

An ACT to authorize and empower the Commander in Chief for the time being to cause parties to be raised and fitted out for suppressing any rebellion, and for going in pursuit of and reducing runaway Slaves.

1807-10-29, Jamaica

Transcription

WHEREAS the public peace and safety of this Island require that sufficient power and authority should be vested in the governor, lieutenant-governor, or commander in chief, to cause parties to be raised for the immediate suppression of rebellions or rebellious conspiracies, or any dangerous assemblage of runaway slaves, without declaring martial law, which cannot be declared without many and great inconveniences to this Island in general, and ought not to be declared but in case of the most urgent necessity: We Your Majesty's dutiful and loyal subjects, the Assembly of this your Majesty's Island of Jamaica, humbly beseech your Majesty that it may be enacted; be it therefore enacted by the Lieutenant-governor, Council and Assembly of this your Majesty's said Island, and it is hereby enacted and ordained by the authority of the same, That from and after the passing of this Act it may and shall be lawful for the governor, lieutenant-governor, or commander in chief of this Island for the Time being, and he is hereby authorized and empowered, whenever, from application made or information received, he shall judge the same to be expedient and necessary, to order and direct the commanding officer of any regiment or battalion of militia to raise and fit out such and so many parties, composed of persons serving in the militia of the parish or precinct wherein such officer shall command, as the said commander in chief shall think requisite and appoint for the suppression of any rebellion or rebellious conspiracy, on the taking and bringing in or destroying any such runaway slaves as may be assembled or supposed to be assembled within or in the neighbourhood of such parish; which party or parties shall be well and sufficiently provided with good arms, accoutrements, and ammunition, such as the officers commanding the respective parties shall approve of.

2. And be it further enacted by the authority aforesaid, That in case the rebellion shall at any time be so extensive, or the assemblage or assemblages of runaway slaves be so numerous, that the governor, lieutenant-governor, or commander in chief shall judge that the parties which may or can be raised and fitted out in any one parish will not be sufficient and able to suppress such rebellion, or to reduce such runaway slaves, it may and shall be lawful for such governor, lieutenant-governor, or commander in chief to direct and order the commanding officers of the regiments or battalions of militia of such and so many of the parishes adjoining to that wherein the rebellion shall exist, or such runaway slaves be assembled, as he shall think proper, also to raise and fit out such and so many parties in the manner aforesaid, as the public exigency shall appear to him to require.

3. And be it further enacted by the authority aforesaid, That it may and shall be lawful for the governor, lieutenant-governor or commander in chief for the time being, during the actual existence of any rebellion or association of runaway or other slaves for rebellious purposes, to order such drafts from any other regiments of

horse or foot in this Island to be sent in aid of such parties, so raised and fitted out as aforesaid, as shall be necessary.

4. And be it further enacted by the authority aforesaid, That all such good and able men of free condition as shall offer themselves as volunteers, and enlist for the service aforesaid, shall be entitled to and receive a bounty not exceeding the sum of ten pounds each, as shall be regulated by the commander in chief in general orders, to be paid immediately after the conclusion of such service by the receiver-general, under the authority of the warrant of the governor, lieutenant-governor, or commander in chief, which he is hereby empowered to grant upon a certificate being produced to him, sworn to by the officer commanding the party in which such volunteer shall have served, and countersigned by the commanding officer of the regiment or battalion of the parish from whence such party was fitted out, over and above the pay and other encouragements by this Act herein-after mentioned and declared.

