

# **An Act for the better Government of Free Negroes, and for discouraging and prohibiting of Traffic with them, and with all Slaves.**

1761-05-07, Montserrat

## **Transcription**

WHEREAS the Trade, Credit, and Prosperity of this Island, are likely to suffer very considerably for Want of a Law for the better Government of Free Negroes who are permitted to keep Taverns, Victualling Houses, and Punch Houses, also Shops wherein they vend by Retail Muscovado Sugar, Melasses, Syrups, Cotton, Indigo, Ginger, and all Kind of Wares and Merchandizes, to the great Discouragement of the poor White Inhabitants who want Employment: And whereas likewise the Avarice of some Men hath induced them clandestinely to support, establish, and protect their Slaves in the several Occupations before-mentioned, by which Means a general Traffic is carried on by them with other Slaves, who frequently commit divers Thefts and Robberies in the Plantations of this Island, to the insupportable Wrong and Damage of many of His Majesty's good Subjects; and as it is much to be apprehended, the Number of such pernicious Dealers will, without the Aid of some Law to suppress them, greatly increase, and occasion many flagrant Thefts and Robberies, to the manifest Prejudice of our White Inhabitants, and Discouragement of Trade; We therefore, Your Majesty's most dutiful, loyal, and obedient Subjects, the Governor, Council, and Assembly of Your Majesty's Island of Montserrat, do humbly pray Your Most Sacred Majesty, That it may be Enacted and Ordained, and be it, and it is hereby Enacted and Ordained by the Authority aforesaid, That from and after the Publication of this Act, if any Free Negro shall keep a Tavern, Victualling House, Punch House, or any Shop, either in Town or Country, or shall sell, barter, or truck for, in a mercantile Way, or by Way of hawking and pedling, any Muscovado Sugars, Rum, Melasses, Syrups, Cotton, Indigo, Ginger, or other Goods, Wares, and Merchandizes whatsoever, either on their own proper or joint Account, or for Account of any Person or Persons whatsoever, then such Free Negro shall have such Goods so exposed to Sale seized and condemned to the Use of the Informer, and shall also forfeit for every Offence the Sum of Twenty Pounds Current Money, all which Forfeitures shall be forthwith levied on the Goods and Chattels of such Victualler, Tavern Keeper, Punch Seller, Shopkeeper, or other Offender or Offenders as aforesaid, by Warrant from the Justice before whom such Transgression or Offence shall be made appear, directed to the Provost Marshal of this Island, or any Constable, and for Want of such Distress, the Party or Parties so offending shall be committed by the said Justice to the Common Gaol, till the same be satisfied and paid, together with the Marshal and Constable's Fees thereby accruing, One Moiety thereof to be paid to the Treasurer for the Time being, for the Use of the Poor, the other Moiety to go and remain to the Person or Persons who shall inform or prosecute for the same.

And be it Enacted by the Authority aforesaid, That if any Slave shall keep a Tavern, Victualling House, or Punch House, or any Shop, either in Town or Country, or shall sell, barter, or truck for, in a mercantile Way, or by Way of hawking or pedling, any Muscovado Sugar, Rum, Melasses, Syrups, Cotton, Indigo, Ginger, or other Goods, Wares, and Merchandizes whatsoever, either on their own proper or joint Account, or for Account of any Person or Persons whatsoever, then such Slave or Slaves, he, she, or they, upon Conviction thereof before any Justice of the Peace, shall have such Goods so exposed to sale seized and condemned for the Use of the Informer, and shall likewise for every such Transgression and Offence be publicly whipped upon the bare Back, with any

