An Act for the better ordering and governing of Negroes

1661-09-24, Barbados

Transcription

Whereas therefore many good laws and ordinances have been made fore the governing and regulating and ordering the negroes slaves in this isle and sundry principles be appointed to many their misdemeanour and crimes and offences which yet not the effort hath been desired and might have been – reasonably expressed had the master of familes and other inhabitants of this isle been so careful of their obedience and compliance with the said laws as they ought have been And these former laws being in many clauses imperfect and not fully comprehending the true constitution of this government in relation of their slaves their negroes an heathenish brutish & an unsertain dangerous kind of people to whom if surely in any thing wee may extend the legislative power given us of punishinary Lawes for the benefit and good of this plantation not being contradictory to the Lawes of England there being in all the body of that Law no tract to guide us where to walk nor any rule sett as how to govern such slaves yet we well know by the right rule of reason and order wee are not to leave them to the Arbitrary cruel and outrageous wills of every evil disposed person but soe far to protect them as wee doo many other goods and chattles and also so somewhat farther as being treated Men though without the knowledge of God in the world wee have therefore upon nature and serious consideration of the punishes thought good to renew and revive whatsoever we have found necessary & useful in the former Lawes of this Island concerning the ordering and governing of negroes and to add there unto such father Lawes & ordinances as at this time wee think absolutely needful for the publique safety and may prove to the future behoofeful to the pease and utility of this Island by this act repealing and dissolving all other former Lawes made concerning the said Negroes and for time so come.

Clause 1: Bee it enacted published and declared and it is by the president council and Assembly of this Island and by authority of the same enacted ordained & published that no Master & Mistress Commander or overseer of any family {Margins: against Negroes going abroad} within this island shall give their negroes leave on sabbath days holy days or at any other time to go out of their plantations except the Negroes who usually wait upon them at home and abroad and them with a tickett under the Master Mistress Commander or Overseer hand the said ticket specifying the time of his or her coming from the plantation and the time allowed for his or her return & {See Act Wc (163)} no other Negroes except upon necessary business and then to send a Christian or negroes overseer along with them with a ticket as aforesaid upon forfeiting for every Negroe so limited to got abroad 500 of musco sugar half the said fine to the informer and the other half to the public treasury; And if any Master & Mistress Commander or Overseer of any plantation {Margin: Any Finding Negroes in their plantation without a ticket} shall find any Negro or Negroes at any time in their plantation without a ticket and business from his said Master and not apprehend them or endeavour so to doe and having apprehended them and shall not punish them by a moderate whipping shall forfeit 500 [pounds] of like sugar to bee disposed of and aforesaid the said penalties to bee recovered before some justice of the peace of that parish where such default shall bee made who is hereby authorized upon complaints made to examine upon oath to hear and determine the same and by warrant under his hand directed to the constable to cause sure penalty to bee leavyed as in case of servants wages in appointed.

Clause 2: It is farther enacted ordained and published that if any Negro Man or Woman shall offer any violence to any Christian as by striking or the like the Negroe shall for his and their first offense by information given to the next justice of the peace {Margins: against Negroes striking Negroes} bee severely whipped by the Constable by order of the said Justice for the second offense of that nature by order of the said Justice of peace hee shall bee severely whipped his nose slitt and bee burned in face and for his third offense he shall receive by order of the Governor and Councill such greater corporeal punishments as they shall think meet to inflict provided always that such striking or conflict bee not in the lawful defense of their Master Mistress or owner of their families or of their goods.

Clause 3: And it is hereby further enacted that the Negroes shall have cloathes to cover their nakedness once every year (that is to say) drawers and capps for Men and pettycoates for women; And whereas the inhabitants of the Island have much suffered by the running away of the Negroes and by the keeping such runaways or fugitive Negroes by several persons in their plantations.