5. And whereas, for the more effectually carrying into execution several of the purposes of this Act, it is necessary that certain commissioners should be appointed in every parish of this Island; be it enacted by the authority aforesaid, That for effecting the purposes of this Act the following persons shall be and they are hereby constituted and appointed commissioners; that is to say, the members of the assembly for the time being, the custos or senior magistrate of each and every parish in this Island, and in and for the parish of St. George, Robert Gray (of Pigeon Hill) Alexander Park and Benjamin Crossley; for the parish of Vere, Thomas Alpress Priddie, James Mitchell, Alexander Schaw, and John Kennedy; for the parish of Saint Dorothy, Samuel Queneborough, David Gardiner and William Jackson; for the parish of Saint Thomas in the Vale, Francis Graham, Hector McKay, Thomas Rossiter, and Robert William Harris; for the parish of Saint James, William Murray, George Watson and George Lawrence; for the parish of Trelawny, John Black, James Campbell, Alexander Edgar, and William Baker Utten; for the parish of Hanover, Alexander Campbell (of Copse,) Dugald Campbell and George Malcolm; for the parish of Westmorland, James Colquhoun Grant, James Mackintosh and James Brown; for the parish of Saint Elizabeth, John White, David Shakespeare and William Kellitt Hewitt; for the parish of Clarendon, Williams Smith, William Pusey Hayle and James Bedward; for the parish of Saint Thomas in the East, Nathaniel Augustus Grant, Robert Logan, George Panton and John Kelly; for the parish of Saint Andrew, Alexander Ector, John Morrison and James Waddell; for the parish of Port Royal, Samuel Whitehorne Barnet, Leonard Wray and Alexander McLarty; for the parish of Portland, Thomas Oakley senior, Robert Mein and James Colthirst Colthirst; for the parish of Saint Ann, James Newly, George Cruickshank, Henry Ashmeade, and Charles Steer; for the parish of Saint David, Joseph Delpratt, William Weir, and James Ouchterlony; for the parish of Kingston, George Kinghorn, William Taylor and James Inglis; for the parish of Saint Catherine, George Howel, James Stewart, Francis Smith, William Cruickshank and William Ramsay; for the parish of Saint Mary, Joseph Green, Henry Cox and James Kidston; and any other three persons resident in any parish, from time to time to be appointed by the commander in chief for the time being; which said commissioners shall have full power and authority to procure all such necessary provisions, and other requisite articles, for the use of any party or parties raised and to be sent out as aforesaid, as to the said commissioners shall seem expedient.

6th. And be it further enacted, That the said commissioners or any two of them be hereby authorized and empowered to contract with any butcher or butchers for fresh beef, and with any other person or persons whatsoever for all such other articles as shall be necessary for the comfortable subsistence and accommodation of the parties to be sent out under the authority of this Act, and also of any other body of militia or regular white troops, whenever on actual service against an enemy: And that in case the said commissioners shall find it impracticable at any time to provide by contract for the militia or regular white troops, or the parties aforesaid, when actually employed, they or any two of them are hereby empowered to issue warrants, authorizing such person or persons as they shall think proper to press cattle, and other provisions or matters, for the accommodation of the militia and regular white troops, and the parties as aforesaid, when on actual service against an enemy: Provided, that nothing herein contained shall in anywise defeat or interfere with any contract

entered into or to be entered into for the subsistence of His Majesty's troops quartered in this Island.

7th. And be it further enacted by the authority aforesaid, That it may and shall be lawful for the said commissioners, or any two of them, under the order of the commander in chief for the time being, to raise such a number of negro or other slaves, for arms or baggage, as to them may appear necessary, to be sent out with any party raised and fitted out under the authority of this act: Provided always, That the number of slaves which shall be required from the several and respective estates or individuals in any parish, or district of a parish, shall be in proportion to the whole number belonging to such estate or individual.

8th. And be it further enacted by the authority aforesaid, That it may and shall be lawful for the said commissioners, or any two of them, at any time when the militia of this Island, or any part thereof, or any of His Majesty's regular white troops, are employed in actual service against an enemy, or any party or parties are raised and actually sent out under the authority of this Act, to hire, or in case that should not be practicable, to press such slaves, horses, mules, draught cattle, carts, wains, or waggons as the public service shall require, in the manner hereinafter direct, and observing the equitable proportion with respect to the properties and individuals before mentioned.

