the offender or offenders to gaol for trial at the next Court of Quarter Sessions or Special Slave Court, and secure the attendance there of the witnesses by recognizance or committal to gaol, as public justice may require; and in all cases the evidence of Slaves shall be admitted against Slaves before the justice, the court, and the grand or petit jury; and in case of the grand jury finding a true bill, then in any parish where the Court of Quarter Sessions is now usually holden, such Slave or Slaves shall have the indictment or charge distinctly read to him, her, or them, in open court, which indictment or



charge shall be deemed valid if sufficient in substance, and shall not be quashed for defect in form, and thereupon the plea shall be taken down and entered, and such Slave or Slaves shall be put upon his, her, or their trial before a petit jury, in like manner as is the practice usual and accustomed at the Quarter Sessions on the trial of indictments against white persons and persons of free condition; and if a petit jury be already formed for any preceding business of the court, it shall be lawful to proceed to try the indictment against such Slave or Slaves, upon calling over the names of the jurors, and causing them to be sworn to try all and every such Slave or Slaves as shall be brought before them, and a true verdict give according to evidence as in other cases; reserving to the crown and to the prisoner the power of challenging any of the said jurors, upon assigning cause, to be approved of by the court: And provided, that no owner or proprietor of any prisoner, or the attorney, guardian, trustee, overseer, or book-keeper, of such owner or proprietor, or the person prosecuting his or her attorney, guardian, trustee, overseer, or book-keeper, shall be allowed to sit as a juror upon the trial of such prisoner, and the place of such juror as shall be set aside upon challenge or for the causes aforesaid, shall be supplied by others returned upon the pannel to serve as jurors; or if a sufficient number should not be in attendance, then such deficiency shall be supplied by a writ of tales, to be issued by the court in which such trial shall take place, and the same jury shall serve for every case, under the preceding regulations, at the same court, unless the court shall see, or the jury of themselves declare, that the circumstances of one trial too intimately affect another trial, to proceed without bias, in which case a new jury shall be called; and if the said jurors shall, upon hearing the evidence, unanimously find the Slave or Slaves guilty of the offence with which he, she, or they stand charged, the court shall pass sentence of death without benefit of clergy, or transportation, or confinement to hard labour for life, or a limited time, or whipping, or such other punishment as the court shall think proper, according to the nature of the offence: Provided always, that no sentence of death or transportation, pronounced upon any Slave or Slaves, shall be carried into effect, unless by warrant under the hand and seal of the governor, or the person exercising the functions of governor, who is hereby authorized to issue such warrant, and before whom shall be previously laid the charge or indictment, the evidence taken down at the trial, and the sentence of the court, or a true copy thereof, attested by the justice presiding at the trial, or in case of his death or absence, of one of the other justices constituting the court; except when sentence of death shall be passed upon any Slave or Slaves convicted of rebellion or rebellious conspiracy, in which case the court shall and may proceed to pass sentence, and carry the same into execution as heretofore, at such time and place as public expedience may require, or if no pressing occasion arise, the court may, if it sees fit, refer the proceedings to the governor, in the manner and to be disposed of by him as in other cases of public convictions: Provided always, that if it shall be necessary or expedient for the furtherance of justice and the safety of the public, to hold any court before the stated Court of Quarter Session, it shall be lawful to convene a Special Slave Court, and the custos or senior magistrate of the parish or precinct, shall issue a special writ of venire, directed to the provost marshal general or his lawful deputy, to summon and warn forty-eight persons, such as are usually warned and empannelled to serve on juries for the parish or precinct, personally to be and appear at such court, at the usual place for holding the Quarter Session, at such day and time as may be expressed in such venire, then and there to inquire for our Sovereign Lord the King, of and concerning all such matters and things as shall be given them in charge, and enjoined, when and where the said persons so warned by the provost marshal, or his lawful deputy as aforesaid, are hereby severally required to attend, under the penalty of five pounds on each defaulter, and when and where the said Special Slave Court shall proceed in like manner in all respects, as is the usual custom and practice at a Grand Court of Quarter Sessions of the peace, for indictable offences against persons of free condition.

100.—And whereas this mode of trying Slaves will materially interfere



with the facilities granted to those parishes, which are component parts of a precinct, wherein Special Slave Courts are now allowed: Be it enacted, that in the parishes of St. Thomas in the Vale, and St. John (part of the precinct of St. Catherine), indictments against Slaves shall be preferred before the grand jury, convened and sworn at the Court of Quarter Sessions of the respective precincts, and the attendance of all witnesses to support the charge before the grand jury, shall be secured as aforesaid, and when a true bill shall be returned against any Slave or Slaves, such trial shall be proceeded in a Special Slave Court, to be convened by the custos or senior magistrate of such parish, to meet at the place such court is at present held by law, and thereupon the custos, or in his absence the senior magistrate of the parish where such trial is to take place, shall and may hold such Special Slave Court; at the place where parochial business is usually transacted in such parish, and shall sign and issue a writ of venire to the provost marshal, or his lawful deputy, for convening twenty-four persons of the parish qualified to serve on juries, at the time and place appointed by the writ of venire, to form a petit jury for the trial of Slaves against whom bills of indictment have been found at the Quarter Sessions, such trial to take place under the same regulations as are hereinbefore contained, as to trials of Slaves in the Courts of Quarter Sessions, and the provost marshal, his deputy, and all persons under recognizance, and the persons so warned as jurors for any breach of the duty hereby imposed, in regard to such Special Slave Court, shall suffer the like penalties, under the like remedies as if done in regard to the Quarter Sessions, and all proceedings of such Special Slave Courts shall be returned into the office of the clerk of the peace of the precinct, there to be recorded and kept as part of the records of the said parish: Provided always, that if any Slave or Slaves shall have been detained in custody under commitment for six calendar months, and no indictment shall have been preferred against him, her, or them, or person appearing to prosecute the complaint during that time, it shall be the duty of the said justices of Quarter Sessions so assembled for the purpose of holding such Court of Quarter Sessions, to discharge such Slave or Slaves by proclamation at the expiration of six calendar months from the time of the commitment of such Slave or Slaves: And provided always, that in any case upon an indictment against any Slave or Slaves for murder, where malice propense shall not be proved to the satisfaction of the jurors, such juror shall be, and they are hereby declared to be, at liberty to return a verdict of manslaughter, if they shall think the nature of the case shall require it, and the person or persons so found guilty of manslaughter, shall suffer such punishment as the court shall think fit to inflict, not extending to life.

101.—And whereas the ends of justice are sometimes defeated by the incapacity or gross neglect of their duties by the clerks of the peace: Be it enacted by the authority aforesaid, that if a charge in writing of any misdemeanour, or gross neglect, or frequent neglect committed by a clerk of the peace, or if his ignorance or incapacity to fill such office be exhibited against him to the Quarter Sessions, a majority of the justices on open examination, and proof thereof there, may discharge him from the office, or suspend him for such space of time as the justices shall think proper, and in default of appointment of another sufficient person, resident in the parish, by the *custos rotulorum*, to the office of such clerk of the peace before the next Quarter Sessions, the justices at the said or any subsequent court, may appoint to the office.

102.—And be it further enacted by the authority aforesaid, that the custos, magistrates, and vestry in every parish of this island, are hereby empowered and required to employ a person who has been regularly admitted as a barrister or attorney at law in the courts of this island, to attend the trials of all Slaves for capital offences in the Quarter Sessions or Special Slave Courts, and to take the defence of such Slaves, at such rate of salary or remuneration by fees, as they may see fit, to be paid out of the parochial funds.

103.—And be it further enacted by the authority aforesaid, that all witnesses, whether white or of free condition, legally warned, and who do not attend to give evidence at any trial under this Act, or show by affidavit a

sufficient cause for his or her absence, shall be liable to a fine of ten pounds.

104.—And be it further enacted by the authority aforesaid, that all jurors serving at any of the courts herein mentioned, and every person or persons, whose presence may be requisite at the examination of any Slave or Slaves, and who shall be required by warrant or summons, under the hand and seal of any justice of the peace, and all and every Slave and Slaves who shall be brought as witnesses, shall be protected in their person from all mesne or judicial process whatsoever in their going to, attending at, and returning from such examination or trial, and that such Slaves shall not be subject to be levied on.

105.—And be it further enacted by the authority aforesaid, that a record shall be entered up of all proceedings on the trials of Slaves, for any crime that shall subject any Slave or Slaves to suffer death, transportation, or confinement to hard labour, in a book to be kept for that purpose by the clerk of the peace, or his lawful deputy, of the parish or precinct, who is hereby obliged to attend all such trials, and to record the proceedings within thirty days after such trial, under the penalty of twenty pounds for each neglect, and he shall be entitled to receive from the churchwardens of such parish the sum of five pounds, and no more, for attending each trial, entering up the record, and all other business incidental thereto. And further, that the deputy marshal for the said parish, or some proper person acting under him, shall, under the penalty of fifty pounds, warn the jurors, and attend the trials of all Slaves, and also attend at the execution of such offenders as shall be condemned to die; and that he shall be entitled to receive from the churchwardens of the said parish, for warning jurors and attending trials of Slaves at all courts, the sum of five pounds for each court to be held under this Act, and the further sum of five pounds for attending the execution of each offender as shall be condemned to die.

106.—And be it further enacted by the authority aforesaid, that in case any Slave or Slaves shall give false evidence on any trial had under this Act, such Slave or Slaves being thereof convicted, shall suffer the same punishment as persons convicted of wilful and corrupt perjury.

107.—And be it further enacted by the authority aforesaid, that in future, whenever a warrant shall be granted by one or more of his Majesty's justices of the peace against any Slave, if the said Slave cannot be immediately taken on the said warrant, the owner, possessor, attorney, guardian, or overseer of such Slave shall be served with a copy of the said warrant, and if he, she, or they, do not carry the said Slave before a magistrate, to be dealt with according to law on the said warrant; and if it should be afterwards proved that the owner, possessor, attorney, guardian, or overseer, of such Slave wilfully detained or concealed the said Slave, he, she, or they, shall forfeit the sum of one hundred pounds.

108.—And be it further enacted by the authority aforesaid, that in all trials of any Slave or Slaves under this Act, six days notice of such trial shall be first given to the owner or possessor of such Slave or Slaves, his, her, or their lawful attorney or attornies, or other representative or representatives, any law, custom, or usage to the contrary notwithstanding.

109.—And whereas it may sometimes happen that the owner, proprietor, or possessor of a Slave, may reside in a different parish or precinct from that wherein such Slave may have committed the offence for which he or she is to be tried: Be it therefore enacted, that in such cases the clerk of the peace of the parish or precinct where the offence is to be tried, shall transmit the notice of such trial to the clerk of the peace of the parish or precinct wherein the owner, proprietor, or possessor, as aforesaid, may reside, who shall forthwith thereupon, under the penalty of twenty pounds, deliver such notice, and a copy thereof, to one of the lawful constables of the said parish, to be by him, under the penalty of ten pounds, served on such owner, proprietor, or possessor, and the said constable is hereby required to make an affidavit of the manner in which he may have served the said notice, to be sworn to before any justice of the peace, and shall

return such notice so sworn to, to the clerk of the peace from whom he received the same, to be by him transmitted to the clerk of the peace of the parish or precinct where the offence is to be tried, in due time, for which duty the clerk of the peace of the parish where the warrant shall be served, shall be paid the sum of one pound six shillings and eight pence, and the constable the sum of one pound six shillings and eight pence, by the acting churchwarden of the said parish.

110.—And whereas it sometimes happens that runaway Slaves are apprehended in consequence of the commission of crimes, and in such cases it is frequently impossible to ascertain the owners or other persons on whom notices of trial ought to be served: Be it therefore enacted, that whenever it shall so happen that the name of the owner cannot be discovered, a public notice shall be given for three weeks in the three county papers, of the name and description of the Slave, of the nature of the offence, and of the day of trial, which shall be deemed to be sufficient notice of such trial.

111.—And be it further enacted by the authority aforesaid, that in all cases where the punishment of death is inflicted, the execution shall be performed in a public part of the parish, and with due solemnity, and it shall be the duty of the rector or curate to prepare the criminal while under sentence, and to attend at the place of execution, and care shall be taken by the gaoler or deputy marshal, that the criminal is free from intoxication at the time of his trial, and from thence to and at the time of his execution, under the penalty of twenty pounds, and the mode of such execution shall be hanging by the neck, and no other, and the body shall be afterwards disposed of as the court shall direct.

112.—And be it further enacted by the authority aforesaid, that in all cases where any Slave or Slaves shall be put upon his, her, or their trial, and receive sentence of death or transportation, or commitment to hard labour for life, the court at the time of trying such Slave or Slaves, shall also inquire of the jury, upon their oaths, what sum or sums of money the owner, proprietor, or possessor of the said Slave or Slaves, ought to receive for such Slave or Slaves, and certify the same, so that such sum or sums of money do not exceed the sum of one hundred pounds for each Slave so sentenced as aforesaid, and if the conviction be for running away, the value to be set by the jury, shall not exceed fifty pounds.

113.—And be it further enacted by the authority aforesaid, that in all cases where any Slave or Slaves shall be brought to trial, and sentenced to death, and valued according to the directions of this Act, the provost marshal or his lawful deputy, shall, under the penalty of two hundred pounds, carry such sentence into execution, in obedience to the warrant from the governor or person executing the functions of governor for the time being, or the warrant of the justices in cases of conviction for rebellion or rebellious conspiracy; and in case of sentence to transportation, shall, upon receiving a warrant from the governor or person executing the functions of governor for the time being, for that purpose, forthwith sell such Slave or Slaves for transportation to the best advantage in his power, and shall, under the penalty of two hundred pounds, within the space of one month from the time of such sale, render to the owner, proprietor, or possessor of such Slave or other person legally entitled to receive the same, a just and true account upon oath, of the sale or sales of such Slave or Slaves, and of the legal charges attending the same, and pay over to such owner, proprietor, or possessor or other person legally entitled to receive the same, the proceeds of such sale or sales, after deducting all legal charges as aforesaid; and if it shall happen that the charges due to the provost marshal or his lawful deputy, for confinement and subsistence of said Slave or Slaves shall amount to or exceed the amount of the sales, the same shall be sworn to by the said provost marshal or his lawful deputy, on the back of the certificate of valuation, in which case the receiver general shall pay the whole amount of such valuation.

114.—And be it further enacted by the authority aforesaid, that in all cases where any Slave or Slaves shall be sentenced to death, or confinement to hard labour for life, and be valued according to this Act, such Slave or Slaves shall be paid for by the receiver general of this island, out of any monies in his hands, upon production of a legal certificate of such sentence

and valuation, but not otherwise, and in all cases where any Slave or Slaves shall be sentenced to transportation, and valued in manner aforesaid, the receiver general shall in like manner, upon production of a like certificate, together with the account upon oath, hereinbefore directed to be made by the provost marshal or his lawful deputy, but not otherwise, pay the amount of the valuation of such Slave or Slaves, after deducting the amount of such account.

115.—And be it further enacted by the authority aforesaid, that every Slave who under the authority and by virtue of this Act, shall be sold for transportation by the provost marshal or his lawful deputy, shall, notwithstanding such sale, remain in the custody of the said provost marshal or his said deputy, until the purchaser of such Slave shall have entered into bond with sufficient security to our Sovereign Lord the King, under the penalty of five hundred pounds for every such Slave so purchased, that every such Slave shall be transported off this island within thirty days after the date of such bond, and shall in the mean time be kept in close confinement on board the ship or vessel in which such Slave is intended to be transported, which bond shall be taken by the said provost marshal or his lawful deputy as aforesaid (for which the provost marshal or his said deputy, shall receive from the party entering into the same, all the expenses incidental thereto), and be filed among the records in the office of the clerk of the peace of the parish or precinct where such Slave was tried.

116.—And be it further enacted by the authority aforesaid, that every such purchaser of any Slave so directed to be sold for transportation as aforesaid, shall at the time of executing such bond as aforesaid, also make oath in writing on some part of the said bond, before the provost marshal or his lawful deputy as aforesaid (either of whom is hereby authorized and required to administer the same), that every such Slave so purchased by him, shall be transported to (death or dangers of the seas excepted), and that the said Slave so purchased, shall not with his knowledge, privity, or consent, be relanded in this island.

117.—And be it further enacted by the authority aforesaid, that the provost marshal or any of his deputies, shall not under the penalty of three hundred pounds for each offence, deliver over to any purchaser or purchasers any Slave so sold for transportation as aforesaid, until such bond is entered into, and oath taken as aforesaid, and in case any such Slave so sold for transportation as aforesaid, shall be found within this island after the expiration of the thirty days before limited for his or their transportation, such Slave shall become forfeited to the crown and be re-sold for transportation by the provost marshal or his lawful deputy, in the same manner and under the like penalties as are hereinbefore enacted, and the net proceeds of such re-sale shall be paid over to the receiver general for the use of the public.

118.—And be it further enacted by the authority aforesaid, that every Slave sold for transportation under and by virtue of this Act, who shall be found at large within this island, at any time after such sale, as is hereinbefore directed, may and shall be lawfully apprehended by any person whomsoever, and immediately taken before any of his Majesty's justices of the peace, and if it shall appear to the satisfaction of such justices that such Slave had been formerly sold for transportation by virtue of this Act, such justice shall, by warrant under his hand and seal, direct such Slave to be delivered to the provost marshal or his lawful deputy to be re-sold for transportation only, and the monies arising from such sale, after deducting a commission of five pounds per centum, and all necessary expenses, shall be paid over, one moiety thereof to the person apprehending such Slave, and the other moiety to the receiver general for the time being, for the support of the government of this island.

119.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave who shall have been transported from this island under the directions of this Act, or of any other Act heretofore in force respecting Slaves, for murder, rebellion, or any other crime which would have subjected him to the punishment of death, shall wilfully return from transportation, such Negro or other Slave shall, upon conviction, suffer death without benefit of clergy.

120.—And be it further enacted by the authority aforesaid, that if the master of any ship or vessel, or any other person or persons shall knowingly and wilfully bring back to this island, or shall be aiding and assisting in the bringing back, or cause to procure to be brought back to this island, any Negro or other Slave who shall have been transported from this island under and by virtue of this Act or any other Act heretofore in force respecting Slaves, such master, or person, or persons being convicted thereof, by bill, plaint, or information in the Supreme Court of Judicature, or either of the Courts of Assizes of this island, shall forfeit the sum of three hundred pounds for each Slave so brought back: one moiety whereof shall be to our Sovereign Lord the King, his heirs, and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the party or parties at whose suit or complaint such person was convicted, and shall also suffer imprisonment at the discretion of the court for any space of time, not less than three nor exceeding twelve months, without bail or mainprize.

121.—Whereas it is now difficult to transport Slaves with effect: Be it enacted by the authority aforesaid, that in future all Slaves sentenced to transportation that cannot be sold within one month, shall be committed by warrant of any justice of the peace to hard labour in the workhouse till transportation can be effected, and the receiver general shall pay such value to the owner as may have been fixed by the jury: And if thereafter the provost marshal or his lawful deputy shall be able to effect the sale for transportation, he shall, under the penalty of two hundred pounds, within the space of one month from the time of such sale, render to the receiver-general a just and true account upon oath, of the sale of the Slave or Slaves, and of the legal charges attending the same, and pay over to the receiver general the proceeds of such sale or sales, after deducting all legal charges.

122.—And whereas instances have occurred of convicted Slaves under confinement to hard labour in the workhouse for life, having conducted themselves in such an orderly and correct manner as to obtain the approbation and confidence of the persons having charge over them, and to evince in every respect a complete reformation of manners, and as it is expedient to hold out encouragement to convicts who have so conducted themselves, as well as to render them an example for imitation, to the end that a laudable excitement may prevail amongst persons in their otherwise desperate condition: Be it enacted by the authority aforesaid, that it shall and may be lawful for the governor or person exercising the functions of governor for the time being, upon the representation of the commissioners of the workhouse of the parish where any deserving convict shall be, that such convict has conducted himself or herself, for a period of not less than three years, in such an orderly and correct manner as to obtain the approbation and confidence of the person having charge over him or her, and to evince in every respect a complete reformation of manners, to direct the workhouse keeper, under his sign manual, to put the said convict up to public sale, and to sell and dispose of him or her to the highest and best bidder, with the approbation of the said convict; and the title given upon the sale thereof, shall be as legal and effectual as any sales made under the workhouse law, and the proceeds of the said sale, after deducting the charges thereof, shall be paid over to the receiver general to be applied in aid of the island contingencies.

123.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave who may be sentenced to be confined in the workhouse for any time, shall escape from such confinement before the expiration of his or her sentence, such Negro or other Slave being retaken, shall, on proof of his or her identity before three justices of the peace, be adjudged by them to be sent back to confinement to complete the term for which he or she was sentenced to confinement, and to receive a whipping not exceeding fifty lashes.

124.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave who may be sentenced to be confined to hard labour for life in any workhouse shall escape therefrom, every such Negro or other

Slave being retaken, shall, on proof of his or her identity before three magistrates, be adjudged by them, either to be recommitted to his or her former punishment, or to be transported off this island for life.

125.—And be it further enacted by the authority aforesaid, that if the provost marshal, or any of his lawful deputies, or any lawful constable or workhouse keeper shall wilfully or negligently suffer any Slave or Slaves to escape, who shall be committed to his or their custody for any offence under this Act, such marshal, constable, or workhouse keeper who shall suffer such escape, shall, on conviction thereof before three magistrates, forfeit a sum not exceeding fifty pounds, to be recovered in a summary manner by warrant, under the hands and seals of the said three magistrates, for the use of the parish, and, without injury to the rights of the owner, to sue for the value of the same.

126.—And be it further enacted by the authority aforesaid, that when any Slave or Slaves shall be discharged by proclamation, the deputy marshal or workhouse keeper shall be entitled to receive all such fees, as shall be due for such Slave or Slaves, at the time of such discharge, from the public, upon application and due proof made in the most solemn manner to the assembly or any committee thereof, that such Slave or Slaves, during the time they were in the custody of such deputy marshal or workhouse keeper, was or were found and provided with proper and sufficient provisions and necessary clothing, agreeably to this law.

127.—And be it further enacted by the authority aforesaid, that no gaol-keeper in this island, or any person acting under him as clerk or deputy, shall on any pretence whatsoever, work or employ any Slave or Slaves sent to his custody, nor hire or lend such Slave or Slaves to work for any other person or persons during the time such Slave or Slaves shall be in custody; but that all such Slaves shall be and remain in the common gaol of the county, parish, or precinct, in order to be inspected by any person or persons desiring the same: and in case any gaol-keeper shall offend herein, he shall for every offence forfeit a sum not exceeding fifty pounds.

128.—And whereas there are many inferior crimes and misdemeanours committed by Slaves which ought to be punished in a summary manner before two magistrates: Be it therefore enacted by the authority aforesaid, that all misdemeanours and inferior crimes committed by any Slave or Slaves, including swearing, obscene language, drunkenness, and indecent and noisy behaviour, shall be tried in a summary manner before two or more justices of the peace of the parish or precinct where the offence shall be committed, reasonable notice of the time and place of such trial being given to the owner, proprietor, or possessor of such Slave or Slaves, or his, her, or their attorney or attornies, or the person or persons having the care of such Slave or Slaves; and the said justices of the peace shall, on conviction of such Slave or Slaves, order and direct such punishment to be inflicted as they shall think proper, not exceeding thirty-nine lashes, or three months imprisonment to hard labour.

129.—And be it further enacted, that the clerk of the peace, for attending such summary trial, and making out the order of the magistrates thereat, which he is hereby bound to do under the penalty of fifty pounds, shall be entitled to receive from the churchwardens of the parish, the sum of one pound six shillings and eight pence, and the constable, for attending the trial and at the execution of the order of the magistrates thereon, shall receive the sum of ten shillings; except in the city of Kingston, where the fees of the clerk of the peace shall be thirteen shillings and four pence, and to the constable five shillings, in consequence of the great number of such trials in that city.

130.—And be it further enacted by the authority aforesaid, that from and after the commencement of this Act, upon any complaint made before a justice of the peace, of any murder, felony, burglary, robbery, rebellion, or rebellious conspiracy, treason, or traitorous conspiracy, rape, mutilation, branding, dismembering, or cruelly beating, or confining without sufficient support, a Slave or Slaves, or in any cases of seditious meeting, or of

harbouring or concealing runaway Slaves, or giving false tickets or letters to such runaway Slaves, to enable them to elude detection, or on any inquisition before a coroner, the evidence of any Slave or Slaves, respecting such complaint or inquisition, shall be received and taken by such justice of the peace, or coroner, and on any prosecution in any of the courts of this island for any of the crimes beforementioned, the evidence of a Slave or Slaves shall also be admitted and received: Provided always, that before such evidence shall be received, a certificate of his or her baptism shall be produced, and the justice of the peace, coroner, or court, shall be satisfied, on due examination had, that such Slave comprehends the nature and obligation of an oath: And provided also, that nothing herein contained shall prevent the court from receiving objections as to the competency of such witness, or from receiving evidence as to the credibility of such witness in like manner as they would receive the same as to white persons and persons of free condition: And provided also, that no white person or persons of free condition shall be convicted of any of the crimes aforesaid, on the testimony of any Slaves, unless two of the said Slaves, at least, clearly and consistently depose to the same fact or circumstance, such Slaves being examined apart and out of the hearing of each other: And provided also, that no white person or persons of free condition, shall be convicted on the testimony of any Slave or Slaves of any crime or offence, as aforesaid, unless the complaint shall have been made within twelve months after the commission thereof, and unless the crime or offence shall have been committed subsequent to the commencement of this Act.

131.—And be it further enacted by the authority aforesaid, that every justice of the peace or coroner who shall take the deposition of any Slave, shall certify as part of the jurat, that the deponent had been duly examined, and found to possess a competent knowledge of the nature and obligations of an oath; and such justice of the peace or coroner shall take from the person in possession of such Slave, or from some fit and proper person, a recognizance in a sum not exceeding one hundred pounds, nor less than twenty pounds, conditioned for the production of such Slave as a witness in the court at which the indictment is to be preferred or tried; and such justice or coroner shall forthwith transmit to the clerk of the crown, such deposition and recognizance; and in case the person in possession of such Slave as aforesaid, shall refuse to give or shall not produce such bail for the appearance of such Slave as a witness, or the person in possession of such Slave, shall be the party accused, or if under the circumstances of the case, the justice of the peace or coroner shall see cause to apprehend that the witness may be withheld from giving his or her testimony, then such justice of the peace or coroner shall have the power of securing the attendance of such Slave as a witness, by a committal to gaol in the same manner as the attendance of a witness for the crown, who is unable to find bail for his appearance is now ensured; and the marshal or keeper of such gaol shall allow to the said Slave the sum of one shilling and eight pence per diem, for his or her support during confinement; and such allowance shall be repaid to the marshal, or keeper of the gaol, in the same manner as the allowance to witnesses for the crown is now paid to him; and in case the party in possession of a Slave, shall produce him or her as a witness at the court where any indictment is preferred or had, according to the condition of a recognizance entered into, by or on the part of such person in possession as aforesaid, such person in possession shall be entitled to receive mile money, at the rate of one shilling per mile for the first five miles, and sixpence per mile for every mile afterwards, and a sum not exceeding three shillings and four-pence per diem for each and every day such Slave shall have been absent from home for the purpose of attending at the court, as a compensation for the loss of the labour of such Slave; and the judges presiding at the trial, upon application made to them in the court after the trial, are hereby authorized, if they shall deem it equitable and right, under the circumstances of the case, to assess the amount of such mile-money and compensation, and to grant a certificate thereof under their signature; and such certificate, after



being approved of by the commissioners of public accounts, shall be paid by the receiver general to the person or persons to whom such certificate shall be granted.

132.—And in order to remove, as much as possible, any temptation to commit perjury by those Slaves who shall be required to give evidence: Be it enacted by the authority aforesaid, that the court shall not be at liberty to exercise the power given by this Act, for declaring any Slave free and discharged from all manner of servitude, where the owner of such Slave has been convicted of particular offences, if any Slave shall have been sworn upon the trial as a witness on the part of the prosecution.

133.—And be it further enacted by the authority aforesaid, that if any Slave shall commit wilful and corrupt perjury, in giving evidence upon any of the occasions hereinbefore mentioned, such Slave shall be liable to be tried therefore, and upon conviction thereof shall be sentenced to hard labour in the workhouse, or to stand in the pillory for such time as the court shall direct, or to whipping, or to all or either of such punishments, at the discretion of the court.

134.—And it is hereby enacted by the authority aforesaid, that the Slaves whose attendance are required as witnesses, shall be protected in their persons from all civil process whatsoever in going to or attending at, and returning from such examinations or trials, as are hereinbefore mentioned; and that such Slaves shall, during such time, not be liable to be levied on for debt or otherwise.

135.—And whereas it may sometimes happen, that white persons or persons of free condition, associate themselves in crime with Slaves: Be it therefore enacted, that if any white or free person or persons shall be found in the company of any Slave or Slaves, and aiding or assisting them in the commission of any crime or illegal offence, or shall employ them in such offences, the testimony of such Slaves shall be received against such free person or persons whether baptized or not, except where the life of such white or free person or persons shall be affected; and admitted in such manner as the testimony of accomplices in crime is now received in courts of law.

136.—And be it further enacted by the authority aforesaid, that the operation of this Act, nor any part thereof, shall not be suspended by martial law, any law, usage, or custom to the contrary thereof in anywise notwithstanding.

137.—And be it further enacted by the authority aforesaid, that all penalties in this Act mentioned, and not already declared how they shall be recovered and applied, shall, if not exceeding fifty pounds, be recovered in a summary manner, before any two of his Majesty's justices of the peace, by distress and sale of the offender's goods and chattels; and if amounting to or exceeding fifty pounds, to be recovered in the Supreme Court of Judicature, or in either of the Courts of Assize, by action of debt, bill, plaint, or information, wherein no *essoin*, protection, or wager of law, or *non vult ulterius prosequi* shall be entered; one moiety of which penalties shall be paid to the churchwardens, for the use of the parish where the offence shall be committed, and the other moiety to the informer, or him, her, or them who shall sue for the same: Provided always that all proceedings for the recovery of penalties under this Act, shall be instituted within twelve months after the offence be committed.

138.—And be it further enacted by the authority aforesaid, that all offences committed during the time the Act entitled "An Act for the Subsistence, Clothing, and the better Regulation and Government of Slaves, for enlarging the Powers of the Council of Protection, for preventing the improper transfer of Slaves, and for other Purposes," passed in the year 1816, and all other Acts by this Act repealed, were in force, shall be punished in the manner directed by the said Acts, but shall be heard, tried, and determined in the form prescribed by this Act. And it shall be lawful to recover and apply all penalties incurred thereunder as fully and effectually as if the said Acts were still in force and unrepealed.

139.—And be it further enacted by the authority aforesaid, that this



Act shall commence, continue, and be in force from the first day of May next, until the first day of May 1830.

Passed the Assembly this 7th day of December 1826,

(Signed) DAVID FINLAYSON, Speaker.

Passed the Council this 22nd day of December, 1826,

(Signed) W. BULLOCK, Clerk Council.

I consent, this 22nd day of December, 1826,

(Signed) MANCHESTER.

### No. 12.

*Extract from a Despatch from His Grace the Duke of Manchester, addressed to Earl Bathurst, dated King's House Jamaica, 8th January 1827.*

WHEN I had the honour of reporting to your Lordship the proceedings of the last session, I omitted to acquaint you that the free population have been very materially benefited by all fees and expenses having been abolished on Bills granting privileges. And all that is now required to entitle individuals to Bills granting any privilege, except that of being magistrates, or being members of the Council and Assembly, is a certificate from respectable persons of their having been decently educated, and their characters being unexceptionable.

These Bills entitle the objects of them to save deficiency, which was the great boon the free population have always sought, and nothing can show more clearly how much this class of persons has been satisfied with the new regulation in their favour, than that twenty-five privilege Bills were passed during the last session, although the abolition of fees did not take place very early in the session.

I have, &c.

(Signed) MANCHESTER.

The Earl Bathurst, K. G.  
&c. &c. &c.

## APPENDIX.

*Extract from a Despatch from His Grace the Duke of Manchester to Earl Bathurst, dated King's House, Jamaica, 31st December, 1825.*

REFERRING your Lordship to my Despatch of 23d instant, I have the honour to enclose, for your Lordship's information, a copy of a Bill to enable Slaves to give evidence in certain cases, and under certain restrictions.

I have, &c.

(Signed) MANCHESTER.

The Earl Bathurst, K. G.  
&c. &c. &c.

An Act to enable Slaves to give Evidence in certain Cases, and under certain Restrictions, and for other Purposes.

WHEREAS it is expedient to make certain regulations for the purpose of admitting Slaves, who are properly qualified by their religious knowledge and good character, to give evidence, in particular cases of crime committed by white or free persons against Slaves, and such regulations may become an excitement to Slaves in general to pay more attention to religious instruction, and may tend to the improvement of their moral principles and

conduct,—May it therefore please your Majesty, that it may be enacted, and be it enacted by the Governor, Council, and Assembly of this your Majesty's island of Jamaica, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, any Slave shall be admitted as a witness, upon any inquiry made or had, by or before any justice of the peace, and upon any bill of indictment preferred before a grand jury, and also upon the trial of any indictment, by which inquiry or indictment any white or free person is charged with having committed any treason, or any of the crimes and offences mentioned in the first, second, and third Clauses of an Act made and passed in the fourth year of his present Majesty's reign, entitled "An Act for the more effectual Punishment of Treason, Treasonable Conspiracies, and Seditious Meetings, for preventing the administering or taking of unlawful Oaths, and for other Purposes;" or charged with having uttered seditious language, or with seditious preaching to any free person, persons, Slave, or Slaves; or with murder, or felonious homicide; or with having mutilated, maimed, dismembered, imprisoned, or kept in confinement, without sufficient support, any Slave or Slaves: And the evidence of any Slave shall also be received on an inquisition before a coroner, respecting the death of a Slave: Provided always that the evidence of any Slave shall not be admitted or received touching any or either of the said crimes or offences, if such crime or offence shall have been committed before the passing of this Act: And provided also, that no Slave shall be admitted to give evidence on either of the occasions aforesaid, unless he or she shall have been baptized twelve months at least before the commission of the crime or offence respecting which such Slave is produced as a witness, and unless such Slave shall produce, on the occasion on which he or she is by virtue of this Act admitted to give evidence, such certificate from the justices and vestry or common council of Kingston, as is hereinafter mentioned: And be it further enacted by the authority aforesaid, that upon the production before the justices and vestry of the parish in which any Slave shall have last previously resided for three years, or, if in Kingston, before the common council, of a testimonial in writing, signed by the person who has had the possession and management of such Slave, as owner, attorney, trustee, guardian, receiver, executor, or administrator, for three years next before the giving of such testimonial as to the good character and disposition of such Slave; and upon production also of a written declaration, signed by the rector, or in case of the absence of the rector, by the minister officiating for such rector of the parish in which such Slave resides, that such Slave has been baptized, and of the time of such baptism, either from the personal knowledge of such rector or minister, or by the inspection of his certificate of baptism, or of the registry thereof; and further, that such rector or minister officiating for him in his absence, had examined the Slave, and found him or her to be sensible of the nature and obligation of an oath, it shall and may be lawful for the justices and vestry of such parish, or the common council of Kingston, and they are hereby empowered and required, unless proof be made before them contradicting the said testimonial and declaration, or either of them, to give to such Slaves a certificate, signed by the clerk of the vestry or court of common council of Kingston, according to the following form: "These are to certify, that at a vestry, or court of common council, holden at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_, there were produced the testimonial and declaration required by an Act now in force, enabling Slaves to give evidence; and no proof having been given to contradict such testimonial and declaration, or either of them, the vestry, or common council of Kingston, have, in pursuance of the said Act, granted this certificate to \_\_\_\_\_, a \_\_\_\_\_ Slave belonging to \_\_\_\_\_, of \_\_\_\_\_, in this parish, being the person named in such testimonial and declaration, and baptized on \_\_\_\_\_;" which said testimonials and declaration shall be returned by the clerk of the vestry, or common council, for the purpose of being transmitted to the clerk of the crown, as hereinafter directed: And be it further enacted by the authority

aforesaid, that when such certificate shall be granted, the clerk of the vestry of every parish, or clerk of the common council, shall, in a book to be kept for that purpose, register the names, colour, and sex of the several Slaves to whom such certificates have been granted, the names of the owners of such Slaves, and the dates of the testimonials and declarations, and the time of granting such certificates, in the form following:—

Name of Slave.	Age.	Sex.	Colour.	Height.	Name of Person, or Property, the Slave belongs to.	Date of Testimonials.	Date of Declaration.	Time of granting the Certificate.

And the said clerk of the vestry, or clerk of the common council, shall immediately thereafter, transmit to the clerk of the crown such testimonial and declaration, and also a copy of the certificate so granted by the justices and vestry or common council, certified by such clerk of the vestry or common council, to be a true copy; and for making such registry and certified copy, the clerk of the vestry or common council shall be entitled to be paid the sum of one shilling and threepence, and no more. And if any clerk of the vestry, or the clerk of the common council, shall neglect or refuse to perform any or either of the duties required by this Act to be performed by him, he shall for every such neglect or refusal forfeit the sum of [

£20

] to be recovered by information in the Supreme Court of Judicature of this island, in the name of the Attorney General, to and for the use of his Majesty's government of this Island. And be it further enacted by the authority aforesaid, that if any certificate granted to any Slave by virtue of this Act, shall be accidentally lost, destroyed, or mislaid, the justices and vestry, or common council, on being fully satisfied that a certificate had been previously granted to such Slave, are hereby empowered and required to grant such Slave a copy of the former certificate which shall be marked "Duplicate" and with the date of its being granted, and an entry shall be made by the clerk of the vestry, or clerk of the common council, in the book hereinbefore directed to be kept opposite the original entry of such duplicate having been granted, and of the time of granting the same; and a notice of such duplicate certificate shall be transmitted to the clerk of the crown in the same manner as the copy of the original certificate, and which duplicate certificate shall be of the like force and effect as the certificate so last destroyed or mislaid: Provided always that if the application for such duplicate certificate shall not be made within two years after the original certificate was granted, the justices and vestry, or common council and clerk of the vestry or common council, shall grant another certificate in the like manner, and under the like regulations in every respect as are hereinbefore provided as to the granting of the original certificate: And be it further enacted by the authority aforesaid, that the certificate granted by the justices and vestry, or common council, shall be received by the court as evidence of the matters and things therein contained, so as to enable the Slave therein named, to be received and examined as a witness upon the occasions aforesaid: Provided always that nothing herein contained shall be construed to prevent the court on the trial of any indictment on which any Slave may by virtue of this Act be admitted as a witness from receiving the like objections as to the competency of such Slave as a witness, as might be made against any white or free person as a witness, or to prevent the court and jury from receiving evidence as to the credi-

bility of such Slave as a witness in like manner as they would receive the same as to the credibility of any white or free person. And be it further enacted by the authority aforesaid, that no white person or person of free condition, shall be indicted, arraigned, condemned, or convicted for any offence of treason upon Slave evidence, unless the offender be accused by two Slaves allowed to give evidence under the authority of this Act, or by one Slave and another lawful witness being either a white person or person of free condition: And be it further enacted by the authority aforesaid, that if any white person or person of free condition shall falsely make, forge, counterfeit, or alter, or cause to be falsely made, forged, counterfeited or altered, or willingly act or assist in the false making, forging, counterfeiting or altering any certificate given by this Act, such person or persons shall for such offence, on conviction thereof in his Majesty's Supreme Court of Judicature of this island, or any Court of Assize, be liable to be transported from this island for life. And in case any Slave shall falsely make, forge, counterfeit, or alter, or cause to be falsely made, forged, counterfeited, or altered, or willingly act or assist in the false making, forging, counterfeiting, or altering any certificate given by this Act, such Slave for such offence on conviction thereof in a Slave court, be liable to be sentenced to hard labour and confinement in the workhouse for such time as the court shall direct, or to flogging, or both at the discretion of the court, and such Slave shall for ever thereafter be incapable of being a witness under this Act. And if any Slave shall falsely pretend to be the person mentioned in a forged certificate, or in any certificate belonging to or intended for another Slave, such Slave shall on conviction thereof in a Slave court, suffer such punishment by imprisonment and hard labour for such time as the court may direct, or by whipping, or by both, as such court shall think proper; and such Slave shall for ever thereafter be incapable of being admitted as a witness under and by virtue of this Act. And be it further enacted by the authority aforesaid, that the clerk of the crown shall keep in his office, as public records, the several testimonials, declarations, and copies of certificates hereinbefore directed to be transmitted to him, and shall register, in a book to be by him kept for that purpose, the names of all such Slaves named in such copies of certificates, and shall mark an entry of such duplicate certificates, and of the time when granted, in the same manner and form as the clerk of the vestry, or common council as hereinbefore directed, to register the same; and such testimonials, declarations, copies of certificates and books, shall be deemed public records, and be accessible in like manner, and on the like terms, as other public records in his office; and for making each entry he shall be entitled to be paid the sum of one shilling and three-pence, and he shall be further entitled to be paid for every search at and after the rate paid to the secretary of this island for searches made in his office. And be it further enacted by the authority aforesaid, that every justice of the peace or coroner who shall take the deposition of any Slave admitted to give evidence by virtue of this Act, shall certify as part of the jurat, that the deponent had produced before him the certificate required by this Act. And such justice of the peace and coroner shall take from the person in the possession of such Slave, as owner, attorney, trustee, guardian, receiver, executor, or administrator, or from some person in his, her, or their behalf, a recognizance in a sum not exceeding \_\_\_\_\_, nor less than \_\_\_\_\_, conditioned for the production of such Slave as a witness in the court at which the indictment is to be preferred or tried. And such justice or coroner shall forthwith transmit to the clerk of the crown, such deposition and recognizance. And in case the owner or person in possession of such Slave as aforesaid, shall refuse to give, or shall not procure, such bail for the appearance of the Slave as a witness, or the owner or person in possession of such Slave shall be the party accused, or if under the circumstances the justices of the peace or coroner shall deem it necessary, in order to prevent the danger of the witness being influenced in his or her testimony, then and in such case, such justice of the peace, or coroner, shall have the power of securing the attendance of such Slave as a witness, by a committal to gaol in the same manner as the attendance of witnesses for the crown, who are unable to

find bail for their appearance, is now ensured. And the marshal or keeper of the gaol where such Slave remains, shall be allowed the sum of one shilling and eight pence, to be paid to such Slave on each day such Slave shall remain in his custody, for his or her maintenance. And such allowance shall be repaid to the marshal in the same manner as the allowance to witnesses for the crown placed in confinement, is now repaid to him. And in case the owner or party in possession of a Slave, shall produce him or her as a witness at the court where any indictment is preferred or tried, according to the exigency of a recognizance entered into, by, or on the part of such owner or person in possession as aforesaid, such owner or person in possession, shall be entitled to receive mile money at the rate of one shilling per mile for the first five miles, and sixpence per mile for every mile afterwards, and a sum not exceeding three shillings and four-pence per day for each and every day such Slave shall have been absent from home for the purpose of attending at the court, or shall have been in confinement, as a compensation for the loss of the labour of such Slave. And the judges present in court, in case an application shall be made to them in court after the trial, are hereby authorized, in case they shall deem it equitable and right, under the circumstances of the case, to assess the amount of such mile money and compensation, and to grant a certificate thereof under their signatures; and such certificate after being approved of by the commissioners of public accounts, shall be paid by the receiver general out of any monies in his hands unappropriated, to the person or persons to whom such certificate shall be granted. And in order to remove every temptation to commit perjury by those Slaves who may be admitted to give evidence by virtue of this Act: Be it enacted by the authority aforesaid, that the court shall not be at liberty to exercise the power given by the Consolidated Slave Law, of declaring any Slave free and discharged from all manner of servitude, where the owner of such Slave has been convicted of the offence therein mentioned, if any Slave authorized to give evidence under this Act, shall have been sworn upon the trial as a witness on the part of the prosecution. And be it further enacted by the authority aforesaid, that if any Slave admitted to give evidence under this Act, shall commit wilful and corrupt perjury, in giving evidence upon any of the occasions hereinbefore mentioned, any Slave shall be liable to be tried at a Slave court for wilful and corrupt perjury; and upon conviction thereof, shall be liable to the same punishment as the person or persons at the trial of whom such false evidence was given, would, if convicted, have been liable to suffer, or it shall be in the power of the court to sentence such Slave to imprisonment, to hard labour in the workhouse, or to stand in the pillory for such times as the court shall direct, or to whipping, or to all or either of such three last-mentioned punishments, at the discretion of the court. And it is further enacted by the authority aforesaid, that all Slaves whose attendance is required as witnesses under and by virtue of this Act, shall be protected in their persons from all civil process whatsoever, in their going to, attending at, and returning from such examinations in trials as are hereinbefore mentioned; and that such Slave shall, during such time, not be liable to be levied on for debt, taxes, or otherwise. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force from and after the passing thereof, until the thirty-first day of December, in the year of our Lord one thousand eight hundred and twenty-eight. Provided always that all Slaves who shall obtain the privilege of giving evidence under this Act, shall, notwithstanding the expiration thereof, still continue to be lawful witnesses upon the occasions and in the cases hereinbefore mentioned, in the same manner as if this Act still remained in force.

## BAHAMAS.

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No. 1.

SIR,

*Downing Street, 13th March, 1826.*

WHEN I had the honour of communicating to you the resolutions of the House of Commons in 1823, you were instructed to bring under the consideration of the Council and Legislative Assembly of the Bahamas, some of the measures which his Majesty's government recommended for improving the condition of the Slave population.

In 1824, an Act had been passed by the Legislature, consolidating the Slave laws, and adding to them some beneficial provisions, but executing only an inconsiderable portion of what had been recommended.

I had then the honour of communicating to you, a copy of the Trinidad Order in Council, containing, with the others, the further measures which his Majesty's government considered it to be their duty to propose for carrying into effect in his Majesty's colonies, the resolutions of the House of Commons.

The measures recommended in these communications provided, first, for the improvement of the condition of the Slave population; secondly, for the manumission of Slaves, on such principles as would give to the Slaves on the one hand, the means of acquiring their freedom, or that of their families; and on the other, secure to the planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission. In directing you to lay this order before the Council and Legislative Assembly, I thought it desirable in the first instance, that it should be left for them to proceed in such manner as might appear to them advisable, for taking all these several measures under their consideration.

You have since that time, continued under my directions to press these measures upon the attention of the Legislature; but you have not informed me that the Council or the Assembly have made any progress in them. You will, in next addressing yourself to the Legislature, have to communicate to them, the unanimous concurrence of the House of Lords, with the resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of this Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the order in Council, classed under separate heads, and accompanied with such explanations as may be necessary, with a view of placing in a clearer light, the effect of some of those provisions, which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having bills drawn up, for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of the Bahamas.

When these bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions, as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The Assembly will thus be placed in full possession of all which his Majesty's government contemplate, for carrying into effect the resolutions of the two Houses of Parliament, and the result of their deliberations will enable his Majesty's government to judge whether it will be necessary to take any other course for the attainment of that object. If you should have it in your power to announce to me, that the Council and Assembly have agreed to bills substantially carrying into effect all the several measures which shall have been

thus brought under their consideration, it will only remain for me, in communicating to you his Majesty's allowance of these bills, to congratulate you and the Legislature of the Bahamas, on the establishment of a system, both for improving the condition of the Slave population, and for providing for the manumission of Slaves, or of their families, on a principle of equitable appraisalment, which system will have fully carried into effect the resolutions of the two Houses of Parliament.

Nothing will then remain, but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object, will be facilitated by the report of the commissioners of legal inquiry; who, as you are aware, have been employed for that purpose, in the examination of the constitution and practice of the courts of justice in the colony.

I have, &c.

(Signed)

BATHURST.

*Officer administering the Government.*

No. 2.

MY LORD,

*New Providence, Bahamas, 3d June, 1826.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, dated 13th March 1826, referring to the resolutions of the House of Commons in 1823, alluding to measures to be recommended for adoption by the Assembly of these Islands for improving the condition of the Slave population, and promising to transmit explicit instructions on this head.

I have, &c.

(Signed)

WILLIAM VESEY MUNNINGS.

*The Right Honourable Earl Bathurst, K. G.*  
&c. &c. &c.

No. 3.

SIR,

*Downing-street, 21st May, 1826.*

IN my despatch to you, dated the 13th of March last, I had the honour to announce to you that I should take an early opportunity of sending out to you all the measures contained in the Trinidad order in council, classed under separate heads.

In the enclosed papers will be found all the provisions of the order in council of the 10th March, 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that order as have been introduced by any subsequent enactments.

These enclosures relate to the eight following subjects:—First, The office of protector and guardian of Slaves. Secondly, The admission of the evidence of Slaves in civil and criminal cases. Thirdly, The manumission of Slaves. Fourthly, The intermarriage of Slaves. Fifthly, The observance of Sunday and the abolition of public markets on that day. Sixthly, The acquisition of property by Slaves, and the establishment of savings banks for the better protection of it. Seventhly, The separation of families under judicial process. And, Eighthly, The punishment of Slaves, with the record to be kept of such punishments when inflicted by the authority of the owner.

To each of these enclosures I have subjoined notes explanatory of the deviations which may be found in them from the rules originally promulgated in the order in council of the 10th of March, 1824.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad and the Lieutenant-governor of Demerara. From the perusal of that correspondence you will learn the views which have been taken by his Majesty's government of the various

objections which have been successively urged against the different provisions of the order in council, and you will perceive what parts of the law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in the Bahamas. I am aware also, that upon some of the topics comprised in these papers, the wishes of his Majesty's government have already, to a certain extent, been anticipated by the existing laws of the island, and that, without a very intimate and practical acquaintance with those laws, it may perhaps not be possible safely to frame new legislative provisions on the same or similar subjects.

In transmitting to you the enclosed papers, I do not, therefore, propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew, and in the fullest manner, the measures which his Majesty's government desire to introduce; and I have for this purpose adopted the form and language of legislative Acts, because in no other way could those views be explained with equal accuracy and precision. His Majesty will, however, be ready to confirm any laws in which the legislature of the Bahamas may effectually embody these principles, and give effect to these intentions, however much such laws may depart from the enclosed drafts, in arrangement, language, or minor details.

You will, therefore, immediately on receiving this despatch, make a confidential communication on the subject to the law officers of the crown within your government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct bills as they may think best adapted for giving full and complete effect to the wishes of his Majesty's government, as explained in the enclosed drafts. In performing this duty they will, of course, have regard not only to such local circumstances as may necessarily affect the form and language of those provisions, but also to some enactments in the late Slave Melioration Act, and to any other of the existing laws of the colony in which the same or the like provisions as are contained in these drafts may be found.

They will also consider how far a consolidation of such former Acts with the projected bills may be practicable or convenient, and they will report to you in writing every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the legislative council and assembly. It is almost superfluous to remind you of the necessity of proceeding, on this occasion, with such discretion, and with such a regard to the constitutional privileges of the council and assembly, as to afford no reasonable cause for any jealousy or complaint on the part of those bodies. Upon this subject, you will exercise your own judgment, with all the advantage to be derived from your acquaintance with the established usages of the colonial legislature. At the conclusion of the session, you will transmit to me, with the least possible delay, a report of the progress which may have been made in carrying these intentions of his Majesty's government into effect, and in case that this object shall not have been effectually accomplished, you will accompany that report by a distinct reference to each clause of each of the drafts enclosed, stating in detail, the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision, what parts of the clauses recommended have been enacted, and what parts have been rejected by the legislature. In those cases where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time, call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present despatch without again reminding



you, that his Majesty's government will feel the most lively interest in the result of the deliberations of the legislative council and assembly. I am not disposed to anticipate the continued rejection of the enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom. On the contrary, I must still hope, that it will shortly be in my power to lay before his Majesty, acts of the assembly of the Bahamas, fully carrying into effect the spirit of the various provisions, which, by his commands, I have now the honour to transmit to you.

I have, &c.

(Signed)

BATHURST.

*Officer administering the Government of the Bahamas.*

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*Heads of a Bill for establishing within the Bahama Islands an Officer to be called "The Protector and Guardian of Slaves."*

**CLAUSE 1.**—There shall be hereafter within the Bahama Islands, an officer to be called "The Protector and Guardian of Slaves," who shall be appointed to such his office by his Majesty, to hold the same during his Majesty's pleasure; and such appointment shall be made by a warrant under his Majesty's signet and sign manual.

**CLAUSE 2.**—In the event of the death of the said protector and guardian of Slaves—or of his resignation—or of his bodily or mental incapacity—or of his removal or suspension from office—or of his temporary absence from the island, the governor shall appoint a proper person to act as the deputy protector and guardian of Slaves until his Majesty's pleasure shall be known.

**CLAUSE 3.**—The protector and guardian of Slaves shall at all times perform his duty in person and not by deputy, excepting only in those cases in which the governor is expressly authorized to appoint a deputy for that purpose.

**CLAUSE 4.**—The protector and guardian of Slaves shall, before entering on the execution of his office, take and subscribe before the governor an oath in the following words: *viz.*, "I, A. B. do swear that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the protector and guardian of Slaves in the Bahama Islands, without fear, favour, or partiality. So help me God."

The same oath shall also be taken and subscribed by the deputy protector and guardian.

**CLAUSE 5.**—The protector and guardian of Slaves shall not be the owner of any plantation within the Bahama Islands, or of any Slaves employed upon any plantation, or in any kind of agriculture; and shall not have any interest in, or any mortgage or security upon any such plantation or Slave, and shall not be competent to act as the manager, overseer, agent, or attorney, for or upon any plantation in the island; nor as the guardian, trustee, or executor of any person having any such plantation or any Slaves. If the protector and guardian of Slaves shall require or hold in his own right, or in that of his wife, or in trust for any other person, any plantation in the island, or any Slaves employed in any plantation, or in any kind of agriculture; or any interest in, or any mortgage or security upon any such plantation or Slaves; or shall act as such manager, overseer, agent, attorney, guardian, trustee, or executor, as before mentioned; he shall thenceforth *de facto* cease to be protector and guardian, and forfeit his office.

**CLAUSE 6.**—Provided that all the Acts of the protector and guardian of Slaves done after such forfeiture of office, and before the office is declared void by public notice in the gazette of the island, shall be as effectual as if no such forfeiture and vacancy of the office had taken place.

**CLAUSE 7.**—The protector shall constantly reside within the island, unless he shall obtain a special leave of absence from his Majesty or from the governor. The leave of absence shall never exceed [ ] at any one time, and shall not be granted by the governor unless it shall be

made to appear to him, upon the oath of some medical practitioner, that such temporary absence is necessary for the preservation or recovery of the health of the protector and guardian of Slaves.

CLAUSE 8.—The protector and guardian of Slaves shall keep a public office in the [ ] of [ ]; and shall attend there on such days, and during such hours of the day, as the governor shall from time to time appoint; and shall keep at such office, and not elsewhere, all public records, books, and papers relating to his office.

CLAUSE 9.—Some proper person shall be appointed by the governor in every parish of the island, to be the assistant protector and guardian of Slaves in that parish; and such assistant protectors and guardians shall, in their respective parishes, be assisting the protector and guardian of Slaves in the execution of the duties of his office; and shall carry into execution such lawful instructions as they may receive from him in reference to such duties: Provided that such assistant protectors and guardians of Slaves shall always be persons named in the commission of the peace for the county or parish in which they may be appointed so to act.

CLAUSE 10.—The assistant protectors and guardians of Slaves, shall hold such their offices during his Majesty's pleasure.

CLAUSE 11.—The protector and guardian of Slaves, and his deputy and assistants, shall respectively receive their salaries in lieu of all fees and other emoluments; and any such protector and guardian of Slaves, his deputy or assistants, receiving any fee or emolument beside his salary in respect of any act done by him in the execution of his office, shall incur a fine equal to [ ] the amount of what he may so receive, and shall become disqualified from holding such his office.

CLAUSE 12.—In any prosecution commenced in any court of justice in the island, in which any person may be charged with the murder of any Slave, or with any offence against the person of any Slave, the protector and guardian shall attend and act as the public prosecutor: Provided that this rule shall not extend to prevent the attorney general from acting in such prosecutions as he hath heretofore done, or to prevent the owner of the deceased or injured Slave from employing, at his own expense, any counsel or attorney to conduct any such prosecution.

CLAUSE 13.—On the first Monday next after the 25th day of December, and on the first Monday next after the 24th day of June in each year, the protector and guardian of Slaves shall deliver to the governor a written report of the manner in which the duties of his office have been performed during the preceding half year, which report shall contain a statement of all prosecutions in which he or his assistants may have acted as the protector of any Slaves, with the dates and effect of all the proceedings therein, together with such other particulars as are required by any other Acts of Assembly to be stated therein; and the governor of the colony shall administer to the protector of Slaves an oath, that the report contains a true statement of the several matters therein referred to. As soon as the protector and guardian of Slaves has taken such oath, then, and not before, he shall receive from the governor a warrant for the amount of his salary for the half year next preceding the date of such report; which report shall then be transmitted by the governor to one of his Majesty's principal secretaries of state.

CLAUSE 14.—If the protector and guardian of Slaves, or any deputy or assistant protector and guardian, or any other person, shall fraudulently make any erasure or interlineation in any book, record, or return, which by any Act of Assembly he may be required to keep, or shall wilfully falsify any such book, record, or return; or make any false entry therein; or burn, cancel, obliterate, or destroy the same or any part thereof; he shall incur a fine of not less than [ ] nor more than [ ]; or imprisonment, for any time not exceeding [ ] nor less than [ ]; or both fine and imprisonment, at the discretion of the court. And all such fines shall be recovered in the Court of King's Bench and Common Pleas of the island, and shall be divided equally between his Majesty and the informer.

CLAUSE 15.—In the absence of the governor from the island, any person

lawfully administering the office of governor, shall be competent to do such acts as the governor is hereby empowered to do.

CLAUSE 16.—The protector and guardian of Slaves, the deputy protector and guardian of Slaves, and the assistant protectors and guardians of Slaves shall respectively execute and perform such duties as may be imposed upon, or required of them respectively, by any Act of Assembly passed or to be passed in the present, or in any future session.

*Notes on a Bill for Establishing within the Bahama Islands, an Officer to be called "The Protector and Guardian of Slaves."*

NOTE ON CLAUSE 1.—The Order in Council for improving the condition of Slaves in the Island of Trinidad, does not provide for the erection of a new office, because in that colony, the Procurador Syndic was already invested by the Spanish law with the office of guardian of Slaves. As there is no official protector of Slaves in Barbadoes, it is necessary to make provision by law for the establishment of such an office. As the duties of the protector will be amply sufficient to occupy his whole time and attention, it would be highly inexpedient to follow the precedent of the Trinidad Order by combining this office with any other at present existing in the island.

NOTE ON CLAUSE 9.—In the Trinidad Order in Council, the guardian of Slaves is declared to be a magistrate, and is invested with powers similar to those of the commandants at quarters, and which he is to exercise throughout the whole of that island. In the Bahama Islands it is unnecessary to make such a provision, as the governor will be instructed to place the protector and guardian of Slaves in the commission of the peace.

As there are not in the Bahama Islands any officers whose functions correspond with those of the commandants of quarters in Trinidad, it seems necessary to leave to the governor the selection of the assistant protectors in the several parishes. He is however restricted in his choice to gentlemen in the commission of the peace, because this seems the best security for the appointment of persons of sufficient property and personal respectability.

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*Heads of a Bill to regulate the Admission of the Evidence of Slaves.*

CLAUSE 1.—Every clergyman of the Established Church of England, and every minister of the Kirk of Scotland, and every priest or minister professing the Roman Catholic religion within the island, and carrying on there no other business or occupation with a view to profit there, except that of a schoolmaster, shall be authorized to transmit or deliver under his hand to the protector and guardian, or assistant-protector and guardian of Slaves, of the parish in which he may be resident, certificates, setting forth the names and places of abode of any Slaves who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath. The assistant-protectors of Slaves of the several parishes shall transmit such certificates to the protector and guardian of Slaves, who shall register the same in a book to be kept by him for that purpose, stating therein the date of such certificate, and the name and place of abode of the person by whom the same may be granted, and the name of every Slave mentioned and included therein.

CLAUSE 2.—No priest, minister, or public teacher of religion, not being a clergyman of the Church of England, or a minister of the Kirk of Scotland, shall be competent to grant any such certificate, unless his Majesty's principal secretary of state having the department of the colonies, or the governor or acting-governor of the Bahama Islands, shall grant to such priest, minister, or public teacher, a written license to grant such certificates, nor unless such license shall continue in force at the time of signing the certificate, and shall have been registered in the office of the protector and guardian of Slaves.

CLAUSE 3.—No person shall henceforth be rejected as a witness or con-

sidered as incompetent to give evidence in any court of civil or criminal justice in the Bahama Islands, by reason of his or her being in a state of Slavery, if the person producing such Slave as a witness, shall also produce to the court a certificate, under the hand of the protector and guardian of Slaves, that such proposed witness is registered in the before-mentioned book.

CLAUSE 4.—The protector and guardian of Slaves shall, without fee or reward, grant to any person applying for the same, a certificate of the fact, whether the proposed witness is registered in the before-mentioned book or not.

CLAUSE 5.—No person in a state of Slavery shall be admitted to give evidence in any civil suit or action, in which his owner is directly concerned.

CLAUSE 6.—No person in a state of Slavery shall be admitted to give evidence in any case where any white person may be charged with or prosecuted for any offence punishable with death.

CLAUSE 7.—Nothing in this act contained shall extend to take away or diminish any power or authority which any court of criminal jurisdiction in the said colony, now hath to admit in any case the evidence of any persons in a state of Slavery.

CLAUSE 8.—Nothing contained in the Act shall extend to render any Slave competent in the law to give evidence in any case, in which such Slave would be incompetent to give evidence if he or she were of free condition.

CLAUSE 9.—The protector and guardian of Slaves, in his half yearly reports to the governor, shall include a statement of the name of every Slave who, during the preceding half-year, has, in manner aforesaid, been certified as competent to understand the nature and obligation of an oath.

*Heads of a Bill to regulate the Proceedings for the Manumission of Slaves, and to enable Slaves, under certain Restrictions, to purchase their own Freedom.*

CLAUSE 1.—No duty, or tax, or fee of office shall be paid in the Bahama Islands, upon or in respect of the manumission of any Slave, or the enrolment of any deed of manumission, except a fee not exceeding [ ] sterling, which the protector and guardian of Slaves shall pay to the secretary and registrar of the island for enrolling every deed of manumission. Such fee shall be repaid to the protector and guardian of Slaves by the public treasurer, out of any unappropriated money in his hands. Any person taking or demanding any duty, tax, or fee of office, save as aforesaid, shall incur a fine not exceeding [ ] nor less than [ ] sterling, to be recovered by bill, plaint, or information, in the Court of King's Bench and Common Pleas of the island, by any one who may sue for the same, and to be divided in equal moieties between his Majesty and the person so suing.

CLAUSE 2.—If any Slave shall be desirous of purchasing his or her freedom, or the freedom of the wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother, or sister of such Slave, it shall be lawful for any such Slave so to purchase the freedom of himself or herself, or of any such other person as aforesaid.

CLAUSE 3.—If the owner of such Slave shall be unwilling to effect his or her manumission; or shall by reason of any mortgage, settlement or lease, or other charge upon or interest in any such Slave, invested in any other person, be unable to execute a valid manumission of any such Slave; or if the owner or any other person having interest in the Slave shall be a minor, or a married woman, or idiot, or lunatic; or if the owner of the Slave is absent from the island, or shall not be known; or if any suit or action shall be depending in any court of justice in the island, wherein the title to such Slave, or the right to his services, shall be in controversy; or if the owner of the Slave shall demand, as the price of his freedom, any sum, which in the judgment of the protector and guardian of Slaves shall exceed the real value of such Slave, then, and in every such case, the chief justice of the Court of King's Bench and Common

Pleas, on the application of the protector and guardian of Slaves, shall issue a summons, requiring the owner or manager of the Slave to appear before him, at some convenient time and place. Notice shall be published by the protector and guardian of Slaves in the public gazette of the island, on [ ] different days, of the time and place so appointed for the purpose aforesaid; and in such notice all persons having or claiming any interest in any such Slave, either in his own right, or as the trustee of any other person, shall be required to attend and prefer such their claims.

CLAUSE 4.—At the time appointed for any such meeting, the chief justice, in the presence of the protector and guardian of Slaves, and also in the presence of the owner or manager, or (upon proof being made to him, upon oath, of the due service and publication of the before-mentioned notices, then, if necessary) in the absence of such owner or manager, shall proceed to hear, in a summary way, what may be alleged by the said protector and guardian of Slaves, and by the owner, or manager, or other persons claiming any interest in the Slave proposed to be manumitted; and in case any of the parties shall refuse to effect any such manumission; or if it shall appear to the said chief justice that a valid manumission of any such Slave cannot legally be effected by private contract; or that the owner of any such Slave, or that any person having any charge upon or interest in him, or her, is a minor, or married woman, or idiot, or lunatic; or that the real owner of any such Slave, or that any person having any charge upon, or interest in him or her, is absent from the said island, or is unknown, or cannot be found; or that any suit or action is depending in any court of justice in the said island, wherein the title to the said Slave, or the right to his services is in controversy; or if it shall appear to the said chief justice that any difference of opinion exists between the protector and guardian of Slaves and the owner of any such Slave, respecting his or her price or value, then the said chief justice shall require the protector and guardian of Slaves, and the owner or manager of any such Slave, each to nominate an appraiser of his or her value: and the said chief justice shall himself nominate an umpire between such appraisers. And the said appraisers being first duly sworn before the said chief justice to make an impartial appraisement, shall, within [ ] days next after such their appointment, make a joint valuation of the Slave proposed to be manumitted; and shall certify such their valuation to the chief justice, under their hands and seals. And in case such joint certificate shall not be delivered to the said chief justice within the said term of [ ] days, then the said umpire, being duly sworn in manner aforesaid, shall, within the next [ ] days, certify his valuation under his hand and seal to the said chief justice; and the valuation to be made in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the Office of Registry in the said island.

CLAUSE 5.—Upon payment to the treasurer of the said island of the appraised value of any such Slave as aforesaid, after making, in the cases hereinafter particularly mentioned, such deduction therefrom for the expense of the appraisement as is hereinafter directed, the said treasurer shall grant to the protector of Slaves a receipt for the money so to be received by him, and such receipt shall be duly enrolled in the office of the secretary and registrar in the said island, together with a declaration under the hand and seal of the said chief justice, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money was paid, had been duly had before him, and thereupon such Slave shall be, and be deemed and taken to be free to all intents and purposes.

CLAUSE 6.—The money to arise from the manumission of any Slave, by virtue of the proceedings before mentioned, shall and may be laid out and invested, under the authority of the chief justice, on the application of any person or persons interested therein, in the purchase of any other Slave or Slaves; or if no such application shall be made, then such money shall remain in the hands of the public treasurer of the said island at interest, at the rate of [ ] per cent per annum, such interest to be borne by and defrayed out of [ ]; and the Slave or Slaves so to be

purchased with the said money as aforesaid, or in case of no such purchase being made, then the said money in the hands of the said public treasurer, and the interest from time to time accruing thereupon, shall be the property of the persons who were the proprietors of such manumitted Slave or Slaves, and shall be held upon, under, and subject to all such and the same uses, conditions, mortgages, and demands of what nature or kind soever, as such Slave or Slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission; and the said treasurer shall hold the said money, and the interest accruing thereupon, subject to such order as the chief justice of the said colony may, upon a summary application of any person interested therein, see fit to make; and such principal money and interest shall, by the said treasurer, be paid and disposed of in pursuance of and obedience to any such order.

CLAUSE 7.—In all cases where an appraisement of a Slave shall be made by reason of the refusal of the owner to effect the manumission, or by reason of any difference of opinion between the owner and the protector and guardian respecting the price or value of the Slave, the expenses of the appraisement shall be borne equally by, and divided between the owner and the Slave proposed to be manumitted. In all cases where the appraisement is made by reason of the inability of the owner to effect a valid manumission by private contract; or by reason of the minority, coverture, idiotcy, or lunacy of the owner; or by reason of the absence of the owner or other person having a charge upon the Slave from the island; or by reason that the owner is unknown, or cannot be found; or by reason of the pendency in any court of justice of any suit wherein the title of a Slave or the right to his services is in controversy; then, and in all such cases, the expenses of the appraisement shall be equally divided between the Slave proposed to be manumitted and the owner. The portion of the price to be paid by the owner shall be deducted from the money arising from the manumission of the Slave, before such investment thereof as aforesaid.

CLAUSE 8.—Before the manumission of any Slave by virtue of any private contract for that purpose between such Slave and his owner, notice of such intended manumission shall, by the owner of such Slave, be given in writing to the protector and guardian of Slaves, who, on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said protector and guardian of Slaves shall also without fee or reward prepare the proper deed of manumission, and the same shall in all cases be executed in the presence of the said protector and guardian of Slaves, or of some proper witness to be by him appointed for that purpose; and being so executed shall by such protector and guardian of Slaves be enrolled in the office of the secretary and registrar in the said island, within one calendar month next after the date and execution thereof; and in case any such deed shall not be left for enrolment at the said office, within the said period of one calendar month, the said protector of Slaves shall incur and be liable to the payment of a fine not exceeding [ ] nor less than [ ] sterling.

CLAUSE 9.—In case any such deed of manumission as aforesaid, shall be executed voluntarily, and without any valuable consideration passing to the owner or other person effecting such manumission, the Slave so to be manumitted shall, before the actual execution of any such deed, appear before the said protector and guardian of Slaves, or before the commandant of the quarter in which such Slave may happen to be resident; and if it shall appear to the said protector and guardian of Slaves or to the commandant, as the case may be, that the Slave about to be gratuitously manumitted is under the age of [ ] years, or above the age of [ ] or is labouring under any habitual disease or infirmity of mind or body, the owner or other person about to effect such manumission, shall, at the time of the execution of the deed of manumission, execute and deliver under his hand and seal a bond to his Majesty in the penal sum of [ ] with a condition there underwritten for the defeasance thereof, if the said Slave shall be properly fed, clothed, and maintained until the age of

[ ] years in the case of infants ; or during the term of his or her natural life in the case of adults of the age of [ ] years, or labouring under any such sickness or infirmity as aforesaid ; and no such manumission shall be valid and effectual in the law, or shall be received for enrolment at the office of registry, until such bond as aforesaid be duly executed, and registered, and deposited in the said office.

CLAUSE 10.—In the half-yearly returns to be made by the protector and guardian of Slaves to the governor of the island, shall be included a statement of the names of all the Slaves manumitted under the authority of this Act.

*Notes upon Heads of a Bill to regulate the proceedings for the Manumission of Slaves, &c.*

THE preceding regulations respecting the manumission of Slaves have given rise to a protracted discussion between his Majesty's government and the local authorities in Trinidad and Demerara. The progress of those discussions will be best learned by referring to the printed papers which have been laid by his Majesty's command before both Houses of Parliament. His Majesty's government have no intention to recede from the principles which have been advanced in the course of the official correspondence in question. A particular reference to a despatch to the lieutenant-governor of Demerara, of the 25th of February, 1826, will probably diminish, if it does not entirely dispel, the apprehensions which this part of the Trinidad Order in Council appears to have excited.

NOTE ON CLAUSE 7.—The regulations contained in this clause, for dividing the expenses of the appraisalment between the manumitted Slave and his owner, form an addition to the original Order in Council for Trinidad, and were introduced by the governor's proclamation to supply a defect which had been pointed out in the original order.

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*Heads of a Bill for regulating the celebration of Marriages among Slaves, and for declaring such Marriages valid and effectual in the Law.*

CLAUSE 1.—Slaves desirous to intermarry shall be at liberty to apply either to the protector and guardian of Slaves, or to the assistant-protector and guardian of Slaves of the parish in which the woman may reside, for a marriage license, producing the consent in writing of their owners or managers to the celebration thereof.

CLAUSE 2.—If the owner or manager of both or either of the Slaves shall refuse his consent to the marriage, or shall not give his written permission for the celebration thereof, the protector and guardian of Slaves, or the assistant-protector and guardian, shall issue a summons requiring the owner or manager to appear before him, at a time and place to be appointed for that purpose ; such time not being more than [ ] distant from the time when the application shall be received by such protector and guardian of Slaves or assistant-protector and guardian of Slaves. If the owner or manager fails to appear, or appearing fails to produce good proof that the marriage would be injurious to the well being of the Slaves, the protector and guardian of Slaves, or the assistant-protector and guardian, shall issue a marriage license.

CLAUSE 3.—The licenses are to be issued without fee or reward, authorising any clergyman of the Established Church of England and Ireland, or any minister of the Kirk of Scotland, or any priest or curate professing the Roman Catholic religion, or any public teacher of religion within the island, carrying on there no other profession, business, or occupation of profit, except that of a schoolmaster, to solemnize the marriage of such Slaves. Provided that no public teacher of religion, not being a clergyman of the Church of England, or a minister of the Kirk of Scotland, or a priest or curate professing the Roman Catholic religion, shall be so authorized to solemnize any such marriage, unless his Majesty's principal secretary of state, having the department of the colonies, or the governor or acting-governor of the Bahama Islands,

shall grant to such public teacher a written license to celebrate marriages, nor unless such license has been registered in the office of the protector and guardian of Slaves, and continues in force at the time of his being so authorized to solemnize any such marriage.

CLAUSE 4.—It shall be lawful for any such clergyman, minister, priest, curate, or religious teacher, upon receiving any such license, to solemnize any such marriage, and the marriage when so solemnized shall, to all intents and purposes, be valid, binding, and effectual in the law: Provided, that no such marriage shall confer on any such Slaves or their issue, any rights inconsistent with the duties which the Slaves owe to their owner, or to the government, or at variance with those rights which the owner and the government respectively, are by law entitled to assert over such Slaves and their progeny.

CLAUSE 5.—Any person by whom any such marriage may be solemnized by virtue of any such license as aforesaid, shall, within [ ] days next after the solemnization thereof, under a penalty of not more than [ ] nor less than [ ] transmit to the protector and guardian of Slaves at [ ] a certificate of the solemnization of the marriage; and such protector and guardian of Slaves shall register in a book, to be kept by him for that purpose, every marriage which shall be so solemnized with the date thereof; and the names, descriptions, and places of abode of the parties contracting, and of the persons solemnizing, every such marriage.

CLAUSE 6.—The Act shall not extend or be construed to render any marriage between persons in a state of Slavery valid and effectual which would be illegal or void if such persons were of free condition.

CLAUSE 7.—In his half-yearly returns to the governor, the protector and guardian of Slaves shall include a statement of the number of licenses which may have been granted by him in the preceding half year, for the marriage of any Slaves, with the number of marriages solemnized in pursuance thereof.

*Note on a Bill for regulating the celebration of Marriages among Slaves, and for declaring such Marriages valid and effectual in Law.*

NOTE ON CLAUSE 4.—The provision, that the marriages of Slaves shall not invest the parties with any rights inconsistent with the duties which they owe to their proprietors or to the government, was introduced into the law of Demerara in compliance with the wish of the Court of Policy, and is an addition to the Trinidad Order in Council.

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*Heads of a Bill for the Suppression of public Markets on Sunday, and for preventing Slaves being compelled to labour on that Day.*

CLAUSE 1.—From the time when the Act shall come into operation, all persons of free condition, who, on any Sunday after the hour of [ ] in the forenoon, shall expose goods for sale in any public market, or in any shop, house, stall, or booth, or shall buy or sell any such goods, or attend at any such market, shall be liable to such punishments, penalties, and forfeitures, as by any law in force within the realm of England, may be inflicted upon or incurred by any person offending therein in like manner. If the offence shall be committed by a Slave, such Slave shall be liable to forfeit the goods or effects exposed for sale, which may be seized by the clerk of the market, or any constable; and such goods shall be taken on the following day before any justice of the peace, who, upon view thereof, shall order the same to be sold forthwith, to be applied as follows, (that is to say), one-third to the informer, and the remainder to such pious or charitable purposes as such justice of the peace shall direct.

CLAUSE 2.—From the time when Sunday markets shall be totally suppressed as after mentioned, the same punishments, penalties, and forfeitures, shall be inflicted upon, and incurred by, all persons exposing goods for sale, or buying or selling any such goods in manner aforesaid, or



attending at any such market, at whatever part of the day called Sunday, the offence may be committed.

CLAUSE 3.—It shall be lawful for his Majesty, by an instruction to be issued to the governor of the Bahama Islands, through one of his principal secretaries of state, to direct the governor of the Bahama Islands to issue, in his Majesty's name, a proclamation for the discontinuance and suppression of all markets throughout the island on the Sunday; and so soon as such proclamation shall have been issued, all Sunday markets shall cease and be absolutely unlawful.

CLAUSE 4.—The Act shall not extend to prevent the dressing or selling meats in inns or victualling-houses, or the sale of fish or milk; provided that such sale shall not take place in any city, town, or parish, during the hours appointed and set apart for the celebration of divine service therein. The Act shall not extend to prevent the sale of medicines during any part of the Sunday.

CLAUSE 5.—In every city and town throughout the island wherein markets are by any usage or supposed prescription now holden on Sunday, markets shall henceforth be holden on [ ]; and the proprietors of any such market places, and all persons resorting thereto, shall on each [ ] have, exercise, and enjoy, the same rights, in respect of such markets, and shall receive and pay the same tolls and dues, as have hitherto been exercised, enjoyed, received, or paid by or to any such persons in respect of any such markets or market places on Sunday.

CLAUSE 6.—If any person shall work or employ any Slave between the hours of ten at night on any Saturday, and sun-rise on any Monday, or shall, during that period, procure, induce, or compel, any Slave to engage in any labour for the profit or advantage of his owner, manager, or employer, the person so offending, shall incur a fine not exceeding [ ] nor less than [ ].

CLAUSE 7.—If any person shall hire any Slave to work between the before-mentioned hours of ten o'clock on Saturday night, and sun-rise on Monday morning, for wages, or any other consideration, the person so hiring any such Slave shall incur the penalties before mentioned.

CLAUSE 8.—The preceding rules shall not extend to labour performed by any Slave on Sunday in the necessary attendance on the person, or in the family of his owner or employer; nor to labour performed in the necessary preservation of the cattle or live stock on any plantation; nor to labour performed by Slaves as watchmen on any estate; or in nursing or attendance on the sick; or in performing or making preparations for any interment; or in extinguishing any fire; or in preventing any irreparable damage or injury to the property of his owner or employer. And no Slave so employed by his owner or employer on Sunday, shall be entitled to any hire or wages for such services.

CLAUSE 9.—In any case where it shall be absolutely necessary for the preservation of any crops or produce upon any estate, and for the prevention of essential injury to the same, to employ any Slaves thereupon on the Sunday, the Act shall not extend to prevent any Slaves from hiring themselves either to their owner or to any other person, to perform such necessary work on that day: Provided that no Slave may be hired by any person except the owner to perform even such necessary work as aforesaid, on the Sunday, except with the written consent of the owner; and also provided that the protector and guardian of Slaves of the island, shall publish a notice in the public gazette, on the 25th day of December, and the 24th day of June, or as soon after those days as any such gazette may be published in each year, in which notices shall be stated the lowest rate of wages at which Slaves may, during the half year following each such notice, hire themselves to work for the special purpose before-mentioned; and such notices shall state the different rates of wages, according to the age and sex of the Slaves, and according as they may be field Negroes or artificers. No hiring of any Slave on the Sunday for any such special purpose shall be a legal hiring, or exempted from the penalties of the law,

unless such Slave shall actually receive and be paid for his own use and benefit, wages of not less than the rate so to be fixed by such public notice.

CLAUSE 10.—No Slave shall be employed on Sunday in field labour, or in any of the ordinary works upon the plantation, on the ground that irreparable injury would arise from the postponement of such labour, unless the Slave shall engage in it voluntarily, and shall receive such wages as before mentioned.

*Notes on a Bill for the Suppression of Sunday Markets, and for preventing Slaves from labouring on that Day.*

NOTE ON CLAUSE 1.—The penalties which it is proposed by the preceding clause No. 1, to inflict upon free persons dealing or attending at any public market, are the same as are denounced by the law of England against the same offence. In Trinidad the governor is authorized to impose penalties by his proclamation. It is scarcely necessary to observe, that in a colony where the law of England prevails, this portion of the Trinidad code could not properly be introduced.

The same clause however ascertains the punishment when the offence is committed by Slaves, because this is a case to which the law of England would be inapplicable.

NOTE ON CLAUSE 4.—The permission to sell milk and medicines on the Sunday, is a relaxation of the rule not to be found in express terms in the Trinidad proclamation, but which is obviously required by the spirit of the law.

NOTE ON CLAUSE 5.—As it is not certainly known whether markets may not have been habitually held in the Bahama Islands on Sunday, upon land belonging to some private person or corporation, it seems necessary to provide for the exercise in such market places, on some other day of the week, of any rights which by practice and usage have hitherto been exercised there on Sunday. It has never been suggested that any such private rights existed in Trinidad, and therefore the order in council for that island is silent on the subject.

NOTE ON CLAUSE 6.—The power of employing Slaves until the hour of ten on Saturday night is an alteration made in consequence of the representations received from Trinidad, and a modification of the original order.

NOTE ON CLAUSE 7.—The express prohibition of Slaves hiring themselves out to labour, was introduced by the proclamation issued in his Majesty's name in Trinidad, to explain the supposed ambiguity of the original order on this subject.

NOTE ON CLAUSES 8 AND 9.—The particular occasions on which Slaves might be employed to labour on the Sunday are specified in this clause in the terms of the proclamation mentioned in the preceding note. It is to be observed that a distinction has been maintained, both in Trinidad and Demerara, between the occasional and the habitual exigencies of the plantation. When the necessity of labour on Sunday habitually recurs, as in the case of labour undertaken for the preservation of the crops, there it is required that the Slave should receive wages. Where the labour is only occasional and accidental, as in the case of interments, hurricanes, &c., there the Slave is required to work without wages.

These Clauses suppose the existence of such an office as the protector and guardian of Slaves, it being the wish of his Majesty's government that the Bill creating that office should precede the other measures which are suggested.

*Heads of a Bill to enable Slaves to acquire Property, and to make Provision for the safe keeping of such Property by the Establishment of Banks for Savings.*

CLAUSE 1.—Whereas by the usage of the Bahama Islands persons in a state of slavery have hitherto been permitted to acquire and enjoy property free from the control of their owners, and it is expedient that such laudable custom

should be recognised and established by law, therefore be it enacted, &c., that no person in the Bahama Islands being in a state of Slavery shall, on account of such his condition, be or be deemed to be incompetent to purchase, acquire, hold, or alienate property, but every such Slave shall be, and is hereby declared to be, competent to purchase, acquire, possess, hold, alienate, and dispose of lands situated in the Bahama Islands, or money, cattle, implements or utensils of husbandry, or household furniture, and other effects of such or the like nature, of what value and amount soever, and to bring, maintain, prosecute, and defend any suit, or action in any court of justice, for or in respect of any such property as fully and amply to all intents and purposes, as if he or she were of free condition.

Provided that this Act shall not extend to revoke or alter any law now in force in the Bahama Islands, respecting the manner in which Slaves may cultivate land for their own advantage. Provided also, that the Act shall not extend to authorize any Slave to acquire or to become the owner of any fire-arms, gunpowder, or ammunition.

CLAUSE 2.—For the better preserving the property of any such Slaves, banks for savings shall be established within the Bahama Islands, and interest at the rate of [ ] per cent per annum shall be allowed upon every sum deposited in any such bank, which interest shall be charged upon his Majesty's revenue within the island.

CLAUSE 3.—Any Slave making any deposit of money in any such savings bank, shall be at liberty to make a declaration of the manner in which, and of the persons to whom, in the event of his or her death, the amount of such deposits shall be paid, and such declaration shall be recorded in a book to be kept for that purpose at the savings bank where such deposit may be made; and upon the death of the Slave making such declaration, the same shall be taken to be the last will of such Slave in the absence of any other will. In case any Slave shall marry after making any such declaration, the marriage shall be taken to be a revocation of the declaration. If any Slave shall die intestate, and without having made any such declaration remaining unrevoked at the time of his or her death, the property of the Slave shall be disposed of in favour of such persons as by virtue of the statutes of distribution of intestate's estates, would according to the law of England be entitled to any such property.

CLAUSE 4.—The savings banks throughout the island shall be under the protection and control of the protector and guardian of Slaves, and the governor of the island shall have authority to appoint such proper officers, and make such necessary rules and regulations as will be best adapted for managing the business of such banks, and for ensuring order and punctuality therein, and for preventing misapplication of any money which may be therè deposited: Provided that such regulations be not repugnant to this Act, and that the same be transmitted to England for his Majesty's approbation.

CLAUSE 5.—No deposit of money shall at any one time, or in any one week, be received at any bank for savings from any Slave exceeding the sum of [ ] in the whole, unless at the time of tendering such deposit the Slave shall produce the written consent of his owner or manager to such deposit being made; and if any Slave shall be desirous at any one time, or in any one week, to make a larger deposit, and the owner shall refuse his consent, then the protector of Slaves, upon application made to him for that purpose, shall issue a summons requiring the owner or manager to appear before him at some particular time and place; and if the person being so cited shall not appear, or appearing shall not lay before the protector and guardian of Slaves, sufficient cause why the deposit should not be made, then such protector and guardian of Slaves shall issue an order in writing, requiring the manager of the savings bank to receive the amount of the deposit, and the same shall be received by him accordingly.

CLAUSE 6.—In his half yearly returns to the governor, the protector and guardian of Slaves shall amongst other things state the amount of the sums of money deposited in any savings banks in the island in the preceding half year.

*Notes on a Bill to enable Slaves to acquire Property, and to make Provision for the safe keeping of such Property, by the Establishment of Banks for Savings.*

NOTE ON CLAUSE 1.—The right of Slaves to acquire property is established in the Trinidad order in council in such language as not to permit a Slave to become himself the owner of other Slaves. If it should be thought right to make this exception in more direct and explicit terms, there could be no objection to it.