Clause 4: It is hereby enacted published and declared by the authority aforesaid that all persons that are now possessed of any fugitive or run away Negroes doe within six [?] days after publication of this act in the parish church bring them in and to their proper owners or into the vestry of the provost Marshall for the time being of his appointed deputy at the town of St. Michael's upon pain of paying of ten thousand pounds of good mercantable musco sugar for damage unto the owner to bee by the said owner recovered in the courts of common pleas for the Punishment where such trespasser haveth by ___ of debt or information in which no essoyne protection injustice or wager of Law shall bee permitted and allowed And if any Christian servant so possessed of any such Negro or Negroes not acquainting his Master thereof doe neglect or fails to bring them before the time limited as is before enjoyned the said servant shall immediately upon commission thereof receive nine & thirty lashes upon his naked back by order of the next Justice of the peace to some Constable or the Common Executioner and after execution of his time of service shall serve the owner of the said Negro the full tearm and space of seven years and record thereof by the said Justice before such examination shall bee had.

Clause 5: And further it is enacted by the authority aforesaid that all overseers of plantations doe twice every week search their Negroe houses for runaway Negroes {Margin: Overseer to search the Negroes houses twice every week} and what overseer shall neglect to doe the same shall forfeit 100 of sugar for every defaults the one half to the Informer the other half to the public use.

Clause 6: And bee it farther enacted by the authority aforesaid that whosoever hereafter shall take up any Runaway Negro shall person shall with forty eight hour after bring the said Runaway to the proper owner or to the provost Marshall or his deputy upon pain of forfeiting for every day that they shall keep such Negro or Negroes beyond the said forty eight hours and thereof bee convinced by confession or forfeit the sum or quantity of one thousand pounds of Marcantable Musco sugar to bee {Margin: any bringing a runaway negro} levied by the provost Marshall or his deputy by order of the Governor for the time being upon the person so neglecting to bring the said Runaway upon his lands goods or chattels the one half thereof to the owner of the said Negroe and the other to him or them that that shall inform the same out of which the said Marshalls fees shall bee deducted And if the said person or persons informing bee servant or servants to the party so detaining the said Negroe that the said person or persons so informing shall bee from then forth absolutely free {Margins: if ye informer bee servant to the retainer} and clear from his service any indenture or contract to the contrary notwithstanding.

Clause 7: And it is farther enacted by the authority aforesaid that all persons which shall here after take up any Runaway or fugitive Negroe and shall so bring them to the provost Marshall or his deputy shall receive one hundred pounds of Musco sugar or a noate[?] for so much that the person may dispose of his own sugar immediately upon the delivery of them from the treasurer for the time being who is hereby required to pay the same, And in case he shall refuse to make the said payment: upon the presentment of the said Negroe and thereof

oath bee made {Margin: if ye treasurer refuse to pay the 100 sug} before anyone Justice of the peace the said Justice is hereby authorized & required to direct his warrant to any Constable to cause the value thereof to bee levied out of the goods of the said treasurer And the said goods to bee delivered to the said party.

Clause 8: And bee it farther enacted and ordained by the authority aforesaid that it shall & may bee lawful for the said provost Marshall to detain and keep in his custody the body of all such runaways until the owners of them shall pay unto him the said treasurer one hundred and ten pounds of Musco sugar and also unto the said provost Marshall four pounds of the like sugar for every twenty four hours the said fugitive Negroe has been in his custody and also until he hath a discharge of the aforesaid treasurer or his storehouse keeper; Provided always that the said provost Marshall doe furnish the said Negroe with sufficient food and drink. {Margin: the provost Marshall to give him Victuales?}

Clause 9: And it is further provided and ordained as aforesaid that if any of the said Negroes shall dye for want of food or dry or convenient lodging the provost Marshall shall bee responsible for them to the owners And if the said Marshall suffer any Negroe so escape before he bee duly delivered by a discharge in writing under the hands of the aforesaid treasurer the said Marshall shall pay unto him the aforesaid one hundred pounds of sugar {Margin: Negroes dying for want of food in prison} And shall bee further censured to the owner of the said Negroe as by the Governing Council Care[?] for the time being shall bee thought fit and convenient.