8th. [sic] And be it further enacted by the authority aforesaid, That the said commissioners, or any two of them, shall cause notice to be given, by warrant under their hands and seals, at each estate, or to each individual, in the respective parish or district of any parish, of the particular proportion of shot and baggage-slaves, horses, mules, draught cattle, carts, wains or waggons, as they are so required to send as aforesaid; and the showing of the warrant to the master, owner, or any other person who shall have the care or charge of such estates, or of any number of slaves horses, mules, draught cattle, carts, wains, or waggons, shall be held and taken for sufficient notice.

10th. And be it further enacted by the authority aforesaid, That in all cases where a master, owner, or overseer, or other person, entrusted with the care or charge of any plantation or settlement, or of any number of slaves, horses, mules, draught-cattle, carts, wains, or waggons, shall, on notice given, refuse or neglect to send the proportion of good and able slaves, or of horses, mules, draught-cattle, carts, wains, or waggons required, such as shall be approved of by the said commissioners, every person so offending shall forfeit the sum of one hundred pounds; but if it shall appear that such default did not happen through the direction of the master or owner, but by refusal or neglect of the overseer, in such case the overseer, or person entrusted, shall be liable to such penalty.

11th. And be it further enacted, That upon every such neglect or refusal as aforesaid it may and shall be lawful for the said commissioners, or any two of them, to authorize, by warrant under their hands and seals, the impressing and taking the number of good and able slaves, and of serviceable horses, mules, draught-cattle, carts, wains, or waggons, which shall have been required as aforesaid: Provided always, That no chief boiler, head driver, or tradesman, shall be so impressed.

12th. And be it further enacted by the authority aforesaid, That in case at any time when the militia of this Island, or any part thereof, or any of His Majesty's regular white troops, shall be actually employed against an enemy, the commissioners aforesaid should find it necessary to employ any wherry, boat, or other vessel, it may and shall be lawful for the said commissioners to hire such wherry, boat, or other vessel; and in case this shall not be in their power, to authorize, by warrant under their hands and seals, the impressing and taking such wherries, boats, or vessels which the public service may require.

13th. And be it further enacted by the authority aforesaid, That the officer commanding any party raised and sent out by virtue of this Act be and he is hereby empowered (provided that, from the shortness of time, or other

exigency of the case, he cannot be or is not furnished by the commissioners aforesaid with such carts, wains, waggons or other carriages, draught cattle, mules or horses, as the nature of the service may immediately require,) to impress, in the most equitable manner that he can, all such carriages, cattle, mules and horses as aforesaid, of which there shall be immediate need; which commanding officer is hereby required, (under the penalty of one hundred pounds for every neglect or refusal, to be recovered in a summary way before any justice of the peace of the parish where such impress is made, which penalty shall be to the use of the owner of any such impressed article or articles,) to give certificates of the waggons, wains, carts and other carriages, draught cattle, mules and horses, by him so impressed, therein expressing the time when they were employed in such service, as also any hurt or accident that may have happened to the same, to the end that the owner thereof may receive reasonable satisfaction; the amount of which hire and damages shall be regulated and ascertained by any two of the commissioners aforesaid, who shall attest the same under their hands, in the manner hereinafter directed.

14th. And whereas slaves, serving in such parties as may be fitted out under the authority of this act, may be killed or disabled: Be it enacted by the authority aforesaid, That all and every such slave or slaves who shall be employed in such parties, shall previous thereto be valued and appraised by the said commissioners, or any two persons to be appointed by them, and that such valuation shall not exceed the sum of two hundred pounds: And, in case any slave or slaves shall be killed, the master or owner of such slave or slaves shall receive for every slave, so killed, the sum at which the said slave shall have been valued; and in case any such slave or slaves shall be disabled by loss of limb, the master or owner of such slave or slaves shall receive such sum as shall appear to be the difference in the value of such slave or slaves, at the time of being valued as aforesaid, and upon a revaluation to be made by the said commissioners, after such slave or slave shall become so disabled as aforesaid: Which said several sums the receiver-general for the time being shall, and he is hereby directed and required to, pay out of any monies in his hands unappropriated, unto the master or owner of every such slave or slaves so killed or disabled as aforesaid, on a certificate being produced to him, under the hand of the commanding or senior officer of the party to which such slave or slaves belonged, that such slave or slaves was or were so killed or disabled in the party under his command, or of which he was senior officer: And in case the said receiver-general shall not have in his hands money sufficient to answer such purpose, he is hereby authorized and empowered to certify on the back of such certificate that the holder or holders thereof shall be entitled to receive, out of the public treasury of this island, the sum therein mentioned, with interest from the dates thereof respectively, at six pounds *per centum per annum*; and such certificate shall be received in payment of all duties and public taxes whatsoever, the revenue duties excepted: Provided nevertheless, That if any slaves, horses, mules, or cattle, die or are lost in the service, and are paid for by the public, in all such cases no hire shall be allowed; and the value of the horses and mules shall be estimated at a sum not exceeding forty pounds respectively, and for cattle *per head* at a sum not exceeding thirty pounds.