The Trinidad order in council, as originally drawn, did not make any exception of the staple commodities of the island in the enumeration of the kinds of property which a Slave was permitted to acquire. It was represented by the governor that the colonial law existed, by which a Slave was prohibited from planting any staple commodities, and he desired to be informed whether the order in council was to be considered as having repealed that law. He was accordingly informed, that in granting to Slaves the power of acquiring land, the order had not exempted them from any existing restrictions as to the mode in which land might be cultivated by persons of their class and condition. The court of policy in Demerara represented that by the law of that colony, Slaves were not permitted to sell or barter the staple commodities. It appearing therefore, that in the one colony the Slaves could not cultivate these articles, and that in the other they could not sell them, his Majesty's government deemed it expedient not to claim for the Slaves the abstract and unprofitable right of owning this description of property. It was therefore admitted that Slaves ought not to be proprietors of sugar, coffee, or cotton. A similar admission may therefore be made in the Bahama Islands if the law of that island has already established the same or similar restrictions.

The court of policy urged various objections against permitting a Slave to bring an action at his own discretion, and they proposed to invest the protector of Slaves or the master, with a power of deciding, in any particular case, whether there was sufficient reason for such a proceeding. These objections so far prevailed that it was agreed to substitute for the enactment of the Trinidad code a provision, giving to the protector of Slaves a clear right to bring or defend any action in respect to the property of the Slave, and empowering the president of the supreme court of the colony to direct prosecutions on the application of the Slave. The form in which these modifications of the law may be best made, still remains to be considered by the court of policy. A similar alteration may, if necessary, be introduced in the Bahama Islands. The proper form to be adopted for that purpose, will be best decided by the law officers of the crown for that island.

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*Heads of a Bill to prevent the Separation of Slaves, being Members of the same Family by Virtue of any legal Process.*

CLAUSE 1.—In the execution of any judgment, sentence, decree, or order of any court of justice within the Bahama Islands, it shall not be lawful to seize or sell any Slave having a husband, or wife, or child, under the age of [ ] years, or a reputed husband, or wife, or child, under that age, who may be the property of the same persons or person, unless such husband, and wife, and child, or reputed husband, wife, or child, shall be sold together, and in one and the same lot, and to the same persons or person.

If in the execution of any such judgment, sentence, decree, or order, any Slave or Slaves, shall be sold separate or apart from any such husband, or wife, or child, or reputed husband, or wife, or child, as aforesaid, such sale and execution shall be absolutely null and void in the law to all intents and purposes.

CLAUSE 2.—If the provost marshal, or his deputies, or any other executive officer making any levy upon Slaves under any writ of execution or judicial process, shall be unable to ascertain whether any Slave on which he may so levy has or has not a husband, or wife, or reputed husband, or wife, or child

under the age of [ ] years, belonging to the same owner, it shall be the duty of such provost marshal or other officer, to make a special return of any such circumstance to the court, out of which the execution has issued, and the court shall thereupon direct a copy of such return to be transmitted to the protector and guardian of Slaves; and upon hearing what may be alleged by such protector and guardian, and by the several parties in any such action, cause, suit, or proceeding, the court shall decide whether the Slave so seized hath or hath not any husband, or wife, or reputed husband, or wife, or child, under such age as aforesaid, belonging to the said persons or person; and such court shall make a rule upon such provost marshal or other officer requiring him either to proceed to the sale of the single Slave or not, as the case may require.

*Note on a Bill to prevent the Separation of Slaves being Members of the same Family, by Virtue of any legal Process.*

CLAUSE 2.—This clause is adopted from the Act of the court of policy of Demerara. There is an obvious convenience in enabling the officer of the court to refer to some higher authority the decision of the question of fact, whenever a doubt arises whether a Slave has any connexion from which such Slave cannot legally be separated. But it seems more consistent with the spirit of English law, to refer this question to the decision of the court from which the process issues, than to leave it, as in Demerara, to the arbitrament of the protector of Slaves. He would be entitled to be heard on behalf of the Slave, but could not, with propriety, be intrusted with the determination of the question of private right.

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*Heads of a Bill for preventing Abuses in the Punishment of Slaves, whether such Punishment is inflicted in due course of Law, or by the Authority of the Master.*

CLAUSE 1.—In all prosecutions which may be commenced in any court of justice in the island, wherein a Slave may be charged with any offence punishable by death or transportation, the same notice is to be given to the protector and guardian of Slaves of such prosecution, as according to the law of the island, would be given to the Slave if he were of free condition; and the protector and guardian of Slaves is required to attend at the trial and other proceedings in every such prosecution as the protector of such Slave, and on his behalf, and to act therein in such manner as may be most conducive to the benefit of the Slave.

The protector and guardian of Slaves shall be allowed on all such trials and proceedings to act for the benefit of the Slaves, in the same manner as by the law of the island any counsel or attorney at law may upon similar occasion act for the benefit of any person of free condition.

CLAUSE 2.—It shall be illegal for any person within the Bahama Islands, to carry any whip, cat, or other instrument of the like nature while superintending the labour of any Slaves in or upon the fields, or cane pieces upon any plantation; or to use any such whip, cat, or other instrument of the like nature for the purpose of impelling or coercing any Slave to perform labour of any kind whatsoever; or to carry or exhibit upon any plantation or elsewhere any such whip, &c., as an emblem of the authority of the person so carrying the same over any Slaves or Slave. And any person offending against this rule, or directing, instigating, or abetting in any such illegal driving, or use, or exhibition of any such whip, &c., shall be guilty of a misdemeanour.

CLAUSE 3.—It shall be unlawful for any person to inflict in any one day upon any male Slave, for any offence, upon any ground, or for any reason whatever, any number of lashes exceeding [ ] in the whole; or to inflict upon any such male Slave any punishment by the whipping or beating of his person, unless the person of such Slave shall, at the time of such punishment, be free from any laceration occasioned by any former whipping or beating; or to inflict upon any male Slave any punishment by the whipping or beating of his person until twenty-four hours at the least shall

have elapsed from the time of the commission of the offence in respect of which any such punishment may be inflicted; or to inflict upon any male Slave any such punishment, unless one person of free condition shall be present at and witness the infliction of the whole of such punishment, other than the person by whom or by whose authority the punishment may be inflicted. Persons offending against any of these rules, or directing, instigating, or abetting any such illegal punishment of any male Slave, shall be guilty of a misdemeanour.

CLAUSE 4.—The preceding rules are not to extend to any punishments which may be inflicted on any Slave under the judgment of any court of competent jurisdiction.

CLAUSE 5.—It shall not be lawful to punish by whipping, any female Slave for any offence committed, or alleged to be committed, by her. And any person offending against this rule, or directing, instigating, or abetting in any such punishment, shall be guilty of a misdemeanour.

CLAUSE 6.—The preceding clause does not extend to prevent the owner of any female Slave, under the age of [ ] years from causing her to be punished and corrected for any fault or misconduct by her committed, in the same manner, and in the same extent as any child of free condition may be and usually is punished in any school for the education of youth in the island.

CLAUSE 7.—Crimes which may hereafter be committed by female Slaves, and which were heretofore punishable by flogging, shall hereafter be punished at the discretion of the court of justice, or the owner or manager directing such punishment, in one or the other of the following modes:—that is to say;—First, by solitary confinement, with or without work, in any proper place for that purpose on the estate, provided that no such place of confinement shall be used for any such purpose, unless and until some practitioner of medicine in the island, and the protector and guardian, or the assistant protector and guardian of Slaves of the parish where the same is situate, shall have signed a certificate in writing, approving such place of confinement, which certificate shall be transmitted to and deposited in the office of the protector and guardian of Slaves; and also provided that no such solitary confinement shall be continued more than [ ] for any one offence, and that no Slave shall be subjected to punishment by solitary confinement more than [ ] in any one calendar month.—Secondly;—By field stocks or confinement of the hands during the hours of labour in the field, provided that the period of confinement shall not at any one time exceed [ ] and shall not be repeated a second time until [ ].—Thirdly;—House stocks for the hands and feet, or either of them, with or without seats, during any period of the day, provided that the period of confinement shall not exceed [ ] for any one offence, and that no such punishment shall be repeated twice within the period of [ ].—Fourthly;—Bed stocks for the confinement of the feet during the night, provided that no such punishment shall be repeated within the period of [ ].—Fifthly;—Distinguishing dresses, to be used either with or without the stocks, provided that such punishment be not continued more than [ ] for any one offence, and that the same be not repeated within [ ].—Sixthly;—Confinement either solitary or otherwise, during one of the hours of noon, with or without work, during such confinement, provided that no such punishment be repeated within the period of [ ].

CLAUSE 8.—Any person repeating any such punishment as aforesaid at an earlier period than is hereby allowed, or continuing any such punishment beyond the period prescribed for that purpose, or placing any Slave in solitary confinement in any place which hath not been approved in manner aforesaid, within [ ] next preceding such confinement, or using any stocks for the purpose of punishment in such a manner as to affect the health of the Slave confined therein, or as to inflict any permanent injury on her person, or who shall not supply the Slave undergoing such punishment, when the same shall continue for more than twelve hours, with a proper quantity of prepared farinaceous food and with a proper supply of water, or who shall punish any woman known, or

supposed by him to be pregnant, by solitary confinement, or by any stocks applied in such a manner as to produce the risk of miscarriage shall be guilty of a misdemeanour.

CLAUSE 9.—In any case in which a male Slave is now by law punishable with flogging, it shall be lawful for his owner or employer, or for any court of justice, or justice of the peace, having jurisdiction therein, to substitute for such flogging any one of the punishments before mentioned; provided that the conditions and regulations aforesaid, so far as they are applicable to the case of male Slaves, be duly observed.

CLAUSE 10.—None of the before-mentioned punishments shall be inflicted on any Slave by the authority of the owner or employer, until twenty-four hours at the least have elapsed from the time of the commission of the offence for which any such punishment may be so inflicted; nor unless one person of free condition shall be present at and witness the infliction of such punishment.

CLAUSE 11.—Every person having charge of a task or working gang of Slaves exceeding [ ] in number, and every owner of, or other person having the direction of, any plantation or estate within the colony, shall keep a book to be called "the Punishment Record Book." And it shall be the duty of such owner or other person to enter and record in the said book, at or immediately after the time of infliction, of any punishment whatever on any female Slave hereby authorized, or on any male Slave who may be punished in any one day with any number of stripes exceeding [ ], or who shall receive any other kind of punishment hereby authorized, a statement of the nature and particulars of the offence, for or with respect of which such punishment may be inflicted, and of the time at which and the place where the offence was committed, and of the time at which and the place where such punishment was inflicted, and of the nature, extent, and particulars of the punishment; and, in the cases of male Slaves, of the number of stripes actually inflicted upon the offender, together with the names of the persons by whom, and by the authority of whom, the punishment was inflicted, and of the persons of free condition present and attending at the infliction of every such punishment. Any person neglecting to make such entries in the punishment record book, or not making such entry within [ ] after the infliction of the punishment, shall incur a penalty not exceeding [ ] nor less than [ ]. Persons wilfully or fraudulently making a false entry or erasure in any such book, or burning, destroying, cancelling, or obliterating the same, shall be guilty of a misdemeanour.

CLAUSE 12.—Every person required to keep a punishment record book shall, on the first Monday next following the 5th of April, 24th of June, 29th September, and 25th of December in each year, repair to the assistant protector and guardian of Slaves, of the parish in which he may dwell, and produce before him transcripts of every entry which, during the preceding quarter of a year, may have been made in his punishment record book, and shall take the following oath, which such assistant protector and guardian of Slaves is authorized to administer:—"I, A. B., the owner (or manager, as the case may be) of the estate or plantation called [ ], in the parish of [ ], in the island of [ ], do make oath and say that the writing hereunto annexed contains a true and exact copy of every entry which, since the [ ] day [ ] last, hath been made in the punishment record book of the before-mentioned plantation; and I do further swear that the said punishment record book hath been punctually and accurately kept since the said [ ] day of [ ], in the manner by law required, and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge or consent."

CLAUSE 13.—If any owner or manager shall not, since the time of making his last preceding return, have inflicted any punishment required by law to be recorded, then, instead of the before-mentioned oath, he shall take and subscribe before the assistant protector and guardian of Slaves of the

parish in which he may be resident, the following oath ;—viz : “ I, A. B. do swear, that since the                    day of                    , now last past, no punishment hath been inflicted by me, or by my order, or with my knowledge, on any Slave belonging or attached to the plantation called                    , situate in the parish of                    , whereof I am owner (or manager as the case may be) excepting punishments inflicted on male Slaves not exceeding three lashes ; and I further swear that no entry of any such punishment hath since the                    day of                    , been made in the punishment record book of the said plantation.—So help me God.”

CLAUSE 14.—[                    ] at the least before the time of making any such returns, the assistant protector of Slaves of each parish within the island, shall transmit to the owner or manager of every plantation situate within such parish, a printed blank form of the before-mentioned affidavits, with a notice of the time and place at which he will attend for the purpose of receiving the returns, and administering the oaths aforesaid. And every such assistant protector of Slaves shall attend from day to day for [                    ] successive days for the before-mentioned purposes ; and if it should be made to appear to any such assistant protector and guardian, by the certificate of any medical practitioner, that any person liable to make such return is rendered incapable by sickness of attending for that purpose, then such assistant protector and guardian shall attend any such person at their place of abode for the purpose of receiving their returns and taking the affidavits before mentioned.

CLAUSE 15.—Any person refusing or neglecting to make any return, or to take the oaths required by this law, shall incur a fine at the discretion of the court not exceeding [                    ] nor less than [                    ]. Any quaker liable to make any such returns, may make the same upon his solemn affirmation.

CLAUSE 16.—The assistant protector and guardian of Slaves of each parish, is to transmit to the protector and guardian of Slaves at his office in [                    ] the whole of the returns made to him with the original affidavits thereto annexed, within [                    ] next after such quarterly returns are complete. If any such assistant protector and guardian of Slaves shall himself be the owner or manager of any plantation, he shall, with the returns, deliver to the protector and guardian of Slaves a transcript of the entries in his own punishment record book, for the last preceding quarter of a year, with an affidavit sworn before one of the justices of the Court of King's Bench and Common Pleas, in the manner and form before mentioned, under the same penalties as are imposed on other persons neglecting to make the returns or to take the oaths aforesaid ; provided however, that such assistant protectors and guardians of Slaves may make such returns of the punishments inflicted on their own Slaves twice only in each year, if they shall think proper so to do.

CLAUSE 17.—The protector and guardian of Slaves is to record, in books to be kept by him for that purpose, the whole of the returns so to be made to him, preserving in his office the originals of such returns and affidavits. A distinct book shall be kept for each parish, and in those books the returns shall be transcribed in alphabetical order, according to the names of the plantations, and full and exact indices shall be made to such books.

CLAUSE 18.—On the prosecution of the owner or manager of a plantation for inflicting on any Slave any illegal punishment, if the Slave is produced in open court, and if the traces of a recent flogging shall appear on the person of such Slave, and if the Slave shall, in open court, declare such traces to be the consequences of any unlawful punishment, or correction, and being duly examined by the court, shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, although such Slave should not be a competent witness, the owner or manager should be bound to prove either that the punishment, of which the traces are apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or that the punishment was a lawful punishment, within the meaning of this Act ; and was inflicted in the presence of one witness, of free condition, as is hereby



required ; in default of such proof, such owner or manager, is to be convicted and judged guilty of the offence imported to him ; no such prosecution shall be discontinued except in obedience to a written order, issued for that purpose by the governor under his hand and seal.

CLAUSE 19.—Persons guilty of swearing falsely, or being quakers, of making a false affirmation under this Act, shall suffer such punishment as by the law of the Bahama Islands may be inflicted on any persons guilty of wilful and corrupt perjury.

CLAUSE 20.—Any person convicted of any misdemeanour under this Act, shall, if of free condition, become liable to a fine not exceeding [ ] nor less than [ ] or to imprisonment for any time not exceeding [ ] nor less than [ ] or both to fine and imprisonment at the discretion of the court before which such conviction may take place. If the offender is a Slave, such Slave shall be punished by imprisonment and hard labour for any time not exceeding [ ] at the discretion of the court before which the conviction may take place.

CLAUSE 21.—In case any person shall be convicted of cruelty to any Slave, the court may at their discretion declare the right and interest of the person so convicted in, and to any such Slave, to be absolutely forfeited to his Majesty.

CLAUSE 22.—If any person shall be twice convicted of inflicting upon any Slave, any cruel and unlawful punishment, the person so convicted, shall, in addition to the penalties before mentioned, be declared by the court before which such second conviction may take place, absolutely incapable in the law to be the owner or proprietor, or to act as the manager, overseer, or superintendent of any Slave or Slaves within the island ; and all Slaves of which any such person may at the time of such conviction be the owner or proprietor, and all the right and interest of any such person in any such Slaves, shall thenceforth be absolutely forfeited to his Majesty.

CLAUSE 23.—No forfeiture to his Majesty of any Slave, or of any right or interest in any Slave, shall in any way diminish, affect, or take away the right or interest of any person in, or to such Slave, except the person upon the conviction of whom any such forfeiture may be incurred.

CLAUSE 24.—Whenever any such forfeiture as aforesaid shall accrue to his Majesty, it shall not be carried into effect by the actual seizure or sale of the forfeited property, until all the particulars and circumstances of the case shall have been reported to his Majesty, through one of the secretaries of state, and his Majesty's pleasure shall have been signified thereupon ; but, pending such reference, the forfeited property shall remain vested in his Majesty, subject to be divested if his Majesty shall be graciously pleased to remit the forfeiture.

CLAUSE 25.—The protector and guardian of Slaves in his half yearly returns to the governor, shall state the particulars of all the returns which, by virtue of this Act, may have been made to him in the preceding half year by the assistant protectors and guardians of Slaves within the several parishes of the island, and the names of the persons, if any, against whom he may in the preceding half year have instituted any criminal prosecutions under this Act.

*Notes on a Bill for preventing Abuses in the Punishment of Slaves.*

NOTE ON CLAUSE 1.—As the rules of English law exclude all persons from acting in criminal proceedings on behalf of the accused party, except his counsel and attornies, it is necessary to sanction, by express enactment, the interposition of the protector and guardian.

In Demerara the attendance of the protector of Slaves on *all* prosecutions has been dispensed with, because that duty would not be compatible with the due discharge of the functions of the same officer as fiscal, and though now separated, those offices were at first held by the same individual. In the Bahama Islands the same reason will not apply, and therefore the same provision is there unnecessary.

**NOTE ON CLAUSE 6.**—This explanatory clause was introduced in Trinidad, in deference to the wishes of the inhabitants, although it might seem almost superfluous to declare that the law had no reference to domestic discipline in the case of young children.

**NOTE ON CLAUSE 7.**—The enumeration here made of the punishments which may be inflicted on females, is taken from the proclamation of the Governor of Trinidad of the 23d of June 1824. That proclamation, however, not having defined what interval of time shall intervene between successive punishments, it is necessary to supply the omission, otherwise ill-disposed persons might, under colour of law, inflict punishments of extreme severity, merely by the frequent and early repetition of the same punishment. The punishment of females by suspending marks from the neck, and the use of hand-cuffs are omitted, because they are scarcely susceptible of any previous definition sufficiently accurate to prevent abuses.

**NOTE ON CLAUSE 9.**—This enactment was introduced into the Proclamation of Trinidad, because some proprietors in that island desired to have distinctly ascertained, that the punishments to be inflicted on females, might legally be applied to the case of male offenders. If experience should prove their efficacy in the one case, it was supposed that they might be equally effectual in the other.

**NOTE ON CLAUSE 11.**—Persons having a working gang of six Slaves, as well as the owners of plantations, are required by the law of Demerara, to keep a record of punishments. This appears to be an improvement on the Trinidad Order.

**NOTE ON CLAUSE, 16.**—The assistant protector and guardian of Slaves was permitted in Trinidad, to make his own returns, once in each half year, instead of making them in each quarter, because his personal attendance being necessary for that purpose, more frequent returns would have subjected him to serious inconvenience.

**NOTE ON CLAUSE 18.**—This Clause, which, in certain cases, raises a presumption of guilt against the owner or manager, does not appear in the Act of the Court of Policy of Demerara. In that colony, such an enactment would be superfluous, if, as is stated, a Slave is in all cases admissible as a witness under the ancient Dutch laws. It would of course be needless to resort to presumptions, when direct legal proof could be adduced.

**NOTE ON CLAUSE 23.**—The express declaration, that the forfeiture was not to extend beyond the interest which the party convicted might have in the Slave, was introduced at Trinidad in deference to the wishes of the inhabitants; and although such a declaration may appear superfluous, yet it seems most prudent to avoid every possibility of doubt upon a subject so important.

**NOTE ON CLAUSE 24.**—The suspension of the forfeiture, so far as respects the actual sale of the forfeited Slaves, until his Majesty's pleasure can be known, was introduced in Trinidad, to quiet the apprehensions which the law had there excited. There can be no objection to extending a similar modification to the Bahama Islands, but of course the right of the Crown to the forfeited Slaves must be preserved inviolate, although the exercise of that right be suspended during the reference to England.

#### No. 4.

MY LORD,

*New Providence, Bahamas, 29th August, 1826.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, dated 21st May last, enclosing certain papers, containing the measures in the Trinidad order in council, classed under eight separate heads, with your Lordship's official correspondence on the subject with the Governor of Trinidad, and the Lieutenant-governor of Demerara.

I shall make, without delay, a confidential communication on this subject to the law officers of the crown within this government; and with a view to carry into effect the wishes of his Majesty's government, I have

issued a proclamation, proroguing the Assembly to the 10th day of October next, then to meet for the despatch of business.

I have, &c.,

(Signed)

W. VESEY MUNNINGS.

*The Right Honourable Earl Bathurst, K. G.*  
&c. &c. &c.

No. 5.

MY LORD,

*New Providence, Bahamas, 1st November, 1826,*

I HAVE the honour to state, for the information of your Lordship, that the General Assembly of these Islands met on the 10th instant, and I enclose a copy of my speech at the opening of the Session, of the address of the council, and of the House of Assembly, and of my answer thereto.

Having, agreeably to your Lordship's instructions, caused eight Bills to be prepared, embracing the measures contained in the Trinidad order in council, I sent to the assembly a message, of which I enclose a copy.

On the following day, leave was given to the Attorney-General, on motion, to bring in these Bills, and having been read the first time, they were referred to a committee of the whole House.

The House, this day, in committee on the above Bills, recommended to the House to refer the several eight Bills to a select committee, to report separately thereon, as to the expediency thereof, and the practicability of adopting them or any of them, or any part or parts thereof, within the colony; and the said resolution being read a second time, was, upon the question put thereupon, agreed to by the House.

I cannot, at present, state what will be the result of the deliberations of the House, but I will not fail to give as early information as possible to your Lordship, keeping in view the directions contained in your Lordship's despatch, of the 21st of May last.

I have, &c.,

(Signed)

W. VESEY MUNNINGS.

*The Right Honourable Earl Bathurst, K. G.*  
&c. &c. &c.

*Speech of the Acting Governor to the Legislature, on the opening of the Session.*

*Gentlemen of the Council,*

*Mr. Speaker, and Gentlemen of the House of Assembly,*

MAJOR GENERAL Grant being still absent, it has again become my duty (and it is a duty which I have much pleasure in performing,) to meet you in general assembly.

As the melioration of the condition of the Slave population, is a matter of the highest importance to us all, I avail myself of the earliest opportunity to communicate to you the unanimous concurrence of the House of Lords in the last session of Parliament, with the resolutions of the House of Commons in May 1823. The concurrence of this august body in these resolutions, will necessarily operate upon our judgment with stronger effect, when we consider that it was given after an interval of two years, during which the question had undergone repeated discussions.

*Mr. Speaker, and Gentleman of the House of Assembly,*

I have directed the usual estimate and accounts to be laid before you, and I rely on your accustomed liberality for making provision for the exigencies of the colony; for although in consequence of a diversity of opinion which existed as to the construction of the Act of Parliament for the regulating the trade of the British possessions abroad, the commerce of the colony was for a time impeded, the duties collected on the imports

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and exports during the year, will, I hope, be found to exceed the average amount of three preceding years.

*Gentlemen of the Council,*

*Mr. Speaker, and Gentlemen of the House of Assembly,*

During the progress of the session, I shall take occasion to make known to you more fully, the provisions which must be contained in those laws which may be framed for carrying substantially into effect the resolutions of the two Houses of Parliament; and in the meantime I assure you, that his Majesty will feel a lively interest in the result of your deliberations, and not being disposed to anticipate a continued rejection of the enactments so anxiously looked for by both Houses of Parliament, and by every class of society in the kingdom, his Majesty trusts to your good sense and feeling for the completion of those measures which you have so earnestly been invited to adopt.

Having called you together somewhat earlier than usual, if the session shall not be unavoidably protracted beyond the ordinary period of its duration (and if I can in any degree facilitate your labours I shall most willingly do so), such members of your Honourable Board and Honourable House as reside on the out islands, will be enabled to return to their estates at the time when their presence is more immediately necessary.

(Signed)

W. VESEY MUNNINGS.

*Council Chambers, 10th October, 1826.*

To His Honour William Vesey Munnings, Esquire, President and Commander-in-chief in and over the said Islands, and of the Garrisons there, or that may be sent thither, Chancellor, Vice-Admiral, and Ordinary of the same.

THE ADDRESS OF THE LEGISLATIVE ASSEMBLY OF THE BAHAMA ISLANDS.

*May it please Your Honour,*

WE his Majesty's dutiful and loyal subjects, the Legislative Council of the Bahama Islands, beg leave to offer your Honour our best thanks for your speech at the opening of the session.

In the absence of our worthy governor, we are happy that the administration of the government still continues to remain in the hands of your Honour.

Sensible of the intense interest which has manifested itself in the mother country on the subject of the melioration of Slavery, and desirous to meet the wishes expressed in the resolutions of both Houses of Parliament thereon, keeping in view the peculiar local state of this colony, we trust your Honour will believe our best endeavours will not be wanting to co-operate, by every means in our power, with the other branches of the legislature, in all such measures as may tend to promote the advantage and prosperity of the Bahama Islands; and when your Honour is pleased to lay before us your further communications on the subject, we shall give them our most earnest consideration.

Not anticipating any protraction of the session, beyond the ordinary period of its duration, we trust it will terminate as well to the satisfaction of his Majesty's government, as to the inhabitants of this colony: and we entertain no doubt whatever of your Honour's co-operation and sincere disposition, which we have at all times experienced during your Honour's administration, to facilitate the weighty affairs committed to our charge, as well as to promote the interest and welfare of the government under your command.

By order of the Board,

(Signed)

P. BROWN, President.

*Council Chamber, 12th October, 1826.*

## HIS HONOUR THE PRESIDENT'S ANSWER.

*Gentlemen of the Council,*

I beg you will accept my sincere thanks for your dutiful and loyal address.

The promise which you have been pleased to make, to co-operate with the other branches of the legislature, in the melioration of the condition of the Slave population, and in promoting the prosperity of the colony, affords me the highest satisfaction; and knowing, from experience, the value of your aid and assistance, I shall enter with greater confidence upon the important business of the session.

(Signed) W. VESEY MUNNINGS.

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To his Honour William Vesey Munnings, Esq., President and Commander-in-chief of the Bahama Islands, Chancellor, Vice-admiral, and Ordinary of the same, &c. &c. &c.

## THE HONOURABLE ADDRESS OF THE HOUSE OF ASSEMBLY.

*May it please your Honour,*

WE his Majesty's dutiful and loyal subjects, the House of Assembly of the Bahama Islands, beg leave to return your Honour our thanks for your speech at the opening of the present session.

The duty of again meeting us in general assembly, in consequence of the absence of our much lamented governor, having devolved upon your Honour, the House feel confident that your Honour's administration will be directed to promote the welfare of the colony.

The melioration of the condition of the Slave population being considered by his Majesty's government as a matter of the highest importance, in relation to the interests of the West Indies generally, we beg your Honour to be persuaded that we are sincerely disposed to give the subject all that grave attention and consideration which its importance requires.

When the estimates and accounts are laid before us, your Honour may be assured that we will endeavour to make as liberal provision for the exigencies of the colony, as is consistent with the means and abilities of our constituents; and we are happy to learn from your Honour, that the duties on imports and exports are likely to be found to exceed, in this year, the average amount of those of the three preceding years.

We beg leave to assure your Honour, that whatever communications you may be pleased to lay before us shall meet with the most respectful attention.

With every reliance on the promptitude of your Honour's attention to the duties that may devolve upon your Honour during the session, and your ready disposition to co-operate in every measure conducive to the benefit of the colony, we request your Honour to be assured that a like disposition exists on our part to attend to the true interest of the colony, and we trust that the present Session of Assembly will not be protracted beyond the usual period.

(Signed) LEWIS KERR, Speaker.

*House of Assembly, 11th October, 1826.*

## HIS HONOUR THE PRESIDENT'S ANSWER.

*Mr. Speaker, and Gentlemen of the House of Assembly,*

I RETURN you my best thanks for your loyal and dutiful address.

The assurance which you give, that the melioration of the condition of the Slave population shall receive the grave attention and consideration of the House, leads me to expect the happiest results from your deliberations, because the measures recommended by his Majesty's government will,

I trust, be found to be more worthy of adoption in proportion as they may be more attentively considered and discussed.

(Signed) W. VESEY MUNNINGS.

*President's House, 12th October, 1826.*

MESSAGE FROM HIS HONOUR THE PRESIDENT TO THE HOUSE OF ASSEMBLY.

*Mr. Speaker, and Gentlemen of the House of Assembly,*

With reference to my speech at the opening of the session, I now take occasion to inform your honourable House, that Earl Bathurst in his Lordship's despatch to me, of 13th March, 1826, states, that when his Lordship communicated to Major General Grant, the resolutions of the House of Commons in 1823, his Lordship had instructed him to bring under the consideration of the Council and Assembly of the Bahamas, some of the measures which his Majesty's government recommended for improving the condition of the Slave population; that in 1824, an Act had been passed consolidating the Slave laws, and adding to them some beneficial provisions, but executing only an inconsiderable portion of what had been recommended; that his Lordship afterwards communicated to Major General Grant, a copy of the Trinidad order in council, containing, with the others, the further measures which his Majesty's government considered it to be their duty to propose for carrying into effect in his Majesty's colonies, the resolutions of the House of Commons. That the measures recommended in these communications, provided, First, for the improvement of the Slave population; Secondly, for the manumission of Slaves on such principles as would give to the Slaves, on the one hand, the means of acquiring their freedom, or that of their families; and on the other hand, secure to the planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission. That Major General Grant had laid before you this order, that you might proceed in such manner as might appear to you advisable, for taking under your consideration all those several measures, which, under his Lordship's directions, had been further pressed upon your attention; but that his Lordship had not been informed that you had made any progress in them. Upon this point, I beg to apprise the House, that the copy of the Act of the last session, for amending the Consolidated Slave Act, and to which I did not feel myself at liberty to assent, had not at that time been received by his Lordship. In the same despatch his Lordship informs me, that in order to enable me to bring the whole subject under your consideration in a more distinct shape, his Lordship would take an early opportunity of sending out to me all the measures contained in the order of council, classed under separate heads, and accompanied with such explanations as might be necessary, with a view of placing in a clearer light the effect of some of those provisions which his Lordship had reason to believe, had been misunderstood. That on the receipt of this communication, I should take the proper steps for having Bills drawn up for carrying those measures severally into effect, in such manner as might be most conformable to the existing laws of the colony; and that when the Bills had been prepared, I should cause them to be brought under your consideration; so that (being in full possession of all which his Majesty's government contemplated for carrying into effect the resolutions of the two Houses of Parliament) you might have them separately before you, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions, as you may deem expedient.

With a subsequent despatch Earl Bathurst transmitted to me all the measures contained in the Trinidad order in council, classed under separate heads relating to the eight following subjects.—First, The office of protector and guardian of Slaves. Secondly, The admission of the evidence of Slaves, in civil and criminal cases. Thirdly, The manumission of Slaves. Fourthly, The intermarriage of Slaves. Fifthly, The observance of Sunday, and the abolition of public markets on that day. Sixthly, The acquisition of pro-

perty by Slaves, and the establishment of savings banks for the better protection of it. Seventhly, The separation of families under judicial process. And, Eighthly, The punishment of Slaves, with the record to be kept of such punishments when inflicted by the authority of the owner.

In this despatch his Lordship directs, that when I had adjusted the shape in which these measures could be most properly brought forward, I should take the most convenient method in my power for introducing them to the consideration of the Legislative Council and Assembly.

Having caused Bills to be prepared by the Attorney-General and Solicitor-General, embracing the foregoing points, and being desirous of proceeding with every regard to your constitutional privileges, I have requested them to move for leave to bring these Bills before your honourable House. You will, I am confident, give to these Bills the most attentive consideration: some of them, such as the Slave Evidence Bill, and the Slave Guardian Bill, may seem to be more important than the others, but they will all, I trust, be found to contain such provisions only as are necessary and proper; and I cannot avoid observing that one of them, the Slave Manumission Bill, appears to me to be of such primary and essential importance, that without its adoption, or the establishment of some such operative principle as is contained in this Bill, the end and object contemplated by the resolutions of the two Houses of Parliament can never be substantially effected.

(Signed) WILLIAM VESEY MUNNINGS.

*President's House, Nassau, 11th October, 1826.*

### No. 6.

MY LORD,

*New Providence, Bahamas, 8th January, 1827.*

REFERRING to my despatch to your Lordship of the 1st of November last, I have now the honour to enclose for the information of your Lordship, copies of eight several Bills, (enclosures No. 1 to No. 8.) containing the measures embraced in the Trinidad Order in Council, brought by the Attorney-General, before the House of Assembly of these Islands, during the last session.

I regret that it is not in my power to transmit by this opportunity the Report of the Attorney-General and Solicitor-General, on the form and structure of these Bills; but in the absence of that document, I have still deemed it proper to make your Lordship acquainted with the measures which were subsequently adopted by the House.

These Bills, after they had been referred to a select Committee, were rejected by the House, and the reasons assigned will appear at length in the Report herein enclosed of the 14th of November last, (enclosure No. 9.)

The Committee, however, recommended that a Bill should be brought in to amend the Consolidated Slave Act, and pointed out the Clauses which such Bill should contain.

In pursuance of the recommendation of the Committee, a Bill was afterwards brought in to amend the Consolidated Slave Act, which after various amendments, was passed by the House and the Council, and assented to by myself, in the form in which it will appear to your Lordship in the enclosure herein, marked No. 10.

No Protector of Slaves is appointed by this Act, and I must leave this omission to rest upon the reasons assigned in the Report of the Committee, after adding that in the two most populous islands in this government, New Providence and the Turk's Islands, the residence of the Governor, Judges, Attorney-General, and Police Magistrate at the former; and of the Police Magistrate and other Justices of the Peace at the Turks Islands, will, I trust, at all times prevent any injury done to a Slave, from passing unnoticed and unredressed.

To what extent provision has been made for the other measures contained in the Trinidad Order in Council; (namely, The punishment of Slaves—the evidence of Slaves,—the marriages of Slaves—separation of Families—abolition of Sunday Markets—property of Slaves, (including chests of deposit with the Receiver-General and Treasurer—and manumis-

sion of Slaves) will appear to your Lordship upon reference to the Act, the marginal abstract of which I have, I hope, made so full, as to comprise clearly the substance of the Act. It will, I trust, afford satisfaction to your Lordship, that by the provisions of this Act, all sales, bequests, and conveyances, for the purpose of separating families, contrary to the Act of 4th George IV. cap. 6., are declared to be null and void, and that all manumissions are still held to be valid, notwithstanding the incapacity for labour of the person manumitted, from sickness, age, or infirmity; the manumittor, however, in such case remaining liable for the maintenance and comfort of the manumitted person.

The abolition of the Sunday market, is, in my opinion, sufficiently complete; the noise, confusion, and dissipation, which prevailed at the Sunday markets at the more populous Islands of the West Indies, never took place in the market of Nassau. Your Lordship will, however, perceive that the labour of Slaves on Sundays is not prohibited, although the Committee recommended the introduction of such a clause.

The omission may have arisen from this circumstance, that the labour of Slaves on Sundays, has never been enacted in this colony, except in the case of domestic servants, and I remember, that so long since as the year 1804, an indictment was preferred in the General Court, against a planter at Long Island, for employing his Slaves in the field on Sunday.

It will not escape your Lordship's observation, that the punishment of females by flogging is still continued, with this qualification, however, that the presence of male persons, except the owner and person inflicting the punishment, is prohibited.

In that part of the Bill which relates to the manumission of Slaves, I am sorry that the 51st section has been introduced, preventing the manumission of children under the age of fourteen years, without the consent of the owner. And as regards the evidence of Slaves, as clergymen only can give certificates of competency, those Slaves only can obtain them who are living at New Providence and the Turk's Islands, where clergymen reside. At the same time, however, as I consider the gradual abolition of Slavery, commencing from the period when a Slave can purchase his own freedom, and is allowed to give evidence, I was glad to find provisions on these points, although in this limited form.

As the Slave code of this colony will now be comprised in the Act upon which I have made these observations, and in the Act to which it is an amendment, I have thought it proper to transmit to your Lordship in the enclosure No. 11, a copy of the amended Consolidated Slave Act of the fourth of George IV., cap. 6, and I have noticed in the margin of the latter Act, those parts which have been suspended or amended by the Act of the last session.

I shall trouble your Lordship with only one more observation. In the 7th section of the late Act, free persons of colour are liable to a fine to a limited amount, and in case of non-payment of it to imprisonment for a limited period, for using threats of unlawful violence, or any scandalous or abusive language to a white person. I could have wished that this clause had been left out of the Act; but as punishment by flogging was not insisted on, and as free persons of colour have got rid of some old obnoxious Acts which were in force against them, as your Lordship will perceive by the suspension of them in the first clause of the Act, I do not deem the insertion of the seventh clause an objection sufficiently strong to prevent my assenting to the Act. I have, &c.

(Signed) WM. VESEY MUNNINGS.

*The Right Hon. Earl Bathurst, .K .G*

&c. &c. &c.

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(No. 1.) A Bill for establishing within the Bahama Islands an Officer to be called "The Protector and Guardian of Slaves."

WHEREAS it is expedient that an officer for the protection and guardianship of Slaves should be established within the Bahama Islands: Be it



enacted by his Honour William Vesey Munnings, Esquire, President and Commander in Chief, the Council and Assembly of his Majesty's said Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, there shall be within the said Bahama Islands an officer to be called "The protector and guardian of Slaves," who shall be appointed to such his office by his Majesty, to hold the same during his Majesty's pleasure; and that such appointment shall be made by a warrant to be issued under his Majesty's signet and sign manual.

2.—And be it further enacted by the authority aforesaid, that the said protector and guardian of Slaves shall establish and keep a public office in the town of Nassau, in the Island of New Providence; and shall attend there on such days, and during such hours of the day as the governor and commander in chief for the time being of the said Islands, by any general or special order to be by him from time to time for that purpose issued, shall appoint; and that he shall at such office, and not elsewhere, keep, deposit, and preserve all public records, books, and papers in anywise relating to his said office. And that he shall, from time to time and at all times, perform the duties of his said office in person, and not by deputy, excepting only in those cases in which the said governor or commander in chief is, or shall be, expressly authorized and empowered to appoint a deputy for that purpose.

3.—And be it further enacted by the authority aforesaid, that the said protector and guardian of Slaves shall be at all times resident within the colony, and shall not quit the same without a special license or leave of absence to be granted to him for that purpose by his Majesty, through one of his principal secretaries of state, or by such governor or commander in chief for the time being. And that no such license or leave shall in any case be granted by any such governor or commander in chief for any period exceeding \_\_\_\_\_ at any one time, nor until it shall have been first made to appear to such governor or commander in chief, upon the oath of some medical practitioner, that such temporary absence is necessary for the preservation or recovery of the health of such protector and guardian of Slaves.

4.—And be it further enacted by the authority aforesaid, that the said protector and guardian of Slaves shall not be the owner or proprietor of any plantation situate within the said islands, or of any Slaves or Slave employed or worked upon any such plantation, or in any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such plantation, Slaves, or Slave. And that he shall not be competent to act as, or to be the manager, overseer, agent, or attorney of, for, or upon any plantation within the said islands, or as the guardian, trustee, executor, or administrator of any person having any such plantation, or any Slaves or Slave. And in case any such protector and guardian of Slaves within the said islands shall have, hold, acquire, or possess, either in his own right, or in right of his wife, or in trust for any other person or persons, any plantation situate within the said islands, or any Slaves or Slave employed or worked upon any such plantation, or in any kind of agriculture; or any share or interest in, or any mortgage or security upon, any such plantation, Slaves or Slave; or shall act as such manager, overseer, agent, attorney, guardian, trustee, executor, or administrator as aforesaid, he shall thenceforth, *de facto*, cease to be such protector and guardian of Slaves as aforesaid, and forfeit his office: Provided always, that all and every the Act and Acts, which from time to time shall or may have been done by or under the order of any such protector and guardian of Slaves, after any such avoidance and forfeiture as aforesaid of his said office, and before the same shall, by public notice in the Royal Gazette of the colony, or other public advertisement, be declared to be avoided and void, shall be (and the same are hereby declared to be) as valid and effectual, to all intents, constructions, and purposes in the law whatsoever, as if no such avoidance of office had ever taken place.

5.—And be it further enacted by the authority aforesaid, that in case of the death of any such protector and guardian of Slaves, or of his resignation, or of his bodily or mental incapacity, or of his removal or suspension

from office, or of his temporary absence from the said islands, it shall and may be lawful to and for the said governor or commander in chief for the time being, to nominate and appoint some other fit and proper person to act as the deputy protector and guardian of Slaves within the said islands, until his Majesty's pleasure shall be known thereon: Provided always, that the person so to be appointed as deputy protector and guardian as aforesaid, shall, if in all other respects qualified for that office, be selected from those who are neither proprietors of Slaves, nor have any interest in Slave property, unless it shall be impossible to find a fit and proper person not possessed of such property, and willing to undertake the trust, and competent to the efficient and faithful execution of it, whereby it may become absolutely necessary to appoint one interested in Slave property, in which case it shall be the duty of the said governor or commander in chief for the time being, to transmit to his Majesty's principal secretary of state, having the department of the colonies, a statement of the peculiar circumstances justifying the departure from the general law.

6.—And be it further enacted by the authority aforesaid, that the said protector and guardian (or deputy protector and guardian) of Slaves, before he enter upon the execution of his said office, shall appear before the governor or commander in chief for the time being of the said islands, and in his presence take and subscribe an oath in the following words, *viz.*—“I, A. B., do swear that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the office of protector and guardian (or deputy protector and guardian, as the case may be) of Slaves, in the Bahama Islands, without fear, favour, or partiality.—So help me God.”

7.—And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the governor or commander-in-chief for the time being of the said islands, to appoint some fit and proper person on each and every of the islands or quays hereinafter mentioned, *viz.*

and on every such other island or quay within the colony, as from time to time, by and with the advice and consent of his Majesty's counsel for the said islands he may think fit, to be the assistant protector and guardian of Slaves for every such island or quay, or other island or quay respectively. And that all such assistant protectors and guardians shall, in and within their several and respective districts, be aiding and assisting the protector and guardian (and deputy protector and guardian) for the time being in the execution of the duties of his office; and shall for that purpose obey and carry into execution all such lawful instructions as from time to time they may receive from him in reference to such duties or any of them: Provided always, that every such assistant protector and guardian shall hold his said office during his Majesty's pleasure, and that he shall be a person named in the commission of the peace for the said Bahama Islands.

8.—And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves to be appointed by virtue of this Act, shall be entitled to have and receive out of the public treasury of these islands, a salary at and after the rate of \_\_\_\_\_ of lawful money of the said islands per annum, and every such deputy protector and guardian shall be entitled to have and receive a salary at and after the rate of \_\_\_\_\_ of like money per annum; and to each and every of the several assistant protectors and guardians for the islands or quays hereinafter mentioned, there shall be allowed and paid the following salaries, to wit, to the assistant protector and guardian of Slaves for the island of \_\_\_\_\_ a salary at and after the rate of \_\_\_\_\_, of like money per annum, To the assistant protector and guardian of Slaves for the island of \_\_\_\_\_ a salary at and after the rate of \_\_\_\_\_ of like money per annum, To \_\_\_\_\_, and to every other assistant protector and guardian for any other island or quay within the colony, whom the governor or commander-in-chief for the time being hereafter shall appoint by virtue of this Act, such salary or allowance (not exceeding in any case the sum of £ \_\_\_\_\_ of like money per annum, nor less than £ \_\_\_\_\_) as the said governor or commander-in-chief, by and with the advice and consent of the aforesaid council shall appoint: Provided always, that

from and immediately after the day of the date of the appointment of any deputy protector and guardian by reason of the sickness or temporary absence from the colony of the protector and guardian of Slaves, every such protector and guardian, until he shall have again returned to and be in the actual personal discharge of the duties of his office shall, instead of the salary of £                      per annum above mentioned, be entitled to a salary, at and after the rate of £                      per annum, and no more; subject nevertheless to the restrictions contained in an Act of the General Assembly of these islands, made and passed in the thirty-seventh year of the reign of his late Majesty, entitled "An Act requiring the actual Residence in these Islands of Officers receiving Colonial Salaries."

9.—And be it further enacted by the authority aforesaid, that the said salaries, and each and every of them, shall be (and the same are hereby declared to be) in lieu of all fees, perquisites of office, advantages and emoluments whatsoever. And if any such protector and guardian of Slaves, or deputy, or assistant protector and guardian, shall receive or take directly or indirectly, any fee, perquisite of office, advantage, or emolument whatsoever, other than such his said salary, for, or in respect of any act, matter, or thing, done or to be done by him, in or about the execution of his said office, every such protector and guardian, or deputy or assistant protector and guardian so offending, shall incur and become liable to a fine equal to                      the amount of the sum which he may have so taken, and shall become disqualified from holding such his office.

10.—And be it further enacted by the authority aforesaid, that in all actions, suits, and prosecutions, hereafter to be commenced in any court of justice within the colony in which any person or persons may be charged with the murder of any Slave, or with any offence against the person of any Slave, it shall be the duty of the said protector and guardian of Slaves (or deputy protector and guardian for the time being) to attend and act as the public prosecutor, and to be present at the trial or hearing, and all other the proceedings in every such action, suit, or prosecution; and to assist therein by all such lawful ways and means as he may deem necessary: Provided always that nothing herein contained shall extend, or be construed to extend, to prevent the attorney-general (or in his absence the solicitor-general) for the time being of the said islands, from acting in all such actions, suits, and prosecutions, in manner and form as hath heretofore been done by him; or to prevent the owner or owners of the deceased or injured Slave from employing, at his, her, or their cost and charge, any counsel, solicitor, or attorney, whom he, she, or they, may think fit, to be aiding and assisting at any such action, suit, or prosecution.

11.—And be it further enacted by the authority aforesaid, that on the first Monday next after the twenty-fifth day of December, and on the first Monday next after the twenty-fourth day of June in each year, the protector and guardian of Slaves, or deputy protector and guardian for the time being, shall deliver to the governor or commander-in-chief of the said islands, a report in writing, exhibiting an account of the manner in which the duties of the said office have been performed by him during the half year next preceding the date of such report, and stating especially the nature and number of all prosecutions, in which he or his said assistant may have acted as the protector or protectors of any Slave or Slaves, with the date and effect of all proceedings therein, together with all such other necessary particulars as shall or may be required to be stated therein, by any other Act or Acts of the General Assembly of the said islands; and the said governor or commander-in-chief shall thereupon administer to the said protector and guardian, or deputy protector and guardian, an oath that such his report contains a true and correct statement of the several matters and things therein referred to;—and when and so soon as the same shall have been so delivered and sworn to, then, and not before, it shall and may be lawful for the said governor or commander in chief to issue to such protector and guardian, or deputy protector and guardian, and to every assistant protector and guardian respectively, a warrant or warrants upon the public treasury of the said islands, for the amount of their several and respective salaries for the half year next immediately

preceding the date of such report, which said report the said governor or commander in chief shall, and he is hereby required to, transmit by the first convenient opportunity, to his Majesty's principal secretary of state having the department of the colonies.

12.—And be it further enacted by the authority aforesaid, that if any protector and guardian of Slaves, or deputy or assistant protector and guardian, or other person, shall wilfully and fraudulently make, or cause or procure to be made, any erasure or interlineation in any book, record, or return, which under and by virtue of this or any other Act or Acts of the General Assembly of the said islands he may be required to keep, or shall wilfully falsify any such book, record or return, or shall wilfully make, or cause or procure to be made, any false entry therein, or shall wilfully and fraudulently burn, cancel, obliterate, or destroy the same, or any part thereof, every person so offending, shall incur and become liable to a fine of not less than of lawful money of the said islands, nor more than ; or to imprisonment for any time not exceeding nor less than ; or both fine and imprisonment at the discretion of the court.

13.—And be it further enacted by the authority of the same, that all offences against the provisions of this Act, and all fines, forfeitures, and penalties thereby imposed, shall be prosecuted and sued for in the General Court of these islands in the name of the King, by action of debt, bill, plaint, or information; and that the amount of any fine or pecuniary penalty so incurred, shall be paid and payable in equal moieties, one moiety to his Majesty, and the other moiety to the informer, or to him, her, or them, who shall sue therefor.

14.—And be it further enacted by the authority aforesaid, that every protector and guardian of Slaves, and deputy protector and guardian of Slaves, and assistant protector and guardian of Slaves, hereafter to be appointed under and by virtue of this Act, shall respectively execute and perform all such other duties as shall or may be imposed upon or required of him or them respectively, in or by any other Act or Acts of the General Assembly of the said islands, passed or to be passed during the present or any future session.

15.—And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood to take effect, or be of any force or virtue until his Majesty's royal will and pleasure herein shall be made known, and his assent obtained thereto.

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(No. 2.) A Bill to regulate the Admission of Evidence of Slaves.

WHEREAS it is reasonable and expedient that the evidence of Slaves should hereafter be admitted and received in the several courts of civil or criminal justice within the Bahama Islands, subject nevertheless to the qualifications, restrictions, and regulations hereinafter mentioned: Be it therefore enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-chief, the Council and Assembly of his Majesty's said Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, every clergyman of the established church of England, and every minister of the kirk of Scotland, and every other person being a public teacher of religion within the colony, and carrying on no other business or occupation there with a view to profit, except that of a schoolmaster, shall be and is hereby authorized to transmit or deliver under his hand to the protector and guardian, or deputy protector and guardian for the time being, of Slaves for the said islands, at his office in Nassau, or to the assistant protector and guardian of Slaves for the island, quay, or district, on or within which such clergyman, minister, priest or teacher may be resident, certificates setting forth the names or name, and places or place of abode of any Slaves or Slave, who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath; and every such assistant

protector and guardian to whom any such certificates shall have been so transmitted or delivered, shall by the first convenient opportunity after the receipt thereof, transmit the same to the said protector and guardian, or deputy protector and guardian at Nassau, aforesaid, who shall forthwith register the same in a book to be kept by him for that purpose, stating therein the date of every such certificate, and the name and place of abode of the person by whom the same may have been granted, and of every Slave mentioned and included therein: Provided always, that no such public teacher of religion not being a clergyman of the church of England, or a minister of the kirk of Scotland, shall be competent to grant any such certificate unless his Majesty's principal secretary of state, having the department of the colonies, or the governor or commander-in-chief for the time being, of the said islands, shall have first granted to such public teacher a written license to issue such certificates, and unless such license shall continue to be in force at the time of the signing of any such certificate, and shall have been first duly registered at the office of the protector and guardian of Slaves.

2.—And be it further enacted by the authority aforesaid, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any court of civil or criminal justice within the said Bahama Islands, by reason of his or her being in a state of Slavery, if the person or persons by whom such Slave may be produced and tendered as a witness, shall also produce and exhibit to the court a certificate under the hand of the said protector and guardian, or deputy protector and guardian of Slaves, that such proposed witness is registered in the before-mentioned book. And the said protector and guardian, or deputy protector and guardian for the time being, shall, and he is hereby required to grant, without fee or reward, to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered in the said book: Provided always, that no person being in a state of Slavery shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned, or in any case wherein a white person may be charged with, or prosecuted for, any offence punishable with death: Provided also, that nothing herein contained shall extend, or be construed to extend, to render any Slave a competent witness in the law in any case, in which such Slave would be incompetent to give evidence if he or she were a white person, or to detract, take away from, or diminish any power or authority which any court of criminal justice within the said islands, now already hath to admit in any case the evidence of persons being in a state of Slavery.

3.—Provided nevertheless, and be it further enacted by the authority aforesaid, that no Slave to be admitted as a witness under and by virtue of this Act, shall be allowed to give evidence of any fact whatever which may have been committed, or be alleged to have been committed, at any time previous to the passing of this Act, anything herein contained to the contrary notwithstanding.

4.—And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves, or deputy protector and guardian for the time being, in every his report to be half yearly made by him to the governor or commander-in-chief of the colony, shall include therein a statement of the name of every Slave who during the half year next preceding the date of any such report, has, in manner and form aforesaid, been certified as competent to understand the nature and obligation of an oath.

5.—And be it further enacted by the authority aforesaid, that nothing in this Act shall be construed or understood to take effect, or be of any force or virtue, until his Majesty's royal will and pleasure herein shall be made known, and his assent obtained thereto.

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(No. 3.) A Bill to Regulate the Proceedings for the Manumission of Slaves, and to enable them under certain Restrictions to purchase their own Freedom.

WHEREAS it is necessary that proceedings for the manumission of

Slaves should be regulated by law, and that persons being in a state of Slavery should be enabled, under certain restrictions, to purchase their own freedom: Be it therefore enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-chief, the Council and Assembly of his Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, no duty, or tax, or fee of office whatsoever, shall be paid or payable within the said islands, upon, for, or in respect of the manumission of any Slave, or the enrolment of any deed of manumission, save and except a fee, not exceeding the sum of \_\_\_\_\_ of lawful money of the said islands, which shall be paid by the protector and guardian of Slaves for the said islands, or deputy protector and guardian for the time being, to the public secretary and registrar of records thereof, for the enrolment of any such deed of manumission; and to such protector and guardian, or deputy protector and guardian, to be repaid by the public treasurer out of the general revenue of the colony. And if any person within the said islands shall hereafter take, demand, or receive any such duty, tax, or fee of office, save as aforesaid, the person so offending shall incur and become liable to the payment of a fine not exceeding \_\_\_\_\_, and not less than \_\_\_\_\_, of lawful money of the said islands, to be recovered and applied in manner hereinafter directed.

2.—And be it further enacted by the authority aforesaid, that if any person being in a state of Slavery within the said islands, shall be desirous to purchase his or her freedom, or the freedom of the wife or husband, or child, or brother or sister, or reputed wife, or husband, or child, or brother, or sister of any such Slave, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself, or of herself or of any such other person as aforesaid.

3.—And be it further enacted by the authority aforesaid, that if the owner of any such Slave shall be unwilling to effect his or her manumission, or shall by reason of any mortgage, settlement, or lease, or other charge upon, or interest in any such Slave being vested in any other person or persons, be unable to execute a good and valid manumission of any such Slave, or if the owner, or any other person having an interest in such Slave shall be a minor or a married woman, or a lunatic, or if the owner of the said Slave be absent from the colony, or shall not be known, or if any suit or action be depending in any court of justice within the said islands, wherein the title to the said Slave, or the right to his or her services be in controversy, or if the owner of any such Slave shall demand as the price of his or her freedom any sum, which, in the judgment of the said protector and guardian, or deputy protector and guardian for the time being, shall exceed the real value of such Slave, then and in every such case, the chief justice for the time being of the colony, or other person executing the duties of that office, on application to him for that purpose made by the said protector and guardian, or deputy protector and guardian, shall issue a summons under his hand and seal, requiring the owner or manager of such Slave, or the person or persons under whose direction such Slave may be, to appear before him by themselves, their agent or agents, at some convenient time and place, to be for that purpose therein appointed, and notice of the said time and place for that purpose so appointed as aforesaid, shall thereupon be published by the said protector and guardian, or deputy protector and guardian, in the public gazette of the said islands on \_\_\_\_\_ different days successively; and in every such notice all persons having, or pretending to have, or claim any right, title, or interest of, in, or to the said Slave, either in their own right, or as the guardians, attorneys, trustees, executors, or administrators of any other person or persons, shall be required to attend and prefer such their claim or claims.

4.—And be it further enacted by the authority aforesaid, that at the time and place so to have been appointed for any such meeting as aforesaid, the said chief justice, or other person as aforesaid, in the presence of the said protector and guardian, or deputy protector and guardian, and also in the presence of the owner or manager of the Slave so proposed to be manumitted, or (upon proof being made to him, upon oath, of the due

service of such summons, and the publication of such notices as aforesaid then, if necessary) in the absence of such owner or manager, shall proceed to hear in a summary way what may be alleged by the said protector and guardian, or deputy protector and guardian, and by the owner or manager or other person or persons claiming any interest in the said Slave.—And in case the parties or any of them, shall then and there refuse to effect any such manumission, or if it shall appear to the said chief justice, or other person as aforesaid, that a good and valid manumission of such Slave cannot legally be effected by private contract, or that the owner of such Slave, or any person having any charge upon, or interest in him or her, is a minor, or a married woman, or idiot, or lunatic,—or that the true owner of such Slave, or any person having any charge upon, or interest in him or her, is absent from the colony, or is unknown, or cannot be found, or that any suit or action is depending in any court of justice within the colony, wherein the title to such Slave or the right to his or her services is in controversy, or if it shall appear to the said chief justice, or such other person as aforesaid, that any difference of opinion exists between the said protector and guardian, or deputy protector and guardian, and the owner of the said Slave respecting his or her real value, then, and in every such case, the said chief justice, or such other person as aforesaid, shall require the said protector and guardian, or deputy protector and guardian, and the owner, manager, or person having the direction of such Slave, each to nominate an appraiser of his or her value. And the said chief justice, or such other person as aforesaid, shall himself nominate an umpire between such appraisers. But in case the owner, manager, or other person having the direction of such Slave shall not appear, or appearing shall neglect or refuse to nominate an appraiser of the value of such Slave, then the said chief justice (or such other person as aforesaid,) and the said protector and guardian, (or deputy protector and guardian,) shall each nominate an appraiser of the value of the said Slave; and the governor, or commander-in-chief for the time being, upon reference to him in writing for that purpose made by the said chief justice, (or such other person as aforesaid,) and the said protector and guardian, (or deputy protector and guardian,) shall nominate an umpire between such appraisers.) And the said appraisers being first duly sworn before the said chief justice, or such other person as aforesaid, to make a fair and impartial appraisement, shall within \_\_\_\_\_ days next after such their appointment, make a joint valuation of the said Slave, and shall certify the same to the said chief justice, or such other person as aforesaid, under their hands and seals. And in case such joint certificate shall not be delivered to the said chief justice, or such other person as aforesaid within the said term of \_\_\_\_\_ days, then the said umpire being first duly sworn in manner aforesaid, shall within the next \_\_\_\_\_ days certify his valuation under his hand and seal to the said chief justice, or such other person as aforesaid, and the valuation to be so made in manner and form aforesaid, either by the said joint appraisers, or in their default by the said umpire, shall be, and the same is hereby declared to be, binding and conclusive, and shall be entered and enrolled in the said office of public registry of the colony.

5.—And be it further enacted by the authority aforesaid, that upon payment to the said public treasury of the appraised value of any such Slave as aforesaid (after making such deduction therefrom for the expense of the appraisement, as is hereinafter directed), the said treasurer shall grant to the said protector and guardian, or deputy protector and guardian for the time being, a receipt for the money that may have been so paid in, which said receipt, together with a declaration under the hand and seal of the said chief justice, or such other person as aforesaid, that the proceedings required by law for the manumission of the Slave, by or on behalf of whom such money hath been so paid, had been duly had before him, shall, in like manner, be entered and enrolled in the said office of public registry of the colony; and thereupon the said Slave shall be, and be deemed, taken, and reputed to be, enfranchised and free to all intents and purposes whatsoever.

6.—And be it further enacted by the authority aforesaid, that the money to arise from the manumission of any Slave, by virtue of the proceedings before mentioned, shall and may be laid out and invested, under the



authority of the chief justice for the time being, or such other person as aforesaid, on the application of any person or persons interested therein in the purchase of any other Slave or Slaves; but if no such application shall be made, then such money shall remain in the hands of the said treasurer, at interest, at and after the rate of \_\_\_\_\_ pounds per centum per annum, such interest to be borne by and defrayed out of \_\_\_\_\_

\_\_\_\_\_ , and the Slave or Slaves so to be purchased with the said money as aforesaid, or in case of no such purchase being made, then the said money in the hands of the said treasurer, and the interest, from time to time accruing, due therefrom, shall be the property of the person or persons who was or were the owner or owners of such manumitted Slave, and shall be held upon, under, and subject to all such and the same uses, trusts, limitations, conditions, claims, and demands of what nature or kind soever as such Slave was held upon, under, and subject to, at such the time of his or her manumission; and the said treasurer shall hold the said money, and the interest accruing thereupon, subject to such order as the said chief justice, or such other person as aforesaid for the time being may, upon a summary application of any person interested therein, see fit to make. And such principal, money, and interest, shall by the said treasurer be paid, applied, and disposed of, in pursuance of and obedience to any such order.

7.—And be it further enacted by the authority aforesaid, that in all cases where any such appraisalment of a Slave shall be made by reason of the refusal of the owner to effect the manumission of such Slave, or by reason of any difference of opinion between the said owner and the said protector and guardian, or deputy protector and guardian, respecting the price or value of such Slave, or by reason of the inability of the owner to effect a good and valid manumission by private contract, or by reason of the minority, coverture, idiocy, or lunacy of the said owner; or by reason of the absence from the colony of the said owner or other person having a charge upon or interest in the said Slave; or by reason that the said owner is unknown, or cannot be found; or by reason of the pendency in any court of justice within the said colony, of any suit, or action, wherein the title to the said Slave, or the right to his or her services is in controversy, then, and in every such case, the expenses of the said appraisalment shall be equally borne by and between the Slave so proposed to be manumitted, and the owner of such Slave, or other person having a charge upon, or interest in him or her; and the portion of the amount so made payable by such owner or other person as aforesaid, shall be deducted from the money arising from the manumission of such Slave before any such payment or instalment thereof as aforesaid.

8.—And be it further enacted by the authority aforesaid, that before the manumission of any Slave by virtue of any private contract for that purpose made between such Slave and his or her owner, notice of such intended manumission shall be given in writing, by the owner of such Slave, to the protector and guardian of Slaves, or deputy protector and guardian for the time being, who, on behalf of the said Slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said protector and guardian, or deputy protector and guardian, shall also, without fee or reward, prepare the proper deed of manumission, which shall be executed in the presence of the said protector and guardian, or deputy protector and guardian, or some other proper witness to be by him appointed for that purpose; and the same being so executed, shall by such protector and guardian, or deputy protector and guardian, be enrolled or recorded in the aforesaid office of public registry of the colony, within one calendar month next after the execution and delivery thereof to, or receipt by the said protector and guardian, or deputy protector and guardian. And in case any such deed shall not have been left for enrolment or registration at the said office within the said period of one calendar month next after the delivery or receipt thereof as aforesaid, the protector and guardian, or deputy protector and guardian, by whom any such default shall be made, shall incur and become liable to a fine not exceeding \_\_\_\_\_ , nor less than \_\_\_\_\_ of lawful money aforesaid.



9. And be it further enacted by the authority aforesaid, that in case any such deed of manumission as aforesaid, shall be executed voluntarily, and without any valuable consideration passing to the person effecting such manumission, every Slave so proposed to be manumitted, shall, before the execution of any such deed, appear before the protector and guardian, or deputy protector and guardian of Slaves, or before the assistant protector and guardian of Slaves for the island or quay on which such Slave may happen to be resident; and if it shall appear to the said protector and guardian, or deputy, or assistant protector and guardian (as the case may be), that the Slave about to be so gratuitously manumitted is under the age of \_\_\_\_\_ years, or above the age of \_\_\_\_\_ years, or labouring under any habitual disease, or infirmity of mind or body, the owner or other person about to effect such manumission, shall, at the time of the execution of the deed of manumission, execute and deliver, under his or her hand and seal, a bond to his Majesty in the penal sum of \_\_\_\_\_ of lawful money aforesaid, with condition thereunder written for the defeasance thereof, if the said Slave shall be properly fed, clothed, and maintained until the age of \_\_\_\_\_ years, in the case of an infant; or during the term of his or her natural life, in the case of any adult above the age of \_\_\_\_\_ years; or infant or adult labouring under any such disease or infirmity as aforesaid. And no such voluntary manumission shall be valid and effectual in the law, or shall be received for enrolment or registration at the aforesaid office of public registers until such bond as aforesaid shall have been duly executed and registered, and deposited at the said office.

10.—And be it further enacted by the authority aforesaid, that all fines or pecuniary penalties imposed under or by virtue of this Act, shall be sued for, prosecuted, and recovered in the name of the King, in the General Court of the said islands, by action of debt, bill, plaint, or information, and that the amount so recovered shall be paid and payable in equal moieties; one moiety to his Majesty, and the other moiety to the informer, or him, her, or them, who shall sue or prosecute for the same.

11.—And be it further enacted by the authority aforesaid, that every protector and guardian of Slaves, or deputy protector and guardian for the time being, in every his report to be half yearly made by him to the governor or commander in chief of the colony, shall include therein a statement of the names of all and singular the Slaves who may have been manumitted under the authority of this Act, during the half year next preceding the date of such report.

12.—And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood to take effect, or be of any force or virtue, until his Majesty's royal will and pleasure herein shall be made known and his assent obtained thereto.

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(No. 4.) A Bill to further regulate the Celebration of Marriages, between Slaves, and between Slaves and Persons of free Condition, and for declaring such Marriages valid and effectual in the Law, and to suspend certain Parts of an Act, made and passed in the fourth Year of the Reign of his present Majesty, entitled "An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes."

WHEREAS it hath been deemed expedient that the celebration of marriages between Slaves and persons of free condition, should be further regulated, and that the several provisions and enactments thereunto relating should be consolidated and brought into an Act or Law: Be it therefore enacted by his Honour William Vesey Munnings, Esquire, President and Commander in chief, the Council and Assembly of his Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act so much and such parts of an Act made and passed in the fourth year of the reign of his present Majesty, entitled "An Act to amend, consolidate, and bring into one Act, the several

Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes," as relate to marriages between Slaves, and between Slaves and persons of free condition, be, and the same are hereby declared to be, suspended during the continuance of this Act.

2.—And be it further enacted by the authority aforesaid, that any persons being in a state of slavery within these islands, and any Slave and person of free condition within the said islands, who may be desirous to intermarry, shall at their election apply to the protector and guardian, or deputy protector and guardian for the time being, of Slaves within the said islands, or to the assistant protector or guardian of Slaves for the island or quay on which the woman may be resident for a marriage license, and as an authority to such officer to grant the same, shall produce the consent in writing of the owner or owners, manager or managers of every such Slave to the celebration thereof.

3.—And be it further enacted by the authority aforesaid, that if the owner or owners, manager or managers, of any such Slave or Slaves, shall refuse to consent to any such marriage, and to give such written permission for the celebration thereof as aforesaid, then, and in every such case, it shall and may be lawful for the said protector and guardian, or deputy, or assistant protector and guardian, as the case may be, to issue a summons under his hand and seal requiring the owner or owners, manager or managers, of every such Slave, or the person or persons under whose direction such Slaves or Slave may be, to appear before him by themselves or their agents at some convenient time and place to be for that purpose therein appointed (such time being not more than                    days, nor less than                    days distant from the time when such application as aforesaid, shall have been first received by such protector and guardian, or deputy or assistant protector and guardian as aforesaid). And if any such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear accordingly before the said protector and guardian, or deputy or assistant protector and guardian, or appearing shall fail to lay before him good and sufficient proof that such proposed marriage would be injurious to the well being of the said Slaves or Slave, then and in every such case the said protector and guardian, or deputy or assistant protector and guardian, shall without fee or reward, issue a license under his hand and seal for the celebration of such marriage.

4.—And be it further enacted by the authority aforesaid, that in and by every license so issued, any clergyman of the established church of England and Ireland, or any minister of the kirk of Scotland, or any public teacher of religion within the said islands, carrying on there no other business, profession, or occupation, with a view to profit except that of a schoolmaster (or in case there shall be no such clergyman, minister, or public teacher of religion in the island or quay whereat such marriage is to be celebrated, then any justice of the peace there), shall be authorized to solemnize the marriage of such Slaves, or of such Slave and free person.

Provided always, that no public teacher of religion not being a clergyman of the church of England or a minister of the kirk of Scotland, shall be so authorized to solemnize any such marriage, unless his Majesty's principal secretary of state having the department of the colonies, or the governor, or the commander-in-chief for the time being, of the said Bahama Islands, shall have first granted to such public teacher a written license to celebrate marriages, nor unless such license shall have been duly registered in the office of the said protector and guardian of Slaves at Nassau, and shall continue to be in force at the time of his being so authorized to celebrate any such marriage.

5.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for any such clergyman, minister, public teacher, or justice as aforesaid, upon and after the receipt of any such license, forthwith to solemnize any such marriage as aforesaid; and the same when so solemnized shall be, to all intents, constructions, and purposes whatsoever, binding, valid, and effectual in the law: Provided nevertheless that no such marriage shall confer or be construed to confer on any such Slaves

or Slave, or on his, her, or their issue, any right or rights inconsistent with the duties which shall or may be owing by the said Slaves or Slave to his, her, or their owner or owners, or to the government; or be at variance with those rights which the owner or owners, and the government respectively, are by law entitled to assert and exercise over such Slave or Slaves and their progeny.

6.—And be it further enacted by the authority aforesaid, that the person by whom any such marriage may be so solemnized, by virtue of any such license as aforesaid, shall, within \_\_\_\_\_ after any such solemnization, transmit (under a penalty of not more than \_\_\_\_\_ of lawful money of the said islands, nor less than \_\_\_\_\_ of like money for every refusal and neglect) a certificate of such solemnization to the protector and guardian of Slaves, or deputy protector and guardian for the time being at his office in Nassau. And such protector and guardian or deputy protector and guardian, shall register in a book to be kept by him for that purpose, every marriage which may have been so solemnized, with the date thereof, and the names, descriptions, and places of abode of the parties contracting, and of the persons solemnizing every such marriage.

7.—Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to render any marriage between persons in a state of slavery, or between a Slave and a person of free condition, valid and effectual in the law, which would be illegal and void if both such persons were of free condition.

8.—And be it further enacted by the authority aforesaid, that every protector and guardian of Slaves, or deputy protector and guardian for the time being, in every his report, to be half-yearly made by him to the governor, or commander in chief of the colony, shall include therein a statement of the number of licenses which may have been so granted by him during the half-year next preceding the date of any such report, for the marriage of any Slaves, or of any Slave and person of free condition, with the number of all such marriages that may have been so solemnized by virtue or in pursuance thereof.

9.—And be it further enacted by the authority aforesaid, that nothing in this Act contained, shall be construed or understood to take effect, or be of any force or virtue until his Majesty's royal will and pleasure herein shall be made known, and his assent obtained thereto.

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(No. 5.) A Bill for the Suppression of Public Markets on Sunday, and the preventing Slaves from being compelled to labour on that Day.

WHEREAS it is expedient that all merchandising on the Lord's day should be prohibited by law, to all degrees and descriptions of persons within the Bahama Islands: Be it therefore enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-Chief, the Council and Assembly of his Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, all persons of free condition, who, on any Sunday after the hour of \_\_\_\_\_ of the clock in the forenoon, shall expose any goods, wares, or merchandises, or other effects whatsoever, for sale, in any public market, or in any shop, house, stall, store, or booth; or shall buy or sell any such goods, wares, merchandises, or other effects; or shall attend at any such public market, shall be liable to such and the same punishment, penalties, and forfeitures, as by any law or laws now in force within the realm of England, may be inflicted upon or incurred by any person or persons in like case offending; and if any such offence shall be committed by a Slave, every Slave so offending shall be liable to forfeit the said goods, wares, merchandises and effects, and the same shall and may be seized by the clerk of the market, or any constable, and shall be taken on the following day before any justice of the peace, who upon view thereof shall order the

same to be sold forthwith, and the proceeds to be applied as follows: that is to say, one third to the informer, and the remainder to such pious and charitable purposes as such justice shall direct.

2.—And whereas his Majesty hath been graciously pleased to intimate his intention to make effectual provision for the religious instruction of the Slaves within the said islands, and it will be proper and necessary, so soon as such his Majesty's said intentions can be carried into effect, that Sunday markets should be utterly abolished within the said islands: Be it therefore enacted by the authority aforesaid, that from and after the time when Sunday markets shall be totally suppressed therein, in manner hereinafter mentioned, such and the same punishments, penalties and forfeitures, as by any such law or laws as aforesaid now in force within the realm of England, may be inflicted upon or incurred by any person or persons in like case offending, and may thenceforth and thereafter be inflicted upon and incurred by all persons who, at or during any part of the day called Sunday, shall expose for sale, or buy or sell any such goods, wares, merchandises, or effects whatsoever, in any public market, or in any shop, house, stall, store, or booth, or who shall attend at any such market.

3.—And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the governor or commander in chief for the time being of the said islands, (and he is hereby required) in obedience to any instructions which may for that purpose be issued by his Majesty, through one of his principal secretaries of state, to issue a proclamation for the discontinuance of all markets on a Sunday throughout the said islands; and as soon as such proclamation shall have been so issued, all Sunday markets shall forthwith cease and be abolished, and become and be absolutely unlawful: Provided nevertheless that nothing herein contained shall extend or be construed to extend to prevent or prohibit the dressing or selling of meats in inns or victualling houses, or the sale of fish or milk: Provided that such sale shall not take place in any town or parish during the hours appointed and set apart for the celebration therein of divine service, or the sale of medicines during any part of Sunday.

4.—And be it further enacted by the authority aforesaid, that if any person or persons within the said islands, shall work or employ any Slave at any time between the hours of ten of the clock at night on any Saturday, and sunrise on any Monday, or shall during the period aforesaid, procure, induce, or compel any Slave to perform or engage in any labour for the profit and advantage of his or her owner, manager, or employer, or shall receive to work or hire, any Slave between the before-mentioned hours of ten of the clock on Saturday night, and sunrise on Monday morning for wages or any other consideration, then and in every such case the person or persons so offending shall incur and become liable to a fine not exceeding £ \_\_\_\_\_, or less than £ \_\_\_\_\_

of lawful money of the said islands.—Provided nevertheless that nothing herein contained shall extend or be construed to extend to any work or labour performed or to be performed by any Slave on Sunday, in the necessary attendance on the person or in the family of his or her owner or employer, or to labour performed or to be performed in the necessary preservation of the cattle or other live stock upon any plantation, or to labour performed or to be performed by any Slaves as watchmen on any plantation or estate, or in nursing or attending the sick, or in performing or making preparations for any interment, or in extinguishing any fire, or in preventing any irreparable damage to the property of his or her owner or employer; and no Slave so employed or to be employed shall be entitled to have, demand, or receive any hire or wages for any such services.

5.—And be it further enacted by the authority aforesaid, that in any case wherein it shall be absolutely necessary for the preservation of the crops or produce, upon any plantation or estate within the said islands, and for the prevention of essential injury thereto, to work and employ thereupon any Slaves or Slave between the hours of ten of the clock on any Saturday night, and sunrise on any Monday morning; and if such Slaves or Slave shall in any such case voluntarily consent and agree to

work between the hours aforesaid upon any such plantation or estate for the purpose aforesaid, nothing in this Act contained shall extend or be construed to extend to prevent any such Slaves or Slave from hiring themselves, himself, or herself to their, his, or her owner, or to any other person to work upon any such plantation or estate between the hours aforesaid. Provided always that no such Slaves or Slave shall or may be lawfully so hired to work during the hours aforesaid in the service of any other person except their, his, or her owner or manager, unless with the special consent in writing of such owner or manager.

6.—And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves within the said islands, or deputy protector and guardian for the time being, shall by due public notice to be for that purpose given by him in the public Gazette of the colony on the twenty-fifth day of December and twenty-fourth day of June, or so soon after those days as any such Gazette may be published in each year, signify the lowest rate of wages at which Slaves during the period of six calendar months next ensuing the date of every such notice, may hire themselves either to their respective owners or managers, (or with the consent of their respective owners or managers,) to any other person or persons to work for the preservation of the crops or produce of any plantation or estate, or for the prevention of essential injury thereto. In all which said notices there shall be stated the different rates of wages payable to the Slaves so hiring themselves, according to the age and sex of such Slaves, and according as they may be field Negroes or Artificers; and no hiring of any Slave for any such special purpose as aforesaid shall be a legal hiring, or shall be exempted from the penalties of the law, unless such Slave shall actually receive and be paid for his or her own use and benefit, wages of not less than the rate so to be fixed by any such public notice as aforesaid.

7.—And be it further enacted by the authority aforesaid, that no Slave shall be employed between sunset on Saturday evening, and sunrise on Monday morning in any field labour, or in any of the ordinary work upon any plantation or estate, under pretence or by reason that irreparable injury would arise from the postponement of such work or labour, unless such Slave shall voluntarily engage in the same, and shall for such his work or labour receive and be paid such wages as hereinbefore are mentioned.

8.—And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood to take effect, or be of any force or virtue, until his Majesty's royal will and pleasure herein shall be made known, and his assent obtained thereto.

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(No. 6.) A Bill to enable Slaves to acquire Property, and to make Provision for the safe keeping of such Property by the Establishment of Banks for Savings.

WHEREAS by the usage of the Bahama Islands, persons in a state of Slavery have hitherto been permitted to acquire and enjoy property free from the control or interference of their owners, and it is expedient that such laudable custom should be recognised and established by law; and that provision should be made for enabling such Slaves to invest their said property in good security: Be it therefore enacted by His Honour William Vesey Munnings, Esquire, President and Commander-in-chief, the Council and Assembly of his Majesty's said Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that no person in the said islands, being in a state of Slavery, shall on account of such his condition be or be deemed or taken to be incompetent in the law to purchase, acquire, possess, hold, occupy, enjoy, alienate, or dispose of property; but every such Slave shall be and is hereby declared to be competent in the law to purchase, acquire, possess, hold, occupy, enjoy, alienate, or dispose of lands situate within the said islands, or money, cattle, implements, or utensils of husbandry, or household furniture, and

other effects of such or the like nature, of what value or amount soever; and to bring, maintain, prosecute, appear to, or defend any suit or action in any court of justice within the colony, for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition: Provided nevertheless, that every such suit or action shall be prosecuted or defended by *prochien amy* or guardian, to be for that purpose by the same court to him or her assigned in that behalf, in such and the same manner as if he or she were an infant under the age of twenty-one years; and that it shall be lawful for the said court, on application for that purpose duly made to it, and on affidavit of the party, plaintiff or defendant, stating therein that he or she is not worth the sum of \_\_\_\_\_ in the world, the wearing apparel of him or her and the matter in controversy excepted, to suffer the party so applying, being a Slave, to prosecute or defend any such suit or action in *formâ pauperis*: Provided always, that every such *prochien amy* or guardian shall be a person of free condition, and that nothing herein contained shall extend or be construed to extend to authorize or enable any Slave to acquire or become the owner of a Slave or Slaves, or of any fire-arms, gunpowder, or ammunition.

2.—And for the better preserving of the property of any such Slaves: Be it further enacted by the authority aforesaid, that from and after the \_\_\_\_\_ banks for savings shall be established at \_\_\_\_\_,

and that interest at and after the rate of \_\_\_\_\_ per centum per annum, shall be allowed upon the amount of every sum of money which may be deposited in any such savings bank, which interest shall be a charge on his Majesty's general revenues within the said Bahama Islands.

3.—And be it further enacted by the authority aforesaid, that any Slave making a deposit in any such savings bank, shall be at liberty to make a declaration of the manner in which, and of the person or persons to whom, in the event of his or her death, the amount of such his or her deposit or deposits there shall be then paid, applied, or disposed of, and such declaration shall be recorded in a book to be kept for that purpose at the savings bank, when any such deposit may be made; and upon the death of the Slave making any such declaration, the same shall be deemed and taken to be the last will and testament of such Slave in the absence of any other last will and testament. And in case any Slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be, a revocation in the law of any such declaration. And if any Slave shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his or her death, then and in every such case, the property of such Slave shall go and be disposed of to and in favour of such person or persons, as by virtue of any Act or Acts of parliament for the distribution of the effects of intestates, in force within the colony, would be entitled to any such property.

4.—And be it further enacted by the authority aforesaid, that the several savings banks throughout the said Bahama Islands, shall be under and subject to the inspection and control of the protector and guardian of Slaves for the said island, or deputy protector and guardian for the time being; and that the governor or commander-in-chief for the time being of the colony shall (and he is hereby authorized to) appoint such proper and necessary officers, and to make such rules and regulations as may be best adapted for managing the business of the said banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the monies which may be there deposited: Provided always that such rules and regulations be in no wise repugnant to the provisions of this Act, and that the same be transmitted for his Majesty's approbation to one of his principal secretaries of state.

5.—And be it further enacted by the authority aforesaid, that no deposit of money exceeding the sum of \_\_\_\_\_ of lawful money of the said islands, in the whole, shall at any one time or in any one week be received at any of the said banks from any Slave for the savings of such Slaves, unless the said Slave at the time of tendering such other or greater deposit, shall produce the consent in writing of his or her owner or manager,

to such other or greater deposit being made. And in case any Slave shall be desirous at any one time, or in any one week, to make any such deposit exceeding the aforesaid sum of \_\_\_\_\_, and the owner or manager of such Slave shall refuse his or her consent to such deposit being made, then and in every such case, the said protector and guardian, or deputy protector and guardian for the time being, upon application to him for that purpose made, shall issue a summons under his hand and seal requiring the owner or manager of such Slave, or the person or persons under whose direction or control such Slave may be, to appear before him at some convenient time and place to be for that purpose therein appointed, and show cause why such deposit should not be made; and if any such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before such protector and guardian, or deputy protector and guardian, or appearing, shall fail to shew good and sufficient cause why such deposit should not be made, then and in every such case the said protector and guardian, or deputy protector and guardian, shall issue an order under his hand and seal requiring the manager of the savings bank to receive the amount of such deposit, and the same shall be received by him accordingly.

6.—And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves, or deputy protector and guardian for the time being, in every his report to be half yearly made by him to the governor or commander-in-chief of the colony, shall amongst other things therein contained, state the amount of the several sums of money deposited in any savings banks within the said islands, during the half year next preceding the date of such report.

7.—And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood to take effect, or be of any force or virtue, until his Majesty's royal will and pleasure herein shall be made known, and his assent obtained thereto.

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(No. 7.) A Bill to prevent the Separation of Slaves being Members of the same Family, and to amend an Act entitled "An Act to amend, consolidate, and bring into one Act the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes."

WHEREAS in and by the sixth and seventh clauses of an Act of the General Assembly of the Bahama Islands, made and passed in the fourth year of the reign of his present Majesty, entitled "An Act to amend, consolidate, and bring into one Law the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes," the separation of Slaves, being members of the same family, whether by private contract or public sale, or under or by virtue of any mortgage, execution for debt, or other legal process whatever, or otherwise howsoever, is prohibited under certain penalties therein mentioned; and whereas it is expedient that all such sales should be declared by law to be null and void, and that some further regulations should be added to the provisions and enactments of the said first-recited Act: Be it therefore enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-Chief, the Council and Assembly of his Majesty's said Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, if any Slave or Slaves shall be sold or transferred, whether by private contract or public sale, or under or by virtue of any mortgage, execution for debt, or other legal process whatever, or otherwise howsoever, contrary to the provisions and prohibitions contained in the said sixth and seventh clauses of the said herein first-recited Act, then and in every such case, every such sale or transfer, and every such execution shall be (and the same is and are hereby declared to be) absolutely null in the law, and void to all intents and purposes whatsoever: Provided always, nevertheless, that nothing herein contained shall extend or be construed to

extend to exempt any person or persons offending, or who may have offended against the said provisions of the said herein first-recited Act, or any of them, from all or any of the forfeitures or penalties thereby inflicted or imposed.

2.—And be it further enacted by the authority aforesaid, that if the provost marshal of the said islands, or any his lawful deputy or deputies, or any other executive officer, by whom any levy upon any Slave or Slaves shall be made under and by virtue of any writ of execution, or other judicial process whatsoever, shall be unable to ascertain whether any Slave on whom he may so levy, has or has not a husband or wife, or reputed husband, or wife, or child under the age of \_\_\_\_\_ years, belonging to the same owner, it shall be the duty of every such provost marshal, deputy, or other officer as aforesaid, to make a special return of any such circumstance to the court out of which the said writ or process shall have issued; and the said court shall thereupon direct a copy of any such return to be delivered or transmitted to the protector and guardian of Slaves within the said islands, or deputy protector and guardian for the time being; and after hearing what may be alleged in the premises by such protector and guardian, or deputy protector and guardian, and by the several parties in any such action, suit, or proceeding, shall thereupon decide whether the Slave so seized and levied on, hath, or hath not any husband or wife, or reputed husband or wife, or child, under the age of \_\_\_\_\_ years, belonging to the same owner as aforesaid, and shall make a rule of court upon such provost marshal, deputy, or other officer as aforesaid, commanding them either to proceed to the sale of the said single Slave or not as the case may require.

3.—And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood to take effect, or be of any force until his Majesty's royal will and pleasure herein shall be made known, and his assent obtained thereto.

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(No 8.) A Bill for preventing Abuses in the Punishment of Slaves, whether such Punishment is inflicted in due Course of Law, or by the Authority of the Master.

WHEREAS it is expedient that all abuses in the punishment of Slaves, whether such punishment be inflicted in due course of law, or by the authority of the master, be prevented: Be it therefore enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-Chief, the Council and Assembly of his Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that in all prosecutions which may at any time hereafter be commenced or carried on, in any court of justice within the colony, wherein a Slave may be charged with any offence, punishable by death or transportation, there shall be given to the protector and guardian of Slaves within the said islands, or deputy protector and guardian for the time being, the same notice of any such prosecution, and of all proceedings therein, as according to law, and the practice and usage of the court, would be given to the said Slave, if he or she were of free condition: And the said protector and guardian, or deputy protector and guardian, shall (and he is hereby authorized and required to) be present, and attend at the trial, and all other the proceedings in every such prosecution, as the protector of such Slave, and on his or her behalf, and to act therein for the benefit and advantage of the said Slave, in such manner, and by all such lawful ways and means, as by law, and the practice and usage of the court, any counsel, solicitor or attorney, might, upon a like occasion, appear and act for the benefit or advantage of any person of free condition.