Clause 10: And it is farther enacted by the authority aforesaid that all such persons as shall apprehend and bring down any Runaway Negroes to St. Michael's Town to the bearer for the time being or to the prison shall upon such bringing down such Runaway Negro deliver unto the said treasurer 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 {Margin: the bringer [?] down to bring give account of the name} apprehended such fugitive Negroe which the said treasurer is hereby required to take and enter into a book to the intent that all owners of such Negroes may come to their right knowledge and understanding when their Negroes were apprehended and by whom and wether they might bee wrongfully taken up or not, And the Keeper of the prison at the delivery of any such Negroe doe take a Receipt of the person to whom delivered and therein insert the mark and description of the Negro delivered any usage or custom to the Contrary heretofore had in any wise without standing.

Clause 11: And it is further enacted and ordained by the authority aforesaid that every overseer of a family in this Island shall cause all his Negro houses to bee searched diligently and effectually once every fourteen days for clubs wooden swords or other mischievous weapons and finding any to take them away and cause them to bee burned. As also for clothes goods or any other thing or commodities particularly suspected flesh that is not given them by their Master & Mistress Commander Overseer and honestly come by in whose custody they find any thing of that kind and suspected or know to bee stollen goods the same for to seize and to take into their custody and within six days after their discovery thereof to send a certificate {Margin: search to bee made for stollen goods} to the Clerk of the parish for the time being who is hereby required to receive the same and toe never upon it the day of its receipt and the particulars to file and keep to himself but to sett upon the post of the Church door a short brief of such lost goods may the better come to the knowledge where it is by future enquiry of the Clerk who is not to show the particulars until the enquirer of stollen goods shall first declare what he hath lost and the Marks & descriptions thereof and paid twelve pence for the same by which if the said Clerk shall bee convinced that any part of the goods certified unto him to bee found ____ to the party enquiring he is to direct the said party enquiring to the place & person where the goods bee who is hereby required to make restitution of what is in being to the true owner upon the penalty of the forfeiture of 2000 of Musco Sug. {Margin: penalty} for every neglect by the overseer Clarke aforesaid in any of the particulars to bee levied upon the goods or chattels for the breach of either of those two last clauses in the branch by precept or Warrant from the Judge or Justice before whom such commission shall bee had the one half of the fine aforesaid to go to the public treasury, the other half to the person shall inform And that all Negroes likewise may receive

encouragement: to take fugitives and Runaway Negroes.

Clause 12: It farther ordained and enacted by the authority aforesaid that whatsoever Negro shall at any time of his accord take up any Runaway Negro that have been out about twelve Months shall have for his so doing five hundred pounds sugar to bee paid by the owner if he will redeem him within one Month during which time the Master of the Negro that took up such Runaway hath power to keep for the purpose aforesaid But if the owner of the said Runaway Negro will not nor doth not receive him within the said time then the Master in whose custody he is hath hereby power to sell the aforesaid fugitive or Runaway Negro and to take five hundred pounds of Sugar to himself for his {Margins: if the Master will not redeem him} Negroe and the rest return to the Master of the Negro so taken up And whosoever shall deprive or deceive any Negro that hath so taken up any fugitive of the boon or reward given him by this Law for so doing shall forfeit three thousand pounds of Musco Sugar one third to the Country one third to the Informer and one third to the Negro wronged {Margin: any depriving the Negro of the boon}which gift[?] and forfeiture shall bee justly employed by the Master of the Negro in Cloathes for the said Negro to wear with a badge of a Red rose on his right arm whereby he may bee known and cherished by all good people for the good service to the country the aforesaid fine to bee recovered by him that shall sue for it in any court of Record by account of debt or information in which no essoyne protection Injunction or wager of Law shall bee admitted or allowed, And whereas diverse evil disposed persons have therefore attempted to steal away Negroes by specious pretences of promising them freedom in another country against which punative[?] practice no punishment suitable hath been yet provided.

