

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. [1796.]

WHEREAS it is expedient that the laws which have been enacted for the govern- Preamble,
ment of slaves, should be consolidated and brought into one act; that some further
provisions should be made for their protection; and that the mode of trying slaves,
charged

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charged with capital offences, should be altered and regulated as nearly as local circumstances will admit, according to the rules of the common law: May it therefore please your Majesty, that it may be enacted, and be it enacted by his honor, John Forbes, esquire, your Majesty's lieutenant governor 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, all and every the hereinafter-mentioned laws, and clauses and parts of laws, so far forth as the same do relate to negroes or other slaves, be and the same are hereby suspended for and during the continuance of this act anything in the said laws and clauses of laws, or in any other law, to the contrary notwithstanding—that is to say; an act passed in the seventh year of your Majesty's reign, intituled, An Act for governing negroes, mulattos, and indians; also one other act, passed in the eighth year of your Majesty's reign, intituled, An Act for suspending a clause in an act, intituled, An Act for governing of negroes, mulattos, and indians, and for amending the said act; also one other act, passed in the twentieth year of your Majesty's reign; intituled, An Act for suspending parts of certain clauses, and amending other clauses in An Act, intituled, An act for governing negroes, mulattos, and indians; also one other act, passed in the year last aforesaid, intituled, An Act for governing negroes, mulattos, musties, and indians, and for suspending several acts therein mentioned; also one other act, passed in the same year last aforesaid, intituled, An Act to amend a clause in an act passed in the seventh year of his present Majesty's reign, intituled, An Act for governing negroes, mulattos, and indians.

Laws suspended.

Allowance of provision to slaves.

2nd. 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, fifty-six pounds of potatoes, cocoes 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.

Provision for disabled or infirm slaves, to be made by their owners.

3d. 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 discard or turn away any such slave, by reason of such slave being rendered incapable of labour by sickness, age, or infirmity; but 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 burthensome to others, under the penalty of ten pounds for every offence, to be recovered in a summary manner before any two justices of 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 other person as they shall judge necessary, to be summoned before them, to enable them to judge of the justice of any such charge, and to determine whether such master, owner, or possessor ought to incur the aforesaid penalty; and in the meantime and until such trial can be had, the said justices of the peace, on 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 expence of such master, owner, or possessor, until such trial as aforesaid can be had; and if it shall appear to the said justices upon such trial that the party or parties complained of, is or are guilty of the offence alledged, 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 until he she or they shall pay the same.

Penalty on owners of infirm or aged slaves suffering them to wander about in want.

Vestries authorized to support infirm negroes, who have no means of subsistence.

4th. And whereas by reason of deaths or removals of proprietors of slaves, of their being manumitted without any suitable provision been made for their maintenance, and from other causes, some unhappy objects, rendered unable to labour by disease, old

old age, or other means, have become burthensome 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 unhappy objects; and any two justices of the peace are hereby authorized and required, upon application being made to them, to order all such objects 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 humane regulations for the purposes aforesaid as to them shall seem necessary and expedient.

5th. 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. Clothing of a slave.

6th. 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 endeavours 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 principles of the Christian religion

7th. 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 seem 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 same 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 full enquiry 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 expenses 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 damages 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. Penalties on masters, &c. for mutilating or maiming slaves.

8th. 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 for any offence.

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9th. 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 or tenements, goods or chattels, any law custom or usage to the contrary notwithstanding.

10th. 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 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 damage, in case such slave shall not be the property of the offender.

11th. And in order to restrain arbitrary punishments, 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, under the penalty of ten pounds for every offence.

12th. 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.

13th. And whereas a mischievous practice hath prevailed in some of the 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 collar, chains, irons, or weights, to be immediately taken off, under the penalty of one hundred pounds for every neglect or refusal.

14th. And be it further enacted by the authority aforesaid, That every slave within these islands shall be allowed the usual number of Christmas holidays, to wit, Christmas day, and the two following working days.

15th. 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 of his employer, shall for every such offence forfeit the sum of five pounds for each day.

16th. And be it further enacted by the authority aforesaid, That on the 1st day of January which will be in the year of our Lord one thousand seven hundred and ninety eight, and on the 1st 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 in upon oath, to the churchwardens of the parish, an account of all the births and deaths of the slaves on such plantation or settlement, under the penalty of fifty pounds, to be recovered from the owner of such plantation or settlement.

17th. 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

Persons killing a slave to be adjudged guilty of felony and murder, and to suffer death, without benefit of clergy.

Persons guilty of cruelty to slaves, to be indicted therefore in the general court.

Punishment of slaves.

Fees of the provost marshal or gaoler, for receiving slaves committed for trivial offences.

Fixing iron collars, &c. on slaves, declared unlawful.

Christmas holidays.