2. And be it further enacted by the authority aforesaid, that it is, and shall henceforth be, unlawful for any person or persons within the said Bahama Islands, to carry any whip, cat, or other instrument of the like nature, while superintending the labour of any Slaves or Slave in or upon the fields of any plantation, or at, or about, any salt pond within the said



islands, or to use any such whip, cat, or other instrument as aforesaid, for the purpose of impelling or coercing any Slaves or Slave to perform labour of any kind or nature whatsoever; or to carry, or exhibit upon any such plantation, or at any such salt pond, or elsewhere, any such whip, cat, or other instrument as aforesaid, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same, over any Slaves or Slave, and in case any person or persons, contrary to the provisions of this Act, shall carry any whip, cat, or other instrument as aforesaid, while superintending the labour of any Slaves or Slave, in or upon the fields of any such plantation, or at, or about, any such salt pond, or shall use any whip, cat, or other instrument as aforesaid, for the purpose of impelling or coercing any Slaves or Slave to perform labour of any kind or nature whatsoever, or shall carry, or exhibit upon any such plantation, or at any such salt pond, or elsewhere, any such whip, cat, or other instrument as aforesaid, as a mark or emblem of his, her, or their authority over any Slaves or Slave, then, and in every such case, the person or persons so offending, and each and every the person or persons thereto, directing, authorizing, instigating, or procuring, or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour.

3.—And be it further enacted by the authority aforesaid, that it is, and shall henceforth be, unlawful for any person or persons within the said islands, to inflict in any one day, upon any male Slave, for any offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding \_\_\_\_\_ in the whole, or to inflict upon any such male Slave, any punishment or correction, by the whipping, scourging, or beating of his person, unless the person of such Slave, shall at the time of such punishment or correction, be free from any laceration occasioned by any whipping, scourging, or beating, or to inflict upon any such male Slave, any punishment or correction by the whipping, scourging, or beating of his person, until twenty-four hours, at the least, shall have elapsed from the time of the commission of the offence, for, or in respect of which any such punishment or correction may be inflicted, or to inflict upon any such male Slave any such punishment or correction as aforesaid, unless one person of free condition shall be present at, and witness the infliction of the whole of such punishment, other than the person by whom or by whose authority the same may be so inflicted. And in case any person or persons, contrary to the provisions of this Act, shall inflict in any one day, upon any male Slave, for any offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding \_\_\_\_\_ in the whole; or shall whip, scourge, or beat any such male Slave at any time, when there may be upon his person any laceration occasioned by any former whipping, scourging, or beating; or shall inflict upon any such male Slave any punishment or correction as aforesaid, until twenty-four hours, at the least, shall have elapsed from the time of the commission of the offence, for or in respect of which any such punishment or correction may be so inflicted, or shall inflict upon any such male Slave any such punishment or correction as aforesaid, without the presence and attendance during the whole of such punishment of some person of free condition, other than the person by whom or by whose authority the same may be inflicted; then, and in every such case, the person or persons so offending, and each and every the person or persons thereunto directing, authorizing, instigating or procuring, or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour: Provided nevertheless that nothing herein contained shall extend, or be construed to extend, to any punishment or punishments which may be inflicted upon any such Slave, under or by virtue of any sentence or judgment of any court of competent jurisdiction within the said islands.

4.—And be it further enacted by the authority aforesaid, that it is, and henceforth shall be, unlawful to correct or punish, by whipping or flogging, any female Slave within the said islands, for any offence committed by any such Slave; and if any person or persons within the said islands, shall whip, flog, or correct any such female Slave with any whip, cat, stick, or other like instrument, then and in every such case, the person or persons so offending, and each and every person or persons thereunto directing,

authorizing, instigating or procuring, or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour: Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to prevent the owner, manager, or employer of any such Slave under the age of                    years, from causing her to be punished or corrected for any fault or misconduct, in such and the same manner and according to the same extent as any child of free condition may be, and usually is punished in any school for the education of youth.

5.—And be it further enacted by the authority aforesaid, that if any *female* Slave shall hereafter commit any offence within the said islands, which by the law or laws in force there was heretofore punishable by whipping or flogging, every such female Slave so offending shall, and may, for any such her offence, be punished at the discretion of the court, or of the owner or manager directing such punishment, by one or other of the punishments or modes of punishment hereinafter mentioned, that is to say, First, By solitary confinement with, or without, work, in any fit or proper place on any plantation or estate, or elsewhere within the said islands: Provided nevertheless that no such place of confinement shall be made use of for any such purpose, unless and until some practitioner of medicine within the said islands, and the protector and guardian of Slaves, or deputy protector and guardian for the time being, or the assistant protector and guardian for the island or quay whereon the same is situate, shall have first signed a certificate in writing approving of such place of confinement, shall be transmitted to and deposited in the office of the said protector and guardian at Nassau. And provided also, that no such solitary confinement shall continue for any greater period or be of longer duration than

for any one offence, and that no such Slave shall be subjected to any punishment by solitary confinement more than                    in any one calendar month. Secondly, By field stocks for confinement of the hands during the hours of labour, in the field, or at the salt pond; provided that the period of any such confinement shall not at any one time exceed                    and shall not be repeated a second time until

between the time of any such repetition and the termination of any such previous punishment. Thirdly, By house stocks for the hands and feet, or either of them, with or without seats, during any period of the day, provided that the period of any such confinement shall not exceed                    for any one offence, and that no such punishment shall be repeated twice within the period of                    . Fourthly, By bed stocks for confinement for the feet during the night, provided that no such punishment shall be repeated within the period of

. Fifthly, By distinguishing dresses to be used either with or without the stocks, provided that such punishment be not continued for any longer period than                    for any one offence, and that the same be not repeated within                    between the time of any such repetition and the termination of any such previous punishment. Sixthly, By confinement either solitary or otherwise, during one of the hours of noon, with or without work during such confinement, provided that no such punishment be repeated within the period of                    between the time of any such repetition and the termination of any such previous punishment.

6.—Provided always, and be it further enacted by the authority aforesaid, that none of the before-mentioned punishments shall be inflicted on any such female Slave by the authority of her owner, manager, or employer, until twenty-four hours at least shall have elapsed from the time of the commission of the offence for which any such punishment may be so inflicted, and unless one person of free condition, other than the person by whom, or by whose authority, the same may be inflicted, shall be present at and witness the infliction of such punishment.

7.—And be it further enacted by the authority aforesaid, that if any person or persons shall repeat any such punishment as aforesaid at any earlier period than is hereby allowed, or shall continue any such punishment beyond the period of duration for that purpose herein prescribed and limited, or shall place any such female Slave in solitary confinement in any place

which shall not have been first approved of and certified in manner hereinbefore directed within \_\_\_\_\_ next preceding any such confinement, or shall use any stocks for the purpose of punishment in any such manner as to affect the health of the Slave confined therein, or to inflict any permanent injury on her person, or shall fail to supply the Slave undergoing any such punishment, when the same shall continue for more than twelve hours, with a proper quantity of prepared farinaceous food, and with a proper supply of water; or who shall punish any woman known, or supposed by him, to be pregnant, by solitary confinement or by any stocks applied in such manner as to produce the risk of miscarriage, or shall inflict upon any female Slave any of the before-mentioned punishments, until twenty-four hours at least shall have elapsed from the time of the commission of the offence for which any such punishment may be so inflicted, and without the presence of one person of free condition to witness the infliction of such punishment, then, and in every such case, the person or persons so offending, and each and every the persons or person thereunto directing, authorizing, instigating, or procuring or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour.

8.—And be it enacted by the authority aforesaid, that if any male Slave shall hereafter commit any offence within the said islands, which by the law or laws now in force there is punishable with flogging, it shall and may be lawful to, and for the owner, manager, or employer of any such Slave, or for any court of justice, or justice of the peace having jurisdiction in the premises to substitute for, and in lieu of, such flogging, any one of the six modes or manners of punishment hereinbefore mentioned, in the case of female Slaves: Provided nevertheless that the several conditions, regulations, restrictions, and provisions aforesaid, so far as the same or any of them may be applicable to the case of male Slaves, be at all times duly observed and attended to.

9.—And be it further enacted by the authority aforesaid, that there shall be kept by every person having charge of a task or working gang of Slaves exceeding \_\_\_\_\_ in number, and upon every plantation or estate within the colony, a book to be called “the Punishment Record Book,” and that it shall be the duty of the owner or manager, or other person having the direction of, or chief authority in, any such plantation, or the charge or management of any such gang, to enter and record in the said book at or within \_\_\_\_\_ hours next immediately after the time of infliction of any punishment whatsoever hereby authorized on any female Slave, or any male Slave, who may be punished in any day with any number of stripes or lashes exceeding \_\_\_\_\_, or who shall receive any other kind of punishment hereby authorized, a statement of the nature and particulars of the offence for or in respect of which any such punishment may be inflicted, and of the time when and place where such offence was committed, and of the time when and place where such punishment was inflicted, and of the nature, extent, and particulars thereof; and in the cases of male Slaves of the number of stripes or lashes actually inflicted upon the offender, together with the names of the person or persons by whom and by whose authority the punishment was inflicted, and of the person or persons of free condition present and attending at the infliction of every such punishment.

10.—And be it enacted by the authority aforesaid, that if any person having the charge of any task or working gang of Slaves, exceeding \_\_\_\_\_ in number, or if any owner, manager, or other person having the direction of or chief authority in any such plantation or estate, shall neglect or omit to make in the said punishment record book, any entry which according to the provisions of this Act ought to be made therein, or shall not make such entry within \_\_\_\_\_ hours after the infliction of each and every punishment to which any such entry may relate, every person so offending shall incur and become liable to a fine not exceeding £ \_\_\_\_\_, nor less than £ \_\_\_\_\_ of lawful money of these islands. And if any person or persons shall wilfully or fraudulently make or cause to be made any false entry or fraudulent erasure in any such punishment record book, or shall wilfully or fraudulently burn, cancel, obliterate, or destroy the

same or any parts thereof, the person or persons so offending shall be deemed guilty of a misdemeanour.

11.—And be it further enacted by the authority aforesaid, that every person having charge of a task or working gang of Slaves, exceeding in number, and every owner, manager, or other person having the direction of or chief authority in any plantation or estate within the colony, shall, on the first Monday next following the 5th day of April, 24th day of June, 29th day of September, and 25th day of December in each year, repair to the protector of Slaves, or deputy protector and guardian for the time being, at Nassau, or to the assistant protector and guardian of Slaves for the island or quay on which he may dwell, and produce before him a true and exact transcript or copy of every entry which during the quarter of a year next preceding may have been made in the punishment record book to his or her task, or working gang, or plantation, or estate relating, and shall take and subscribe the following oath (which such protector and guardian, or deputy or assistant protector and guardian, is hereby authorized to administer) to be annexed to the said transcript or copy, (that is to say) “ I, A. B. having charge of a task or working gang of Slaves, exceeding

in number, worked or employed on the island of (or owner or manager of the plantation or estate called , situate in the island of ), do make oath and say that the paper writing hereunto annexed, contains a true and exact copy of every entry which since the day of last, hath been made in the punishment record book of the before-mentioned task or working gang (or plantation or estate). And I do further swear that the said punishment record book hath been punctually and accurately kept since the said day of , in the manner required by law, and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge or consent. So help me God.”

12.—And be it further enacted by the authority aforesaid, that if any such owner, manager, or other person as aforesaid shall not, since the time of making his last preceding return, have inflicted any punishment upon any female Slave belonging to any such his or her task or working gang, or plantation or estate, or any punishment exceeding stripes or lashes upon any such male Slave, then and in every such case, instead of the oath herein before mentioned, such owner, manager, or other person as aforesaid, shall at the several times aforesaid, take and subscribe before the said protector and guardian of Slaves, or deputy protector and guardian at Nassau, or assistant protector and guardian of Slaves for the island or quay on which such owner, manager, or other person as aforesaid may dwell, the following oath (which the said protector and guardian or deputy protector and guardian, or assistant protector and guardian is hereby authorized to administer,) that is to say, “ I A. B., having charge of a task or working gang of Slaves, exceeding in number, worked and employed on the island of (or owner or manager of the plantation or estate called situate on the island of ) do make oath and say, that since the day of last, no punishment hath been inflicted by me or by my order or with my knowledge, upon any female Slave belonging or attached to the said task or working gang of Slaves (or to the said plantation or estate), and that since the said day of no punishment exceeding stripes or lashes hath been inflicted by me or by my order or with my knowledge upon any male Slave belonging or attached to the said task or working gang of Slaves, or to the said plantation or estate. And I do further swear that no entry of any such punishment hath, since the day of been made by me or any person or persons by my procurement or with my knowledge or consent, so help me God.”

13.—And be it further enacted by the authority aforesaid, that at least before the time of making any such return, there shall be transmitted by the protector and guardian of Slaves to the owner or manager of every plantation or estate situate in the Island of New Providence, and to every other person on the said island having charge of

a task or working gang of Slaves exceeding \_\_\_\_\_ in number who shall think fit to apply for the same, and by every assistant protector and guardian of Slaves for any other island or quay within the colony, to every owner or manager of any plantation or estate on such island or quay situate, and to every other person there dwelling, and having charge of any such task or working gang, a printed blank form of the before-mentioned affidavits, together with a notice of the time and place at which such protector and guardian or deputy or assistant protector and guardian will attend for the purpose of receiving the returns and administering the oaths aforesaid. And every such protector and guardian, or deputy or assistant protector and guardian, shall (and he is hereby required to) attend from day to day for \_\_\_\_\_ successive days for the purposes aforesaid; and in case it shall be made to appear to any such protector and guardian, or deputy or assistant protector and guardian, by the certificate of any medical practitioner, that any person or persons liable to make such returns is or are by reason of sickness rendered incapable of attending for that purpose at the time and place therefore appointed, then and in every such case the said protector and guardian, or deputy or assistant protector and guardian, shall (and he is hereby required to) attend the person or persons so incapacitated at his, or her, or their place or places of abode, for the purpose of receiving the said returns, and taking such affidavits as aforesaid.

14.—And be it further enacted by the authority aforesaid, that if any person or persons shall refuse or neglect to make any such return, or to take and subscribe any such oath and affidavit as is or are required of him, her, or them by this Act, then and in every such case, the person or persons so offending, shall incur and become liable to a fine not exceeding \_\_\_\_\_ pounds, nor less than \_\_\_\_\_ pounds of lawful money aforesaid, to be recovered and applied in manner hereinafter mentioned.

15.—And be it further enacted by the authority aforesaid, that every assistant protector and guardian of Slaves within the said islands, shall (and is hereby required to) transmit to the protector and guardian of Slaves, or deputy protector and guardian of Slaves, at his office in Nassau, the whole of the returns that may be so made to him as aforesaid, together with the original affidavit thereunto annexed within \_\_\_\_\_ next after such quarterly returns shall be complete. And in case any such assistant protector and guardian shall himself be the owner or manager of any such plantation or estate, or have the charge of any such task or working gang, he shall, together with the returns to be so transmitted by him in each year for the quarters of a year next preceding the said \_\_\_\_\_ day of \_\_\_\_\_ and \_\_\_\_\_ day of \_\_\_\_\_ in every such year, deliver to the said protector and guardian, or deputy protector and guardian, a transcript or copy of the entries made in his own punishment record book, for the last preceding half year, together with an affidavit to be by him sworn to before the chief justice of the said islands or one of the assistant justices of the General Court thereof, in the manner and form hereinbefore mentioned, and under such and the like penalty for any refusal or neglect as is hereinbefore imposed in the case of any other person or persons refusing or neglecting to make his, her, or their return, or to take and subscribe any the before-mentioned oath.

16.—And be it further enacted by the authority aforesaid, that the said protector and guardian, or deputy protector and guardian, shall enrol and record in books to be kept by him for that purpose, the whole of the returns so to be made by him, and shall keep and preserve in his said office the originals of the said returns and affidavits; and for the better and more convenient keeping of the said records, a distinct and separate book shall be appropriated and kept for every separate island or quay, and therein shall be transcribed in alphabetical order, according to the names by which each plantation or estate is described in any such return, or the name of the person having charge of any such task or working gang as aforesaid, each and every of the returns for the island or quay to which such book may relate and be appropriated, and full and exact indices to such books shall also be kept by him.

17.—And be it further enacted by the authority aforesaid, that upon



interest in any such Slave shall in any way diminish, affect, or take away, the right, title, or interest, of any person in or to any such Slave, except of the person upon the conviction of whom any such forfeiture may be incurred; provided also, that whenever any such forfeiture as aforesaid shall in fact accrue to his Majesty, the same shall not be carried into effect by the actual seizure or sale of the property so forfeited, until all and every the particulars and circumstances of the case shall have been reported to his Majesty through one of his principal secretaries of state, and until his Majesty's royal will and pleasure shall have been signified thereon. Provided nevertheless that pending any such reference, and until his Majesty's said pleasure shall have been so signified, the property forfeited shall be and continue to be vested in his Majesty, subject nevertheless to be again divested if his Majesty shall be graciously pleased to remit the forfeiture thereof.

21.—And be it further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to exempt any person or persons who shall wilfully mutilate, or cause, or permit, or suffer to be mutilated, any Slave or Slaves, or who shall wantonly or cruelly whip, maltreat, beat, bruise, wound, imprison, or keep in confinement without sufficient support, any Slave or Slaves, or who shall punish any Slave by fixing, or causing to be fixed, any iron or other collar round the neck of any such Slave, or by loading the body or limbs of such Slave with chains, irons, or weights of any kind other than such as are absolutely necessary for securing the person of such Slave while in confinement, from any the pains, penalties, fines, and forfeitures imposed on persons in like case offending, in and by an Act of the General Assembly of the Bahama Islands made and passed in the fourth year of the reign of his present Majesty, entitled "An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes;" but that all and every the person and persons offending, or who may have offended, or who at any time or times hereafter shall or may offend, against the provisions in that behalf of the said recited Act, or any of them shall, and they and each and every of them is, and are hereby declared to be, subject to all and every the respective pains, penalties, fines, and forfeitures, herein or thereby imposed; and the same, and each and every of them, shall be sued for, prosecuted, and recovered in manner and form therein directed, anything herein contained to the contrary notwithstanding.

22.—And be it further enacted by the authority aforesaid, that the protector and guardian of Slaves, (or deputy protector and guardian of Slaves) in every his report to be half yearly made by him to the governor or commander-in-chief of the colony, shall include therein a statement of the particulars of all the returns which by virtue of this Act may have been made to him in the half year next preceding the date of any such report, by the several assistant protectors and guardians within their several and respective districts, and the names of the persons, if any, against whom he may during the same preceding half year, have instituted any criminal prosecutions under the said Act.

23.—And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood to take effect, or to be of any force or virtue, until his Majesty's royal will and pleasure herein shall be made known and his assent obtained thereto.

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(No. 9.) PROCEEDINGS OF THE HOUSE OF ASSEMBLY.

*Tuesday November 14th, 1826.*

Mr. Storr, from the committee to whom was referred the eight several Bills read a first time the nineteenth ultimo, respecting certain proposed melio-



rations of the condition of the Slaves in this colony, with instructions to report on the expediency of the same, and the practicability of adopting them, or any part or parts thereof, within the colony, delivered the following

### REPORT.

“The committee to which was referred the eight several Bills read a first time on the nineteenth ultimo, respecting certain proposed ameliorations of the condition of the Slaves in this colony, with instructions to report on the expediency of the same, and the practicability of adopting them, or any part or parts thereof, within the colony, report as follows:—

“The committee being impressed with a deep sense of the importance and delicacy of the several matters referred to them, have, after the most anxious and deliberate consideration of the whole, to report, that, among the proposed enactments of the eight Bills referred to them, there are some which appear to the committee, if not altogether objectionable upon general grounds, yet, as being from local circumstances, for the present at least utterly impracticable in this colony; whilst on the other hand the committee have the pleasure to admit, that in their opinion, formed upon serious consideration, the most material part, as they conceive, of the system proposed, and embraced in the Bills before them, and intended for the melioration of the condition of the Slaves in the colony, may be established, if with but little perceptible benefit at present to the Slaves or their owners, yet, as the committee trust, without injury to either. For the committee must do the colony the justice to add, that a very considerable portion of those beneficial enactments, are in general conformity with the already existing laws and usages of the country.

“The office of guardian and protector of Slaves, the committee consider as uncalled for in the Bahamas; and with the ramifications of the system necessarily connected with that office to render it effective, would burden the country with an expense which it is at this time entirely unable to bear.

“The protector of Slaves ought to be a gentleman of education and talents. In other hands, the office would be a nuisance. And therefore as the nature and duties of that office would preclude the person holding it, from any other profitable employment in the colony, his appointments would require to be liberal. The same observations apply, with but little modification, to the assistant protectors. Now, among these islands (the entire number of which is yet unknown) extending over a space of sea of six hundred miles and upwards in length, there are about seventeen islands and quays permanently inhabited. To give effect to the proposed system, therefore, all these settled islands and quays would require at least one officer in each; and three or four of the islands, from their great length and the distance of the settlements on them from each other would require two or three; making about two or three and twenty officers in the whole, to be paid out of the colonial chest. The committee have to observe, that by some late regulations, the salaries of the officers of his Majesty's customs in these islands, being nine in number, already absorb a sum equal to a fifth of the ordinary revenues of the colony, and therefore to maintain an establishment of two or three and twenty Slave protectors also, in a like scale, would leave just something more than a third of the unabsorbed balance for the support of the government and other colonial purposes.

“The committee take occasion here to mention what probably is but imperfectly known to his Majesty's ministers, namely, the superior moral condition and intelligence of the Bahama Slaves, in comparison with those in the sugar colonies generally to the southward. On this score, our colonists possibly can claim little other merit than that of never having opposed any obstacles to the progress of Negro improvement; which is perhaps in fact, to be mainly attributed to the smallness of the properties of most of our planters; in consequence of which, the bulk of the Slave population, being divided into small gangs, live in a state of more or less domestication with their owners, or those in charge of the several plantations to which they belong; and also to this circumstance, that, from the nature and position of these islands, a number of the male Slaves are



employed in navigation, and constantly associated, in that occupation, with whites and other freemen: which is, almost of necessity, calculated to disseminate, among the Slave population generally, a taste for many of the comforts of civilized life, and at the same time afford them, to a considerable extent, the means of acquiring them.

“ With this improvement in the physical condition of the Slaves, their advancement in morals and religion has happily kept pace. And therefore the committee respectfully suggest that, should the colonial legislature be of opinion that the time has arrived, when Slaves may, with certain proper precautions for a time, be admitted as witnesses under oath, before magistrates and juries in cases where their evidence may be necessary to the protection of their persons and properties, there would be the less need, in this colony perhaps none, of their being placed under the extraordinary guardianship of any new office to be created for the security of their rights.

“ It being impracticable, as already shewn, to establish in these islands any system of Slave guardianship, such as is contemplated by the Bills before the committee, it is at once obvious that none of the proposed enactments of these Bills, which are in necessary connexion with that system, can be carried into effect here. Among other things, accordingly, those clauses of the Bill relating to the punishment of Slaves, which would require a record of punishments to be kept in plantations, for the purpose of having copies of those records transmitted to England through the protector's office, would of course be here adopted in vain. To any such records indeed, the committee would be disposed to object generally, for this reason, (and the committee hope to be excused for stating that reason frankly) that few planters, or at least, few of the persons in charge of plantations in the Bahamas, are capable of keeping any records of the kind. Our plantations also being for the most part in secluded situations, on islands sometimes not a tenth part cleared for cultivation, and still oftener on others, more than three-fourths abandoned, on account of the exhausted state of the soil, those in charge of them are seldom in a situation to get literal assistance, to supply their own deficiencies, or even free witnesses beyond the limits of their own families, to attest their proceedings. A great number of those plantations also are in the charge of free Negroes and coloured people, and still more frequently of Slaves, and other illiterate persons, the owners residing in other places altogether: so that many regulations which in more fortunate and populous countries might be easily carried into effect, would frequently in this colony call for absolute impossibilities.

“ With respect to the punishment of female Slaves, the committee would have much pleasure in recommending the adoption of the provisions of the Bill relating thereto, could the committee be persuaded that it was at this time possible to substitute any effectual mode of punishment in the place of flogging. The committee, under a feeling of unwillingness to subscribe to a doctrine altogether at variance with the habits of polished life, but in which all Slave-owners concur, particularly the best acquainted with plantation affairs, and which it therefore is the duty of the committee not to withhold from the House on this occasion, have to acknowledge that female Slaves generally require more frequent correction than males; and that with the females originate a large proportion of the crimes for which the males suffer. Confinement in stocks is in use here, as in other countries, as a fair punishment for minor offences. But how far solitary confinement might answer the purpose of restraining the perpetration of grave offences, the committee have had no opportunity of forming an opinion, nor could the experiment be at this time generally tried in the colony, except at an expense not only incommensurate in the extreme with the benefits proposed from it, but one also which the country could not possibly bear. What has been already urged with respect to assistant protectors of Slaves, will apply with still greater force to this subject, inasmuch as there is but one prison worthy of the name, within the whole range of the Bahamas, namely, that in this town. Here therefore the experiment might be tried: but not throughout the other islands, where it would be of infinitely more

importance; but in which, with a very small population, thinly scattered at distant points from each other, over an area of land and sea of so many hundred miles as already represented, to make the experiment fairly, would require a gaol to be erected upon almost every plantation large and small: In short, were a grand attempt to be made to establish effectually in this colony, all the operose machinery of protection, any punishment which the Bills now before the committee call for, the Slave protections, gaolers, turnkeys, &c., with their families, should they have any, would in a great majority of the islands constitute nearly a half of their white population.

“The committee also deem it extremely questionable whether confinement in any shape would be considered as a punishment by a Negro Slave, whom for the most part, as is well known, exemption from labour would reconcile to almost any other privation than that of food. It is clear that a short confinement is scarcely any punishment at all—and a long one would be so much loss of labour to the master. In the case of females in particular it is to be observed, especially those having families, that while they should enjoy at their ease an exemption from labour, it would be their husbands and children, perhaps their aged parents also, that would be the real sufferers from their confinement,

“The use of the whip as an excitement to labour, has ever as yet been unknown in these islands; nor can the legislature well refuse to confirm its exclusion by positive law. But as a punishment for crime, flogging is not only authorized, but regulated even by holy scripture, and with limitations by-the-bye, not always very scrupulously attended to, even by the tender hearted authorities of that very country which now seeks to abolish the practice altogether in her colonies. Reform, like charity, should begin at home; in the army and navy for instance, as well as elsewhere, inasmuch as it is idle to expect efficacy from a naked precept at such open variance with the example of the preceptors themselves.

“With respect to the interval of twenty-four hours between the perpetration of an offence and its punishment, the committee frankly admit their approbation of the principle, but have at the same time to regret that from a circumstance already more than once adverted to, namely, the want of places of easy confinement on those of the islands principally occupied by the planters, no such enactment could be safely carried into effect—for the delay suggested would in those islands only be twenty-four hours’ notice to the Slave to run away, of which there is but little doubt ninety-nine in a hundred would avail themselves.

“The enactments of the eighth Bill now before the committee, which propose a forfeiture of Slave property, or in other words, the emancipation of the Slaves, as the penalty of cruel or illegal punishment, the committee cannot approve. If one exercise extreme cruelty to a Slave, it would be well to prevent a repetition of the offence, by, besides other punishment, transferring that Slave to a better master. But the committee cannot understand why the commission of the offence should entitle the injured party to freedom. So long indeed as any considerable portion of the Slave population would, if free, be unable or unwilling to subsist otherwise than by rapine, theft, or other crimes, the committee consider all emancipations but those on the score of character or merit of some kind, as a public injury. Meritorious Slaves are very rarely the victims of a master’s cruelty. And if freedom were to be the reward of insolence and other provocation, on the part of the Slave, sufficient to transport every choleric owner beyond the bounds of discretion, it would of course be the very worst class of Slaves that would be likely to become first free.

“The provision that by a second act of cruelty, or even illegality, *unattended with cruelty or any serious criminality whatever*, in the punishment of a Slave, or an owner should forfeit all his Slaves, is as monstrous in principle as it would be perilous in the extreme in practice.” The House in 1824 observed upon the Trinidad order in council what may be here properly repeated with respect to this extraordinary clause of the Bill. In a message to his excellency the governor from the House, it was stated that “besides the multitude of other objectionable parts of that ordinance, *that from which*

the more immediate evils are to be apprehended, perhaps, is the portion of it which restrains within certain limits the punishment of Slaves, the callous inflexibility of the edict, rejecting all distinction between the most atrocious violation of the spirit of the law, and the most venial transgressions of its letter; and above all the appalling disproportion between the offence and its penalty. A lash illegally inflicted on the whitest freeman in England or the colonies, is expiated by a small fine, or at most, by a short imprisonment. But here, a like assault upon a Slave by his master, is to be punished by the forfeiture of at least one half of that master's fortune, however splendid it may be. As one, of perhaps a hundred fairly supposable cases of rank oppression and injustice, to result from the proposed regulations, a single female Slave, privileged, as she would be, from corporal punishment, would have only to inflict, privately, upon her own shoulders just severe enough to shew a perceptible mark of the violence, and charge her owner with the offence, and she might thereby not only procure her own emancipation, but that also of all her kindred, and of the entire gang to which she belonged, should it amount to thousands in number, and in value millions. The right of giving evidence in all other cases, is confined to Slaves duly instructed in the christian religion. But here, no manner of religious or moral qualification is required; no certificate of character, nothing but the lash on the back and a plausible tale in the mouth of the complainant. Let it also be remembered, that even in cases in which it should be afterwards made to appear, that the person convicted had been unjustly accused, and had been the innocent victim of fraud and perjury on the part of his accuser, still he would be altogether without remedy. Nearly every other sentence of the law is, for a time at least, under the wholesome control of the executive.

“ In this case the Slaves by the sentence itself, would at once become forfeited to the crown; or in other words, irreversibly manumitted. The property of the innocent and injured owner, once so lost, could never be restored; and thus from the very nature of his case, even the doors of royal mercy must of necessity remain shut against him for ever.—Neither is there any reservation in favour of the rights of joint proprietors, reversioners, entailed heirs, mortgagees, or creditors of any description: every consideration of the kind is utterly lost sight of, in the eagerness for emancipations too plainly manifested by those who have been unhappily permitted to advise this extraordinary measure.

“ And though the proceedings under the Bill would be somewhat less summary, and affect a little more regard to the rights of innocent persons, the power to do all the wrong anticipated is still vested in the same hands; a power that ought not to be vested in any hands, and still less in the hands of those who have shewn themselves on all occasions, of late, to act under the influence of opinions hostile to every principle of fair dealing between the mother country and her colonies on the subject of Slavery. In one part of the system, the framers of the projected code, guard studiously against manumissions by individuals, which are likely to be onerous to the community; but by the proposed enactments last commented on, Slaves of all descriptions, of merit and no merit, of good character and bad, old and young, feeble and strong, healthy and infirm, are to be thrown upon the public, by whole gangs, of hundreds perhaps at once, at the discretion of those who may happen to be, for the time, at the helm of state affairs in Great Britain.

“ The committee therefore recommend that the eight several Bills referred to above mentioned, be rejected. The committee further recommend it to the House, to direct a Bill or Bills to be brought in to amend the Consolidated Slave Act, and that the same shall contain clauses to the following effect, *viz.*—

“ A clause to further legalize and regulate the intermarriage of Slaves, and of Slaves with free persons of colour, whereby it may be lawful to solemnize such marriages, without the consent of the owners of such Slaves, when such consent is withheld without sufficient cause shewn to the satisfaction of two magistrates, with the right of appeal from the decision of the magistrates to the governor.

“ Also a clause further to confirm the present law of the colony, forbidding, under certain suitable penalties, the labour of Slaves on Sundays, except in cases of urgent necessity; to prevent all kind of public markets on that day, except a market for fresh meat, fish, fruit, milk, and vegetables, to be closed for the day, at nine o'clock in the forenoon; and to cause all stores and shops, for the sale of merchandise, as well as all retail liquor shops, to be shut from nine o'clock on Saturday night, until daylight on Monday morning, with an exception in favour of the sale of medicines for immediate use.

“ Also, a clause to confirm, by law, the right of Slaves to property, real and personal, (Slaves only excepted) and the acquirement thereof by purchase or inheritance: and to enable them to bring and defend suits by *prochain ami*, and under proper circumstances in *forma pauperis*, to provide for a bank or place of security, in which Slaves may deposit their monies, with such limitations and restrictions as may be necessary to prevent all dishonest acquisition of such monies by such Slaves.

“ Also a clause to further regulate the present prohibition of the separation of families under any circumstances, in the sale of Slaves, and declare all such sales void.

“ Also a clause to further prevent abuses in the punishment of Slaves, and to make it illegal to punish female Slaves by flogging except in private, or by sentence of some court of competent jurisdiction.

“ Also a clause to admit Slaves professing the Christian religion, and understanding the nature of an oath, to give evidence in all cases tried or to be tried by a jury, according to the course of the common law, or the provisions of any act of assembly of these islands; excepting only in *ex-officio* informations, and cases in which a question of freedom may be at issue, or implicated, directly or indirectly.

“ Also a clause authorizing the manumission of Slaves, having the means of purchasing their freedom, by compensating their owners for all losses sustained or to be sustained by such owners, by reason of such manumissions: that is to say, that the compensation is to be estimated, not merely by the probable market price of the Slave if exposed to sale as such, but with due regard also to any further remuneration that owners may shew themselves entitled to under the special circumstances of each case: and that the estimate shall, in disputed cases, be made by referees fairly chosen, and sworn to make their estimate on the above principle; and that the referees shall have power to award an immediate manumission, or, at their discretion, when it can be shewn that such immediate or any early manumission would seriously affect the interests of owners, to postpone the same according to circumstances, but in no case for more than one year.”

*The Report ordered to lie on the Table.*

(No. 10.) An Act to amend an Act, entitled “ An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes.”

WHEREAS it is expedient that an Act passed in the fourth year of his present Majesty's reign entitled “ An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes” should be amended: May it therefore please your Majesty, that it may be enacted, and be it enacted by his Honour William Vesey Munnings, Esquire, President and Commander-in-Chief; the Council and Assembly of your Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, so

Preamble, that the Act 4th Geo. IV. to amend, consolidate, and bring into one Act the Laws relating to Slaves, should be amended.

So much of the several Acts next hereinafter mentioned as relate to free blacks and free persons of colour suspended.

much of the several Acts next hereinafter mentioned as relates to free Blacks and free Persons of Colour, be and the same is hereby suspended for and during the continuance of this Act, that is to say, an Act passed in the seventh year of the reign of his late Majesty King George the Third, entitled, "An Act for governing Negroes, Mulattoes, and Indians," also one other Act, passed in the eighth year of his said late Majesty's Reign, entitled "An Act for suspending a Clause in an Act, entitled 'An Act for governing Negroes, Mulattoes, and Indians, and for amending the said Act, ' also one other Act passed in the twentieth year of his said late Majesty's reign, entitled, "An Act for suspending Parts of certain Clauses, and amending other Clauses in an Act entitled, 'an Act for governing Negroes, Mulattoes, and Indians,'" also one other Act passed in the year last aforesaid, entitled "An Act for governing Negroes, Mulattoes, Mustees, and Indians" and for suspending several Acts therein mentioned;" also one other Act passed in the same year last aforesaid, entitled "An Act to amend a Clause in an Act passed in the Seventh Year of his said late Majesty's Reign, entitled, 'An Act for governing Negroes, Mulattoes, and Indians;'" also one other Act passed in the twenty-fourth year of his said late Majesty's Reign entitled "An Act for governing Negroes, Mulattoes, Mustees, and Indians, and for suspending several Acts therein mentioned," also all and every Act and Acts, Clause and Clauses of Acts respecting the governing of Negroes, Mulattoes, Mustees, and Indians, which in and by the said last-recited Act, are or were thereby suspended during the continuance of the said Act; also one other Act passed in the thirty-seventh year of his said late Majesty's reign, entitled "An Act to consolidate and bring into one Act the several Laws relating to Slaves, and for giving them further Protection and Security, for altering the Mode of Trial of Slaves charged with capital Offences, for suspending the several Acts and Clauses of Acts therein mentioned, and for other Purposes."

No future manumission, gift, bequest, or conveyance of Slaves to be valid, unless by will nuncupative, or written, or by deed.

Proviso. Former manumissions not to be attested.

In such wills and deeds as are by this Section required, no particular form of words necessary.

Manumissions and conveyances of Slaves in fraud of creditors to be void.

Part the 3d. Section of the 4th Geo. IV. suspended, manumissions to be valid although the person manumitted be incapable of labour, the manumittor remaining liable for the maintenance of such person.

So much of the 18th Section of the said Act of 4th Geo.

2.—And be it further enacted that from and after the passing of this Act, no manumission, gift, sale, assignment, devise, bequest, or other conveyance of Slaves, shall be valid or effectual in law or equity unless by nuncupative or other last will and testament, duly executed and published according to law, or by deed of gift, deed of bargain and sale, or other instrument in writing, duly executed under seal or otherwise, attested by at least one literate, free, competent, and disinterested witness; all which wills, deeds, and other instruments of writing, shall and may be proved, recorded and dealt with in the proper court or office of this government, in manner and form, and to the same effect and under the same regulations as wills and deeds are proved, recorded and dealt with, according to law in other cases: Provided however, that nothing herein contained shall invalidate or in any manner affect any manumissions, gifts, sales, devises, bequests, or other conveyances of Slaves, granted or made at any time before the passing of this Act: and provided also, that in the wills and deeds and other instruments of writing as aforesaid hereinbefore required, no particular form of words shall be considered necessary, but the same shall be taken and understood, according to the true intent and meaning of the same, as therein written and expressed: and provided also, that all manumissions and conveyances of Slaves in fraud of creditors or others having a legal or equitable interest in the same, shall as heretofore be void, anything hereinbefore contained to the contrary notwithstanding.

3.—And be it further enacted that so much of the third section of the said first above-recited Act, to which this Act is an amendment, as declares void all manumissions, or intended manumissions of Slaves, by reason of such Slaves being rendered incapable of labour by sickness, age, or infirmity, be, and the same is hereby suspended during the continuance of this Act; the manumittors and their estates, however, being still liable for the keeping, maintenance and comfort of such manumitted Slaves, for their natural lives, in manner and form, under the regulations and penalties of the said Act, according to the substance and true intent and meaning of the same, and the several provisions thereof in that behalf.

4.—And be it further enacted, that so much of the eighteenth section of the said Act, to which this Act is an amendment, as authorizes or con-

powers, or is construed, or supposed to authorize or empower the keeper of any jail, or the supervisor of any workhouse, to inflict any manner of corporal punishment on Slaves committed to their custody without authority from the owners or employers of such Slaves or other lawful representatives of such owners or employers, or of some court or magistrate having competent jurisdiction in the premises, be, and the same is hereby suspended for, and during the continuance of this Act: Provided, however, that the keepers of jails or workhouses shall not be hereby precluded from placing refractory prisoners in close confinement, or otherwise under lawful restraint, so far as the same may be temporarily necessary for the maintenance of discipline in such jails or workhouses.

5.—And be it further enacted, that whensoever any Slave or alleged Slave shall be arrested, or lodged in jail, except by or under the authority, directly or indirectly, of the owner of such alleged Slave, on a charge, or under a suspicion of being a runaway Slave, such alleged runaway shall be, as soon as it may conveniently be done, taken by the person arresting such alleged runaway, or the keeper of such jail, before a magistrate for examination, which magistrate shall thereupon, upon due inquiry into the circumstances of the case, either commit the prisoner to jail as a Slave to be claimed, or otherwise dispose of him or her according to law: Provided however, that no such commitment on that account shall be for a longer space of time than one year, and if on the expiration of that year the prisoner, after having been duly advertised, as in and by the provisions of the said first-above recited Act is required, shall be again taken as before to a magistrate, and by him discharged from custody, or otherwise dealt with according to law, and so much of the said Act as directs that the prisoner, if not claimed as a Slave by his or her owner or owners, within the year as aforesaid, shall be sold as a Slave, shall be and the same is suspended for and during the continuance of this Act.

6.—And be it further enacted, that any person of free condition, who shall knowingly aid, abet, or in any manner assist in harbouring or concealing any runaway Slave or Slaves, or in their deserting and going off these islands to another, shall be guilty of a misdemeanour, and on conviction thereof shall suffer fine or imprisonment, or both, at the discretion of the court in which the offender shall be tried, and also further imprisonment until such fine shall be paid: Provided however, that the governor or commander-in-chief for the time being, may with the advice and consent of his Majesty's council, in and for these islands, with the assent of the convicted offender, commute the imprisonment in either case to banishment for life from these islands, but at the sole proper charge and expense of such offender, and in such manner and on such conditions as to the time within which such offender shall depart, as the governor or commander-in-chief shall designate or appoint; and should such offender not so depart within the time so limited or appointed, or after having departed, shall be again found at large within the limits of this government, such offender shall, on conviction thereof, be sentenced to imprisonment for life: Provided however that in case of unavoidable accident, or necessity, the governor or commander-in-chief may enlarge at discretion the time for the departure of any such offender as aforesaid, and all Slaves guilty of like offences as last aforesaid, shall, on conviction thereof, be punished by flogging, and receive not more than two hundred nor less than fifty stripes, on the bare back, at the discretion of the court before whom they shall be tried; and so much of the thirtieth, fifty-third, and fifty-fourth sections of the said first above recited Act, to which this Act is an amendment, and of any other provisions of the same, as in any manner contravene, or are inconsistent with the several last mentioned provisions of this Act as aforesaid, touching the punishment of free persons or Slaves, harbouring runaways, or assisting them in desertion, be, and the same are hereby suspended, during the continuance of this Act: Provided, however, that nothing in this Act contained shall in any manner preclude any person or persons, injured by desertion of Slaves, from any action of damages which he, she, or they might otherwise lawfully have against him, her, or them who shall have so harboured such runaways, or assisted them in their desertion as aforesaid.

IV. suspended as empowered a jailer or workhouse-keeper to inflict corporal punishment on Slaves without the consent of the owner, &c.

Proviso. That refractory Slaves may be put in close confinement.

How Slaves are to be dealt with who are arrested or lodged in jail under a charge or suspicion of being runaways.

And so much of said Act 4th Geo. IV. as directs them to be sold if not claimed within a year, suspended.

Punishment of persons of free condition who shall knowingly aid, abet, harbour, and conceal a runaway Slave.

Punishment of Slaves for the like offence.

And so much of the 30th, 53d, and 54th Sections of said Act 4th Geo. IV. as contravenes the Provisions of this Section is suspended.

**Punishment of free Negroes, Mulattoes, Mustees, Indians, or other free persons of colour, for using threats of unlawful violence, or any scandalous or abusive language to a white person.**

**Trial before two magistrates in New Providence, or before one magistrate and two freeholders on any other island.**

**Fine not more than twenty pounds. Imprisonment not to exceed six months.**

**Punishment of Slaves for the like offence.**

7.—And be it further enacted, that if any free Negro, Mulatto, Mustee, Indian, or other person of colour, shall use any threats of unlawful violence or injury, or any scandalous or other abusive language, to any white person or persons, such free Negro, Mulatto, Mustee, Indian, or other person of colour, shall and may on complaint, under oath of the party menaced or insulted, be lawfully tried for the same before any two or more magistrates, on the Island of New Providence, and before any one magistrate and two white freeholders, on any other island, and on confession or conviction thereof, be, by the said magistrates, or magistrate and freeholders, fined in a sum not more than twenty pounds of lawful money of these islands, and by them committed to jail or other place of confinement until such fine is paid, provided such confinement shall not exceed the term of six months; and if any Slave shall be in like manner convicted before two magistrates of any like offence, as last aforesaid, such Slave shall be punished by whipping, and to receive not more than fifty lashes.

**Punishment of Slaves. The use of the whip, cat, or other like instrument for the purpose of coercing Slaves to labour in the field or about any salt pond, declared unlawful.**

8.—And be it further enacted by the authority aforesaid, that it is and shall henceforth be unlawful for any person or persons within the said Bahama Islands, to use any whip, cat, or other instrument of the like nature, while superintending the labour of any Slave or Slaves in or upon the field of any plantation, or at or about any salt pond within the said islands, for the purpose of impelling or coercing any Slave or Slaves to perform labour of any kind or nature whatsoever; and in case any person or persons, contrary to the provisions of this Act, shall use any whip, cat, or other instrument as aforesaid, while superintending the labour of any Slave or Slaves, in or upon the field of any such plantation, or at or about any such salt pond, for the purpose of impelling or coercing any Slave or Slaves to perform labour of any kind or nature whatsoever, then, and in every such case, the person or persons so offending, and each and every the person or persons thereunto directing, authorizing, instigating, or procuring or aiding, assisting or abetting, shall be deemed guilty of a misdemeanour.

**Persons offending guilty of a misdemeanour. It is declared unlawful for any person hereafter to inflict on any Slave, in any one day, for any offence, &c., more than thirty-nine lashes, or to whip any Slave unless he shall be free from any laceration occasioned by former whipping. And the owner, or other person authorizing the punishment, must be present and witness the whole of the punishment.**

9th.—And be it further enacted by the authority aforesaid, that it is, and henceforth shall be unlawful for any person or persons within these said islands to inflict in any one day, upon any Slave, for any offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding thirty-nine in the whole, or to inflict upon any such Slave any punishment or correction, by the whipping, scourging, or beating of his person, unless the person of such Slave shall, at the time of such punishment or correction, be free from any laceration occasioned by any previous whipping, scourging, or beating, or to inflict upon any such Slave any such punishment or correction as aforesaid, unless the owner or other person by whose authority the punishment is inflicted shall be present at and witness the infliction of the whole of such punishment; and in case any person or persons, contrary to the provisions of this Act, shall inflict in any one day, upon any one Slave, for any offence, or upon any ground, or for any reason whatsoever, any number of stripes or lashes exceeding thirty-nine in the whole, or shall whip, scourge; or beat any such Slave at any time, when there may be upon his person any laceration, occasioned by any former whipping, scourging or beating, or shall inflict upon any Slave any such punishment or correction as aforesaid, without the presence and attendance during the whole of such punishment, of the owner or other person by whose authority such punishment is inflicted, then, and in every such case, the person or persons so offending, and such and every the person or persons thereunto directing, authorizing, instigating or procuring, or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour: Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to any punishment or punishments which may be inflicted upon any such Slave, under or by virtue of any sentence or judgment of any magistrate or magistrates, or other court of competent jurisdiction: Provided also, that nothing herein contained shall extend, or be construed to extend, to require the presence of the owner or other person by whose authority the punishment is inflicted, when the same shall be inflicted by the keeper of a jail or supervisor of a workhouse.

**Persons offending guilty of a misdemeanour. Proviso. That nothing herein contained shall extend to any punishment inflicted by any court or magistrate. Proviso. The owner need not be present when the punishment is inflicted by a jailer or workhouse keeper.**

No female Slave shall

10.—And be it further enacted by the authority aforesaid, that it is



and henceforth shall be unlawful to correct or punish by whipping or flogging any female Slave within the said islands, for any offence committed by any such Slave, in the presence of any male person, excepting only the owner, or owners of such Slaves or others, by whose authority such punishment is inflicted, and the persons actually inflicting the same; and if any person or persons within the said islands shall whip, flog, or correct any such female Slave otherwise than as aforesaid, then, and in every such case, the person or persons so offending, and each and every person or persons thereunto directing, authorizing, mitigating, or procuring or aiding, or assisting, or abetting, shall be deemed guilty of a misdemeanour.

hereafter be stripped in the presence of any male person except the owner, &c.

Persons offending guilty of a misdemeanour.

11.—And be it further enacted by the authority aforesaid, that if any Slave shall hereafter commit any offence within the said islands, which by the law or laws now in force there, are punishable by whipping or flogging, it shall and may be lawful for the owner, manager, or other person or persons in charge of any such offending Slave, at the discretion of any such owner, manager, or other persons in charge as aforesaid, to commute the punishment of flogging, for one or other of the punishments or modes of punishment hereinafter mentioned, that is to say, first, by solitary confinement with or without work, in any fit and proper place, on any plantation or estate or elsewhere within the said islands: Provided that no such solitary confinement shall continue for any greater period, or be of longer duration than fourteen days at a time for any one offence, and that no such Slave shall be subjected to any punishment by solitary confinement more than twenty-one days in any one calendar month: Secondly, by field stocks for confinement of the hands: Provided that the said period of any such confinement shall not at any one time exceed six hours, and shall not be repeated a second time, until twenty-four hours between the time of any such repetition, and the termination of any such previous punishment: Thirdly, by horse stocks for the hands and feet, or either of them, with or without seats during any period of the day: Provided that the period of any such confinement shall not exceed four hours for any one offence, and that no such punishment shall be repeated twice within the period of twelve hours: Fourthly, by bed stocks for the confinement of the feet during the night: Provided that no such punishment shall be repeated within the period of twelve hours: Fifthly, by distinguishing dresses to be used either with or without the stocks: Provided that such punishment be not continued for any longer period than ten days for any one offence, and that the same be not repeated within one week between the time of any such repetition and the termination of any such previous punishment.

The punishment of Slaves by flogging may be commuted for any of the modes of punishment after mentioned.

1st. Solitary confinement with or without work.

2d. By field stocks.

3d. By horse stocks.

4th. By bed stocks.

5th. By distinguishing dresses.

The duration of the punishment, and the interval before the repetition of it defined.

12.—And be it further enacted by the authority aforesaid, that if any person or persons shall repeat any such punishment as aforesaid, at an earlier period than is hereby allowed, or shall continue any such punishment beyond the period of duration for that purpose herein prescribed and limited, or shall use any stocks for the purpose of punishment in any such manner as to affect the health of the Slave confined therein, or to inflict any permanent injury on his or her person; or shall fail to supply the Slave undergoing any such punishment, where the same shall continue for more than twelve hours, with a proper quantity of prepared farinaceous food, and with a proper supply of water, or who shall punish any woman, known or supposed by him to be pregnant, by solitary confinement, or by any stocks applied in such a manner as to produce the risk of a miscarriage, then, and in every such case, the person or persons so offending, and each and every the person or persons thereunto directing, authorizing, instigating, or procuring, or aiding, assisting, or abetting, shall be deemed guilty of a misdemeanour.

Persons violating the provisions of the last, as more fully explained in this section, shall be guilty of a misdemeanour.

13.—And whereas the improvement which has been for several years past in progress in the moral condition of the Slave population of these islands, renders it at this time safe and expedient to admit Slaves with certain exceptions, and under certain restrictions to give evidence in cases, civil and criminal: Be it further enacted by the authority aforesaid, that from and after the passing of this Act, all Slaves not being natives of Africa who shall have resided in this colony five years and upwards, and who shall have been sufficiently instructed in the Christian religion to under-

Evidence of Slaves. Slaves admitted to give evidence with certain exceptions and under certain restrictions, in civil and criminal cases.

Must not be natives of Africa, must have resided five years in the colony, and under-



stand the nature and obligation of an oath. Admitted as witnesses in all civil cases (except, &c.) in the civil courts and before all magistrates.

In criminal cases (except, &c.) prosecuted by way of indictment according to the common law.

Proviso.  
Not to give evidence on prosecution of free persons by way of libel or other proceeding in cases of penalty, &c., where the facts may be tried otherwise than by a jury.

Nor any *ex-officio* information although the facts may be tried by a jury.

Clergymen of the established church of England, and ministers of the kirk of Scotland, authorized to grant certificates of competency to Slaves by name and description.

To be registered by the clerk of the crown, his fee 2s. currency to be paid by the colony.

Proviso.  
Notwithstanding such certificate of competency, Slaves may be examined on their *voir dire* as to their religious instruction and capacity.

The person by whom a Slave is produced as a witness, must also produce to the court a certificate that such proposed witness is registered. This certificate to be given gratis.

Proviso.  
A Slave not admitted to give evidence against a white person charged or prosecuted for an offence punishable with death, nor against his owner in any criminal prosecution whatever.

stand the nature and obligation of an oath to be certified as is hereinafter set forth, shall, during the continuance of this Act and no longer, be admitted as witnesses in all civil cases (except as is hereinafter excepted) in the several courts of these islands, and before all magistrates and other authorities legally competent to administer oaths: and also in like manner in all criminal cases (except as is hereinafter excepted) prosecuted or to be prosecuted by way of indictment according to the course of the common law; it being hereby provided, and it is hereby further enacted, that no Slave shall under any pretence be admitted to give evidence in the prosecution of free persons by way of libel, plaint or other proceedings at law in cases of penalty or forfeiture or otherwise, on any account whatsoever, when the facts of the same are tried or liable to be tried otherwise than by trial by jury according to the usual course of the common law, or some Act or Acts of the General Assembly of these islands; neither shall any Slave be admitted to give evidence in the prosecution of free persons by way of information *ex officio*, or otherwise in any court of law or equity, even in cases in which the parts of the case may be tried by a jury.

14.—And be it further enacted by the authority aforesaid, that from and after the passing of this Act, every clergyman of the established church of England, and every minister of the kirk of Scotland, shall be and he is hereby authorized to transmit and deliver under his hand to the clerk of the crown, certificates setting forth the names or name and places or place of abode of any Slaves or Slave, together with the name or names of the owner or owners, and the colour and probable age of each, who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath; and the said clerk of the crown to whom any such certificates shall have been so transmitted or delivered, shall forthwith register the same in a book to be kept by him for that purpose, stating therein the date of every such certificate, and the name and place of abode of the person by whom the same may have been granted, together with the name or names of the owner or owners, and the colour, size, and probable age of each and every Slave mentioned and included therein, and for every such certificate so registered by the clerk of the crown he shall be entitled to the sum of two shillings to be paid to him quarterly by warrant of the governor or commander in chief in council on the treasurer of the colony, in the same manner as other quarterly accounts against the public are usually rendered and paid: Provided always, that nothing herein contained shall be held or in any manner construed to prevent any competent magistrate or jury from examining any witness on his *voir dire* or otherwise, as to his or her religious instruction and capacity to understand the nature and obligation of an oath, and decide accordingly as to the competency or credibility, as the case may be, of all such witnesses, any such certificates as aforesaid to the contrary notwithstanding.

15.—And be it further enacted by the authority aforesaid, that no person shall henceforth be rejected as a witness, or be considered incompetent to give evidence in any court of civil or criminal justice within the said Bahama Islands, in any case or cases in which Slaves shall be competent to give evidence in pursuance of the provisions of this or any other Act of the General Assembly of these islands, and not otherwise, by reason of his or her being in a state of Slavery, if the person or persons by whom such Slave may be produced and tendered as a witness, shall also produce and exhibit to the court a certificate under the hand of the said clerk of the crown, that such proposed witness is registered in the before-mentioned book; and the said clerk of the crown shall, and he is hereby required to grant without fee or reward to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered in the said book: Provided always, that no person being in a state of Slavery shall be admitted to give evidence in any case wherein a white person may be charged with, or prosecuted for any offence punishable with death, or against the owner or owners of such Slave or Slaves, in any common prosecution whatsoever: Provided also, that nothing herein contained shall extend, or be construed to extend, to render any Slave a

competent witness in the law in any case in which such Slave would be incompetent to give evidence if he or she were a white person, or to depart, take away from, or diminish any power or authority which any court of criminal justice within the said islands now already hath, to admit in any case the evidence of persons being in a state of Slavery.

This Act not to render a Slave competent witness in any case in which he would be incompetent if a white person, nor to diminish the power which any court already hath, to admit in any case the evidence of a Slave.

16.—Provided nevertheless, and be it further enacted by the authority aforesaid, that no Slave to be admitted as a witness, under and by virtue of this Act, shall be allowed to give evidence of any fact whatsoever, which may have been committed, or alleged to have been committed, or to have taken place, in any manner whatsoever at any time previous to the date of the registration of his or her competency with the clerk of the crown as aforesaid, anything herein contained to the contrary notwithstanding.

Slaves not to give evidence of any fact committed previously to the registration of their competency.

17.—And be it further enacted by the authority aforesaid, that no Slave shall on any account, or under any pretext, or on any pretence whatsoever, in any cause, civil or criminal, or any proceedings in or concerning the same in any court of law or equity, or before any magistrate or other authority lawfully competent to administer oaths, be admitted to give any manner of evidence, either by way of affidavit, deposition, declaration, or examination under oath or otherwise, of any fact or circumstance whatsoever, either directly, indirectly, or by implication, incidently or in any manner whatsoever, touching any right or claim, or supposed right or claim of any Slave or Slaves, or asserted Slave or Slaves to be or become free, or in any manner exempt from his, her, or their obligation of servitude, or asserted obligation of servitude to the owner or owners, or asserted owner or owners of such Slave or Slaves, or in any manner to affect the full and complete right, title, claim and authority of such owner or owners, or asserted owner or owners, into, or over such Slave or Slaves as such; and should any such forbidden evidence as aforesaid, be through ignorance, inadvertency, or otherwise, in any manner admitted or taken as aforesaid, contrary to the foregoing provisions of this Act, and the true intent and meaning thereof, all such evidence shall be, and be held and considered as illegal and of none effect whatsoever.

Nor in any case directly or indirectly touching the claim of any Slave to freedom.

18.—And be it further enacted by the authority aforesaid, that Slaves shall not under any circumstances be competent witnesses to attest or prove the execution of any deed, or other instrument of writing, or the making and publishing of any last will and testament, or document at any time intended for such manumitting or relating to the manumission of any Slave or Slaves, whether with or without conditions, limitations, or restrictions, or in any manner whatsoever, or conveying, bequeathing, assigning, transferring, or disposing of any Slave or Slaves, or in any manner affecting the right, title, interest or property of any person or persons whatsoever, in or to the same: Provided however, that Slaves duly qualified to give evidence as aforesaid, if sufficiently literate to read and write, shall be competent to attest and prove the execution of all other deeds, wills, and instruments of writing: And provided also, that the attestation of any such last-mentioned instruments by a Slave duly qualified to give evidence as aforesaid shall be, and be held good and valid in law as to such part or parts of the said last-mentioned instruments, as shall not in any manner relate to the manumission of, or other disposition of property in Slaves: And provided also, that nothing hereinbefore contained shall be held, construed, or understood in any manner to prevent Slaves duly qualified as aforesaid, from being competent to give evidence in any matters concerning the right, title, and interest of other Slaves, in and to any goods or effects, real or personal, debts, covenants, or promises, or offences, or injuries committed by or against the person or property of a Slave, wherein no question of freedom, or one touching the property of any free person in Slaves, shall be directly or indirectly involved.

Nor shall a Slave be a competent witness to prove the execution of any deed or writing, or any will intended for the manumission of a Slave, or conveying or bequeathing Slaves.

**Proviso.**

That Slaves duly qualified to give evidence, if sufficiently literate to read and write, may attest and prove other deeds and wills.

And the attestation of a Slave to any such last-mentioned instruments shall be valid as to such parts of them as do not relate to the manumission, or disposition of property in a Slave.

And Slaves duly qualified may give evidence concerning the right of Slaves to goods, or effects, or real estate, debts, covenants, promises, or offences, wherein no question of freedom, or one touching the property of any free person in Slaves, shall be directly or indirectly involved.

19.—And be it further enacted by the authority aforesaid, that the evidence of Slaves duly qualified as aforesaid, shall (except in the several cases hereinafter excepted, or concerning which provision is otherwise made in and by this Act) be admitted under oath received, taken and acted on in the same

The evidence of Slaves (duly qualified) shall, except as hereinafter excepted, be received and taken under oath as the

evidence of others is taken, and subject to the same rules, except that no Slave shall be examined *debene esse*, or otherwise than *vivâ voce* in open court.

Perjury and subornation of perjury, how punished.

To remove the doubts of conscientious persons.

Reciting the Act for granting a further extension of privileges to certain free persons of colour, and the proviso therein contained, and in this section set forth, and that it is expedient to amend such proviso.

manner and to the same effect in all respects, as the evidence of others is now or may be admitted and taken in similar cases, and subject to the same rules of law and practice, except that no Slave shall be in any case examined *debene esse* in any cause by commission, or rule of court, or otherwise than *vivâ voce* in open court: Provided however, that when any Slave admitted to give evidence (whether in fact qualified according to the provisions of this Act or not,) shall on any occasion commit wilful and corrupt perjury, or if any Slave shall be guilty of subornation of perjury in or touching any causes, trials, or other proceedings in the General Court, or Court of Admiralty Sessions, or in any affidavit, examinations, or other proceedings before magistrates, coroners, or other authorities, in which suits or prosecutions in the General Court, or Court of Admiralty Sessions are usually grounded, the parties charged with such perjury, or subornation of perjury, shall be tried for the same in the said General Court, but in all other cases of perjury, or subornation of perjury by Slaves or others, liable to be tried in Slave Courts according to the form and effect of the Act of Assembly already in such case made and provided; and on the conviction of every Slave as aforesaid, either in the General Court, or other court of competent jurisdiction in the premises, of wilful and corrupt perjury, or subornation of perjury, the party convicted shall be forthwith punished with not more than one hundred nor less than fifty lashes, publicly inflicted on the bare back, and shall be conspicuously and indelibly branded by a hot iron brand in the middle of the forehead or cheek with the letter P, of at least one inch and three quarters of an inch in length, and shall further be and remain utterly disqualified for giving evidence, or deposing under oath in any case or legal proceedings whatsoever, for ever afterwards.

20.—And whereas doubts have been entertained by sundry conscientious persons within these islands, whether the evidence of any one or more competent witnesses, when not contradicted or impugned by other evidence, is not legally entitled to full faith and credit, notwithstanding that the court and jury may have good cause to question the veracity of the witnesses on the truth of their statements: *And whereas*, on that account, objections have been taken to the admission of Slave evidence altogether, and it is therefore expedient that all such doubts should be removed: Be it further enacted and declared by the authority aforesaid, that whensoever any witnesses whatsoever, white, black, or coloured, free, or Slaves, are examined as witnesses by or before any court, judge, or judges, magistrate, or magistrates, or other lawful authority in this behalf, or by or before any grand, special, or petit jury, or inquest, of whatsoever nature such inquest shall or may be, it shall and may be competent for all such courts, judges, magistrates, and other authorities aforesaid, and for all such juries, to discredit and reject either wholly or in part, the evidence of all such witnesses, although the same shall not have been actually contradicted or impugned by other evidence at the same trial, investigation, or inquiry, whensoever from the notorious bad character, or obvious ignorance or incapacity of any witness so examined, the great improbability of the truth of the witness's statements, the inconsistency of such statements on comparison of one part of the same with another, or any fair ground of violent presumption that the testimony of the witness is given under the influence of vindictive or dishonest motives, or any direct though latent interest in the cause,—credence shall and may be conscientiously refused to the evidence in question.

21.—And whereas, in and by an Act passed in the fourth year of his Majesty's reign, entitled "An Act for granting a further Extension of Privileges to certain free Persons of Colour in certain Cases" it is enacted that all creole Negroes, Mulattoes, and other persons of colour born within these islands, or elsewhere, although not free at the time of their birth, but who shall have been lawfully manumitted by bequest, deed of gift, or otherwise, and who shall have actually and *bonâ fide* enjoyed a state of freedom for the space of five years at least, within these islands, and professing the Christian religion, shall be admitted to all the rights, privileges and immunities of persons of colour born free, within these islands, within the intent and meaning of this (the last above recited) Act; provided however that

no such manumitted person or persons shall be allowed to give evidence of any treason, felony, misdemeanour, or other offence against the peace or trespasses with force, which may or shall have been committed, or alleged to have been committed, previous to their emancipation; and whereas it is expedient that the said proviso should be amended: Be it further enacted by the authority aforesaid, that all manumitted Slaves who while in a state of Slavery shall have been duly registered under the provisions of this Act in the office of the clerk of the crown as competent witnesses shall be allowed to give evidence as to any fact or facts committed, or alleged to have been committed, or to have or in any manner taken place subsequent to the date of their said registration, anything in the said last above recited Act to the contrary notwithstanding. Provided however that such manumitted Slave shall not be competent to prove any fact or facts which shall have been, or alleged to have been, committed or to have taken place in any manner whatsoever, at any time between his or her registration of competency as aforesaid, and his or her emancipation, which shall or may bear in any manner directly, or indirectly, on any question as to the freedom or right to freedom of any Slave, or asserted Slave, or affect the life of any white person, or the person, liberty, or property of his or her late owner or owners in any criminal prosecution whatsoever.

It is enacted that all manumitted persons who while Slaves shall have been duly registered under this Act shall be allowed to give evidence of any fact committed subsequently to their registration.

But not any question of freedom of a Slave, not in any case affecting the life of a white person, or the person, liberty, or property of his former owner in any criminal prosecution.

22.—Provided, however, and be it further enacted by the authority aforesaid, that no writ of *subpœna ad testificandum*, or other process of like nature, shall be issued out of any court, or by any magistrate or other authority, to be addressed to or served upon any Slave or Slaves whatsoever, in any case, civil or criminal, or in any manner whatsoever, and the issuing or service of any such writ or process shall be, and be held void, and of none effect to all intents and purposes whatsoever, anything in this Act before contained to the contrary notwithstanding; but when the evidence of any Slave or Slaves shall, or may be on any occasion lawfully required, the court in or magistrate or other authority before which such evidence shall or may be so required, shall have authority to issue a writ or process in the nature of a *habeas corpus ad testificandum*, to be addressed to the owner, employers, or others, having actual possession or charge of such Slave or Slaves, commanding the said owners or others as aforesaid, to produce the body or bodies of such Slave or Slaves, naming them particularly, and designating their place of abode, and the name or names of the owner or owners, and the colour, sex, and probable age of such Slave or Slaves, according to their registration respectively in the office of the clerk of the crown as aforesaid, in pursuance of this or any other Act of assembly, in such case made and provided, at a certain time and place to be therein appointed, before such court, magistrate, or other authority as aforesaid, to give evidence as aforesaid, and the names and descriptions as aforesaid, of any number of Slaves being actually the property of or under the charge of the same person or persons, shall and may be included in the same writ or process of *habeas corpus* as aforesaid; and in case of refusal or neglect to obey any such last mentioned writ or process aforesaid, those who shall so refuse or neglect to obey the same, shall be liable to all and singular the same pains and penalties, suits and actions, as parties in contempt being free persons, for disobedience to a *subpœna ad testificandum* addressed to themselves by the said courts, magistrates, or other authorities as aforesaid respectively are, or would be liable to, and in the same manner and form, and to the same effect in every respect whatsoever, and for each and every Slave so to be produced in obedience to any writ or process of *habeas corpus* as aforesaid herein provided for, the owners or others having charge of such Slave or Slaves shall be entitled to receive from the party requiring the evidence of such Slave or Slaves, or from the public, when such evidence shall or may be required on the part of the crown, in any criminal prosecution, the same allowance in all respects for travelling expenses and subsistence, as are and may be lawfully demanded by free persons subpoenaed to give evidence in like cases: Provided, however, that in all civil cases, no writ or process of *habeas corpus* as aforesaid, shall be issued as aforesaid, commanding the production of any Slave or Slaves as witnesses as aforesaid, until after the party applying for such last mentioned writ or process shall have made affidavit, or cause the same to be made by some one or

No *subpœna ad testificandum* shall be served on any Slave, but when the evidence of a Slave is required, the mode of proceeding to obtain it is pointed out in this section.

more competent and credible person or persons before the court, or some judge thereof, or the magistrate or other authority aforesaid, before which such Slave or Slaves is or are about to be required to be produced for the purposes aforesaid, stating under oath that the evidence of such Slave or Slaves is absolutely material in the cause or matter in which such Slave or Slaves is or are to be examined, and that the party applicant does not require the production as aforesaid, of more than two of the said Slaves, to any point at issue in the said cause or matter in which they are to be examined as aforesaid, or any one or more Slaves to any point, matter, or thing concerning which such Slave or Slaves shall be legally incompetent to testify or give evidence, according to the provisions of this Act, or of any other Act of the General Assembly of these islands, or of the practice of the courts of these islands, all which affidavits shall in the General Court be made according to the form and effect of the blank form unto this Act annexed, and in all other courts, and before all magistrates and other authorities aforesaid, the same in substance, and as nearly as may be, in form also, changing only what it may be necessary to change, so as to suit the style and practice of such other courts and authorities aforesaid respectively; and when any person or persons, shall in any such affidavit as aforesaid, wilfully depose to any statements therein knowing the same to be false, or not knowing the same to be true, he, she, or they shall be held guilty of wilful and corrupt perjury, and he, she, or they, and any person or persons who shall suborn another or others, so to commit wilful perjury as aforesaid, in any such affidavit as aforesaid, shall be liable to prosecution and punishment for wilful and corrupt perjury, or subornation of perjury, (as the case may be,) as is hereinbefore provided in such cases. And provided also that in such cases of criminal prosecution at the suit of the crown, such writ or process of *habeas corpus* as aforesaid, shall be issued only by the especial fiat of some judge, magistrate, or authority aforesaid, and shall require the production only of such Slave or Slaves, the materiality or probable materiality of whose evidence shall distinctly appear in and by one or more of the affidavits or examinations already taken in or concerning the same matter: Provided however, that nothing herein contained shall be taken, or in any manner understood, to prevent criminal prosecutions from originating in or being grounded on the voluntary affidavits or examinations of Slaves under oath, in all cases in which they may be competent witnesses according to the provisions of this Act.

**Proviso.**  
In cases wherein Slaves are competent witnesses, criminal prosecutions may be grounded on their voluntary affidavits.

Owners of Slave when producing them to give evidence under *habeas corpus* to be allowed a reasonable compensation, to be awarded by court or magistrate.

23.—And be it further enacted by the authority aforesaid, that whenever owners or others in actual charge of any Slave or Slaves shall be served with any writ or process of *habeas corpus* aforesaid, requiring the production of any such Slave or Slaves, for the purposes aforesaid, or any of them, and the said owners or others in charge as aforesaid, shall attend in person with the said Slave or Slaves, in order to produce the same as aforesaid, or shall employ others to produce the same as aforesaid, there shall be allowed to such owners or others as aforesaid, so employed in producing the said Slave or Slaves, such reasonable compensation as the court, magistrate, or other authority as aforesaid may award for their expenses and trouble in conducting such Slave or Slaves to such court, magistrate, or other authority as aforesaid, there producing the said Slave or Slaves for the purposes aforesaid, and reconducting such Slave or Slaves to his, her, or their places of employment, to be paid by the parties respectively requiring the testimony of such Slaves, or the public, as hereinbefore provided in prosecutions on the part of the crown, all which compensations and expenses last aforesaid shall in all civil cases be taxed with other costs against the parties, eventually liable to pay the same, unless when it shall appear to the court that a needless expense has been incurred through malice, wantonness, or folly, in requiring the production of unnecessary Slave witnesses, in which cases all such needless expenses shall be taxed only against the party which shall so have incurred the same.

Slaves required to give evidence, shall upon the issuing of any such *habeas corpus* remain in the exclusive charge of their owners.

24.—And be it further enacted by the authority aforesaid, that from and after the issuing of any such writ or process of *habeas corpus* as aforesaid, the Slaves therein named, shall nevertheless be and continue, and be considered as being wholly and exclusively in the charge, custody, and keeping of their owners or others acting directly or indirectly under the authority

of such owners, or their lawful personal representatives, excepting only while such Slaves shall be actually under examination before any such court, magistrate, or other authority as aforesaid, during which time, and no longer, the said Slaves shall be held and considered subject exclusively to the authority and under the immediate protection of such court, magistrate, or authority aforesaid, anything in this Act contained to the contrary notwithstanding: Provided however, that in all cases of prosecution for treason, felony, or breach of the peace, it shall and may be lawful for all judges, magistrates, and coroners to commit to safe custody, for the purpose of being produced and examined as witnesses in such prosecutions, any Slave or Slaves, who on their confession, or the evidence of others under oath, shall and may be considered material and legal witnesses on the part of such prosecutions, unless the owners of such Slaves or others duly qualified on their behalf, shall enter into recognizance conditioned for the production of such witnesses at the trial of such prosecutions in like manner as recognizances are or may be by law required, conditioned for the appearance of witnesses in like cases.

Except when actually under examination.

Proviso.

That Slaves to be examined as witnesses in treason, felony, &c., may be committed to custody unless their owners enter into recognizance for their appearance.

25.—And be it further enacted, that the costs and charges be allowed upon any such writ or *habeas corpus ad testificandum* as aforesaid, and the service thereof shall be the same in all respects, as those chargeable by law on a writ of *subpœna ad testificandum* and no more.

Costs and charges on the *habeas corpus* regulated.

26.—And be it further enacted by the authority aforesaid, that from and after the passing of this Act, so much and such parts of the above-recited Act, to which this Act is an amendment, as relate to marriages between Slaves, and between Slaves and persons of free condition be, and the same are hereby declared to be, suspended during the continuance of this Act.

Marriages of Slaves. So much of the Act (4 Geo. IV.) to which this Act is an amendment, as relates to marriages between Slaves and persons of free condition, is hereby suspended.

27.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for Slaves, by and with the consent of their owner or owners, and not otherwise, to intermarry with Slaves, and with persons of free condition in manner and form and to the same effect and according to the same laws, restrictions, and provisions canonical and civil, as marriages are now or may be solemnized between free white persons in these islands, with the exception that a permission or consent in writing of the owner or owners of such Slave or Slaves so to intermarry, shall supersede the necessity in any publication of banns or other license whatsoever: Provided that such permission shall be delivered under the hand or hands of such owner or owners, to the officiating minister, or magistrate, or other person authorized to solemnize such marriages, at least fourteen days before the solemnization of any such Slave marriages, and that the same shall be solemnized on a Sunday, in the usual public manner, and in some church or public place of religious worship, when there shall be such within a reasonable distance of the residence of the parties to be so married, between the hours of eight in the morning and twelve at noon.

Marriages of Slaves. Slaves may lawfully intermarry with Slaves, or with persons of free condition, with the consent of their owners, and not otherwise, in the same manner as free white persons, except that the consent of the owner shall supersede the necessity of banns or license.

The permission of the owner to be in writing, when to be delivered to minister, &c., and how and where such Slave marriages shall be solemnized.

28.—And be it further enacted by the authority aforesaid, that in and by virtue of every permission or consent of the owner or owners of such Slave or Slaves as aforesaid, any clergyman of the established church of England and Ireland, or any minister of the kirk of Scotland, or any public teacher of religion within the said islands being a free white person and carrying on there no other business, profession or occupation with a view to profit, except that of a schoolmaster, (or in case there shall be no such clergyman, minister, or public teacher of religion on the island or quay whereat such marriage is to be celebrated, then any justice of the peace there) shall be authorized to solemnize the marriage of such Slaves or of such Slave and free person: Provided always that no such public teacher of religion (not being a clergyman of the church of England, or a minister of the kirk of Scotland) shall be so authorized to solemnize any such marriage, unless the governor or commander in chief for the time being shall have first granted to such public teacher, a written license to celebrate marriages, nor unless such license shall have been duly registered in the proper office of this government, and shall continue to be in force at the time of his being so authorized to solemnize any such marriage.

After the permission of the owner obtained, by what minister or other person the marriage may be solemnized.

By justice of peace if no clergyman.

In what case the person solemnizing the marriage must be authorized to do so by the governor's license continuing in force.

29.—And be it further enacted by the authority aforesaid, that it shall and may be lawful for any such clergyman, minister, public teacher, or



justice aforesaid, upon and after the receipt of any such permission aforesaid, forthwith to solemnize any such marriage as aforesaid, and the same when solemnized, shall be to all intents, constructions, and purposes whatsoever, binding, valid, and effectual in the law: Provided nevertheless, that no such marriage shall confer or be construed to confer on any such Slave or Slave, or on his, her, or their issue, any right or interest inconsistent with the duties which shall or may be owing by the said Slave or Slaves, to his, her, or their owner or owners, or to the government, or be at variance with those rights which the owner or owners and the government respectively are by law entitled to assert and exercise over such Slave or Slaves and their progeny.

**Proviso.**  
That no such marriage shall confer on a Slave or his issue any right inconsistent with the duties owing by him to his owner or to the government, &c.

The person by whom such marriages shall be solemnized shall within six months, transmit (under a penalty of not more than twenty pounds) a certificate of such solemnization to the public secretary at Nassau to be recorded.

No marriage between a Slave and a person of free condition shall be valid, which would be void between persons of free condition.

**Separation of families.**  
All sales, bequests, and conveyances under seal or otherwise for the purpose of separating families contrary to the provisions of the Act to which this Act is an amendment, shall be null and void.

**Sunday Market.**  
No market whatever to be held on Sunday for sale of any goods or merchandise under penalty of the entire forfeiture thereof; to be seized by any magistrate or constable.

**Application of the proceeds.**

**Butchers' meat, fish, milk, &c., excepted,** if sold between sunrise and nine o'clock in the morning.

When the market shall be closed by the clerk under penalty of twenty pounds.

Five pounds penalty on persons unlawfully frequenting such market.

All warehouses, shops, &c., for the sale of goods, and all liquor shops shall be shut from nine on Saturday night until daylight on Monday morning.

30.—And be it further enacted by the authority aforesaid, that the person by whom any such marriage may be so solemnized by virtue of any such permission as aforesaid, shall, within six months after any such solemnization, transmit (under a penalty of not more than twenty pounds of lawful money of the said island, nor less than ten pounds of like money for every refusal and neglect) a certificate of such solemnization to the secretary of these islands at his office in Nassau; and the said secretary shall register in a book to be kept by him for that purpose, every marriage which may have been so solemnized, with the date thereof, and the names, descriptions, and places of *abode* of the parties contracting, and of the persons solemnizing every such marriage without any fee or charge whatever.

31.—Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to render any marriage between a Slave and Person of free condition valid and effectual in the law, which would be illegal and void if both such persons were of free condition.

32.—And be it further enacted by the authority aforesaid, that all sales, bargains, gifts, grants, bequests, and other conveyances of Slaves, whether under seal or otherwise, or by indenture or otherwise, the purport of which shall be to separate families contrary to the provisions and true intent and meaning of the first above-recited Act to which this Act is an amendment, shall be, so far as related to any such separations, null and void in law and equity, to all intents and purposes whatsoever.

33.—And be it further enacted by the authority aforesaid, that no market whatsoever shall be held within these islands on any Sunday throughout the year, for the sale of any goods, wares, or merchandise whatsoever, either by Slaves or persons of free condition, under the penalty of the entire forfeiture of all such goods, wares, and merchandise, which may be offered or exposed for sale at any such markets. And it shall be lawful for any magistrate or constable to levy upon, seize, and sell or cause to be sold all such goods, wares, and merchandise so found for sale at such markets, and apply the proceeds of the sales thereof in the manner following, that is to say, one half to be paid into the treasury of these islands in aid of defraying the expenses of the government thereof, and the other half to such use and uses as the seizer may think proper: Provided nothing herein contained shall be construed to prevent the sale at any public market or markets of butchers' meat, fish, poultry, eggs, milk, or vegetables, or other like articles for immediate consumption, at any time between sunrise and nine o'clock in the morning of all Sundays as aforesaid, at which hour of nine in the morning of Sundays as aforesaid, all such markets shall be closed under the penalty of twenty pounds of lawful money of these islands, to be paid by the clerk or other superintendent of such market, for every such neglect; and all persons presuming to frequent any such markets for the purchase, sale, or barter of any articles whatsoever on any Sunday after the said hour of nine o'clock in the morning of that day, shall be liable to a penalty of five pounds each for every offence: to be recovered by, and to the use of, any person or persons of free condition who may sue for the same.

34.—And be it further enacted by the authority aforesaid, that all warehouses, stores, shops, and other like establishments, for the sale or barter of any goods, wares or merchandise within these islands, as well as all shops, booths, and other places in which liquors shall or may be sold by retail or otherwise, with or without license for that purpose, shall be and continue

shut from and after nine o'clock on any Saturday night, until daylight on the ensuing Monday morning; and all persons presuming to open or keep open any such warehouse, store, shop or booth, during the hours last limited, or shall traffic or barter therein, whether shut or open, in or for any manner of goods, wares, merchandise, or liquors as aforesaid, within the same hours so limited as aforesaid, shall be liable to a penalty of twenty pounds each for every such offence, to be recovered as is hereinafter provided, and applied one half to the use of his Majesty's government within these islands, and the other half to any person or persons of free condition who shall or may sue for the same.

Penalty of twenty pounds, persons offending, and the application of it.

35.—Provided, however, and be it further enacted by the authority aforesaid, that nothing hereinbefore contained shall be construed, or understood to prevent, or in any manner render penal, the sale of medicines for the use of the sick, or other articles usually employed in the practice of medicine, surgery, or pharmacy, or the keeping open of any shops or stores for the sale of the same at any time whatsoever.

The sale of medicines not rendered penal.

36.—And whereas, by the usages of the Bahama Islands, persons in a state of slavery have hitherto been permitted to acquire and enjoy property free from the control or interference of their owners, and it is deemed expedient that such custom shall be recognised and established by law, and that provision should be made for enabling such Slaves to invest their said property in good security: Be it further enacted by the authority aforesaid, that no person in the said islands, being in a state of slavery, shall, on account of such his or her condition, be, or be deemed, or taken to be, incompetent in the law to purchase, inherit, acquire, possess, hold, occupy, enjoy, alienate or dispose of property, but every such Slave shall be, and is hereby declared to be, competent in the law, to inherit, purchase, acquire, possess, hold, occupy, enjoy, alienate or dispose of lands, situate within the said islands, or money, cattle, implements or utensils of husbandry, or household furniture, and other effects of such or of the like nature, of what value or amount soever, and to bring, maintain, prosecute, appear to, or defend any suit or action in any court of justice within the colony, for or in respect of any such property, as fully and amply to all intents and purposes, as if he or she were of free condition: Provided nevertheless, that every such suit or action shall be prosecuted or defended by *prochain ami* or guardian, to be for that purpose by the said court to him or her assigned in that behalf, in such and in the same manner as if he or she were an infant under the age of twenty-one years; and that it shall be lawful for the said court on application for that purpose duly made to it, and on affidavit of the party, plaintiff or defendant, stating therein that he or she is not worth the sum of ten pounds in the world, the wearing apparel of him or her and the matter in controversy excepted, to suffer the party so applying being a Slave to prosecute or defend any such suit or action in *forma pauperis*: Provided always that every such *prochain ami* or guardian shall be a person of free condition, and that nothing herein contained shall extend, or be construed to extend, to authorize any Slave to acquire or become the owner of a Slave or Slaves, or of any fire-arms, gunpowder, or ammunition without the especial permission of their owners, or others having charge of them respectively.

The property of Slaves.

Slaves declared competent to hold, inherit, purchase, and dispose of lands, money, cattle, &c., of what value soever, and maintain and defend suits in respect thereof, as persons of free condition.

Proviso. Actions to be brought or defended by *prochain ami* or guardian, and in some cases in *forma pauperis*.

*Prochain ami* to be of free condition.

Slaves not to become the owner of a Slave, or of fire-arms, gunpowder, or ammunition, without consent of owner.

After 25th of March, 1827, the receiver general and his deputies to open chests of deposit for the money of Slaves.

Commission of three per cent payable by the party depositing, if drawn out within twelve months, otherwise by the country.

37.—And for the better preserving of the property of any such Slaves, Be it further enacted by the authority aforesaid, that from and after the twenty-fifth day of March next, the receiver general and treasurer of the colony shall open a chest of deposit, in which all Slaves shall be allowed to deposit any monies which they may think proper to place therein for the safe keeping thereof, and all deputy receivers general throughout these islands, shall in like manner keep like chests of deposit for the benefit of Slaves within their respective districts; and for their trouble in receiving and paying back such monies, the said treasurers and deputy receivers general shall be entitled to a commission of three per cent. payable by the parties depositing any such monies, when such monies shall be drawn out of the said chest at any time within twelve months after the time of depositing the same, and in all other cases by the country in the same manner as other commissions are charged on other monies payable into, and out of the treasury of these islands.



Any Slave making such deposit, may declare to whom such deposit shall be paid at his death; and such declaration shall be recorded &c. and such declaration in the absence of any other, shall be deemed to be his last will.

Marriage to be deemed a revocation of such declaration.

The property of a Slave dying intestate and without having made such declaration, shall be disposed of according to the statute of distribution of intestate's effects.

In default of legitimate issue and connexions, the putative children and connexions shall take it as legitimate. And lands shall be considered as personal estate.

No deposit exceeding two pounds to be received at any one time, or in any one week, unless the receiver general, &c. shall be satisfied that the owner has had ten days' notice of the Slave's intention to make a greater deposit. How such notice may be proved.

Penalty of perjury.

The property of Slaves may be attached for their own private debts.

What proceedings are necessary before and after attachment.

38.—And be it further enacted by the authority aforesaid, that any Slave making a deposit in any such chest, shall be at liberty to make a declaration of the manner in which, and of the person or persons to whom in the event of his or her death, the amount of such his or her deposit or deposits there shall be then paid, applied, or disposed of, and such declaration shall be recorded in a book to be kept for that purpose by the said receiver general, and his deputies, where any such deposit may be made, and upon the death of the Slave making such declaration, the same shall be deemed and taken to be the last will and testament of such Slave in the absence of any other last will and testament; and in case any Slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be a revocation in the law of any such declaration; and if any Slave shall die intestate, and without having made any such declaration as aforesaid; which may remain unrevoked at the time of his or her death, then and in every such case, the property of such Slave shall go and be disposed of to, and in favour of such persons or person as by virtue of any Act or Acts of parliament for the distribution of the effects of intestates in force within the colony, would be entitled to any such property: Provided however, that in the absence of all legitimate issue and connexions of any such deceased intestates, the goods and chattels, and other property of the estate of all such deceased intestates shall be distributed among their putative children and connexions in the same manner as if they were legitimate; and provided also that all lands and Tots of land, with the buildings and other improvements thereon, as well as all other hereditaments of Slaves, shall be considered as personal property only, and chattels to all intents and purposes, as well for the satisfaction of the debts of any Slave during his or her lifetime, as to be assets in the hands of his or her executors or administrators liable to his or her debts after his or her death, and to distribution among his or her kindred as aforesaid, as personal chattels in manner hereinbefore provided for.