Clause 13: Bee it therefore Enacted and ordained by the authority aforesaid that whosoever shall directly or indirectly at any time hereafter publication hereof tempt or persuade any Negroes to leave their Master or Mistress service to whom they are slaves, out of which {Margin: against sealing negroes} and design to carry away any of them out of the Island or whosoever doe defraud their Master of them and bee thereof committed by their own confession or oaths of two credible witnesses or by the confession of such Negro or Negroes with reasonable circumstances concurring shall bee by the Governor of this Island for the time being or by any Judge or Record or any two Justices of the peaces adjudged to pay the said Master of the said Negro or Negroes five thousand pounds of Musco sugar by precept or Warrant from the aforesaid Governor Judge or Justice before whom the Commission is made to bee levied upon the Lands goods or Chattles of the persons so offending by such constable to whom the aforesaid Warrant shall bee directed and delivered to the party grieved by way of damage and the surplusadge (if any bee) shall bee returned to the owner And in case the party offending shall not bee found worth Law Goods or Chattles to the value aforesaid then shall the Governor Judge or Justice adjudge him servant to the party Injured Seven years and so deliver him over to him and make Record thereof, But if any Man shall so tempt and practice any persons Negroes and them so actually tempted ___ carry and send of the island and bee after apprehended in the Island for the same {Margin: any sending of other Negroes forfeit treble value} he shall by the Governor and Council for the time being condemned to pay the owners of such Negroes three times the value of them in sugar and ____ for the same from the Governor: to issue according unto the provost Marshall or his deputy And whereas many heinous and grievous crimes murders and burglaries & robbing in the highway burning of houses and Canes bee many times committed by Negroes which offenders for danger of escape are not long to be imprisoned and being brutish slaves deserve not for the baseness of their conditions to bee tried by the legal trial of twelve Men of their peers or neighbourhood which surely neither can bee rightly done as the subject of England are nor is Execution to bee delayed towards them in case of such horrid crimes committed.

Clause 14: It is therefore enacted ordained and published by the President Council and Assembly and by the authority of the same that when any such crimes as aforesaid shall bee committed by any Negro or Negroes slave or slaves and the said Criminals apprehended and brought before any of his Majesty’s Justices of the peace within this Island the Justice before whom such criminalls are brought shall take security for their forthcoming or lead them to prison and with all convenient {Margin: the try all for nerves for murder} speed shall join unto

[?] them the next Justice of the peace and those two Justices shall by their Warrant call to them three able good and legal freeholders shall heare & examine all evidence proofs and testimony of the fact ____ And if they shall find such Negro or Negroes guilty thereof they shall give sentence of death upon him or them accordingly as is provided by Law for such Capital offenders 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 bee done upon such Negro or Negroes slave or slaves by the Common Executioner or by what other Executioner can beget either white man or Negroe.

Clause 15: 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 release to join them as before then the aforesaid Justice sett a fine upon him of five hundred pounds of Musco sugar and to levy the same upon the aforesaid freeholders his goods or chattles accordingly; Provided always never the less that all petty felonies under the value of twelve pence and all small broils and misdemeanours [not sure of spelling] shall bee heard & determined by the Master of the Negro or Negroes committing the same upon the complaint of the party injured. But if such Master shall not give such Negroe _____: in the expense[?] of the complaint to his satisfaction the party injured shall carry the complaint to the next Justice of the peace who is hereby required and authorized to hear the same And upon conviction by confession witnesses or each[?] of the party injured to inflict such corporal pains or punishments not injurious to life limb or member as he in his discretion shall think fit and reasonable, And whereas several petty larcenies and trespasses are daily committed by Negroes in maiming one another and killing of horses and cattle stealing of ____ and diverse others of like nature which will bee to tedeous[?] and chargeable to the party injured should bee compelled to take the ordinary course of Justice against them for the more speedy proceedings therein for the future.