Overseers absenting themselves during the Christmas holidays, to forfeit £.5. each day.

Returns of births and deaths of slaves on plantations, to be made in January every year.

And if the not giving in such return be owing to neglect in the overseer, the penalty, &c. to be paid by him.

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.

18th. And whereas it is absolutely necessary that slaves should be kept in due obedience to their owners, and in proper subordination to the white inhabitants in general, that opportunities of committing rebellious conspiracies should as much as possible be taken away, and that adequate punishments should be appointed for all crimes committed by slaves; Be it further enacted by the authority aforesaid, 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 hereafter be suffered to go out of his or her master's or owner's plantation or settlement, or to travel from one place to another, unless such slave shall have a ticket from his or her owner, master, employer or overseer, expressing particularly the time of such slave's setting out, and where or to what place he or she is going, and the time limited for his or her return; under a penalty not exceeding forty shillings for every offence, to be recovered from his or her master, owner, employer or overseer, unless such owner, employer, or overseer shall make oath, that he or she did give to the said slave such ticket as aforesaid, or that the said slave went away without leave.

Excepting when going to market, no slaves to go from the plantation they are employed on, without a ticket or pass.

19th. And be it further enacted by the authority aforesaid, That no negro or other slave shall be allowed to hunt 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.

Slaves not to carry arms, unless in company with some white person, or by permission in writing.

20th. And be it further enacted by the authority aforesaid, That if any free negro, mulatto or Indian, in order to conceal any runaway slave, or to prevent him or her from being apprehended, shall give any fraudulent pass or ticket to any such runaway slave, he she or they shall be deemed guilty of forgery, and shall be liable to be prosecuted and tried for the same in the general court; and upon conviction, shall suffer the loss of freedom, transportation or such other punishment as the court shall think proper to inflict, not extending to life or limb.

Free people of colour, or

21st. And be it further enacted by the authority aforesaid, That if any such fraudulent pass or ticket shall be given by any white person with intent as aforesaid, such white person shall be deemed guilty of forgery, and shall be liable to be indicted and tried for the same before the general court; and shall suffer such punishment, by fine and imprisonment, as the court shall think proper to inflict.

White persons giving fraudulent passes to runaways, to be deemed guilty of forgery.

22d. And be it further enacted by the authority aforesaid, That no ticket shall be granted to any slave for any time exceeding one calendar month.

Tickets to slaves not to extend beyond one month.

23d. 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 so to do, 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.

Runaway slaves to be advertised within fourteen days after the time of absconding.

24th. And be it also enacted, That it shall not be lawful either to sell or to buy any runaway slave; and that any person selling or buying any such slave, while absent, shall forfeit the sum of thirty pounds.

Unlawful to sell or buy a runaway slave.

25th. 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.

Slaves who after a residence of two years run away, to be punished at the discretion of any two justices.

26th. 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.

Runaways for six months liable to be transported.

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27th. And

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Penalty for har-
bouring runaways.

27th. 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 hereinafter 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.

Slaves apprehending
runaways, to
receive £. 3. for
each.

28th. And be it further enacted by the authority aforesaid, That every slave who shall take up any such runaway, or inform against any person who shall harbour or conceal 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.

What slaves shall
be deemed runa-
ways.

29th. 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, (except as before excepted in going to or returning from market), shall be deemed a runaway.

Reward to free
persons apprehend-
ing runaway
slaves.

30th. 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 him or herself ten days without the privity, knowledge, or consent of the proprietor, owner or other white person residing on the plantation or place to which such slave shall belong, which time 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 such slave; but it is the true intent and meaning of this act, that every person who shall apprehend any slave that is actually run away shall be entitled to the aforesaid reward, although such slave shall not be eight miles from home, or although the aforesaid term of ten days shall not have elapsed.

Reward to slaves
for taking or killing
rebel negroes.

31st. And be it further enacted by the authority aforesaid, That any slave who shall take or kill another 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 expences whereof shall be reimbursed by the receiver general for the time being out of any money in his hands unappropriated.

Persons killing
slaves in the exe-
cution of this Act,
to give immediate
information thereof.

32d. And be it further enacted, 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 the peace, who is hereby required to take his examination, and also the evidence or information of any other 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, to be delivered to their owners or employers; or in the cases herein mentioned, to the gaoler or workhouse keeper.

33d. 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

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 that payment of the reward and charges aforesaid was neglected or refused to be made.

34th. And, to the end that the owners and proprietors of slaves so apprehended, may obtain information from 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 Bahama 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 size, and also the country (where 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 expence 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.

Runaways taken up, to be advertised in the Bahama gazette.

35th. 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 slave confined in such workhouse or gaol a sufficient quantity of good and wholesome provisions, according to the allowance herein before required to be given upon every plantation, under the penalty of ten pounds for every neglect.