39.—And be it further enacted by the authority aforesaid, that no deposit of money exceeding the sum of two pounds of lawful money of the said islands, in the whole, shall at any one time, or in any one week, be so received in deposit as aforesaid, unless the said Slave at the time of tendering such other or greater deposit, shall make it appear to the satisfaction of the treasurer or deputy receiver general, that the owner or owners of such Slave, or other person or persons having charge of such Slave, have or has had at least ten days' full and sufficient notice of the intention of such Slave to make such last-mentioned deposit, which notice may be proved either by an acknowledgment in writing of the said owner or owners, or others in charge as aforesaid, or by the affidavit of the Slave so wishing to make the deposit last aforesaid, together with one or more persons of character and credit; and all persons swearing to any such affidavit, not knowing the same to be true, shall be held guilty of wilful and corrupt perjury, and on conviction thereof, shall be liable to all and singular the pains and penalties of wilful and corrupt perjury, and to all the disabilities consequent upon such conviction according to law.

40.—And be it further enacted by the authority aforesaid, that when any Slave or Slaves shall contract any debt or debts upon his, her, or their own credit and responsibility, and not for the use and by the express authority of his, her, or their owner or owners, or others having charge of such Slave or Slaves, or shall make themselves individually and personally liable for damages on any account whatsoever, the property of all such Slave or Slaves, whether the said property shall consist of money, goods, rights, credits, or other things of whatsoever description the same may be, shall be liable for the payment of such debts, and the satisfaction of all such damages, and may be proceeded against by writ of attachment in the first instance to be issued upon affidavit of debt or damages as aforesaid, to be made by or on behalf of any party plaintiff in any such proceedings in or before any court of competent jurisdiction as to the amount and nature of the debt or damages sued for, as in cases in which the parties litigant are free persons: Provided however, that no such property shall be so attached unless the said affidavit shall be as full and positive as the nature

of the case may admit of, and one of the judges of the court, or the judge or magistrate from which such process may be required, shall endorse an especial order on the writ specifying the amount for which such attachment shall be laid, and the said property whether in the possession of the said Slave or others, shall be taken into the safe keeping of the officer to whom such process shall be addressed, unless sufficient security be to him given, that the person or persons in possession of the same shall hold the same, or the full value of the same, ready to satisfy or answer, so far as the same may go, such judgment as the party plaintiff may eventually obtain in the premises; and if the party defendant shall not appear as by this or some other Act of Assembly is or may be provided for within such time as free persons would be bound to appear upon the service of mesne process on their persons, and defend such suit, the party plaintiff may proceed to judgment by default and execution thereon, in the same manner and form as nearly as may be, and to the same effect as if the suit had been instituted against free persons by personal attachment or summons; and all property so attached as aforesaid, or the value thereof, in whosoever hands the same may be, shall be applied to the satisfaction of such judgment as the party plaintiff may obtain, whether the suit be defended or not. Provided however, that whensoever the court shall have reason to suspect that the party to whom the attached property shall or may belong, had not good, reasonable, and sufficient notice of the attachment of his, her, or their property as aforesaid, the court shall have full authority and power to stay all proceedings in any such case, until satisfied that such notice has been given; and should any person or persons other than the party defendant be in actual possession of any property so attached as aforesaid, and the person or persons so in possession of the same, shall not within a reasonable time after the service of such attachment, give notice thereof to the owner or owners of such property, all such holders of such property shall be liable in damages to such party sued, for all injury sustained by the same by the reason of such neglect as aforesaid of such holder or holders of the said property as aforesaid. And provided also that whensoever any monies are attached in virtue of this Act in the hands of the receiver general and treasurer, or any deputy receiver general of these islands, the said officers shall hold the said monies liable to all such judgments as may be obtained in pursuance of any such attachment or attachments, but shall not be compellable to give any security for the safe keeping of the same, anything hereinbefore contained to the contrary notwithstanding.

41.—And be it further enacted, that no such deposit as aforesaid shall be received or paid out except on Wednesdays between the hours of twelve at noon, and two in the afternoon. And that the books and accounts of the said receiver general and treasurer, and of the said deputy receivers general, shall be and be held and considered to be public records, to which all persons shall have a right of access, with the privilege of inspecting the same, at any time, within the usual office hours of business, on the payment to the person keeping such books or accounts as his fee, the sum of one shilling currency for each inspection.

No deposit to be paid out or received except between certain hours on Wednesdays.

The receiver general's books considered public records.

Open for inspection on payment of one shilling annuity.

42.—And be it further enacted, that whensoever any court, judge, or magistrate shall have reasonable grounds to suspect that any person or persons having any property attached in their keeping, possession or power, shall when required to produce the same according to law, have concealed the same or any part thereof, such party may be ruled to shew cause under oath why he, she, or they should not be held in contempt by reason of such concealment, and shall also answer under oath such interrogatories touching the same premises as the said court, judge, or magistrate may think proper to administer to such suspected party, and if it shall appear by the answers of that party that he, she, or they have been guilty of any concealment, embezzlement, or wilful or negligent diminution or deterioration of any such attached property as aforesaid, while in his, her, or their keeping, possession, or power, the said court, judge, or magistrate, shall have authority to commit the said offender or offenders to prison, until he, she, or they shall satisfy and make good to the party

Persons suspected on reasonable grounds of having attached property in their keeping or power, and refusing to deliver it up, how to be proceeded against.

defrauded all losses in the premises: Provided however, that no such proceedings as last aforesaid, shall bar any party defrauded as aforesaid, of any action which they may have against the party so examined, should he, she, or they become purged of his, her, or their contempt in the premises, by false answers to any such interrogations as aforesaid.

Recital.

The owners of Slaves shall not be prevented from prohibiting them from cultivating cotton, wool, Indian or Guinea corn, or from raking salt, or from keeping for breed cattle or other live stock; but Slaves shall not be prohibited from cultivating sugar canes, pease, beans, &c.

Or from dealing or trafficking in articles in which their owners do not deal, or even from raising corn and cotton, wool, &c. &c. when their owners are not so engaged.

Manumissions. No tax or fee of office to be hereafter paid in respect of the manumission of a Slave, or the enrolment of the deed of manumission, except eight shillings currency to the public secretary for the enrolment.

Any Slave who shall be desirous of doing so, may lawfully purchase his or her freedom, or the freedom of his or her wife, husband, child, or brother, or sister, or reputed wife, &c. &c., at such price and on such terms as may be agreed upon between the parties; and such agreements *bonâ fide* entered into, shall be binding notwithstanding the condition of one or more of the contracting parties should be that of slavery.

If any difference shall exist as to price or value of the Slave, a magistrate may be applied to, who, if necessary, shall appoint two referees, one on part of the owner, and one on part of the Slave with their consent; and such referees with the assistance of the magistrate shall determine the amount of compensation to the owner.

43.—And whereas it would be attended with great inconvenience to planters and those having establishments for raking salt, or farms for raising corn, cattle, or live stock of any kind for market, if the Slaves employed on or about such plantations, farms, or other establishments as aforesaid, were allowed to deal or traffic in the same articles as those in which their owners deal or traffic: it is hereby further provided, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed or understood as preventing or intending to prevent the owners of Slaves or others in charge of the same from prohibiting the said Slaves from cultivating any cotton, wool, or Indian or Guinea corn, or from raking salt, or from raising or keeping for breed any cattle or other live stock as aforesaid: Provided such prohibition shall not extend to the cultivation of sugar canes, pease, beans, pumpkins, fruit of any kind, potatoes, yams, garden stuffs, or ground provisions of any kind, corn as aforesaid excepted, or to the cutting of timber, dye woods, or woods of any kind on the lands of them the said Slaves, or of others with the proprietor's permission, and selling the same, or to their dealing and trafficking in any articles in which their owners shall not at the time deal or traffic, or even to their raising cotton, wool, corn, or live stock, or raking salt, when their owners are not themselves actually engaged in raising cotton or corn, or live stock, or in raking salt for sale.

44.—And whereas it is expedient that from and after the passing of this Act, no duty or tax, or fee of office whatsoever, shall be paid or payable within the said islands upon, for or in respect of, the manumission of any Slave, or the enrolment of any deed of manumission, save and except a fee not exceeding the sum of eight shillings of lawful money of the said islands, which shall be paid to the public secretary and register of records thereof, for the enrolment of any such deed of manumission; and if any person within the said islands shall hereafter take, demand, or receive any such duty, tax, fee of office, save as aforesaid, the person so offending shall incur and become liable to the payment of a fine not exceeding forty pounds, and not less than twenty pounds of lawful money of said islands, to be recovered and applied in manner hereinafter directed.

45.—And be it further enacted by the authority aforesaid, that if any person being in a state of slavery within the said islands, shall be desirous to purchase his or her freedom, or the freedom of the wife, or husband, or child, or brother, or sister, or reputed wife, or husband, or child, or brother, or sister of any such Slave, it shall and may be lawful to and for any such Slave so to purchase the freedom of himself, or of herself, or of any such person as aforesaid, at such price, and upon such terms, conditions, and stipulations, as shall or may be agreed on by and between the parties interested in such sale and purchase, and all such agreements, *bonâ fide* entered into for that purpose, shall be good, binding, and valid in law, whether verbal or in writing, the condition of the one or more of the contracting parties being that of slavery, at the time of his, her, or their entering into such agreement or agreements to the contrary notwithstanding.

46.—And be it further enacted by the authority aforesaid, that should any difference exist between the parties aforesaid, as to the price or value at which the Slave or Slaves in question shall or may be entitled to freedom, it shall be the duty of, and it shall and may be lawful for any magistrate, on the application of either party aforesaid to him made, either directly or indirectly, to call to his aid any one or more other magistrate or magistrates; and it shall be the duty of the said magistrates when convened, and they, or any two of them, when so convened, shall have full power and authority to summon and cause the parties aforesaid to appear before them, and endeavour to accommodate all differences between them to the satisfaction of both, but failing therein, to cause two referees to be named, one by or on the part of the owner or owners of the Slave or Slaves in question, and the other by or on the part of the said Slaves with

their consent and approbation, and the advice and assistance of the said magistrates; and it shall be the duty of the said referees, after diligent investigation of all matters submitted or offered to their consideration by the said parties, to award and determine the amount of such compensation as, in their opinion, the owner or owners of such Slave or Slaves, shall or may be fairly and justly entitled to for such manumission; and such compensation being actually paid or tendered to the said owner or owners of such Slave or Slaves, or duly and fully acknowledged to have been so tendered and paid in the presence of the said magistrates, or any two of them, to transmit to the Attorney-General of these islands, a minute in writing signed by them, of all and singular the several proceedings had before them in the premises; and it shall thereupon be the duty of the said Attorney-General, should he be of the opinion that the same are correct and regular according to law, and if necessary after correcting, with the assent of the said magistrates, any errors in matter or form in the minutes of the same, to cause the same to be recorded in the proper office of this government, and thereupon the said Slave or Slaves shall become and be from henceforth to all intents and purposes, free persons.

If the referees agree, and the compensation by them awarded be actually paid or tendered to the owner, the award after reference to and approval by the Attorney-General, shall be recorded in the proper office, and the Slave thereupon become free.

47.—Provided however, and it is hereby enacted by the authority aforesaid, that should the said referees be unable to agree as to the amount of the compensation as aforesaid, the said referees shall name an umpire between them, and the decision of the said umpire shall be as good, valid, and binding in the premises as if the same had been agreed to by the two referees first named; and provided also that the said two referees and also the said umpire, when an umpire shall become necessary, before they enter on the duties of any such reference or umpirage as aforesaid, shall take and subscribe as nearly as may be, an oath or affidavit in writing to the effect following: that is to say, A. B. and B. C. of the Island of D (here their additions are to be inserted at length) referees, indifferently chosen to award and determine between E. F. of the Island of G. (here the additions of the owner or owners aforesaid are to be inserted at length) and H. I., &c., the Slave or Slaves being here named, the Slave (or Slaves) of the said E. F., touching the compensation which the said owner or owners ought to receive for the emancipation of his, her, or their said Slave, (or Slaves) being duly sworn on their oaths, severally swear that they will fairly, justly, and equitably, to the best of their skill and judgment, estimate the said compensation not merely according to their view of the probable market prices of such Slave (or Slaves) if exposed to sale as such, but with due regard also to such further remuneration as the said owner (or owners) may shew himself, (herself, or themselves) entitled to, to the satisfaction of them the said referees under the special circumstances of the case, in consequence of any loss or damage which the said owner (or owners) may sustain by reason of his (her, or their) being deprived of the services of such Slave (or Slaves), and the affidavit of the umpire shall be as nearly as may be in the same form and to the same effect.

If the referees disagree, they shall name an umpire whose decision shall be valid.

Oath to be taken and subscribed by the referees.

And by the umpire.

48.—And be it further enacted, that when any owner or owners of Slaves desirous of purchasing freedom as aforesaid, shall not be resident within these islands, or shall be under age, lunatic, or be married women living with their husbands, then and in all such cases, the attorneys or agents of such absent owners, resident within these islands, and the parents or guardians of such minors, and the guardians of such lunatics or their lawful representatives, resident within these said islands, and the trustees of such married women or their lawful representatives, resident within these said islands, shall be and be held and considered as the owners of all such Slaves, for all and singular the purposes last aforesaid, touching the purchase of the freedom of the said Slaves of such owners, who by reason of their absence, nonage, lunacy, or coverture as aforesaid, shall not be in a situation to attend in person to the matter aforesaid.

When the owners of Slaves shall not be resident in these islands, or shall be under age, &c. &c.

The attorneys or agents of such absent owners, and the parents or guardians of minors, &c. &c. &c. shall be considered owners, *quoad hoc*.

49.—And be it further enacted by the authority aforesaid, that any magistrate, who when duly required to perform any of the duties of magistrates as last aforesaid, in touching or concerning the purchase of freedom by Slaves as aforesaid, shall refuse or neglect to perform the same, shall be liable to a penalty of fifty pounds of lawful money of these islands for every

Magistrates refusing when required to perform the said duties touching the purchase of freedom by Slaves, shall be liable to a penalty of fifty pounds.

And the owners of Slaves contumaciously refusing to submit to the authority of the magistrates or wantonly impeding his proceedings, shall be liable to a fine of not less than ten pounds nor more than fifty pounds.

And on conviction the court may empanel a jury and determine by verdict the value of the Slave or Slaves.

And on payment of the amount of such verdict, by or on account of the said Slave or Slaves into court, the said Slave or Slaves shall, by sentence of the court be adjudged to be free.

And the amount so paid into court after deducting the fine and costs, shall be paid over to the owner.

This Act shall not affect the just rights of judgment, creditors, magistrates, &c.

But when the property of owners in Slaves desirous of purchasing their freedom, shall be bound by judgment or mortgage, or any other person shall have a joint or reversionary interest in them, and this fact shall be known by, and wilfully withheld from the referees and the court and jury, any Slave aggrieved thereby may recover from the persons making such wilful concealment or conniving thereat double the amount of the compensation to be paid for his freedom.

But when the referees or court and jury shall have notice of such judgment or reversionary interest, &c. &c., they may determine by award or verdict whether the whole or any part of the compensation shall be paid to the judgment, creditor, or reversioner, &c. &c., and the same shall be so paid to them accordingly, if present, but if absent, to be paid into the public treasury on their account. Commission thereon, one per cent.

Children under the age of fourteen not to be manumitted against the consent of their owners. And no Slave shall obtain his freedom under this Act unless he can satisfy the referees and jury that he has honestly ac-

such offence, and should any owners of Slaves desirous of purchasing freedom as aforesaid, or the lawful representatives of such owners as aforesaid, contumaciously refuse to submit to the authority of the magistrates as aforesaid, in the execution of their said duties as aforesaid, or intentionally and unnecessarily delay or wantonly embarrass or impede their proceedings in the premises, all such offenders shall be liable to a fine of not less than ten nor more than fifty pounds of lawful money of these said islands for every offence; and on their conviction for any such offence, it shall and may be lawful for the court before whom such conviction shall take place, so soon thereafter as justice may admit of, under the circumstances of the case, to empanel a sworn inquest or jury of twelve disinterested persons to inquire into and determine by verdict as to the value of the Slave or Slaves in question, and upon payment of the amount of such verdict, by or on account of the said Slave or Slaves into court, the said Slave or Slaves shall, by sentence of the said court to be duly recorded, be adjudged to be free, and the money so paid into court shall, after deducting the amount of the fine aforesaid, and all reasonable costs and charges of all and singular the several proceedings last aforesaid in the said court, be paid over to the said owners or their lawful representatives as aforesaid in this behalf.

50.—And it is also hereby provided, and be it further enacted by the authority aforesaid, that nothing in this Act contained, shall be in any manner taken, held, or construed to destroy, diminish or impair, or otherwise injuriously affect the just rights of judgment, creditors, mortgagees, joint proprietors or reversioners of any description: but whensoever the property of owners in any Slaves desirous of purchasing freedom as aforesaid, shall be bound by any judgment, or mortgage, or any other person or persons, shall have a joint or reversionary interest of any kind in the same, and the same be not made known in the course of any proceedings under, or in virtue of this Act, to the referees as aforesaid, or to the court and jury as aforesaid, and any such information shall be knowingly and wilfully withheld in the premises, any Slave conceiving himself or herself manumitted in virtue of such proceedings or any of them, and who shall afterwards be proved to be still more or less a Slave or liable to any manner of bondage afterwards, then, and in that case, such Slave or Slaves shall be entitled to recover of and from any and all persons and person so having wilfully and knowingly concealed as aforesaid the fact of his, her, or their being bound by any such judgment or mortgage, or of the existence of any such joint or reversionary interest as aforesaid, or who shall in any manner be aiding, abetting, or conniving, at any such concealment, double the amount of such compensation paid for the emancipation of such Slave or Slaves; and if the referees, or court and jury as aforesaid, in the course of any of the proceedings aforesaid, provided by this Act as aforesaid in the premises, shall have notice of any such judgment, mortgage, or joint, or reversionary right as aforesaid, then, and in that case, it shall and may be lawful for such referees or jurors, by their award or verdict to determine whether the whole or any, and what part of the compensation aforesaid, ought in equity and good conscience to be paid to the judgment, creditors, mortgagees, joint owners or reversioners as aforesaid, as the case may be, and the same shall be so paid accordingly; and should any such judgment, creditor, mortgagee, joint owner, or reversioner, not be present to receive any monies so to him, her, or them, payable by reason of the premises, the same shall be deposited in the public treasury of the colony, for him, her, or them, and on his, her, or their sole account, and for receiving and paying out the same, the treasurer shall receive, to be deducted from the same, a commission of one per cent, and no more.

51.—And it is hereby provided also, and be it further enacted, that children under fourteen years of age, shall not be manumitted under this Act except with the consent of the owners thereof, under any circumstances whatsoever, anything hereinbefore contained to the contrary notwithstanding; and provided also, that no Slaves shall obtain their freedom under this Act against the will of their owners (or others having them in charge), unless it shall be shewn to the satisfaction of the referees or jury, as before provided, that the funds from which the compensation is to be paid for

their freedom shall have been honestly acquired, anything hereinbefore contained to the contrary notwithstanding.

52.—And be it further enacted by the authority aforesaid, that except in cases in which, in and by the provisions of this Act, or some other Act or Acts of the General Assembly of these islands, the power of trying persons for offences is expressly vested in one or more magistrates, persons charged with any of the offences mentioned in this Act, shall be tried for the same in the General Court of these islands, according to the course of the common law, or the provisions of this or some other act of assembly, applicable in such cases, and on conviction shall suffer fine and imprisonment, or either, within the limits prescribed by this Act, or otherwise by the laws of this colony; and in cases where no limits are so prescribed, then the party convicted shall be sentenced to a fine of not less than five, nor more than fifty pounds lawful money of these islands, and to imprisonment for any space of time not exceeding one month, or to fine or imprisonment only within the same limits at the discretion of the court: Provided, however, that whenever any such offences last aforesaid shall be committed by Slaves, or others liable to be tried by slave courts, according to the form and effect of any Act or Acts of assembly in such case made and provided, and now in force within these islands, the parties charged with such offences, shall and may be tried by such slave courts accordingly, and on conviction be punished as is by law already therein provided, except as is hereinbefore excepted in cases where one or more magistrates shall have summary jurisdiction in the premises according to the provisions of this or some other act of assembly as aforesaid.

quired the funds for compensation.

Except in cases in which by this or some other act of assembly, the power of trying persons for offences is vested in one or more magistrates. Persons charged with offences mentioned in this Act, shall be tried in the General Court, according to the course of the common law, or of the provisions of this or some other act of assembly, and on conviction suffer fine and imprisonment, or either, as prescribed by this Act, or otherwise by the Laws of the colony, where no such limits are so prescribed. Fine not less than five nor above fifty pounds, and imprisonment not exceeding one month, or fine or imprisonment.

The like offences, when committed by Slaves, how to be punished.

53.—And be it further enacted by the authority aforesaid, that all fines, penalties, and forfeitures, to be imposed, levied, or received, in pursuance of the enactments and provisions of this Act, excepting only as to such fines, penalties or forfeitures, or any parts of the same which are hereinbefore directed to be otherwise applied or appropriated, shall be paid into the treasury of these said islands, in aid of the support of his Majesty's government within the same, in such manner as may be designated by some Act or Acts of the General Assembly of these islands and not otherwise.

Penalties, fines, and forfeitures, how to be applied.

54.—And be it further enacted by the authority aforesaid, that in all cases in which, according to the provisions of this Act, or of the first above-recited Act, to which this Act is an amendment, any affidavits, oaths, examinations, or depositions under oath, as in the case of witnesses on trials, of fact, or otherwise, are required or allowed to be administered, taken, or sworn to the people called Quakers, shall be permitted to substitute their solemn affirmation in the place of all such oaths, anything in this Act contained to the contrary notwithstanding: Provided however, that any such person so affirming to that which the person so affirming does not at the time of such affirmation know to be true, shall be held guilty of wilful and corrupt perjury; on conviction thereof shall suffer the pains and penalties of wilful and corrupt perjury, and be liable to all the disabilities legally consequent upon such conviction: And provided also that no such affirmation shall be received in evidence in any trial for any offence for which the person tried would on conviction be liable to suffer death.

Quakers may substitute their solemn attestation in place of an oath.

False affirmation deemed perjury.

55.—And be it further enacted by the authority aforesaid, that when any person or persons whatsoever, shall or may be sued at law for anything done by the authority, or in pursuance of this Act, or of any of the provisions of the same, or of the provisions of the first above-recited Act, to which this Act is an amendment, the party defendant may plead the general issue, and under that issue give this Act, and any special matter in evidence; and when in any such suit judgment shall pass for the party defendant, or the party plaintiff shall be nonsuited, or discontinue his, her, or their action in the premises, the party defendant shall be entitled to double costs.

Persons sued for any thing done under this Act, or the Act to which this is an amendment, may plead the general issue, &c.

56.—And be it therefore enacted by the authority aforesaid, that from and after the passing of this Act, all such part and parts, section and sections, clause and clauses, provision and provisions, passages and enactments of the said first-above recited Act, to which this Act is an amendment, and of every other Act and Acts of the General Assembly of these islands, inconsistent with this Act, or any of the enactments and provisions of the same,

All parts and sections, clauses and provisions of the Act to which this is an amendment, and of all other Acts inconsistent with this Act, or any of the provisions of it, are hereby suspended.



or which may in any manner be construed to contravene the same, either wholly or in part, be, and the same are hereby declared to be, suspended for and during the continuance of this Act.

Duration of the Act, until 29th Jan. 1829, and from thence, &c.

57.—And be it further enacted by the authority aforesaid, that this Act shall be and continue in force from and after the passing thereof until the twenty-eighth day of January, which will be in the year of our Lord one thousand eight hundred and twenty-nine, and from thence to the end of the then next session of General Assembly, and no longer.

Passed the House of Assembly, 15th December, 1826,  
L. KERR, Speaker.  
Assented to the 22d day of December, 1826.

Passed the Legislative Council, 19th December, 1826,  
P. BROWN, President.  
WM. VESEY MUNNINGS.

A. B. }  
v. } Trespass on the case. *General Court, Hilary, 7th Geo. IV.*  
C. D. }

THE above-named plaintiff, A. B., being duly sworn, saith that the following Slaves, the alleged property of E. F., of the Island of Elenthera, planter, as this deponent is advised and believes, are material witnesses on this deponent's behalf in the above cause, namely, G. H. place of abode, governor's harbour at Elenthera aforesaid, colour black, sex male, and about thirty years of age; also J. K., same place of abode, same colour, same sex, and about twenty-eight years of age; and also L. M., same place of abode, a Mulatto, sex female, and about twenty-two years of age; as the said three several Slaves are registered in the office of the clerk of the crown of these islands, as being competent to give evidence in the several courts of the same, in pursuance of the act of Assembly in that case made and proved; and the deponent on his said oath further saith, that he doth not require the evidence of more than two of the said Slaves, to any one point at issue, in the above cause, or the evidence of any one of them, to any point, matter, or thing, concerning which the said Slaves, or any of them, as this deponent is advised and verily believes are legally incompetent to give evidence, on any account whatsoever.

(Signed) A. B.

Sworn to this \_\_\_\_\_ day of \_\_\_\_\_  
A. D., 1826.

Before me,

(Signed) N. P., Prothonotary.

A true copy from the original Act,

(Signed) J. NESBITT, Secretary.

“An Act to amend, consolidate, and bring into one Act, the several Laws relating to Slaves, and for giving them further Protection and Security, and for suspending several Acts and Clauses of Acts therein mentioned, and for other Purposes.”

(January 28th, 1824.)

Preamble.

WHEREAS it is expedient that the laws which from time to time have been enacted for the government of Slaves should be amended, consolidated, and brought into one Act, and other provisions made for their protection and the promoting of their moral and religious instruction, and by means thereof, their general comfort and happiness, so far as is consistent with due order and subordination, and the well being of this colony: May it therefore please your Majesty that it may be enacted, and be it enacted by his Excellency Lewis Grant, Esquire, Major-general of your Majesty's Forces, Captain-general, and Governor-in-Chief, the Council and Assembly of your Majesty's Bahama Islands, and it is hereby enacted and ordained by the authority of the same, that from and after the passing of this Act, all and every the hereinafter-mentioned laws and clauses, and parts of laws,

so far forth as the same do relate to Negro or other Slaves, be, and the same are hereby suspended for and during the continuance of this Act, anything in the said laws or clauses of laws, or in any other law to the contrary notwithstanding, that is to say, an Act passed in the seventh year of the reign of his late Majesty King George the Third, entitled "An Act for governing Negroes, Mulattoes, and Indians;" also one other Act, passed in the eighth year of his said late Majesty's reign, entitled "An Act for suspending a Clause in an Act entitled, 'An Act for governing Negroes, Mulattoes and Indians, and for amending the said Act;'" also one other Act, passed in the twentieth year of his said late Majesty's reign, entitled "An Act for suspending Parts of certain Clauses, and amending other Clauses in an Act, entitled an Act for governing Negroes, Mulattoes and Indians;" also one other Act, passed in the year last aforesaid, entitled "An Act for governing Negroes, Mulattoes, Mustees, and Indians, and for suspending several Acts therein mentioned;" also one other Act, passed in the same year last aforesaid, entitled "An Act to amend a Clause in an Act passed in the seventh year of his said late Majesty's reign, entitled 'An Act for governing Negroes, Mulattoes and Indians;'" also one other Act passed in the twenty-fourth year of his said late Majesty's reign, entitled "An Act for governing Negroes, Mulattoes, Mustees and Indians, and for suspending several Acts therein mentioned," save and except the first section of this said Act, as printed in the printed copy of the Acts of assembly, being the second section of the same Act in the original manuscript thereof; also all and every Act and Acts, clause and clauses of Acts, respecting the governing of Negroes, Mulattoes, Mustees and Indians, which in and by the said last-recited Act are or were thereby suspended during the continuance of the said Act; also one other Act, passed in the thirty-seventh year of his said late Majesty's reign, entitled "An Act to consolidate and bring into one Act the several Laws relating to Slaves, and for giving them further Protection and Security; for altering the Mode of Trial of Slaves charged with capital Offences; for suspending the several Acts and Clauses of Acts therein mentioned, and for other Purposes."

Laws suspended

2.—And whereas it is due to good policy, as well as to humanity and justice, that the condition of Slaves should be rendered as comfortable as possible, by supplying them with good, wholesome and sufficient provisions, with proper clothing and other necessaries, and it is expedient that the same should be regulated by law: Be it enacted that the master, owner, or possessor of every plantation, pen, or other lands whatsoever within these islands, shall provide and give to every Slave above the age of ten years, at and after the rate of one peck of unground Indian or Guinea corn, or twenty-one pints of wheat flour, or seven quarts of rice, or fifty-six pounds of potatoes, cocoas or yams, per week, over and above a sufficient quantity of land, as and for the proper ground of every such Slave, and one-half of the aforesaid allowance to each child below the aforesaid age of ten years.

Allowance of provisions, clothing, and land to Slaves.

3.—And be it further enacted by the authority aforesaid, that no master, owner, or possessor of any Slave, whether in his or her own right, or as attorney, guardian, trustee, executor, or otherwise, shall manumit, discard, or turn away, any such Slave, by reason of such Slave being rendered incapable of labour by sickness, age, or infirmity; and all such manumissions shall be void\*; and every master, owner, or possessor, shall be, and he is hereby obliged to keep every such sick, infirm, disabled, or superannuated Slave on his estate or premises, and to find and provide such Slave with wholesome necessaries of life, and not to suffer any such Slave to be in want thereof, or to wander about and become burdensome to others, under the penalty of ten pounds for every offence, to be recovered in a summary manner before any two justices of the peace; who are hereby authorized and required to cause any master, owner, or possessor offending in the premises, or his, her, or their agent, or attorney, and such persons as they shall judge necessary, to be summoned before them, to enable them to judge of the justice of such charge, and to determine whether such master, owner, or possessor ought to incur the aforesaid penalty; and in the mean time, and until such trial can be had, the said justices of the peace, on

Manumission of old or infirm Slaves incapable of labour void, and provision to be made for such old or infirm Slave by the owner, under certain penalty.

\* See an amendment of 7th Geo. IV. section 3d, by which the manumission remains valid, the manumitter continuing liable for the maintenance of the manumitted person.



their view, or on the information of any white person on oath, are hereby required to take up any such wandering, sick, aged or infirm Slave, and to lodge him or her in the nearest workhouse, or other place of security, there to be clothed and fed, but not compelled to work, at the expense of such master, owner, or possessor, until such trial as aforesaid can be had; and if it shall appear to the said justice upon such trial, that the party or parties complained of is or are guilty of the offence alleged, and he, she, or they shall refuse to pay the said penalty, together with the workhouse fees and charges of conviction, the said justices are hereby authorized and required to commit such offender or offenders to the next common gaol, there to remain without bail or mainprize until he, she, or they shall pay the same.

Vestries empowered to levy a tax on the inhabitants for the support of infirm Negroes.

4.—And whereas, by reason of deaths or removals of proprietors of Slaves, or of Slaves having heretofore been manumitted without any suitable provision being made for their maintenance, and from other causes, some such Slaves or manumitted persons rendered unable to labour by disease, old age, or other means, have become burdensome to the inhabitants; for remedy whereof, Be it further enacted by the authority aforesaid, that it shall and may be lawful for the vestries of the several parishes and islands, once in every year, to lay a tax upon the inhabitants, in the same manner as the parochial taxes are usually laid, for the purpose of raising such sum as they shall judge necessary for the maintenance, clothing, medical care and attendance of all such Negro, Mulatto or other Slaves or other such manumitted persons; any two justices of the peace are hereby authorized and required upon application being made to them, to order all such Slaves or other persons as aforesaid, to be removed and conveyed to the workhouse of the parish where (if a Slave) the former owner or owners, proprietor or proprietors lived or resided, or (if a person of colour made free) where the person or persons who manumitted or set free such person of colour resided before his or her manumission, there to be lodged and taken care of. And the justices of the peace and vestries of the several islands and parishes are hereby authorized and required, from time to time, to make such regulations for the purposes aforesaid, as to them shall seem necessary and expedient.

All Acts and clauses of Acts imposing any duty or tax on the manumission of Slaves, suspended.

Proviso—

5.—And be it further enacted by the authority aforesaid, that all and every Act and Acts, clause and clauses thereof, whereby any tax or duty whatever, is or hath been imposed on the manumission of any Slave or Slaves within these islands, shall be, and the same hereby are (so far as relates to the imposition of any such tax or duty), suspended for and during the continuance of this Act: Provided always that nothing herein contained shall extend or be construed to extend to prevent the public secretary or register of records of the colony, or any his lawful deputy or deputies, from asking, demanding, and receiving from the person or persons liable to pay the same, any his lawful fee or fees for the recording of any manumission or manumissions, or otherwise giving legal effect hereunto.

Slaves being husband and wife, or reputed husband and wife, and their child or reputed child, being under fourteen years of age, and belonging to the same owner, not to be sold separately or otherwise than in one entire lot.

By the 32d section of amended Slave Act of 7th Geo. IV. all sales, bequests, conveyances, &c., for separating families contrary to the provisions of this Act, shall be null and void.

No executor or administrator to assent to any legacy made in any will separating husband and wife, or child, but the interest

6.—And be it further enacted by the authority aforesaid, that from and the passing of this Act, at no sale or transfer of Slaves hereafter to be made, whether by private contract or public sale, or under or by virtue of any mortgage, execution for debt, or other legal process whatsoever, or otherwise howsoever, shall the husband and wife, or reputed husband and wife and child, or reputed child of such husband and wife, or reputed husband and wife, (the said husband and wife, or reputed husband and wife, and the said child or reputed child of such husband and wife, or of such reputed husband and wife, or of either of them, being the property of the same owner or owners, and the said child being below the age of fourteen years,) be sold or transferred, the one without the other, or otherwise than in one entire lot, and in one and the same lot, and to one and to the same person or persons; nor shall any executor or other person taking upon himself the burden of execution of any last will, assent to any specific legacy of a Slave, or deliver to any legatee or legatees, any Slave or Slaves to him, her, or them, by the testator or testatrix of such executor or administrator, specifically bequeathed in any case wherein the effect of any such assent or delivery would be to separate or cause to be separated from each other the husband and wife, or reputed husband and wife, or separate or cause to be

separated any child under the age of fourteen years from his or her parents or reputed parents, or either of them, contrary to the true intent and meaning of this Act; but such executor or administrator in every such case, after such inventory and appraisal of the goods and chattels of his or her testator or testatrix made, had, and returned, as by law is required, shall sell or dispose of every such husband and wife, or reputed husband and wife, and every such child or reputed child, and his or her parents or reputed parents, or either of them, in one separate and entire lot, and in one and the same lot, and to the same person or persons; and all claim, right, title, interest, or demand whatever, (either in law or equity) which any such legatee or legatees, without the provisions of this Act might or could have had or claimed in, to, or against any such Slave so bequeathed as aforesaid, by any such testator or testatrix, and afterwards so sold and disposed of by any such executor or administrator, shall thenceforward and for ever thereafter be transferred to, and exist in the nett proceeds of the lot in which the Slave to such legatee as aforesaid bequeathed, shall have been included and sold, and shall be rated or proportioned in amount according to the rate or proportion which the sum at which such Slave shall have been appraised shall bear comparatively in relation to the several sum and sums at which other the Slave or Slaves in the same lot included shall have been also appraised.

7.—And be it further enacted by the authority aforesaid, that if any person or persons, contrary to the true intent and meaning of this Act, shall wilfully and knowingly make or cause to be made any transfer or sale of any such Slave or Slaves, or if any executor or other such administrator of any last will shall assent to the specific legacy of any such Slave, or shall deliver or cause to be delivered to any such legatee or legatees, the Slave or Slaves to him, her, or them so as aforesaid bequeathed, every person so offending shall for every such offence forfeit and pay the sum of one hundred pounds, to be recovered and applied in manner hereinafter provided: Provided always, that nothing herein contained, shall extend or be construed to extend, to affect any mortgage or mortgages of Slaves, duly made and executed previous to the passing of this Act, and which shall have been duly recorded or registered in the public office in Nassau, on or before the first day of July, one thousand eight hundred and twenty-four.

of any such legatee to exist in the proportionate amount of the nett proceeds of the lot to which such husband and wife, or child may belong.

Penalty on persons making such sales, and on executors assenting to such legacies.

Not to affect mortgages of Slaves registered before 1st July 1824.

8.—And be it further enacted by the authority aforesaid, that every master or owner shall provide and give to every Slave in his or her possession, two suits of proper and sufficient clothing in the course of every year, under the penalty of fifty pounds for each offence.

Annual clothing of a Slave.

9.—And be it further enacted by the authority aforesaid, that all masters and owners, or in their absence their overseers, shall, as much as in them lies, endeavour to instruct their Slaves in the Christian religion, and shall do their endeavour to fit them for baptism, and as soon as conveniently may be, shall cause to be baptized all such Slaves as they can make sensible of a Deity, and of the Christian faith.

Slaves to be instructed in the Christian religion and fitted for baptism.

10.—And whereas, nothing would tend more effectually to promote the moral and religious improvement of Slaves, or contribute more to their mutual society, help, and comfort, than to encourage (so far as may be possible; and under such restrictions only as their state of present intellectual advancement, the religious establishment of the colony, and a due regard to the rights of private property may require,) marriages between Slaves, and between Slaves and free people: Be it further enacted by the authority aforesaid, that from and after the passing of this Act, it shall and may be lawful to and for the several rectors or incumbents of parishes within this colony, each in his respective parish church or chapel, or for any other minister of the established church, in any such church or chapel, by and with the permission of the rector or incumbent (or if there be no such rector or incumbent there resident, then of the churchwardens) of the parish to which such church or chapel may belong, or in parishes, or on islands being parts of parishes whereon there shall be no such church or chapel, then for any such rector or incumbent or other such minister as aforesaid, (in any private dwelling there situate,) upon every Sunday, and

This and the 11th, 12th, and 13th sections of this Act suspended by 26th section of the amended Consolidated Slave Act of 7th Geo. IV.

Encouragement of marriages between Slaves, and between Slaves and free people.

between the hours of eight and twelve in the forenoon of every such day, and without the publication of banns, or asking in church, or any dispensation, license of marriage, or other faculty or license whatever, save as hereinafter is required, and whether the parties then and there to be married or either of them shall dwell within the parish to which such church or chapel may belong, or within which such private dwelling is situate, or not, marriages between Slaves, and between Slaves and free people, who are not within the degrees of consanguinity prohibited by God's law, nor labouring under the legal disabilities of a prior marriage, or want of reason, and who profess the Christian religion, on production to such rector or incumbent or other such minister, of the consent in writing of the owner or owners of such Slave or Slaves respectively, in that behalf first had, and to such rector or incumbent or other such minister addressed: Provided always, that no such rector or incumbent, or other minister as aforesaid, shall celebrate or proceed to celebrate any such marriage, unless the persons to be married shall fourteen days at least before the celebration of such marriage, respectively deliver or cause to be delivered to such rector or incumbent, or other minister as aforesaid, a notice or memorandum in writing of the Christian name or names of every such person being a Slave, and the Christian name or names, and surname, or name by reputation, of every such person being free, together with the name or names, and place or places of abode of the owner or owners of every such Slave respectively.

Suspended (see observation on 10th section of this Act)

Where there is no resident rector or incumbent in a parish, marriages may be celebrated by a justice of the peace.

11.—And whereas many of the parishes into which this colony has been divided by law, are without incumbents, and in many cases it hath been found expedient that islands and quays, separate and apart from each other, should be formed and united into one parish: And whereas it is necessary to provide for the celebration of such marriages in such of the said parishes whereof there shall be no such incumbent, and in such islands or quays, being parts of parishes, whereon no such rector or incumbent shall be actually resident: Be it therefore enacted by the authority aforesaid, that from and after the passing of this Act, the power of solemnizing such marriages as aforesaid, which herein and hereby is given to the several rectors or incumbents, or other ministers as aforesaid, shall and lawfully may, under the like rules, regulations, and restrictions, hercinbefore and hereinafter set forth and specified, be exercised by any justice of the peace, or minister of the established church, in any such parish whereof there now is, or hereafter shall or may be, no rector or incumbent as aforesaid, or on any island or quay (being part of any parish) whereon no such rector or incumbent shall be actually resident.

Register of such marriages to be kept.

Suspended, (vide as above.)

12.—And in order to preserve the evidence of all such marriages, and to make the proof thereof more certain and easy, and to prevent the forging or counterfeiting of any such consent: Be it further enacted by the authority aforesaid, that from and after the passing of this Act, all such marriages as aforesaid, shall be had and solemnized in the presence of one credible free witness or more, besides the minister or other persons as aforesaid who shall celebrate the same; and that the minister, or in case there be no minister there resident, the churchwardens of the parish within which any such marriage shall have been so celebrated, shall, upon application made to him or them by the parties so married, or either of them, his, her, or their owner or owners respectively, register, or cause to be registered, the said marriage in the common register book of christenings, marriages, and burials belonging to such parish respectively, in like manner and form as heretofore hath been customary with regard to any other marriages, under the penalty of five pounds for every default: Provided also, that in every such entry or register there shall be expressed the date of the consent under which such marriage was celebrated, and the name or names, place or places of abode, of the parties married, and of his, her, or their owner or owners respectively.

All such marriages declared as valid, as though solemnized after publication of banns, or by virtue of license from the ordinary.

13.—And be it further enacted by the authority aforesaid, that all marriages so had and solemnized as aforesaid, by any such rector or incumbent, minister or justice of the peace, under and by virtue of any such consent as aforesaid, shall be, and the same are hereby declared to be, good,

valid, and binding to all intents and purposes in the law whatsoever, (saving always the just right of ownership, which in no case whatever shall be in anywise hurt, prejudiced, straightened or otherwise affected thereby,) as though the same had been solemnized after publication of banns, or by virtue of any dispensation, faculty or other license whatsoever, of any ordinary, judge, or other person whomsoever, having authority to grant the same; and the issue procreate of all such marriages, shall be deemed legitimate: Provided however that the marital power and authority to be thus acquired by the husband over the wife, shall in no such case as aforesaid, impugn, diminish or interfere with the rights or authority of the owner or owners in, to, and over his, or her, or their Slave or Slaves, or the issue of such Slave or Slaves, or the duty and services of such Slave or Slaves, in any manner whatsoever.

Suspended. (see observation on 10th section of this Act.)

14.—And be it further enacted by the authority aforesaid, that any master, owner, or other person whatsoever, who shall wilfully mutilate any Slave, or cause, permit, or suffer any Slave to be mutilated with his or her privity or consent, shall be liable to be indicted and prosecuted in the General Court for the same, and upon conviction shall be punished by fine not exceeding one hundred pounds, and imprisonment not exceeding twelve months for every offence; and such punishment is declared to be without prejudice to any action that could or might be brought by the owner or proprietor for recovery of damages for or on account of the same; and in cases where the owner of any such Slave shall be guilty of any such offence, it shall and may be lawful for the court, if it shall deem necessary for the future protection of such Slave, to declare him or her to be free, and discharged from all manner of servitude, to all intents and purposes whatever. And in all such cases it shall and may be lawful for the court to order the fine to be paid to the vestry of the parish to which such Slave belonged, to the use of the said parish, the vestry in consideration thereof paying to such Slave so made free, an annuity of ten pounds per annum during life. And in case any Slave or Slaves shall suffer any such mutilation as aforesaid, any justice of the peace is hereby authorized and required, on view of the fact, to send such Slave to the nearest workhouse, there to be kept and carefully attended, at the expense of the parish, until such time as there can be a meeting of the justices and vestry of such parish; which justices and vestry are hereby created a council of protection for such Slave, and are authorized and required to make a full inquiry respecting the mutilation of such Slave; and if to them it shall appear proper, shall cause the owner or owners of such mutilated Slave, to be indicted and prosecuted, the expense of which prosecution shall be paid by the parish where such offence shall be committed. And in case the owner or owners of such Slave or Slaves shall be able to pay the costs and charges of such prosecution, the churchwardens and vestry are hereby required to commence a suit or suits against such owner or owners, in which they shall recover all costs and charges by them laid out and expended in such criminal prosecution and civil action. And the keeper of the workhouse to which any such Slave shall have been committed, is hereby required, upon due notice of the meeting of such justices and vestry, to produce such mutilated Slave or Slaves for their inspection, under the penalty of twenty pounds for every neglect.

Penalty on mutilating or maiming Slaves.

15.—And be it further enacted by the authority aforesaid, that it shall not be lawful for any court of justice to pass any sentence whereby any Slave shall be directed to be mutilated or maimed for any offence whatever.

Slaves not to be mutilated by sentence of any court.

16.—And be it further enacted by the authority aforesaid, that if any person shall wilfully and with malice aforethought, kill, or cause to be killed, any Negro or other Slave, every such person shall be adjudged guilty of felony and murder, and shall suffer death without benefit of clergy: Provided always that no such conviction shall extend to the corruption of blood, or the forfeiture of lands and tenements, goods and chattels, any law to the contrary notwithstanding.

Persons wilfully killing a Slave guilty of felony.

17.—And be it further enacted by the authority aforesaid, that if any person shall wantonly or cruelly whip, maltreat, beat, bruise, wound, imprison, or keep in confinement without sufficient support, any Slave or

Penalty on persons guilty of cruelty towards Slaves.

Slaves, he, she, or they shall be subject to be indicted for the same in the General Court, and shall suffer such punishment by fine or imprisonment, or both, as the court shall think proper to inflict; and such punishment is declared to be without prejudice to any action that may be brought for recovery of damages, in case such Slave shall not be the property of the offender.

**Punishment of Slaves.** 18.—And in order to restrain arbitrary punishment, Be it further enacted by the authority aforesaid, that no Slave shall, on any account, receive more than twenty lashes at any one time, or for any one offence, unless the owner or employer of such Slave, or supervisor of the workhouse or keeper of the gaol shall be present; and that no such owner, employer, supervisor, or gaol keeper, shall on any account punish a Slave with more than thirty-nine lashes, at one time and for one offence; nor inflict, or suffer to be inflicted, any second punishment on the same day, nor until the delinquent shall have recovered from the effects of any former punishment; nor shall any female Slave above the age of twelve years be punished otherwise than in private, under the penalty of ten pounds for every offence.

See explanation of this power by the amended Consolidation Slave Act of 7th Geo. IV. section 4th. such supervisor &c., not to punish without the consent of owner.

**Duty and fees of provost marshal.**

19.—And whereas it is customary for owners to commit their Slaves to the common gaol for slight offences which are not punishable under this Act: Be it therefore enacted, that in all cases where any owner or possessor of a Slave shall send him or her to gaol for any such trivial offence, the provost marshal or his deputy or gaoler shall forthwith take and receive such Slave into custody, and him or her safely keep until released by the owner, and shall receive for his trouble three shillings, together with one shilling for every day such Slave shall have remained in gaol, provided such Slave shall have been maintained by the provost marshal.

**Fixing iron collars on Slaves declared unlawful.**

20.—And whereas a mischievous practice hath prevailed in some colonies of punishing ill disposed Slaves, and such as are apt to abscond from their owners, by fixing iron collars with projecting bars or hooks round their necks, Be it enacted and declared, that such practice is utterly unlawful, and that no person shall, on any account whatever, punish any Negro or other Slave, whether his own property or otherwise, by fixing or causing to be fixed any iron or other collar round the neck of such Slave, or by loading the body or limbs of such Slave with chains, irons, or weights of any kind, other than such as are absolutely necessary for securing the person of such Slave while in confinement, under the penalty of fifty pounds; and any justice of the peace is hereby authorized and required, on information or view of such offence, to order such collars, chains, irons, or weights to be immediately taken off under the penalty of one hundred pounds for every neglect or refusal.

**Allowance of holydays.**

21.—And be it further enacted by the authority aforesaid, that every Slave within these islands shall be allowed the usual number of Christmas holydays, to wit; Christmas-day and the two following working days.

**Penalty on overseers absenting themselves during the Christmas holydays.**

22.—And be it further enacted by the authority aforesaid, that every overseer who shall absent himself from the estate under his care or management on any of the aforesaid holidays, without leave from his employer, shall for every such offence forfeit the sum of five pounds for each day.

**Penalty on not returning births and deaths on plantations every 1st of January.**

23.—And be it further enacted by the authority aforesaid, that on the first day of January, which will be in the year of our Lord one thousand eight hundred and twenty-five, and on the first day of January in every succeeding year, or within thirty days after, the owner, manager, or overseer of every plantation or settlement within these islands, shall give upon oath to the churchwardens of the parish, an account of all the births and deaths of the Slaves on such plantation or settlement, for the year immediately preceding, under the penalty of fifty pounds, to be recovered from the owner of such plantation or settlement.

**To fall on the overseer if through his neglect.**

24.—And be it further enacted by the authority aforesaid, that if the not giving in such accounts shall be owing to the neglect of any overseer or manager, it shall and may be lawful for the owner, proprietor, or possessor of such plantation or settlement, to stop and detain the penalty which he or she shall be compelled to pay, together with his or her costs and charges, out of the wages of such manager or overseer.

**Penalty on Slaves hurting cattle.**

25.—And be it further enacted by the authority aforesaid, that no Negro

or other Slave shall be allowed to hurt any horned cattle, horses, mares, mules, asses, or other animals, with lances, guns, cutlasses, or other arms, unless in the company of his master, overseer, or some other white person, or by his permission in writing. And any Negro or other Slave, who shall offend contrary to the true intent and meaning of this Act, shall suffer such punishment by whipping as any two justices of the peace shall think proper to inflict, not exceeding fifty lashes.

26.—And be it further enacted, that every person from whose service any Slave shall abscond, shall within fourteen days thereafter give notice thereof, by public advertisement, wherein shall be inserted the name and description of such runaway, by means whereof he or she may be more easily known and apprehended; and in case the owner shall neglect to do so, he or she shall not be entitled to any satisfaction from the treasury for any such Slave executed or transported by virtue of this Act for any crime whatever.

Public notice of Slaves absconded to be given.

27.—And be it further enacted, that it shall not be lawful either to sell or buy any runaway Slave, and that any person selling or buying any such Slave while absent, shall forfeit the sum of thirty pounds.

Penalty on selling or buying any runaway Slave.

28.—And be it further enacted by the authority aforesaid, that all Slaves who shall have been in these islands for the space of two years, and shall run away, and continue absent for a term not exceeding six months, shall, upon conviction before any two justices of the peace, suffer such punishment as the said justices shall think proper to inflict, not extending to life or limb.

Penalty on Slaves running away.

29.—And be it further enacted by the authority aforesaid, that any Slave who shall run away from his owner or lawful possessor, and be absent for more than six months, being duly convicted, shall be sentenced to be transported for life, or shall suffer such other punishment not extending to life or limb, as the court shall think proper to inflict.

Slaves, absent more than six months to be transported.

30.—And be it further enacted by the authority aforesaid, that any Slave who shall knowingly harbour or conceal any runaway Slave, shall be liable to be tried for the same as hereafter directed, and upon conviction shall suffer such punishment as the court shall think proper to inflict, not extending to life or limb; and that every free person who shall commit any such offence may be indicted and prosecuted for the same, in the General Court, and being convicted, shall suffer such punishment by fine and imprisonment, as the court shall think proper, according to the magnitude of the offence; and such punishment is hereby declared to be without prejudice to any action or suit which may be brought by the party injured for recovery of damages, for and on account of the same.

Penalty on harbouring runaway Slaves. Suspended by 6th sect. of the amended Consolidated Slave Act of 7th Geo. IV.

31.—And be it further enacted by the authority aforesaid, that every Slave who shall take up any such runaway Slave, so that such runaway may be taken and restored to his or her owner or owners, shall be entitled to such reward as any two justices of the peace shall think reasonable and just, not exceeding three pounds, to be paid by such person or persons as the said justices shall determine ought to pay the same.

Reward to Slaves apprehending runaways.

32.—And whereas it is dangerous to the peace and safety of these islands to suffer Slaves to continue out as runaways, and it is absolutely necessary to declare what Slaves shall be deemed runaways: Be it therefore enacted and declared, that every Slave who shall be absent from his or her owner or employer, without leave, for ten days together, and shall be found at the distance of eight miles from the house, plantation or settlement to which he or she belongs, without a ticket or permit to pass, (such only excepted as are going with fire wood, grass, fruit, provisions or small stock, and other goods which they may lawfully sell, to market and returning therefrom) shall be deemed a runaway.

What Slaves deemed runaways.

33.—And be it further enacted by the authority aforesaid, that any free person who shall apprehend any runaway Slave, shall be entitled to receive from the owner, employer, overseer or manager of such Slave, the sum of twenty shillings and no more, besides mile money at the rate of two shillings per mile for the first five miles, and one shilling per mile afterwards: Provided such Slave had absented himself or herself ten days without the privity, knowledge, or consent of the proprietor, owner, or other white per-

Reward to free persons apprehending runaways.

son residing on the plantation or place to which such Slave shall belong; which term of absence shall be declared on the oath of such proprietor, overseer or other white person as aforesaid, if required by the party taking up the Slave; but it is the true intent and meaning of this Act, that every person who shall apprehend any Slave that is actually runaway, shall be entitled to the aforesaid reward, although such Slave shall not be eight miles from home, and although the aforesaid term of ten days shall not have elapsed.

Reward to Slaves taking rebel Negroes.

34.—And be it further enacted by the authority aforesaid, that any Slave who shall take or kill another Slave in actual rebellion, shall receive from the churchwardens of the parish in which any such Slave shall have been killed, the sum of five pounds, and ten pounds if taken alive; also a blue cloth coat with a red cross on the right shoulder; the whole expenses whereof shall be reimbursed by the receiver-general for the time being, out of any money in his hands unappropriated.

35.—And be it further enacted by the authority aforesaid, that if any Slave shall be killed by any person or persons in the execution of this Act, or under the authority of the same, the person or persons by whom such Slave may be killed, shall, as speedily as may be, give information thereof to some justice of peace, who is hereby required to take his examination, and also the evidence or information of any person or persons respecting the same; and any white person or free person of colour killing such Slave, who shall neglect forthwith to give the information hereby required, shall forfeit and pay the sum of one hundred pounds.

Runaways apprehended, how dealt with.

36.—And be it further enacted by the authority aforesaid, that any person or persons apprehending any runaway Slave, shall convey him or her to his or her owner, employer or manager, if resident on the island in which such Slave shall have been apprehended; but if not therein resident, or if payment of the reward and other charges hereinbefore mentioned shall not be made, then to the nearest gaol or workhouse, the keeper whereof is hereby authorized and required to receive such Slave into his custody, and to pay the party delivering such Slave the sum of twenty shillings, and mile money as aforesaid, and no more, under the penalty of five pounds: Provided nevertheless, that no gaoler or workhouse keeper shall pay any such sum or sums before such person shall have taken an oath (which oath such gaoler or workhouse keeper shall file in his office, and produce when thereunto required by the owner or possessor of such Slave, under the penalty of five pounds) that the Slave so apprehended was at the reputed distance of eight miles from the house, plantation or settlement to which such Slave belongs, (except as is before excepted) and that such Slave had no ticket or permit in writing from his or her owner or possessor, employer or overseer at the time of being apprehended, and that such Slave had been first carried to his or her owner, employer or manager, provided such owner, employer or manager shall be in the island where such Slave shall have been apprehended, and the payment of the reward and charges aforesaid was neglected or refused to be made.

Runaways taken up to be advertised in the Gazette.

37.—And to the end that the owners and proprietors of Slaves so apprehended may obtain information of the gaol or workhouse in which they are confined, Be it further enacted by the authority aforesaid, that the keeper of every workhouse or gaol shall and they are hereby required, once in every month, to advertise in the Royal Gazette, or other public newspaper, and at the most public place in the island on which such Negro shall be apprehended, the height, names, marks and sex, and also the country (when the same can be ascertained) of every runaway Slave then in his custody, and the time such Slave was put into his custody, and also the name or names of the owner or owners thereof, if known, under the penalty of ten pounds for every neglect or omission, and for the expense of such advertisement it shall and may be lawful for the keeper of every gaol or workhouse to charge the owner or owners of each runaway Slave at and after the rate of twelve shillings per month and no more, and to detain any such Slave in custody until the same, together with the charges of apprehending and other fees, and poundage after the rate of two shillings in the pound, shall be paid, and also one shilling for every twenty-four hours such



Slave shall have been in custody for subsistence, and sixpence per day for medical care and extraordinary nourishment where necessary. And the gaoler, workhouse keeper, or supervisor, shall attest every such account upon oath.

38.—And be it further enacted by the authority aforesaid, that the keeper of every workhouse or gaol within these islands, shall provide and furnish every such Slave confined in such workhouse or gaol, with a sufficient quantity of good and wholesome provisions, according to the allowance hereinbefore required to be given upon every plantation, under the penalty of ten pounds for every neglect.

Gaoler to furnish confined Slaves with victuals.

39.—And be it further enacted by the authority aforesaid, that after any runaway Slave shall have been in the custody of the provost marshal or the keeper of the workhouse or gaol, and shall have been duly advertised as aforesaid for the space of twelve calendar months, if no person shall claim such Slave and pay the fees and other monies hereinbefore directed, it shall and may be lawful for the provost marshal, or the keeper of such gaol or workhouse \*, to sell every such Slave at public auction to the highest bidder, and that the monies arising from such sale shall be applied in the first place, towards payment of the expense of taking up, keeping and advertising such Slave, together with all fees and charges hereinbefore mentioned; and the overplus (if any) shall be paid into the public treasury to be applied towards the contingent expenses of this government: Provided always, that every such sale be at the usual place of public auction in the town of Nassau, between the hours of ten and twelve o'clock in the forenoon; that thirty days notice thereof be given in the Royal Gazette or other public newspaper; and that previous to every such sale every such Slave be carried before a magistrate, who is hereby required to examine whether such Slave has been duly advertised, and whether his or her marks and description agree with the advertisement, and to certify the same if found accurate or sufficient.

Slaves who shall have remained in custody twelve months unclaimed, how dealt with.

\*Suspended by the 5th section of amended Consolidated Slave Act of 7th Geo. IV.

40.—And be it further enacted by the authority aforesaid, that no gaoler or workhouse keeper shall on any pretence whatever employ any Slave sent to his custody on any plantation belonging to him or in his possession; nor hire nor lend any such Slave to work for any person or persons, under the penalty of fifty pounds for every offence.

Slaves in the custody of the gaoler not to be hired out.

41.—And be it further enacted by the authority aforesaid, that any Negro or other Slave who shall be confined in any workhouse or other place of confinement, and shall escape therefrom before trial or the expiration of his or her sentence, upon being retaken, and proof being made of his or her identity before any two justices of the peace, shall be adjudged to be sent back to confinement, and shall receive punishment by whipping not exceeding fifty lashes.

Punishment on Slaves escaping from confinement before trial.

42.—And be it further enacted by the authority aforesaid, that if the provost marshal, or any of his deputies, or any constable, gaoler, or workhouse keeper, shall willingly or negligently suffer any Slave to escape, so that such Slave shall not be retaken, such marshal, constable, gaoler, or workhouse keeper, shall forfeit a sum not exceeding twenty pounds, without prejudice to the owner's action of damages.

Penalty on gaoler suffering Slaves in his custody to escape from punishment.

43.—And be it further enacted, that if any Negro or other Slave at any time of invasion, or appearance of any enemy, shall be killed in service of the country, the owner shall be paid out of the public treasury the full value of such Slave, to be ascertained by any two justices of the peace.

Slaves killed in the public service to be paid for.

44.—And be it further enacted by the authority aforesaid, that if any master, owner, guardian, or attorney of any plantation or settlement shall suffer any strange Slaves, exceeding twelve in number, to assemble together, and beat their drums, or blow their horns or shells, in any place under his, her, or their care and management, or shall not endeavour to disperse or prevent such meeting by giving notice thereof to the next magistrate or commissioned officer that a proper force may be sent for the purpose, every such master, owner, guardian, or attorney, shall forfeit for every such offence the sum of fifty pounds; provided information of such offence be given upon oath within five days after the commission of such offence.

Penalty on persons having charge of any plantations on permitting more than twelve strange Slaves, there to assemble.

45.—And be it further enacted by the authority aforesaid, that all

All officers authorized



to disperse unlawful assemblies. officers, civil and military, shall be and they are hereby empowered and required to enter into any place whatever, in order to disperse any unlawful assembly of Slaves, and to suppress and prevent all riotous unlawful drumming or other noise, any law, custom, or usage to the contrary notwithstanding.

Penalty on Slaves having fire-arms, &c. in possession. 46.—And be it further enacted by the authority aforesaid, that any Slave who shall hereafter be found to have concealed in his or her house, or otherwise in his or her possession, any fire-arms, gunpowder, slugs, or balls, shall, on conviction before any two justices, suffer such punishment as the said justices shall think proper to inflict by whipping.

Punishment of Slaves offering violence to a white person. 47.—And be it further enacted by the authority aforesaid, that any Slave who shall offer violence (by striking or otherwise) to any white person, shall be punished with such punishment, not extending to life or limb, as the court shall think proper to inflict: Provided such conflict or striking be not by command of the owner of such Slave, or his or her attorney, overseer, or other person having authority over such Slave, or in the lawful defence of his owner's person or property.

Punishment of Slaves preparing or giving poison. 48.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave shall mix or prepare with intent to give any poison or poisonous drug, or shall actually give, or cause to be given any such poison or poisonous drug, although death may not ensue from the taking thereof, such Slave, together with all and every accessory and accessories, as well before as after the fact, (being Slaves,) being thereof duly convicted, shall suffer death, transportation for life, or such other punishment as the court shall think proper.

Punishment of Slaves found with the flesh of beef, mutton, &c., in their possession. 49.—And whereas, horned cattle, sheep, horses, mares, and asses, are frequently stolen and killed by Negro and other Slaves in so secret and private a manner, as to render conviction very difficult, for prevention thereof, Be it further enacted, that if any Negro, or Slave or Slaves shall fraudulently have in his, her, or their possession, any fresh beef, mutton, or veal, or the flesh of any horse, mare, mule, or ass, in any quantity exceeding five pounds, and not exceeding twenty-eight pounds, every such Negro or other Slave shall, upon conviction before any two justices of the peace, be whipped in such manner as such justices shall direct, not exceeding thirty-nine lashes; and if there shall be found fraudulently as aforesaid in his, her, or their custody or possession, a larger quantity than twenty-eight pounds' weight of such beef or other flesh, that then every such Negro or other Slave shall suffer such punishment as the justices shall think proper to direct, not extending to life or limb.

Punishment of Slaves stealing cattle. 50.—And be it further enacted by the authority aforesaid, that if any Negro or other Slave shall feloniously steal any horned cattle, sheep, horse, mare, gelding, mule, or ass, or shall kill any such horned cattle, sheep, horse, mare, gelding, mule, or ass, with intent to steal the same, or any part of the flesh thereof, such Negro or other Slave shall suffer death, or such other punishment as the court shall think proper to inflict.

Punishment of Slaves for aiding Slaves in running away. 51.—And whereas several Slaves have lately found means to depart from these islands to the great damage of their owners, and to the evil example of other Slaves, who may thereby be induced to attempt to conspire to do the same: And whereas there is reason to suspect that Slaves have been aided and assisted in their departure by other persons, and no adequate punishments are provided by law for such offences, for remedy thereof: Be it further enacted by the authority aforesaid, that if any Negro or other Slave shall run away from his or her owner or owners, employer or employers, and go off, or conspire or attempt to go off, these islands in any ship, boat, canoe, or other vessel or craft whatsoever, or be aiding, abetting, or assisting, to any other Slave or Slaves in deserting and going off, or conspiring and attempting to go off, or aiding, assisting, or abetting in such going off, being thereof convicted, shall suffer transportation, or such other punishment as the court shall think proper to inflict, not extending to life or limb.

Of free persons of colour suspended by free Negro, Indian, or Mulatto shall be aiding, assisting, and abetting any Slave or Slaves in deserting and going off these islands, and shall be 6th section of amended consolidated Act, passed 7th Geo. IV. 52.—And be it further enacted by the authority aforesaid, that if any

thereof convicted, he, she, or they shall be subject to be transported from these islands by the provost marshal or his deputy; and any such person so convicted, sentenced, and transported, who shall afterwards be found at large within these islands, shall suffer death without benefit of clergy.

53.—And be it further enacted by the authority aforesaid, that any white person who shall knowingly be aiding, assisting, or abetting any Slave in deserting and going off these islands, shall forfeit the sum of one hundred pounds; and shall also suffer imprisonment for any space of time not exceeding twelve months, without bail or mainprize; and such punishment is declared to be without prejudice to any suit or action which may be brought or had by the party injured for recovery of damages, for and on account of the same.

54.—And be it further enacted by the authority aforesaid, that it shall and may be lawful to proceed against the person or persons so aiding, assisting, and abetting such Slave or Slaves in going off these islands, whether the principal or principals be convicted or not; anything in this or any other act, or any law, usage, or custom to the contrary notwithstanding.

55.—And be it further enacted, that no Negro or other Slave, shall on any pretence, barter or carry about for sale or barter, any dry goods of any kind whatever, unless by a ticket, or consent in writing, of his or her owner or owners to that effect, specifying the articles they may have for sale, and in default of such ticket or consent, it shall and may be lawful for any white person to take and seize all such goods, and to deliver them to the provost marshal or his deputy, who shall forthwith sell the same at public auction, and pay the nett proceeds thereof into the public treasury.

56.—And be it further enacted by the authority aforesaid, that no Negro or other Slave shall vend or retail any spiritous liquors whatever; and if any Slave without the knowledge of his or her owner or employer, shall sell or vend any spiritous liquors whatsoever, such Slave for every such offence, shall be publicly whipped by order of any two justices of the peace; but if it shall appear to have been done with the knowledge of his or her owner or employer, then, and in that case, such owner or employer shall forfeit the sum of forty pounds, to be recovered in manner herein-after directed.

57.—And be it hereby enacted, that every Slave who shall play at dice or cards, or be guilty of any other kind of gaming, shall be publicly whipped by order of any two justices of the peace; and any keeper of a tavern or punch-house, who shall suffer any Slave or Slaves to game, get drunk, or tittle in or about his or her house, shop or premises, or to remain in or about the same, after the hour of eight o'clock at night; or shall at any other time sell rum, or any other spiritous liquors to any Slave to whom he or she shall have been forbidden by the owner or employer of such Slave to sell liquor, shall suffer any such Slave after having been so forbidden, to loiter or remain in or about his or her house, shop or premises, shall forfeit the sum of twenty pounds.

58.—And whereas it is deemed expedient and proper, that the trial of Slaves charged with treason, murder, or other felonious offence, not having the benefit of clergy, should hereafter be had and proceeded on in the General Court of these islands, according to the form and practice of the said court, used and followed therein on the trial of white persons, or free persons of colour charged with the like offences: Be it therefore enacted by the authority aforesaid, that from and after the passing of this Act, when any Slave or Slaves shall be charged with treason, murder, burglary, robbery, burning of houses, or other felony, or offence whatsoever, from which the benefit of clergy is taken away by any statute or act of parliament of Great Britain now or hereafter to be in force within the Bahama Islands, or by this or any other Act of the General Assembly of the same islands, the trial of such Slave or Slaves (a bill or bills of indictment being first found by the grand inquest for the body of the said Bahama Islands, and which bill or bills of indictment, the Attorney-General of these islands, or other officer prosecuting in the name of his Majesty, shall and lawfully may prefer) shall be had and proceeded upon in the General Court of said

Of white persons.

Persons aiding Slaves going off these islands may be proceeded against whether the principal be convicted or not.

Slaves not to carry any dry goods about for sale, without a ticket from their owners.

Slaves not to vend spiritous liquors.

Punishment of Slaves for gambling.

The same practice to be observed on the trial of Slaves charged with capital offences, as on the trial of white persons or free persons of colour charged with the like offence.

Bahama Islands, by and before the chief justice and assistant justices of the said court, or some or one of them, in the same manner and form, and according to the same course, usage, and practice established, observed, and followed therein, for and upon the trial of any white person, or free person of colour, charged with the like crimes and offences, save and except only, that the evidence of Slave against Slave shall in all cases be received.

Sentence of death to be pronounced by one of the judges of the General Court, on any Slave convicted of any capital offence not clergyable.

59.—And be it further enacted by the authority aforesaid, that when any Slave or Slaves shall be convicted in the said court of any treason, murder, or other felony or offence, from which the benefit of clergy is taken away as aforesaid, it shall and may be lawful for the chief justice and assistant justices of the said General Court, or some one of them, to pronounce sentence of death upon such Slave or Slaves, so convicted as aforesaid; and the provost marshal of the said islands, or his lawful deputy, is hereby authorized and required to cause such sentence to be carried into execution at such time and place as such chief justice and assistant justices, or some or one of them, shall think proper to direct and appoint.

Parts of Acts relative to the mode of proceeding on the trial of Slaves suspended.

60.—And be it further enacted by the authority aforesaid, that so much and such part and parts of any Act or Acts of the General Assembly of the said Bahama Islands as prescribe or regulate any mode of proceeding on the trial of Slaves accused of crimes punishable with death, different from that hereinbefore established and appointed, shall be, and the same is, and are hereby suspended from and after the passing of this Act, for and during the continuance of this Act and no longer.

Mode of proceeding on the trial of Slaves for any clergyable offence.

61.—And be it further enacted by the authority aforesaid, that upon complaint being made to any justice of the peace of any clergyable felony or other offence committed by any Slave or Slaves, and which is hereby declared to be punishable with transportation, such justice shall issue his warrant for apprehending such offender or offenders, and for all persons that can give evidence to be brought before him or any other justice of the peace, and evidence of Slave against Slave shall in all cases be received; and if upon examination the charge shall appear to be well founded, the justice before whom such examination shall be had and taken, shall commit the accused to prison, and bind over the witness to appear at a certain day and place, not less than ten, or more than thirty days from the day on which the complaint shall have been made; and shall certify to any other justice of the peace the cause of such commitment, and require him to associate himself with him, which the said justice is hereby required to do under the penalty of forty pounds; and the said justices so associated shall issue their warrant to summon seven persons, such as are liable to serve on ordinary juries (the master, owner, or proprietor of the Slave or Slaves so complained of, or the attorney, guardian, overseer or manager of such owner or proprietor, or the person prosecuting, his or her attorney, guardian, overseer or manager always excepted) personally to be and appear before the said justices, at the day and place appointed for the trial, between the hours of eight and twelve of the clock in the forenoon, when and where the said justices shall cause the accused to be brought before them; and thereupon five of the persons so summoned shall (the charge of accusation being first reduced to writing and read) be sworn to try the matter before them, and give a true verdict according to evidence, which charge or accusation shall not be questioned for any want of form, but shall be deemed valid if sufficient in substance; and if the said jurors shall, upon hearing the evidence, unanimously find the said Slave or Slaves guilty of the offence of which he, she, or they shall stand charged, the said justices shall forthwith pass sentence upon such offender or offenders according to the nature of the offence, and shall cause such sentence to be carried into execution, at such time and place as they shall think proper: Provided always, nevertheless, that the justices of the peace, or any two or more of them, resident upon any of the islands within this government, shall and may hereafter hold Slave courts upon the first Tuesday in January, April, July, and October in every year, to continue and be holden five days successively (if necessary) and not longer; and shall have full power and authority to inquire into, hear and determine, all and all manner of clergyable offences, or other offences com-

mitted by any Slave or Slaves, and which is hereby declared punishable with transportation or other punishment, not extending to life or limb; and shall open the said court by proclamation, declaring the same to be a Slave court for such purpose; and that any two of the said justices shall thereupon proceed to try and deliver the workhouse or gaol within the islands or parish, of all Slaves who shall be in custody of the gaoler or workhouse keeper, charged with any such last-mentioned felony or offence, and shall cause a jury to be called, and taken from the panel returned to the said court, forthwith to be sworn, as they shall appear, to try all and every such Slave and Slaves as shall be brought before them charged with any of the offences last aforesaid, and to give a true verdict according to evidence, as in other cases.

62.—And be it further enacted by the authority aforesaid, that not less than two justices and five jurors shall constitute any such Slave court; and that upon any such trial no peremptory challenge of any juror, or any exception to the form of the indictment, shall be allowed.

Who shall constitute a Slave court.

63.—And be it further enacted by the authority aforesaid, that any Slave wilfully giving false evidence on any trial to be had before any Slave court under this Act, shall suffer the same punishment as the person or persons on whose trial such false evidence was given, would, if convicted, have been liable to suffer, or such other punishment as the justices shall award, not extending to life or limb.

Punishment of Slaves giving false evidence.

64.—And be it further enacted by the authority aforesaid, that when any Slave or Slaves shall be discharged by proclamation, or shall die in custody, the marshal, gaoler, or workhouse keeper shall be entitled to receive out of the public treasury all such fees as shall be due for such Slave or Slaves at the time of such discharge or death.

Gaol fees due for Slaves dying in custody to be paid by the public.

65.—And be it further enacted by the authority aforesaid, that the constables of the respective islands and districts shall be obliged to attend every such trial or court under the penalty of twenty pounds for such neglect; and the constable executing any sentence shall be entitled to receive out of the public treasury the sum of twenty shillings upon producing the certificate of the justices aforesaid.

Constables to attend Slave courts.

66.—And be it further enacted, that any person who shall be drawn and duly summoned to serve as a juror in any trial to be had by virtue of this Act, and who shall neglect to attend, or after appearance shall depart without leave, shall forfeit the sum of six pounds.

Penalty on persons neglecting to attend

67.—And be it further enacted by the authority aforesaid, that no such trial of any Slave shall be had until after reasonable and sufficient notice of such trial shall have been given to the owner or proprietor of such Slave, or to his, her, or their attorney or attorneys, or other representative or representatives, where any such can conveniently be found within the colony; any law, usage or custom to the contrary notwithstanding.

Notice of trial of any Slave to be given to the owner.

68.—And be it further enacted by the authority aforesaid, that in all cases where any Slave shall receive sentence of death or transportation, the jury shall appraise and value such Slave, and the justices shall certify such valuation: Provided always, that such valuation shall not in any case exceed sixty pounds for any one Slave: And provided also, if it shall appear that the owner or possessor of such Slave had treated him or her with inhumanity, and that necessity or hard usage might have driven such Slave to the commission of the offence of which he or she shall have been convicted, that then, and in such case, no valuation shall be made nor certificate granted, and the owner shall not be entitled to receive any allowance whatever for such Slave from the public.

Valuation of Slaves sentenced to be transported to be made by a jury.

69.—And be it further enacted by the authority aforesaid, that in all cases where any Slave valued as aforesaid, shall be executed or transported by virtue of this Act, such Slave shall be paid for at the public expense, and the nett money arising from the sale of any Slave sold for transportation shall be accounted for on oath by the provost marshal or his deputy, and paid over to the receiver general for the use of the public.

Appropriation of monies arising from the sale of transported Slaves.

70.—And be it further enacted by the authority aforesaid, that any Negro or other Slave who shall be transported from these islands by virtue

Slaves transported and returning shall suffer death.

of this Act, and shall wilfully return from transportation, shall, upon conviction, suffer death, without benefit of clergy.

Penalty on persons  
concealing Slaves  
against whom war-  
rants shall be granted.

71.—And be it further enacted by the authority aforesaid, that when any warrant shall be granted by any one or more of his Majesty's justices of the peace against any Slave who cannot be taken, the owner, attorney, possessor, guardian or overseer, of every such Slave, shall be served with a copy of the said warrant, and if he, she, or they do not send or produce such Slave to the justice or justices to be dealt with according to law, and it shall afterwards be proved that such owner, attorney, guardian, possessor or overseer, wilfully detained or concealed such Slave, he, she, or they, shall forfeit the sum of one hundred pounds.

Manumitted Negroes  
to be tried as Slaves.

72.—And be it further enacted, that all such Negroes, Mulattoes, Mustees, and Indians, as have been Slaves, and have been or shall be made free, shall, for all misdemeanours and offences under the degree of felony, be tried and adjudged in manner and form hereinbefore directed for the trial of Slaves, and the evidence of a Slave or Slaves shall be admitted on such trials; any law, usage, or custom to the contrary notwithstanding.

Summary mode of  
punishment for in-  
ferior offences.

73.—And whereas misdemeanours and offences of inferior degree are frequently committed by Slaves, which ought to be punished in a summary manner: Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for any two justices of the peace, in a summary manner, to hear and determine all crimes and misdemeanours below felony, or other offences whatsoever, committed by every Slave or Slaves, and to which the punishment of transportation hath not been annexed by this Act, committed by any Slave or Slaves, giving sufficient notice to the owner or owners of such Slave or Slaves, or his, her, or their attorney or attorneys, or to the person having the care of such Slave or Slaves of the time or place of trial; and to order and direct such punishment to be inflicted on any such Slave, as the justices in their discretion shall think fit, not exceeding fifty lashes. And the constable attending such trial, and executing any such sentence, shall be entitled to have and receive ten shillings, to be paid by the master, owner, or possessor of such Slave or Slaves, on non-payment whereof, it shall and may be lawful for the justices to issue their warrant for levying the same, together with costs and charges.

Runaway Slaves to  
be committed to gaol  
only, when there is no  
workhouse to receive  
them.

74.—And be it further enacted by the authority aforesaid, that no runaway Slave shall, on any account, be committed to gaol by any magistrate of a parish where there shall be a workhouse established, but to such workhouse only.

Powers vested in ves-  
tries and justices to  
be executed by jus-  
tices or vestries where  
there are not both.

75.—And be it further enacted, that in all cases in which by this present Act, or by any other Act of the General Assembly, any power or authority is vested in the justices and vestries, such power and authority shall be executed by the justices, or any two of them, in islands where there are no vestries, or by the vestrymen, or any six of them in islands where there are no justices.

Penalties how re-  
covered and appro-  
priated.

76.—And be it further enacted by the authority aforesaid, that all forfeitures and penalties given by this Act, of which the recovery and applications have not been otherwise directed, shall, if not exceeding twenty pounds, be recovered in a summary manner before any two of his Majesty's justices of the peace, and shall be levied, together with costs, by distress and sale of the offender's goods and chattels; and if exceeding twenty pounds, shall be recovered with costs in the General Court of these islands, by action of debt, bill, plaint, or information, wherein no essoign, protection, wager of law, or *non vult ulterius prosecute* shall be allowed or entered; one moiety of which penalties shall be to the use of the parish where the offence shall have been committed, and the other moiety to the informer, or to him, her, or them, who shall sue for the same.

Duration of this Act.

77.—And be it further enacted by the authority aforesaid, that this Act, and every clause, matter, and thing therein contained, shall continue and be in force for and during the term of five years from the passing thereof, and from thence to the end of the then next session of the General Assembly and no longer.

“ An Act for the more effectual Punishment of those Persons who shall attempt to commit the Crime of Arson.

January 23th, 1824,

WHEREAS attempts have lately been made, by evil disposed person or Preamble. persons, to set fire to different houses in the town of Nassau, (in which town the houses are generally built of wood) and whereas it is necessary for the safety of the lives and property of the inhabitants of these islands, that so unlawful and atrocious an attempt should be made a capital offence: Disallowed by his Majesty. May it please your Majesty that it may be enacted, and be it therefore enacted by his Excellency Lewis Grant, Esquire, Major-general of your Majesty's forces, Captain-general and Governor in chief, the Council and Assembly of the Bahama Islands, that from and after the passing of this The attempt to commit the crime of arson declared felony, without clergy. Act, if any person or persons shall wilfully and maliciously attempt to set fire to, with intent to burn and destroy any house, store, shop, kitchen, warehouse, or other out-building, being in the possession of any other person or persons, although no part of such house, store, shop, kitchen, warehouse or other out-building shall take fire, or be actually burnt, every person so offending shall be deemed and taken to be guilty of felony without the benefit of clergy, and shall suffer death accordingly.

No. 7.

*New Providence, Bahamas, 6th February, 1827.*

My LORD,

REFERRING to my despatch to your Lordship dated 8th January last, I have now the honour to enclose for your Lordship's information, a copy of the Report made to me by the Attorney General and Solicitor General on the eight several Bills for the melioration of the condition of Slaves, brought before the House of Assembly of these Islands in last Session.

And I have the honour to be, &c.

(Signed)

W. VESEY MUNNINGS.

*The Right Hon. Earl Bathurst, K. G.,*  
&c. &c. &c.

Sir,

*Nassau, 19th January, 1827.*

WE have had the honour to receive a letter addressed to us by your Honour on the 23rd of August last, accompanied by a copy of Earl Bathurst's despatch (and its enclosures) of the 21st May, 1826, and in obedience to his Lordship's commands having prepared and submitted to your Honour, for your Honour's consideration, the drafts of as many Bills as appeared to us best adapted for giving full and complete effect to the wishes of his Majesty's government, as explained in the drafts so transmitted to us, we have only now to add, that, with the exception of those enactments in the Slave Melioration Act of 1824 which relate to the marriages of Slaves and the separation of families, we have deemed it advisable not to attempt at present a consolidation of any other of the existing laws of the colony, or any part or parts of them, with the projected Bills, and that a suspending clause was added by us to each of them, in order that their several and respective enactments might come into immediate and simultaneous operation, so soon as his Majesty should have been pleased to appoint a protector and guardian of Slaves for the colony, an officer to whom they all have reference.

We have, &c.,

(Signed)

WILLIAM MARTIN.

J. B. WYLLY.

*His Honour the President,*  
&c. &c. &c.



## BARBADOES.

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No. 1.

(No. 25.)

SIR,

*Downing Street 19th March 1826.*

WHEN I had the honour of communicating to Lieutenant General Sir Henry Warde the resolutions of the House of Commons in 1823, he was instructed to bring under the consideration of the Council and Legislative Assembly of Barbadoes, some of the measures which His Majesty's government recommended for improving the condition of the Slave population.

In 1824, I had the honour of communicating to him a copy of the Trinidad order in Council, containing with the others the further measures which His Majesty's government considered it to be their duty to propose, for carrying into effect in His Majesty's Colonies, the Resolutions of the House of Commons. The measures recommended in these communications provided, first, for the improvement of the condition of the Slave population; secondly, for the manumission of Slaves, on such principles as would give to the Slaves on the one hand a means of acquiring their freedom, or that of their families, and on the other secure to the planter, by an equitable appraisement, a full indemnification for the loss which he might experience by their manumission.

In directing him to lay this order before the Council and Legislative Assembly, I thought it desirable in the first instance that it should be left for them to proceed in such manner, as might appear to them advisable for taking all these several measures into their consideration.

Discussions for two years together, have since taken place in the Legislature, and they have ended in an Act, in which I regret to say, I find none of the recommended reforms, and which, however beneficial in several of its provisions, contains some which obliged me to direct your submitting it to the Legislature for revision.

You will, in again addressing yourself to the Assembly, have to communicate to them the unanimous concurrence of the House of Lords, with the resolutions of the House of Commons. In order to enable you to bring the whole subject under the consideration of the Assembly in a more distinct shape, I shall take an early opportunity of sending out to you all the measures contained in the Trinidad Order of Council, classed under separate heads, and accompanied with such explanations as may be necessary with a view of placing in a clearer light the effect of some of those provisions which I have reason to believe have been misunderstood.

On the receipt of this communication, you will take the proper steps for having Bills drawn up for carrying these measures severally into effect, in such manner as may be most conformable to the existing laws of Barbadoes.

When these Bills shall have been duly prepared, you will cause them to be brought under the consideration of the Assembly, so that the Assembly may have them separately before them, and either pass them in the shape in which they will be introduced, or make such amendments or modifications of their provisions as the Assembly may deem expedient, unless (what I anxiously deprecate) they should come to the decision of rejecting them.

The Assembly will thus be placed in full possession of all which His Majesty's government contemplate, for carrying into effect the resolutions of the two Houses of Parliament, and the result of their deliberations will enable His Majesty's government to judge whether it will be necessary to take any other course for the attainment of that object.

If you should have it in your power to announce to me that the Council and Assembly have agreed to Bills substantially carrying into effect all the several measures which have thus been brought under their consideration, it will only remain for me, in communicating to you His Majesty's allowance of those Bills, to congratulate you and the Legislature of Barbadoes on the establishment of a system, both for the improvement of the condition of the



Slave population, and for providing for the manumission of Slaves, or of their families, on a principle of equitable appraisement, which system will have fully carried into effect the resolutions of the two Houses of Parliament.

Nothing will then remain but to provide for the improvement of the judicial system, and for its accommodation to the present state of the whole community, including the Slave population. The means of accomplishing this object would be facilitated by the report of the commissioners of legal inquiry, who, as you are aware, have been employed for that purpose in the examination of the constitution and practice of all the courts of justice in the island.

I have, &c.

(Signed)

BATHURST.

*The Officer Administering the Government of Barbadoes.*

No. 2.

(No. 30.)

SIR,

*Downing Street, 21st May 1826.*

IN my despatch to you, dated the 19th of March last, I had the honour to announce to you, that I should take an early opportunity of sending out to you all the measures contained in the Trinidad Order in Council classed under separate heads.

Vide Bahamas

In the enclosed papers will be found all the provisions of the Order in Council of the 10th March, 1824, for improving the condition of Slaves in the Island of Trinidad, with all such modifications of that order as have been introduced by any subsequent enactments.

These enclosures relate to the eight following subjects:—First,—The office of Protector and Guardian of Slaves. Secondly,—The admission of the evidence of Slaves in civil and criminal cases. Thirdly,—The manumission of Slaves. Fourthly,—The intermarriage of Slaves. Fifthly,—The observance of Sunday, and the abolition of public markets on that day. Sixthly,—The acquisition of property by Slaves, and the establishment of Savings Banks for the better protection of it. Seventhly,—The separation of families under judicial process. And Eighthly,—The punishment of Slaves, with the record to be kept of such punishments when inflicted by the authority of the owner.

To each of these enclosures I have subjoined notes explanatory of the deviations which may be found in them from the rules originally promulgated in the Order in Council of the 10th of March 1824.