15th. And be it further enacted by the authority aforesaid, That in case any Indian, free person of colour, or free negro, who shall have enlisted as a volunteer, or have been drafted from the militia, to serve in any party raised and fitted out by virtue of this Act, shall in any action be disabled or killed, each person so disabled, or the family of each so killed, shall be entitled to the same provision, subject to the same conditions, as is allowed to free persons of colour and free negroes by an Act of this Island, passed on the twenty-second day of December one thousand seven hundred and ninety-five, intituled “An Act to make provision for the families of such free people of colour and free negroes enrolled in the militia, as shall be killed or disabled in the public service.”

16th. And be it further enacted by the authority aforesaid, That the commanding officer of every party fitted out under this Act shall have and receive for his pay twenty shillings per day; each other commissioned officer, fifteen shillings per day; each non-commissioned officer, seven shillings and sixpence per day; each private white man, five shillings per day; and each free Indian, mulatto, and negro, five shillings per day; and that such slave intrusted with arms, or carrying baggage on such party, shall receive three shillings and four-pence per day; which pay for the said slaves shall be paid to the owner or proprietor, his or her agent or representative, for

the hire of every such slave as shall serve in any party as aforesaid.

17th. And be it enacted, That the respective pay as aforesaid to such officers, white men and others, as shall be raised as aforesaid, or impressed to go out in any party as directed by this Act, shall commence from the day on which they shall be actually employed in that service, and continue until they are discharged, and no longer; and shall be paid to the commanding officer of every such party by the receiver general, out of any public money in his hands; which said commanding officer is hereby required to distribute the same to the several officers, non-commissioned officers, and men of such party, at the several rates before declared: Provided always, that the commanding officer of every such party shall, before the receipt of such pay as aforesaid, deliver to the receiver general a muster roll, upon oath, of the officers and private men, and of the slaves bearing arms or baggage, in actual service under his command, in such party; which said muster roll, with the commanding officer's receipt thereon, shall be a good and sufficient voucher and authority to the receiver general for the payment of the money expressed therein.

18th. And be it further enacted by the authority aforesaid, That over and above the pay hereinbefore allowed to the parties sent out under the authority of this act, each party shall have and receive the sum of fifteen pounds, and no more, for every rebellious negro, mulatto, or other slave, they shall kill; and the sum of twenty pounds, and no more, for every such rebellious slave as they shall take and bring in alive; and for every runaway slave above the age of fourteen years, the sum of ten pounds, and no more; and forty shillings for every negro, mulatto, or other boy or girl, under fourteen years of age, which such party shall bring in alive: Which said reward or rewards shall be paid to the commanding officer of such party, by the receiver-general, out of any public money in his hands unappropriated, upon an affidavit of such commanding officer being produced to him, attested in the manner hereinafter directed, that the slave or slaves, for the killing or taking of whom he claims such reward or rewards, was or were killed or taken by the party under his command: Provided always, That when any party shall kill any rebellious slave, the commanding officer, or any two other officers of such party, shall be obliged, and are hereby directed, to view the body of such slave so killed, and to certify under his or their hand or hands, and on oath, the age, quality, sex, and mark, of such slave which hath been killed, and to produce personally all such slaves as have been taken prisoners, to the commissioners, or any two of them, appointed by this act as aforesaid, for the parish from whence such party was sent out; who, in such case, are hereby empowered and directed to attest the affidavit of the commanding officer of such party as aforesaid, and not otherwise.