Clause 16: Bee it enacted and ordained by the authority aforesaid that upon any Complaint made to any of his Majesty's [sic] Justices of the peace dwelling within the parrish where the offense is committed the said Justice shall issue his Warrant for apprehending the Negro or Negroes complained off And for all persons that can give Evidence against them And if upon examination it doth probably appear that the said Negro or Negroes are guilty of the Crimes complained off then the said Justice is to certify the same to the Justice dwelling next to him And to desire the said Justice by virtue of this Act to associate himself with him which such Justice is hereby required on such desire to doe of them soe associated are to issue out their summons to three sufficient freeholders of the said parish[?] where the fact complained off was committed acquainting them with the said matter and appoint them a day hour and place where and when the same shall bee heard and determined by the Judges of the said freeholders and themselves or the major part of them at which day hour and place the said Justice and freeholders shall repair and cause all the offenders and evidences against them to be produced and if they shall upon the said Evidence or Confession of the said offender or offenders guilty of the fact complained off they shall then condemn the owner or owners of the said Offender respectively to make reparation and satisfaction to the Complainant for the damage he hath received which if the owner or owners shall refuse to make according to his or their proportion by the said Justice and freeholders or the major part of them adjudged and appointed then and in such case the said offending Negro or Negroes belonging to such owner or owners so refusing shall by Judgement of the Court first receive such Corporal punishment as the said Judges shall think fit and after bee awarded to the party injured to have and to hold the said Negroe to the said injured party and his heirs for ever, And in case the said Justice and freeholder and any or either of them shall neglect or refuse to perform their duties which by this Act is required of them they shall severally for such their respective defaults forfeit the just quantity of the five hundred pounds of Musco sugar the one half to the public treasury the other half to the party grieved if he shall prosecute for the same in the Court of the ____ where the said default is made.

Clause 17: And it is farther enacted ordained and published by the present council and Assembly and by authority aforesaid that if any Negroe shall make Insurrection or rise in rebellion against this place or people or

make preparation of arms powder[?] or offensive Weapons or hold any Council or Conspiracy for raising Mutinies or rebellion in the Island and hath been formerly attempted that then for the speedy remedy thereof the Governor of the Island or the superior Officer for the time being appoint a Coll:[colonel?] and the field officers of the Regiment of the Island or any form[?] of them to meet in {Margin: Negroes rising in rebellion to be tried by Marshall law} Council and proceed by Marshall Law against the ____ Contrivers raisers sementers and concealers of such Mutiny or rebellion and them punish by death or other pains as their crimes shall deserve And as the aforesaid Coll: [colonel] or field officers or any four of them shall seem fit And that no Master Mistis or Commander of a family should bee frightened by fear of loss to search unto and discover their own Negroes so evilly intended

Clause 18: It is farther enacted and ordained that they loss of Negroes so _____ shall bee borne by the public and when the present treasury is not sufficient to satisfy the loss of public levy to be presently made upon the Inhabitants for reparations of the same And whereas diverse Negroes are and long sine have been Runaway ___ Woods and other fastness of the Island doe continually much[?] mischief to several the Inhabitants of this Island hiding themselves some times in one place and sometimes in another so that with much difficulty they are to bee found unless by some sudden suprise.

Clause 19: Bee it therefore ordained and enacted and it is hereby ordained and enacted that from and after publication hereafter it shall and may bee lawful for any Justice of the peace Constable or Captain of a Company within this Island that shall[?] have ____ of the residence or hiding place of any Runaway Negro fugitive and outlaws to raise any Number of Men not exceeding twenty to apprehend or take them either alive or dead And for every Negroe which they shall take alive Runaway from the said Master above six months they shall {Margin: for taking of Runaway Negroes} receive __ five hundred pounds of sugar: And for every Negroe which hath been Runaway above [blank space in document] Months one thousand pounds of sugar from the owner Master or Commander of the said Negro if killed they shall receive five hundred pounds of Musco sugar from the public any Act or statute heretofore to the contrary in any wise[?] notwithstanding.