Printed for Parliament. Sessions 1826.

I have also the honour to enclose copies of my official correspondence on this subject with the Governor of Trinidad, and the Lieutenant-Governor of Demerara. From the perusal of that correspondence you will learn the views which have been taken by His Majesty's government of the various objections which have been successively urged against the different provisions of the Order in Council, and you will perceive what parts of the law are regarded as of primary and essential importance.

I am perfectly aware of the difficulty, if not impossibility, of framing in this country, and without more local knowledge than is attainable here, enactments upon a subject so comprehensive and important, which are to have their operation in Barbadoes. I am aware also that, upon some of the topics comprised in these papers, the wishes of His Majesty's government have already, to a certain extent, been anticipated by the existing laws of the island; and that, without a very intimate and practical acquaintance with those laws, it may perhaps not be possible safely to frame new legislative provisions on the same, or similar subjects.

In transmitting to you the enclosed papers, I do not therefore propose them as drafts which could be passed without a careful revision, nor probably without some material alterations. My object in this communication has rather been to explain anew and in the fullest manner the measures which His Majesty's government desire to introduce; and I have for this purpose adopted the form and language of legislative Acts, because in no other way could those views be explained with equal accuracy and preci-

sion. His Majesty will however, be ready to confirm any laws in which the Legislature of Barbadoes may effectually embody these principles, and give effect to those intentions, however much such laws may depart from the enclosed drafts, in arrangement, language, or minor details.

You will, therefore, immediately on receiving this despatch, make a confidential communication on the subject to the law officers of the crown within your government, transmitting to them a copy of this despatch and its enclosures, and requiring them to prepare for your consideration the drafts of as many distinct bills as they may think best adapted for giving full and complete effect to the wishes of His Majesty's government, as explained in the enclosed drafts. In performing this duty they will of course have regard not only to such local circumstances as may necessarily affect the form and language of those enactments, but also to any of the existing laws of the colony, in which the same or similar provisions may be found. They will also consider how far a consolidation of such former Acts with the projected bills may be practicable or convenient, and they will report to you in writing every material observation which they may have to offer upon the form and structure of the proposed laws.

As soon as you shall have finally adjusted the shape in which these measures can be most properly brought forward, you will take the most convenient method in your power for introducing them to the consideration of the Legislative Council and Assembly. It is almost superfluous to remind you of the necessity of proceeding on this occasion, with such discretion and with such a regard to the constitutional privileges of the Council and Assembly as to afford no reasonable cause for any jealousy or complaint on the part of those bodies. Upon this subject you will exercise your own judgment, with all the advantage to be derived from your acquaintance with the established usages of the colonial legislature.

At the conclusion of the session you will transmit to me, with the least possible delay, a report of the progress which may have been made in carrying these intentions of His Majesty's government into effect, and in case that this object shall not have been effectually accomplished, you will accompany that report by a distinct reference to each clause of each of the drafts enclosed, stating in detail the reasons which may have prevented the adoption of any of those clauses, and distinguishing with precision what parts of the clauses recommended have been enacted, and what parts have been rejected by the Legislature. In those cases where the existence of previous enactments may have been thought to render any further legislation unnecessary, you will at the same time call my attention to such previous enactments, of which you will transmit copies.

I have thus once more directed your attention to this most important subject, and I cannot close the present despatch, without again reminding you, that His Majesty's government will feel the most lively interest in the result of the deliberations of the Legislative Council and Assembly. I am not disposed to anticipate the continued rejection of the enactments so earnestly and anxiously looked for by both Houses of Parliament, and by every class of society in this kingdom; on the contrary, I must still hope that it will shortly be in my power to lay before His Majesty, Acts of the Assembly of Barbadoes, fully carrying into effect the spirit of the various provisions which by His commands I have now the honour to transmit to you.

I have, &c.

(Signed)

BATHURST.

*The Officer Administering the Government of Barbadoes.*

## No. 3.

*Extract from a Despatch from Lieutenant-general Sir Henry Warde, K. C. B., to Earl Bathurst, dated 5th September 1826. No. 2.*

“ I HAVE the honour herewith to transmit copies of the addresses which I propose to deliver to both branches of the Legislature this day.”

*Extract from the Address of Lieutenant-general Sir Henry Warde, K. C. B., to the Legislature of Barbadoes.*

“ THE composition of your present honourable House, being so nearly the same as the one which existed when I quitted the colony, I may venture to anticipate that such instructions which I may have from time to time to communicate to you, will meet with all due attention and consideration, and with a cool and dispassionate discussion ; and I may further express a strong and anxious hope, that such measures as may have been recommended to you, for legal enactment by the British Legislature, and by the instructions of His Majesty’s Secretary of State, will be, as far as possible, carried into effect, as the best mode, in my poor judgment, (under all the circumstances) of restoring the tranquillity and promoting the welfare of the Colony.”

## No. 4.

(No. 8.)

MY LORD,

*Government House, Barbadoes, October 4th, 1826.*

I HAVE the honour to state, for your Lordship’s information, that immediately after having perused your Lordship’s letter, No. 30, of May the 21st, 1826, addressed to the officer administering the government of Barbadoes, received by him on the 24th June, I made application to the Solicitor General, to whom copies of your Lordship’s letter and its accompanying documents had been referred, for the purpose of the eight drafts of the proposed Acts being rendered into proper form and language, to be submitted to both branches of the Legislature for legal enactment, requesting that he would inform me when he could have it in his power to return them to me for inspection, and I herewith transmit copies of my correspondence with him on the subject ; and not having to this moment received any thing further from this officer, your Lordship will perceive that these drafts cannot now be prepared in time for their being properly taken into consideration during the present session, which expires on the 24th instant.

The House of Assembly are this day sitting, when I have been given to understand, that it is expected a new Slave Amelioration Act will pass that House, and from what I have heard relative to the wishes of his Majesty’s government being carried into effect on the important points required, I am led to hope, that the Bill now in progress, will treat on the points mentioned in your Lordship’s letter, No. 30, of the 21st of May, and that it is expected many will be carried into effect ; from these circumstances, and from the wording of your Lordship’s letter, cautioning me to use discretion in submitting your Lordship’s instructions to the Colonial Legislature, so as not to afford them any reasonable cause for any jealousy or complaint, I conclude, that I shall be justified in affixing my signature to the Bill now in progress, should it embrace many of the points required in your Lordship’s despatch of the 21st May, 1826, and have a suspending clause attached to it on the principle of doing justice to the Colonial Legislature, by shewing what have been their wishes to meet the views of his Majesty’s government, without having received your Lordship’s last instructions on the subject ; as I apprehend, that should any additions or improvements in the Act be required, or indeed, should the Act itself not be approved, very little delay will occur in my submitting the eight drafts of the enactments in your Lordship’s last instructions before the Colonial Legislature, after the re-assembling of the new House of Assembly, provided I may be honoured

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by your Lordship's instructions at an early period after the Act now pending may have been received in England.

I herewith transmit copies of the replies of the Council and House of Assembly, to my address of the 5th ultimo, as the latter alludes to the Slave Amelioration Act, referred to in this correspondence.

I have, &c.

(Signed)

HENRY WARDE.

*The Earl Bathurst, K. G.*  
&c. &c. &c.

SIR,

*Government House, Barbadoes, 6th Sept. 1826.*

Referring to Earl Bathurst's despatch, No. 30, of the 21st May 1826, which transmitted various enclosures relative to Slave amelioration, copies of which were forwarded to you on the 3rd July last, by his Honour the President, to enable you to form from those documents drafts of Acts to be laid before the Legislature of this Colony, I am directed by his Excellency the Governor, to request you will be pleased to state for his information, in what state of forwardness the said drafts now are, and the probable period when they may be in readiness to be submitted to the Legislature.

I have, &c.

(Signed)

G. A. DELHOSTE, Private Secretary.

*The Honourable the Solicitor General,*  
&c. &c. &c.

(Reply)

SIR,

*Bridgetown, 7th Sept. 1826.*

In reply to your letter of the 6th instant, referring to Earl Bathurst's despatch No. 30, of the 21st May, 1826, which transmitted various enclosures relative to Slave amelioration, copies of which were forwarded to me on the 3rd July last, by his Honour the President, to enable me to form from those documents drafts of Acts to be laid before the Legislature of this Colony, I beg leave to acquaint you for the information of his Excellency the Governor, that I have nearly prepared drafts of the Acts above mentioned, and that I will use my utmost endeavours to engross each of them so as that they may be presented to his Excellency the Governor, within a few days previously to the time next appointed for a meeting of the Legislature of this Island.

I have, &c.

(Signed)

WILLIAM GRIFFITH.

*Captain Delhoste, Private Secretary,*  
&c. &c. &c.

SIR,

*Government House, 22d Sept. 1826.*

As a meeting of the Legislature is to take place on Tuesday next the 26th instant, I am directed by the Governor to request that you will be pleased to state for his information, whether the drafts of the Acts relative to Slave amelioration, will be in readiness to be submitted to the Legislature, as the drafts alluded to must of course, in concert with yourself, be carefully examined and considered by his Excellency previous to their being laid before it, a measure which will necessarily occupy some time.

I have, &c.

(Signed)

G. A. DELHOSTE, Private Secretary.

*The Honourable the Solicitor General,*  
&c. &c. &c.

(Reply)

SIR,

*Bridgetown, 23d Sept. 1826.*

I have received your letter of the 23d instant, and I am sorry to state that hitherto I have not been able to finish the drafts of the Acts relative to Slave amelioration. They now occupy my undivided attention, and I expect before long to have the honour of submitting them to the consideration of his Excellency the Governor.

I have, &amp;c.

(Signed) WILLIAM GRIFFITH.

Barbadoes.—*To His Excellency* SIR HENRY WARDE, K. C. B. &c. &c. &c.

*May it please your Excellency,*

WE, the representatives of the people in general assembly, this day assembled, beg to offer to your Excellency our sincere congratulations on your safe arrival in this island, to fill, for the second time, the chair of its government. We have much pleasure in tendering to your Excellency the thanks of this House, for the kind speech which you were so graciously pleased to deliver at the last meeting, to the Council and Assembly, on the occasion of their being called together after your Excellency's return to the Island. The recollection of your Excellency's former administration warrants the confidence with which we look forward to the future; and from the happy experience we have already had, we anticipate a continuance of the same enlightened and disinterested attention to the credit and prosperity of the colony, which has hitherto marked your Excellency's conduct. It is at this "critical juncture" that the candour and integrity which so conspicuously distinguished your Excellency's character, must prove of essential benefit to the people over whom you preside. No suspicion on the part of our enemies can attach to the motives of your Excellency's public conduct; and on that candour and integrity we also rely for the justice of your representations. We gladly embrace the opportunity afforded us, to express our satisfaction at the zeal with which the reins of government have been held during your Excellency's absence, and to do justice to the impartiality and propriety with which his Honour, the President, has discharged the important duties of his situation. We sincerely trust that the liberal, kind, and conciliating sentiments professed by your Excellency, may meet with a correspondent feeling from every quarter; and we beg to assure your Excellency, on our part, of our anxiety to preserve unimpaired the good understanding which ought always to exist between the different branches of administration. We thank your Excellency for the attention you have paid to the wishes of the House, in furthering their petition for the repeal of the Alien Act. Your Excellency may rely that such instructions as you may, from time to time, communicate to us, will, as hitherto, meet with all due attention and respectful consideration, and shall undergo our cool and dispassionate discussion. A Slave Consolidation Bill, embracing, as far as possible, the recommendations of His Majesty's Secretary for the Colonies, had already passed our House, after a full and patient discussion; but as some few objections to that Bill were entertained by the Honourable Board of Council, a new Act of the same import has been introduced and considered, which, in a very short time, we hope to send forward for your Excellency's approval. In noticing your Excellency's especial recommendation for the passing of bills to improve the gaol, and to establish a proper and well-regulated police in Bridgetown, we assure your Excellency that both these subjects shall again have our earliest attention. Much time was spent by the House in preparing and passing a bill, during the late administration of Mr. President Skeete, for the better regulation of the gaol; but as it had not received the concurrence of the Honourable Board of Council, prior to your Excel-

lency's return to your government, it must of necessity be introduced *de novo* in the House.

We take occasion again to assure your Excellency of our readiness to co-operate in passing any bills that may tend to the good of His Majesty's service, and to the welfare and advantage of our constituents, the faithful and attached inhabitants of this His most ancient and loyal colony.

By order of the House,

(Signed)

ROBERT HAYNES, Speaker.

House of Assembly, 26th September 1826.

No. 5.

(Slavery, No. 9.)

MY LORD,

Government House, Barbadoes, 24th October 1826.

WITH reference to my letter No. 8, of the 4th instant, I have now the honour to transmit to your Lordship copy of a bill which has received my assent, entitled, "An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act the several Laws relating thereto, and for the better Order and Government of Slaves, and for giving them further Protection and Security; for altering the mode of Trial of those charged with capital and other Offences, and for other Purposes."

No. 1 Act.

After mature reflection, I have been induced to affix my signature to this Bill, and at the same time to forward various documents with it, fully explaining the present state of opinions here on the subject of it, and the reasons for their rejection of some of the clauses required, as far as I have the possible means of collecting them, together with my own, for my decision on the occasion. First,—Your Lordship will perceive that the eight heads of a Bill submitted to the Solicitor General by Mr. President Skeete, to be considered and framed by him into proper form and language, to be laid before the Colonial Legislature for enactment, were not completed and returned to me, until late in the day of the 20th instant; which rendered it impossible for me to act upon them previous to the opening of a new House of Assembly, had no Act of any kind for the amelioration and consolidation of the Slave laws passed during the present session; but such a Bill having passed, embracing some of the heads required to be enacted by your Lordship, and when I revert to the tenor and words of your Lordship's letter, which accompanied these eight heads, to be eventually submitted to the Colonial Legislature for enactment, wherein I am directed to be cautious in presenting them, so as not to afford them any just cause of offence, I fear that the Legislature would be offended should I do so previous to having first submitted their own Slave Amelioration Act for His Majesty's consideration and decision; for although the Members of Council, in their legislative capacity, have deemed this Bill incomplete, they have yet passed it unanimously; and as it contains a suspending clause, preventing it ever becoming a law, in case that His Majesty should disapprove of it, my refusal to affix my signature to it might be considered unusual and arbitrary on any occasion, but more particularly so, when the Bill in question is of such extreme importance in every point of view; and further, should I refuse my signature, I must at once decide on a point on which I fear I might possibly be exercising an authority beyond what I ought properly to do. That with this view of the subject, and this Bill not having been submitted to me until late in the day of the 20th instant, and having been handed over on *Saturday* the 21st instant to the Solicitor General to report upon it, who stated that he could not possibly return it to me, together with his report, until after this day, when the present House of Assembly would cease to exist, and when my signature would no longer be valid; and that under such circumstances it might be proper that this Bill should be recommitted in the new House of Assembly, and again pre-

sented to me after a long lapse of time, when I should only arrive at the very same point where I now stand, and as it is therefore impossible (even if a proper measure for me to adopt) now to form a correct judgment of the merits or demerits of this Bill, I feel it my duty under all the circumstances, *as it has* a suspending clause, to sign it, and await your Lordship's positive instructions to guide my future steps in the business; and having now in the decision I have made, endeavoured, according to the sincere dictates of my own conscience and poor judgment, to do what appears to me correct and proper, I have only to express a strong hope that it may be honoured by His Majesty's most gracious approbation.

No. 2 Act.

I have affixed my signature to the Act (copy of which is enclosed) entitled "An Act for the Encouragement of Baptisms and Marriages amongst Slaves, and for the due Observance of the Lord's Day, commonly called Sunday, Christmas day, and Good Friday,"—on the same principle as I have signed the other Act: and for the best explanation of the general opinion held here, that time will be voluntarily granted the Slaves by their masters for a market, I annex the copy of a speech of Dr. Maycock, a very sensible and well-informed man, delivered by him at a public meeting assembled for the purpose of establishing a branch society on this island for the conversion of the Negroes to christianity.

I may further add, that although nothing whatever on the subject of the eight heads of a Bill for the amelioration of the Slaves required by your Lordship's despatch No. 30, has been officially submitted to either branch of the Legislature, yet it is reasonable to believe that they are *perfectly* acquainted with the subject, as accounts of how they have been received and acted on in other colonies, have appeared in the daily journals of this island, during the consideration and discussion of the Acts now passed.

No. 3 Act.

I have also enclosed a copy of an Act entitled "An Act to remove pecuniary Impediments to the Manumission of Slaves, and to extend the Benefit of Testimony to free Persons manumitted not according to the Laws of this island, and to repeal Acts and parts of Acts relating thereto"—which the 13th article of my instructions (copy of which is annexed) forbids my signing, as repealing Acts passed in this government, without a suspending clause, of which this Bill is deficient, and in returning this Act on the meeting of the next House of Assembly, I shall recommend them to recommit it; but should the copy of the Act now transmitted be approved of by His Majesty, and nothing militate against the measure, I should request that special permission might be allowed me to affix my signature to it, and to put the law in force immediately on receiving His Majesty's approbation thereof, as much anxiety appears to exist for the speedy enactment of this law.

I have not yet received the Solicitor General's report, but it shall accompany the Acts.

The annexed schedule will detail the number and description of documents which accompany this despatch.

I have &c.

(Signed)

HENRY WARDE.

*The Earl Bathurst, K. G.*

&c. &c. &c.

P. S. *2d November 1826.*

I regret that on application to the Solicitor General for his report on the Consolidation Amelioration Slave Act, he has informed me that he could not possibly furnish me with it to accompany this despatch, yet I hope that the documents now transmitted will afford your Lordship every information required.

(Signed)

HENRY WARDE.

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Schedule of documents transmitted with Lieutenant General Sir Henry Warde's despatch No. 9, dated Barbadoes, 24th October 1826.

## No. 1. (Bill.)

1	Act	No. 82	of Hall's	Laws	} Documents in explanation of No. 1. (Bill).
2	ditto	—	91	ditto	
3	ditto	—	92	ditto	
4	ditto	—	93	ditto	
5	ditto	—	112	ditto	
6	ditto	—	116	ditto	
7	ditto	—	117	ditto	
8	ditto	—	161	ditto	
9	ditto	—	164	ditto	
10	ditto	—	196	ditto	
11	Act	No. 5	of Moore's	Laws	
12	ditto	—	37	ditto	
13	A Manuscript Act	passed	14th March,	1809	
14	ditto	ditto	2d December,	1817	
15	ditto	ditto	28th July,	1818	
16	ditto	ditto	29th July,	1818	
17	ditto	ditto	26th May,	1819	
18	The Speaker's explanation	respecting	No. 1 Bill	dated 23rd	
				October, 1826	
19	Minutes of Legislative Council	of	17th October	1826.	

## No. 2. (Bill.)

## No. 3. (Bill.)

1	A Manuscript Act	passed	27th February,	1739	} Documents in explanation of No. 3. (Bill)
2	ditto	ditto	21st January,	1783	
3	ditto	ditto	5th February,	1817	
4	Mr. Hind's explanation	of	No. 3 Act.		
	Copy of Dr. Maycock's speech	delivered	on the 2d August	1825,	
	Copy of the 13th article	of his Majesty's	instructions.		

## No. 1. (Bill.)

An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act, the several Laws relating thereto, and for the better Order and Government of Slaves, and for giving them further Protection and Security, for altering the Mode of Trial of those charged with capital and other Offences, and for other Purposes.

WHEREAS many circumstances arising out of the present state of the Slave population, render it necessary that the laws enacted by the prudence and wisdom of our forefathers for their government, should be revised, consolidated, and brought into one Act, in order to prevent confusion, and that justice may more effectually be executed. And whereas for the purpose of giving further security and protection to Slaves, the mode of trial of those charged with capital or other offences, should be altered. And whereas, to the end that such desirable objects may be effected, it is necessary that all the hereinafter mentioned Acts and Clauses of certain Acts, should be repealed, viz., an Act entitled "An Act for the governing of Negroes;" passed the eighth day of August, in the year of our Lord one thousand six hundred and eighty eight; also one other Act, entitled "An Act for the encouragement of all Negroes and Slaves, that shall discover any Con-

Preamble.  
The following Acts and Clauses of Acts in Hall's edition of the Laws of the Island, repealed.

No. 82.

No. 91.



- No. 92. spiracy," passed the twenty-seventh day of October, in the year of our Lord one thousand six hundred and nine-two; also, one other Act, entitled "An additional Act to an Act entitled an Act for the governing of
- No. 93. Negroes;" passed the twenty-seventh day of October, one thousand six hundred and ninety-two; also one other Act entitled, "An Act for prohibiting the selling of Rum, or other strong liquors, to any Negro or other Slave," passed the said twenty-seventh day of October, one thousand six hundred and ninety-two; also one other Act, entitled "An Act for the Encouragement of such Negroes and other Slaves, that shall behave themselves courageously against the Enemy in time of Invasion," passed the thirtieth day of November, in the year of our Lord one thousand seven hundred and seven; also one other Act, entitled "An Act to prohibit the Inhabitants of this Island from employing their Negroes or other Slaves in selling or bartering," passed the sixth day of January, in the year of our Lord one thousand seven hundred and eight; also the first, second, third, and fourth clauses, the second and last proviso to the nineteenth clause, the twenty-fourth and twenty-sixth clauses, the proviso to the thirtieth clause, and the thirty-third clause of one other Act, entitled "An Act to secure the peaceable Possession of Negroes and other Slaves to the Inhabitants of this Island, and to prevent and punish the clandestine and illegal detinue of them," passed the twenty-fourth day of June, in the year of our Lord one thousand seven hundred and nine; also one other Act, entitled "An Act for the Punishment of Runaway Slaves, and of Slaves who shall wilfully entertain, harbour, and conceal any Runaway Slaves," passed the eleventh day of November, in the year of our Lord one thousand seven hundred and thirty-one; also one other Act, entitled "An Act for the better governing of Negroes, and the more effectually preventing the Inhabitants of this Island from employing their Negroes or other Slaves in selling or bartering," passed the twenty-second day of May, in the year of our Lord one thousand seven hundred and thirty-three; also the first, second, third, fourth, and fifth clauses of one other Act, entitled "An Act for amending an Act of this Island, entitled 'an Act for the governing of Negroes, and for providing a proper Maintenance and Support for such Negroes, Indians, or Mulattoes, as hereafter shall be manumitted or set free;' as also for preventing certain Inconveniences from them arising to the Inhabitants of this Island," passed the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and thirty-nine; also one other Act, entitled "An Act for rendering more effectual, and for supplying many Defects in the several Laws of this Island, for the governing of Negroes," passed the ninth day of August, in the year of our Lord one thousand seven hundred and forty-nine; also one other Act, entitled "An Act to amend an Act, entitled an Act for the governing of Negroes," passed the fifteenth day of April, in the year of our Lord one thousand seven hundred and sixty-six; also one other Act, entitled "An Act to prevent distempered, maimed, and worn-out Negroes from infesting the Towns, Streets, and Highways of this Island," which passed the eighteenth day of January, in the year of our Lord one thousand seven hundred and eighty-five; also one other Act, entitled "An Act to remove Doubts concerning the Trial of Slaves manumitted after the Commission of Felonies of which they may stand accused," passed the fourteenth day of March, in the year of our Lord one thousand eight hundred and nine; also one other Act, entitled "An Act to repeal part of an Act, entitled an Act for the governing of Negroes, and for building and regulating a new Cage," passed the second day of December, in the year of our Lord one thousand eight hundred and seventeen; also one other Act, entitled "An Act for the better Prevention of the Practice of Obeah," passed the twenty-ninth day of July, in the year of our Lord one thousand eight hundred and eighteen; and also one other Act, entitled "An Act to repeal and amend certain Acts made for the Government and Protection of Slaves," passed the twenty-ninth day of July, in the year of our Lord one thousand eight hundred and eighteen: and whereas it is necessary to make further and other provision for the better protection, order, and government of Slaves that justice may hereafter be more effectually administered —
- No. 117. — Clause 1st, 2d, 3rd, and 4th, the 9d and last proviso to the 19th clause, the 24th and 26th clause, the proviso to the 30th clause, and the 33rd clause.
- No. 161.
- No. 164.
- No. 180. Clause 1st, 2d, 3d, 4th, and 5th
- No. 196. The following Acts, in Moore's edition of the laws in the island repealed.
- No. 5.
- No. 37.
- Manuscript Acts of the following dates repealed.
- 1809, March 14.
- 1817, Dec. 2.
- 1818 July 29.
- 1818, July 29.

Be it therefore enacted by his Excellency Sir Henry Warde, Knight, Commander of the Most Honourable Military Order of the Bath, His Majesty's Captain General, and Governor-in-Chief of this island, Chancellor, Ordinary, and Vice-admiral of the same; the Honourable the members of his Majesty's council, and the General Assembly of this island, and by the authority of the same, that from and after the passing of this Act, all and every the hereinbefore mentioned Acts and Clauses of Acts, and every part thereof, as also all and every such Acts or Clauses of Acts as are or may be thereby repealed, shall be and stand annulled, repealed, and made void to all intents and purposes whatsoever, anything in the said Acts and Clauses of Acts, or in any other Act or Acts, contained to the contrary in anywise notwithstanding.

Clause 1.

The foregoing Acts and Clauses, and all Acts and Clauses thereby repealed, to be and stand repealed

And be it further enacted by the authority aforesaid, that the governor, or commander-in-chief of this island for the time being, the senior member of council, and the speaker of the House of Assembly, the chief baron of the Court of Exchequer, and the attorney general of this island, each, and all of them for the time being, or the persons executing the aforesaid offices for the time being, shall, and they are hereby directed and empowered to, form themselves into a committee of protection for the full and effectual securing to Slaves the rights and privileges afforded to them by the several provisions and clauses of this Act; and the said persons holding or executing the aforesaid offices are hereby constituted, and they shall be deemed and called, "The Committee of Protection for Slaves," and it shall and may be lawful for the said committee so constituted as aforesaid, to appoint, by a majority of votes, some person of legal knowledge and acquirement to fill the office of secretary to the said committee, and to perform such duties as shall be hereinafter prescribed; and the said secretary so appointed, shall be deemed and called "The Acting Protector of Slaves," and shall receive out of the public treasury a salary of four hundred pounds currency per annum, and the treasurer of the island for the time being, is hereby directed to pay to the said Acting Protector of Slaves, on his producing an order signed by the said "Committee of Protection," or the major part of them, at and according to the rate of four hundred pounds currency per annum as aforesaid, and the Acting Protector of Slaves so appointed, is hereby required and directed to furnish and assist with his aid and advice, to the utmost of his ability, without fee or reward, all Slaves who stand accused of any heinous offences or felonies on examinations before magistrates, or before the proper Courts where Slaves so offending are appointed to be tried by the provisions of this or any other Act of this island; and shall furnish without fee or reward his professional assistance to all Slaves claiming to be free, or desiring to lodge any complaint against any person where the owners or possessors of such Slaves shall detain them in slavery, or shall neglect or refuse to prefer such complaints. And the said Acting Protector shall in such cases appear in their behalf before the proper tribunals where such complaint or claim is directed to be lodged or tried by this or any other Act of the island. And the said Acting Protector of Slaves, either from information, or from his own knowledge of any cruelty or injustice practised against, or of the maiming or murder of any Slave or Slaves, shall lodge a complaint thereof before any magistrate, to the end that the necessary steps may be taken for the trial and conviction of the offender or offenders; and all judges of the several courts, and all justices of the peace and coroners of this island, are hereby directed to recognise the said Acting Protector of Slaves, as the legal adviser and advocate of Slaves in the several courts and offices of this island. And the said committee of protection shall, as often as they think fit, demand and receive from the Acting Protector of Slaves, an account of all his proceedings in the several cases in which he shall have been engaged in the exercise of his aforesaid office. And the said committee of protection shall and may at their discretion displace the said Secretary or Acting Protector of Slaves, and appoint in his stead some other fit and competent person to perform the duties of the said office. And the said Acting Protector of Slaves shall keep an office in some part of Bridge Town, and shall give his attendance there on such days, and during such hours as the

Clause 2.

The governor, senior member of council, speaker of the assembly, chief baron of the exchequer, and attorney general, appointed a committee of protection for Slaves.

They are to appoint an acting protector of Slaves who is to be paid four hundred pounds per annum.

The duties of the acting protector of Slaves are here pointed out.

Committee of protection to require of the acting protector an account of his proceedings.

They may remove him and appoint another at discretion.

He is to keep an office in Bridge Town, and give his attendance

He is to keep an office in Bridge Town, and give his attendance

there as the committee of protection shall direct.

And to take an oath for the execution of his office before the governor.

Clause 3.  
The evidence of Slaves admitted in actions for trespass or assault, and in cases of misdemeanor, murder, felony, or other offence (except forgery) against any person whomsoever.

Proviso—  
Certificate of baptism to be produced, and also the certificate of a clergyman as to their religious principles and knowledge of the obligation of an oath.

Proviso—  
Owner or other person may be examined as to Slave witness being worthy of credit.

Proviso—  
White or free persons not to be convicted on Slave testimony unless corroborated by circumstantial evidence.

Proviso—  
Evidence of Slaves to be taken against each other without such certificates.

Owners of Slaves to be duly summoned when required as witnesses.

Any person refusing to produce a Slave as a witness, to forfeit ten pounds, recoverable as servants' wages as for a contempt.

Clause 4.  
Evidence of Slaves to be taken against persons of free condition, who associate with them, although such Slaves may not be otherwise competent witnesses within the provisions of this Act.

said committee of protection or the major part of them may think fit to direct. And the said Acting Protector of Slaves shall, before he enters on his office, appear before the governor, or commander-in-chief of this island for the time being, and take the following oath. "I A. B. do swear that I will faithfully and conscientiously, to the best of my knowledge and ability, execute and perform the duties of the Acting Protector of Slaves in the island of Barbadoes, without fear, favour, partiality, or affection. So help me God."

And be it further enacted by the authority aforesaid, that the evidence of Slaves shall be admitted and received on oath before any coroner, justice of the peace, or before any judge or jury, of any of the civil or criminal courts of this island, as witnesses in all cases where civil actions for trespass or assault may be brought, and in all cases of misdemeanour, or of murder, felony, or any other offence (save and except forgery) which under the laws now in force, or hereafter to be in force in this island, would subject any person or persons to suffer death, transportation, imprisonment, fine, or corporal punishment. Provided always, that the Slave or Slaves so appearing as a witness or witnesses shall produce before such judge, coroner, justice of the peace, or civil or criminal courts, a certificate of his, her, or their baptism, under the hand of the resident clergyman of the parish wherein such baptism has been performed. And also a certificate from any clergyman of the established church, that such Slave or Slaves, so produced as witness or witnesses, is and are so far instructed in the principles of the Christian religion, as, in the judgment of the party certifying, adequately to understand the obligation of an oath. Provided always, that in every such case the master or owner of any such Slave or any other person or persons, shall and may be summoned and examined as to the character of any such Slave, in order the more satisfactorily to determine whether such Slave is worthy of credit or not. And provided, and it is hereby expressly declared, that no white or free person shall be convicted of any of the crimes, or adjudged guilty of any of the offences aforesaid, on the testimony of any Slave or Slaves, unless such testimony shall be corroborated by circumstantial evidence to the satisfaction of the Justice, Coroner, or Court and Jury, before whom such Slave or Slaves shall be produced as witness or witnesses. Provided always, nevertheless, that the evidence of Slaves shall be taken and received as hitherto without such certificates as aforesaid, in all cases against each other; and where any person or persons shall require the testimony of any Slave or Slaves before any Court, Judge, Coroner, or Justice, a writ of subpœna shall and may be issued in the usual manner by such Court, Judge, Coroner, or Justice, directed to the owner or possessor of such Slave or Slaves, or to the person under whose immediate charge such Slave or Slaves may be, requiring him or her to bring and produce, or cause to be brought and produced in Court, or before such Judge, Coroner or Justice, such Slave or Slaves at the time and for the purposes in the said writ mentioned. And if the person to whom such writ may be directed, shall, on proof of the same having been served on him or her by some white person, neglect or refuse to produce such Slave or Slaves, he or she shall forfeit the sum of ten pounds currency, to the uses of the island, to be levied and raised as in the case of servants' wages by warrant from the said Court, Judge, Coroner, or Justice; and the person so offending shall be also deemed guilty of a contempt of the authority of the said Court, Judge, Coroner, or Justice, and be liable to be punished for the same accordingly.

And be it further enacted by the authority aforesaid, that where it shall be proved by legal evidence that any person or persons of free condition is or are in the habit of associating himself, herself, or themselves, with any Slave or Slaves, in cock-fighting, gambling, getting drunk together, or in the commission of any theft or other crime, the evidence of any Slave or Slaves shall in all such cases, and in all courts be taken and received against such person or persons of free condition, although such Slave or Slaves may not be a competent witness or witnesses within the provisions of this Act.

And be it further enacted by the authority aforesaid, that every owner, proprietor, or possessor of any Slave or Slaves shall furnish and provide such Slave or Slaves in each and every year with decent and sufficient clothing, suitable to sex, age, and condition, according to the custom of the island. And if any owner, proprietor, or possessor, shall make default in furnishing such decent and sufficient clothing as aforesaid within each and every year, or in making full compensation for the same to such Slave or Slaves, or in allowing or affording the means to such Slave or Slaves of furnishing or providing himself, herself, or themselves, with such decent and sufficient clothing as aforesaid, every person so offending, shall, on full and satisfactory proof being thereof made to any justice of the peace, forfeit and pay a sum of not less than twenty shillings, and not exceeding fifty shillings for each and every Slave who shall not have been decently and sufficiently clothed within the year as aforesaid, or to whom no compensation for the same, or the means of obtaining such clothing shall have been afforded as aforesaid, one moiety of such forfeiture to be to the informer, and the other moiety to be paid into the public treasury.

And be it further enacted by the authority aforesaid, that if the owner or owners, or any other person or persons having the lawful charge of any diseased, maimed, or worn-out Slave or Slaves, shall suffer or permit such Slave or Slaves to go and be at large, or to infest the public highways, towns, streets, lanes, or avenues leading to any of the towns of this island, every person so offending shall, for every such offence, upon conviction thereof before any justice of the peace, forfeit and pay the sum of ten pounds current money of this island, to be levied and raised as in the case of servants' wages, one moiety thereof to be to the use of the informer, and the other moiety to be paid into the public treasury.

And whereas by the custom of this island, Slaves are allowed to possess and enjoy personal property: be it therefore further enacted by the authority aforesaid, that if any owner or other person shall deprive any Slave of any kind of personal property, which he or she shall have honestly acquired, such person so offending shall, on conviction thereof before any justice of the peace, forfeit double the value of the property so taken away, to the use of said Slave. And the Acting Protector of Slaves is hereby directed to prosecute for the recovery of all such property where the owner or possessor of such Slave shall be the offender; and in every other case if the owner or possessor of such Slave shall neglect or refuse to prosecute for the same, such prosecution shall be conducted by the acting protector of Slaves on the behalf of such Slave. Provided always, that nothing in this clause contained shall extend to prevent any owner or overseer of any plantation or place from destroying or causing to be destroyed any hog, sheep, goat, or feathered stock, belonging to or kept by any Slave or Slaves, when found trespassing on the lands of such plantation or place, or committing any damage thereon.

And be it further enacted by the authority aforesaid, that if any Slave shall be found out of his or her owner's or proprietor's plantation or property, armed with any warlike or offensive weapon or weapons, such Slave shall and may be deprived of such weapon or weapons by any person whomsoever, unless he or she shall have a letter or paper descriptive of such weapon or weapons, and as being the property of his or her owner or proprietor; and the person so taking away such weapon or weapons, shall carry the same to any neighbouring justice of the peace, and on making oath, which oath the said justice is hereby authorized and empowered to administer, that such weapon or weapons was or were found in the actual possession of a Slave, be paid the sum of six shillings and three-pence currency, by the warden of the parish, in which the weapon or weapons was or were seized and taken away, on producing an order of the said justice to that effect. And if any person or persons shall within three weeks after claim the said weapon or weapons, and produce full and sufficient proof to the said warden of his or her property therein, and also repay to the said warden the said sum of six shillings and three-pence, the said warden shall, and he is hereby directed to restore such weapon or weapons to the owner or owners. But should no such claim, proof of

Clause 5.  
Owners of Slaves under a penalty of not less than twenty shillings, and not exceeding fifty shillings, to furnish them annually with decent and sufficient clothing suitable to sex, age, and condition.

Clause 6.  
Owners of diseased Slaves suffering them to go at large, or infest the highways, &c. to forfeit ten pounds, recoverable as servants' wages.

Clause 7.  
Owners of Slaves, or other persons, depriving them of their personal property, to forfeit double the value of such property to the use of said Slaves. The acting protector to prosecute where an owner is the offender; and in every other case where the owner shall neglect to prosecute.

Proviso—  
Hogs, sheep, &c. of Slaves trespassing on plantation of owner or others may be destroyed.

Clause 8.  
Any person may deprive a Slave of warlike weapons, unless furnished with a certificate.

The weapons to be carried before a justice of the peace, upon whose certificate the warden shall pay six shillings and three-pence to the person seizing the same.

Weapons so seized to be restored to the owners, if claimed within three weeks, on repayment to the warden of the said six shillings and three-pence.

In default of a claim,

the weapons to be sold by the warden, and the money applied to the uses of the parish.

**Clause 9.**

Slaves not to assemble on plantations and beat drums or blow horns, &c., except as hereafter provided; owner or other person permitting the same to forfeit ten pounds.

**Proviso—**

Slaves with consent of owners may assemble on plantations for dancing and amusing themselves. Such amusements to be over by nine o'clock at night, and the Slaves not to be allowed to re-assemble.

Owner of the plantation to be present thereon during such amusements, and for two hours after.

No funeral of a Slave to take place after seven o'clock at night, and music and singing not to be permitted on such occasions.

Owner, or other person guilty of offences, &c. under this clause to forfeit ten pounds. Complaints to be made within ten days after the commission of the offence.

**Clause 10.**

Owner of a house in either of the towns not to suffer Slaves to dance therein, without a justice's sanction, under a penalty of five pounds. Complaint to be made within ten days.

**Clause 11.**

Governor may issue his order to owners of Slaves, not to permit them to assemble and dance for any given period.

property, and repayment of the said sum of six shillings and three-pence be made within the said three weeks, then, and in such case, the said warden shall, and he is hereby directed to have such weapon or weapons sold, and to apply the money arising therefrom to the uses of the parish for which he is warden.

And be it further enacted by the authority aforesaid, that if any owner, proprietor, or overseer, or in his absence, any bookkeeper or other person having the care, direction, and management of any plantation or place without the limits of any of the towns in this island, shall suffer any Slaves to assemble together thereon, and to beat drums, or blow horns, or shells, or to use any loud instruments, save and except as is hereinafter provided, every such owner or proprietor, overseer, bookkeeper, or other person as aforesaid, shall, upon conviction thereof before any justice of the peace, forfeit and pay the sum of ten pounds currency, to be levied and raised as in the case of servants' wages, one moiety thereof to the informer, and the other moiety to be applied to the public uses of this island. Provided always, that nothing herein contained shall be construed to prevent any master, owner, or proprietor, or the attorney of any plantation or place, or the overseer thereof, from granting liberty at any time or times to the Slaves of such plantation or place for assembling together upon such plantation or place, and to allow any other Slaves not their own to assemble with them, and for dancing and diverting themselves in the mill yard, or any other place, as such master, owner, proprietor, attorney, or overseer, may think proper to allow, so as such amusements are put an end to by nine o'clock at night; the Slaves and other persons attending such dancing and amusements not to be permitted or allowed to re-assemble in the Negro houses, or in any other part of the plantation or property, or in any public or private road leading through or near to such plantation or property; the owner, proprietor, or overseer of such plantation or property to be actually present upon such plantation or property during the time such dancing or amusements are kept up, and for two full hours after the same shall be over. And be it further enacted, that no owner, proprietor, or overseer, or other person in charge of any plantation or place, shall suffer or permit the funeral of any Slave within such plantation or place, after the hour of seven o'clock at night, or any heathenish or idolatrous music, singing, or ceremonies on any such occasion; and if any owner, proprietor, or overseer, or other person in charge of any plantation or place shall be guilty of any offence under this clause, or shall neglect or refuse to observe or enforce the particular directions, matters, and things herein contained, he or she shall, unless so far as the same may already be provided for, forfeit and pay the sum of ten pounds, to be levied and raised as in the case of servants' wages; one moiety whereof shall be to the use of the informer or informers, and the other moiety to be paid into the treasury of this island. Provided that all complaints under this clause be made within ten days after the commission of any offence against the provisions of the same.

And be it further enacted by the authority aforesaid, that if the owner or occupier of any house, yard, or place, within the limits of either of the towns of this island, shall suffer any Slaves to assemble and dance in such house, yard, or place without having previously obtained the sanction of some justice of the peace for that purpose, the person so offending shall, provided complaint thereof be made to a justice of the peace within ten days next after the commission of the offence, forfeit and pay the sum of five pounds currency, to be recovered as in the case of servants' wages; one moiety thereof to be to the use of the informer, and the other moiety to be paid into the public treasury.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor or Commander-in-Chief of this island for the time being, whenever he shall think fit or deem it advisable so to do, to issue his order or proclamation directing and requiring all owners or possessors of Slaves, and all other persons having Slaves under their charge, not to grant permission to, or suffer their Slaves, or the Slaves under their charge to assemble together and dance for and during the

time and period to be mentioned in said order or proclamation ; and every person disobeying or violating such order or proclamation, shall forfeit and pay the sum of fifty pounds, current money of this island, half to the use of the informer, and the other half to the public use, to be recovered before any two justices of the peace, as in the case of servants' wages. Provided that complaint thereof be made within fourteen days after the offence shall be committed.

And be it further enacted by the authority aforesaid, that the governor, or commander-in-chief of this island for the time being, shall and may, by and with the advice of his council, whenever it shall seem necessary, issue his order to the commanding officer of any regiment, battalion, or corps of militia of this island, directing and requiring him, at the time to be mentioned in such order, to have the Negro houses within the parish of such regiment, battalion, or corps, or any of them, searched diligently and effectually by the men composing such regiment, battalion, or corps, or by a sufficient number thereof necessary for such service, in order to discover and ascertain whether any fugitive or runaway Slaves, or any warlike or mischievous weapons or articles are concealed in such Negro houses, and his report thereof forthwith to make to the governor or commander-in-chief for the time being, who is hereby authorized and empowered to act on such report, by and with the advice of the council, as may seem best for the safety of the island ; and every commanding officer of any regiment, battalion, or corps, refusing or neglecting to perform and discharge the duty so required of him by the governor or commander-in-chief, shall forfeit and pay the sum of fifty pounds currency, to be recovered before any two justices of the peace, and levied and raised as in the case of servants' wages.

And be it further enacted by the authority aforesaid, that when any person or persons shall hereafter take up or apprehend any runaway or fugitive Slave or Slaves, he, she, and they, is and are hereby ordered and directed to take the said Slave or Slaves to a justice of the peace ; and if such person or persons shall make oath before such justice, of his, her, or their name or names, and place or places of abode, with the time when, and place where he, she, or they apprehended such Slave or Slaves, and shall also, on oath, fully satisfy the said justice that there is good cause to suspect that the said Slave or Slaves is or are runaway, the said justice shall, and he is hereby directed to give a certificate of such oath, and also a warrant for committing such Slave or Slaves to the Slave prison, lately established on the pier head of Bridge Town, to the person or persons by whom he she or they was or were apprehended ; and the person or persons so receiving such certificate and warrant shall thereupon take the same, together with such Slave or Slaves, to the provost marshal of this island, or his lawful deputy or deputies, who is and are hereby strictly charged and required, under a penalty of twenty pounds currency, to receive and keep such Slave or Slaves in safe custody in the said Slave prison ; and the said provost marshal, or his lawful deputy shall, on receiving such Slave or Slaves, endorse the receipt thereof, on the back of the justice's certificate of the oath taken by the person or persons apprehending such Slave or Slaves ; and the treasurer of this island for the time being shall, and he is hereby directed to pay out of the public treasury, to the person or persons so apprehending such Slave or Slaves, the sum of twelve shillings and sixpence currency for each and every Slave, if apprehended in the country, and six shillings and three-pence if apprehended in town, on the said justice's certificate of the oath aforesaid, endorsed by the said provost marshal, or his lawful deputy, in manner as aforesaid, being lodged with him, and which certificate the said treasurer is hereby required to take and enter in a book to be by him kept for that purpose, to the intent that all owners of Slaves may come to the right knowledge and understanding when their Slaves were apprehended, and by whom, and whether wrongfully taken up or not ; and in case the said treasurer shall neglect or refuse to pay either of the sums to which such person or persons shall be so entitled for taking up any Slave or Slaves as aforesaid, the same shall and may be recovered against the said treasurer, before any justice of the peace, as in the case of ser-

Penalty of fifty pounds imposed on any person violating such order.

Complaint to be made within fourteen days.

Clause 12.

The governor, with the advice of his council, may issue his order to the commanding officer of any regiment of militia, to have Negro houses searched for fugitive Slaves or warlike weapons.

Every commanding officer refusing to perform the duty so required of him to forfeit fifty pounds.

Clause 13.

Persons apprehending runaway Slaves are to take them before a justice, who on being satisfied that they are runaway, is to give a warrant for committing them to the Slave prison.

Provost marshal, under a penalty of twenty pounds, to receive and keep such Slaves in custody in the Slave prison.

The treasurer of the island to pay twelve shillings and sixpence for each Slave apprehended in the country, and six shillings and threepence if apprehended in town, to the person so apprehending such Slave.



The provost marshal to furnish Slaves committed to the Slave prison with sufficient food and drink, and not to receive any without a justice's warrant, under a penalty of five pounds.

**Proviso—**  
Remedies against provost marshal, for suffering Slaves to escape from his charge, or allowing them to be employed in any other manner than directed in the Act.

**Proviso—**  
Any person apprehending run-away Slaves, may carry them at once to their owners, and receive the reward.

**Clause 14.**  
Male and female Slaves confined in the Slave prison, to be kept in separate apartments, and the number not to exceed eleven each.

When such number shall be exceeded, those longest in confinement to be removed to the goal.

Names of Slaves confined and the names of owners (if known) to be advertised, and if not claimed within three months & all expenses paid, they are to be sold by the provost marshal.

Money arising from the sale thereof to be paid into the treasury.

vants' wages. And the said provost marshal, or his lawful deputy, shall furnish each and every Slave so committed to the said Slave prison with good and sufficient food and drink, to be proved on oath, if required, by the owner or possessor of such Slave; and the said provost marshal, his lawful deputy, or the keeper of the said Slave prison, shall not receive and lodge in the said Slave prison any Slave or Slaves without a warrant from a justice of the peace, under a penalty of five pounds currency for each and every Slave, to be recovered, levied, and raised as in the case of servants' wages, on the complaint of any person; one moiety thereof to the use of the public, and the other moiety to be to the use of the informer. Provided always, that if the said provost marshal shall suffer any Slave committed to the said Slave prison or gaol to escape therefrom, he shall make such satisfaction to the owner, as by any two justices of the peace shall be thought fit, and shall repay to the said treasurer the said twelve shillings and sixpence or six shillings and three-pence, as the case may be, which he paid on apprehending such Slave; and if the said provost marshal shall suffer any Slave to be any ways employed out of the Slave prison or gaol, in any other manner than hereinafter directed, before he or she shall be legally released, he shall forfeit for each Slave so suffered to be employed as aforesaid, to the owner thereof, the sum of five pounds currency, and the further sum of three shillings and nine-pence per day for each day, or any part of a day the said Slave shall be so employed, to be recovered as aforesaid. Provided, nevertheless, that nothing herein contained shall be construed to prevent any person taking up or apprehending any runaway Slave or Slaves, from carrying him or her to his, her, or their owner or owners, and receiving the like sum from such owner or owners, as he would be entitled to receive from the public treasury, which, if not forthwith paid, shall and may be recovered from such owner or owners before any justice of the peace as in the case of servants' wages.

And be it further enacted by the authority aforesaid, that the male and female Slaves confined in the Slave prison, be kept in confinement in separate apartments without any communication between them, and not more than eleven males and eleven females to be kept and confined at the same time in the said Slave prison. And if upon any male or female Slaves being brought to the said Slave prison for admission therein, it shall happen that the number of Slaves brought for admission, together with the Slaves then in confinement, exceed the number of male and female Slaves hereinbefore mentioned, then and in such case, those Slaves who have been the longest confined in the said Slave prison shall be delivered to the keeper of the common gaol there to be safely and securely kept, and the names and descriptions of all such Slaves so confined as aforesaid, either in the Slave prison or the goal, together with the names of their respective owners, if known, shall be advertised by the provost marshal, or his lawful deputy two successive times in two of the public newspapers of this island; and if such Slave or Slaves shall not be claimed by his, her, or their owner or owners, or his, her, or their lawful agent or agents, attorney or attornies, manager or managers, or other person or persons lawfully authorized to claim the said Slave or Slaves within three calendar months commencing from the day on which the said Slave or Slaves was or were delivered into the custody of the said provost marshal, and payment made of the expenses hereinafter mentioned, it shall and may be lawful to and for the provost marshal of this island for the time being, or his lawful deputy or deputies, and he and they is and are hereby fully authorized and empowered to have such Slave or Slaves appraised by any three or more competent freeholders, and to sell and dispose of such Slave or Slaves for the appraised value, or a greater sum if a purchaser can be obtained, giving due notice of the time and place of such sale in two of the said public newspapers of this island for two successive times immediately before such sale takes place; and the money arising from the sale of the said Slave or Slaves, after deducting all fees and expenses payable to the said provost marshal, shall be paid by the said provost marshal into the public treasury of this island, for the uses of the island; and in case the purchaser or purchasers

of such Slave or Slaves shall not pay to the said provost marshal the sum or sums agreed to be given for such Slave or Slaves within ten days, or in case the said provost marshal, after receiving the same, shall refuse or omit to pay it over to the said treasurer within ten days after he shall have so received the same, and in either of such cases happening, the same proceedings shall be had against the said purchaser or purchasers by the said provost marshal, or against the said provost marshal, by the said treasurer as the case may be, for raising the said money with twenty per cent thereon, as are had and used at sales at outcry in the Courts of Common Pleas, and all necessary writs for that purpose shall be issued under the hand and seal of the chief judge for the time being of the precinct of Saint Michael. Provided always, nevertheless, that if at any time after the sale of such Slave or Slaves, it shall appear to the satisfaction of the governor and council, on application for that purpose, that the owner or owners of such Slave or Slaves so sold as aforesaid was or were absent from this island, or labouring under any legal disability so that he or she could not claim the said Slave or Slaves, then and in such case it shall and may be lawful to and for the said governor and council to issue their order to the treasurer of this island for the time being, to pay over to such owner or owners the net amount raised by the sale of his or her Slave or Slaves. Provided always, nevertheless, that if a tenant for life shall not claim such Slave or Slaves at or before the time of sale, and the person or persons entitled in remainder or reversion, or any person by him or her lawfully authorized, shall in his or her behalf put in a claim for the same, and pay all expenses which have been incurred at the Slave prison and goal, he or she shall be entitled to immediate possession in fee of such Slave or Slaves, and the tenant for life shall forfeit his or her estate in the same: Provided always, that until such Slave or Slaves can be sold for the appraised value, he, she or they shall be kept at work, together with the other Slaves in confinement in the manner hereinafter directed: Provided always, that in case any person committed to the said Slave prison or common gaol under the authority of this Act, as being a Slave, shall claim to be free, but shall not be able satisfactorily to prove the same, the said provost marshal of the island for the time being or his lawful deputy shall forthwith put advertisements in all and several of the newspapers of the island, describing the person so committed, and requiring all and every person and persons having knowledge of the person so committed, to appear before him the said provost marshal or his lawful deputy within three months then next after, to the end that it may be ascertained whether such person or persons is free or not, and which said advertisements shall be continued in the said several newspapers of the island for three months; and if at the expiration of the said three months, the said provost marshal or his lawful deputy shall not have received satisfactory information of the freedom of such persons, he is hereby authorized and required to certify the same to the Governor or Commander-in-Chief of this island for the time being, and the members of His Majesty's Council, who are hereby fully authorized and empowered to hear and determine upon the case so certified to them by the said provost marshal or his lawful deputy, and unless it shall be proved to the satisfaction of the Governor or Commander-in-Chief for the time being, and Council, that the person so claiming to be free is *bonâ fide* a Slave, they shall and are hereby authorized and empowered forthwith to set him or her at liberty, and such person is hereby declared to be, and to be held and taken as a free person: Provided nevertheless, that if it shall appear to the Governor or Commander-in-Chief for the time being, and Council, that such person claiming to be free is not a native of this island, they shall, if they think proper, order him or her to quit this colony within twenty-one days; and if he or she shall fail to comply with such order so given, it shall and may be lawful for any constable to apprehend the person so offending, and to commit him or her to the common gaol of this island, there to be confined until he or she shall be sent away from the island: And provided also, that nothing herein contained shall at any time operate as a bar to any person or persons who may afterwards establish by due course of law the

Remedies against purchasers not paying their purchase money to the provost marshal, and against the provost marshal after receiving not paying it into the treasury.

Proviso—

If the owner of a Slave thus sold was, at the time, absent from the island, &c., the governor and council may direct the treasurer to pay the net proceeds to such owner.

Proviso—

If a tenant for life do not claim Slaves before sale, and the remainder man puts in his claim the same to be delivered up to him.

Proviso—

Until Slaves are sold they shall be worked as directed in the Act.

Proviso—

If persons committed as Slaves claim to be free, but cannot prove it, the provost marshal shall advertise for proof.

And if at the end of three months he has not received satisfactory proofs of such person's freedom, he is to certify the same to the governor and council, who are to determine thereon, and unless it be proved that the person claiming to be free is *bonâ fide* a Slave, he or she is to be set at liberty as a free person.

Proviso—

If such person is not a native of the island, the governor and council may order him to quit the island in twenty-one days.

Proviso—

The rights of persons not to be affected.



Proviso—  
Provost marshal may take bond for the appearance of a person claiming to be free, instead of holding him in custody.

right of property to or in any person so declared free by the Governor or Commander-in-Chief for the time being, and Council: Provided always, that instead of such person so committed under the authority of this Act as a Slave but claiming to be free being held in custody, it shall and may be lawful to and for the said provost marshal or his lawful deputy, to take bail in two good and sufficient securities in the sum of fifty pounds current money to him and his successors in office for the uses of the public of this island, for the appearance of such person before the Governor or Commander-in-Chief and Council, when his or her case shall come on to be heard, anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

Clause 15.  
The provost marshal to demand and receive the fees herein mentioned, before he delivers up any runaway Slave.

And be it further enacted by the authority aforesaid, that when any runaway Slave or Slaves shall be claimed to be released, either from the said Slave prison or from the gaol, it shall and may be lawful to and for the said provost marshal, or his lawful deputy or deputies, to demand and receive from the owner or owners of such Slave or Slaves the said twelve shillings and sixpence, or six shillings and threepence as the case may be, so paid as aforesaid by the said treasurer on the apprehending of any such runaway Slave or Slaves as aforesaid, and pay the same over to the said treasurer; and until the same be paid, it shall and may be lawful for the said provost marshal to detain and keep such Slave or Slaves in his possession as aforesaid. And the said provost marshal shall also demand and receive the following fees which must be paid before the said Slave or Slaves shall be delivered up, to wit, the sum of two shillings and sixpence for each Slave who shall have been so confined and delivered up, and sevenpence halfpenny for every twenty-four hours for feeding each Slave.

If the fees are not paid, he may sell the Slaves as if no claim had been made.

Proviso—  
The keeper of the Slave prison and gaol, shall take receipt for all Slaves delivered up.

And in case the said fees shall not be paid, the said Slave or Slaves shall be sold in the same manner, and under the like restrictions as if no claim had been made: Provided always, and it is hereby further enacted, that the keeper of the Slave prison, or the keeper of the gaol, if the Slave or Slaves shall have been removed to gaol, shall, and each of them is hereby strictly charged and required, before delivering up any Slave or Slaves who shall be claimed, to take a receipt from the person or persons claiming such Slave or Slaves, that he, she, or they, have either in his, her, or their own right, or in any other right, claimed and received such Slave or Slaves, and the said receipt shall also contain the name and full description of the person or persons claiming such Slave or Slaves, together with the place of his, her, or their residence, and also the name and description of the Slave or Slaves so claimed and delivered up, which receipts shall be taken and recorded in one or more proper book or books to be kept for that purpose respectively by the keeper of the Slave prison, and the keeper of the gaol, which books shall and may be inspected at any time in the day by any person or persons whomsoever, without any fee or reward being paid for the same.

Clause 16.  
The magistrates of the island to visit the Slave prisons, and to see that they are kept clean and healthy, and that sufficient food is allowed to the Slaves in confinement.

And be it further enacted by the authority aforesaid, and it is hereby expressly declared, that the magistrates of this island are the proper and legal inspectors, visitors, and supervisors of the said Slave prison, and other prisons allotted for the confinement of Slaves, and they, and each and every of them have and hath hereby full and ample power and authority given to and vested in them to visit and inspect the said Slave prison, and other prisons, whenever they shall think proper so to do; and the said magistrates are, and each and every of them is hereby required to see that the said Slave prison and other prisons be constantly kept clean, healthy, and wholesome, and that good and sufficient food be allowed to the said Slaves in confinement; and the said Slave prison shall be and the same is hereby placed under the immediate care and direction of the provost marshal of this island for the time being or his lawful deputy, who is hereby declared to be the keeper of the said Slave prison, and to be responsible for the good government and conduct of the same.

The provost marshal to be keeper of the Slave prison.

Clause 17.  
The keeper of the Slave prison for any offence, shall be punished by the order of two justices, as herein directed.

And be it further enacted by the authority aforesaid, that if the keeper or keepers of the said Slave prison hereinbefore mentioned, or any other prison or prisons allotted for the confinement of Slaves, or any of their deputies, shall be guilty of any crime, misdemeanour, or offence, or shall misbehave himself or themselves in their respective situations, he or they

shall and may be punished according to the nature of the said crime, misdemeanour, or offence, by fine and imprisonment, or either, at the discretion of any two justices of the peace; such imprisonment not to exceed one month, and such fine not to exceed five pounds current money.

And be it further enacted by the authority aforesaid, that whenever there shall be ten or more runaway Slaves in confinement under the provision of this Act, in the said Slave prison and gaol, or either, for the space of ten days, the said provost marshal or his lawful deputy shall, under a penalty of five pounds current money, report the same to some one of the acting magistrates of Bridge Town, who, together with any two or more of the acting magistrates of the said town, shall have power to order and direct the said Slaves to be worked on the treadmill hereinafter directed to be provided, or to be worked in cleaning and repairing the streets of Bridge Town, and the public roads within one mile of said town, or on any public roads within the said town, or within the distance of one mile from it; and the said Slaves when so employed on such work, (excepting on the treadmill) shall be under the immediate care and inspection of some proper person or persons to be hired for that purpose by the said acting magistrates, and each person so employed, shall be paid out of the public treasury, the sum of sevenpence halfpenny per day for each Slave committed to his charge, and the person or persons so to be employed, shall be answerable for the security of the said Slaves. And in order to prevent their escape, it shall and may be lawful for him or them to make use of such proper means and powers as he or they, with the sanction of the said acting magistrates or any two of them, may think fit to adopt; and in case any Slave whilst so employed, shall escape, the person or persons so hired and in charge of them, shall repay to the said treasurer, the said twelve shillings and sixpence, or six shillings and threepence, as the case may be, by him paid on the apprehension of such Slave, to be levied and raised by the said treasurer on complaint to any justice of the peace, as in the case of servants' wages

And be it further enacted by the authority aforesaid, that the committee appointed by law, for directing the repairs of the town-hall, or a sufficient board of them shall, and they are hereby authorized and required to have constructed and erected at the public expense, one or more good and sufficient tread mill or mills, within such part of the gaol yard, attached to the said town-hall as to them shall seem most convenient for that purpose, and to see that the same is and are at all times kept in proper order and repair; and the said committee shall be, and they or any sufficient board of them, are hereby authorized and empowered to draw on the treasurer of this island for the time being, for all such sum and sums of money as may be required to meet the expenses of constructing and erecting the said mill or mills, and which may from time to time be required to keep the same in proper order and repair; and the said treasurer shall pay, and he is hereby directed to pay, all such sum and sums of money as may from time to time be drawn for by the said committee or a sufficient board of them, for the purposes aforesaid. And the said treadmill or mills, shall be under the direction and management of the provost marshal, or his lawful deputy for the time being, and shall be used as directed in the preceding clause of this said Act, and also as a mode of punishment for Slaves, for any offences committed under this or any other Act of this island, if so ordered by the court or justices, before whom such Slaves shall be tried and convicted.

And be it further enacted by the authority aforesaid, that the several Coroners of this island shall, and they are hereby severally and respectively required and directed, whenever they hold inquests on the bodies of Slaves, to transmit copies of every such inquest and of all the evidence taken thereon, and of the proceedings thereof, to the governor or commander-in-chief of this island for the time being, within five days after the taking of every such inquest, and also within the same time, to return the original inquisition, evidence, and proceedings, to the crown office of the island, there to be kept and preserved as records; and where any such inquests shall be held on the body of any Slave who may happen to die in the said Slave prison, gaol, or other prison, the Coroner taking the same, shall also within the time above limited transmit copies of the same, and of all the

Clause 18.  
When ten or more runaway Slaves be in confinement, they may, by order of the acting magistrates of Bridge Town, be worked on the treadmill or otherwise, as herein directed.

Proper persons to be employed to superintend them.

Who are authorized, under the sanction of the magistrates, to use proper means to prevent their escape. Remedies against the persons having charge of such Slaves and suffering them to escape.

Clause 19.  
The town-hall committee are authorized to have one or more treadmills erected within the gaol yard, and kept in repair at public expense.

The treadmills to be under the directions of the provost marshal, and used as a mode of punishment for Slaves.

Clause 20.  
Coroners holding inquests on the bodies of Slaves, to transmit copies of their proceedings to the governor within five days after, and to return original inquisition and proceedings to the crown office:

and if a Slave happen to die in prison, to transmit copies within the same time to the owner.

Penalty on any coroner neglecting his duty herein.

evidence taken thereon, and of the proceedings thereof to the owner or proprietor of said Slave, or to his or her representative, attorney, or overseer; and if any Coroner shall neglect or refuse to conform himself to the directions in this clause contained, he shall, for every such neglect or refusal, forfeit and pay the sum of ten pounds current money, to be recovered before any justice of the peace, as in the case of servants' wages, one moiety to be to the use of the complainant, and the other moiety to be paid into the public treasury.

Clause 21.

Slaves not to go at large and pay hire, &c., under a penalty of five pounds upon the owner.

And for the benefit and protection of the fair trader, and for the discouragement of persons hawking and peddling about the country, pay no trade tax, and also for the better prevention of the sale and barter of stolen goods, be it further enacted by the authority aforesaid, that if any owner, proprietor, attorney, overseer, or other person having the charge, management, or direction of any Slave or Slaves, shall suffer or permit any such Slave or Slaves to go and beat large for the purpose of supporting and feeding himself, herself, or themselves, or paying hire for himself, herself, or themselves, or to follow any trade, business, or occupation, for the benefit and advantage of such owner, proprietor, attorney, or overseer, or other person having the charge, management, or direction of such Slave or Slaves, or for the benefit and advantage of any other person or persons whomsoever, every person so offending, shall forfeit and pay the sum of five pounds current money of this island, for each and every such Slave, to be recovered before any justice of the peace as in case of servants' wages; one moiety thereof to be to the use of the informer, and the other moiety to be paid into the public treasury.

The *onus probandi* to be upon the owner, as to Slaves going at large, where the same cannot otherwise be proved.

Proviso—

All Slaves furnished with licenses half yearly by the owner, are allowed to carry on trade, &c.

And in every such case the *onus probandi*, whether any such Slave or Slaves do or do not go at large, contrary to the true intent and meaning of this clause, shall, where the same cannot be fully proved by the complainant, rest upon the party complained against, but who shall nevertheless be allowed to discharge and absolve himself or herself from the penalty aforesaid, by his or her own oath: Provided always, that nothing in this clause contained, shall extend or be construed to extend to any Slave or Slaves who shall be regularly settled in any house, shop, or place, in carrying on any kind of trade or business for the benefit of his, her, or their master or mistress, provided such Slave or Slaves be furnished with half yearly licenses for that purpose, by his, her, or their master or mistress.

Clause 22.

Any person employing a Slave without agreeing with the owner to forfeit five pounds.

And be it further enacted by the authority aforesaid, that if any person shall, from and after the passing of this Act, employ any Slave or Slaves without first agreeing with the owner or other person having the charge, management, and direction of such Slave or Slaves, such person so offending shall, for every Slave so employed, forfeit and pay the sum of five pounds current money, to be recovered and applied in such manner as directed in the immediately preceding clause: Provided always, that nothing in this clause contained, shall extend, or be construed to extend to any person who may employ any Slave or Slaves regularly settled in trade or business, and furnished with licenses in the manner provided for in the immediately preceding clause of this Act.

Proviso—

Not to extend to the employing of Slaves furnished with licenses as herein provided for.

Clause 23.

Any person may apprehend Slaves having in possession sugar canes, sugar, &c., or other articles likely to have been stolen, and take the same away, and within five days restore them to the owner (if known)

And be it further enacted by the authority aforesaid, that it shall and may be lawful for any person or persons to seize and apprehend any Slave or Slaves in whose possession may be found any sugar canes, sugar, rum, cotton, ginger, aloes, or other staple and export production of the soil, plate wrought or melted down, iron, lead, copper, pewter, brass, tin, or any other article or thing likely to have been stolen, and take from such Slave or Slaves all such goods and articles, unless he, she, or they, be furnished with a ticket or note descriptive of the same, and within five days after to restore the same to the lawful owner or owners (if known), on being paid the sum of five shillings, current money, by such owner or owners, as and for the trouble of such person or persons in seizing and taking away the same; but if the owner or owners of any article or thing not of a perishable nature, which may be so seized and taken away, cannot be found or known within the said five days, then, and in such case, the person or persons so seizing and taking away the same, shall deliver the same over to the warden of the parish in which the same were so seized and taken away; and the said warden shall, and he is hereby directed at the expense

Where the owner of any article not of a perishable nature cannot be found within the limited time, the same shall be delivered to the warden of the parish, who is to advertise them three times.

of the parish, to cause advertisements to be published three times in the several newspapers of this island, fully describing such articles and things, and when and where seized, under a penalty of twenty pounds current money, to be recovered before any justice of the peace, as in the case of servants' wages, one moiety thereof to the informer, and the other moiety thereof to the party or parties aggrieved; and every Slave so found in the possession of any such articles or things without a ticket, or note, descriptive of the same as aforesaid, shall be whipped at the discretion of any justice of the peace, not exceeding thirty-nine stripes, unless he or she shall satisfy such justice that the articles or things were lawfully in his or her possession; and if at the end of one month after such articles or things shall be so advertised as aforesaid by the said warden, the same shall not be claimed by the rightful owner or owners, or being claimed by such owner or owners, and he, she, or they shall fail or refuse to pay the said sum of five shillings to the person or persons who seized the same, and the expense of such advertisements to the said warden, the said warden shall, and he is hereby authorized and empowered to sell and dispose of such articles and things for the uses of the parish: Provided always, that if any Slave liable to be seized and apprehended for having in his or her possession any article or thing contrary to the provisions of this Act, and such Slave shall be in charge of any waggon, cart, cattle, or horses, belonging to his or her owner, proprietor, or possessor, it shall not be lawful to seize and detain such Slave to the prejudice of such owner, proprietor, or possessor, but only to seize and detain the articles or things found in his or her possession, and to make report thereof to such owner, proprietor, or possessor within twenty-four hours after, to the end that all such Slaves may be brought to trial.

And to the end that industrious and honest Slaves may be duly encouraged in the cultivation of cotton and aloes, and all legal difficulties to the sale or barter of the same removed, and that they may in every respect be entitled to the like protection in the cultivation and sale of those articles as at present secured by law to the white and free inhabitants of the island: Be it further enacted by the authority aforesaid, that where any Slave or Slaves shall plant cotton or aloes, to his, her, or their own use, the same shall be reaped under the immediate inspection of some white person living on the plantation or place to which such Slave or Slaves shall belong; and if there shall be no white person living on the plantation or place to which such Slave or Slaves shall belong, then the same shall be reaped under the inspection of some other fit and proper white person, and when reaped the same shall be inspected by some one or more of the cotton inspectors, in like manner as by law they are required to inspect the cotton and aloes of the white and free inhabitants of this island, and certificates thereof given so as to legalize the same being sold, bartered, or disposed of; the person or persons under whose inspection the same was reaped, making oath before the said cotton inspectors, or some or one of them, that the said cotton or aloes was actually and *bona fide* reaped under his, her, or their immediate inspection from the lands or gardens of such Slave or Slaves.

And be it further enacted by the authority aforesaid, that if any white free person or Slave shall purchase or receive any stolen goods from any Slave or Slaves, knowing the same to have been stolen, every such person shall, on conviction thereof, be adjudged as the actual thief or stealer thereof, and be punished accordingly by the court before which such white free person or Slave shall be tried: Provided always, that such conviction of any such person shall not absolve from punishment the Slave or Slaves, according to the provision of this Act, from whom such goods were purchased or received.

And be it further enacted by the authority aforesaid, that where any stolen goods shall be found in the custody of any white or free person, and the person from whom the same were stolen, or any other person, cannot swear or depose against such person in whose custody such goods were found, as the actual thief or stealer thereof, or if it cannot be proved that the same were purchased or received from any Slave or Slaves, with the

The Slave from whom any articles are taken away, shall be whipped at the discretion of the justice, unless he can shew that he was lawfully possessed of them.

If at the end of a month the articles are not claimed, &c., the warden shall sell them for the uses of the parish.

Proviso—

If a Slave liable to be seized under this clause, be in charge of any waggon, &c., only the articles and not the Slave, shall be detained, and report made to the owner.

Clause 24.

Where Slaves plant cotton or aloes for their own benefit, the same must be reaped under the inspection of a white person,

and inspected in like manner as the cotton and aloes of the white and free inhabitants.

Clause 25.

Any white or free person purchasing goods from a Slave, knowing the same to be stolen, shall be punished as the actual thief.

Proviso—

Such conviction not to absolve from punishment, the Slaves from whom the goods were purchased.

Clause 26.

A white or free person found in the possession of stolen goods, to be proceeded against as in England, and to be deemed an accessory to the felony after the fact.

knowledge of their being stolen, every such person shall be proceeded against as receivers of stolen goods knowing the same to be stolen are proceeded against in that part of Great Britain called England, and he or she shall be taken and deemed an accessory to such felony after the fact, and on conviction thereof before the Court of Grand Sessions, be adjudged the same punishment as an accessory to the felony after the fact committed: Provided always that it shall and may be lawful for the said Court of Grand Sessions, to order and direct such accessory to be prosecuted as for a misdemeanour before the principal shall be convicted, as to the said court, from the nature and circumstances of the case, shall seem proper, and if thereof convicted, shall be punished by fine and imprisonment, which shall exempt such offender from being punished as accessory to the felony, though the principal should thereof be afterwards convicted, any law, usage, or custom to the contrary in anywise notwithstanding; and if any Slave shall be found in the possession of any stolen goods under the circumstance aforesaid, such Slave shall, on conviction thereof before any justice of the peace, be whipped, not exceeding thirty-nine stripes.

**Proviso—**

But by order of the court may be prosecuted as for a misdemeanour, before the principal is convicted.

The offender being a Slave, to be whipped.

**Clause 27.**

And whereas great danger and impediment is daily caused to passengers in the streets and highways, from the riotous and tumultuous squabbles of Slaves, and from their careless and violent manner of riding and driving over the roads of this island: Be it therefore further enacted by the authority aforesaid, that if any Slave or Slaves shall be guilty of quarrelling, threatening, or fighting with one another, or of insolent language or gestures to or of any white person, or of swearing or uttering any obscene speeches, or of drunkenness, or making, selling, throwing, or firing squibs, serpents, or other fireworks, or of cock-fighting or gaming, or of riding upon a faster gait than a walk, or of driving a faster gait than a gentle trot, on any road of this island, or through any of the streets or lanes of the towns of this island, or of cruelly whipping, beating, or ill-using any horse, mare, gelding, mule, ass, or cattle, while under his, her, or their charge in the drawing of any waggon, cart, carriage, or chaise, or of negligently or improperly driving, or leaving without a driver any such waggon, cart, carriage, or chaise, or of any disorderly conduct, or misbehaviour in the squares, streets, lanes, paths, or highways of this island, every such Slave shall, upon conviction thereof before any justice of the peace, be whipped at the discretion of the said justice, according to the nature of the offence, not exceeding thirty-nine stripes, but the punishment of pregnant women in this and all other cases shall be committed for imprisonment; and it shall and may be lawful for any constable or other person, on any offence being committed in his presence by any Slave or Slaves, contrary to the provisions of this or any other Act of this island, to apprehend such Slave or Slaves without a warrant, and to take him, her, or them, before a justice of the peace, to be dealt with according to law.

Slaves guilty of quarrelling and fighting, or of insolent language to a white person, &c. or of fast riding or driving on the public roads, or cruelly using horses or other animals, or other misbehaviour, to be whipped.

Punishment of pregnant women to be by imprisonment.

Slaves committing offences in presence of constable or other person, may be apprehended without a warrant.

**Clause 28.**

A person of free condition concealing a Slave guilty of any offence, or obstructing the due execution of this Act, shall pay a fine of not less than five pounds, nor exceeding twenty-five.

And be it further enacted by the authority aforesaid, that if any person, knowing or having notice from any constable or otherwise, that any Slave hath been guilty of any offence against the provisions of the immediately preceding clause of this Act, and shall harbour, conceal, or convey away any such Slave, whether the Slave be or be not his or her own property, in order to screen such Slave from justice, or shall in any manner whatsoever obstruct the due execution of this Act, or of any part thereof, or abuse, ill-treat, or threaten any person or persons for pursuing, enforcing, and putting the same into execution, every person so offending, if of free condition, shall, for every such offence, forfeit and pay a sum not less than five pounds, and not exceeding twenty-five pounds current money of this island, unless where the same shall otherwise be provided for under this Act, to be recovered in a summary manner before any justice of the peace, as in the case of servants' wages, one moiety thereof to the informer, and the other moiety to be paid into the public treasury; and if the person so offending be a Slave, he or she shall be whipped at the discretion of any justice of the peace, not exceeding thirty-nine stripes.

And if a Slave, to be whipped.

**Clause 29.**

An owner of a plantation suffering gambling to be carried on by Slaves, to be fined

And be it further enacted by the authority aforesaid, that if any person shall knowingly suffer or permit any species of gambling to be carried on by Slaves within his or her plantation, property, or premises, such person shall

for the first offence, on conviction thereof at the Court of Grand Sessions, forfeit the sum of twenty-five pounds current money, and suffer one month's imprisonment in the common gaol of this island, and for each subsequent offence the like fine, and the imprisonment to be doubled: Provided that complaint thereof be made to a justice of the peace within one month after the happening of the offence.

And be it further enacted by the authority aforesaid, that the several constables within this island are hereby strictly enjoined and required to use their best endeavours, at all times, to prevent Slaves from gaming, assembling at huckster's shops, tipping houses, or dram shops, or any unlawful meetings, and if necessary it shall and may be lawful for them to take to their aid and assistance a sufficient guard to disperse such Slaves, and in case of resistance to seize and secure such Slaves, and to take them before any justice of the peace, to be examined and dealt with according to law; and any two justices of the peace are hereby empowered to fine all constables neglecting to put the several clauses of this Act into force, in the sum of five pounds current money for every offence, or commit him to gaol not exceeding fourteen days.

And be it further enacted by the authority aforesaid, that if any person shall let or hire to any person's Slave, or suffer any such Slave, at the instance or on the credit of any other person, to have the use or ordering of any land, house, room, or shed, except with the consent of the owner, proprietor, or other person having the lawful charge of such Slave, the person so offending shall pay to the churchwarden of the parish where the land, house, room, or shed may be situate, at the rate of five pounds current money per month for every such Slave, for so long a time as he or she shall have the use, ordering, or possession of any such land, house, room, or shed as aforesaid, to be recovered by such churchwarden before any justice of the peace, as in the case of servants' wages, and applied to the uses of such parish.

And be it further enacted by the authority aforesaid, that if any Slave shall commit any theft or larceny, or be discovered in the attempt to commit any theft or larceny under the value of forty shillings, or shall steal or be discovered in the attempt to steal any canes, trash, cane-tops, corn-stalks, peatrees, cotton wood, fruit, goods, or chattels, on any ground provision whatsoever, whether the same be growing or not growing, under the value of forty shillings, or shall be guilty of any offence which by the laws of England, or the laws in force in this island, would, in the case of a white or free person, be deemed petit larceny, misdemeanour, or other inferior offence, for the trial of which no other provision has been made, every Slave so offending, and being brought to trial before two or more justices of the peace of this island, upon complaint of the party injured, or of any person in his or her behalf, and being convicted thereof, shall suffer such corporal punishment not exceeding thirty-nine stripes, and imprisonment not exceeding three months, or either, with or without hard labour, in the public service, as such justices shall think proper, due regard being always had to the circumstances of the case, and to the age, sex, state of health, condition, and character of the Slave to be so punished: Provided always, that the justices before whom any offender under this clause may be brought for trial, shall, in awarding punishment, be well satisfied that the offender was not driven to the deed from a want of food; and in case it should appear, on proper inquiry, that such offender was on that account urged to the commission of the offence, the justices shall, and they are hereby required to lessen the punishment in proportion to the excitement which led to the offence. And where, on the trial of any Slave for any such offence as aforesaid, it shall appear that the owner of such Slave cannot afford the necessary food for his or her subsistence, the acting protector of Slaves, shall, by the order of the said justices, take temporary possession of such Slave, and have him or her hired out, and his or her hire paid to such owner, until his or her circumstances shall be bettered, or he or she shall be able to dispose of such Slave or Slaves; but if it shall appear to the said justices, that the owner of any such Slave had ample means to furnish such Slave with food, and withheld the same,

and imprisoned, and for a second offence the punishment to be doubled. Complaint to be made within a month.

Clause 30.

Constables are to prevent Slaves from gaming or assembling at dram shops, &c., and may take a guard to disperse them.

Justices to punish constables for not putting this Act in force.

Clause 31.

Any person hiring land or a house to a Slave, without the owner's consent, to forfeit five pounds per month to the uses of the parish.

Clause 32.

A Slave who shall commit or be discovered in the attempt to commit theft or larceny, under the value of forty shillings, or shall steal or be discovered in the attempt to steal any canes, &c., or commit any offence as would, in the case of a white or free person, be petit larceny, he is to be whipped and imprisoned.

Justices trying any offender under this clause must be satisfied that he was not driven to the deed from want of food.

Should it appear that an owner cannot afford necessary food to a Slave, the acting protector is to take temporary possession of the Slave, and hire him out until the owner's circumstances are bettered;

but if it appear that the owner had the means and withheld the same, the justices



shall indict him to the Grand Sessions, and on conviction he is to be punished by fine and imprisonment.

When the acting protector shall sell a Slave, the owner shall receive the purchase money, unless claimed by a creditor.

**Proviso.—**

The owner being only tenant for life in such Slave forfeits his estate; and remainder man to take possession.

Without prejudice to any liens thereon.

**Clause 33.**

Slaves guilty of treason or concerned in rebellion, or who shall make preparation of arms, &c., or wilfully commit murder, rape, forgery, felony, or robbery, or set fire to any house, &c., or enter and break into any house, &c., at night or in the day, with an intent to steal, or shall steal thereout goods above the value of forty shillings or imagine the death of any person, and declare it by some overt Act, or steal horned cattle, &c.,

to be tried at the Grand Sessions in the like manner as white and free-coloured persons, and on conviction suffer death. Slaves guilty of offences not provided for by this act, which would subject white or free persons to a prosecution for felony, to be punished in the manner that such persons would be, or in a milder manner as the court shall think fit.

**Clause 34.**

A Slave who shall wilfully cut, chop, injury, or administer poison to horned cattle, &c., is to be tried before two justices & sentenced to corporal

the justices before whom any such Slave shall be brought to trial, are hereby required to indict such owner to the Court of Grand Sessions, who upon conviction thereof, shall be fined at the discretion of the court, in any sum not exceeding one hundred pounds, or imprisoned for any time not exceeding six months; and the said acting protector, shall, by order of the said court, forthwith take such Slave into possession, and have him or her sold for the most money that can be obtained; and such sale, by the said acting protector, shall be, and it is hereby declared to be, good and valid, against all claims and demands whatsoever; and until such Slave shall be sold, he or she shall be hired out by the said acting protector, and the money arising by such sale or hire, after deducting thereout all necessary expenses, shall be paid over by the said acting protector to the owner of such Slave, unless any judgment, creditor, or creditors of such owner, shall in the mean time claim such money; in which case the same shall be paid to such creditor or creditors, according to his, her, or their legal priority: Provided always, that in case any such Slave shall be owned by any person, who is only tenant for life, instead of such Slave being sold as aforesaid, the tenant for life shall absolutely forfeit his or her estate in such Slave, and the person next in remainder or reversion, shall be entitled to the possession of such Slave, and may enter and take possession of such Slave; subject, nevertheless, in the hands of reversioner or remainder-man, to all liens and encumbrances, attaching on and affecting the life-estate of such offender.

And be it further enacted by the authority aforesaid, that if any Slave or Slaves shall be guilty of treason, or shall enter into, or be concerned in, any rebellion or rebellious conspiracy, or shall plan, excite, raise, or in any way promote rebellion or insurrection, or make preparation, or be privy to the preparation of arms, powder, bullets, or offensive weapons, or hold any council or conspiracy, or be privy to the holding of any council or conspiracy, for the purpose of rebellion or insurrection within this island, or shall wilfully or maliciously commit any murder, rape, forgery, felony, or robbery, or shall wilfully set fire to any house, out-house, negro-house, canes, stacks of cane-trash, cane-tops, corn-stalks, pea-trees, cotton, wood, or piles of lumber, or shall enter and break into any house, out-house, negro-house, or other building, either at night or in the day time, whether any person be therein or not, with an intent to steal, or shall steal thereout any goods or chattels above the value of forty shillings currency, or shall compass or imagine the death of any person or persons whomsoever, and declare the same by some overt act, or shall steal any horned cattle, sheep, goat, horse, gelding, mare, mule, or ass, or shall steal any other live stock, or feathered stock, such live stock or feathered stock being above the value of forty shillings currency, such Slave or Slaves, shall for every such offence be indicted and tried at the Court of Grand Sessions of this island, in the like manner as white and free-coloured persons, and on conviction thereof be deemed guilty of felony, and suffer death without benefit of clergy; and where any Slave or Slaves shall commit any other crime not hereinbefore or hereinafter provided for, the commission of which crime within this island, by any white, free-coloured, or free-black person or persons, would subject such white, free-coloured, or free-black person or persons, to a prosecution for felony, either by the laws of this island, by the statute laws of Great Britain, in force in this island, or by the common law of Great Britain, such Slave so offending shall, on conviction thereof at the Court of Grand Sessions, suffer and be liable to the same punishments as white, free-coloured, or free-black persons, would be liable to suffer for the same offences, if convicted thereof, or such other milder punishment as the court in its discretion, and according to the nature of the case, shall think fit to inflict.

And be it further enacted by the authority aforesaid that if any Slave shall wilfully, and in a wanton manner cut, chop, maim, lacerate, or injure, or administer poison to any mare, mule, ass, sheep, goat, or hog, such Slave on conviction of such offence, be tried before any two justices of the

if any Slave otherwise maim, lacerate, or injure, or administer poison to any mare, mule, ass, sheep, goat, or hog, such Slave on conviction of such offence, be tried before any two justices of the

justices shall on conviction of such Slave, order and direct such corporal punishment, imprisonment and hard labour, or imprisonment without hard labour, either together or separately to be inflicted on him or her, as such justice shall think proper, such corporal punishment not exceeding thirty nine stripes, and such imprisonment not to exceed the term of six months; and in all cases where, from such treatment as above set forth, any horned cattle, horse, mare, mule, or ass, shall be killed, or shall die within ten days next after the offence committed, although the carcass, or any part of the flesh thereof may not be stolen, such Slave shall be tried for such killing or death at the Court of Grand Sessions, and on conviction thereof shall be deemed guilty of felony, and shall suffer death without benefit of clergy, transportation for life, imprisonment, and hard labour, or imprisonment without hard labour, as the court shall, on consideration of all the circumstances of the case, think proper.

punishment, imprisonment, and hard labour.

When from any such treatment any horned cattle &c. shall be killed or die, within ten days after, the offender shall be tried at the court of Grand Sessions and punished with death, transportation, &c., as the court shall think proper.

And be it further enacted by the authority aforesaid, that in all cases where any Slave or Slaves shall be put upon his, her, or their trial, and shall receive sentence of death, or transportation for life, the jury at the time of trying such Slave or Slaves, shall also inquire upon their oaths, what sum or sums of money the owner, proprietor, or possessor of the said Slave ought to receive; provided that such sum or sums of money do not exceed the sum of one hundred pounds current money of this island, for each Slave so sentenced as aforesaid, and the court before whom such Slave or Slaves may be tried, shall make certificate thereof to the treasurer of this island, for the time being, therein requiring the said treasurer to pay (who is directed to pay) the value of said Slave or Slaves, to the owner or owners thereof; and where any such Slave or Slaves shall be owned by any person or persons, who is or are only tenant or tenants for life, the jury at the time of assessing the value of such Slave or Slaves, shall also settle and determine what part or parts of such sum or sums of money shall be paid to the tenant or tenants for life, and what part or parts thereof shall be paid to the person or persons next in remainder, or reversion of such Slave or Slaves, and which shall be binding on all parties interested in any such Slave or Slaves; subject, nevertheless, and without prejudice, to any claims which may be preferred to the said treasurer, by any creditor or creditors having liens on such Slave or Slaves, whose claims and demands shall be paid in due priority, out of the sum or sums of money at which such Slave or Slaves may be so valued as aforesaid.