19th. And be it further enacted by the authority aforesaid, That, in order to prevent any disputes that might arise about dividing the reward or rewards as aforesaid, the commanding officer of every such party as aforesaid shall be authorized, and he is hereby directed, to distribute one-sixth part of all such rewards, in equal shares, amongst the commissioned officers of such party, and the remaining five parts amongst the non-commissioned officers and privates, and the slaves bearing arms or baggage serving in such party, in the proportion of one-third less to each such slave than to the said non-commissioned officers and privates (being free men) of such party; which share of the rewards as aforesaid, hereby allotted for such slaves, shall be paid to such slaves themselves, for their own private use and particular encouragement, and not to their owners or proprietors.

20th. And be it further enacted by the authority aforesaid, That all slaves, whether rebellious or only runaway, who shall be taken by any party sent out as aforesaid, and brought in alive by them to the commissioners appointed as aforesaid by this act, shall be committed by them, or some one of them, to the gaol of the parish for which such commissioners shall be appointed; and in case there should be no gaol in such parish, to the gaol of the precinct, or of the county, in which such parish shall be situated; and the keeper of such gaol, or the deputy-marshal, shall be, and he is hereby, required, under the penalty of twenty pounds, to receive and detain in safe custody every such rebellious or runaway slave, until such slave shall be delivered by due course of law.

21st. And be it further enacted by the authority aforesaid, That all officers and men serving on any party raised and sent out under the authority of this Act, shall be tried for all crimes and misdemeanors by them done or committed while they are employed in such service; *videlicet*, all commissioned officers by a general court-martial, and all private men, according to the nature of their offence, by a general or regimental court-martial, to be respectively appointed by commission from the governor, lieutenant-governor, or commander in chief for the time being, according to the rules and articles of war that shall then be in force; any law, custom, or usage to the contrary notwithstanding.

22d. And be it further enacted by the authority aforesaid, That every officer or private man in the militia of this Island who shall be drafted out as aforesaid by order of the governor, lieutenant-governor, or commander in chief for the time being, or the commanding officer of the militia in the district to which he or they belong, and shall refuse or neglect to repair to his colours, march, or obey such other orders as he shall receive from his superior officer, shall, if an officer, be tried by a general court-martial, and if a private man, by a regimental court-martial, for such his disobedience or neglect, according to the rules and articles of war herein-before mentioned.

23d. And be it further enacted by the authority aforesaid, That all orders and commands which shall or may be given, in respect to military arrangements, regulations, or purposes, by any officer acting as a general officer on the staff, by commission under the hand and seal, or by the appointment of the commander in chief (which commission is hereby exempted from any stamp or other duty), whenever, in time of any public necessity, the governor, lieutenant-governor, or commander in chief for the time being shall find it expedient for the public service to make such appointment, shall be obeyed and complied with, according to the exigency thereof, by all persons subject and liable to military command and subordination, within the district wherein such general officer shall be appointed to command.

24th. And be it further enacted by the authority aforesaid, That the provost-marshal-general of this island, or any of his deputies, shall not, on any pretence whatsoever, presume to take or arrest any of the officers or men, or the slaves, employed in any party by virtue of this act, or within thirty days after they, and each of them, are respectively discharged, nor in the time of his going to, or coming from, the place of duty or rendezvous of such party, under the penalty of fifty pounds, and of being further liable to an action of false imprisonment; and, in case of any such arrest, it may and shall be lawful for any one of his majesty's justices of the peace, for the parish where such person or persons shall be arrested, and such justice is hereby required, immediately to release him or them from such imprisonment.