Clause 20: And it is farther enacted and ordained by the authority aforesaid that if any Negro under punishment of his Master or his Order for running away or any other crimes or misdemeanours towards the said Master shall suffer in life or in member no person whatsoever shall bee accountable to any Law, therefore But if any man whatsoever shall of wantonness or only mindedness and cruel intention willfully kill any Negro of his own he shall pay unto the public treasury] three thousand of Musco Sugar but if hee shall kill another mans he shall pay unto the owner of the Negro double the value and unto the publicTreasury give thousand pounds of Musco sugar. And he shall farther by the next Justice of the peace bee bound to the good behaviour during the pleasure of the Governor and Council and not to bee liable to any other punishment or forfeiture for the same neither is he who kills another Master's Negroe by accident liable to any other penalty but the owners Accou[could this be short form for accountable?] at Law But if any poor small freeholder or other person kill a Negro by night [?] out of the Common path & stealing his provisions swine or other goods he shall not bee accountable for it any Law Statute or ordinance to the contrary notwithstanding And so the {Margin: Negroes killed stealing} intent it may bee certainly proven [?] what Negroes are but [?] in rebellion to their Masters to the public peace.

Clause 21: It is by the authority aforesaid enacted ordained that all owners of Negroes within the Island doe within ten days after publication hereof send an account to the Secretary for the time being in writing what Negroes he hath [?] fled and Runaway and of the time they have been gone and so for the time to come {Margin: A Certificate to bee sent to the secretary office of all Runaways} within ten days after any Negro shall absent himself from his service under penalty of paying of one thousand pounds of Musco sugar whereof the one half to bee to the Informer the other to the public treasury to bee recovered by him that shall sue for it in any Court of Record by A___ of debt or information in which no essoyne protection or wager of Law shall be permitted or allowed And because the Negroes of the Island in those late years past are very much increased and grown to

such a great number as cannot bee safely or easily governed unless wee have a considerable number of Christians to balance and equal their strength and the richest Men in the Island so being for the present profit shall themselves only with almost all Negroes neglecting Christian servants and so consequently their own and public safety.

Clause 22: Bee it therefore enacted and ordained by the President [previous 'present council' may be changed to president] Council and Assembly and it is enacted and ordained by the authority of the same that within twelve months after publication thereof every freeholder provide himself of one Christian servant {Margin: For every 20 acres to keep one Christian} for every twenty acres of Land that he enjoys or possesses And from the said twelve months forward that every freeholder possessed of thirty Acres of Land or more keep no less than one Man servant for twenty acres of Land he is Master owner or overseer off upon the penalty of forfeiting three thousand pounds of Musco sugar one thousand to bee to the Informer one thousand to the Governor or Superior officer of this Island for the time being and one thousand pounds to the Church Wardens and overseer of the poor for the use of such poor where and in what parish such default is made to bee recovered against the refusing or neglecting obedience therein in any Court of Record by the party which shall sue for it and the fine to bee new laid upon every person every three Months that he Continue his ____ or refuse or neglect to perform obedience here unto Provided that in cases Christian Servants cannot possibly begotten that then those that want the proportion of this Act named[?] to supply themselves with the like number of hired Men which are to bee hired for six months at least that then they bee not liable to the aforesaid forfeiture, Lastly to the intent of this Act and every Clause and branch thereof may receive full execution and plead Ignorance therein.

Clause 23: It is ordained and enacted by the authority that this Act bee read and published in all the respective parish churches in this island the first Sunday in February and the first Sunday in August every year ensuing the date and first publication hereof given under my hand September 24th 1661

Signed Humphery Walrond

Citation

"An Act for the better ordering and governing of Negroes" Laws of Enslavement and Freedom in the Anglo-Atlantic World, accessed May 16, 2024, https://slaveryandfreedomlaws.lib.unb.ca/laws/17

Source

Colonial Office, CO 30/2, The National Archives, Kew Gardens, UK (Pages: 16-26)