Clause 35.  
When Slaves are sentenced to death or transportation for life their value to be ascertained by the jury, by whom they are tried, not exceeding one hundred pounds each, and paid to the owner from the public treasury.

If the owner be only tenant for life, the jury shall apportion the sum between him and the remainderman.

Creditors on such Slaves to receive the value.

And be it further enacted by the authority aforesaid, that in case upon any accusation against any Slave or Slaves for murder, where malice prepense shall not be proved to the satisfaction of the jury, such jury shall be at liberty to find such Slave or Slaves guilty of manslaughter, if the nature of the case shall require it, and the Slave or Slaves so found guilty of manslaughter shall suffer such punishment as the court shall think proper to inflict, not extending to life or limb.

Clause 36.  
Slaves may be found guilty of manslaughter, and punished not extending to life or limb.

And be it further enacted by the authority aforesaid, that if any white, free-colored, free-black person or Slave shall wilfully, maliciously, and unlawfully pretend to any magical and supernatural charm or power, in order to promote the purposes of insurrection or rebellion of the Slaves within this island, or to injure or affect the life or health of any person whomsoever, or wilfully and maliciously shall use and carry on the wicked and unlawful practice of Obeah, and shall be thereof convicted at the Court of Grand Sessions, the offender shall suffer death without benefit of clergy, or transportation as the said court shall think proper.

Clause 37.  
Any white, free person, or Slave, unlawfully pretending to supernatural power, for the purposes of insurrection, or to affect the life of any person, or wilfully practising Obeah, to suffer death or transportation.

And be it further enacted by the authority aforesaid, that if any white, free-coloured, free-black person or Slave wilfully and maliciously in the practice of Obeah, or otherwise shall mix or prepare, or have in his or her possession, any poison, or any noxious or destructive substance, or thing with an intent to administer to any person or persons whomsoever, or wilfully and maliciously, shall actually administer to, or cause to be administered to, or taken by any person whomsoever, any poison, or any noxious or destructive substance, or thing whatsoever, although death may not ensue, every such offender, together with his or her counsellors, aiders, or abettors knowing of, and being privy to such evil intentions and offences,

Clause 38.  
Any white, free person, or Slave, in the practice of Obeah, who shall prepare or have in possession poison or any destructive substance, with intent to administer or shall administer it to any person, with the aiders and abettors to suffer death, transportation, or other punishment.



shall, upon conviction thereof at the Court of Grand Sessions, suffer death without benefit of clergy, transportation, or such other punishment as the said court shall think proper.

Clause 39.  
Persons who pretend to power of divination and practice of fortune telling,

if Slaves, to be whipped, imprisoned, or worked in the public service;

if of free condition, to be fined not less than ten pounds, and not exceeding twenty-five pounds.

Clause 40.  
The wilful murder of a Slave by any person to be punished by death without benefit of clergy:

but not to extend to the corrupting the blood, or forfeiture of lands, &c.

Clause 41.  
A person who kills by accident the Slave of another, shall only pay the value. If a Slave be killed whilst committing theft, or breaking at night into any house, &c., or setting fire at night or in the day to any house, &c., the person so killing, shall not be punished criminally or otherwise.

Clause 42.  
Slave wilfully striking a white person, for the first offence, to suffer imprisonment, with or without labour, and corporal punishment. For a repetition of the offence, to be transported for life or imprisoned with or without hard labour.

Proviso—  
That the striking be not in defence of the owner's person or property.

Clause 43.  
A Slave who strikes his master or mistress, to be punished with death or transportation.

Clause 44.

And be it further enacted by the authority aforesaid, that if any person or persons pretending to have the power of divination, shall in any manner, or by any means whatsoever, carry on or practice what is commonly called fortune telling, or shall pretend to possess the charm or power of discovering or leading to the discovery of any lost or stolen goods, articles, or things, and shall practice or attempt to practice the same in any manner, or by any means whatsoever, every person convicted thereof, before any justice of the peace, and being a Slave, shall be whipped, imprisoned, or worked in the public service, at the discretion of the said justice, such whipping not to exceed thirty-nine stripes, and such imprisonment or working in the public service not to exceed one month; and a white, free-coloured, or free black person, he or she shall forfeit and pay a sum of not less than ten pounds, and not exceeding twenty-five pounds currency, to be recovered as in the case of servants' wages, one moiety thereof to the informer, and the other moiety to be paid into the public treasury.

And be it further enacted by the authority aforesaid, that if any person shall wilfully and maliciously kill and murder, or cause to be killed and murdered any Slave, whether such Slave be the property of the person so killing and murdering, or causing the killing or murdering, or of any other person or persons, such person so offending, shall, on conviction thereof at the Court of Grand Sessions, by the testimony of any one or more credible witness or witnesses, be adjudged guilty of felony, and shall suffer death without benefit of clergy: Provided always, that such conviction shall not extend to the corrupting the blood, or the forfeiture of lands, tenements, Slaves, goods, or chattels, any law, custom, or usage, to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, that if any person shall unfortunately kill or maim by accident the Slave of another, such person shall only be liable to an action at law by the owner of such Slave, for the value of the Slave so killed or maimed; but if any Slave shall be killed whilst in the act of committing or attempting to commit any robbery or theft, or in the act of breaking at night into any house, outhouse, or negro-house, or in the act of setting fire, either at night or in the day-time, to any house, outhouse, negro-house, canes, stacks of cane-trash, cane-tops, corn stalks, pea-trees, or cotton-wood, or stacks of dry fuel, or piles of lumber, or whilst maliciously setting fire to any property of any value, the person or persons killing any such Slave, shall not be punished for the same, either criminally or otherwise, any law, usage, or custom, to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, that if any Slave shall wilfully strike or assault any white person, such Slave shall for the first offence, on conviction thereof, before any two justices of the peace, suffer imprisonment with or without hard labour in the public service, not exceeding six months, and corporal punishment not exceeding thirty-nine stripes; and for a repetition of the like offence, be tried at the Court of Grand Sessions, and be punished with transportation for life, imprisonment, and hard labour in the public service, or imprisonment without such hard labour, according to the nature of the offence, and the circumstances of the case as the court shall in its discretion think proper to inflict. Provided that such striking or assault be not in the necessary defence and protection of his or her owner's person or property.

And be it further enacted by the authority aforesaid, that if any Slave shall strike his or her master or mistress, such Slave shall, upon conviction thereof before the Court of Grand Sessions, suffer death without benefit of clergy, transportation, solitary confinement, or such corporal punishment as the nature of the offence may deserve, and as the court in its discretion shall think proper to inflict.

Whereas it is highly expedient to restrain owners and other persons having the government and direction of Slaves from discriminately, wantonly, or cruelly exercising the power they possess over their Slaves: and whereas

the cruelty of punishment by flogging necessarily depends much more upon the manner of inflicting it, than upon the number of stripes, it is therefore deemed most conducive to the ends of humanity, to trust to the discretion and good feelings of the justices before whom complaints of such offences shall be made: Be it therefore further enacted by the authority aforesaid, that if any person shall commit any wanton act or acts of cruelty towards any Slave or Slaves, or if the same shall be committed by his or her direction or order, or with his or her knowledge, privity, or consent, or shall wantonly, maliciously, and cruelly whip, beat, or bruise any Slave or Slaves, or keep in confinement without sufficient food and support any Slave or Slaves, or shall suffer, permit, cause, or procure the same to be done, whether such Slave or Slaves may or may not belong to him or her, such person or persons shall and may be summoned before any two justices of the peace to answer for the offence, and such justices are hereby ordered and empowered on conviction thereof, to impose a penalty on the person so offending of not less than twenty-five pounds, and not exceeding one hundred pounds currency, according to the nature of the offence; and it shall and may be lawful for any justice of the peace, and he is hereby authorized and required upon complaint or information of any offence aforesaid, being made or given to him by any person whomsoever, whether such person be a white free coloured, or free black person, or a Slave, to summon the offender or offenders, and such Slave or Slaves so alleged to have been cruelly punished, and all such witnesses as may be material to prove the said offence, and to take down the examination of such offender or offenders in writing, and also the state, appearance, marks, and condition of the Slave or Slaves, and all other circumstances that may be necessary to prove the fact, and to join to him some other justice of the peace, and to examine into the alleged offence, which if proved to their satisfaction, they shall set a fine on the offender or offenders, not less than twenty-five pounds currency, and not more than one hundred pounds currency each, for every Slave so cruelly punished as aforesaid, whether such Slave or Slaves may or may not belong to such offender or offenders; but if such offence cannot be fully proved, and the Slave or Slaves so alleged to have been cruelly punished shall be produced before the said justices, and if the marks or traces of recent and cruel flogging, laceration, or punishment shall appear on the person or persons of such Slave or Slaves, and if such Slave or Slaves shall, before the said justices, declare such marks or traces to be the consequence of such cruel and unlawful punishment or correction, and being duly examined by the said justices, shall make a particular, consistent, and probable statement of all the circumstances attendant on such cruel and unlawful punishment, then and in every such case, although such Slave or Slaves may not be a competent witness or witnesses within the provisions of this Act, yet the party or parties accused, shall thereupon be considered guilty of the offence, and be convicted in any sum not exceeding and not less than the penalty aforesaid, unless such party or parties shall by his, her, or their oath or oaths, or by the oath or oaths of some credible witness or witnesses, prove that the punishment of which the marks or traces may be apparent, was not inflicted by him, her, or them, or by his, her, or their procurement, or with his, her, or their knowledge or consent: Provided always, that if any Slave or Slaves shall make complaint of any such offence as aforesaid, and upon the hearing thereof before the said justices, the same shall appear to them to be frivolous, vexatious, or unfounded, the said justices are hereby directed and required to order every such Slave to be whipped, not exceeding thirty-nine stripes, and imprisoned with or without labour in the public service for any time not exceeding three months.

And be it further enacted, by the authority aforesaid, that if any white or free person shall maim, mutilate, or dismember, or cause to be maimed, mutilated, or dismembered any Slave or Slaves, whether such Slave or Slaves may or may not belong to him or her, he or she shall, for every such offence, be prosecuted at the Court of Grand Sessions, and upon conviction thereof shall be punished by fine, to be paid into the public treasury of the island, and imprisonment, or either, as the court shall think fit; such fine not to be less than one hundred pounds currency, and such imprisonment

A person who wantonly commits cruelty towards a Slave by whipping, bruising or beating, &c., shall be fined by any two justices not less than twenty five pounds and not exceeding one hundred pounds.

A justice on information of any offence, to summon the offender and the Slave alleged to have been so cruelly punished, and to take examinations and the state and appearance of the Slave and to join to him some other justice to hear the complaint.

If the offence be not fully proved, but the marks of recent cruel flogging appear on the person of the Slave, declare the same to be the consequence of such punishment, the accused to be considered guilty;

although such Slave may not be a competent witness otherwise, unless the accused by his own oath or that of some credible witness shall disprove the charge.

Slaves making frivolous, vexatious, or unfounded complaints, to be punished by order of the justices.

Clause 45.

Any white or free person maiming or dismembering a Slave, to be punished at the Grand Sessions with fine, not less than one hundred pounds, and imprisonment not less than six months.

The court shall award the yearly interest of the fine, or proportion of it, to be paid to the Slave for life.

A Slave maimed by the owner to be taken into possession by the acting protector, and sold to a person of humane repute, and the money paid into the treasury.

Where there are creditors it shall be paid to them.

**Proviso—**

Where an owner is only tenant for life, the remainder-man may take possession, subject to all encumbrances.

An owner committing a second offence on his other Slaves, shall forfeit the possession of the whole of his property in lands and Slaves, and the same shall be vested in trustees and conducted for his benefit and others interested, or sold by the acting protector.

If the offender be only tenant for life, the property to be vested in trustees during life.

The offenders to be incapable of holding or having any control over Slaves.

The acting protector to be allowed a commission for selling the property.

**Clause 46.**

Slaves to be whipped with the like instruments and in like manner as practised in his Majesty's army and navy, except where a milder instrument may be preferred.

Female Slaves to be punished in a private and decent manner, and when pregnant, only to be confined, and not whipped.

Persons offending against the provisions of this Act to forfeit ten pounds.

not to be less than six months for each and every Slave so maimed, mutilated, or dismembered, and the said court shall award the yearly interest or a proportion of the interest of the said fine, to be paid to the said Slave for life by the treasurer of this island; and it shall and may be lawful for the judge and justices of the said Court of Grand Sessions, and they are hereby required, to order and adjudge such Slave or Slaves if maimed, mutilated, or dismembered by his, her, or their owner, or by the direction of such owner, to be delivered to and taken possession of by the acting protector of Slaves for the time being, to be by him forthwith sold and disposed of to some person of good and humane repute, for the best price that can be obtained for the same, and the money arising by such sale to be paid over into the public treasury for the uses of the public; but if there be any debt or debts affecting the said Slave or Slaves, then and in such case the money shall be paid to the creditor or creditors of his, her, or their owner in due priority. And it is hereby further enacted, that such sale from the said acting protector shall be held and deemed competent and sufficient in law to vest the absolute property in, and to give a good title to the purchaser or purchasers of such Slave or Slaves. Provided always, that if any owner or proprietor guilty of any of the offences in this clause mentioned, shall be only tenant for life, in such case the estate for life shall be forfeited, and the person next in remainder or reversion shall forthwith be entitled to the possession of such Slave or Slaves, and may enter and take possession of him, her, or them, accordingly, subject nevertheless, in the hands of such reversioner or remainder-man, to all liens and encumbrances attaching on and affecting the life-estate of such offender; and for a second offence being committed by any person on his or her other Slave or Slaves, he or she shall forfeit the possession of the whole of his or her property in lands and Slaves, and the same shall become vested in certain trustees, to be appointed by the governor or commander-in-chief of this island for the time being, and council, to be thereafter, by the said trustees, conducted for the benefit of such owner or proprietor, and his or her creditors, and all others interested therein; but if such offender shall be tenant in fee simple, and he or she shall so desire it, such property in lands and Slaves shall and may, by an order of the governor or commander-in-chief of the island for the time being, and council, be sold by the acting protector of Slaves, and the money to arise by such sale shall be paid to the creditors, if any, of such owner, and if there be no such creditors, then to the owner, for his or her use or uses; but if such offender shall be only tenant for life, in such case the property shall be vested in trustees as aforesaid during the life of such tenant, and the person so offending shall, for such second offence, be rendered incapable of holding the possession of, or having any control, management, or direction whatsoever over Slaves: and be it further enacted, that the said acting protector of Slaves shall have and receive, and be allowed to deduct a commission of fifty shillings by and out of every one hundred pounds which, under the provisions of this Act, shall be raised by him in the sale of any Slaves or other property, as and for his trouble in selling the same.

And be it further enacted by the authority aforesaid, that all punishments by whipping prescribed by this Act, as also all private punishments by or under the orders of the owners or proprietors of Slaves, or other persons lawfully authorized thereto, shall be inflicted with the like instrument, and in the like manner now in the use and practice in his Majesty's army or navy, and in no other manner whatever, except in private punishments, where a milder instrument may be preferred and used; and where the punishment of female Slaves by whipping shall be necessary, the same shall be inflicted in private, and in a decent manner, without any unnecessary exposure of the body of any such female Slave; and where any female Slave shall be in a state of pregnancy, she shall not, on any pretence whatsoever, be punished in any other way than by confinement; and if any person shall offend against the provisions of this clause, every such person shall for every such offence forfeit and pay the sum of ten pounds current money of this island, to be recovered before any justice of the peace, as in the case of servants' wages.

And be it further enacted by the authority aforesaid, that if any person on any pretence whatsoever, shall fix, or cause to be fixed, any metal collar round the neck of any Slave, whether such Slave be his or her own property or otherwise, or shall fix, or place, or cause to be fixed or placed, any chains, weights, or irons, of any kind, shape, or form whatsoever on the body or limbs of any Slave, such person shall be prosecuted at the Court of Grand Sessions, and punished by fine and imprisonment at the discretion of the court. Provided always, that nothing in this clause contained shall prevent owners of Slaves from confining refractory and disorderly Slaves, or such as are addicted to run away in iron or wooden stocks, or secure places of confinement, or by other means of security, so that such Slaves are thereby confined without bodily hurt, and all and every the justices of the peace of this island are hereby authorized, directed, and empowered, on information of such offence, and view of such Slaves, to order such collar, chains, weights, or irons, to be immediately taken off, from the Slave or Slaves bearing the same. Provided also, and to the end that runaway or refractory Slaves may be fully punished, be it further enacted, that if the owner, proprietor, or possessor of any runaway or refractory Slave or Slaves shall make it appear to the satisfaction of any justice of the peace upon his or her own oath, or the oath of any credible witness or witnesses, that such the improper conduct of such Slave or Slaves was not occasioned for the want of food or clothing, or from cruel treatment, it shall and may be lawful for such justice by his warrant to commit such Slave or Slaves to the said Slave prison, or the gaol, there to be confined with or without labour on the treadmill or otherwise, for any time not exceeding six months, and such Slave or Slaves during such time shall be fed at the public expense. Provided always that no maimed, diseased, or unserviceable Slave, shall, under the authority of this clause, be committed to the said Slave prison or gaol.

And be it further enacted by the authority aforesaid, that if any Slave shall discover and give information of any evil designs or plots of any other Slave or Slaves, or of any free person or persons of any description whatsoever, for the beginning, encouraging, or keeping up of any insurrection, rebellion, or of the possession or concealment by any Slave or Slaves, of any gunpowder or mischievous or warlike instruments, for the purpose of insurrection or rebellion, whereby the accused shall be thereof legally convicted, every such Slave so causing such conviction as aforesaid, shall be appraised at his or her full value, not exceeding two hundred pounds current money, by the jury before whom the accused may be tried, and the court shall make certificate thereof to the treasurer of this island for the time being, requiring him to pay, and he is hereby directed to pay, the value of such Slave to the owner thereof. And be it further enacted, that such Slave so making such discovery, and giving such information as aforesaid, shall, on full conviction of the accused as aforesaid, be declared free, and shall accordingly from thenceforth be absolutely free to all intents and purposes whatsoever, and shall at the public expense be sent wherever his or her wishes may point out, and be paid the annual sum of ten pounds current money, from the public treasury; but should such Slave prefer remaining in his or her owner's possession to being freed, such Slave shall in that case annually and every year be paid the sum of twenty-five pounds current money from the public treasury during his or her natural life.

And be it further enacted by the authority aforesaid, that if any white, free black, or free coloured person shall sell, barter, or give to any Slave or Slaves, any gunpowder, warlike or mischievous weapon or weapons, or any poison, noxious or destructive drug, substance, or thing, and the same shall be established to the satisfaction of any two justices of the peace, the said justices are hereby authorized and empowered to set a fine upon the person so offending in any sum not exceeding the sum of fifty pounds, current money of this island; but if such offence cannot be fully proved, and the Slave or Slaves to whom any such gunpowder, warlike or mischievous weapon or weapons, or such poison, noxious or destructive drug, substance, or thing, was or were alleged to have been sold, bartered, or given by any such person shall be produced before the said justices, and shall make a parti-

Clause 47.

Any person fixing a collar, chains, or irons on a Slave, to be bound to the Grand Sessions, & punished by fine and imprisonment.

Owners of refractory or runaway Slaves shall confine them in stocks.

Justices are empowered to order collars, chains, or irons to be taken off from Slaves.

Proviso—

Where the owner of refractory or runaway Slaves can satisfy a justice that the improper conduct of Slaves was not occasioned for want of food, or by cruel treatment, he may issue a warrant for committing such Slaves to the Slave prison, to be confined therein and worked, not exceeding six months.

Proviso—

Diseased or unserviceable Slaves not to be confined.

Clause 48.

A Slave who shall discover and give information of any intended insurrection, or the concealment of gunpowder or warlike instruments, for the purpose of rebellion, and the accused shall be convicted thereof, the value of such Slave so informing, not exceeding two hundred pounds, shall be paid the owner.

The Slave to be freed and sent at the public expense to any place he may desire, and be paid ten pounds per annum;

but if the Slave prefer remaining in the owner's possession to being set free, he shall be allowed twenty-five pounds per annum.

Clause 49.

A white or free person who shall sell or give to a Slave gunpowder or weapons, or any poison or destructive drug, shall be fined by a justice not exceeding fifty pounds.

If the offence cannot be fully proved, and the Slave to whom the same were sold or given shall make a consistent statement of all the cir-

circumstances of the sale or gift, although the Slave be not otherwise a competent witness, yet the accused shall be considered guilty unless he shall, by his own oath or that of some credible person, disprove the charge.

If it shall appear to the justices that the accused knew that the articles were for illegal purposes, they may commit him or her to gaol, to remain and be tried at the Grand Sessions, who upon conviction shall suffer death or transportation for life.

**Clause 50.**  
A Slave who in time of invasion behaves courageously, and shall kill one or more of the enemy or rebels, shall be rewarded as the legislature may think fit.

The legislature may reward such Slave with freedom, and pay his value to the owner.

**Clause 51.**  
If a Slave engaged in battle, in opposing any insurrection be killed, the owner shall be paid his value not to exceed one hundred pounds.

**Clause 52.**  
In cases not already provided for, where owners of Slaves, paid for by the public, are only tenants for life, the authority determining the question of payment, to apportion the sum between the tenants for life and remaindermen.

The right of creditors not to be thereby prejudiced.

**Clause 53.**  
Any person tempting a Slave to leave his

particular, consistent, and probable statement of all the circumstances of such sale, barter, or gift, then, and in every such case, although such Slave or Slaves may not be a competent witness or witnesses, within the provisions of this Act, yet the party accused shall thereupon be considered guilty of the offence, and be convicted in a penalty not exceeding the sum of fifty pounds as aforesaid, unless such party shall, by his or her own oath, or the oath or oaths of some credible witness or witnesses, prove that he or she did not sell, barter, or give to such Slave or Slaves, any such gunpowder, warlike, or mischievous weapon or weapons, or any such poison, noxious, or destructive drug, substance or thing as aforesaid. And be it further enacted, that if on the trial of any offender under the provisions of this clause it shall appear to the said justice upon clear and positive testimony that such offender knew that such gunpowder, warlike or mischievous weapon or weapons, or such poison, noxious or destructive drug, substance or thing so by him or her sold, bartered, or given to any Slave or Slaves, was or were for any mischievous and illegal purpose or purposes, the said justices shall, and they are hereby empowered and directed forthwith to commit such offender to the common gaol of this island, there to remain without bail or mainprize until such offender can be tried at the Court of Grand Sessions, who on conviction thereof at the said Court of Grand Sessions, shall be adjudged guilty of felony, and shall suffer death without benefit of clergy, or transportation for life, as the court in its discretion shall think fit to inflict.

And be it further enacted by the authority aforesaid, that every Slave who in the time of invasion by any foreign foe or enemy, or other attempt to be made on this island, or in case of rebellion and insurrection shall engage and courageously behave in battle, or who shall by any means kill or destroy one or more of the enemy or rebels, shall, upon the report thereof, supported by the oath of any two credible white persons before the commander-in-chief of this island for the time being, be rewarded at the public expense, in such manner as the legislature may think fit to direct. And should the legislature conceive that such Slave should be rewarded with freedom, it shall and may be lawful for them to declare such Slave free, and have the value of such Slave ascertained and paid to the owner thereof from the public treasury, not exceeding the sum of one hundred pounds current money.

And be it further enacted by the authority aforesaid, that if any Slave engaged in battle in opposing any invasion or insurrection as aforesaid shall be killed, the value of such Slave, not exceeding the sum of one hundred pounds current money, to be set and ascertained before any justice of the peace by the oaths of two credible witnesses, shall be paid to the owner of such Slave out of the public treasury, by certificate from under the hand of the commander-in-chief of this island for the time being.

Provided always, and be it further enacted by the authority aforesaid, that in all cases not already provided for, where any Slave or Slaves shall be paid for out of the public treasury, under any of the provisions of this Act, and such Slave or Slaves shall be owned and possessed by any person or persons, who is or are only tenant or tenants for life, the authority determining the question which may lead to such Slave or Slaves being so paid for as aforesaid, shall at the same time settle and determine what part or parts of the sum or sums of money so to be paid for such Slave or Slaves, shall be paid to such tenant or tenants for life, and what part or parts shall be paid to the person or persons next in remainder or reversion of such Slave or Slaves, and which shall be binding upon all parties interested in any such Slave or Slaves. Subject nevertheless, and without prejudice to any claims which may be preferred to the said treasurer by any creditor or creditors having liens on such Slave or Slaves, whose claims and demands shall be paid in due priority out of the sum or sums of money at which such Slave or Slaves may be so valued agreeably to the directions of this Act.

And be it further enacted by the authority aforesaid, that if any person shall directly or indirectly tempt or persuade any Slave or Slaves to leave

his, her, or their, owner's or proprietor's service, or conceal him, her, or them, or shall entertain, harbour, secrete, or employ any Slave or Slaves, who may be absent or run away from such service, such person so offending shall for every such offence upon conviction thereof, by his or her own confession, or the oath of any one or more credible witness or witnesses, before any two justices of the peace, be adjudged to pay and shall pay to the owner or proprietor of such Slave or Slaves, the sum of ten pounds current money, for each and every such Slave, and the further sum of ten shillings, like current money, for every day, or any part of a day, which the offender shall be proved or adjudged to have unlawfully detained any such Slave, contrary to the provisions of this Act; and in case any complainant, under this clause, cannot fully support his or her complaint, it shall and may be lawful to and for the said justices, and they are hereby authorized and empowered to examine the party complained against, upon his or her oath, touching the matter of such complaint, and which examination shall be held, taken, and considered as good evidence for the purposes aforesaid. But if any offender legally summoned, and return thereof made to the said justice, upon the oath of the constable, (except in case of extraordinary sickness, so as to disable him or her,) shall neglect or refuse to appear, or appearing shall refuse to be sworn and examined in manner as aforesaid, the complaint shall be taken *pro confesso*, and the said justice shall give judgment thereon accordingly, as if the same had been otherwise fully proved. And the said justices before whom any such offender shall be tried, are hereby strictly enjoined to command and direct him or her to deliver and restore to the complainant, and into his or her safe possession, each and every such Slave or Slaves, and in default or refusal thereof the said justices shall further adjudge such offender to forfeit and pay the sum of two hundred pounds, current money of this island, as and for the value of each and every Slave so detained: Provided nevertheless, that if any Slave or Slaves so entertained, harboured, secreted, or employed, contrary to the provision of this Act, shall happen to die a natural death, at any time before the day of complaint, or between that day and the time of giving judgment as aforesaid, and the same be duly proved to the satisfaction of the said justices, by the oath of any one or more credible witness or witnesses, such offender shall not be liable to the forfeiture of two hundred pounds current money, as and for the value of such Slave as aforesaid, any thing in this Act to the contrary notwithstanding. And if any Slave shall be guilty of any offence under the provision of this clause, he or she shall on conviction thereof be whipped, at the discretion of any justice of the peace, not exceeding thirty-nine stripes.

owner's service, or harbouring a runaway Slave to forfeit ten pounds to the owner's use, and ten shillings per day for each Slave unlawfully detained,

If the complaint cannot otherwise be fully supported, the accused to be examined on oath touching the same.

The offenders summoned and not appearing, or appearing shall refuse to be sworn, the complaint to be taken *pro confesso*.

A penalty of two hundred pounds to be imposed on an offender refusing to deliver up a Slave to the owner.

Proviso— Such penalty not to attach on any offender if the Slave die before judgment pass.

Slaves guilty of any offence under this clause to be whipped.

And be it further enacted by the authority aforesaid, that where any Slaves unlawfully detained contrary to the provisions of this Act, are or shall be lent, rented, or hired out, the borrower, renter, or hirer, shall not incur the penalties imposed by this Act, unless such borrower, renter, or hirer, shall refuse to restore any such Slaves, or either of them, when lawfully demanded or recovered, but the person lending, renting, or hiring out, shall be liable and subject to all such penalties, and be levied upon for the same accordingly: And be it further enacted, that if any person or persons shall be lawfully possessed of the Slave or Slaves of any other person or persons, as attorney, overseer, agent, renter, or otherwise, for any certain time or term, and shall, after the end and expiration thereof, refuse to deliver up and restore such Slave or Slaves to the lawful owner or owners, every such person shall be declared an unlawful detainer, and shall be subject and liable to the like forfeitures, as hereinbefore appointed, in cases of the unlawful detaining of Slaves.

Clause 54. Where Slaves unlawfully detained are hired out, the hirer shall not incur any penalty unless he refuse to restore them when lawfully demanded, but the person hiring them out to be liable to the penalties. Persons lawfully possessed of the Slaves of others as attorney, &c., and shall refuse to deliver them to their lawful owners, shall be declared unlawful detainers and subject to the penalties in this Act.

And be it further enacted by the authority aforesaid, that if any Slave shall run away, or absent himself or herself from the service of his or her owner, proprietor, or other person, having the lawful charge or direction of such Slave, or if any Slave shall misbehave himself or herself to his or her owner, proprietor, or other person having the lawful charge of him or her, and such owner, proprietor, or other person as aforesaid, shall think fit to prefer a complaint for the same before any justice of the peace, instead of exercising his or her authority on the occasion, such justice, to

Clause 55. Justices empowered to hear complaints of owners against their Slaves for running away, or otherwise misbehaving, and to punish them where owners may not wish to exercise their own authority.



whom any such complaint shall be made, shall, and he is hereby directed to hear and determine the same, and upon conviction thereof, to sentence such Slave to be whipped, at the discretion of the said justice, not exceeding thirty-nine stripes, or to be worked in the public service for any time not exceeding six months.

Clause 56.  
Any justice, or other person having a justice's warrant may raise an armed guard, not exceeding twenty men, to search for and apprehend runaway Slaves. Guard to be paid by the owner fifty shillings, for each runaway Slave apprehended by them.

If any Slave resist the authority of the guard, and any of them be killed or wounded, the guard shall not be punished.

Clause 57.  
A Slave who shall take up a runaway, or inform against a person who may harbour a runaway, so that he be taken, such Slave shall be entitled to twelve shillings and sixpence, from the owner of the runaway :

which if not forthwith paid, to be recovered by complaint to a justice.

Clause 58.  
When penalties are rewarded by justices, they are to issue executions directed to a constable for raising the same as servants' wages.

Constables to have the like fees as the provost marshal.

Clause 59.  
Purchasers of effects sold by virtue of this Act who do not pay for them within twenty days, to incur twenty per cent more, to be raised by a justice's warrant.

The effects purchased to remain specifically liable for the purchase-money, and any deficiency to be raised by sale of the purchaser's other estate.

If the constable shall not in ten days after receipt of monies raised under any writ

And be it further enacted by the authority aforesaid, that any justice of the peace, or any other person having a warrant of a justice of the peace for that purpose, shall and may, upon notice given of the harbouring place or places of any fugitive Slaves, raise and arm a guard of any number of men, not exceeding twenty, to apprehend and take them, and the said guard shall be entitled to the sum of fifty shillings, current money of this island, to be paid by the owner or possessor of every fugitive Slave taken by them, on such Slave being delivered into the possession of such owner or possessor, which, if not forthwith paid, shall and may be recovered before any justice of the peace, as in the case of servants' wages ; and if, in the taking of any such fugitive Slave as aforesaid, such Slaves shall resist the authority of the guard with arms or weapons of offence, and any of them, in consequence of such resistance, shall be killed or wounded by the said guard, the said guard, or any one or more of them, shall not be punished or punishable for the same either criminally or otherwise, any law to the contrary notwithstanding.

And in order to give due encouragement to Slaves, be it further enacted by the authority aforesaid, that every Slave or Slaves who shall take up any runaway Slave or Slaves, or inform against any person who shall harbour or conceal any runaway Slave or Slaves, so that such runaway Slave or Slaves may be taken and restored to his, her, or their owner or owners, proprietor or proprietors, every such Slave or Slaves so taking up any such runaway Slave or Slaves, or so informing as aforesaid, shall be entitled to the sum of twelve shillings and sixpence, to be paid by the owner or owners, proprietor or proprietors, of such runaway Slave or Slaves, and which, if not forthwith paid, the same shall be recovered before any justice of the peace, as in the case of servants' wages, upon complaint of the owner or proprietor of the Slave or Slaves entitled to the same, or upon the complaint of the acting protector of Slaves.

And be it further enacted by the authority aforesaid, that in all cases not otherwise provided for, where any forfeitures or penalties shall be awarded by any justice or justices of the peace under any of the provisions of this Act, such justice or justices at the time of awarding the same, shall issue an execution or executions, under his or their hand and seal, or hands and seals directed to any constable for levying and raising such forfeitures or penalties, as in the case of servants' wages, and the constables levying executions under the authority of this Act, shall be entitled to demand and receive the like fees as the provost marshal of the Courts of Common Pleas within this island, is entitled to demand and receive on levying executions to him directed from the said courts.

And be it further enacted by the authority aforesaid, that if any person or persons, who, on the sale at outcry of any goods, chattels, or effects by virtue of this Act, shall happen to be the highest bidder or bidders, shall not pay the sum by him, her, or them, bid at such sale at outcry within twenty days after, then, and in such case, the justice or justices awarding the judgment or judgments in satisfaction of which such goods, chattels, or effects may be sold, or any other justice or justices of the peace shall and may issue a writ of twenty per cent against the person or persons who shall so fail in payment, directed to any constable, to be proceeded on in the same manner as writs of twenty per cent issuing from the judges of the Common Pleas. And for satisfying which writ, the goods, chattels, or effects so purchased, shall be subject and liable, prior and preferable to any other debt or demand against such purchaser or purchasers, and what the same shall prove insufficient for raising, shall be levied and raised on any other estate of such purchaser or purchasers. And in case any constable, to whom any execution or writ of twenty per cent shall be directed, shall, after raising the whole or any part of the money, for which the same issued, neglect to pay the same over within ten days, to the person or persons

entitled to such money, the justice or justices issuing such execution or writ of twenty per cent, or any other justice or justices of the peace shall, and he and they is and are hereby required forthwith to issue an execution against such constable, directed to some other constable for levying and raising in manner as aforesaid, whatever sum of money he shall so make default in paying over. And by the order of any two justices of the peace, such constable so making default shall stand committed to prison for six months; and further, until the whole amount received by him be actually paid.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for any justice of the peace to issue precepts or warrants for apprehending and bringing before him or any other justice of the peace, any white, free black, or free coloured persons, or Slaves, charged with having committed any offence or offences against the provisions of this or any other Act in force in this island, to the end that proper bail may be taken (where the offences areailable) for their appearance before the court or courts authorized and empowered to try such offenders, and in default or refusal to give such bail, the offenders may be committed to prison by warrant under the hand and seal of any such justice of the peace; but if any such offender or offenders shall be charged with the commission of any crime which, under the provisions of this or any other Act in force in this island, may subject such offender or offenders to suffer death or transportation, such justice shall, by warrant under his hand and seal, commit such offender or offenders to the common gaol of this island, there to remain, without bail or mainprize, until he, she, or they, shall be tried or released by a due course of law.

And be it further enacted by the authority aforesaid, that if any Slave or Slaves shall commit any capital or other offence against the provisions of the present or any other Act of this island, and such Slave or Slaves shall thereafter be manumitted and set free from Slavery, such Slave or Slaves shall, nevertheless, be tried in like manner, and be subject and liable to the same punishment for any such offence as if he, she, or they, had not been so manumitted and set free, but still continuing in Slavery. Provided always, that if the offence committed by any such Slave or Slaves be a minor offence, only subjecting such Slave or Slaves to be whipped, such Slave or Slaves shall not be liable to be punished for the same as a Slave, unless complaint thereof be made to some justice of the peace within one month after such offence shall be committed.

And be it further enacted by the authority aforesaid, that in all cases in which any person shall be adjudged to be transported, the transportation shall be adjudged to be, and shall be, to such place or places as the Governor or Commander-in-Chief of this island for the time being, with the advice of his privy council, shall direct or appoint; and the expense attending such transportation shall be defrayed out of the public treasury, by an order from the Governor or Commander-in-Chief of the island for the time being, by and with the advice and consent of the Council, upon the usual address for that purpose being made by the General Assembly for the time being. And be it further enacted, that in case any person ordered or adjudged to be transported shall be found at large within this island after sentence of transportation pronounced, he or she shall be guilty of felony without benefit of clergy.

And be it further enacted by the authority aforesaid, that if any owner, proprietor, or other person, shall wilfully or knowingly send off, or cause to be sent off this island any Slave or Slaves charged with any capital offence, in order to evade the punishment of such Slave or Slaves, every person so offending shall, on conviction thereof at the Court of Grand Sessions, be adjudged to pay a fine not exceeding five hundred pounds, and not less than two hundred pounds, to be paid into the public treasury for the uses of the island: and be it further enacted, that if any Slave shall be guilty of any offence under the provisions of this clause, such Slave shall, on conviction thereof before any two justices of the peace, be whipped by order of the said justices, not exceeding thirty-nine stripes, and be imprisoned with or without labour, in the public service, for any time not exceeding twelve months.

directed to him, pay same over to the person entitled, the justices shall issue an execution against such constable for raising the same.

Constable so making default to be imprisoned for six months, &c.

Clause 60.

Justices shall issue warrants for apprehending offenders, and take bail for their appearance on the day of trial, and for want of bail commit the parties.

Offenders charged with crimes which would subject them to suffer death or transportation, they are to be committed without bail or mainprize.

Clause 61.

Slaves manumitted after committing any capital or other offence, shall nevertheless be tried and punished as Slaves.

If a minor offence, only subjecting such Slave to be whipped, the complaint must be made within a month after the commission of the offence.

Clause 62.

Persons adjudged to be transported to be sent to such place as the governor and council shall direct.

The expenses to be defrayed out of the treasury.

Persons found at large after sentence of transportation shall be guilty of felony.

Clause 63.

An owner or other person wilfully sending off the island any Slave charged with a capital offence, to be fined not exceeding five hundred pounds, and not less than two hundred. A Slave guilty of such offence to be whipped and imprisoned.



Clause 64.  
Slaves imprisoned by sentence of a court or order of justices are to be fed at the public expense, and may, if so ordered, be worked on the tread-mill, or otherwise.

Classification of Slaves to be observed.

Seven pence half-penny per day for each working day to be paid the owners of Slaves during imprisonment.

Clause 65.  
If Slaves convicted of theft be possessed of personal property, the court or justice trying them may issue a warrant for so much as will defray the expenses of prosecution, and making good the loss of the party robbed. In such case their punishment to be proportionably mitigated.

Clause 66.  
Penalties not otherwise applied, to be paid into the treasury.

The treasurer shall account for all monies received under this Act, and to have commissions as herein mentioned for all receipts and disbursements.

Clause 67.  
Offences, against the Acts hereby repealed, if not determined at the time of the passing of the Act, committed by Slaves shall be tried and punished as herein provided.

If by white or free persons they shall be amenable thereto.

The Acts and clauses of Acts to be put in force for punishing offenders thereunder.

Clause 68.  
This Act not to be in force until His Majesty's pleasure is known.

And be it further enacted by the authority aforesaid, that where any Slave or Slaves shall by sentence of the Court of Grand Sessions, or by the order of any justices be imprisoned, such Slave or Slaves during such imprisonment, shall be fed at the public expense, and shall and may if so directed by the said court or the said justices be worked in the tread-mill or otherwise in the public service, together with the Slaves confined in the Slave prison or gaol in the manner in this Act hereinbefore directed and required; due attention being paid to the classification of all Slaves so worked in reference to their character, conduct, and offences, and the sum of sevenpence halfpenny currency per day for each working day in the week shall be paid for every such Slave or Slaves to the owner or owners of such Slave or Slaves during such imprisonment by the treasurer of the island for the time being, upon the certificate of the said court, or of the said justices, whether such Slave or Slaves shall during such imprisonment be worked or not in the tread-mill or otherwise as aforesaid.

And be it further enacted by the authority aforesaid, that if any Slave possessed of personal property shall be prosecuted and convicted for any theft or robbery, it shall and may be lawful for the court or justices before whom such Slave shall be tried and convicted, to issue a warrant or warrants directed to any constable to attach and sell a sufficient part of such personal property to defray the expenses of the prosecution, and to make good to the party injured the amount of such theft or robbery, and in such case the punishments prescribed for such offences shall be proportionably mitigated, by the court or justices before whom the offender may be tried.

And be it further enacted by the authority aforesaid, that all fines, forfeitures, and penalties which may be imposed on any offender or offenders by virtue of the provisions of this Act where the manner of applying the same is not otherwise particularly directed, shall when levied and raised, be paid into the treasury of the island, to and for the public use. And the treasurer of the island for the time being, shall account with the committee of public accounts for all monies received by him by virtue of this Act in the same manner as he is required to do for any other of the public monies in his hands, and the said treasurer shall be allowed a commission of ten shillings for every hundred pounds which he shall receive, and the like sum of ten shillings for every hundred pounds which he shall pay or disburse under the provisions of this Act.

And be it further enacted by the authority aforesaid, that all crimes and offences committed by Slaves or by any other persons against the provisions of any of the Acts or clauses of Acts herein and hereby repealed which shall not be heard, tried and determined, at the time of the passing of this Act, shall, if Slaves, be heard, tried and determined, in the manner hereinbefore provided and punished in the manner directed in the said Acts or clauses; and if white, free black, or free coloured persons, they shall be amenable thereto, and punished as therein directed. And to that end the said Acts and clauses of Acts shall be deemed and taken to be in full force and effect for punishing all such crimes and offences as shall be committed thereunder prior to the passing of this Act, anything herein before mentioned, seeming to the contrary notwithstanding.

Provided always, and be it further enacted by the authority aforesaid, that this act or any thing herein contained shall not be in force until His Majesty's pleasure on the same shall be known.

Read three times and passed the Council unanimously, the seventeenth day of October, one thousand eight hundred and twenty six.

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly this third day of October, one thousand eight hundred and twenty six.

(Signed) JOHN MAYERS, Clerk of the General Assembly.

(Signed) HENRY WARDE.

Assented to by his Excellency the governor, on the twenty-third day of October, one thousand eight hundred and twenty-six.

(Signed) WM. HUSBANDS, Deputy Secretary.

## I.

## (No. 82.) An Act for the Governing of Negroes.

WHEREAS the plantations and estates of this island cannot be fully managed and brought into use without the labour and service of a great number of Negroes and other Slaves: And forasmuch as the said Negroes and other Slaves, brought unto the people of this island for that purpose are of barbarous, wild, and savage nature, and such as renders them wholly unqualified to be governed by the laws, customs, and practices of our nation. It therefore becoming absolutely necessary that such other constitutions, laws, and orders should be in this island framed and enacted for the good regulating or ordering of them, as may both restrain the disorders, rapines, and inhumanities to which they are naturally prone and inclined, with such encouragements and allowances as are fit and needful to their support, that from both, this island through the blessing of God thereon may be preserved, his Majesty's subjects in their lives and fortunes secured, and the Negroes and other Slaves be well provided for, and guarded from the cruelties and insolences of themselves or other ill-tempered people or owners: To which purpose be it enacted and ordained, by the Right Honourable Edwin Steede, his Majesty's Lieutenant Governor and Commander-in-Chief of this and other the Caribbee Islands, the Honourable the Council and General Assembly of this Island, and by the Authority of the same, that no master, mistress, commander, or overseer of any family in this island, shall give their Negroes or other Slaves, leave on Sabbath days, holydays, or any other time, to go out of their plantations, except such Negro or other Slave as usually wait upon them at home or abroad, wearing a livery; and no other Negro or other Slave, except with a ticket under the master or mistress's hand, or some other person by his or her appointment, specifying the time allowed for his or her return, upon pain of forfeiting for every Negro or other Slave so licensed to go abroad, two shillings and sixpence sterling; half of the said fine to be to the informer, and the other to the public treasury. And if any master, mistress, commander, or overseer of a plantation, shall find any Negro or other Slave in their plantation at any time without a ticket, or business from his said master, and do not apprehend them, or endeavour so to do, and having apprehended them, shall not punish them with a moderate whipping, shall forfeit ten shillings sterling, to be disposed of as is aforesaid.

And for that as it is absolutely necessary to the safety of this place, that all due care be taken to restrain the wanderings and meetings of Negroes and other Slaves, at all times, more especially on Saturday nights, Sundays, and other holydays, and their using and carrying of clubs, wooden swords, or other mischievous and dangerous weapons, or using or keeping of drums, horns, or other loud instruments, which may call together, or give sign or notice to one another, of their wicked designs and purposes; and that all masters, overseers, and others, may be encouraged and enjoined, carefully and diligently to prevent the same: Be it enacted by the authority aforesaid, that it shall be lawful for all masters, overseers, and other persons whatsoever, to apprehend and take up any Negro or other Slave or Slaves, that shall be found out of the plantation of his or their master or owner, at any time, especially Saturday nights, Sundays, or other holydays, not being on lawful business, and with a letter from their master, or a ticket, or not having a white man with them (except only such Negroes or other Slaves as usually attend their masters, and have on a livery), and the said Negro or other Slave or Slaves correct, by a moderate whipping; and after notice given to their master, owner, or overseer, him or them detain, until the said master, owner, or overseer, pay to the said person that took him up, two shillings and sixpence for every such Negro or other Slave, he making oath before the next justice of the peace (if thereunto required by the owner of such Negro or other Slave), that he found or saw no letter or ticket with him: as also any Negro or other Slave or Slaves, met or found out of his plantation, of his or their master

Preamble.

Vid. No. 91, 92, 93, 112, 116, 117, 159, 161, 164, 180, 196, and 201.

Clause 1.

No master to give his Negroes leave to go out of his plantation, except such as wait on them with a livery or with a ticket under his hand, specifying the time allowed for return.

Forfeiture two shillings and sixpence. Any master, &c. finding any Slave in their plantation without such ticket, or business from his master and doth not apprehend and whip them, forfeits ten shillings.

Clause 2.

All persons to apprehend Negroes out of their master's plantations especially on Saturday nights, Sundays, or holydays, without business, letter, ticket, livery, or a white man with them, and whip them, and after notice, detain them till the master pays two shillings and sixpence, making oath if required, that they found no letter or ticket with them.

Also any Slave though with a letter or ticket if he be armed with

clubs, or offensive weapons.

Vid. No. 91.

Masters permitting Negroes to beat drums, &c. and do not search their Negro-houses every week and burn such instruments; or suffer public meetings or feasting of strange Negroes, forfeits fifty shillings if sued for in one month.

Clause 3.

Every overseer to search his Negro houses every fourteen days for runaway Slaves, and for mischievous weapons, and burn them.

Vide Clause 2.

And for clothes not given by their master, and honestly come by, and suspected and known to be stolen, to seize and send a description thereof in writing to the clerk of the parish, who shall set it on the church doors, that the owners may have knowledge and restitution thereof on pain of twenty shillings.

Clause 4.

Any person suspected to trade with Slaves for stolen goods, to be bound in recognizance not to trade with them contrary to law.

And if it appear to the Quarter Sessions that he hath shipped off suspected goods, unless he prove how he came by them his recognizance is forfeited.

Clause 5.

Negro striking a Christian, for the first offence to be severely whipped; for the second to be whipped, his nose slit, and burned in the face; and for the third offence such greater punishment as the Governor and Council shall think fit.

Proviso—

So it be not in defence of the master or goods.

or owner, though with a letter or ticket, if he or they be armed with such clubs, or other offensive weapons aforesaid, him or them to disarm, take up, and whip, and shall receive the same reward as aforesaid, from the master or owner of such Negro or other Slave or Slaves; and whatsoever master, owner, or overseer, shall permit or suffer his or their Negro or other Slave or Slaves, at any time, to beat drums, blow horns, or use any other loud instruments, or shall not cause his negro-houses once every week to be diligently searched, and such instruments, if any be found, cause to be burned, or whosoever shall suffer and countenance any public meeting, or feasting of strange Negroes, or other Slaves in their plantations, shall forfeit fifty shillings sterling for every such offence, upon conviction or proof as aforesaid; provided an information, or other suit, be commenced within one month after forfeiture thereof for the same.

And be it enacted by the authority aforesaid, that every overseer of a family in this island shall cause all his Negro houses to be searched diligently and effectually, once every fourteen days, for fugitive or runaway Slaves, clubs, wooden swords, and other mischievous weapons, and finding any so, to take them away and cause them to be burned; as also for clothes, goods, or any other things and commodities, that is not given them by their master, mistress, commander, or overseer, and honestly come by; in whose custody they find any thing of that kind, or suspect or know to be stolen goods, the same they shall seize and take into their custody, and a full and ample description of the particulars thereof in writing, within six days after the discovery thereof, to send to the clerk of the parish for the time being, who is hereby required to receive the same, and to enter upon it the day of its receipt, and the particulars to file and keep to himself; and shall set upon the posts of the church door a short brief, that such lost goods are found, whereby any person that hath lost his goods may the better come to the knowledge where they are, by further inquiring for stolen goods, until he shall first declare what he hath lost, and the marks and description thereof, and paid him twelve pence for the same, by which, if the said clerk shall be convinced that any part of the goods certified to him to be found, appertains to the party inquiring, he is to direct the said party inquiring, to the place and party where his goods be, who is hereby required to make restitution of what is in being to the true owner, upon the penalties of the forfeiture of twenty shillings sterling for every neglect by the overseer or clerk aforesaid, in any of the particulars aforesaid.

And for the more effectual detecting and punishing such persons that trade with any Slaves for stolen goods: Be it further enacted, that where any person shall be suspected to trade as aforesaid, any two justices of the peace, or the justices of the Quarter Sessions of the peace, shall have power to take from him sufficient recognizance, not to trade with any Slaves contrary to the laws of this island; and if it shall afterwards appear to the justices of the Quarter Sessions that such persons hath, or hath had, or shipped off, any goods suspected to be unlawfully come by, such persons being called before the justices of the next following Quarter Sessions, shall there be obliged to make reasonable proof of whom he bought, or how he came by the said goods; and unless he do it, his recognizance shall be forfeited.

And be it further enacted and ordained, that if any Negro or Slave whatsoever, shall offer any violence to any Christian, by striking or the like, such Negro or other Slave shall for his or her first offence, by information given upon oath to the next justice, be severely whipped by the constable, by order of the said justice; for his second offence of that nature, by order of the justice of peace, he shall be severely whipped, his nose slit, and be burned in some part of his face with a hot iron; and for his third offence, he shall receive, by order of the Governor and Council, such greater punishment as they shall think meet to inflict.

Provided always that such striking or conflict be not in the lawful defence of their masters, mistresses, or owners, of their families or of their goods.\*

\* A servant is not excused the commission of any crime by the command or coercion of his master, 1 Haw. 3, 131.

And it is hereby further enacted, that all the Slaves within this island shall have clothes once every year, that is to say drawers and caps for men, and petticoats and caps for women, upon pain of forfeiting of five shillings for each Slave that shall not be clothed as aforesaid, one-third to the informer, the other two-thirds to His Majesty, for the use of the poor of the parish where the offender liveth.

Clause 6.

All Slaves to be clothed once a year. Forfeiture of five shillings for each.

And it is further enacted by the authority aforesaid, that all persons which shall hereafter take up any runaway or fugitive Negro, or other Slave or Slaves, not knowing the master or owner of such Negro or Slave, and shall bring them unto the provost marshal or his deputy, shall receive ten shillings sterling from the treasurer for the time being, who is hereby appointed to pay the same. And in case he shall refuse to make the said payment upon the presentiment of the said Negro, or other Slave or Slaves, and thereof oath to be made before any justice of the peace, the said justice is hereby authorized and required to direct his warrant to any constable, to cause the value thereof to be immediately levied out of the goods of the said treasurer, and the said goods to be delivered to the said party. And the Negroes or Slaves so brought, shall be kept in the cage at the stepping stones by the provost marshal, and not in gaol, which said cage is always to be kept in sufficient repair, at the public charge of this island.

Clause 7.

Ten shillings to be paid by the treasurer for taking up a runaway Slave, not knowing the master, and bringing him to the provost marshal. Vide Clause 10.

How the payment is to be enforced.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said provost marshal to retain and keep in his custody as aforesaid, the body of all such runaways, until the owner of them shall pay unto the said treasurer eleven shillings sterling; and also unto the said provost marshal fourpence for every four and twenty hours the said fugitive Slave hath been in his custody, and also until he have a discharge under the hand of the said treasurer or his clerk. And the turnkey shall receive sixpence for every Negro delivered.

Such Slave to be kept in the cage which shall be repaired by the public. See No. 6. Clause the last.

Clause 8.

Marshal to detain such Slave until the master pay the treasurer eleven shillings, and the said marshal four pence for every twenty-four hours he has been in custody, and sixpence to the turnke.

Provided always that the said provost marshal do furnish the said Negroes or other Slaves with sufficient food and drink, which is to be proved upon oath, if by the owner of the Negroes or other Slaves it shall so required to be done.

Proviso—

The marshal to give him sufficient food and drink, to be proved if required.

And it is further enacted by the authority aforesaid, that if any of the said Slaves shall die for want of food, the said provost marshal shall be responsible for them to the owner; and if the said marshal suffer any Slave to escape before he be duly delivered by a discharge in writing under the hand of the above-said treasurer, the provost marshal shall pay unto him the aforesaid treasurer eleven shillings, and shall make further satisfaction to the owner, as by the Governor and Council shall be thought fit. And if the said provost marshal shall suffer any Slave to be any ways employed out of the cage before due delivery as aforesaid, he shall forfeit for each Slave so suffered to be employed as aforesaid, to the owner thereof, the sum of five pounds sterling.

Clause 9.

If such Slave die for want thereof, marshal to be responsible. If he suffer him to escape he shall pay the treasurer eleven shillings, and satisfy the master. And if he suffer him to be employed out of the cage before due delivery, he shall forfeit five pounds to the master.

And it is further enacted by the authority aforesaid, that all such persons as shall apprehend and bring down any runaway Slave or Slaves to St. Michael's Town, unto the treasurer for the time being, or to the cage, shall upon such bringing down such runaway Slave or Slaves, deliver upon oath to the said treasurer, or in case of his sickness or absence, unto any justice of the peace, to be by him returned to the treasurer's office (before he shall receive the consideration before appointed), an account of his name and place of abode, with the time when and place where he apprehended such fugitive Slave or Slaves, and that he knew of no ticket that the Negro had, nor the owner of such Negro or Slave, which the said treasurer is hereby required to take and enter into a book, to the intent that all owners of Slaves may come to the right knowledge and understanding when their Slaves were apprehended, and by whom, and whether they might be wrongfully taken up, or not; and that the keeper of the cage, at the delivery of any Slaves, do take a receipt of the person to whom delivered, and there insert the mark or description of the Slave delivered.

Clause 10.

Who takes a runaway shall deliver on oath to the treasurer, or in his absence to a justice before he is paid, his name and place of abode, the time and place where he took the Negro, and that he knew of no ticket, nor the owner, which the treasurer is to enter in a book that masters may know when their Slaves are taken up, by whom, and if wrongfully. Vide Clause 7.

Keeper of the cage to take a receipt on delivery of Slaves.

And whereas divers evil and ill-disposed persons have hitherto attempted to steal away Slaves by specious pretence of promising them freedom in

Clause 11.  
Who tempts a Slave to leave his master's service, to carry him off, or conceal him here, by his confession, or one witness before the two next justices, *quorum unus*, shall pay the master twenty-five pounds.  
Vide No. 139.

If he be not worth so much, to serve five years.

If he actually carry off the Slave, to pay three times the value.  
No. 139. Clause 2.  
makes it felony without clergy.

And if he has no estate, shall serve as aforesaid.

Clause 19.  
Slaves committed or attempting to commit capital crimes against white persons, to be tried by two justices and three freeholders, nearest the place where the crime was committed, upon oath.

another country, against which pernicious practices no punishment suitable hath been yet provided: Be it therefore enacted and ordained by the authority aforesaid, that what person soever shall directly or indirectly at any time after publication hereof, tempt or persuade any Negroes or other Slaves to leave their masters' or mistresses' service to whom they are Slaves, out of an intent and design to carry away any of them off this island, or to conceal or entertain any of them upon this island, or howsoever to defraud the said masters or mistresses of them, and be thereof convicted by their own confession, on the oath of one credible witness, shall be, by the two next justices of the peace where the injured person lives, whereof one to be of the quorum, adjudged to pay the master of the said Negro or other Slave, five and twenty pounds sterling, to be levied as in case of servants' wages: but in case the party offending shall not be found worth lands, goods, or chattels, to the value aforesaid, then shall the justice for so long time as will recompence the party injured for the twenty-five pounds aforesaid, adjudge him servant for five years to the party injured, and so deliver him over to him, and make a record thereof: But if any man shall so tempt or practice with any persons, Negroes, or Slaves, and them actually so attempted, convey away or send off the island, and be after apprehended and convicted for the same in this island, he shall be by the two next justices as aforesaid, condemned to pay the owner of such Negro or other Slave, three times the value of him or them, and execution for the same from the two justices to issue accordingly, as in the case of servants' wages; and if the person so offending has no estate, then he shall be ordered by the justices to serve the party injured as aforesaid.

And whereas many heinous and grievous crimes, as murder, burglaries, robbing in the highways, rapes, burning of houses or canes, be many times committed by Negroes, or other Slaves, and many times maliciously attempted by them to be committed, in which, though by divers accidents they are prevented, yet are their crimes nevertheless heinous, and therefore deserve the like punishment; as also do many times steal wilfully kill, maim, or destroy one or more horses, mares, geldings, cattle, sheep, or other quick or dead thing of the like nature, and of the value of twelve pence or above: and many times by attempting to steal from the inhabitants of this island, stock and other goods before mentioned, of above, or under the value aforesaid, do put such inhabitants, or some of his family in terror, dread, or jeopardy of their lives, which several offenders for danger of escape are not long to be imprisoned, and being brutish Slaves, deserve not, for the baseness of their condition, to be tried by the legal trial of twelve men of their peers of neighbourhood, which neither truly can be rightly done, as the subjects of England are, nor is execution to be delayed towards them, in case of such horrid crimes committed. It is therefore enacted and ordained by the authority aforesaid, that when any such\* crimes as aforesaid shall be committed, or attempted to be committed by any Negro, Slave or Slaves, and the said criminals be apprehended and brought before any of his Majesty's justices of the peace within this island, the justices before whom the said criminals are brought, shall take security for their forthcoming, or send them to prison; and with all convenient speed shall join to him the next justice of the peace, and these two justices shall, by their warrant or precept, call to them three able, good, and legal freeholders of the † place nearest where the said crimes were committed; and these five persons, *viz.*, the two justices and the three freeholders, shall hear and examine all ‡ evidences, proofs, and testimonies of the fact committed, and if by such evidences, proofs, and testi-

\* Such crime includes all such in mischief and inconvenience.—2 Haw. cap. 33, sect. 43, 11, co. 33 sect. 6.

† They of one side of a country are by law of the neighbourhood to try an offence of the other side of the country.—2 H. H. 264. *Vicini vicinorum facta præsumantur scire.*—1 Inst. 158.

‡ Circumstantial evidence may amount to the utmost degree of probability, but can go no further.

monies, or by \* violent circumstances, they shall find such Negro or other Slave or Slaves guilty thereof, they shall give sentence of death upon them accordingly, the said freeholders being first † sworn before the two justices, who are hereby empowered to administer the same, and forthwith by their warrant cause execution to be done upon such Negro or Negroes, Slave or Slaves, by some Negro to be pressed for that purpose, by some constable to be appointed by warrant from the said justices.

It is further provided, that if any freeholder shall make default to appear upon such summons before the justices as is before mentioned, or appearing, refusing to join with them as is before appointed, and do shew no cause for such default, to be approved by the said justices, then the aforesaid justices do set a fine upon him for fifty shillings sterling, forthwith by their warrant or precept to the next constable, or what constable they shall think fit, to levy the same upon the aforesaid freeholder, his goods or chattels, accordingly. And if any person shall send off his Negro that hath killed another, he shall pay unto the master of such Negro, the value of such Negro so killed as aforesaid.

And in regard great mischiefs daily happen by the petty larcenies committed also by the Negroes and Slaves of this island: Be it therefore enacted by the authority aforesaid, that if any Negro or other Slave shall hereafter steal or destroy any goods, chattels, and provisions, canes, or green corn whatsoever, of any other persons than his masters or mistresses, being under the value of twelve pence, every Negro or other person so offending and being brought before some justice of the peace of this island, upon complaint of the party injured, and shall be adjudged guilty by confession, proof, or probable circumstances, such Negro or Slave so offending (excepting children whose punishment is left wholly to the discretion of the said justice), shall be adjudged by such justice to be publicly and severely whipped, not exceeding forty lashes; and the said justice shall order and cause the owner of such Negro or other Slave, to make satisfaction to the party injured: And if such Negro or other Slave, punished as aforesaid, be afterwards found guilty of the like crimes aforesaid, under the value of twelve pence as aforesaid, he or they, for such his or their second offence, shall, by order of the justice of peace before whom such complaint and proof is made, have his or their noses slit, and be branded in the forehead with a hot iron, that the mark thereof may remain; and the said justices shall order the owner of such Negro or other Slave to make satisfaction to the party injured, double the value of what his loss shall appear to be: And if such Negro or other Slave, after the second time as aforesaid, be accused of petty larceny, or any of the offences before-mentioned, such Negro or other Slave shall be tried in such manner as murder, burglary, &c., are provided to be tried; and if such Negro or other Slave as shall be tried, be found guilty a third time of any the offences afore-mentioned, then such Negro or other Slave, for that third offence, shall be adjudged to suffer death, in the manner as is appointed in cases of murder as aforesaid, or other punishments as the said justices shall think fit. And in case the said justices and freeholders, or any or either of them, shall neglect or refuse to perform the duties by this Act required of them, they shall severally for such their respective defaults, forfeit the just sum of five and twenty pounds sterling.

And it is further enacted, ordained, and published, by authority aforesaid, that if any Negroes or other Slaves shall make mutiny or insurrection, or rise in rebellion against this place or people, or make preparation of

And if found guilty sentence of death to be passed and immediately execution done. See No. 180, clause 1 and 2.

**Proviso—**

Freeholder not appearing, or refusing his duty, forfeits two pounds ten shillings, recoverable as servants' wages.

Any person sending off his Negro that has killed another, shall pay the value of the Negro killed.

**Clause 13.**

**Vid. No. 54.**  
Slave convicted of petty larceny before a justice, to be severely whipped for the first offence, his master to make satisfaction.

Punishment of children left to the discretion of the justice.

For the second offence, his nose slit, and deeply branded in the forehead, his master to make double satisfaction.

For the third offence to be tried capitally; and if found guilty, to suffer death, or other punishment as the justices think fit.

Justices or freeholders neglecting the duty herein required, respectively forfeit twenty-five pounds. Vid. the foregoing and the 20th clauses.

**Clause 14.**

Mutinious or rebellious Slaves to be tried by martial law.—Vid. No. 91.

\* A slight or probable presumption only, has little or no weight, but a violent presumption, amounts in law to full proof, that is where circumstances speak of strongly, that to suppose the contrary would be absurd. And where that presumption necessarily arises from such circumstances, they are more convincing and satisfactory than any other kind of evidence, because facts cannot lie.

† The Oath administered to the freeholders on the trial of Slaves, viz.—“ You and each of you do swear on the Holy Evangelists of Almighty God, that you will well and truly hear, and examine all Evidences, Proofs, and Testimonies that shall be given you on the trial of the Negro A, now before us, on a charge of Felony alleged against him by B. C. and shall faithfully deliver your several opinions to us, whether he be guilty or not.—So help you God.”



arms, powder, bullets, or offensive weapons, or holding any council, or conspiracy of, or raising mutiny or rebellion against this island, as hath formerly been attempted, that then, for speedy remedy thereof, the governor of the island, or superior officer for the time being, appoint a colonel, and the field officers of the regiments of this island, or any four of them, to meet in council, and proceed by martial law against the actors, contrivers, raisers, fomenters, and concealers of such mutinies or rebellion, and them punish by death or other pains, as their crimes shall deserve, and as to the aforesaid colonel and field officers, or any four of them, shall seem fit.

Now inasmuch as the loss of the Negroes or other Slaves that shall suffer death by this Act, would prove too heavy for the owner of them only to bear, and that the owners of Negroes may not be discouraged to detect and discover the offences of their Negroes, and that the loss may be borne by the public, whose safety by such punishments is hereby provided for and intended: Be it therefore enacted and ordained by the authority aforesaid, that in all cases whatsoever where any Negro or other Slave, by the appointment and provision of this Act, shall suffer death, then shall such justices and freeholders, or colonel and field officers, who adjudged such Negro or other Slave to suffer death, immediately after sentence thereof given, inquire by the best means they are able, of the value of such Negro or other Slave, in which value they shall never exceed the sum of five and twenty pounds sterling for any one Negro or other Slave; and also the damage of the party injured, and make certificate thereof to the treasurer for the time being, therein requiring the said treasurer to pay out of the value of the said Negro or Negroes, the value of the damage to the party injured, and the overplus, if any be, to the owner or owners of such Negro or other Slave; and if there be no party injured, then the whole value to the owner or owners of the said Negro or other Slave, out of the public treasury of this island.

But in regard there are some masters and owners of Negroes and other Slaves in this island, who do not make sufficient conscience of providing what is necessary for their Negroes and other Slaves, or allowing them time to plant or provide for themselves, for which cause such Negroes or other Slaves are necessitated to commit crimes contrary to this law; and yet the safety of this island requiring that such Negroes and other Slaves shall suffer as this law hath appointed, rather than the poor inhabitants of this island be ruined, and driven from thence by their means, that therefore such masters and owners of Negroes and other Slaves, whose neglect of their Negroes and other Slaves, make them in some measure guilty of their crimes may not be countenanced therein at the charge of the public: Be it hereby further enacted by the authority aforesaid, that the justices and freeholders appointed as aforesaid, to inquire into the value of such Negro or other Slave as they shall sentence the death, shall also further inquire by witnesses examined on their oaths, or by other good information, how the owner or owners of such Negro or other Slave condemned as aforesaid, was provided with provision and other necessaries, and what allowance those Negroes and other Slaves had received. And if it shall appear to the said justices and freeholders, or the major part of them, that the said master or owner, had not provided reasonably and as is generally accustomed for Negroes and other Slaves, and that necessity might have compelled the said Negro or other Slave to the offences they have committed, then, and in that case, the justices and freeholders as aforesaid, shall certify the same to the treasurer aforesaid, and only appoint the said treasurer to pay the damage to the party injured, out of the value of the said Negro or other Slave, and nothing to such master or owner. And if the treasurer for the time being, having sufficient public stock in his hands, shall fail to make satisfaction and payment to such master or owner of any Negro or other Slave, he having the governor's warrant for the same, the party injured, or both, shall have an action of debt upon such certificate as aforesaid, against the said treasurer in the Court of Common Pleas, for the precincts of St. Michael's, &c.; and the treasurer being thereto duly summoned, shall at the first court after summons, plead, and come to trial, or else judgment to pass

Clause 15.

Where a Slave by this Act suffers death, the judges immediately after sentence, shall value such Slave not exceeding twenty-five pounds, and the damage of the party injured, and make certificate to the treasurer to pay the damages, and the overplus, if any, to the master.

By Act No. 117, cl. 24, they are to inquire into the value of the Slave, and also the reversion, if any, and certify the same to the treasurer, &c.—  
Vid. No. 91.

Clause 16.

And they shall also inquire if such Slave was properly provided with necessaries.  
Vide No. 117, Cl. 24.

And if it appear he was not, but compelled by necessity to commit the crime, the justices and freeholders shall certify the same to the treasurer, and only appoint him to pay the damage and nothing to the master.

Vide the preceding Clause.

Penalty on the treasurer refusing payment, when there is money in the treasury.

against him by default, and after judgment, execution immediately to issue for satisfaction.

And in regard the planter's necessity doth compel them for the management only of their lands, to keep so vast a stock of Negroes and other Slaves, whose desperate lives and great numbers become dangerous to them, and all other the inhabitants; that therefore, such who are not bound up by that necessity, in having plantations of their own or hired land, may not increase the danger to this island, by keeping Negroes or other Slaves to hire out to others: Be it therefore enacted by the authority aforesaid, that no person of the Hebrew nation residing in any sea port town of island, shall keep or employ any Negro or other Slave, be he man or boy, for any use or service whatsoever, more than one Negro or other Slave, man or boy, to be allowed to each of the persons of the said nation, excepting such as are denized by His Majesty's letters patent, and not otherwise, who are to keep no more than for their own use, as shall be approved of by the Lieutenant-Governor, Council, and Assembly; and if any Negro, man or boy, more than is before allowed by this Act, shall be found three months after the publication hereof, in the custody, possession, or use of any of the persons aforesaid, then every such person or persons shall forfeit such Negro or other Slave, one moiety of the value thereof to whomsoever shall inform, and the other moiety to his Majesty to the uses in this Act appointed.

And whereas divers Negroes and other Slaves at this present are, and long since have been run away into woods and other fastnesses of this island, doing continually much mischief to several the inhabitants of this island, hiding themselves sometimes in one place and sometimes in another, so that they are not to be found without much difficulty: Be it therefore enacted, that from and after the publication hereof, it shall and may be lawful for any justice of the peace, constable, or captain of a company within this island, that shall have notice of the residence or hiding-place of any runaway Negroes or other fugitive Slaves, to raise and arm any number of men not exceeding twenty, to apprehend and take them either alive or dead. And for every Negro and other Slave that they shall take alive, having been run away from his master above six months, they shall receive fifty shillings sterling, and for every Negro or other Slave which hath been run away above twelve months, five pounds from the master, owner, and commander of the said Negro or other Slave; if killed in taking, they shall receive fifty shillings sterling from the public, any Act or Statute heretofore to the contrary notwithstanding.

And it is further enacted and ordained by the authority aforesaid, that if any Negro or other Slave, under punishment by his master or his order for running away, or any other crimes or misdemeanours towards his said master, unfortunately shall suffer in life or member, which seldom happens, no person whatsoever shall be liable to any fine therefore; but if any man shall of wantonness or only bloody-mindedness, or cruel intention, wilfully kill a Negro or other Slave of his own, he shall pay into the public treasury fifteen pounds sterling; but if he shall so kill another man's, he shall pay to the owner of the Negro double the value, and into the public treasury twenty-five pounds sterling; and he shall further, by the next justice of the peace, be bound to the good behaviour, during the pleasure of the governor and council, and not be liable to any other punishment or forfeiture for the same; neither is he that kills another man's Negro or other Slave by accident, liable to any other penalty but the owner's action at law. But if any poor small freeholder or other person killing Negro or other Slave by night, out of the road and common path, and stealing, or attempting to steal, his provision, swine, or other goods, he shall not be accountable for it; any law, statute, or ordinance, to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, that all fines and forfeitures arising by this Act, shall be to His Majesty, for the use of this island, according to such uses and proportion that in the aforesaid clauses are respectively appointed; and such thereof as are not otherwise limited and appointed in this Act, as are above the sum of five pounds sterling,

Clause 17.  
This Clause is repealed by Act, No. 108.

Clause 18.  
Any justice, constable, or captain, may raise and arm twenty men to take runaways alive or dead.—Vide No. 92.

And for every one run away above six months, to demand fifty shillings, and for every one run away above twelve months five pounds.

But see Act No. 180, clause 4, where this is altered.

If killed in taking, fifty shillings to be paid by the public.

Clause 19.  
Slaves dying under punishment, no person liable therefore; but who kills his own Negro wantonly or cruelly, shall pay fifteen pounds to the public.

If another man's Negro, he shall pay him double the value, to the public twenty-five pounds, and be bound by the next justice to the good behaviour during the pleasure of the governor and council.

If by accident, then only liable to the owner's action. Who kills a Negro by night out of the road, stealing or attempting to steal, not accountable.

Clause 20.  
Fines and forfeitures, not before appropriated, how recoverable and to be applied.



shall be recovered by bill, plaint, and information, in any of His Majesty's Courts of Record within this island;—and such as are of the sum aforesaid, or under, shall be recovered before any justice of the peace within this island, who is hereby required to grant execution for the same, as in the case of servants' wages; provided the same be commenced within thirty days after the same be forfeited.

Clause 21.  
This Act to be published in all the respective parish churches, twice yearly By the Act No. 164, cl. 2, this Act and No. 170 are to be published once yearly.

Clause 22.  
All former Acts relating to the governing of Negroes, repealed.

And lastly, to the intent this Act, and every clause and branch thereof, may receive full execution, and no person plead ignorance therein, it is ordained and enacted by the authority aforesaid, that this Act be read and published in all the respective parish churches in this island, the first Sunday in February, and the first Sunday in August, in every year ensuing.

And be it further enacted by the authority aforesaid, that all Acts heretofore made, concerning or any way relating to the governing of Negroes, enacted before the date of this Act, shall be repealed, and are hereby repealed to all intents and purposes whatsoever.

Passed August 8th, 1688.

2.

Vid. No. 112.

(No. 91.) An Act for the Encouragement of all Negroes and Slaves that shall discover any Conspiracy.

Preamble.  
Vid. No. 82, cl. 14.

WHEREAS sundry of the Negroes and Slaves of this island, have been long preparing, contriving, conspiring, and designing a most horrid, bloody, damnable, and detestable rebellion, massacre, assassination, and destruction, by them to be committed, done, and perpetrated upon and against all the white inhabitants hereof; but before this could be effected it hath pleased Almighty God to give us a gracious deliverance by a miraculous discovery thereof: To the end such barbarous purposes and practices may be prevented for the future, and that such Negroes and Slaves as are not infected and drawn in by the wicked and devilish instigations of others, may not be excited thereto, nor prevented in point of their obedience, but may be encouraged to continue orderly and quietly, and discover as soon as shall come to their knowledge, any design, purpose, or intent of any Negro or other Slave to commit or abet any insurrection or rebellion: Be it enacted by his Excellency Colonel James Kendal, Captain General and Chief Governor of this and other the Caribbee Islands, the Honourable the Council and General Assembly of this island, and by the authority of the same, that whatsoever Negro or Slave shall after publication hereof, hear any other Negro or Slave speak or utter any words tending to mutiny, insurrection, or rebellion; or shall have or prepare any gunpowder, ball, sword, lance, or other warlike instrument, than what are allowed for watching, or other service of the country, and shall forthwith discover the same to any justice of the peace of this island, the said justice shall join himself to the next justice of the peace, and they two are hereby empowered and required to cause the said Negro or other Slave so accused, forthwith to be apprehended, and the accuser and the accused to be brought face to face, and shall diligently inquire into the said matter. And if they shall find the accusation just, they shall secure the said Negro or Slave, and report the said matter to his excellency, or to the governor for the time being, who is hereby humbly requested to appoint field officers to try the said Negro or Slave, as by the Act entitled "An Act for the governing of Negroes," is provided, who are to proceed accordingly; and if they, the said field officers, shall find the said Negro or Slave guilty of what he or she stands accused, and shall condemn him or her to suffer death, such field officers shall appraise the condemned Negro as by the said Act is appointed: But the Negro which accuses the other, the field officers shall appraise at his or her full value and worth, although it exceeded the sum by the said Act limited, of which the said field officers shall forthwith certify his Excellency, or the Governor

Clause 1.  
If any Slave shall discover any conspiracy to any justice, he shall join the next justice, and cause the accused to be taken and brought face to face with the accuser; and if the accusation be just, they shall secure such accused Slave, and report the matter to the governor, who is to order him to be tried by martial law, as by the Act No. 82, cl. 14, is appointed.  
See No. 82, cl. 2.

If the accused suffer death, he shall be appraised, not exceeding twenty-five pounds.  
Vid. No. 82, cl. 15.  
But the accuser to be valued at his full worth, and the same certified to the governor,

for the time being upon oath ; who is hereby requested to draw an order on the treasurer for that sum which such accuser is valued at, to be paid to the owner of such Negro or Slave at sight. And upon payment thereof his Excellency or the Governor for the time being, is requested to declare the said Negro or Slave free, and such Negro shall be sent off this island by the treasurer, to such place as he or she shall desire ; who is hereby required to pay for such Negro's passage. But if such Negro had rather stay here with his master, mistress, or family, and not be free, such Negro shall receive forty shillings to his or her own use from the said treasurer. And if any Negro or Slave shall not make good his or her accusation, against such Negro or Slave as he or she shall accuse, such Negro or Slave shall receive such punishment, not to extend to life, or member, as by order of the said two justices or field officers that shall hear the matter shall think fit.

who is to draw an order on the treasurer, for payment of that sum to the master,

and to declare the Slave free ; who shall be sent off, or stay here and receive forty shillings out of the treasury, at his choice.

Accuser not making good his accusation, to be punished by the two justices, or field officers, life and member excepted.

Passed October 27th 1692.

### 3.

(No. 92.) An Additional Act to an Act entitled "An Act for the governing of Negroes."

WHEREAS by an Act of this Act entitled "An Act for the governing of Negroes," bearing date the eighth day of August, one thousand six hundred, eighty and eight, amongst other things, it was enacted in these words: "And be it further enacted by the authority aforesaid, that all Acts heretofore made concerning, or anywise relating to the governing of Negroes, enacted before the date of this Act shall be repealed, and are hereby repealed to all intents and purposes whatsoever." And whereas by a former Act of this island, entitled "A Supplemental Act, to a former Act entitled "An Act for the better ordering and governing of Negroes," bearing date the one-and-twentieth day of April, one thousand six hundred seventy and six, it was enacted in these words:—viz. "That if any Negro or Slave after he hath lived in this island for the space of twelve months at least, shall run away from his master or mistress, and continue absent above the space of thirty days, such Negro or Slave shall suffer death for the same; the offence to be tried as the offences expressed in the first branch of this Act, and the owner of such Negro or Slave shall be allowed his reasonable value from the public treasury of this island, in the same manner as is allowed for other Negroes that suffer death by this Act." Which last-mentioned Act was often revived and continued; but the same clause after some Negroes had suffered death for running away as aforesaid, was repealed, it being expected that others would have taken warning thereby, and not have been guilty of such offence for the future. And forasmuch as the first mentioned Act now in force, bearing date the eighth day of August, one thousand six hundred eighty-eight, hath made no provision that such Slaves, as absent themselves thirty days shall suffer death as aforesaid; and such is their brutish and barbarous nature, that they will not be reclaimed by any fair means, but by the often running away of Negroes and Slaves, and by their long absence from the service of their owners, they become desperate, and daily plot and commit felonies and other enormities, not only to the terror and affrightment of the neighbourhood, but the danger of the island in general: Be it enacted by His Excellency Colonel James Kendal, Captain General and Chief Governor of this and other the Caribbee Islands, the Honourable the Council and General Assembly of this Island, and by the authority of the same, that if after publication of this Act, any Negro or Negroes, or other Slave or Slaves, after he, she, or they have lived in this island one whole year, that is, are or shall run away and absent him, her, or themselves from the service of his, her, or their master, mistress, or other persons with whom he, she, or they reside, and shall continue absent for and during the space of thirty days shall suffer death for the same; the said offence and offences to be tried in the like manner by two justices of the peace,

Preamble.  
Vid. No. 82.

No. 553, in the list of expired laws.

No. 82. in force.

Clause 1.  
Negroes that have lived in this island one year, if run away thirty days, to suffer death, and to be tried as felons, the owner receiving their value, not exceeding twenty five pounds, out of the public treasury.  
Vid. No. 82. Cl. 12-15.  
No. 161. Cl. 1. and 180.

and three freeholders, as other criminals in and by the said Act now in force, to which this is an additional, are appointed to be tried; such Negro or Slave to be valued by them the said justices and freeholders; which value the owner thereof shall be paid and allowed out of the public treasury of this island, as is allowed for other Negroes that suffer death by the said Act.

Passed October 27th, 1692.

## 4.

(No. 93.) An Act for Prohibiting the Selling of Rum or other strong Liquors, to any Negro or other Slave.

Vid. No. 41.

Preamble.

WHEREAS many enormities have been committed, and mischiefs hatched and contrived by Negroes and other Slaves, when opportunities have been given of meeting, and excessive drinking thereat: For remedy thereof for the future, Be it enacted by his Excellency, Colonel James Kendal, Captain General and Chief Governor of this and other the Caribbee Islands, the Honourable the Council and General Assembly of this Island, and by the authority of the same, that whatsoever person or persons, after publication hereof, shall sell any rum or other strong liquor to any Negro or Slave, or any other person for the use of any Negro or Slave, and being convicted thereof by the oath of any Christian, before the next justice of the peace, shall forfeit twenty shillings sterling for every such offence, the one half to the informer, the other half to the poor of the parish where the offender liveth, to be recovered by warrant from the said next justice of the peace, as in case of servants' wages. And if any white person whatsoever shall buy any rum or other strong liquors for any Negro or Slave, shall forfeit twenty shillings for every such offence, to be recovered in manner as aforesaid; the one half to the informer, the other half to the poor as aforesaid, or receive ten lashes upon his or her bare back, by order of the next justice, the whipper to receive fifteen pence, to be paid by the churchwarden, by order of the said justice for the time being.

Clause 1.

Who sells rum, or strong liquors to a Slave, or other person for their use, and convicted by the oath of a Christian, forfeits twenty shillings, half to the informer, and half to the poor.

White persons bringing rum, &c. for a Slave, forfeits twenty shillings in like manner, or receives ten lashes.

Whipper to be paid fifteen pence by the churchwarden.

Passed October 27th, 1692.

## 5.

(No. 112.) An Act for the Encouragement of such Negroes and other Slaves, that shall behave themselves courageously against the Enemy in time of Invasion.

Vid. No. 91.

Preamble.

FORASMUCH as there are many Negroes and other Slaves in this island, who are worthy of trust and confidence to be reposed in them, and therefore may be of great service to this island, should the same be invaded. To the end therefore, that encouragement may be given for every Negro or other Slave to behave themselves courageously against the enemy; Be it enacted by his Excellency, Mitford Crowe, Esq., Captain General and Commander-in-chief of this and other the Caribbee Islands, lying and being to windward of Guadaloupe, the Honourable the members of his Majesty's Council, and the General Assembly of this island, and by the authority of the same, that every Negro or other Slave within this island, who in time of invasion by her Majesty's enemies, or other attempt to be made on this island, shall engage and courageously behave himself in time of battle, so as to kill any one of the enemy, the said Negroes or other Slaves, and every of them, upon due proof thereof made before one of Her Majesty's justices of the peace in this island, by the oath of two credible white men, shall be, and are hereby respectively declared, freemen, to all intents and purposes whatsoever; and shall be deemed and held ab-

Clause 1.  
Every Negro who, in time of invasion, shall behave courageously, so as to kill any one of the enemy, the said Negro, on due proof before a justice, shall be absolutely free.

Vide No. 91.

solutely free from all future Slavery towards his master and mistress, from and immediately after such proof to be made in manner aforesaid.

And to the end that the owners of every such Negro or other Slave, who shall gain their freedom by virtue of this Act, may receive a full recompense for the loss which they shall sustain thereby, Be it enacted by the authority aforesaid, that every Negro or other Slave, who shall happen to be set free by this Act, shall be valued and appraised, on oath, by two of the neighbouring freeholders to the place where the owners of such Negroes or Slaves live, before one of Her Majesty's justices of the peace in this island, which justice of the peace shall give a certificate of the value to the owner or owners of such Negroes or Slaves, who are to produce the same to his Excellency, and thereupon his said Excellency, by and with the advice and consent of the Council, is humbly desired to issue his order or orders on the treasurer of this island for the time being, forthwith to pay the same out of the duty of excise or strong liquors; and in case it shall so happen, that at the time of the issuing of each orders, there shall not be money sufficient in the treasury to discharge the same, then upon the treasurer's certifying the same upon the back of each order or orders, the respective owners thereof shall be allowed interest, at and after the rate of ten pounds per cent per annum, from the time of the date of the said certificate, until the full value of every such Negro or other Slave shall be paid and satisfied.

Clause 2.

And the said Negro shall be valued, and the owner paid out of the public treasury.

If there is no money sufficient in the treasury, interest to be allowed at ten per cent.

And be it further enacted by the authority aforesaid, that if any Negroes or other Slaves, at the time of invasion, or appearance of the enemy, shall happen to be killed, the owner or owners of such Negroes or other Slaves, shall be paid the full value of every such Negro or other Slave out of the public treasury of this island; which value shall be set by the oath of two credible witnesses before any one of Her Majesty's justices of the peace in this island, who is hereby required to give a certificate thereof to the owner or owners of such Negro or Negroes or other Slave or Slaves; upon which certificate his excellency, by and with the advice and consent of the council, is humbly desired to issue his order or orders for payment thereof; any law, custom, or usage to the contrary in any wise notwithstanding.

Clause 3.

If any Negro in time of invasion is killed, the owner shall be paid the full value thereof, out of the treasury. Vid. No. 99, Cl. 29, 35 and 36.

Passed the 30th day of November, 1707.

## 6.

(No. 116.) An Act to prohibit the Inhabitants of this Island from employing their Negroes or other Slaves in selling and bartering.

WHEREAS sundry persons do daily send their Negroes and other Slaves to the several towns in this island and other places to sell and dispose of all sorts of quick stock, corn, fruit, pulse, and other things, under colour of which they traffic among themselves, and buy, receive, and dispose of all sorts of stolen goods, to the great damage of the inhabitants of this place, for remedy whereof, and to the intent poor people and servants may not want employment and encouragement: Be it enacted by his Excellency Mitford Crowe, Esquire, Captain General, and Governor-in-chief of this and other the Caribbee Islands lying and being to windward of Guadaloupe, the honourable the members of Her Majesty's Council and the General Assembly of this Island, and by the authority of the same, that from and after publication of this Act, no person or person whatsoever shall send or employ any Negro or Negroes, or other Slave or Slaves in selling, bartering, or disposing of any goods, wares, merchandise, stock, poultry, corn, fruit, roots, and other effects or things whatsoever, to any person or persons whatsoever; and if any white person whatsoever shall be found buying of, or bartering with, any Negro or Negroes, or other Slave or Slaves, any of the before enumerated goods or commodities or any other thing or things whatsoever, he or she shall for each offence forfeit and pay the sum of five pounds current money of this island to Her Majesty, her heirs and successors for the use of the informer,

Preamble.

Clause 1.

