

COLONIAL LAWS RESPECTING SLAVES:

(Presented to the House of Commons, in pursuance of an Address to His Royal Highness The Prince Regent, voted on the 12th July 1815.)

A N T I G U A.

An ACT to repeal the fortieth and forty-first clauses of an Act of this Island, intituled, "An Act for attainting several Slaves now run away from their Masters services, and for the better government of Slaves, dated the ninth day of December in the year of our Lord one thousand seven hundred and twenty-three;" and to make persons charged with and found guilty of the Murder of Slaves, liable and subject to the same pains and penalties as are inflicted for the Murder of Free Persons. [28 December 1797.]

WHEREAS by an Act of this Island, intituled "An Act for attainting several Slaves now run away from their masters services, and for the better government of Slaves, dated the ninth day of December in the year of our Lord one thousand seven hundred and twenty-three," it is, by the fortieth and forty-first clauses thereof, enacted and ordained as follows, that is to say, "And whereas several cruel persons, to gratify their own humours, against the laws of God and humanity, frequently kill, destroy or dismember their own and other persons slaves, and have hitherto gone unpunished, because it is inconsistent with the constitution and government of this Island, and would be too great a countenance and encouragement to slaves to resist white persons, to set slaves so far upon an equality with the free inhabitants as to try those that kill them for their lives; nor is it known or practised in any of the Caribbee Islands that any free person killing a slave is triable for his life; but particular laws (of which we are not provided) are made in several of them for punishing the aforesaid crimes, and are found very effectual in deterring persons from such crimes; BE it therefore enacted and ordained by the authority aforesaid, That if any free person or persons whatsoever shall willfully kill or cause to be killed any slave whatsoever, either belonging to himself or another, in any such manner as is not excusable by the laws of Great Britain, or allowed by the laws of this Island, whether the same be by excessive punishment or otherwise, or shall geld or dismember any such slave, that then such person or persons shall and may be prosecuted, by presentment, indictment or information, before justices of the peace in their sessions, or justices of oyer and terminer and gaol delivery, and upon conviction of any such killing, the offender or offenders shall be fined, each in any sum not under one hundred pounds nor exceeding three hundred pounds lawful money of this Island, and be imprisoned till said fine be paid, and all due fees, and find sureties for their good behaviour for one year; and in case of gelding or dismembering, and conviction thereof, the offender or offenders shall each be fined any sum not under twenty pounds, nor above one hundred pounds lawful money of this Island, and be imprisoned in the common gaol till the same be paid, and find sureties for his good behaviour for a year, so as the prosecution be commenced in one year after the offence of killing, gelding or maiming committed, and not after; and shall likewise pay double damages and costs to the party grieved, to be recovered by action of trespass in any court of record in this Island; the moiety of which fines for killing, gelding or dismembering any slave shall be to the use of His Majesty his heirs and successors, to be paid into the public treasury of this Island, to be employed towards repairing the forts and fortifications of this Island, and the other half to the informer prosecuting therefore:"

ANTIGUA.

And whereas from the alteration of times and circumstances since the passing of the above recited Act, it is become necessary that the said two clauses thereof should be repealed; We therefore, Your Majesty's most dutiful, loyal and obedient subjects, the commander in chief of your Majesty's Leeward Caribbee Islands in America, and the council and assembly of this your Majesty's Island Antigua, humbly pray Your most Excellent Majesty that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the authority aforesaid, That the said fortieth and forty-first clauses of the above recited Act shall be and are hereby declared to be repealed and made null and void to all intents and purposes whatsoever, as fully and effectually as if the same had been never made.

Act, N^o 176,
s. 40, 41, repealed.

2d. And whereas, in obedience to the divine law, and from principles of justice, humanity, and policy, it is right, that whosoever is guilty of wilful murder of, or of wilful maiming or wounding a fellow-creature, whether a free person or a slave, in any such manner as is not excusable by the common or statute law of England, should suffer the pains and penalties of death, or such other punishment as by the said laws such persons are made liable to suffer for the said crimes; Be it therefore enacted and ordained, by the authority aforesaid, That from and after the publication of this act, every white or other free person, who shall be charged with the murder, or with the maiming or wounding a slave, whether belonging to himself or to herself, or to any other person or persons whatsoever, and whether the same be by excessive punishment or otherwise, every such person so charged shall be proceeded against in the same manner as he or she would have been proceeded against or tried for the murder of or for the maiming or wounding a free person; and upon being convicted thereof, shall suffer death, or such other punishment as by the laws of England such persons would be sentenced to suffer for the murder of or for the maiming or wounding a free person; provided always, that such conviction shall not 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 notwithstanding.

White or free person charged with murdering or maiming slave, to be proceeded against as he would be for murdering or maiming free person: on conviction to suffer death or such punishment as law of England inflicts for murdering or maiming free person.

Dated at Saint Christopher's, the twenty-eighth day of December, in the year of our Lord one thousand seven hundred and ninety-seven, and of His Majesty's reign the thirty-eighth. *John Burke*, Speaker pro tempore.

Passed the Assembly this twenty-eighth day of November, one thousand seven hundred and ninety-seven. *John Hill*, Clerk of the Assembly.

Passed the Council the twenty-eighth day of November, one thousand seven hundred and ninety-seven. By Command,
Robert (r. s.) Thomson. *W^m Mathews*, Dep. Secretary.

Published this tenth day of January, one thousand seven hundred and ninety-eight. *John Robarts*, Dep. pro. Marshal.

An ACT for settling and regulating the Trial of criminal Slaves by Jury.
[28 February 1798.]

Preamble.

WHEREAS it has been found by experience, that the laws now in force for the trial of criminal slaves, are attended with many and great inconveniences, from there not being a jury to determine the fact, whether such slaves are guilty; but that the whole matter of fact, as well as of law, is to be determined by the magistrates presiding at the trial of such criminal slaves: TO remedy such inconveniences, we, therefore, your Majesty's most loyal and obedient subjects, the commander in chief of your Majesty's Leeward Caribbee Islands in America, and the council and assembly of this your Majesty's Island Antigua, humbly pray your most excellent Majesty, that it may be enacted and ordained, and be it, and it is hereby enacted and ordained by the authority aforesaid, That upon any complaint made to any justice of the peace within this Island, of any heinous or grievous crime, or felonious act or acts, committed by any slave or slaves, the said justice shall issue his warrant for apprehending the offender or offenders, and shall summon all and every person and persons that can give evidence thereof to come before him; and

Act,
On complaint charging slave with crime or felony, justice to issue warrant for apprehending slave, and summon evidence for examination; and commit slave if apparently guilty.