Number of Stripes, not exceeding Twenty, at the Discretion of the Justice, and the Master, Mistress, Owner, or Renter of such Slave or Slaves, or any other person in League or Confederacy with him, her, or them, shall forfeit for every such Offence Fifty Pounds Current Money of this Island; all which Forfeitures shall be forthwith levied on the Goods and Chattels of such Master, Mistress, Owner, or other Person or Persons in League or Confederacy with such Slave or Slaves so convicted as aforesaid: Provided always, that Information be given by any Free Person upon Oath to One of His Majesty's Justice of the Peace for this Island, within Three Days after the Offence committed, that the said Master, Mistress, Owner, Renter, of such Slave or Slaves, or other Person or Persons concerned with him, her, or them, were privy or accessory thereto, and in such Case the Person informing shall receive Ten Pounds Current Money out of the public Treasury, upon producing a Certificate of the Accusation and Condemnation from the Justice that sat on the Trial, which shall be sufficient without further Warrant to the Treasurer.

And be it, and it is hereby Enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall hereafter buy, barter, or truck for, or receive by any Means, of or from any Free Negroes, or from any Slave or Slaves, any Sugar, Cotton, Rum, Melasses, Indigo, Ginger, or other Goods, Wares, and Merchandize (except Grass, Logs of Wood, Fire Wood, Crabs, Fresh Fish, Milk, and all Kinds of Poultry and Live Stock whatever, and Ground Provisions of the Produce of this Island) then such Person or Persons shall be guilty of a Misdemeanor, and liable to be prosecuted for the said offence by Indictment or Information before Justices of the Peace in their Sessions, or Justices of Oyer and Terminer and Gaol Delivery, and may be fined for the First Offence not exceeding Thirty Pounds nor less than Ten Pounds lawful Money of this Island, and on being unable, or refusing or neglecting to pay the same Fine immediately, shall be committed to close Custody in the Common Gaol of this Island, there to remain for Three Months, as a Punishment in lieu of the said Fine, unless he will redeem himself by paying the said Fine sooner, with all due Fees; and upon a Second Conviction of the like Offence shall be fined in any sum not less than Thirty Pounds lawful Money of this Island, not exceeding Sixty Pounds, and on being unable, refusing, or neglecting to pay the Fine, shall be committed to close Custody in the Common Gaol [sic] of this Island, there to remain Six Months, as a Punishment in lieu of the said Fine, unless he redeem himself sooner, by paying the said Fine, and all due Fees; and upon a Third Conviction shall be publicly whipped, with any Number of Lashes that the Court shall think proper, or be set of the Pillory once or more, as the Court shall think fit, and pay also any Fine not exceeding One Hundred Pounds, nor less than Sixty Pounds lawful Money of this Island; and being unable, refusing, and neglecting to pay the Fine immediately, shall be committed to close Custody in the Common Gaol of this Island for One whole Year, unless he shall thence sooner redeem himself by paying the Fine and all usual Fees; and if any Person or Persons shall buy, barter, truck for, or receive by any unlawful Means from any slaves, any Goods, Wares, and Merchandizes whatsoever, knowing the same to be stolen, although the principal Felon or Felons are not known or convicted, then such Person or Persons shall be guilty of a Misdemeanor, and may be prosecuted in Manner as aforesaid, and shall and may be fined, not exceeding One hundred Pounds lawful Money of this Island, nor less than Twenty Pounds like Money, and be imprisoned also for some Time not exceeding One Year; and in case of being unable, neglecting, or refusing to pay the Fine immediately, shall undergo such other Corporal Punishment instead of the same Fine, by Whipping or Pillory, as the Court shall think fit; and upon Conviction of the like Offence as last mentioned a Second Time, the Person offending shall be deemed a Felon, and if any Person shall be convicted of a Misdemeanor for buying, bartering, or tucking with Negroes contrary to this Act, it shall be a Bar to any other Prosecution for being accessory to the Felony committed by the Principal, if the Principal be afterwards convict; and all Fines hereby laid on Persons convict of buying, bartering, or receiving Goods from Sales, shall be to the Use of His Majesty, His Heirs and Successors, to be paid into the public Treasury of this Island, and towards carrying on the Forts, Fortifications, and other public Works of this Island.