No Negro to be employed in selling or bartering, on any account whatever; and the persons found buying of, or bartering with any Negro, for each offence shall forfeit five pounds, and if poor receive twenty-one lashes by order of the justice complained to.

to be recovered by complaint on oath to the next justice of the peace, who is hereby empowered and required to administer the same; and if such white person shall not be able to pay his or her fine, in such case, he or she shall receive one and twenty lashes on the bare back, by order of the said justice before whom such complaint shall come.

Clause 2.  
The Negroes so selling, &c., shall receive twenty-one lashes.

Proviso—  
Not to prevent Negroes selling stock or other things to his master, &c., or milk, wood, and horse-meat to any other person.

Proviso—  
The said Negroes selling milk, &c., to have a collar.

And be it further enacted by the authority aforesaid, that all and every Negro or Negroes or other Slave or Slaves who shall be found selling or bartering any of the before-mentioned goods or commodities, shall have and receive by order of any justice of the peace, one and twenty stripes on his or her bare back, upon proof thereof made by any white person. Provided that this Act do not extend to prevent any Negroes or other Slaves from selling any stock or other things to his, or her, or their master, mistress, chief overseer, or manager, or to prevent any Negroes or other Slaves from selling milk, horse-meat, or fire-wood to any person or persons whatsoever. Provided also, that all such Negroes and other Slaves who are employed in selling milk, horse-meat, or fire-wood, shall have at all such times that he, she, or they, are selling the same, a metallic collar locked about his, her, or their neck or necks, leg or legs, with the name of his or her master or mistress engraven thereon, and the name of the parish wherein they live, and also the name of the person who made such collar.

Clause 3.  
Any white person going with any Negro to dispose of goods without the consent of the owner of such Slave shall forfeit twenty shillings for the first offence, and if poor receive twenty one lashes.

And for every conviction after, five pounds or twenty-one lashes.

And be it further enacted by the authority aforesaid, that if any white person or persons shall undertake to go with any negro or negroes, Slave or Slaves, or shall by any means suffer him or herself to be procured to go with any negro or other Slave to dispose of any goods whatsoever, without the consent of the owner of such negro or Slave, such white person or persons, upon proof thereof before the next justice of the peace, shall forfeit and pay for the first offence twenty shillings current money to Her Majesty, her heirs and successors, to and for the use of the informer, to be recovered as in case of servants' wages, and for want of payment thereof, he or she shall by order of the justice before whom such complaint is made, receive one and twenty lashes on his or her bare back, and for every conviction afterwards of the like offence, he or she shall forfeit and pay the sum of five pounds current money to Her Majesty for the use aforesaid, or be punished by receiving one and twenty lashes on the bare back.

Clause 4.  
Punishment for such as shall make collars for Negroes contrary to their masters' knowledge or consent.

And be it further enacted by the authority aforesaid, that if any person or persons whatsoever, shall presume to make any such collars for Negroes' necks or legs as aforesaid, whereby any Negro or Negroes, or other Slave or Slaves may have the custody or keeping of them, contrary to his or her or their master or mistresses knowledge or consent, upon due proof by the oath of one or more credible witnesses, or the party's own confession before any one of Her Majesty's justices of the peace in this island, the said justice shall issue his warrant or warrants against each and every such offender for ten pounds current money, to be levied as in case of servants' wages, to Her Majesty, for the use of the informer or informers, and the party guilty, shall stand committed until the same be paid.

Clause 5.  
Penalty on such as shall make collars for Negroes to go at large and receive a daily, weekly, or monthly sum therefor, or any other consideration.

And be it further enacted by the authority aforesaid, that if any person or persons inhabiting this island, being owner or possessor of any Negro or Negroes, or other Slave or Slaves, shall permit such Negro or Negroes or other Slave or Slaves to go at large, and hire out him, her, or themselves to any person or persons, or following any trade, occupation, or calling, and receive the profits thereof to him, her, or themselves, or rendering to his or her said master or mistress, or to any other person or persons whatsoever for their use, a daily, weekly, or monthly sum of money or any other income, or any manner of gratuity whatsoever, every such person so suffering such Negro or Negroes, or other Slave or Slaves to go at large, or hire him, her, or themselves as aforesaid, for every such offence, shall forfeit the sum of ten pounds current money, for each Negro or other Slave on conviction thereof by the oath of any one or more credible witnesses, or the party's own confession before the two next justices of the peace, to the party complaining, to be recovered by warrant from the said justices, as in case of servants' wages, to Her Majesty, her heirs and successors, the one half to the use of the fortifications of this island, and the other to the informer, and shall by the said justices be obliged to give security in the sum of one hundred pounds current money, that the said Negro or any other of his Negroes or

Slaves, shall not for the future commit by his consent the aforesaid crime, and he, she, or they, shall stand committed until they perform the same.

And be it further enacted by the authority aforesaid, that whatsoever person or persons shall employ any Negro or Negroes, Slave or Slaves, without agreeing for them with the owner or such person as shall be in lawful possession of them, upon due proof thereof made, he, she, or they shall forfeit and pay the sum of ten pounds current money, to the same uses and to be recovered after the same manner as is before expressed and mentioned in case of any persons letting their Negroes go at large and hire out themselves.

And whereas the inhabitants of this island do often put hooks and rings, or collars round their Negroes' necks and legs that absent themselves and run away from their masters' or mistresses' service, the better to distinguish them, so that hereby they may be apprehended and brought home: And whereas of late, some persons have and do often take off such pot-hooks and rings, by which means they are not known, and thereby keep out much longer from their masters' and mistresses' service, to their great detriment and damage;—for prevention of which—Be it enacted by the authority aforesaid, that if any white person or persons shall take off any pot-hook, ring, or collar from any Negro or Negroes or other Slave or Slaves' neck or necks, leg or legs, without the leave of their master, mistresses, or overseer, such person or persons shall forfeit and pay the sum of ten pounds current money, to Her Majesty, her heirs, and successors, to be paid to the owner of such Negro or other Slave, from whose neck or legs any pot-hook, ring, or collar shall be taken as aforesaid, due proof thereof being made before any of Her Majesty's justices of the peace or the party's own confession, to be recovered as in case of servants' wages, and in case any Negro or Negroes shall be found guilty thereof, such Negro or Negroes shall receive forty lashes on his or her bare back, by order of any one of Her Majesty's justices of the peace.

And whereas many hucksters and other persons in this island, notwithstanding the forfeitures and penalties of several laws heretofore made against the trading with Negroes, still cunningly held and privately carried on a private correspondence with them, and thereby very much encouraged thefts and robberies, to the great damage of many of the inhabitants of this island: And whereas it is impossible altogether to discourage and find out such evil practices without there be some fit persons appointed to discover, make known, and prosecute all such persons as aforesaid: Be it therefore enacted by the authority aforesaid, that within twenty days after the publication of this Act, the clerk of the markets of this island shall and is hereby required to hire annually two able men, who shall be allowed and paid out of the public treasury of this island the sum of fifteen pounds, current money of this island each per annum; and such persons to be appointed shall have full power and authority to apprehend any Negro or Negroes that come into the said town to sell or dispose of any goods or commodities whatsoever without being licensed as aforesaid, either by having some white person with them or a metallic collar on his neck or leg, and shall also diligently inspect the tippling-houses, huckstering-shops, markets, and all other suspected places within or near the said town; and in case they or either of them shall find or know of any white person or persons that shall trade, barter, or any ways deal with any Negro or Negroes, they shall proceed against such person or persons as before in this Act is appointed, and in like manner against all Negro or Negroes: and for the more strict performance of the duty required of the persons to be appointed as aforesaid, they shall before they enter upon their office appear before any one of Her Majesty's justices of the peace within the town aforesaid, and take the following oath—viz: I, A. B. do sincerely promise and swear, that I will diligently and carefully perform the duty of me required by an Act of this island, entitled "An Act to prohibit the Inhabitants of this island from employing their Negroes and other Slaves in selling or bartering," and I will use my utmost endeavours to discover and make known all such person or persons that shall any ways deal or trade with any Negroes or other Slaves, and as often as I shall discover or know of any such, I will inform one of Her Majesty's justices of the peace

Clause 6.  
Penalty on such as employ Negroes, without agreeing with the owner.  
See the preceding Clause and the Detinue Act, No. 117.

Clause 7.  
Penalty on such as shall take off a Negro's collar without leave of his master.

See No. 83. Cl. 4.

Clause 8.  
The clerk of the market to hire two able men, to apprehend any Negro, &c. that shall come to town to sell any goods &c. without having a collar.

And shall also inspect the tippling houses, huckster's shops, markets, &c., and if they know of, or find any white person trading as aforesaid, shall apply to a justice of peace.  
See Cl. 4, 5, and 6.

The oath to be taken by the clerk of the market, and his deputies, before they enter on their office.

thereof, and will prosecute all such person or persons to the utmost of my power. So help me God."

Clause 9.  
Penalty on the justice's refusal to act herein.

And be it further enacted by the authority aforesaid, that if any justice of the peace within this island (the members of Her Majesty's council excepted) shall refuse doing and performing all or any of the matters and things enjoined him by this law for the space of six days after any complaint shall be made to him, such justice shall forfeit to Her Majesty to and for the use of the party grieved, the sum of ten pounds, current money, to be recovered before the next justice of the peace to the party complaining as in case of servants' wages, and be made incapable of serving in such post or office for the future.

Passed the 6th day of January 1708.

## 7.

(No. 117.) An Act to secure the peaceable Possession of Negroes and other Slaves to the Inhabitants of this Island, and to prevent and punish the clandestine and illegal Detenue of them.

## Preamble.

The first part of cl. 5, 6 to 23, 27, 28 and 34, respects the manner of bringing actions for Slaves in the court of law, and the method of proceeding, &c.

## Clause 1.

An open free and notorious possession three months, by some lawful means, shall be a legal and just possession. See cl. 20, and the proviso at the end of this clause.

Slaves newly imported, the importer whilst he keeps them for his own use, and the first purchaser, shall have a legal possession equal to three months.

## Proviso.

That such as have just right, be not barred a recovery at common law, or equity.

What shall be deemed an illegal and unjust possession, adjudged a detaining.

## Clause 2.

FORASMUCH as the estates and plantations of this island are chiefly managed and supported by the labour and service of Negroes and other Slaves, and therefore are equally valuable to the inhabitants as lands, and ought to be under as great regard and security in law; and that what shall be adjudged a lawful possession of them may be ascertained; and that all private, concealed, covert, clandestine, cunningly designed, and illegal possessions may be duly punished, and for the future prevented: Be it enacted by his Excellency Mitford Crowe, Esquire, Her Majesty's Captain General and Governor-in-chief of the Island of Barbadoes, St. Lucia, Dominica, St. Vincent, and the rest of the islands, colonies, and plantations in America, lying and being to windward of Guadaloupe, which now are, or hereafter shall be under Her Majesty's subjection and government, &c., the honourable the members of Her Majesty's council and the General Assembly of this island, and by the authority of the same, that all and every person and persons whatsoever who have had an open, clear, free, and notorious possession of any Negro or Negroes, Slave or Slaves, for the space of three months together before the date of this Act, accounting only eight and twenty days to each month, and who gained such possession legally by due course of law, sale at public outcry, descent, or became seized as executor, administrator, attorney, manager,\* renter, or other lawful power and authority, and have not procured such possession privately, designedly, cunningly, obscurely, or fraudulently, shall be always deemed, taken and adjudged, and is hereby declared to have a legal and just possession against all persons whatsoever to hold any Negroes or Slaves until a full and legal recovery shall be had and obtained; and in case where Negroes and Slaves are newly imported, to be employed or sold in this island, the importer, whilst he keeps them for his own use, and also the first purchaser when here sold, shall be deemed, allowed, and adjudged to have a legal possession, equivalent to three months, though such Negro or Slave have not been here so long: Excepting and always provided that all and every person or persons who have any just right to such Negroes or Slaves, is, nor shall be by this Act, nor anything therein contained, barred, or foreclosed, injured, or prejudiced in the just recovery of his legal right to such Negro or Negroes, Slave or Slaves, by due course of law or equity; and all other possessions which shall not be in manner as before is expressed, without covin, contrivance, unjust design, or fraud, are hereby declared and shall be adjudged on legal possession, and a concealing, harbouring, and unjust detaining contrary to law, and the true intent and meaning of this Act.

And therefore be it enacted, and it is enacted, ordained, and declared by the authority aforesaid, that if any person or persons from and after the pub-

\* A renter here, I apprehend, is such an one who holds by lease. See clause 19.



lication of this Act shall knowingly maintain, keep, harbour, conceal, or detain any Negro or Negroes, Slave or Slaves in such secret, clandestine, and illegal manner as aforesaid, all and every such person or persons who is or are in such case injured or grieved, and have or shall have their Negroes or Slaves so detained from him, her or them, are hereby fully empowered to make his, her, or their complaint to any of the two nearest or neighbouring justices of the peace (one whereof to be of the quorum) to the place of the habitation of the complainant; which complaint is to be expressed in writing under the hand of such complainant in order to the said justices making a record thereof as well as other the proceedings thereon, which said justices are hereby, and by the authority aforesaid, required and empowered, within two days at furthest after the time of such complaint to issue a warrant or warrants under their hands and seals containing the substance of such complaint, to any sworn constable, requiring such constable thereby strictly to summon such person or persons so complained of to appear before them within four days at furthest to make answer to such complaint, and also to summon all and every person or persons whom the complainant shall allege can give evidence in the matter of complaint, who are hereby enjoined to declare the whole truth of their knowledges in the matter complained of; and the said justices are hereby empowered and required to grant their warrant or warrants to search for and apprehend such Negro or Negroes, Slave or Slaves, as shall be so complained for and illegally detained, to the end they may view the said Slave or Slaves; and that it may be as it is hereby declared to be in the power of the said justices to order and deliver the possession of the said Negro or Negroes, Slave or Slaves according to the appointment and intent of this Act, on due and legal proof thereof before the said justices by the oath of one or more credible witnesses, that the Negro or Negroes Slave or Slaves complained for have before the time of such complaint made, been in the lawful, quiet, and peaceable custody and possession of the complainant or complainants for the time and space of three months, and in such legal manner as herein-before is mentioned and expressed, and that the party or parties complained of have in an unjust and unlawful manner maintained, kept, harboured, concealed, or fraudulently detained such Negro or Negroes, Slave or Slaves, contrary to the intent of this Act, or have not come to the possession of the same by some lawful or warrantable way or means, (although it shall appear to the said justices that the time of such unlawful detinue as aforesaid, do or shall exceed the time and space of three months), then and in such case such justices shall adjudge the party or parties so complained of, guilty of an illegal detention contrary to the intent and meaning of this Act; and the party and parties so found guilty, shall pay to the complainant or complainants for every day or any part of a day which the offender or offenders shall be proved and adjudged to have unlawfully detained each and every such Negro or Negroes, Slave or Slaves, the sum of five pounds sterling money, and so proportionably for a longer time, provided the said penalty doth not exceed one hundred pounds sterling: And the said justices are hereby further empowered and required strictly to command and enjoin the said offender or offenders, to deliver and restore to the complainant or complainants, and into his, her, or their safe possession, each and every such Negro or Negroes, Slave or Slaves, and in default or refusal thereof, to forfeit and pay the sum of two hundred pounds sterling, for every such Negro or Slave so detained as aforesaid; and in case any such offender or offenders do not obey the order, sentence, and judgment of the said justices as to the payment of the said penalty, and restoring the Negro or Negroes, Slave or Slaves so detained, then the said justices are hereby empowered and required forthwith, after such judgment by them given, to issue execution under their hands and seals pursuant to the judgment aforesaid against such offender or offenders, and every of them, as well for the penalty aforesaid, as for the said forfeiture of two hundred pounds sterling for every Negro or Slave so as aforesaid detained, and that shall not be forthwith restored to the complainant in manner aforesaid, which execution is to be directed to any constable within the parish where the complaint shall be made, who is hereby empowered and required to levy the same, and proceed therein in

Complaint to be in writing, and to the two nearest justices, who are within two days to issue their warrant commanding the defendant's appearance within four days.

And to summon witnesses at the instance of the plaintiff.

Warrant of search to be issued for the Negroes complained for.

Justices to order possession, according to this law.

What shall be sufficient proof of a detinue. See CL. 1. & 8.

Justices to adjudge the penalty of five pounds per day, or any part of a day,

provided it not one hundred pounds, and to order the Negroes to be restored.

On refusal the justices to issue execution for two hundred pounds for every Negro so detained.

Execution to be directed to any constable in the parish where the complaint is made, to levy and proceed as at common law, and to receive the same fees as marshals do.



Upon request of either of the parties, justices are to give copies of proceedings under their hands and seals.

**Proviso—**  
In case of Negro's death between the time of complaint and the judgment given, then the offender not liable to the forfeiture of two hundred pounds.

Vide Clause 9.

**Clause 3.**  
Upon insufficient evidence, the defendant compelled to answer upon oath. See Cl. 14.

Justices to order the Negro to be restored if proof is made of the detention.

Defendant refusing to answer, it shall be taken *pro confesso*.— See clause 30., if evidences refuse to appear or answer.

Where the defendant's oath is required, the justices to adjudge only the damages,

which shall be paid forthwith, or execution to issue, and be levied ;

but not to exceed two shillings per day, and to put the complainant into possession.

Complaint appearing vexatious, the justice to tax costs for the defendant not exceeding five pounds ; if not paid in ten days execution to issue and be levied as aforesaid.

**Clause 4.**  
Purchasers on outcry to pay the sum bid within twenty days. Vid. No. 29. cl. 4.

like manner as the marshals of the Courts of Common Pleas in this island are empowered to proceed upon executions at common law, and the constables in this case shall and may receive the like fees as the marshals of the Courts of Common Pleas in this island are by law empowered to demand and receive ; and the said justices are hereby further required upon request of either of the parties, complainant or defendant, to give them or each of them a fair and full copy of all their proceedings, containing the complaints, proofs, orders, judgments, and executions at large under their hands and seals, for which the party desiring the same shall immediately pay the sum of ten shillings, together with five shillings more when the said copies shall be fully complete and perfected, and delivered to him. Provided nevertheless, that if any Negro or Negroes, Slave or Slaves adjudged or ordered to be delivered or restored to the complainant or complainants as aforesaid, shall happen to die a natural death between the day of complaint, and the time that the judgment shall be given as aforesaid, and duly made appear by any legal witnesses, such offender shall not be liable to the forfeiture of two hundred pounds sterling aforesaid, any thing in this Act contained to the contrary notwithstanding.

But forasmuch as such secret, clandestine, and illegal declaiming of Negroes and Slaves are not easily discovered for want of legal evidence : Be it therefore enacted and declared by the authority aforesaid, that every such complainant or complainants so grieved, if they have not sufficient evidence to prove such detinue at all, or that they can prove but part of the number of Negroes and Slaves that have been detained, then and in such case, the said justices are hereby fully authorized, empowered, and required to examine the party or parties complained of upon oath or legal affirmation (if Quakers) requiring them and each of them to declare the truth concerning such complaint (in case of failure of other witnesses) ; and if upon such oath or affirmation it shall appear to the said justices that such a Negro or Negroes, Slave or Slaves, have been illegally detained, then such justices shall order such Negro or Negroes, Slave or Slaves, to be restored in manner aforesaid ; but if the party or parties so lawfully summoned, and returned so to be upon oath of the constable (except in case of extraordinary sickness so as to disable him, her, or them), shall neglect or refuse to appear, answer, discover, or declare upon oath or legal affirmation as aforesaid, to such questions as shall be asked and demanded concerning the detaining such Negro or Negroes, Slave or Slaves so complained for, it shall be taken *pro confesso* that such Negro or Negroes, Slave or Slaves, have been illegally detained ; and the said justices shall give judgment accordingly, as if such detention had been otherwise fully proved : And in such case where the offender's oath is required, the said justices are hereby authorized and empowered to adjudge such damages as they in their consciences do believe have been sustained by the complainant or complainants for every day that such Negro or Negroes, Slave or Slaves, have been so illegally detained according to the value of the service of such Slave or Slaves, which damages when so adjudged, the said justices shall order the offender or offenders forthwith to pay to the complainant or complainants ; and upon the refusal of the offender or offenders to pay the same, the said justices shall grant execution in manner aforesaid only for such damages so ascertained, and the same is to be levied in manner aforesaid, not exceeding the sum of two shillings sterling money per day, for each Negro, and shall likewise order and put the complainant in possession of the said Negro or Negroes in manner, and under the penalty of two hundred pounds for each Negro or other Slave as aforesaid : But if such complaint shall appear to be vexatious, then the said justices shall tax reasonable costs for the defendant against the said complainant or complainants not exceeding the sum of five pounds sterling money, and in case of non-payment thereof within ten days, execution to issue and be levied in manner aforesaid.

And be it further enacted by the authority aforesaid, that if any person or persons, who, on any sale at outcry of any goods, chattels, or other effects, by virtue of the Act, shall happen to be the greatest bidder, shall not pay the sum by him, her, or them, bid at such sale at outcry, within twenty days, then and in such case the justices of the peace before whom

the first complaint was made, shall, and they are hereby empowered and required to issue a writ of twenty per cent. against the person or persons who fails in payment, in the same manner as is appointed on sales at outcry by virtue of any proceedings in the Courts of Common Pleas in this island.

And for a more speedy recovery of Negroes and Slaves by suits at the common law: Be it enacted and ordained by the authority aforesaid, that all and every person or persons who shall lay any claim to the right, property and inheritance of any Negro or Negroes, Slave or Slaves, shall and may lawfully bring his, her, or their suit or action against any person or persons who have possession of any Negro or Negroes, Slave or Slaves, except overseers and managers who have Negroes and Slaves under their charge in the right of others, who by the intent of this Act, are not deemed to have the right of possession, but their master or mistress, or those who represent them, and are the persons deemed liable to be sued in such manner as other persons hereinbefore mentioned, in the Court of Common Pleas, held for the precincts where such defendant lives; and in case they have no certain habitation of their own, then the action shall be served in the most usual or common place of abode ten days at the least before the setting of the said court; and upon legal return of such service, the judges of the respective Courts of Common Pleas aforesaid, are hereby fully empowered, authorized, and required in all such cases to proceed to trial and give judgment, the first court after a full and perfect issue shall be joined, and the cause made fit for trial or judgment, either in matter of law or fact: Provided always, that in case the owner of any plantation, or his executors or administrators are not in this island, and have no attorney or attornies here, then the agent or chief manager, or overseer of such plantation, shall be prosecuted, examined, and awarded against, for unlawfully detaining of such Negroes, as all other persons are by this Act, and so he\* shall be if he unlawfully detain and keep any Negro or Slave belonging to any other person without the express order of his master or employer.

And for the more speedy bringing all such actions which any ways relate to Negroes for trial and judgment: It is hereby enacted and ordained by the authority aforesaid, that every plaintiff or plaintiffs, when he, she, or they, file their declaration in the clerk's office of the Courts of Common Pleas, shall leave in the said office, with the clerk, all such powers or letters of attorney, letters testamentary, or administration, or guardianship, deeds, and writings, or legal attested copies thereof from some office of record, as are any ways mentioned in the action or actions filed, and whereof profert is made, to the end the defendant or defendants may have a view of the same, the better to enable him, her, or them, to plead within the time limited and prescribed by this Act; and after any plea of abatement shall be filed in the said office, then the plaintiff or plaintiffs may take all such writings and papers from the said clerk into his or their custody.

And it is hereby further enacted, ordained, and declared by the authority aforesaid, that in case the defendant shall plead in abatement to such action, such plea shall be filed in the office of the said court in four days after due service thereof, that the plaintiff may take a copy thereof, which plea of abatement shall be called and argued the first court after the filing of the same; and if such plea shall be overruled by the court, then the defendant shall plead issuably, or in bar, or demur, fourteen days at furthest after the last day of the court, that such plea of abatement shall be overruled and filed in the said office, that the plaintiff may have copies thereof, in order to join issue, reply, or demur; and if it shall so happen that further special pleadings shall be requisite to complete any cause for trial either by the court or jury, then it shall be in the power or discretion of the court to give the plaintiff or defendant a rule, not exceeding fourteen days, in any necessary case where further pleadings is required, having due regard not to suffer any dilatory pleadings or continuances, but that all actions relating to the right or property of Negroes, be every court first called and proceeded upon with all expedition, as far

On a writ of twenty per cent to issue against them.

Clause 5.  
Persons claiming right to any Slaves, may bring actions against those who have the possession, except overseers who hold for others.

Where such actions shall be brought and how served.

Method of the courts proceeding thereon See cl. 7 and 11.

Proviso.  
In what cases overseers are liable.

Clause 6.  
Plaintiff to leave in the clerk's office, on filing his action, all papers, &c. or attested copies relative to the action.

And after a plea of abatement is filed, he may withdraw them again.

Clause 7.  
Plea in abatement to be filed in four days after service, and agreed the first court.

If overruled, the defendant to plead issuably in bar and demurrer, in fourteen days after the court.

Where further pleadings are necessary, the court may give a rule not exceeding fourteen days, but not suffer any dilatory pleadings or continuances. Negro actions to be first proceeded on, at every court. See Clause 5 and 11.

forth as the cause will admit of, until a full, just, and final sentence shall be given.

Clause 8.  
What shall be sufficient evidence where the names of Negroes are unintelligible, &c

And because it hath been very difficult to prove a right to Negroes, their names many times being unintelligible, and many going under two names, and others under one and the same name: Be it therefore enacted by the authority aforesaid, that if the evidence proves the Negroes declared for, to be such Negroes as have been, or are commonly deemed, known, or taken to be the Negroes or Slaves of the plaintiff or plaintiffs, unless the defendant shews a more clear right and proof paramount to the Negro or Negroes, Slave or Slaves in question, that then and in such case such Negroes and Slaves shall be deemed and judged to be sufficiently proved under such proof as aforesaid, any thing in this law, seeming to the contrary notwithstanding.

Clause 9.  
What shall be the jury's verdict, or the plaintiff's recovery.

And be it further enacted by the authority aforesaid, that upon every action of detinue, if the plaintiff or plaintiffs make recovery, the verdict shall be that the defendant or defendants deliver into the possession of such plaintiffs such Negro or Negroes, Slave or Slaves, or for each and every one of them, the sum of two hundred pounds current money; and if such defendant do not perform the same in fourteen days after judgment of the said court upon the said verdict, the said plaintiff or plaintiffs may take out execution against such defendant or defendants, and levy the same upon any of their estates, either real or personal, and for want thereof, upon their bodies; and the manner of the proceedings, as to the levy or capias, to be executed by the officers of the said Court of Common Pleas, according to the methods of such courts. Excepted always if such Negroes or Slaves, or any of them, shall happen to die a natural death between the date of the judgment and the execution, then and in such case the defendant shall not be compelled or be liable to pay the said penalty of two hundred pounds current money, anything in this law to the contrary notwithstanding.

Execution to issue thereon in fourteen days.

Proviso—  
When Negroes die a natural death, between the date of the judgment and execution. See the latter of the 2d Clause.

Clause 10.  
After recovery the plaintiff may have an action of damages.

And that there may not be any encouragement to keep and detain Negroes when the persons so keeping them know they have no right: Be it therefore enacted by the authority aforesaid, that after such recovery is made, the plaintiff may have his, her, or their action or actions for the damages by him, her, or them sustained.

Clause 11.  
All Negro actions to be first put on the Court List. Vide Cl. 7. Penalty on officers in cases of corruption.

And be it further enacted by the authority aforesaid, that all actions relating to the property and right of Negroes, and the pleadings to them, shall be put first upon the list, and called for trial as the same shall severally be, according as they are entered; and if it appear that the officers, or any of them, be guilty of any corruption either by neglecting to give timely summons, or in summoning of juries, or wilfully fail in their duty by giving wrong copies of records, misplacing such actions on the list, or otherwise, then such evil practices being duly and legally proved before the said court, or the major part thereof, the said officer shall be displaced and for ever rendered incapable of the said office, and be further liable to the damages sustained by reason of such misfeasance.

Clause 12.  
Writs of error and injunctions to be before judgment, or in fourteen days after.

Exceptions.  
Writs of error to be first put on the list.

And be it further enacted by the authority aforesaid, that all writs of error on Negro actions shall be brought within fourteen days after judgment given at the common law, or after any judgment given upon a complaint before any justices of the peace, and also all injunctions which shall be necessary and allowed by the chancellor, shall be brought before judgment, or within fourteen days after, persons beyond sea, femmes couvertes, and infants excepted, and all writs of error which shall be brought on Negro actions shall be put first on the list of error.

Clause 13.  
No Negro action or complaint shall abate by the death or absence of the plaintiff,

but the representatives admitted parties to the record, and allowed one month's time to prosecute such action or complaint

And be it further enacted by the authority aforesaid, that in all proceedings relating to the possession or detention of Negroes or other Slaves before the justices or property before any of the judges of the respective Courts of Common Pleas in this island, no action, Bill, complaint or any other proceedings where there is but one plaintiff, shall fall or abate either by death or absence of any one or more, or all of the said plaintiffs to the action or complaint, but those who have the right of representation either as heirs, guardians, executors, administrators, or attorneys, such qualifications being produced upon record, shall be admitted and made party or parties to the

record by the rule or order of the judges or justices before whom the complaint or action lies, and such person or persons so admitted party or parties shall have one month's time after such their admittance, that they may have due time to prosecute the interest of the person or persons whom they represent, neither shall such action fall by the death of any or all the defendants, but such action or complaint shall go on and be maintained against any the representatives of such defendant or defendants, or such person or persons as shall have the Negroes or Slaves demanded in their possession, and such representative of the defendant or person or persons who have the said Negroes in their possession, shall be made parties to the said complaint or action in manner aforesaid, to the end they may have due time to defend the interest of themselves or the persons they represent.

Representatives of the defendant also admitted ut supra.

And be it further enacted by the authority aforesaid, that if the defendant or defendants in any action in any of the Courts of Common Pleas within this island, shall plead that such Negro or Negroes, Slave or Slaves, are not in their possession, then and in such case, it shall be sufficient for the plaintiff or plaintiffs, to prove by one or more legal evidence or evidences to the jury, that such Negro or Negroes, Slave or Slaves, were in the possession of the defendant either upon the day of the action brought, or within ten days before the action brought, provided the defendant hath not delivered unto the complainant the Negroes so complained or sued for within ten days after complaint; and if the plaintiff or plaintiffs find any difficulty to prove the possession in part or in the whole, then complaint may be made as aforesaid to the two nearest or neighbouring justices to the complainant, who are hereby required to proceed in manner aforesaid, for discovery of the possession by or upon the oath of the party or parties so complained of; and if upon such complaint or examination any time of possession of any Negro or Negroes, Slave or Slaves, shall be proved, then a certificate of the time of such possession under the hands and seals of the said justices, shall be sufficient proof to the jury, to find for any plaintiff or plaintiffs, commencing their action or actions in manner aforesaid.

Clause 14.  
It shall be sufficient for the plaintiff to prove the Negroes were in the defendant's possession at the time of bringing the action, or within ten days before,

unless the defendant deliver the Negroes in ten days after the complaint made. On any difficulty to prove the possession the plaintiff may complain to two justices, for discovery on the defendant's oath. See Clause 3.

Justice's certificate shall be sufficient proof to the jury.

And be it further enacted by the authority aforesaid, that if any widow seized of any Negro or Negroes, Slave or Slaves, of the dower of her husband shall send off, or any ways directly or indirectly consent to the sending off this island, or sell and dispose of any such Negro or Negroes, Slave or Slaves, so that they or any of them are sent off this island as aforesaid, without the lawful consent of him, her, or them, in reversion or remainder being of full age, and also of the executor or administrator, where they are liable to the payment of debts for want of other effects, then, and in such case, it shall and may be lawful for him, her, or them, in reversion or remainder, or the executor or administrator, and every of them, or those who have any trust lodged in them for the use of any other, to enter and take possession of such Negro or Negroes, Slave or Slaves, and all other the estate which she holds of the dower of her husband, the same being forfeited by the sending off or disposing of such Negro or Negroes, Slave or Slaves, by this Act; and further, if any such widow shall marry an husband who shall send off, or sell and dispose of any such Negro or Negroes, Slave or Slaves, so that they are sent off as aforesaid, without the lawful consent of him, her, or them, in reversion of the trustees as aforesaid, and every of them, then, and in such case, the person or persons who have the reversion, shall and may enter into and enjoy all and every the estate which the said husband holds in right of his wife as her dower, whereof such Negro or Negroes is or are part or the whole, for and during the life of her husband.

Clause 15.  
Tenant in dower sending off any Negro without consent of party in reversion, &c. the party in reversion may enter and take possession of all other the Negroes and estate held in dower, the same being thereby forfeited.

Husband of the widow in dower, sending off or selling any Negro, party in reversion, may enter into and enjoy all the estate held in dower during the life of the husband.

And that it may fall out that the Negroes and Slaves sent off as aforesaid, or disposed of, may be of greater value than the estate that such person or persons in reversion or remainder, or as executor or administrator can find to enter upon, so that there may be a great defect of a just remedy in such a case: Be it therefore enacted by the authority aforesaid, that the person or persons in reversion or remainder, shall and are hereby empowered to have an action or actions at common law against the widow and against the husband, for the recovery of treble the full value of such Negro or Negroes so sent off or disposed of as aforesaid, out of any other estate of her said husband.

Clause 16.  
Negroes in dower sent off, being of greater value than the remaining estate held in dower, party in reversion to have an action at common law against the offender, for treble the value of the Negroes sent off.

Clause 17.  
Interruptions on entries, for any forfeitures; the party injured to have remedy at common law.

Recoveries at law to be levied on any estate of the offender, as in the Courts of Common Pleas. See Clause 5, 7, and 11.

Clause 19.  
The same proceedings and penalties against tenants for life, as tenants in dower.

Tenants for life or dower, wilfully destroying or disabling such Negroes, to pay treble their value to the party in reversion.

How and where recoverable.

Clause 19.  
Method of bringing actions for Negroes or their value.

See Cl. 5, 7, and 11.  
Exceptions as to trover and trespass.

Proviso—  
Plaintiff's partition or dower, not to recover any penalty or damages, on actions, where the defendants are out of possession.

Proviso—  
This Act not to extend to lender or letter of Negroes for any time expired; nor to any overseer, &c. who, by consent of the claimer, come legally into such possession, as appears clearly a bare trust. But in all such cases the claimant to be put into possession by the justices, and the same proceedings to be had in case of refusal, as for an illegal detention.

If any person who detains a Negro unlawfully, and hires him to another, he that so detains and hires out shall be liable to the penalty, and not the person to whom he is hired.]

And also that it is not hereby provided, that if such persons in reversion or remainder, or an executor or administrator, be interrupted in their entering upon such estate forfeited as aforesaid, how they shall be remedied: Be it therefore enacted by the authority aforesaid, that every person or persons so injured as aforesaid, shall and is hereby fully empowered to bring an action or actions at the common law, for the recovery of such forfeited estate, be the same land, buildings, Negroes, or Slaves, or the value thereof, against any person or persons who shall impede, molest, or interrupt any such person as aforesaid, from taking or entering on any the estate hereinbefore mentioned; the said recovery to be levied on any the estate real or personal against whom such recovery shall be had and obtained according as is appointed by the Acts relating to the Courts of Common Pleas, which action or actions shall be tried within the same time and under the same rules and penalties in the proceedings as is provided for the recovery of Negroes as aforesaid.

And be it further enacted by the authority aforesaid, that the same proceedings shall be had and made against all persons that are possessed of Negroes or other Slaves, for and during their natural lives or the life of another, if they or any of them shall send off or sell any such Negro or Negroes, Slave or Slaves, or dispose of them so as they are sent off this island, and be under the same forfeiture to all intents and purposes as the widow and husband lie under as aforesaid; and if any person or persons so holding any Negro or Negroes, Slave or Slaves, either in dower or for term of his or her own life or the life of another person, shall wilfully destroy, maim, or disable any Negro or Slave so held, shall pay treble the value of such Negro or Slave so destroyed, maimed, or disabled, to the person or persons in reversion or remainder, or to his or their lawful representative, to be recovered against such offender or offenders in damages in the Courts of Common Pleas where such offender lives, and be liable to be sued there for the same at any time after the said offence is committed.

And be it further enacted by the authority aforesaid, that all Negroes and Slaves, or the value thereof, shall be sued for, and tried by action of detinue, writ *de partitione facienda*, action of trover and conversion, trespass, or of dower, as the case shall require, and by no other writ or action whatsoever; and all proceedings to and upon such action of detinue, partition, or of dower, shall be in the same manner as hereinbefore is expressed and appointed: but as to trover and trespass, the proceedings shall be after the accustomed method of the common law. Provided always, and it is the true intent and meaning of this Act, that the complainants in partition or dower are not to recover any penalty or damages, upon such actions, against the defendants for the time the complainants have been out of possession, other than what may accrue to them from the commencement of their right, which they may sue for by due course of law. And it is further provided, that this Act, or anything herein contained, shall not extend to any person or persons whatsoever, that hath or shall lend any Negro or Negroes, Slave or Slaves, or let any such for any time or term of years, or for a shorter time, whose leases or agreements are expired, nor to any attorney, overseer, or other person who came by the possession of any such Negroes or Slaves, by act or consent of the claimers, or by some persons by, from, or under him, her, or them, and whose possession appears clearly to be but a bare trust; for and in all such cases the party or parties who makes the claim shall be put into possession of such Negroes or Slaves, by the said justices, in manner and form aforesaid; and the same proceedings are to be had in case of refusal, as in an illegal detention, anything in this law seeming to the contrary notwithstanding: And in all cases where any Negro or Negroes, Slave or Slaves, unlawfully detained, are or shall be lent, rented, or hired out, the borrower, renter, or hirer, shall not incur or be subject to the penalty of five pounds per diem, but the person lending, renting, or hiring out shall be liable and subject to the same only, and be levied upon for it accordingly.

And forasmuch as many times guardians, executors, and administrators, by connivance and fraud, do suffer Negroes under their trust to be undersold, and often buy such Negroes themselves, or contrive that they be bought for them, to the great loss of orphans, creditors, legatees, and all con-

cerned, such Negroes being sold oftentimes for half their worth, even to the ruin of the plantations to which they belong, and this many times when there are other effects, by which means such Negroes might be preserved: Be it therefore enacted by the authority aforesaid, that if any guardian, executor, or administrator, shall consent or agree with any marshal, officer, creditor, or other person, to have any Negro or Negroes, or other Slave or Slaves belonging to the estate which they or any of them have in trust as aforesaid, to be extended or sold at outcry, or suffer or permit any such Negro or Negroes to be sold at outcry, when there are other effects, personal estate of the deceased liable to the payment of any such debt, in such case the said guardian, executor, or administrator, and every or any of them so consenting or agreeing, suffering, or permitting, shall be, and are hereby respectively, liable to the forfeiture of fifty pounds current money of this island, for each and every Negro or other Slave so extended or sold at outcry to Her Majesty, her heirs and successors, to the use of the party grieved.

And be it further enacted by the authority aforesaid, that upon all outcries of Negroes there shall be twenty days for redemption, as in case of land, and until the expiration of the said twenty days no property shall be transferred to the purchaser, who shall not be obliged to pay his money for the Negroes purchased until the expiration of twenty days, any law or statute to the contrary notwithstanding; and during the said twenty days, the Negroes so purchased shall remain in the hands of the purchaser, he giving security in double the sum which the said Negroes sold for, to re-deliver them to the marshal, if the person or persons from whom they were attached, or their executors, administrators, or assigns, or the person that hath the title of the said Negroes, shall, at any time within the said twenty days, make due tender of, and pay unto the marshal that outcried them, or his lawful deputy, the full value of the outcry and his lawful charges, in which case such purchaser at outcry, shall deliver back all the Negroes and Slaves so bought and redeemed unto the said marshal, who shall forthwith deliver them to the person or persons that shall so redeem them; and if the purchaser shall refuse on such demand of the said marshal to deliver them to him, then such person so refusing shall, from the day of such refusal, be deemed and adjudged an unlawful detainer of the possession of all such Negroes and Slaves, and be in all respects subject and liable to be prosecuted for the same before the two next justices, and suffer the penalties provided for in this Act. Provided nevertheless, that if any of the said Negroes shall die a natural death between the time of their being outcried and the said demand of the said marshal, in order to his restoring them to the person so redeeming them, the said purchaser at outcry shall suffer no damage or loss by such death, and shall be liable to deliver back such of them only as are living at the time of such demand made by the said marshal; but if the said Negroes so purchased at outcry are not redeemed within the said twenty days, then the right and property which the debtor had in such Negroes and Slaves shall divest and be settled in the purchaser, and the said marshal shall pass his bill of sale for the same accordingly, and then demand and receive the full value of the outcry from the purchaser, for the use of the creditor, which if the said purchaser shall refuse to pay at that time, he shall be subject and liable to such penalties and forfeitures as are hereinbefore appointed for such as neglect or refuse to pay for any effects bought at outcry, and shall be proceeded against accordingly.

And be it further enacted by the authority aforesaid, that for the better preserving Negroes on estates in this island, and keeping them entire together from ruin by the recovery of legacies left by testators, and just debts due from their estates, which might with more ease be paid, without injuring any person concerned, by having a little longer time for the payment of such debts or legacies after they shall become due, it shall and may be lawful for any executor, administrator, or other person in trust, not having sufficient effects in his or their hands belonging to the testator, or the estate that he or they are intrusted for to pay and satisfy, or cause to be paid and satisfied, any legacy or just debt, after the same shall become due, from the estate, that the Negroes may be preserved on the plantation, and prevented from being levied on and carried from it, which would inevitably ruin the same,

## Clause 20.

Guardian, executor, or administrator agreeing with marshal, &c., to have Negroes sold at outcry, or permitting the same where there is personal estate subject to the debt, forfeits fifty pounds to the party grieved.

Vid. oath of an executor, &c., p. 173.

## Clause 21.

Twenty days' redemption on all outcries of Negroes, as in case of land before the property is transferred to the purchaser, or he obliged to make payment, and during the twenty days the Negroes shall remain in the hands of the purchaser; but he shall give double security for re-delivery to the marshal, in case of redemption. See also No. 28, Cl. 10.

On refusal thereof, such person to be deemed an unlawful detainer, and subject to the penalties of this Act.

## Proviso—

Where Negroes die a natural death between the time of outcry and the marshal's demand for re-delivery.

If no redemptions made in twenty days, the property to be settled in the purchaser. See No. 28, Cl. 10.

And the marshal to give a bill of sale, and then demand the value of the outcry, which shall be immediately paid, or the purchaser liable to the penalties in this Act, on outcries. See Clause 4.

## Clause 22.

Where the effects are not sufficient to pay debts and legacies the executor, &c. may discharge them to prevent the Negroes being sold, and the estate shall remain a security for the sums so advanced, with interest thereon at 10 per cent, until the same be fully satisfied.



and put it out of a capacity of recovering itself again, and what money any executor, administrator, or other person in trust, shall pay or satisfy, or cause to be paid and satisfied for the discharging such legacies and debts as aforesaid, the estate shall stand and remain a security for the money paid or satisfied, or to be paid as aforesaid, with interest for the same, at and after the rate of ten pounds per cent per annum, until the same shall be fully paid and satisfied.

And whereas it often falls out that, after the death of any person or persons possessed of Negroes and Slaves, great disputes arise about the title and possession of such Slave or Slaves, so that several persons pretend right to them, and get them many times by indirect means into their several possessions, which proves oftentimes the ruin of the plantations and the persons to whom they really belong, occasioning long and tedious lawsuits, the possession not being hitherto in such cases clearly settled, so that the justices of the peace may so safely proceed as the case requires: Be it therefore enacted by the authority aforesaid, that where any person or persons whatsoever shall die seized or possessed of any Negro or Negroes, Slave or Slaves, as aforesaid, the executor or executors, administrator, trustee or trustees of such persons, shall have the benefit of this law, to have such possession for and in behalf of the person or persons that have just right to them, or any of them, for preserving of them until the title of such Negroes and Slaves is settled and determined by due course of the common law or otherwise; and the said Negroes shall continue on the plantation of the party deceased until legally recovered by some person rightfully claiming: Provided always that the advantages accruing for the work of such Negroes and Slaves be not misapplied by such executors, administrators, or trustees, but they and every of them shall be accountable to the person or persons in whom the title is found good.

**Clause 23.**

Persons dying possessed of Slaves, their executors, administrators, or trustees, shall have the possession, in order to preserve them, until the title shall be determined.

**Proviso—**

That they account for the Negro's work with the right owner.

**Clause 24.**

When any Negro shall be executed, the justices, &c. shall inquire if any person is entitled to reversion, and give certificate, inserting the value thereof to be paid by the treasurer, after the party injured is satisfied.

Vide No. 82, Cl. 15. And the surplus to the person having a present estate in such Negro.

The inquiry to be on oath of the party demanding satisfaction before such certificate is granted.

**Clause 25.**

Commander of a ship or mariner carrying off any Slave without the owner's consent, to forfeit two hundred pounds, and for every Slave attempted to be carried off fifty pounds, to the owner of such Slave, to be recovered by action of debt, in any Court of Common Pleas.

Vide No. 159, which makes it death to carry off Negroes clandestinely, or even attempting it, as well as the persons aiding, abetting, &c. See also captain's oath, p. 172. If the Slave is carried off, recovery shall be had against the security of such vessel.

Out of which forfeiture, when received,

And be it further enacted by the authority aforesaid, that when any Negro or Negroes, Slave or Slaves, shall hereafter be executed, and the justices and freeholders, or field officers, shall have certified the values of such Negroes or Slaves as the law directs, then, if any person or persons have any right or title to a reversion or remainder in such Negroes or Slaves, the same shall be, by the said justices and freeholders, inquired into upon immediately after the trial, and the value of such reversion or remainder, after the party injured is paid, shall be by them set and inserted in the certificate, and awarded to such persons as those who represent them, and shall be by the treasurer of this island, accordingly, paid out of the whole value of such Negroes or Slaves, the other part being due to such person or persons who have a present estate in such Negroes or Slaves; the aforesaid inquiry to be made upon the oath of the party that demands satisfaction, to be administered unto him by the said justices or field officers, who shall have no such certificate granted unto him until he shall swear whether there be a reversion, and in whom the reversion (if any) is.

And be it further enacted by the authority aforesaid, that if any captain, master, or commander of any ship or vessel, or any other mariner or person, shall directly or indirectly carry off, or attempt, cause, or suffer to be carried off this island any Slave or Slaves belonging to the inhabitants of this island without the knowledge and consent of the owner of such Slave or Slaves, shall forfeit for every Slave so carried off the sum of two hundred pounds current money, and for every such Negro or other Slave attempted to be carried off as aforesaid, the sum of fifty pounds of like money to Her Majesty, her heirs and successors, for the use of the owners of such Slave or Slaves, to be recovered by action of debt in any of Her Majesty's Courts of Common Pleas held in this island against such commander, master, or other person so offending; and if any Slave or Slaves as aforesaid shall be carried off, then against the security for such ship or vessel in which such Slave or Slaves shall be so illegally carried off, to which action the defendant or defendants shall plead issuably, and execution thereon to issue and be levied in the same manner as by the laws of this island establishing the Courts of Common Pleas, and proceedings therein is directed and appointed, any law, usage, or custom to the contrary notwithstanding: Out of which forfeiture or forfeitures, after the same shall be recovered and received, the person and persons so recovering and receiving shall pay unto such person or persons as shall inform or make appear

the carrying off or attempting to carry off any Slave or Slaves as aforesaid, one-third part of the sum recovered and received, and upon neglect or refusal so to do, the said third part shall be recovered before the two next justices of the peace to the place where the said owner lives, and execution to issue and be levied as in case of servants' wages is appointed.

And be it further enacted by the authority aforesaid, that for every warrant granted by justices of the peace for detinue of Negroes, from and after publication of this Act, the said justices may demand two shillings and sixpence, and for every evidence summoned seven-pence halfpenny, and no more; but if out of the parish five shillings for the warrant, and two shillings and sixpence to the constable for serving the warrant, and also two shillings and sixpence for summoning each evidence in the said warrant, for every judgment, execution, levying, outcry, and other process; the same fees to the justices of the peace and constable, as are allowed to the judge and marshal of the Courts of Common Pleas.

And be it further enacted by the authority aforesaid, that if any person or persons who now is, are, or hereafter shall be, in possession of any Negroes or Slaves, and have quietly, without lawful interruption, possessed the same, either by himself or any other person or persons whatsoever under him, or under any such person or persons whom he, she, or they, shall claim by the space of five years last past, shall have a good right and title to the same, as in case of land, against all persons whatsoever, for and during the estate whereof he, she, or they are possessed, and have right to. Provided always, that this Act be not construed so as to prejudice married women, persons under age of one-and-twenty years, or of unsound memories, or persons absent from this island, who shall prosecute their respective titles within two years after their being unmarried, becoming of full age, or of sound memory, or arriving in this island.

And it is hereby further enacted and declared, that all persons whatsoever that shall hereafter make any claim to any such Negroes or Slaves within the time limited by this Act, do by the said action, or some other, if brought within five years, then next after bring the same to trial, and that trial to be conclusive on the plaintiff's part for ever; and never to bring any other action for the same, but to be for ever barred, any law, usage, or custom to the contrary notwithstanding; and it shall and may be lawful for any person or persons to give this Act in evidence on any trial at common law.

And be it further enacted by the authority aforesaid, that if any judges or assistants of the respective Courts of Common Pleas, or any justice or justices of the peace, or any officer of the Court of Common Pleas, or other courts concerned in the due execution of this Act, shall refuse or neglect to do and perform their respective duties appointed and required of them, in and by this Act, by delays or otherwise, every such person so offending, upon due proof thereof made before the governor and council, or commander-in-chief and council for the time being, shall be forthwith turned out of his place; and if any constable shall neglect or refuse to do his duty by this Act required, then the said justices of the peace before whom the matter or cause lies, shall commit such constable to the common goal, there to remain for the space of six months without bail or mainprize, and shall further appoint the execution of this law and their order to be put into the hands of some other constable.

And be it further enacted by the authority aforesaid, that if any person or persons duly summoned by virtue of this Act, or any person summoned as evidence in any matter or thing relating thereunto, shall refuse or neglect to answer to such questions as shall be required of them, and each of them, or shall not appear according to the legal summons to give in their evidences, all such offenders shall by the judge or justices before whom the matter lies, be forthwith committed to the common goal of this island, there to be kept for six months without bail or mainprize.—Provided, nevertheless, that the members of Her Majesty's council in this island, although they are justices of the peace, are hereby exempted from acting as justices of the peace on complaint of detinue of Negroes by this Act, and from the penalties therein contained for not acting as such, by reason they are judges of all errors, if a writ of error should be brought on any of their proceedings therein; and if any justice of the peace is related to either party complaining or complained of,

the informer to be paid one-third, recoverable as in case of servants' wages.

Clause 26.

Justice's and constable's fees, on complaints of detinue.

Clause 27.

Five years quiet possession without lawful interruption, a good title against all persons, as in case of land. Vide No. 21, Cl. 4.

Proviso—

Except femmes covert, infants, *non sane memoria* and absent persons, who are allowed two years after their disabilities are removed to prosecute their titles.

Clause 28.

Persons claiming in time to bring actions within five years, and come to trial, and the same to be conclusive on the plaintiff. The same as to land. Vide No. 50, Cl. 2. This Act may be given in evidence.

Clause 29.

Any judge, assistant justice, or officer, neglecting his duty, shall be forthwith turned out of his place;

and any constable neglecting his duty, to be committed six months without bail, and this Act and the justice's order executed by some other constable.

Clause 30.

Any person summoned and not appearing, or appearing and refusing his testimony, to be committed for six months without bail.

Proviso —

Councillors exempted from acting as justices on complaints of detinue, and from the penalties of this Act, as they are judges of all errors, if a writ of error should be brought on their proceedings.



Such consanguinity or affinity as is an exception to a juror, shall be a good objection against a justice, before the complaint be heard, but not afterwards. If such exception be just, the related justice is exempted from hearing the complaint and his fellow justice shall join the next magistrate not related to either party, and determine the cause.

in such nearness of blood or affinity as is a legal exception to a juror in the Courts of Common Pleas, then, and in such case, the justice or justices of the peace may be excepted against by either party, before any hearing be of the matter, but not afterwards; and if such exception be true and just, of which his fellow justice is to be the judge, then shall such related justice be exempted from hearing the cause, and his fellow justice shall join himself to the next justice of the peace of the quorum (if the quorum justice be wanting) not related to either of the parties as aforesaid, and those two justices shall be the proper and lawful triers of the possession of Negroes and Slaves according to this Act, anything herein seeming to the contrary notwithstanding.

And whereas it many times happens that Negroes and other Slaves are attached and sold at public outcry, for and towards satisfaction of public levies, parochial taxes, servants' wages, provisions of this country, produce, and for several fines and penalties made and laid on several persons by several Acts of this island, whereon executions are issued forth by justices of the peace, in many of which recited cases, records are not kept, or at least very often mislaid and lost, so that purchasers of Negroes or other Slaves by means thereof, have sometimes lost their right for want of recourse to the records on which such outcry was made: to prevent which evils for the future, Be it enacted by the authority aforesaid, that when any Negro or Negroes, or other Slave or Slaves, shall be attached and sold at public outcry, for any of the causes aforesaid, the constable or constables, or other officer or officers who shall outcry the same, shall be obliged to give the purchaser at such outcry a bill of sale under his or their hands and seals, and therein recite the whole proceedings, and set forth the cause for which such Negro or Negroes, or other Slave or Slaves, was or were so attached and sold; which said bill of sale being duly proved and recorded in the secretary's office of this island, shall vest a good right and title in the purchaser, against the person or persons from whom the said Negro or Negroes, or other Slave or Slaves, shall be so attached, and against every other person or persons who shall claim by, from, or under him, her, or them any law, custom, or usage to the contrary notwithstanding.

Clause 31.  
When Negroes are sold at outcry for public levies, &c. the constable or officer selling, to give a bill of sale, reciting all the proceedings.

Which being proved and recorded, shall vest a good title in the purchaser, against the person from whom they are attached.

Clause 32.  
Persons shewing effects not their own, to any marshal, constable, &c., for any demand, other than such as are liable thereto, shall forfeit two hundred pounds to the party grieved recoverable as servants' wages. See No. 28, Cl. 14.

All marshals, constables, &c. to set up notes in every town, for effects attached, mentioning the particulars ten days before any sale.

Outcry to be on the tenth day after setting up notes, and if the Negroes are not then sold, new notes are to be again set up, *ut supra*, on forfeiture of one hundred pounds, half to the informer, and the remainder for the use of the fortifications, recoverable as servants' wages.

Whoever shall pull down or destroy any notes for sales, shall

And be it further enacted by the authority aforesaid, that if any person or persons whatsoever, for the future, shall presume to shew any Negro or Negroes, or other Slave or Slaves, or other effects whatsoever, to any marshal, constable, or other officer, for or towards satisfaction of any demand whatsoever, made or to be made against him, her, or them, other than what he, she, or they may legally shew in satisfaction of such demand, in all and every such case, the person or persons so offending shall forfeit and pay to the party grieved the sum of two hundred pounds current money of this island, for every such offence, to be recovered before any two of the neighbouring justices of the peace, to the party grieved and complaining, as in case of servants' wages. And for the better prevention and discovery of such evil practices, all marshals, constables, or other officers who, after the publication of this Act, shall attach any Negro or Negroes, Slave or Slaves, or other effects whatsoever, and shall expose the same to sale at public outcry, for or towards satisfaction of any demand whatsoever, the said marshal, constable, or other officers, and all and every of them are hereby strictly obliged and required to set up or affix notes in every town of this island, mentioning the particulars of his or their levy and attachment, and from whom, for what, and for satisfaction of whom the same was made, and where, and at what time the said outcry is to be, which said outcry shall be on the tenth day after the setting up such notes as aforesaid; and in case the said Negroes are not then outcried and sold, they shall not thereafter be outcried and sold, but on the tenth day after, other notice given thereof by notes so set up as aforesaid, and all and every marshal, constable, or other officer, for every time he or they shall offend in this particular, shall forfeit and pay the sum of one hundred pounds current money of this island, to Her Majesty, her heirs and successors, one half to the use of the fortifications of this island, and the other to the informer, and to be recovered as in case of servants' wages: And if any person or persons whatsoever shall any ways destroy, deface, tear, or pull down any such note or notes, or shall cause or procure them, or any of them, to be destroyed, defaced, torn, or pulled down before the said ten days, and sale at outcry shall be over, on due proof

thereof before any justice of the peace in this island, every such person shall forfeit and pay to Her Majesty, her heirs and successors, the sum of ten pounds current money for every Negro or Slave mentioned in such note or notes, one half to the use of the fortifications of this island, and the other to the informer, to be recovered as in case of servants' wages. But if no Negroes or Slaves are mentioned in such note or notes, then the party offending shall forfeit only the sum of ten pounds for every such note or notes, to be to the same uses, and recovered in the same manner as aforesaid.

And forasmuch as the several complaints concerning Negroes and other Slaves in this Act mentioned, are appointed to be inquired into by the two next or neighbouring justices of the peace to the party complaining, so that it may sometimes happen that the said justices may differ in opinion concerning any complaint which shall come before them: Be it therefore enacted by the authority aforesaid, that in case of any such difference in opinion, to take unto their assistance the next adjoining justice of the peace, and them three, or any two of them, shall sentence, adjudge, and determine the matter in complaint, anything in this law to the contrary in anywise notwithstanding.

And be it further enacted by the authority aforesaid, that all caveats against sending off Negroes or other Slaves, which for the future shall be entered in the secretary's office of this island, shall continue and be of full force for the space of one year from the day of the date thereof and no longer, unless then renewed for one year longer, and so from year to year as there shall be occasion.

Passed the 24th day of June 1709.

forfeit ten pounds for every Negro mentioned in such note, recoverable and applicable as the preceding forfeiture.

But if no Slaves are mentioned in the notes, then to forfeit only ten pounds to the same uses, and recoverable in the same manner.

Clause 33.

Justices differing in opinion may call to their assistance the next magistrates, and these three, or any two of them, shall determine the complaint.

Clause 34.

Caveats against sending off Slaves, to be in force only one year; but may be renewed from year to year.

8.

(No. 161.) An Act for the Punishment of Runaway Slaves, and of Slaves who shall wilfully entertain, harbour, and conceal any Runaway Slaves. Vide No. 83 and 93.

WHEREAS divers Negroes and other Slaves do often run away and absent themselves from the service of their owners, and are wilfully entertained, harboured, and concealed by other Slaves, to the great detriment of the owners of such runaway Slaves, and to the grievous mischief of the inhabitants of this island in general: Be it therefore enacted by the Honourable Samuel Barwick, Esquire, President of his Majesty's Council, and Commander-in-chief of this island, and other the Caribbee Islands to windward of Guadaloupe, &c., the honourable the members of his Majesty's Council, and the General Assembly of this island, and by the authority of the same, that if any Negro or other Slave, shall hereafter wilfully entertain, harbour, and conceal any runaway Slave, and shall be thereof adjudged guilty by any justice of the peace, upon confession or proof, such Negro or other Slave so offending, as also every Negro or other Slave so run away, wilfully entertained, harboured, and concealed, and thereof adjudged guilty in manner aforesaid, shall severally for such first offence, receive one and twenty lashes on their bare backs; and for the second offence of the same nature, every such Negro or other Slave so severally offending, shall receive thirty and nine lashes on the bare back; and for the third offence of the same nature, every Negro or other Slave so severally offending, shall receive thirty and nine lashes on the bare back, and be branded in the right cheek with a hot iron, marked with the letter R, and for every other offence of the same nature afterwards, every such Negro or other Slave so offending, shall be punished at the discretion of the justice, life and limb excepted.

Preamble.

Clause 1.

Negroes, &c. harbouring any Slave run away, shall on conviction before a justice of peace, receive twenty-one lashes for the first offence, and the runaway Slave shall be punished in like manner.

For the second offence thirty-nine lashes.

For the third offence shall receive thirty-nine lashes, and be branded R on the right cheek, and for every other offence punished at the discretion of the justice.

Clause 2.

And be it further enacted by the authority aforesaid, that from and after publication hereof, it shall and may be lawful for any justice of the peace within this island, and every justice of the peace is hereby authorized and required upon complaint and oath to him made that any Negroes or other Slaves are run away, and have absented themselves from the service of their owners, and at the request of such owners, or their attornics, and not otherwise, to issue a warrant to such owners or their attornics, or to some discreet

Every justice of peace upon complaint on oath, to issue a warrant to search for and apprehend runaway Slaves; and all Slaves suspected of harbouring them, to give judgment against of-

fenders, and record his proceedings.

Any person executing such warrant, may raise and arm ten men to assist him.

Clause 3.

But shall execute no other writ at the same time, under the penalty of fifty pounds, half to his Majesty, and half to the person aggrieved.

person or persons to be recommended for that purpose, by such owners or their attorneys, and to be approved of by such justice, to search for and apprehend all such runaway Slaves, as also all such Negroes or other Slaves, as the said complainants shall have just cause to suspect to be guilty of wilfully entertaining, harbouring, and concealing such runaway Slaves, and them to bring before such justice to be dealt with according to the directions of this Act for such their offences; and the said justice is hereby authorized and required to hear and determine such complaints, and to give judgment thereupon against any Negro or other Slave, that shall be by him adjudged guilty of any the offences aforesaid, according to the directions of this Act, and of all such complaints and the proceedings thereon, the said justice shall make record; and every such person to whom such warrant shall be directed, is hereby authorized and empowered to raise and arm any number of men not exceeding ten, to assist in the execution of such warrant.

Provided always, and it is hereby enacted by the authority aforesaid, that such person to whom such warrant shall be directed, shall not at the time of executing of the said warrant, execute any other warrant or writ, nor be aiding, abetting, or assisting, nor connive at, assent or consent, to the executing of any other warrant or writ at the same time, under the penalty of fifty pounds current money, to be recovered against such person by action of debt, plaint, bill, or information in any of the courts of record in this island, one moiety thereof to the King's most excellent Majesty, his heirs and successors, and the other moiety to the party aggrieved, who is hereby empowered to sue for the same in manner aforesaid.

Passed November 11th, 1731.

9.

(No. 164.) An Act for the better governing of Negroes, and the more effectual preventing the Inhabitants of this Island from employing their Negroes or other Slaves in selling or bartering.

Vide No. 82.

Preamble.

Clause 1.

Justices of the peace required to put the laws for governing Negroes in force, particularly the Acts No. 82, and No. 116.

WHEREAS several good and wholesome laws have been made and provided for the government of Negroes in this island, and to prevent the inhabitants from employing their own or other Negroes or Slaves in selling or bartering, which laws, if duly put in execution, would redound to the great advantage and benefit of the people of this island, and prevent many felonies and other crimes and abuses daily committed by Negroes and other Slaves, to the great impoverishment, loss, and damage of the inhabitants; for the better execution therefore of the said laws, and to prevent such enormities and abuses for the future: Be it enacted by his Excellency, the Right Honourable Scroop Viscount Howe, Baron of Cleonelly, His Majesty's Captain-general and Governor-in-chief of this and other the Caribbee Islands to windward of Guadaloupe, &c., the honourable the members of His Majesty's Council and the General Assembly of this island, and by the authority of the same, that from and after the publication of this Act, it shall and may be lawful to and for all or any of His Majesty's justices of the peace within this island, and they are hereby required respectively to put the said laws forthwith in execution against all and every person offending against the same, particularly the Act or Statute bearing date the eighth day of August, one thousand six hundred and eighty-eight, entitled "An Act for the governing of Negroes," and one other Act bearing date the sixth day of January, one thousand seven hundred and eight, entitled "An Act to prohibit the Inhabitants of this Island from employing their Negroes or other Slaves in selling or bartering."

Clause 2.

Ministers in each parish shall, on fifty pounds penalty, publish the said laws, with this Act, in the several parish churches, on the second or third Sunday in January yearly.

And to the end that greater and better notice may for the time to come be had and taken of the said Acts and Statutes: Be it further enacted by the authority aforesaid, that the several rectors or officiating ministers of the respective parishes within this island for the time being shall, and they are hereby required under the penalty of fifty pounds to His Majesty, to be recovered against him or them neglecting his or their duty, by action of debt, in any of His Majesty's Courts of Record in this island, to be commenced

and prosecuted by any person that will sue for the same, to cause the said Acts or Statutes, together with this Act, a copy whereof for that purpose the churchwardens of the respective parishes within this island for the time being shall, and they are hereby required, under the like penalty of fifty pounds, to be recovered in the like manner, and to the said uses as the said penalty on rectors and officiating ministers, to provide and send annually to the said rectors or officiating ministers, to be openly read in church immediately after divine service on the second Sunday in January yearly; or in case there should be no service on the second Sunday aforesaid, then on the first Sunday after on which there shall be divine service; one half of the said penalties to be for the informer, and the other half for the use of the poor of each parish where such neglect shall happen.

And the several churchwardens shall furnish them with annual copies for that purpose, under the like penalty.

Application of the forfeitures.

Clause 3.

And be it further enacted by the authority aforesaid, that from and after publication of this Act, it shall and may be lawful to and for every constable within this island, and to and for the clerk or clerks of the market for the time being, his or their deputy or deputies, who shall have taken the oath appointed to be taken in and by the said last-mentioned Act, and to and for every other person whatsoever, to seize and apprehend all such Negro and other Slaves in whose custody he or they shall find any sugar canes, whole or in pieces, muscovado, or other sugar syrup, rum, or molasses, cotton, ginger, corn, or grain of any kind, plate wrought or melted down, iron, lead, copper, pewter, brass, tin, or other goods of what nature or quality soever, and likewise to seize and take from such Negro or Negroes, Slave or Slaves, all such goods as shall be so found in his or their custody; and the said Negro or Negroes, Slave or Slaves, together with such goods, to carry before the next or neighbouring justice of the peace, before whom, if sufficient proof shall not be made to his satisfaction that the same goods were delivered or sent by the master or mistress of such Negro or other Slave, or by such as shall act under him or her, to be sold or otherwise disposed of to his or her use, and with a ticket for that purpose, and under the same restrictions, directions, and appointments as by the said former laws, or either of them, is required and enacted, the said goods and every of them shall be adjudged forfeited; and thereupon the same, or so much thereof as the said justice in his discretion shall think fit, shall by such justice be forthwith sent to the common gaol of this island, there to be distributed or disposed of among the prisoners in gaol as the provost marshal or his deputy, having a just regard to the poverty and circumstances of each prisoner, shall in his discretion think fit and reasonable: And in case any of the aforementioned goods shall be suspected to have been stolen, shall be found in the custody or keeping of any white person, or that the same shall be found selling or exposed to sale at any door, window, or other place in any of the towns of this island, or in or near the roads leading thereto, the same shall and may be also seized upon or taken by any of the persons aforesaid, who shall think proper to seize the same, and in like manner carried to the next or neighbouring justice of the peace, before whom, if it shall not appear to his satisfaction that the same, and every part and parcel thereof was legally and honestly come by, or bought from the true, rightful, and lawful owner, or from some Negro or other Slave sufficiently authorized to dispose thereof, as by the said former laws is directed, all and every such goods shall likewise be adjudged forfeited, and the party or parties claiming the same, or in whose custody, possession, or keeping the same were found, and every Negro or Slave which shall appear to be any wise concerned in the same, either by bringing the said goods or any of them to town, or taking upon them to sell or expose, or offering the same to sale, shall be proceeded against as in and by the said former laws, or either of them, or any other law, Act, or Statute of this island is directed or appointed, and the goods so taken and adjudged forfeited, or so much thereof as the said justice shall think proper, shall in like manner be forthwith sent to the common gaol, there to be disposed of as hereinbefore is directed and appointed: Provided always, and it is the true intent and meaning of this Act, that if the true lawful owner of any goods so to be seized shall appear to such justice, before whom the same shall be carried for his judgment and adjudication thereon, and whose determination concerning the same shall be definitive and conclusive to all parties, then and

Constables, clerks of the market, or any other person, may apprehend Negroes in whose custody sugar-canes, sugar, rum, &c. or other goods are found; to take such away, and carry them, with the Negroes, &c. before a justice.

Who shall condemn the goods to the use of the poor prisoners in gaol, if it doth not appear that they were delivered to the Negro by the master, to be sold for his use, and with a ticket as directed by No. 82, or No. 116.

Goods suspected to be stolen, and found in the possession of a white person, may also be seized and carried before a justice.

If it doth not appear they were honestly come by, they shall in like manner be forfeited and applied. The person in whose custody they are found, and every Slave concerned, to be proceeded against as by former laws are directed.

Proviso—

If the owner of such goods, so seized, appear before the justice, they shall be restored on his paying the person seizing

them any sum not above five shillings.

If the owner of plate or other valuable goods seized is not known, the justice, under the penalty of twenty pounds, shall give notice, with a description thereof, in writing, to be affixed to, and remain on, every church door in the island two Sundays.

To be also cried on the Wednesday or Thursday between the said two Sundays, in the towns of St. Michael and Speights. If the owner does not appear in ten days after, the goods shall be sold, and the justice receive twenty shillings, the remainder to be applied, half to the informer and half to the party grieved, or among the poor of the parish, or among the prisoners in gaol and the said poor, as the justice shall order.

If the owner doth appear and prove his right, restitution shall be made on his paying five shillings to the captor and twenty shillings to the justice.

Clause 4.  
No Negro allowed to plant cotton or ginger for his own use; and if found exposing any to sale, the goods to be deemed stolen and the Slave punished, as directed by clause 3.

Any person buying such goods of a Slave shall be subject to the same penalties as those that buy stolen goods or deal with Negroes are by any former law.

in such case restitution thereof shall forthwith be made to the rightful owner or proprietor of such goods, he or she paying any sum not exceeding five shillings, as shall by such justice be adjudged reasonable, to the person or persons who seized the same; but in case the owner or proprietor of any plate or other valuable goods so to be seized or taken, may not presently be known, the justice before whom such plate or other valuable goods shall be carried (the members of His Majesty's council excepted, unless they think proper to act) is hereby required under the penalty of twenty pounds, to be recovered before any other of His Majesty's justices of the peace for His Majesty, his heirs and successors, one half thereof to the informer, and the other half to the party grieved, to give public notice, in writing, of such seizure of such stolen plate or other valuable goods, with the marks and best description thereof that can or may be given; and such notice in writing shall, by nine o'clock in the morning of one of the two next Sundays after such plate or other valuable goods shall be brought or carried to such justice, be affixed to every church door in the respective parishes of this island, there to remain till after the Sunday following; and in the mean time, *viz.*, on the Wednesday or Thursday between the Sundays aforesaid, the same plate or other goods to be described in such notice shall be publicly cried between the hours of nine and twelve in the forenoon, in the towns of St. Michael and Speights, or Little Bristol, and if in ten days after such notice shall be so affixed, the rightful and lawful owner of such plate or goods shall not appear before such justice, and make out his or her claim, right, or property thereto, then, and not before, it shall and may be lawful for such justice to sell or dispose of such plate and goods at public outcry, in the market town in the precinct, according to the method used by the marshal of the Court of Common Pleas, one half thereof, after deducting twenty shillings for the care and trouble of such justice in advertising, and crying, and selling of the said valuable goods according to the directions of this law, for the use of the informer, and the other half to be distributed as aforesaid, or among the poor of the parish where such sale shall be made, or amongst the prisoners in the common gaol, and the said poor in such proportions as the said justice in his discretion shall think proper; but in case the true, rightful, and lawful owner shall in the mean time appear before such justice by himself or other person lawfully authorized thereto, and shall make due proof of his right or property to the satisfaction of the said justice, then and in such case restitution of all such plate and other valuable goods shall be forthwith made to such owner or proprietor claiming the same, he or she paying five shillings to the informer or captor of such plate or goods, together with twenty shillings to such justice, for his care and trouble in the execution of his office, and giving such notice as hereinbefore directed, and causing the same to be publicly cried as aforesaid, anything hereinbefore, or any law, custom, or usage, seeming to the contrary hereof in anywise notwithstanding.

And whereas it is very inconvenient to the inhabitants of this island, especially to the cotton and ginger planters, that Negroes or other Slaves should be at liberty to plant any quantities of cotton or ginger, for that under pretence thereof great frauds and felonies are frequently committed, and clandestine trade by means thereof is daily carried on between ill-disposed white persons and Negroes or Slaves; for prevention whereof for the future, Be it further enacted by the authority aforesaid, that from and after the publication of this Act, it shall not be lawful for any Negro or other Slave, to plant to his own or other use than that of his master, any cotton or ginger whatsoever, and that if any Negro or other Slave shall be found with any such or exposing the same to sale, such cotton and ginger shall be deemed as stolen goods, and the same proceedings, penalties, and forfeitures shall be had, made, and prosecuted thereon against such Negro or other Slave, as in the cases hereinbefore mentioned; and any huckster or other person who shall be convicted of dealing with or buying any such cotton or ginger from such Negro or other Slave, shall be subject to the same penalties and proceedings as by the said two last-mentioned Acts or Statutes, or any other Act or Statute of this island touching stolen goods, or trading with Negroes or other Slaves, are already inflicted, directed, or appointed, any former law, custom, or usage to the contrary in anywise notwithstanding.

Provided always, and be it further enacted, that in case any of the persons aforesaid, who shall seize or take any of the goods aforesaid, shall fail or neglect to carry the same in two days before the next justice aforesaid, in order to have and receive his judgment or determination thereupon, every such person so offending and convicted thereof before such justice, shall forfeit and pay to the party grieved any sum not exceeding ten pounds at the discretion of such justice, the same to be levied by warrant under his hand and seal directed to any constable, by distress and sale of any of the goods or chattels of the party offending as aforesaid, as in case of servants' wages; and in case goods of the party so offending shall not be found sufficient to satisfy the sum adjudged against him, then, and in such case, the persons so offending shall be apprehended and conveyed to the common gaol, there to remain until satisfaction shall be made to the party grieved as in case of executions from any of the courts of common law in this island: Provided also, that if any Negroes or other Slaves who shall have charge of any waggon, cart, cattle, horses, or asses belonging to their master or mistress, shall be seized and apprehended in pursuance of this law, whereby such carriages, cattle, horses, or asses, may be detained to the great prejudice of their owners, and more particularly to such as live at great distances from several towns in this island, they shall be forthwith discharged upon reasonable security being given to such justice of the peace before whom such Negroes or Slaves shall be brought, that such Negroes or Slaves shall be forthcoming in such time as such justice in his discretion shall think fit and reasonable, or as the case shall require.

And be it further enacted by the authority aforesaid, that in case any stolen goods shall be found in the custody of any person whatsoever, and that the person from whom the same were stolen, or any other person cannot take upon him to swear or depose against such person in whose custody such goods were found, as the actual thief or stealer thereof, every such person shall be proceeded against as receivers of stolen goods, knowing the same to be stolen, are proceeded against in that part of Great Britain called England, and he or they shall be taken and deemed an accessory or accessaries to such felony after the fact, and shall incur the same punishment as an accessory or accessaries to the felony after the fact committed.

Provided always, that it shall and may be lawful for the court where such offence shall be tried, to order and direct such accessory or accessaries to be prosecuted as for a misdemeanour, before the principal shall be convicted, as to such court, from the nature and circumstances of the case, shall seem proper, and if thereof convicted, shall be punished by fine and imprisonment, which shall exempt such offender from being punished as accessory to the felony, though the principal thereof should be afterwards convicted, any law, custom, or usage to the contrary in anywise notwithstanding.

Passed May 22d, 1733.

Clause 5.  
If the person seizing such goods, do not in two days carry them before the next justice, he shall pay any sum not above ten pounds, to the party grieved.

And for want of effects, to be committed to gaol till paid.  
Proviso—

If any Negro having charge of a carriage &c., shall be seized, and such carriage, &c., is detained, they shall be discharged, on giving security that such Negro shall be forthcoming.

Clause 6.  
Receivers of stolen goods, not prosecuted as principals, to be proceeded against as accessaries after the fact committed.

Proviso—  
And the court shall order such accessory to be prosecuted for a misdemeanour, before the principal is convicted, which shall exempt him from further punishment.

## 10.

(No. 196.) An Act for rendering more effectual, and for supplying many defects in the several Laws of this Island for the governing of Negroes. Vide No. 91, 92, 93, 112, 116, 117, 159, 161, 164, 180, 201.

WHEREAS divers mischiefs do often happen, and frequent disorders occasioned in and about the towns and other parts of this island, by the notorious fighting, quarelling, and other evil and daring practises of Negroes and other Slaves, openly carried on in the public streets and highways, to the disturbance of the general quiet of the inhabitants, which has been in great measure owing to the indulgence and countenance given by some masters and mistresses to their Slaves; and whereas though there is no express law for the punishing the said offences, yet it has been usual from the necessity and supposed reason of the thing, for magistrates to punish the same by whipping as directed in the like cases, which, however, has of late occasioned some

Preamble.



Clause 1.  
Any justice may upon due complaint issue his warrant for apprehending Negroes charged with fighting, quarrelling, swearing, drunkenness, obscene speeches, or other misbehaviour, or making, selling, or firing squibs, &c.

See No. 206, Cl. 3.

Constables may without a warrant apprehend Slaves offending as aforesaid, and carry them before a justice.

And Slaves committing either of the said offences, in the view or hearing of a justice or convicted before him, to be whipped according to the nature of the offence, &c., not exceeding thirty-nine lashes. The punishment of

Clause 2.  
Owners of Slaves whipped, are to pay the constable and whipper their fees, not exceeding fifteen-pence for each Slave. Vide No. 296, Cl. 3.

Proviso—  
This Act not to lessen the rewards given by former Acts for taking up runaway Slaves. See No. 82, Cl. 18, No. 180, Cl. 4.

Clause 3.  
Persons knowing or having notice from a constable, that Slaves have committed any of the aforementioned offences, and shall screen them from justice, or whoever shall obstruct the execution of this Act, to forfeit five pounds for every Slave secreted, half to the informer and half to the poor prisoners, recoverable as servants' wages.

Clause 4.  
Constables are to endeavour to prevent Slaves assembling at hucksters shops, or other unlawful meetings, and if necessary may take a guard to disperse them, and in case of resistance to secure and carry them before a justice to be punished.

Clause 5.  
Every person who

doubts and disputes to arise; to obviate therefore all such doubts, and to prevent such disputes for the future, to the end that there may be full provision made in these particular cases and an explicit law for the purpose, Be it further enacted by his Excellency Henry Grenville, Esquire, Captain-general and Governor-in-Chief of this Island, and all other his Majesty's Caribbee Islands to windward of Guadaloupe, &c., the honourable the members of his Majesty's Council and the General Assembly of this Island, and by the authority of the same, that from and after publication of this Act, any justice of the peace, upon due complaint to him made, shall have power and authority, and he is hereby required by warrant under his hand and seal, to cause any Negro or other Slave or Slaves to be apprehended and brought before him, for any threatening, fighting, or quarrelling one with another, or for any insolent language or gesture to any white or free person; or for swearing, cursing, or uttering any obscene speeches, or drunkenness; or making, selling, throwing, or firing of squibs, serpents, or other fireworks; or any other misbehaviour whereby the public may be disturbed or any particular person immediately aggrieved; but it shall and may be lawful for any constable without such warrant, to apprehend and secure any Negro or other Slave or Slaves so offending in his presence, and to convey him, her or them, as soon as conveniently may be, before the next or any neighbouring justice of the peace; and if any Negro or other Slave shall commit any of the said offences before mentioned and described, in the view or hearing of any justice of the peace, or be duly convicted of any of the said offences, before any justice, he may order him, her, or them to be whipped by a constable or the common whipper, according to the nature of the offence, and the state of health, age, and character of the offender, not exceeding thirty-nine lashes; but the punishment of women big with child may be respited.

And be it further enacted by the authority aforesaid, that for every Negro or other Slave who shall be apprehended and whipped by order of any justice of the peace, by virtue of this or any other Act of this island, the owner or other possessor of such Slave, shall immediately pay to the constable and whipper their reasonable fees, not exceeding fifteen-pence for any one Slave, to be determined by such justice of the peace, and proceeded for as in case of servant's wages; Provided that nothing herein contained shall be construed to lessen or alter any the rewards for apprehending of runaway Negroes, particularly appointed by an Act entitled "An Act for the Governing of Negroes," and also by another Act entitled, "An Act for amending an Act of this Island, entitled an Act for the Governing of Negroes," &c.

And be it further enacted by the authority aforesaid, that in case any person or persons knowing any Negro or other Slave to commit any offence within the description of this Act, or having notice thereof from any constable, shall harbour, conceal, or convey away any such Slave, whether the Slave be or be not his or their own, in order to hinder him or her from being punished according to the directions of this Act, or shall in any wise hinder its being put in force, or abuse or threaten any one for pursuing it, such person or persons who shall so offend, and be thereof convicted before any justice of the peace, by the oath of any one credible witness, shall forfeit for every Negro or other Slave so harboured, concealed, or conveyed away as aforesaid, five pounds, to be recovered by the informer as in case of servants' wages, one moiety thereof to be to the use of such informer, and the other moiety to the poor prisoners in the common gaol, to be distributed in such manner as the said justice shall direct and appoint.

And be it further enacted by the authority aforesaid, that the several constables in this island shall, at all times, use their best endeavours to prevent Negroes or other Slaves from gaming or assembling together at hucksters shops, tippling or dram houses, or other unlawful meetings; and, if necessary, may take to their aid and assistance a sufficient guard to disperse such Slaves, and in case of any resistance to secure them, that they may be carried before the next justice of the peace, to be examined and punished as the law directs.

And be it further enacted by the authority aforesaid, that every person who shall let on hire to any other person's Slave, or permit any such Slave

or Slaves, at the instance or on the credit of any other person, to have the use or ordering of any land, house, shed, or room, except in case of sickness, such person or persons offending as aforesaid, shall pay to the churchwarden of the parish where the offender lives, at the rate of five pounds a month for every such Slave, for so long a time as he or she shall have the use, ordering, or possession of any such land, house, shed, or room as aforesaid, to be recovered by such churchwarden from the offender, before any justice of the peace, as in case of servants' wages, and applied to the uses of the poor prisoners in the common gaol of this island.

See No. 210, Cl. 2. Where such are to pay the rent as a tax, above all other assessments.

And be it further enacted by the authority aforesaid, that whoever, knowing any Negro or other Slave to have committed a felony of any kind, or having notice from any constable, that any Slave is charged with any such capital crime before a justice of peace, shall oppose any one who lawfully endeavours to apprehend such offender, or shall rescue or aid any such offender in making his or her escape, or shall harbour or conceal any such offender from being brought to public justice, every such person shall, in every such case, pay unto the party injured his full damages, to be recovered in any Court of Record in this island; and whatever person shall apprehend a Slave who hath committed felony, or any capital crime, so that such Slave shall be brought to justice and executed, shall be paid by the treasurer of this island for the time being, out of any of the public monies, on a certificate of the justices and freeholders, the sum of fifty shillings.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for any justice of peace to impose upon any constable, for every wilful neglect or default of his duty in the execution of this Act, or any other Act for the government of Negroes, a penalty not exceeding five pounds, to be levied by distress and sale of the offender's goods, rendering him the overplus, if any, one moiety of such penalty to be paid to the informer, and the other moiety to be distributed among the poor prisoners as aforesaid: and every justice of peace who shall refuse to perform the duty required of him by this Act, or any of the other Acts relating to the government of Negroes, shall forfeit ten pounds, to be paid into the treasury of this island, and applied to the uses and purposes of the present or any future Excise Act, such forfeiture to be recovered by information, or other suit, in any Court of Record, provided the same be commenced within three months after such refusal.

And be it further enacted by the authority aforesaid, that whenever any goods or things taken away from any Slave shall be brought before any justice of the peace, in order to be condemned by virtue of any Act or Acts of this island, before condemnation shall be made thereof, the owner or reputed owner of such goods and things, if he or she be known, and can be found, shall be summoned before such justice, who is hereby required to hear what such owner may have to say, or can allege against such condemnation; and upon due consideration of the whole matter, to restore such goods and things to the said owner, or condemn them, as the case may require: But if such owner be not known, or cannot be found, or being summoned shall not appear before the justice within some reasonable and convenient time by him to be appointed, the said justice, in those cases, shall and may, nevertheless, proceed against such goods and things, in such manner as in and by such Act or Acts is required and directed.

And be it further enacted by the authority aforesaid, that all penalties and forfeitures herein mentioned, shall be to His Majesty, his heirs and successors, for the uses herein appointed; and if any person shall at any time be sued for any matter or thing by him done in pursuance of this Act, he or she may plead the general issue, and give this Act and the special matter in evidence; and if a verdict shall pass for the defendant, or the plaintiff be nonsuit or discontinue, or judgment shall otherwise pass for the defendant, such defendant shall recover his double costs.

Passed August 9th, 1749.

shall let to, or for the use of a Slave, any shed, room, land, &c., except in case of sickness, shall forfeit five pounds per month for every such Slave, for so long as he shall have the use of such room, &c., to be recovered by the churchwarden, before a justice, to the use of the poor prisoners.

Clause 6.

Whoever knowingly conceals any Slave charged with a capital crime, or shall oppose any one who lawfully endeavours to take such offender, &c., shall pay to the party aggrieved his full damages, recoverable by action.

And whoever shall apprehend such an offender, so that he be executed, shall receive from the treasurer two pounds ten shillings.

Clause 7.

Any justice may impose a penalty not exceeding five pounds, upon every constable for wilful neglect of his duty, in the execution of the Acts for governing of Negroes.

And every justice refusing to do the duties required of him by any of the said Acts, shall forfeit ten pounds, to be paid into the treasury for the uses of the Excise Act; the writ to be commenced within three months after such refusal.

Clause 8.

When goods are taken away from any Slave and carried before a justice for condemnation, he shall summon the owner or reputed owner before him to shew cause, &c. and upon due consideration the justice may condemn or restore the goods. If the owner cannot be found, or will not appear, the justice to proceed as directed by former Acts. See an Act passed March 15, 1747, which is since expired.

Clause 9.

Persons sued for pursuing this Act, may plead the general issue, &c.



## 11.

## No. 5. (MCORE.) An Act to amend an Act entitled "An Act for the Governing of Negroes."

Preamble.  
Hall's Laws, No. 82,  
Cl. 9d, recited.