25th. And be it further enacted by the authority aforesaid, That the commissioners appointed as aforesaid, in the several and respective parishes of this Island, for carrying into effect the purposes of this Act, shall be and they are hereby directed and required to attest under their hands all purchases, contracts, bargains, agreements, accounts, demands, certificates, and vouchers for all matters and things which by this Act they are authorized and enjoined to transact; and the same being verified by the respective claimants on oath shall be laid before the commissioners appointed or to be appointed by law for stating and settling the public accounts, in order to their being examined and audited by them in the manner next hereinafter mentioned and directed.

26th. And whereas many accounts, charges, and demands may accrue against the public of this Island, in consequence of measures to be taken by virtue of this Act for reducing rebellious and runaway slaves, and which it is just and fit should be liquidated and settled; be it enacted by the authority aforesaid, That the commissioners appointed or to be appointed by law for stating and settling the public accounts, shall be and they are hereby authorized and empowered to audit all such accounts, charges, and demands which shall have so accrued, and have been presented to or laid before them, at any time previous to the next meeting of the assembly thereafter; and to grant certificates, bearing interest at and after the rate of six pounds per centum per annum, signed by any

two of the said commissioners last-mentioned, and countersigned by the receiver general, for the respective sums for which the same shall be passed; and which said certificates shall be taken in payment of all public duties and taxes whatever, the revenue duties excepted.

27th. And it is hereby declared, That this or any future assembly will indemnify and save harmless the commissioners appointed as aforesaid for effecting the several purposes of this Act, from any personal responsibility which may lie upon them, or any of them, by reason of any engagements which they or any of them shall have bonâ fide made for the public service, according to the true intent and meaning of this Act.

28th. And be it hereby enacted and declared, That the actions, transactions, and proceedings of any two of the commissioners herein appointed or to be appointed as aforesaid, shall, for carrying into effect the purposes of this Act, be held and considered as good and valid as if the same had been the act and acts of the whole of them.

29th. And be it further enacted by the authority aforesaid, That every commanding officer of a regiment or battalion, every officer commanding a party, every commissioner aforesaid, and every justice of the peace, who shall refuse or neglect to do his or their duty in any matter or thing required of him or them by this Act, shall respectively for every offence forfeit the sum of fifty pounds.

30th. And be it further enacted by the authority aforesaid, That nothing herein contained is meant or intended to do away any power granted by the militia law, now or hereafter to be in force, enabling colonels or commanding officers of the several districts to order a muster on any sudden emergency or alarm, and to take such other steps for public security as to him the said colonel or commanding officer shall seem absolutely necessary and proper.

31st. And be it further enacted by the authority aforesaid, That all penalties in this Act mentioned, not exceeding twenty pounds, and not declared how they shall be recovered, shall be recovered before any of His Majesty's justices of the peace of the parish or precinct wherein the offence shall have been committed, who is hereby authorized and empowered to issue his warrant to summon the party or parties complained of before him, and on conviction to enforce payment of the forfeiture or penalty, by warrant for distraining on the offender's goods and chattels, directed to the provost marshal or any of his lawful deputies, or to the constable or constables of such parish or precinct, which penalties shall be paid into the hands of the party or parties complaining; and that all penalties exceeding twenty pounds shall be recovered in the supreme court of judicature, or in the courts of assize in this Island, wherein no essoin, protection, imparlance, wager of law, *non vult ulterius prosequi*, or injunction, shall be entered or allowed; one half whereof shall be to the informer, or him or them who shall sue for the same, and the other half be paid to the receiver general, for and towards supporting the contingent charges of the government of this Island; any law, custom, or usage to the contrary notwithstanding.

32d. And be it further enacted by the authority aforesaid, That if any person or persons by whom any thing is required to be done by this Act shall at any time be sued or prosecuted for any such thing done and executed in pursuance and under the authority of this Act, the defendant or defendants may plead the general issue "not guilty," and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was had in pursuance and under the authority of this Act; and if the same shall appear to have been so done, that the jury shall find a verdict for the defendant or defendants; and if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action, or if a verdict shall pass against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant or defendants hath or have for costs in any other cases by law.

Citation

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Colonial Laws relating to Importation and Protection of Slaves in W. India Colonies, 1788-1815. House of Commons, HC 226, 1816. (Pages: 107-113)