And be it Enacted and Ordained by the Authority aforesaid, That all Free Negroes that are of any Mechanical Trade shall have free Liberty to carry on and exercise their said several Trades in as full and ample a Manner as any White Person; and that all Free Negroes, when fit to be bound out to Trades, shall be bound Apprentices by

any Two Justices of the Peace to any Person that will receive them for a Term of Years, unless they chuse a Master or Mistress to be bound to, any Thing in this Act to the contrary in anywise notwithstanding.

And be it further Enacted by the Authority aforesaid, That no Free Negro, Mustee, Mulatto, or Indian shall in any Case be deemed and accounted a Freeholder; and that if any Minister of this Island shall marry any White Person to any Negro in this Island, such Minister shall forfeit, to the Use of the Public, One hundred Pounds Current Money, to be recovered by Warrant under the Hand of the President for the Time being of the said Island, in Nature of an Execution, directed to the Provost Marshal, who shall levy the same, and the White Person marrying such Negro shall forfeit, to the Use of the Public, Twenty Pounds to be to the same use, and recovered after the same Manner as before recited.

And be it Enacted by the Authority aforesaid, That all Justices of the Peace are hereby authorized, impowered, and required to hear and determine all Cases of Offences against this Law, and that any One of them, upon Complaint, hath Power and sufficient Authority to summon and call before him any such Person or Persons as shall offend therein, and all Matters and Causes to hear and determine as shall be relative to the Complainants and Offenders, and what respectively to them belongs; and on due Examination upon Oath he hath hereby full Power and Authority to give Judgment pursuant to this Law, and issue forth his Execution, directed to the Provost Marshal or Constable, to levy the same on the Offender's Goods and Chattels, and them to sell as in case of Execution at Common Law.

And be it Enacted by the Authority aforesaid, That if any Justice of the Peace in this Island shall refuse or neglect, upon Application to him made, immediately to take and use proper Means for the Trial of any Matters herein prescribed and directed, and effectually to finish the same in Ten Days after required, such Justice shall forfeit Fifteen Pounds lawful Money of this Island, to be recovered by Bill, Plaint, or Information in any Court of Record within this Island, One Moiety to the Prosecutor or Informer, and the other Moiety to the Use of His Majesty, His Heirs and Successors, to be paid into the public Treasury of this Island, for the Repair of the Forts and Fortifications; and if any Constable shall refuse serving or executing the Warrants and other Precepts to him directed, he shall for each Offence forfeit Six Pounds Current Money of this Island.

And be it further Enacted by the Authority aforesaid, That all Fines and Forfeitures in this Act specified, and not declared how and in what Manner to be levied and disposed of, shall be recovered Warrant from a Justice to any Constable, which Constable is hereby fully impowered to execute the same by Distress and Sale of the Offender's Goods, taking customary Fees, One Half of the said Fine and Forfeitures to the Informer, and the other Half to the Treasurer for the Use of the Poor, any Law, Custom, or Usage to the contrary notwithstanding.

And be it Enacted by the Authority aforesaid, That this Act shall continue in Force for Seven Years from the Publication thereof, and no longer, against all Slaves, but not against Free Negroes until Twelve Months after the Publication aforesaid.

Dated in Montserrat, this 18th Day of May, in the First Year of the Reign of our Sovereign Lord George the Third, by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, and the Year of our Lord One thousand Seven hundred and Sixty-one.

Read and passed the Assembly the 2d Day of May 1761 JNo HARCUM, C.A.

Read and passed the Council this 7th Day of May 1761. TERRY LEGAY, C.C.

JOHN DAVIS, Speaker of the Assembly.

## **Citation**

"An Act for the better Government of Free Negroes, and for discouraging and prohibiting of Traffic with them, and with all Slaves." Laws of Enslavement and Freedom in the Anglo-Atlantic World, accessed May 22, 2025, <https://slaveryandfreedomlaws.lib.unb.ca/laws/170>

## **Source**

Copies of Several Acts for the Regulation of Slaves, Passed in the West India Islands. House of Commons, 1788-90. (Pages: 99-101)