Clause 1.  
A person who apprehends a Slave out of the owner's plantation without a livery, letter, or ticket, is not to correct, but to carry such Slave to the next justice, and make oath he saw or found no letter or ticket with such Slave, and that he believed such Slave was not on the owner's lawful business, upon which the justice is to summon the owner before him, and direct such owner to pay the person apprehending the Slave two shillings and sixpence; and the justice is also to inquire into the cause of the Slave's offence; and if the Slave was not on lawful business, to order a moderate whipping.

Proviso—  
This Act not to extend to Slaves apprehended on a plantation, or at any public meeting of Slaves on Saturday nights, &c., or to Slaves carrying large clubs, &c., or doing any Act tending to a breach of the peace.

WHEREAS, by an Act or Statute of this island, passed the eighth day of August, one thousand six hundred and eighty-eight, entitled "An Act for the Governing of Negroes," it is among other things enacted, "that it shall and may be lawful for all masters, overseers, and other persons whatsoever, to apprehend and take up any Negro or other Slave or Slaves that shall be found out of the plantation of his or their master or owner at any time, especially Saturday nights, Sundays, or other holidays, not being on lawful business, and with a letter from their master, or a ticket, or not having a white man with them (except only such Negro or other Slave or Slaves as usually attend their masters, and have on a livery), and the said Negro or other Slave or Slaves correct by a moderate whipping, and after notice given to their master, owner, or overseer, him or them detain until the said master, owner, or overseer pay to the said person that took him up, two shillings and sixpence for every such Negro or other Slave, he making oath before the next justice of the peace (if thereunto required by the owner of such Negro or other Slave,) that he found or saw no letter or ticket with him." And whereas divers ill-disposed and malicious persons, against whom they had conceived malice and ill-will have, under colour of the said recited Act, though contrary to the spirit and true intention thereof, made it their practice to apprehend, take up, and correct Slaves, whom of their own knowledge they knew were on the lawful business of their owners, merely because such Slaves were without tickets, which practice being very prejudicial and injurious to the owners of Slaves, particularly to those who, from the situation of their different estates, render it necessary that their Slaves should be frequently passing from one estate to another, and from their dwelling houses and estates to the towns and bays: For remedy thereof for the future, be it enacted by his Excellency Charles Pinfold, Esq., Captain General, Governor, and Commander-in-chief of this island, &c., the Honourable the members of his Majesty's Council, and the General Assembly, and by the authority of the same, that when any person shall hereafter, by virtue of the said recited Act or otherwise, apprehend and take up any Negro or other Slave or Slaves that shall be found out of the plantation of his, her, or their master or owner, and without a letter or ticket of such master or owner, such person so apprehending such Slave or Slaves shall not correct or whip him, her, or them, as directed by the said Act, but shall immediately carry the said Slave or Slaves to the next justice of the peace, and shall make oath before the said justice that he found or saw no letter or ticket with such Slave or Slaves, and further also, that he verily believed such Slave or Slaves was or were not on the lawful business of his, her, or their owner or owners; and the said justice shall thereupon summon before him the owner or owners of such Slave or Slaves, and shall direct the said owner or owners to pay unto the person so apprehending such Slaves, two shillings and sixpence for every such Slave; and the said justice shall also inquire into the cause of such Slave or Slaves absence from the plantation of his, her, or their owner or owners, and if it shall appear to the said justice that the said Slave or Slaves was or were not on lawful business, he or they shall, by order of the said justice, be corrected by a moderate whipping. Provided always, nevertheless, that this Act shall not extend to owners and overseers of plantations, who shall take up and apprehend Slaves found by them on such plantations, nor to any other person who shall take up and apprehend Slaves at any public meetings of such Slaves on Saturday nights, Sundays, or other holydays, or who shall take up and apprehend Slaves using and carrying of large clubs, wooden swords, or other mischievous and dangerous weapons, or doing any act tending to a breach of the peace, or disturbance of the neighbourhood; but all owners and overseers of plantations apprehending Slaves found by them on such plantations, and all other persons apprehending them at their public meetings on Saturday nights, Sundays, and other holydays, or carrying dangerous weapons, or doing any

act tending to a breach of the peace, or disturbance of the neighbourhood, as aforesaid, shall and may, in all such cases, proceed against such Slaves in the manner prescribed by the said recited Act, entitled "An Act for the governing of Negroes," any thing in this Act contained to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, that nothing contained herein shall be of force or effect until His Majesty's pleasure shall be signified and declared in this island, of and concerning the same.

Clause 2.

Passed April 15th, 1766.

Confirmed July 24th, 1767.

12.

No. 37. (MOORE.) An Act to prevent distempered, maimed, and worn-out Negroes from infesting the Towns, Streets, and Highways of this Island.

WHEREAS it has for some time past been the cruel practice of some persons possessing Negroes (who from their old age and infirmities are incapable of further service to their inhuman owners,) to drive them from their plantations to beg, steal, or starve; which said unhappy objects are daily infesting the public streets of the several towns in this island, greatly to the annoyance and nuisance of the inhabitants thereof. To prevent such inhuman practices for the future, so disgraceful and dangerous to the country, Be it therefore enacted by his Excellency David Parry, Esq., Captain General, Governor and Commander-in-chief of this island, Chancellor, Ordinary, and Vice-Admiral of the same, the honourable the members of His Majesty's Council, and the General Assembly of this island, and by the authority of the same, that from and after the publication of this Act, the owner or owners of any distempered, maimed, or worn-out Negro or Negroes, Mulatto, or other Slaves, suffering such distempered, maimed, or worn-out Negro, Mulatto, or other Slaves, to infest the towns, streets, lanes, public highways, or avenues leading to the several towns of this island, upon notice or summons under the hand and seal of any magistrate in this island, delivered to the owner or owners of such Negro, Mulatto, or other Slave or Slaves, or left at his, her, or their most usual place of residence, with a white person, acquainting him, her, or them, with the nuisance the public sustain thereby, the said owner or owners of such distempered Slave or Slaves (Negro or Mulatto) not removing the same within the space of four days after receiving such notice as aforesaid, shall, on conviction before the magistrate who issued such notice or summons, or any other magistrate for the body of this island, forfeit and pay for every offence the sum of five pounds, and the magistrate before whom such conviction shall be had, shall cause such distempered, maimed, or worn-out Slave or Slaves to be immediately removed and conveyed to the owner or owners of such Slave or Slaves, or to his, her, or their habitation or place of residence, and pay the charges and expenses thereof with or out of the said penalty of five pounds, one-third of the overplus, if any be, of the said sum to be applied to the use of the constable or person who shall apprehend such distempered, maimed, or worn-out Slave or Slaves, and the other two thirds to be placed in the public treasury; and if any person or persons offending as aforesaid, shall not immediately upon his, her, or their being thereof as aforesaid convicted, pay to the said justice or justices of the peace before whom such convictions shall be made, the said forfeiture or forfeitures for the uses aforesaid, then every such justice or justices of the peace, is and are hereby empowered and required by warrant of distress under his or their hands and seals, to levy on the goods and chattels of the offender, and in failure of goods and chattels in possession of such offender whereon such forfeiture may be levied, then, and in such case, every such justice or justices to commit every owner or owners of such distempered, maimed, or worn-out Slave or Slaves to the common gaol of this island, there to remain without bail or mainprize for any time not exceeding two months, unless such owner

Preamble.

Clause 1.

Owners' of distempered Slaves suffering them to infest the towns, &c. upon notice given them by a magistrate of the nuisance, and not removing the same within four days, are to forfeit five pounds for every offence.

The magistrate is to cause such Slave to be removed to the owner, or habitation of the owner, and pay the charges out of the penalty.

One-third of the overplus of the penalty to be paid the person apprehending the Slave, and the other two-thirds placed in the public treasury.

The penalty if not immediately paid, is to be by warrant of distress levied on the offender's goods, and on failure of goods

the offender shall be committed to gaol, there to remain for any time not exceeding two months, unless the penalty be sooner paid.

or owners shall sooner pay such forfeiture or forfeitures to the said justice or justices of the peace, to be applied in manner aforesaid.

Passed January 18th, 1785.

## 13.

Barbadoes.—An Act to remove Doubts concerning the Trial of Slaves manumitted after the Commission of Felonies of which they may stand accused.

WHEREAS doubts have arisen whether a Slave accused of murder or any other felony, and manumitted after the commission of the Act of which he is accused, is amenable and subject to the laws and statutes of this island now in force for the trial of Slaves charged with the commission of the aforesaid felonies.

Clause 1.

If Slaves accused of murder or other felony be subsequently freed they are to be tried as Slaves.

Be it therefore enacted by the Honourable John Spooner, President of His Majesty's Council, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice Admiral of the same, the honourable the members of His Majesty's Council and the General Assembly of this Island, and by the authority of the same, that any Slave or Slaves accused of murder or any other felony or felonies shall be liable to be tried as a Slave, and shall be amenable and subject to all the laws and statutes of this island now in force for regulating and directing the trial of Slaves, notwithstanding any attempt to elude the law by any deed or deeds of manumission to the said Slave or Slaves executed after the commission of the said murder, or any other felony or felonies of which the said Slave or Slaves shall stand charged with the commission.

Clause 2.  
And the deeds of manumission to be void.

And be it further enacted by the authority aforesaid, that all deeds of manumission of any Slave or Slaves after the commission of any murder or other felony of which the said Slave or Slaves is or are accused, and previous to the trial and acquittal of the said Slave or Slaves for the said offence or offences, are and shall be of no effect, and shall be void to all intents and purposes.

Read three times and passed the Council unanimously, this 14th day of February, 1809.

(Signed)

JAMES DOTTIN HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly unanimously, the 14th day of February, 1809.

(Signed)

JAMES GRASELL, Acting Clerk to the General Assembly,  
JOHN SPOONER.

Assented to by his Honour the President, on the 14th day of March, 1809.

(Signed)

J. DOTTIN HUSBANDS, Deputy Secretary.

## 14.

Barbadoes.—An Act to Repeal part of an Act entitled "An Act for the Governing of Negroes," and for building and regulating a New Cage.

WHEREAS the building heretofore used for the confinement of runaway Slaves in this island, and commonly called the cage, is inconvenient in its situation, and unfit for the purposes for which the same was intended; and whereas it is highly necessary for the preservation of private property, and for the promotion of public justice, that the building wherein such Slaves are confined should be healthy and commodious; and whereas it is expedient that the Acts, Statutes, Provisions, and Regulations heretofore made, passed, and enacted of and concerning the said cage, should be united and consolidated in one general Act; Be it therefore enacted by his Excellency the Right Honourable Stapleton, Lord Combermere, Knight, Grand Cross of the Most

Honourable Military Order of the Bath, and of the Portuguese Royal Military Order of the Tower and Sword, His Majesty's Captain General and Governor-in-chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the honourable the members of His Majesty's Council and the General Assembly of this Island, and by the authority of the same, that from and after the passing of this Act, the seventh, eighth, ninth, and tenth, clauses of an Act of this island, entitled "An Act for the governing of Negroes," and all and every the acts and statutes of this island, which have been at any time heretofore made and passed in anywise relating to the said cage, shall be and the same are hereby, so far as the same concern or relate to the said cage, repealed and made void to all intents and purposes whatsoever, and the several provisions and regulations herein made respecting the said cage are hereby declared and enacted to be alone in force.

The 7th, 8th, 9th, and 10th Clauses of No. 82, Hall's Laws, and all other laws relating to the cage repealed.

And be it further enacted by the authority aforesaid, that a new cage shall be forthwith erected and built on the spot of land where Willoughby Fort stood, and which said spot of land together with the buildings thereon erected, is hereby given and allotted for the purpose aforesaid, in the place and stead, and for the purposes for which the present cage has hitherto been used under the regulations and restrictions hereinafter expressed.

Clause 2.  
Directs a new cage to be erected, on the site of Willoughby Fort.

And be it further enacted by the authority aforesaid, that three members of His Majesty's Council to be appointed by the Commander-in-chief of this island for the time being, and five members of the General Assembly, to be appointed by the speaker of the said Assembly for the time being, shall be and they are hereby appointed commissioners, three of whom are hereby declared to be a board to superintend the building of the said new cage, which said commissioners or any three of them, are hereby invested with full and ample powers to contract and agree with any person or persons whomsoever, for building the said cage, and completely finishing the same according to a plan hereto annexed; (which plan, however, may in any instance be varied from or altered by the consent of a majority of a board of the said commissioners, if they shall see fit,) and the said commissioners or any three of them, shall have full power and authority to agree with the said contractor, completely to build and finish the said cage in a masterly and workman-like manner, within a given time to be agreed on, and at and for a certain price or sum not exceeding the sum of three hundred pounds; and the said commissioners or any three of them are hereby required to take good and sufficient security from the contractor or contractors for the due performance of his or their contract, and when and so soon as the said commissioners or any three of them, shall certify in writing to the treasurer of this island for the time being, that the said building has been finished according to the contract and agreement entered into respecting the same, then, and in such case, the said treasurer shall pay to the said contractor the sum which shall appear by the said certificate, to be due and payable under and by virtue of the contract so to be entered into as aforesaid; and the said commissioners or any three of them, are hereby also fully authorized, whenever the said cage shall require to be repaired, to report the same to the House of Assembly, that measures may be immediately taken for making such repairs, it being hereby declared that the new cage shall be constantly kept in repair at the expense of the island.

Clause 3.  
Commissioners for building the cage appointed, with power to enter into contracts, &c.

And be it further enacted by the authority aforesaid, that all and every person and persons who shall hereafter take up or apprehend any runaway or fugitive Negro or Negroes, or other Slave or Slaves, shall, and he and they is and are hereby ordered and directed in the first place, to bring the said Slave or Slaves, to the treasurer of this island for the time being, and shall before him the said treasurer (or in case of the sickness or absence of the said treasurer, then before any justice of the peace in Bridge Town, who is hereby required to return such affidavit to the said treasurer,) make oath of his name and place of abode, with the time when and the place where he apprehended such fugitive Slave or Slaves, and that he suspects and has good cause to believe that the said Slave or Slaves, is or are runaway, which oath the said treasurer is hereby required to take and enter in a book, to the intent that all owners of Slaves may come to the right knowledge and understanding when their Slaves were apprehended and by whom, and whether they might be

Clause 4.  
Persons apprehending runaway Slaves, to take them before the treasurer or (in his absence or sickness) before a justice of the peace, and on making oath as required, to receive twelve shillings and six pence for each Slave.

Persons so apprehending Slaves to take them to the provost marshal to be confined in the cage, who is to furnish them with proper food and drink.

Punishment on provost marshal for suffering Slaves to escape, employing them out of the cage.

Clause 5.  
Male and female Slaves to be kept in separate apartments, and not more than eleven of each to be confined in the cage at the same time. Their names, and their owners, if known, to be published; after being confined ten days in cage, to be removed to the gaol.

If not claimed within three months, to be sold, and the money paid into the treasury.

Remedies against purchaser or provost marshal for not paying the money arising by such sale.

wrongfully taken up or not; and the said treasurer is hereby directed and required, after such oath as aforesaid, to pay out of the public treasury of this island, to the person or persons so apprehending such Slave or Slaves, and so having made such oath before the said treasurer, or the said justice of the peace as aforesaid, the sum of twelve shillings and sixpence currency for each and every Slave so apprehended as aforesaid; and in case the said treasurer shall neglect or refuse to pay the said sum of twelve shillings and sixpence, the same shall be recovered against the said treasurer on complaint of the person or persons so apprehending such Slave or Slaves, to any justice of the peace, as in the case of servants' wages; and after such oath shall be so taken as aforesaid, the person or persons so apprehending such Slave or Slaves, shall under the penalty of five pounds, to be recovered on the complaint of any person as in the case of servants' wages, carry the same and deliver him, her or them, to the provost marshal of this island, or his lawful deputy or deputies, who is and are hereby strictly charged and required to keep such Slave or Slaves in safe custody according to the provisions of this Act, and to furnish the said Slave or Slaves with good and sufficient food and drink, which is to be proved upon oath, if by the owner of the said Slave or Slaves it shall be required to be done: Provided always, if the said provost marshal suffer any Slave to escape, he shall make such satisfaction to the owner, as by the governor and council shall be thought fit, and shall repay to the said treasurer the said sum of twelve shillings and sixpence, which he paid on apprehending such Slave: and if the said provost marshal shall suffer any Slave to be any ways employed out of the cage before he or she shall be legally released, he shall forfeit for each Slave so suffered to be employed as aforesaid, to the owner thereof, the sum of ten pounds currency, to be recovered as aforesaid.

And be it further enacted by the authority aforesaid, that the male and female Slaves confined in the cage be kept in confinement in separate apartments, without any communication between them, and that not more than eleven males and eleven females be kept and confined at the same time in the said cage; and that the names of all such Slaves so confined as aforesaid, together with the names and descriptions of their respective owners, if known, be advertised by the provost marshal, or his lawful deputy, two successive times in the public newspaper of this island, in which the minutes of the House of Assembly for the time being may be printed and published, by order of the said House of Assembly; and after such Slave or Slaves shall be confined in the said cage for the space of ten days, and after such two advertisements as aforesaid, the said two advertisements to be made within the said ten days, such Slave or Slaves shall be sent by the said provost marshal to the common gaol of this island, there to be safely and securely confined. And if such Slave or Slaves shall not be claimed by his or her owner or owners, or his, her, or their lawful agent or agents, attorney or attorneys, manager or managers, or other person or persons lawfully authorized to claim the said Slave or Slaves, within three calendar months, commencing from the day on which the said Slave or Slaves may be sent by the said provost marshal to the said gaol, and upon payment of the expenses hereinafter mentioned, it shall and may be lawful to and for the provost marshal of this island for the time being, or his lawful deputy or deputies, as he or they are hereby fully authorized and empowered, to sell and dispose, at public auction, of such Slave or Slaves for the most money that can be obtained for the same; of the time and place of which sale, notice shall be given in the said public newspapers of this island, for two successive times, immediately after the said Slave or Slaves shall have been so confined in the said gaol before such sale takes place, and the money arising from the sale of the said Slave or Slaves shall be paid, by the said provost marshal, into the public treasury of this island, for the uses of the island; and in case the purchaser or purchasers at outcry of such Slave or Slaves, shall not pay to the said provost marshal the sum or sums so bid for such Slave or Slaves within ten days, or in case the said provost marshal, after receiving the same, shall refuse or omit to pay it over to the said treasurer within ten days after he shall have so received the same, then, and in either of such

cases happening, the same proceedings shall be had against the said purchaser or purchasers, by the said provost marshal, or against the said provost marshal by the said treasurer, as the case may be, for raising the said money with twenty per cent thereon, as are had and used on sales at outcry in the Courts of Common Pleas. Provided always, nevertheless, that if at any time after the sale of such Slave or Slaves, it shall appear to the satisfaction of the governor and council, on application for that purpose, that the owner or owners of such Slave or Slaves so sold as aforesaid, was or were absent from this island, or labouring under any legal disability, so that he or she could not claim the said Slave or Slaves, then, and in such case, it shall and may be lawful to and for the said governor and council to issue their order to the treasurer of this island for the time being, to pay over to such owner or owners the net amount raised at outcry by the sale of his or her Slave or Slaves. Provided always, nevertheless, that if a tenant for life shall not claim such Slave or Slaves at or before the time of sale, and the person or persons entitled in remainder, or any person by him lawfully authorized, shall in his behalf put in a claim for the same, and offer to pay all expenses which have been incurred at the cage and gaol, he shall be entitled to immediate possession in fee of all such Slave or Slaves, and the tenant for life shall forfeit his estate in the same.

Provision for remitting to owners the proceeds of Slaves sold.

Provision that remainder-man may claim Slaves in confinement if tenant for life neglect to do so.

And be it further enacted by the authority aforesaid, that if, upon any male or female Slaves being brought to the said cage for admission therein, it should happen that the number of Slaves brought for admission, together with the Slaves then in confinement, exceed the number of male and female Slaves allowed by this Act to be confined at one and the same time in the said cage, then, and in such case, those Slaves who have been the longest confined in the said cage, notwithstanding they may not have been there ten days, shall be delivered to the keeper of the common gaol, there to be safely and securely kept. Provided, nevertheless, that the same advertisements as are hereinbefore required to be made, respecting Slaves confined in the cage, shall be made of and concerning the said Slave or Slaves so removed under the circumstances aforesaid, in the same manner as if the said Slaves had remained under confinement in the said cage, save and except that in the said advertisements, or either of them, it shall be stated that the said Slave or Slaves hath or have been removed to the said gaol in consequence of the number of persons therein confined. And such Slave or Slaves so removed from the cage to the gaol aforesaid, previous to the time when they shall have been so removed, shall be sold in the event of not being claimed within three calendar months, after being so sent to the gaol in the same manner, and under and subject to the same rules and regulations as are hereinbefore prescribed, with respect to those Slaves which shall be removed from the cage to the gaol in the regular time prescribed by this Act.

Clause 6.  
Provision for removing Slaves from the cage to the gaol when the number of each may exceed the provisions of the Act, although they may not have been confined ten days.

The like advertisements as when confined in the cage, and similar provisions of sale.

And be it further enacted by the authority aforesaid, that when any Slave or Slaves shall be claimed to be released, either from the said cage or from the gaol, it shall and may be lawful to and for the said provost marshal, or his lawful deputy or deputies, to demand and receive from the owner or owners of such Slave or Slaves, the sum of twelve shillings and sixpence, so paid as aforesaid by the said treasurer, on the apprehending any such runaway Slave or Slaves as aforesaid, and pay the same over to the said treasurer, and until the same be paid it shall be lawful for the said provost marshal to detain and keep such Slave or Slaves in his possession as aforesaid; and the said provost marshal shall also demand and receive the following fees, which must be paid before the said Slave or Slaves shall be delivered up, to wit, the sum of two shillings and sixpence for each Slave who shall have been so confined and delivered, and seven-pence half-penny for every twenty-four hours for feeding each Slave, and in case the said fees shall not be paid, the said Slave or Slaves shall be sold in the same manner as if no claim had been made. Provided always, and it is hereby further enacted, that the keeper of the cage, or the keeper of the gaol, if the Slave or Slaves shall have been removed to gaol, shall, and each of them is hereby strictly charged and required, before he delivers any Slave or Slaves who shall be claimed, to take a receipt from the person or persons claiming such Slave or Slaves, that he or they have either in his, her, or their own right, or in any other right, claimed and received such Slave or Slaves; and the said receipt shall also contain the name and full

Clause 7.  
Persons claiming Slaves from cage or gaol, to repay the twelve shillings and sixpence paid by the treasurer or apprehending them, and provost marshal's fees.

Requisites to be observed by keeper of cage or gaol, on delivering of Slaves.

description of the person or persons claiming such Slave or Slaves, together with the place of his, her, or their residence, and also the name and description of the Slave or Slaves so claimed and delivered up, which receipts shall be taken and recorded in one or more proper bound book or books, to be kept for that purpose respectively, by the keeper of the cage, and the keeper of the gaol, which books shall and may be inspected at any time in the day, by any person or persons whomsoever, without any fee or reward being paid for the same.

Clause 8.  
Provost marshal to be keeper of the cage, and to make a return every month to the clerk of the General Assembly, of particulars respecting confinement and discharge of Slaves: return to be laid before the assembly.

Treasurer to account for the monies received by him.

Clause 9.  
The magistrates of the island to be visitors of the cage;

And to report abuses to the House of Assembly.

Clause 10.  
Offences committed by keeper of the cage, or his deputies, how to be punished.

Clause 11.  
Keeper of the cage, under a penalty, not to receive any Slave in the cage, without certificate from the treasurer.

And be it further enacted by the authority aforesaid, that the said cage so to be erected as aforesaid shall be, and the same is hereby expressly declared to be, placed under the immediate care and direction of the provost marshal of this island for the time being, or his lawful deputy, who is hereby declared to be the keeper of the said cage, and to be responsible for the good government and conduct of the same; and the said provost marshal, or his lawful deputy, shall every month make a true, just, and correct return on oath to the clerk of the General Assembly of this island for the time being, of the number of Slaves who have been confined in the said cage, or gaol, the day on which the said Slave or Slaves was or were first confined in the cage, and the day on which discharged, the number sent to gaol, and discharged or sold, which return shall be made according to the schedule hereunto annexed, and shall be laid by the said clerk before the House of Assembly at the meeting succeeding the receipt of the same; and the treasurer of this island for the time being, shall account with the committee of public accounts for all monies received by him by virtue of this Act, in the same manner as he is required to do for any other of the public monies in his hands.

And be it further enacted by the authority aforesaid, and it is hereby expressly declared, that the magistrates of this island are the proper and legal inspectors, visitors and supervisors of the said cage, and they, and each and every of them have and hath hereby full and ample power and authority given to and vested in them to visit and inspect the cage whenever they shall think proper so to do, and the said magistrates are, and each and every of them is hereby required to see that the said cage be constantly kept clean and healthy and wholesome, and that good and sufficient food be allowed to the said Slaves in confinement: And should it appear to the said magistrates, any, or either of them, that any abuses are suffered to exist, or that improper conduct is practised by any person or persons having the charge of the said cage, or in any manner connected with or employed in and about the same, then, and in such cases, the said magistrates, any or either of them are and is hereby required to make a report in writing of such conduct or of such abuses to the House of Assembly, at its first sitting after the same shall be discovered, in order that such measures may be adopted and carried into effect as may seem right and expedient to the said House of Assembly.

And be it further enacted by the authority aforesaid, that if the keeper of the said cage, or his deputy or deputies, shall be guilty of any crime, misdemeanour, or offence, or misbehave himself or themselves, in their respective situations, he or they shall and may be prosecuted at the Court of Grand Sessions for the same, and punished according to the nature of the said crime, misdemeanour, or offence, by fine or imprisonment, or either at the discretion of the said court.

And be it further enacted by the authority aforesaid, that the keeper of the said cage, shall not receive into the said cage any Slave or Slaves, without such certificate as aforesaid from the treasurer, under a penalty of five pounds, to be recovered, levied, and raised as in the case of servants' wages, on the complaint of any person whomsoever, one half of the said forfeiture to the use of the public, and the other half to the use of the informer.

Read three times and passed the Council unanimously, this 2nd day of December, 1817.

(Signed)

W. HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly, this 4th day of November, 1817.

(Signed)

J. W. E. ELDER, Acting Clerk of the General Assembly.

(Signed) COMBERMERE.

Assented to by his Excellency the Governor, on the 2nd December, 1817.

(Signed)

W. HUSBANDS, Deputy Secretary.



## 15.

## Barbadoes.—An Act for the better Prevention of the Practice of Obeah.

WHEREAS it is expedient to prevent the evils and offences which arise from the wicked acts and pretensions of persons going under the appellation of Obeah men and women; and whereas the provisions now by law made for the prevention of such evils and offences have been found ineffectual for that purpose.

Clause 1.

Be it therefore enacted by his Excellency the Right Honourable Stapleton Lord Combermere, Knight Grand Cross of the most honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, His Majesty's Captain General and Governor in Chief of this island, Chancellor, Ordinary, and Vice-Admiral of the same, the honourable the members of His Majesty's Council and the General Assembly of this island, and by the authority of the same, that from and after the passing of this Act, any person who shall wilfully, maliciously and unlawfully pretend to any magical and supernatural charm or power, in order to promote the purposes of insurrection or rebellion of the Slaves within this island, or to injure and affect the life or health of any other person, or who wilfully and maliciously shall use or carry on the wicked and unlawful practice of Obeah, shall upon conviction thereof suffer death or transportation, as the court by which the said offender may be tried shall think proper, anything in this or any other Act of this island to the contrary in anywise notwithstanding.

Persons pretending to supernatural power, to promote rebellion, or using the unlawful practice of Obeah, to suffer death or transportation.

And be it further enacted by the authority aforesaid, that from and after the passing of this Act, if any person wilfully and maliciously, in the practice of Obeah or otherwise, shall mix or prepare, or have in his or her possession, any poison, or any noxious or destructive substance or thing with an intent to administer to any person (whether the said person be white or black, or a person of colour), or wilfully and maliciously shall actually administer to, or cause to be administered to, or taken by any such person as aforesaid, any poison or any noxious or destructive substance or thing whatsoever, although death may not ensue upon the testimony thereof, every such person, together with his or her counsellors, aiders and abettors, knowing of, and being privy to such evil intentions and offences, shall upon conviction thereof suffer death, transportation, or such other punishment as the court by which such offender may be tried shall think proper, anything in this or any other Act of this island to the contrary in anywise notwithstanding.

Clause 2.  
Persons practising Obeah, or preparing or having in possession any destructive substance, and administering, or intending to administer the same to any person, together with the abettors, to suffer death, transportation, or other punishment

And be it further enacted by the authority aforesaid, that from and immediately after the passing of this Act, the Act entitled "An Act for the Punishment of Slaves found practising Obeah," shall be and the same is hereby repealed and made void to all intents and purposes.

Clause 3.  
Former Obeah Act repealed.

Read three times and passed the Council unanimously this twenty-eighth day of July, one thousand eight hundred and eighteen.

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly, *nem. con.* this thirtieth day of June, one thousand eight hundred and eighteen.

(Signed)

JOHN WM. ED. ELDER, Acting Clerk of the General Assembly.

(Signed) COMBERMERE.

Assented to by his Excellency the Governor on the 28th day of July, 1818.

(Signed) WM. HUSBANDS, Deputy Secretary.

## 16.

## Barbadoes.—An Act to repeal and amend certain Acts made for the Government and Protection of Slaves.

WHEREAS certain parts of the Acts of this island, passed for the governing of Slaves, have long since been and now are wholly and altogether

obsolete and of no force and effect: But whereas, by reason of the many false accusations and wicked contrivances, made and used by certain evil disposed persons, against the character and well-being of the British settlements in the West Indies, it is expedient to repeal by a positive enactment such parts of the said Acts and Statutes.

**Clause 1.** Be it therefore enacted by his Excellency the Right Honourable Stapleton Lord Combermere, Knight Grand Cross of the most honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, His Majesty's Captain General and Governor in Chief of this island, Chancellor, Ordinary, and Vice-Admiral of the same, the honourable the Members of His Majesty's Council and the General Assembly of this island, and by the authority of the same, that the fifth Clause of a certain Act or Statute of this island, entitled "An Act for the Governing of Negroes," being number eighty-two in Hall's Laws of Barbadoes, be, and the same is hereby repealed and made void.

5th Clause of No. 82, Hall's Laws repealed.

**Clause 2.** And be it further enacted by the authority aforesaid, that an Act or Statute of this island, entitled "An additional Act to an Act entitled an Act for the Governing of Negroes," and which is mentioned as number ninety-two in Hall's Laws of Barbadoes, shall be and the same is hereby repealed.

No. 92 Hall's Laws repealed.

The Act of 1805, for the better protection of Slaves, repealed.

And whereas doubts have arisen respecting the true construction, intent, and meaning of a certain Act which passed in the year one thousand eight hundred and five, and entitled "An Act for the better Protection of the Slaves of this island."

**Clause 3.** Be it therefore enacted by the authority aforesaid, that the said Act shall, and the same is hereby declared to be null and void.

**Clause 4.** The wilful murder of a Slave made felony, without benefit of Clergy.

And be it further enacted by the authority aforesaid, that if any person shall hereafter wilfully and maliciously kill and murder any Slave, whether such Slave be the property of the person so killing and murdering, or of any other person, such person so killing and murdering being duly convicted thereof by the evidence of one or more competent witness or witnesses, at a court of Grand Sessions, shall suffer death without benefit of clergy: Provided, nevertheless, that any person so convicted of such murder of a Slave shall not thereby forfeit his lands, Negroes, goods or chattels, any law to the contrary in anywise notwithstanding.

Excepting the forfeiture of lands, &c.

Read three times and passed the Council unanimously, this twenty-eighth day of July, one thousand eight hundred and eighteen.

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly *nem. con.*, this twenty-eighth day of July, one thousand eight hundred and eighteen.

(Signed)

JOHN WM. ED. ELDER, Acting Clerk of the General Assembly.

(Signed) COMBERMERE.

Assented to by his Excellency the Governor, on the 29th day of July, 1818.

(Signed) WM. HUSBANDS, Deputy Secretary.

### 17.

Barbadoes.—An Act for the better Prevention of the Practice of Obeah.

WHEREAS it is expedient to prevent the evils and offences which arise from the wicked acts and pretensions of persons going under the appellation of Obeah men and women; and whereas the provisions now by law made for the prevention of such evils and offences have been found ineffectual for that purpose.

**Clause 1.**

Be it therefore enacted by his Excellency the Right Honourable Stapleton Lord Combermere, Knight Grand Cross of the most Honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, His Majesty's Captain General, and Governor in Chief of this island, Chancellor, Ordinary, and Vice-Admiral of the same, the honourable the members of His Majesty's Council and the General Assembly of this island, and by the authority of the

same, that from and after the passing of this Act, any person who shall wilfully, maliciously, and unlawfully pretend to any magical and supernatural claim or power, in order to promote the purposes of insurrection or rebellion of the Slaves within this island, or to injure and affect the life or health of any other person, or who wilfully and maliciously, shall use or carry on the wicked and unlawful practice of Obeah, shall, upon conviction thereof before two justices of the peace and three freeholders, if the person offending be a Slave, and before the Court of Grand Sessions if a free person, suffer death or transportation as the court by which the said offender may be tried, shall think proper, anything in this or any other Act of this island to the contrary in anywise notwithstanding.

And be it further enacted by the authority aforesaid, that from and after the passing of this Act, if any person wilfully and maliciously in the practice of Obeah or otherwise, shall mix or prepare, or have in his or her possession, any poison, or any destructive substance or thing, with an intent to administer to any person (whether the said person be white or black or a person of colour), or wilfully and maliciously shall actually administer to or cause to be administered to or taken by any such person as aforesaid, any poison or any destructive substance or thing whatsoever, although death may not ensue, upon the testimony thereof, every such person, together with his or her counsellors, aiders, and abettors, knowing of, and being privy to such evil intentions and offences, shall, upon conviction thereof before two justices of the peace and three freeholders, if the person offending be a Slave, and before the Court of Grand Sessions, if a free person, suffer death, transportation, or such other punishment as the court by which such offender may be tried shall think proper, anything in this or any other Act of this island to the contrary in anywise notwithstanding.

And be it further enacted by the authority aforesaid, that from and immediately after the passing of this Act, the Act entitled "An Act for the punishment of Slaves found practising Obeah" shall be and the same is hereby repealed and made void to all intents and purposes whatsoever.

Read three times and passed the Council unanimously the twenty-fifth day of May, one thousand eight hundred and nineteen.

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly *nem. con.*, this fourth day of May, one thousand eight hundred and nineteen.

(Signed) R. B. FARLEY, officiating acting Clerk of the General Assembly.

(Signed) COMBERMERE.

Assented to by his Excellency the Governor on the 26th day of May, 1819. (Signed) WILLIAM HUSBANDS, Deputy Secretary.

18.

October 23rd, 1826.

May it please your Excellency.

THE Consolidation Slave Bill having passed the House of Assembly, and also the Honourable Board of Council, I presume it will be satisfactory to your Excellency to be informed of the reasons which influenced the House in not adopting certain of the recommendations contained in Lord Bathurst's Despatch of the 9th of July 1823. The Assembly throughout their discussions, on the reconsideration of this most important Bill, felt it a sacred duty which they owed to their country, their constituents, and themselves, whilst anxiously disposed to meet the views and wishes of His Majesty's government, not to lose sight of "the safety of the inhabitants, the interest of their property, and the welfare of the Slaves themselves." Acting on these considerations, the Assembly, with all due deference to Earl Bathurst, found that they could not yield to his Lordship's recommendations to prohibit the punishment of women by flogging, and the use of the whip in the field. To forbid by legislative enactment the

Persons pretending to supernatural power to promote rebellion, or using the unlawful practice of Obeah, to suffer death or transportation.

Clause 2.  
Persons practising Obeah, or preparing or having in possession any destructive substance, and administering or intending to administer the same to any person together with the abettors, to suffer death, transportation, or other punishment.

Clause 3.  
Former Obeah Act repealed.

flogging of female Slaves, would, in the judgment of the Assembly, be productive of most injurious consequences: although the knowledge that they can be so punished, tends in some degree to act as a restraint on their conduct, yet the Assembly, from experience, are justified in saying that female Slaves evince, at all times, a greater disregard to the authority of their owners than the male Slaves: to deprive an owner of this mode of enforcing obedience, or punishing disorderly conduct, would tend to encourage a stronger disposition to insubordination. If imprisonment were to be substituted, it would either lead to offences, for which they ought to be punished, being passed over unnoticed, or owners must in turn submit to the punishment of being deprived of the services of their Slaves during such imprisonment. In the case of owners possessed of only one or two Slaves (being females) employed in the domestic duties of a family, it is quite apparent how very objectionable must be the change from flogging to imprisonment.

Considerations not less powerful prevailed with the Assembly respecting the disuse of the whip in the field: whilst the power of summary punishment by flogging, when necessary, and which is considered to be inseparable from a state of Slavery is permitted to Slave owners, the Assembly have fully provided against the abuse or cruel exercise of it.

The recording of punishment by whipping being consequent upon limiting it to a given number of stripes, and the Assembly being of opinion that in the hands of a relentless executioner, a given number of stripes might, under the sanction of law, be so inflicted as to amount to an act of cruelty, thought that the ends of humanity would be best consulted, and unfeeling owners the more effectually restrained, by leaving it to the justices before whom complaints for such offences might be brought, to determine upon the fact of cruelty from the circumstances of the case, without any reference to the specific mode or quantity of punishment; wherefore the Assembly could not think it advisable to adopt the regulation on this head, which was pointed out to them by Lord Bathurst.

Compulsory manumission is such a direct invasion of the right of property hitherto secured by repeated Acts of the colonial legislature, and of the imperial parliament, that the Assembly felt they could not, without violating the sacred trust reposed in them by their constituents, contemplate a measure absolutely destructive of that right by investing Slaves with the power at their own will, and against the will of their owners, of purchasing their freedom.

If this were once admitted, there would be an end of all security to mortgagees and others holding claims on West India properties, and the certain ruin of owners would be identified in the measure. Any attempt at compensation to guard against the ruinous consequences of compulsory manumission could only prove delusive. Slaves as well as owners must and would become the unhappy victims of a change, destructive of that system of colonial policy which has so long existed, and which has hitherto upheld the importance of the mother country and contributed to the support and well-being not only of a large portion of His Majesty's loyal and dutiful subjects, but to the comfort and happiness of the Slaves themselves. The average number of effective Slaves on a plantation, is in general about one-third of the whole, the other two-thirds consisting of infants, and the aged and infirm. These effective Slaves, by whose labour the others are supported, and a return of capital produced for the benefit of the owner or mortgagee, would be the first and only number that could take advantage of the right to purchase their freedom; supposing then a plantation to consist of a hundred and fifty Slaves, and to be worth, together with the buildings, implements and stock, the sum of forty thousand pounds, the fifty effective Slaves by whose labour the establishment is upheld may in a few years be withdrawn from the plantation by the operation of the proposed compulsory manumission, and of course the plantation would not only cease to make any return to the owner, mortgagee, or others having claims on it, but the remaining two-thirds of the Slaves, consisting of infants, and the aged and infirm, would be deprived of the means of support, as the owner would no longer have it in his power to compel those that were freed, to labour

for the support either of the remaining Slaves or himself; and it is a known fact that without compulsion they will not engage in agricultural labour. Wages will not induce them to undertake it, even if the owner could afford to give wages; a state of Slavery alone can ensure such labour from them; unless therefore, it is intended at once to ruin this colony and all connected with it, and to convert every plantation into a poor-house, the theoretical plan of compulsory manumission, must, in the judgment of the Assembly, be abandoned. It would be mere delusion to hold out to the owner of a plantation the hope of compensation for any loss which he may sustain under the operation of compulsory manumission, when it is evident that a few years may deprive him of the whole of his effective Slaves, or of so large a number of them as to leave the establishment in his hands utterly valueless: if compensation is to be looked for only from the Slaves who may claim to be allowed to purchase and withdraw themselves from a plantation, how extremely delusive must be the scheme, when it is seen that less than forty thousand pounds would not indemnify an owner for the loss of his effective Slaves, taking the number at fifty on a plantation consisting of one hundred and fifty. With this view of the subject, the Assembly could not, consistently with their duty to their king and their country, establish by legislative enactment, a power under which not only settled rights, but this hitherto proud and valuable appendage of the crown would fall prostrate and ruined at the shrine of compulsory manumission. As an earnest of the wish of the Assembly to facilitate the manumission of Slaves, they have concurred with the Council, since the passing of the Slave Consolidation Bill, in giving effect to a measure by which all impediments on the score of pecuniary fines are unconditionally removed.

The Assembly have not in direct terms adopted his Lordship's suggestions respecting the establishment of savings banks as the means of protecting the property of Slaves, but they trust his Lordship will be satisfied that they have, in the spirit of true sincerity, provided for Slaves the full security and enjoyment of their property.

As regards the sale of Slaves in satisfaction of the debts of their owners, the Assembly when considering the subject, found that it was surrounded with difficulties even greater than those apprehended by his Lordship, but they are happy to say that the essential part of the regulations which his Lordship desires to be adopted, have long since been established, not only in practice but by the enactment No. 84, in Hall's Laws, which enjoins the marshal, when selling Slaves under executions, to dispose of them in lots not exceeding five in number, unless there shall be more than five of one family, in which case he is required to sell the *whole family in one lot*. On this head the Assembly are not prepared at present to make further provision; it is, however, worthy of remark, that the non-separation of families drew from the Legislature of this colony, the enactment above alluded to, so far back as the year 1688, and that it takes a wider range than that now contemplated by his Lordship, for it will be observed that his Lordship only proposes to limit the separation of parent and child, when the latter may be under the age of fourteen years.

Having said thus much respecting the several points contained in his Lordship's despatch, which the Assembly could not, consistently with the sacred trust reposed in them, and a just regard to the safety of all, adopt and embody in the Consolidation Bill, I now proceed to inform your Excellency of the particulars attending the progress of the bill, for a fourth time, through the House. The objections taken by Lord Bathurst to the Consolidation Bill which passed the Legislature during the last session, were most attentively considered, and the several clauses to which they referred, so altered or modified, as to lead the House to hope that those particular points when brought again under his Lordship's review, will readily meet his approbation. The House then proceeded to a full and general reconsideration of the very important subject on which they were legislating, when the mode of trial of Slaves charged with capital offences by three justices and a jury of twelve freeholders, as originally provided in the bill, was, without a dissenting voice, altered to a trial at our regular Court of Grand Sessions, in the same manner as the white and free coloured inha-

bitants of the island ; and with an anxious desire to afford the readiest means of ensuring to Slaves their just rights, and of protecting them from injustice and oppression, the House unanimously passed a clause and added it to the bill appointing a committee of protection with an acting protector under them, at an annual salary of four hundred pounds payable from the Colonial Treasury. The only point of the bill on which any decided difference of opinion prevailed in the House, was the admission of Slave evidence ; but after considerable discussion it was thought by a large majority of members, that its exclusion would materially interfere with the provisions adopted for their protection, and therefore clauses granting that privilege to Slaves were moved and carried, and now form a part of the present bill : this provision was omitted in the former bill.

The advocates of this measure conceiving that more could with safety be conceded on this head, than was proposed by Lord Bathurst, did not hesitate to extend the benefit thus designed for the Slaves beyond the line laid down by his Lordship, as will be seen by a comparison of those clauses with his Lordship's recommendation.

Provisions for the abolition of the Sunday market, the baptism and marriage of Slaves, and their religious instruction, are to be found in a separate bill, which passed the House and the Honourable Board of Council at their last meeting.

I have thus endeavoured to give to your excellency a statement of the proceedings of the House, with the reasons which influenced them in not adopting some of the recommendations contained in his Lordship's despatch of the 9th of July, 1823, and I am justified in adding, that throughout their deliberations an honest and conscientious feeling pervaded the minds of all to go the utmost length that prudence would allow in giving effect to the wishes of His Majesty's ministers, to whom they now look up in full confidence that the time which they have so anxiously passed in maturing the measure for His Majesty's consideration, will, through their advice, receive the high reward which His Majesty's gracious confirmation of the bill would confer.

I have, &c.

(Signed)

ROBERT HAYNES, Speaker.

To his Excellency Sir Henry Warde, K. C. B.

&c. &c. &c.

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19.

The Council has the honour to forward to his Excellency the governor, a copy of this day's proceedings, accompanied by a copy of a supplemental bill to the Consolidation Slave Bill, which unanimously passed the Council, and which they regret to say has been rejected by the House of Assembly.

*Council Chambers, 17th October, 1826.*

Barbadoes.—A Supplemental Act to an Act entitled " An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act the several Laws relating thereto, and for the better Order and Government of Slaves, and for giving them further Protection and Security, for altering the mode of Trial of those charged with capital and other Offences and for other Purposes."

WHEREAS certain other regulations are deemed necessary to satisfy the wishes of His Majesty's government, touching the melioration of the condition of Slavery in this colony : And whereas the Legislature is willing to go to the utmost length that reason or prudence would sanction in furtherance of those wishes : Be it therefore enacted by his Excellency Sir Henry Warde, Knight, Commander of the Most Honourable Military Order of the Bath, His Majesty's Captain General and Governor in Chief of this island, Chancellor, Ordinary, and Vice Admiral of the same, the honourable the members of His Majesty's Council, and the General Assembly of this island, and by

the authority of the same, that from and after the passing of the aforementioned Act, entitled "An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act the several Laws relating thereto, &c.," no master, owner, or overseer of Slaves, shall allow any driver, or person exercising the authority of driver, to carry a whip of any description into the field in which the people under his direction are at work.

And be it further enacted by the authority aforesaid, that the punishment by flogging shall not be inflicted by or on behalf of the master, upon females above fourteen years of age, except in the execution of the sentence of a magistrate or other court.

Clause 2.

And be it further enacted by the authority aforesaid, that any person who shall be convicted before two justices of the peace, by one or more competent witnesses, of having violated either of the foregoing clauses of this Act, shall be fined in a sum not less than five pounds current money, nor exceeding fifty, to be applied to the uses of the island.

Clause 3.

And it is hereby declared and enacted by the authority aforesaid, that every Slave shall have and enjoy absolute right and control over any property which he or she may be lawfully possessed of, that he may dispose of it at pleasure, either by will or otherwise without the knowledge or consent of his master; that he may sue or be sued at law for all matters relating to it: Provided always, that a Slave contracting debts, or condemned to pay costs or damages, shall only be liable to the extent of such property as he or she may actually possess, and that no Slave shall be subject to personal arrest for any debts, cost, or damages, which he or she may have incurred: and provided also that no Slave shall have a right to keep cows, hogs, sheep, or other stock on lands belonging to his master without his consent.

Clause 4.

Provided always, and be it further enacted by the authority aforesaid, that this Act, or anything herein contained, shall not be in force until His Majesty's pleasure on the same shall be known.

Clause 5.

Read three times, and passed the Council unanimously, this seventeenth day of October, one thousand eight hundred and twenty-six.

(Signed) WILLIAM HUSBANDS, Deputy Clerk of Council.

At a meeting of the Honourable Board of Legislative Council, in Council Chamber, at the Town Hall, on the 17th October, 1826.

Present, The Honourables,

Sir Reynold A. Alleyne, Bart. John R. Best, Renn Hamden, Honourable and Reverend John H. Gittens, Nathan Lucas, Philip L. Hinds.

The last Minutes were then read and confirmed.

The following message was then prepared to the House of Assembly and taken down by the clerk.

"The Council requests the favour of a short conference with the House of Assembly on the subject of the Slave Bill."

"Council Chamber, 17th October, 1826."

To which the following was received in reply.

"The House of Assembly, in reply to the message with which they have just been honoured from the Honourable Board of Council, requesting a short conference on the subject of the Slave Bill, beg to say that they are ready to enter on the conference."

"House of Assembly, 17th October, 1826."

The Council accordingly retired to meet the House of Assembly.

After some time the Council again returned into the Council Chamber, when Mr. Hamden rose and said, That although it appeared to be the unanimous opinion of this Board, that the Bill which has been sent up by the House of Assembly is so defective, that there is no chance of its obtaining His Majesty's assent, and having also failed in our efforts at the conference with



the other House, from which we have just retired, to impress this conviction upon that House, yet he would recommend that this Board should manifest their readiness to further every attempt at improving the Slave Code by passing the Bill, imperfect as we esteem it, and follow it up immediately with a Supplemental Bill, embracing certain points which His Majesty's ministers, have so repeatedly urged upon us as indispensable to an effectual amelioration of the condition of the Slaves:—He therefore moved the second reading of “An Act to repeal several Acts and Clauses of Acts respecting Slaves, and for consolidating and bringing into one Act, the several Laws relating thereto, and for the better Order and Government of Slaves, and for giving them further Protection and Security, for altering the Mode of Trial of those charged with capital and other Offences, and for other Purposes.” Upon which Sir Reynold Alleyne rose and said, he had great pleasure in seconding Mr. Hamden's motion, as he cordially coincided in all that that honourable gentleman had said on the subject of the Slave Consolidation Bill. The said Act was accordingly read a second and third time, and passed the Council unanimously.

Mr. Hamden then rose and moved that the Act which he now delivered in, entitled “A Supplemental Act to an Act, entitled An Act to repeal several Acts and Clauses of Acts respecting Slaves, &c.” be read, and being seconded by Sir Reynold Alleyne, the rule for sending it round was suspended, and the same was accordingly read three times and passed the Council unanimously, and the clerk being desired immediately took it down to the House of Assembly, and on his return reported the delivery thereof.

On the question being put for the second reading of the Act, entitled “An Act for the Encouragement of Baptisms and Marriages amongst the Slaves, and for the due Observance of the Lord's day, commonly called Sunday, Christmas day, and Good Friday,” Mr. Hinds rose and opposed the same, for the reasons which he had assigned at the last meeting. Mr. Gittins, Mr. Best, and Mr. Lucas voted for the second reading. Mr. Hamden opposed it on the ground that he considered the total abolition of the Sunday market would bear hard upon the Slave population. Sir Reynold Alleyne voted for it; the said Act was therefore read a second and third time and passed the Council, Mr. Hinds and Mr. Hamden dissenting.

Mr. Bascom and Mr. St. Hill then came into the Council Chamber, and delivered in an Act entitled “An Act to remove pecuniary Impediments to the Manumission of Slaves, and to extend the Benefit of Testimony to free Persons manumitted not according to the Laws of this Island, and to repeal certain Acts and parts of Acts relating thereto,” which having passed the Council during the administration of Mr. President Skeete, became necessary that it should be altered; the alterations being accordingly made, the said Act was again read, and passed the Council unanimously, and the clerk was then required to take it down to the Assembly.

The Council then prepared the following message to his Excellency the Governor:—

“The Council has the honour to forward to his Excellency the Governor the minutes of this day's proceedings, accompanied by a copy of a supplemental Bill to the Consolidation Slave Bill, which unanimously passed the Council, and which they regret to say has been rejected by the House of Assembly.

*Council Chamber, 17th October, 1826.”*

This honourable board then adjourned.

*Minute of the Conference between the Council and the House of Assembly.*

In the conference it was stated by the Board of Council that they had read the Slave Act once, and were perfectly convinced it would not satisfy the views of the government on the subject; that some of the most material of the recommendations of the government were wholly omitted, and for full execution of which Lord Bathurst in the House of Lords, and Mr. Canning in the House of Commons stood pledged to the people of England; they had, therefore drawn up a supplemental Act, which they thought comprised these objects, though this they conceived would be more eligibly accomplished by embodying them in the Bill itself; the speaker then said,

that as the organ of that House he could say that the House would make no addition whatever to the Bill. Some other desultory observations were made, and the conference ended.

No. 2. (Bill.)

Barbadoes.—An Act for the Encouragement of Baptisms and Marriages amongst the Slaves, and for the due Observance of the Lord's Day, commonly called Sunday, Christmas Day, and Good Friday.

WHEREAS His Majesty has been graciously pleased to erect this and several of the neighbouring colonies into an Episcopal See, and to make effectual provision for the religious instruction of the Negroes of this island. And whereas the encouragement of baptisms and marriages amongst the Slaves, and the due observance of the Lord's day, commonly called Sunday, and Christmas day, and Good Friday, are essentially necessary to the furtherance of this object: Be it therefore enacted by his Excellency Sir Henry Warde, Knight Commander of the most Honourable Military Order of the Bath, His Majesty's Captain General and Governor-in-chief of this island, Chancellor, Ordinary, and Vice Admiral of the same, the Honourable the Members of His Majesty's Council, and the General Assembly of this island, and by the authority of the same, that from and after the passing of this Act, all owners or possessors of Slaves, and their agents, attornies, and representatives in this island, shall, as much as in them lies, endeavour to instruct their Slaves in the principles of the Christian religion, and shall cause to be baptized by any clergyman of the established church of England, all their Slaves hereafter to be born, and also all such of their Slaves already born, as shall be made sensible of the duties of the Christian faith.

Clause 1.

Owners of Slaves to instruct them in the Christian religion, and cause them to be baptized.

And be it further enacted by the authority aforesaid, that if any persons who are in a state of Slavery, being the property of the same owner, shall be desirous to intermarry, any clergyman of the established church shall and may solemnize the marriage on the said Slave's producing the consent in writing of the owner, his or her attorney, agent, or representative, to the celebration thereof: Provided, nevertheless, that such marriages shall not confer on the parties or their issue, any rights inconsistent with the duties which Slaves owe to their owners or to the government, or at variance with those rights which the owners or the government, are by law entitled to assert over the Slaves and their progeny, or subject such Slaves so intermarrying to any penal infliction, the effects of which might destroy the rights or injure the property of their owners.

Clause 2.

Slaves, the property of the same owner may intermarry with owner's consent.

Such marriages not to confer rights inconsistent with Slavery.

And be it further enacted by the authority aforesaid, that the officiating clergyman of the several and respective parishes of this island for the time being shall, and they are hereby directed to keep a register of the several baptisms, marriages, and burials of Slaves, which shall be celebrated and performed in their several and respective parishes according to the rites and ceremonies of the church of England, such register to be kept after the manner and according to the rules, orders, and regulations which the said Lords Bishops of the Diocese shall or may deem requisite for the full and effectual registrations of such baptisms, marriages, and burials.

Clause 3.

Registers of baptisms, marriages, and burials of Slaves to be kept in the several parishes.

And as it has been customary for Slaves to bring the produce of their labours to market on other days than Sundays: Be it further enacted by the authority aforesaid, that from and after the passing of this Act, all Sunday markets throughout this island shall cease, and be absolutely unlawful, and if any person or persons whomsoever shall publicly shew forth or expose for sale any meat, poultry, vegetables, provisions, herbs, fruits, goods, wares, merchandise, or other articles whatsoever on the Lord's day, called Sunday, or on Christmas day or Good Friday, in any of the streets, highways, wharfs, lanes, or other place within any part of this island, such person or persons shall forfeit the goods or articles so exposed for sale, and it shall be lawful for the clerk of the market or his

Clause 4.

Sunday markets declared unlawful;—articles exposed for sale on Sunday, Christmas day, or Good Friday, forfeited and to be seized and carried before a magistrate to be condemned.

deputies, or for any constable, and they are respectively hereby required to seize the goods or articles so exposed for sale, and to take or cause them to be taken before any magistrate, who upon view of such goods or articles so exposed, shall order the same to be sold forthwith, and the proceeds thereof applied and disposed of as follows; that is to say, one moiety to the person seizing the same, and the other moiety to be paid into the public treasury.

Clause 5.

Persons of free condition not to open their shops, nor sell or purchase any articles (excepting medicines) on Sunday, Christmas day, or Good Friday, under the penalty of five pounds.

And be it further enacted by the authority aforesaid, that no person of free condition shall open their shops, or any part of their premises for the sale, barter, or purchase of, nor shall sell, barter, or purchase any meat, poultry, vegetables, provisions, herbs, fruits, goods, wares, merchandise, or other articles whatsoever, (save and except drugs and medicines) on the Lord's day called Sunday, or on Christmas-day, or Good Friday, under a penalty of five pounds current money, to be recovered on complaint before any justice of the peace as in the case of servants' wages, one moiety thereof to be to the use of the informer, and the other moiety to be paid into the public treasury; and if any Slave shall be guilty of any offence against the provisions of this clause, such Slave shall and may be whipped by order of any justice of the peace not exceeding twenty-five stripes.

Slaves so offending to be whipped.

Clause 6.

Persons not to employ Slaves, under a penalty, to work on Sundays.

And be it further enacted by the authority aforesaid, that if any person or persons within this island, shall work or employ any Slave at any time between the hour of eight of the clock in the evening of any Saturday, and the hour of five of the clock in the morning of any Monday, or shall during that period procure, induce, or compel any Slave to perform or engage in any labour for the profit or advantage of his or her owner, manager, or employer, the person or persons so offending, shall incur and become liable to a fine not exceeding ten pounds, nor less than five pounds, to be recovered on complaint before any justice of the peace, as in the case of servants' wages; one moiety to the informer, and the other moiety to be paid into the public treasury. Provided, nevertheless, that nothing herein contained shall extend or be construed to extend, to any work or labour which any Slave may perform on Sunday in the necessary attendance upon the person, or in the family of his or her owner or employer, or in the necessary and unavoidable tending and preservation of the cattle or live stock, or in the offices of watchmen, cooks or nurses upon any plantation, or in the prevention or repair of any damage arising from irruptions of water, conflagrations, hurricanes, and other casualties of a like nature; nor to the persons who may be employed in the manufacture or casking of sugar, provided that such manufacture shall not be extended beyond ten of the clock on Saturday night, or the casking beyond ten of the clock on Sunday morning; nor to persons employed in the sale of bread, fresh fish, milk, or horse meat; provided the same does not take place during the hours appointed and set apart for divine service; nor to the dressing and selling of meats and other food in inns or taverns. Provided always, that nothing in this Act contained, shall operate to prevent the market-houses in the several towns of this island, and all butchers' stalls throughout the island, from being kept open until nine o'clock of the morning of any Sunday or Christmas-day, for the sale of butcher's meat. And provided also, that no person shall be proceeded against for any offence under this Act, unless complaint thereof be made within one calendar month after the commission of such offence.

Except in the necessary attendance upon owner's person or family.

Provision for selling bread, &c. on Sundays, and the opening of markets for sale of butcher's meat.

Clause 7.

Act not to be in force until the King's pleasure be known.

Provided always, and be it further enacted by the authority aforesaid, that this Act, or anything herein contained, shall not be in force until His Majesty's pleasure on the same shall be known.

Read three times, and passed the Council, this seventeenth day of October one thousand eight hundred and twenty-six.

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read three times, and passed the General Assembly, *nemine contradicente*, this third day of October, one thousand eight hundred and twenty-six.

(Signed) JOHN MAYERS, Clerk of the General Assembly.

(Signed) HENRY WARDE.

Assented to by his Excellency the Governor, on the twenty-third day of October, one thousand eight hundred and twenty-six.

(Signed) WM. HUSBANDS, Deputy Secretary.

## No. 3, Bill (accompanied by four Vouchers.)

Barbadoes.—(No. 487.) An Act to remove pecuniary Impediments to the Manumission of Slaves, and to extend the Benefit of Testimony to free Persons manumitted not according to the Laws of this Island, and to repeal certain Acts and parts of Acts relating thereto.

WHEREAS it is deemed expedient to remove the necessity of depositing any sum of money on the manumission of a Slave in this island, and also to extend the benefit of testimony to such free persons as have been manumitted since the fifth day of February, one thousand eight hundred and seventeen, by deeds not executed in this island.

Be it therefore enacted by his Excellency Sir Henry Warde, Knight, Commander of the most Honourable Military Order of the Bath, His Majesty's Captain General and Governor in Chief of this Island, Chancellor, Ordinary and Vice Admiral of the same, the Honourable the Members of His Majesty's Council, and the General Assembly of this island, and by the authority of the same, that from and after the passing of this Act, all deeds of manumission, executed within this island, shall be proved and recorded in the secretary's office of this island within ten days after the date of the execution of the same, which shall be effectual to manumit and set free any Slave to whom such deed of manumission is given without the payment of any sum of money into the hands of the churchwarden of any parish in this island, anything in any other Act of this island to the contrary notwithstanding.

Clause 1.

Manumission if recorded within ten days after execution, effectual to free Slaves, without payment of any sum of money.

And be it further enacted by the authority aforesaid, that from and after the passing of this Act, the sixth clause of an Act of this island, entitled "An Act for amending an Act of this Island, entitled an Act for the Governing of Negroes, and for providing a proper Maintenance and support for such Negroes, Indians, and Mulattoes as hereafter shall be manumitted or set free, and also for preventing certain Inconveniences from them arising to the inhabitants of this Island," passed the twenty-seventh day of February, one thousand seven hundred and thirty-nine: And also an Act of this island, entitled "An Act to amend an Act of this Island, entitled an Act for amending an Act of this Island, entitled an Act for the Governing of Negroes, and for providing a proper Maintenance and support for such Negroes, Indians, and Mulattoes as hereafter shall be manumitted or set free, as also for preventing certain Inconveniences from them arising to the inhabitants of this Island," passed the twenty-second day of January, one thousand seven hundred and eighty-three: And also the second clause of another Act of this island, entitled "An Act allowing the Testimony of Free Negroes and Free People of Colour to be taken in all cases," passed the fifth day of February, one thousand eight hundred and seventeen, shall be and the same are hereby repealed and made null and void.

Clause 2.  
No. 186 of Hall's Laws respecting the manumission of Slaves, and No. 32 of Moore's Laws on same subject repealed.

2d clause of the Act of 1817, restricting the testimony of free persons, repealed.

Read three times and passed the Council unanimously, the seventeenth day of October, one thousand eight hundred and twenty-six,

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read and passed the General Assembly, this seventeenth day of October, one thousand eight hundred and twenty-six.

(Signed) JOHN MAYERS, Clerk of the General Assembly.

## No. 1. (Voucher).

Barbadoes.—An Act for amending an Act of this Island, entitled an Act for the Governing of Negroes, and for providing a proper Maintenance and Support for such Negroes, Indians, or Mulattoes as shall be hereafter manumitted or set free, and also for preventing certain Inconveniences from them arising to the Inhabitants of this Island.

WHEREAS the sentence of death passed by the justices and freeholders in pursuance of an Act of this island bearing date the eighth day of August, one thousand six hundred and eighty-eight, entitled “ An Act for the Governing of Negroes,” against any Negro or other Slave tried before them is immediately put into execution, without any stay or respite, whereby the owner or possessor of such Negro or other Slave is prevented from bringing a writ of error to reverse the judgment or sentence, which in some instances hath been thought erroneous, and many times by the malice or ill-will of the prosecutor, as well as by the obstinacy of the owner or possessor of the Slave complained against, the pains of death hath, in pursuance of the letter or construction of the said Act been inflicted on such Slave, when more proper and effectual methods might have been used if the justices and freeholders had been empowered so to do, and thereby the large sums of money that have been paid out of the treasury for such executed Slave might and ought to have been saved, as well as the life of such Slave preserved. And whereas many persons in this island having manumitted and set free several Negroes and other Slaves without making proper provision for their maintenance and support, they continuing their baseness, have, instead of supporting themselves by honest labour and industry, through idleness and other vices, been greatly injurious to the inhabitants, in enticing and corrupting other Slaves to steal, and rob their owners, presuming that as they cannot be tried as Slaves, the evidence or testimony of a Slave, cannot legally be received against them, and thereby have hitherto escaped with impunity. To prevent and remedy the mischiefs and inconveniences before mentioned from happening hereafter; be it enacted by his Excellency the Honourable Robert Byng, Esq. Captain-general and Governor-in-chief of this and all other His Majesty’s Caribbee Islands to windward of Guadaloupe, &c. The Honourable the members of His Majesty’s Council, and the General Assembly of this island, and by the authority of the same; that for the future, if the justices and freeholders, or the major part of them, on the trial of any Negro or other Slave or Slaves for life, for any the crimes mentioned in the Act or statute aforesaid, shall find that the matters charged are not of a heinous nature, nor the criminal or criminals not to be an old offender or offenders, and shall think him, her, or them, an object deserving less severity, the said justices and freeholders, or the major part of them shall and they are hereby directed and empowered to use their best endeavours to compromise the offence between the prosecutor and owner or possessor of such Negro or Slave or Slaves, and prescribe such proper and effectual methods between both parties as to the said justices and freeholders or the major part of them, shall appear to be most requisite and equitable for saving the life of such Slave or Slaves, and for satisfying and repairing the loss or injury done to the prosecutor, who shall, and is hereby entitled to demand from the said justices an execution which they are hereby directed and empowered to issue to be proceeded on as in case of servants’ wages against the owner or possessor of any Slave or Slaves, for the sum agreed to be paid in satisfaction for such offence, and not complied with to such prosecutor. Yet if the means so prescribed, shall not be agreed to by both or either of the parties concerned, but they, either, or any of them, shall insist to have the said Slave or Slaves condemned, and executed, according to the strict words and appointments of the said Act, then and in such case, the said justices shall commit such Slave or Slaves to the common gaol of this island, and shall certify the whole evidence and all

Justices and freeholders trying Slaves for life where the offences are not heinous nor the criminals old offenders, may compromise the matter or certify the same to the governor and council, who are empowered to do what they think just.

their proceedings with their opinion concerning the said Slave or Slaves to the governor or commander in chief of this island for the time being, and council, who shall and are hereby empowered and humbly desired to hear and determine the same, and do therein what they think just and equitable in either confirming, disapproving or altering the appointments made by the said justices and freeholders to prevent the execution of the said Slave or Slaves, or to direct the said justices and freeholders strictly to put the said law in force against the offender or offenders, who shall at the owner's or possessor's charge and expense continue in the common gaol of this island till such determination shall be had and made.

And be it further enacted by the authority aforesaid, that if on the trial of any Negro, or other Slave or Slaves, before the said justices and freeholders, and after judgment of death shall be given thereon, the owner or possessor of such Negro or other Slave or Slaves, or any person in his, her, or their behalf shall desire to appeal from such judgment, the execution of such Slave or Slaves shall and is hereby directed to be stayed for the space of ten days, that such owner or possessor may have time to apply to the governor or commander in chief of this island for the time being, for a writ of error for transmitting the papers and proceedings of such trial to the court of errors, there to be heard and determined, and in the mean time the criminal or criminals shall by the said justices be committed to the common gaol of this island, there to continue at the owner's or possessor's charge and expense, closely confined till the said ten days shall be expired, or till such writ of error shall be heard and determined, and the said court of errors shall, and is hereby fully authorized and empowered to give such judgment as may be proper according as the circumstances of the case shall appear, without being strictly confined, only to affirm or reverse the judgment or sentence of the said justices and freeholders, and such judgment so to be given by the said court of errors shall, and is hereby declared to be binding and conclusive, and be strictly observed by all parties concerned.

And be it further enacted by the authority aforesaid, that the governor or commander in chief of this island for the time being, and council shall be, and they are hereby empowered and humbly desired if they think fit, to award cost against any person who shall appear to be obstinate or vexatious in not complying with what the justices and freeholders direct or appoint, or for bringing a writ of error for their judgment without having good cause for so doing.

And be it further enacted by the authority aforesaid, that no person whatsoever who shall hereafter apprehend or take up any Negro or other Slave or Slaves that hath or have been runaway from his, her, or their owner or possessor, for above the space of six or twelve months, shall be entitled to demand and receive the respective sums mentioned and appointed in the said Act entitled "An Act for the governing of Negroes," unless it shall appear that a guard was on purpose raised for seizing and apprehending such Slave or Slaves, and that it was with very great difficulty he, she, or they, was or were apprehended; but the sum to be paid for taking up such Slave or Slaves, if the owner or possessor and the constable or other person disagree about the same, shall be settled and determined by the nearest justice of the peace to the habitation of the owner or possessor not exceeding the sum of ten shillings for six months, and twenty shillings for twelve months, and such justice shall and is hereby empowered to cause the sum he shall think reasonable to be paid, not exceeding the sums aforesaid, to be raised as in the case of servants' wages.

And be it further enacted by the authority aforesaid, that hereafter the evidence or testimony of any Slave, where the same is supported with very good and sufficient corroborating circumstances, against any free Negro, Indian, or Mulatto, whether baptized or not, shall be received, allowed, and taken before any justice of the peace, or in any court of record or other judicature in this island, and shall be deemed and adjudged as the same is hereby declared to be as good, valid, and effectual in the law, to

Sentence of death being passed on a Slave and appeal moved for; execution to be stayed for ten days to obtain writ of error.

Court of error to give judgment as they may think fit.

Costs to be awarded against persons making vexatious appeals.

The sums given by former Act for apprehending runaway Slaves not to be paid unless a guard was raised for the purpose.

Testimony of Slaves with corroborating circumstances to be received against free persons.

all intents and purposes whatsoever, as if the Slave giving evidence or testimony was free, baptized, and not under servitude or bondage to any person whatsoever.

The sum of fifty pounds to be paid on the manumitting of a Slave.

The manumitted Slave to receive four pounds per annum.

Mode of recovering the fifty pounds, and also the four pounds per annum.

And be it further enacted by the authority aforesaid, that whoever shall hereafter by deed, or will, or by any other ways or means whatsoever manumit, set free, or discharge from Slavery any Negro or other Slave or Slaves, such person or persons shall for the better support of such Negro or Slave, and to prevent their becoming burthensome to the parish in which he, she, or they, shall live or reside, deposit, or direct to be paid into the hands of the churchwarden for the time being of the said parish, for each Negro or other Slave so manumitted, set free, or discharged from Slavery, the sum of fifty pounds current money, to be by the said churchwarden and the vestry of the said parish for the time being improved to the best advantage; and the said vestry shall direct and appoint the sum of four pounds current money for the maintenance and support of such person so manumitted and set free, to be annually paid to him or her; and in case such person or persons shall neglect or refuse to deposit, or direct such sum to be paid for the purpose aforesaid, the same shall by the churchwarden for the time being, immediately after such manumission or freedom be recovered by action in the court of common pleas for the proper precinct, or by a suit in equity against the person or persons, or his, her, or their representative giving such freedom; and be levied on his, her, or their proper estate, which is hereby made chargeable with the payment thereof. And if the said vestry shall, after the payment or recovery of the sum before mentioned, refuse to appoint such annual sum to the said free person, or the same shall not be annually paid to him or her, he or she shall, and is hereby enabled and empowered to recover the said annuity as in case of servants' wages before any justice of the peace, who is hereby directed and required to hear and determine the same, and to proceed thereon against the churchwarden of the said parish for the time being, in manner aforesaid.

Read three times and passed the Council unanimously, and was assented to by his Excellency, this 27th day of February, 1739.

(Signed) WILLIAM DUKE, Deputy Clerk of Council.

Read and passed the General Assembly this 12th day of February, 1739, *nemine contradicente*.

(Signed) EDWARD GROVE, Deputy Clerk of the General Assembly.  
(Signed) ROBERT BYNG.

#### No. 2. (Voucher.)

Barbadoes.—An Act to amend an Act of this Island, entitled “ An Act for amending an Act of this Island, entitled an Act for the governing of Negroes, and for providing a proper Maintenance and Support for such Negroes, Indians, or Mulattoes, as hereafter shall be manumitted or set free; as also for preventing certain Inconveniences from them arising to the Inhabitants of this Island.”

WHEREAS by an Act of this island, bearing date the twenty-seventh day of February, one thousand seven hundred and thirty-nine, entitled “ An Act for amending An Act of this Island, entitled an Act for the the Governing of Negroes, and for providing a proper Maintenance and Support for such Negroes, Indians, or Mulattoes, as hereafter shall be manumitted or set free; as also for preventing certain Inconveniences from them arising to the Inhabitants of this Island,” it is enacted that whoever shall hereafter, by deed or will, or by any other ways or means whatsoever, manumit, set free, or discharge from slavery, any Negro or other Slave or Slaves, such person or persons shall for the better support of such Negro or Slave, and to prevent their becoming burthensome to the parish in which he, she, or they shall live or reside, deposit or direct to be paid into the



hands of the churchwarden for the time being of the said parish, for each Negro or other Slave so manumitted, set free, or discharged from slavery, the sum of fifty pounds current money to be by the said churchwarden and the vestry of the said parish for the time being, improved to the best advantage; and the said vestry shall direct and appoint the sum of four pounds current money for the maintenance and support of such person so manumitted and set free, to be annually paid to him or her; which wholesome provision of the said Act, and wise intention of the Legislature are now totally evaded by the artifice and contrivance of persons about to manumit or set free their Slaves, by making a conveyance of such Slave or Slaves intended to be manumitted, to some insolvent person, who immediately executes a deed of manumission by which means the parish is defrauded of the said sum of fifty pounds, and the person so set free, deprived of the said annuity and reduced to necessity of seeking a dishonest means of livelihood: be it therefore enacted by his Excellency David Parry, Esquire, Captain General, Governor and Commander in Chief of this island, Chancellor, Ordinary, and Vice Admiral of the same, the Honourable the Members of His Majesty's Council and the General Assembly of this island, and by the authority of the same, that for the future any person who shall be minded to manumit or set free any Negro or Slave, shall actually deposit or pay into the hands of the churchwarden for the time being of the parish in which such person lives or resides, the sum of fifty pounds current money, and take a receipt or certificate of the said churchwarden for the same, and without such payment, and such receipt, or certificate, the deed of manumission or instrument of writing, shall be as to the purpose of manumitting such Slave void and of no effect, and the said Negro or Slave so intended to be manumitted, shall remain and continue, and to all intents and purposes shall be as such a Slave as if no such deed of manumission, or instrument of writing had been made.

Recites the evading of former law respecting the manumission of Slaves.

Clause 1.  
The manumission of a Slave, without the payment of £50 declared void.

And be it further enacted by the authority aforesaid, that if any person shall hereafter by will or other writing direct any Negro or Slave to be manumitted after the death of such person, or at any other future time, and the heir-at-law, executor, or other person so directed to manumit such Slave shall, in order to save the said sum of fifty pounds, and to retain the said Slave in slavery, neglect to pay the sum of fifty pounds, current money, into the hands of the churchwarden of the parish, and to manumit the said Slave within three months after the time appointed for the manumission of said Slave, the said churchwarden may, and he is hereby authorized and required to sue in his own name, in the court of the proper precinct, or proceed by suit in equity, for the said sum of fifty pounds, and as soon as he shall recover and receive the same, he shall execute a deed of manumission in his own name, which shall be effectual to manumit and set free the said Negro or Slave, anything in this Act before seeming to the contrary notwithstanding.

Clause 2.  
Churchwarden to proceed to enforce the manumission of Slaves, directed to be paid by will.

Read three times, and passed the Council with the amendments, this twenty-first day of January, one thousand seven hundred and eighty-three.

(Signed) FRAS. WORKMAN, Deputy Clerk of the Council.

Read three times, and passed the General Assembly, *nemine contradicente*, the twenty-sixth day of November, one thousand seven hundred and eighty-two.

(Signed) SAM. MOORE, Clerk of the General Assembly.

Assented to by his Excellency, the twenty-second day of January one thousand seven hundred and eighty-three.

(Signed) FRA. WORKMAN, Deputy Secretary.

Read three times, and passed the General Assembly with the amendments, *nemine contradicente*, this twenty-first day of January one thousand seven hundred and eighty-three.

(Signed) SAM. MOORE, Clerk of the General Assembly.

## No. 3. (Voucher.)

Barbadoes.—An Act allowing the Testimony of Free Negroes and Free People of Colour to be taken in all Cases.

WHEREAS free Negroes and free people of colour are by the laws of this island debarred from giving evidence in certain cases, and whereas from their steady and meritorious conduct on frequent occasions, but more particularly during the late calamitous insurrection of the Slaves, they evinced the greatest attachment and fidelity to the white inhabitants of the island, so as to entitle them to the favourable consideration of the legislature, in removing the disabilities under which they thus labour.

Clause 1.

Persons of free condition, baptised, and professing the Christian religion declared to be competent witnesses in all cases.

But those hereafter freed not to give evidence for twelve months.

Be it therefore enacted by the Honourable John Spooner, Esq., President of His Majesty's Council and Commander-in-chief of this island, Chancellor, Ordinary, and Vice Admiral of the same; the Honourable the Members of His Majesty's Council, and the General Assembly of this island, and by the authority of the same, that from and immediately after the publication of this Act, all and every person and persons of free condition, and who have been baptized and instructed in the principles of the Christian Religion shall and lawfully may be admitted and received to give evidence on any trial or suit of any nature or kind whatsoever, or on the hearing any complaint instituted or exhibited in any of the courts of law or equity in this island, or before any magistrate or coroner: Provided that no Negro or Mulatto who shall be made free shall be admitted to give evidence by virtue of this law unless he or she has been manumitted or made free for the space of twelve months previous to the commission of the offence or existence of the fact respecting which he or she shall be produced to give his or her evidence.

Clause 2.

Those hereafter manumitted not to have the privileges of the Act, unless freed according to the laws of the island.

And be it further enacted by the authority aforesaid, that no Slave resident in this island who shall hereafter be manumitted shall be admitted as a competent witness under this Act unless he or she shall be manumitted according to the Acts of this island now in full force.

Read three times and passed the Council unanimously this 4th of February, 1817.

(Signed) WM. HUSBANDS, Deputy Clerk of the Council.

Read three times and passed the General Assembly this 7th of January, 1817.

(Signed) R. PHILLIPS, Clerk of the General Assembly.  
(Signed) JOHN SPOONER.

Assented to by his Honour the President on the 5th of February, 1817.  
(Signed) WM. HUSBANDS, Deputy Secretary.

## No. 4. (Voucher.)

SIR,

Barbadoes, October 30th, 1826.

IN compliance with your Excellency's desire, I beg leave to lay before your Excellency, the substance of the communication I made to you on Wednesday last, when I had the honour to wait on your Excellency respecting the Manumission Act, which had recently passed in the Legislative Council and House of Assembly; the Act was drawn and brought into the Council by myself, as the most effectual to facilitate the voluntary manumission of Slaves in the colony. By the Act all fines (as the deposit money has been termed) on the manumission of Slaves in the colony are entirely removed. Slaves could be set free in the colony at a very trifling expense for the proof and record of the deed of manumission, much less than is now paid for a deed of manumission in England under a corporate seal. Having considered this point as necessary to meet the suggestions of Earl Bathurst as to voluntary manumissions, it would at the same time appear unjust towards the resident proprietors of Slaves in the

colony to have subjected them to any of those provisions, which the noble Earl had pointed out, of securities to be given for persons to be manumitted under and above certain ages, as well as helpless Slaves who might become a nuisance to the public. English manumissions would still be resorted to. I endeavoured to point out to your Excellency that all the former Acts of the colony providing a maintenance by a deposit on manumission of Slaves had been greatly evaded by the manumission of Slaves under a corporate seal in England, and the validity of such manumissions had been recognized here. If therefore the intention of the legislature in causing a deposit to be made on the freedom of a Slave, had been to prevent inconvenience and burthen to the public, such intention was evidently defeated by the introduction of a numerous class of persons manumitted in England; and had the principle of granting relief to free coloured persons from the funds of the parishes been once admitted by the vestries, a serious burthen might have been entailed upon the public by the evasion of the Colonial Law. I do not perceive that any inconvenience is likely to arise by the removal of impediments to voluntary manumissions in the colony. Could any inhuman and unfeeling disposition of proprietors, to rid themselves of Slaves who had become useless through age or infirmity, be called into action, and be encouraged by affording facility to manumission, such facility was amply given by the recognized validity of British manumissions. Under such considerations I deem it a measure of justice to resident proprietors, to be allowed to exercise the same unconstrained power of enfranchising Slaves in the colony which is permitted to persons who reside in Great Britain.

By the Act to which I am referring your Excellency, it is also intended to confer, under similar qualifications, the privilege of giving testimony before any justice or court, to all persons of free condition wheresoever they may have been manumitted.

Had I been aware of the objection which exists to your Excellency's sanction being given to the Act, I should certainly have introduced a clause to have suspended the operation of the Act until his Majesty's pleasure could be known.

I trust my explanation may appear clear to your Excellency,

I have, &c.

(Signed)

PHILIP L. HINDS.

*His Excellency the Governor, Government House.*

Speech of Dr. Maycock, at the forming of the Branch Association.

MY LORD,

*Barbadoes, August 2, 1825.*

IT is with considerable diffidence I rise to address this meeting, but my feelings will not allow me to give silent support to the measure proposed by your Lordship. It is now more than two years since a meeting of the clergy and planters took place in this room. The clergy, zealous in the performance of their duty, and conspicuous as an example of piety and virtue, proposed to devote a portion of their time to the instruction of the Slave population in the most essential points of the Christian religion, and the planters (so many at least as signed the resolutions of that day) pledged themselves to afford time and give every encouragement in their power to the Slaves to receive such instruction. No funds were raised at that time; but it cannot be doubted but much good has been done by the exertions of the clergy, although the want of subordinate teachers has been and continues to be an obstacle to the general and efficient instruction of Slaves. The wise and unobjectionable measure which your Lordship has proposed will, I am confident, remove this obstacle. You are doubtless aware, my Lord, of the distresses and difficulties to which this colony has for a long time been subject, but of their extent you have no idea. I am sure that I speak within compass when I state that two thirds of the real property of the island is under mortgage; just now indeed there is the appearance of a dawn of better times, if it be not transitory and fallacious; but we have

seen a long and dreary night, in which the fortunes of all have materially suffered ; of some have been irrecoverably wrecked, even at this time, when our hopes begin to revive, we are forced to reflect that we are still weighed down and overburthened by the continuance of heavy war taxes on our staple commodities, an example of the partial operation of those measures of alleviation which since the peace have been extended to all but ours. We are indeed extremely poor, and if the proposition which your Lordship has made, were one requiring an extensive pecuniary sacrifice, with the most favourable dispositions, we could not afford it efficient support, but the sacrifice is so small, the benefit to be afforded to a numerous class of our fellow creatures so great, and the duty on ourselves to afford that benefit so evident and imperious, that I am sure the measure proposed by your Lordship will be unanimously adopted ; that we shall gladly embrace the opportunity of becoming united to the society at home for the conversion of Negroes, and in support of the objects of that society cheerfully give a portion even of that little we have left. There is a circumstance intimately connected with the object of this meeting, to which your Lordship has not alluded, doubtless from delicacy to the planters, but which I, as an interested planter, may approach with freedom, I allude to the continuance of the disgraceful and disgusting nuisance of the Sunday market ; one which obtrudes itself to the annoyance of every well-thinking person, is a standing contradiction to every declaration we may make of zeal for the interests of religion, and takes from us the very character of a christian community. It does appear to me impossible to implant religious feelings in the minds of the Slaves until this nuisance be removed, and they be taught to respect the Sabbath, This evil has been allowed to continue, not from an insensibility to its nature and extent, but from an apparent difficulty in removing it. In this island, one third of the working days of the year is appropriated to the raising articles of food for the Slaves, and they are supplied with a superabundance and variety of provisions, being in no respect dependant on their own exertions for subsistence. On this account it may appear to some that an opportunity of attending market is not necessary for them ; but it should be kept in mind that from the produce of his garden, of his stock, nay from the superabundance of his allowance, the Slave has many articles which he can advantageously exchange for others, which add to his comfort, his importance amongst his fellow Slaves, and contribute to the general improvement of his condition. If you take from him the opportunity of doing so, you take away the operative inducement to industry, care, and economy, and you create an obstacle to his advancement in civilization ; if therefore it be not absolutely *necessary* that the Slave should have an opportunity to attend a market, it is certainly proper and desirable that he should enjoy such an indulgence. The planters however holding property subject to heavy demands from their creditors, can never consistently propose a legal subtraction of any portion of time from the labouring days of the week, nor could the Legislature enforce it by an Act, without evident injustice to the incumbered proprietors of landed property, and their creditors. The difficulty then of the abolishing the Sunday market, has arisen from the propriety of allowing the Slave an opportunity to dispose of the produce of his industry and economy ; and the impropriety of making any legal subtraction from the time employed in the cultivation of the soil. When however I reflect on the gradual amelioration which has taken place in the moral and physical condition of the Slave population ; when I reflect on what it was when I left this country,—a boy ; on what I found it when I returned,—a man, and on what it is at this present moment : when I reflect that so far from being the effect of legislative enactments, it may be said to have proceeded in opposition to law ; that it commenced partially, and has become general, (I wish that with truth I could say universal) from the force of example, and the influence of opinion ; I am convinced that the comfort and accommodation of the Slaves of time to attend a market, may be safely trusted to the benevolent feelings and interested policy of proprietors : interested policy I say, because every thinking planter is aware, that any abridgement of the comforts of his Slave will ultimately recoil, as an evil on himself : matters individually not very important, but collectively more essential to the well-

being of the Slaves, than an opportunity under their circumstances of attending a market, are necessarily dependant on such feelings. Legislative enactments may and indeed should grant particular privileges to the Slave, and correct evident abuse of the power of the master. But it is the conviction on the part of proprietors, that it is no less their interest than it is their duty to render their Slaves comfortable and happy; which can alone ensure to the Slave comfort and happiness. It is this conviction which has brought the condition of the Slave to be such as it is. It is this conviction which will continue by every reasonable and practicable means to improve their condition. It is this conviction which, so soon as the Sunday market shall have been abolished by law, will induce all the influential planters to make such voluntary arrangements, as shall afford the Slaves under their direction, the necessary comfort and indulgence of attending a market. I have been anxious to separate the abolition of the Sunday market from a legislative grant of time to the Slave to attend the market on the days of the week. I have been anxious to separate that which is *absolutely necessary*, from that which appears to me under all circumstances to be not so necessary; because I am very fearful that if the two points be coupled together, the Sunday market will long remain an opprobrium to the country.

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*Copy of the Thirteenth Article of his Majesty's Instructions to Lieutenant General Sir Henry Warde, K. C. B.*

THIRTEENTH.—And you shall not re-enact any law to which the assent of Us or our royal predecessors has once been refused, without express leave for that purpose, first obtained from us upon a full representation by you to be made to us through one of our principal Secretaries of State; and to the Committee of our Privy Council for Trade and Plantations, for their information, of the reasons and necessity for passing such law. Nor give your assent to any law repealing any other law passed in your government, whether the same has or has not received our royal approbation unless you take care that there be a clause inserted therein suspending and deferring the execution thereof until our pleasure shall be known concerning the same.