Slaves confined to be furnished with victuals by the keeper of the workhouse.

36th. And be it 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 herein before directed, it shall and may be lawful for the provost marshal or for the keeper of such gaol or workhouse to sell every such slave at public outcry to the highest bidder, and that the monies arising from such sale, shall be applied, in the first place, towards payment of the expence of taking up, keeping, and advertising such slave, together with all other fees and charges hereinbefore mentioned, and the overplus (if any) shall be paid into the public treasury, to be applied towards the contingent expences of this government; and all receipts and bills of sale made by the provost marshal or the keeper of any gaol or workhouse (as the case may be) are hereby declared to convey a good and sufficient title to the purchaser or purchasers of any such slave, and to be a bar of the right of the former owner or owners: Provided always, that every such sale be at the usual place of public auctions, 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 Bahama 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 descriptions agree with the advertisement, and to certify the same, if found accurate or sufficient.

Slaves who shall have been in custody for twelve months, and not claimed, to be sold at public auction.

37th. 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 other person or persons, under the penalty of fifty pounds for every offence.

Slaves committed to gaol, or any workhouse, not to be hired out or otherwise employed.

38th. 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

Slaves escaping from confinement, on being apprehended, how to be punished.

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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.

Penalty on gaolers, &c. suffering slaves to escape from confinement.

39th. 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 owners action of damages.

Slaves killed in the public service to be paid for.

40th. And be it further enacted, That if any negro or other slave, at any time of invasion or appearance of an 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.

Penalty on any person permitting more than twelve strange slaves to assemble together on his plantation.

41st. 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 or 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.

All officers authorized to disperse unlawful assemblies of slaves.

42. And be it further enacted by the authority aforesaid, That all 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.

Slaves not to have fire arms or ammunition in their possession.

43d. 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 ball, 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 white persons.

44th. 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 death, transportation, or such other punishment as the court shall think proper to inflict; provided such conflict or striking be not by command of the owner of such slave, or of his or her attorney, overseer, or other person having authority over such slave, or in the lawful defence of his owner's person or goods.

Punishment of slaves preparing or giving poison.

45th. 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 for killing cattle, &c.

46th. And whereas horned cattle, sheep, horses, mares, mules 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 other 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 weight, 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.

47th. And

47th. And be it further enacted by the authority aforesaid, That if any negro or other slave shall feloniously steal any horned cattle, sheep, goat, hog, horse, mare, gelding, mule or ass, or shall kill any such horned cattle, sheep, goat, hog, 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 stealing cattle, &c.

48th. 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 or 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 and 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 these Islands, he, she, or they, so running or 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.

Punishment of slaves for aiding slaves in running away or getting off the Islands.

49th. And be it further enacted by the authority aforesaid, That if any 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 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.

Punishment of free people of colour for aiding runaways.

50th. 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.

Penalty on white persons for assisting runaways.

51st. 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 such slave or slaves in going off these Islands, whether the principal or principals be convicted or not; any thing in this or any other act, or any law usage or custom to the contrary notwithstanding.

Lawful to proceed against those who may have aided slaves in getting off, whether the principal be convicted or not, under this Act.

52d. 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; and 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 net proceeds thereof unto the public treasury.

Slaves not to carry about dry goods for retail.

53d. And be it further enacted, That no negro or other slave shall vend or retail any spirituous liquors whatsoever; and if any slave, without the knowledge of his or her owner or employer, shall sell or vend any spirituous liquors whatever, 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 hereinafter directed.

Slaves not to vend any spirituous liquors.

54th. 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 tippie, in or about his or her house shop or premises, or to remain in or about the same after the hour of eight of the clock at night, or shall at any other time sell rum or any other spirituous 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,

Punishment of slaves detected in gambling.

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to loiter or remain in or about his or her house, shop or premises, shall forfeit the sum of twenty pounds.

Mode of proceeding on the trial of slaves accused of crimes made punishable with death or transportation.

55th. And be it further enacted by the authority aforesaid, That upon complaint being made to any justice of the peace, of any burglary, robbery, burning of houses, rebellious conspiracies, compassing or imagining the death of any white person or persons, or any other felonious offence whatsoever, committed by any slave or slaves, and which is hereby declared or made punishable with death or 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 the 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 witnesses to appear at a certain day, not less than ten or more than thirty days from the day on which the complaint shall have been made, at the place where the quarter sessions are usually held, or other place of public meetings, 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 or 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 stand charged, the said justices shall give sentence of death without benefit of clergy, or transportation for life, 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 (women with child only excepted, whose execution shall be respited until a reasonable time after delivery :) 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, (one of whom to be always of the quorum and custos rotulorum of the island) 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 for five days successively (if necessary) and not longer; and shall have full power and authority to enquire into, hear, and determine all and all manner of felonious offences, committed by slaves, and shall open the said court by proclamation, declaring the same to be a slave court for such purpose; and that the said custos rotulorum and any one other justice shall thereupon in like manner in all respects as two justices associated, as herein before mentioned, are by this act authorized and empowered, proceed to try and deliver the workhouse or gaol within the island or parish, of all slaves who shall be in custody of the gaoler or workhouse keeper, charged with any of the felonious offences herein before mentioned; 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 aforesaid offences, and to give a true verdict according to evidence, as in other cases.

Time of holding slave courts.

Justices may respite the execution of any sentence.

56th. Provided always, That it shall and may be lawful for the justices at any slave court or extraordinary trial, to respite the execution of any sentence by them given, for any term not exceeding thirty days, or until the pleasure of the commander in chief shall be known, in case proper cause shall appear to them for so doing, or the jury shall recommend the prisoner to mercy.

Who shall constitute a slave court.

57th. And be it further enacted by the authority aforesaid, That not less than two justices and five jurors, shall constitute a court for the trial of any slave or slaves for any crime or offence that shall subject such slave punishable with death or transportation;

transportation; and that upon any such trial no peremptory challenge of any juror, or any exception to the form of the indictment, shall be allowed.

58th. And be it further enacted by the authority aforesaid, That in all cases where the punishment of death is to be inflicted, the execution shall be performed in some public place, and with due solemnity; and care shall be taken by the gaoler, constable, or marshal, that the prisoner be free from intoxication at the time of trial and execution; 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: Provided always, that where several slaves are capitally convicted for the same offence, one only shall suffer death, except in cases of murder or rebellion.

Execution how to be performed.

59th. And be it further enacted by the authority aforesaid, That any slave wilfully giving false evidence on any trial to be had 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.

Slaves giving false evidence, to suffer such punishment as the person accused would, if guilty, be liable to suffer.

60th. 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 workhousekeeper, 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 for slaves who die in custody, to be paid by the public.

61st. And be it further enacted by the authority aforesaid, That a record shall be entered up of all proceedings upon the trials of slaves for any crime that shall be punishable with death or transportation, in a book to be kept for that purpose by the clerk of the peace who is hereby required to attend all such trials, and to record the proceedings; within thirty days after such trials, under the penalty of twenty pounds for every such neglect; and he shall be entitled, upon producing the certificate of the justices, to have and receive out of the public treasury the sum of three pounds for attending each trial and for entering up the record, and any other business incident thereto, and no more.

Record of proceedings to be kept by the clerk of the peace:

His fees.

62d. And be it further enacted, 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 forty shillings, upon producing the certificate of the justice as aforesaid.

Constables to attend slave courts:
Their fees.

63d. And be it enacted, That any person who shall be drawn and duly summoned to serve as a juror on 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.

Jurors who neglect to attend, to forfeit £. 6.

64th. And be it further enacted by the authority aforesaid, That no 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.

Due notice of the trial of any slave, to be given to the proprietor or his attorney.

65th. 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.

Not more than £. 60 to be allowed by the public for any slave executed or transported.

66th. 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 expence; and the net 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.

Money arising from the sales of slaves sold for transportation, to be paid into the public treasury.

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Slaves returning from transportation, to suffer death.

Persons concealing slaves against whom warrants shall be granted, to forfeit £. 100.

Manumitted negroes, &c. to be tried as slaves, for all misdemeanors under felony.

Crimes under felony committed by slaves, may be tried in a summary manner by any two justices of the peace.

When a workhouse is established, runaways taken up to be committed to it only.

Powers vested in justices and vestries, to be executed by justices or vestries, in Islands where there are not both.

Mode of recovery of forfeitures and penalties;

and their application.

Continuance of this Act.

67th. And be it further enacted by the authority aforesaid, That any negro or other slave who shall be transported from these Islands by virtue of this act, and shall wilfully return from transportation, shall, upon conviction, suffer death, without benefit of clergy.

68th. 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.

69th. And be it further enacted, That all such negroes, mulattos, mustees and indians, as have been slaves, and have been or shall be made free, shall, for all misdemeanors 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.

70th. And whereas misdemeanors and offences of inferior degrees 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 misdemeanors below felony, 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 the person having the care of such slave or slaves, of the time and place of trial; and to order and direct such punishment to be inflicted on any such slave as the said justices in their discretion shall think fit, not exceeding fifty lashes; and the constable attending any 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.

71st. 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.

72d. And be it 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.

73d. And be it further enacted by the authority aforesaid, That all forfeitures and penalties given by this act, of which the recovery and application 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, together 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 prosequi, 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.

74th. 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 two years from the passing thereof, and from thence to the end of the then next session of the general assembly, and no longer.

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