

An ACT to secure the peaceable possession of Negroes and other Slaves, to the Inhabitants of this Island; and to prevent and punish the clandestine and illegal Detinue of them.

Preamble.

The first part of Cl. 5. 6 to 23, 27, 28 and 34, respects the manner of bringing Actions for Slaves in the Court of Law, and the method of proceeding.

Clause I.

An open, free, and notorious possession three months, by some lawful means, shall be a legal and just possession.

See Cl. 20, and the Preamble at the end of this Clause.

A Restriction I apprehend is made in the Statute of the 13th of Geo. 3. See Cl. 13.

FORASMUCH as the Estates and Plantations of this Island, are chiefly managed and supported by the labour and service of Negroes and other Slaves, and therefore are equally valuable to the Inhabitants, as Lands, and ought to be under as great regard and security in Law; and that what shall be adjudged a lawful possession of them may be ascertained; and that all private, concealed, covert, clandestine, cunningly designed, and illegal possessions may be duly punished, and for the future prevented; Be it enacted by his Excellency *Mitford Crowe*, Esq; Her Majesty's Captain General, and Governor in chief of the Islands of *Barbados*, *St. Lucia*, *Dominico*, *St. Vincents*, and the rest of the Islands, Colonies and Plantations in *America*, lying and being to windward of *Guadaloupe*, which now are, or hereafter shall be under Her Majesty's subjection and government, &c. the Honourable the Members of Her Majesty's Council, and the General Assembly of this Island, and by the Authority of the same, that all and every person and persons whatsoever, who have had an open, clear, free and notorious possession of any Negro or Negroes, Slave or Slaves, for the space of three months together before the date of this Act, accounting only eight and twenty days to each month, and who gained such possession legally by due course of Law, sale at public Outcry, descent, or became seized as Executor, Administrator, Attorney, Manager, * Renter, or other lawful power and authority, and have not procured such possession privately, designedly, cunningly, obscurely or fraudulently, shall be always

always deemed, taken and adjudged, and is hereby declared to have a legal and just possession against all persons whatsoever, to hold any Negroes or Slaves, until a full and legal recovery shall be had and obtained; and in case where Negroes and Slaves are newly imported, to be employed or sold in this Island, the Importer, whilst he keep them for his own use, and also the first purchaser, when here sold, shall be deemed, allowed and adjudged to have a legal possession equivalent to three months, though such Negro or Slave have not been here so long.

Slaves newly imported, the Importer whilst he keeps them for his own use, and the first Purchaser, shall have a legal possession equal to three months.

EXCEPTING and always Provided, that all and every person or persons, who have any just right to such Negroes or Slaves is, nor shall be by this Act, nor any thing therein contained, barred, or foreclosed, injured or prejudiced in the just recovery of his legal right to such Negro or Negroes, Slave or Slaves, by due course of Law or Equity; and all other possessions, which shall not be in manner as before is expressed, without covin, contrivance, unjust design, or fraud, are hereby declared, and shall be adjudged on legal possession, and a concealing, harbouring and unjust detaining, contrary to Law, and the true intent and meaning of this Act.

Provido. That such as have just Right, be not barred a Recovery at Common Law, or Equity.

What shall be deemed an illegal and unjust possession, adjudged a detaining.

AND therefore be it enacted, and it is enacted, ordained and declared by the Authority aforesaid, that if any person or persons, from and after the Publication of this Act, shall knowingly maintain, keep, harbour, conceal, or detain any Negro or Negroes, Slave or Slaves, in such secret, clandestine, and illegal manner as aforesaid, all and every such person or persons, who is, or are in such case injured or grieved, and have, or shall have their Negroes or Slaves, so detained from him, her or them, are hereby fully empowered to make his, her, or their complaint to any of the two nearest or neighbouring Justices of the Peace, (one whereof to be of the *Quorum*) to the place of the habitation of the Complainant; which complaint is to be expressed in writing under the hand of such Complainant, in order to the said Justices making a record thereof, as well as other the proceedings thereon; which said Justices are hereby, and by the Authority aforesaid, required and empowered, within two days at farthest after the time of such complaint, to issue a Warrant or Warrants, under their Hands and Seals, containing the substance of such complaint, to any sworn Constable, requiring such Constable thereby strictly to summon such person or persons so complained of, to appear before them within four days at farthest, to make answer to such complaint; and also to summon all and every person or persons whom the complainant shall alledge, can give evidence in the matter of complaint, who are hereby enjoined to declare the whole truth of their knowledges in the matter complained of: And the said Justices are hereby empowered and required, to grant their Warrant or Warrants, to search for and apprehend such Negro or Negroes, Slave or Slaves, as shall be so complained for and illegally detained, to the end they may view the said Slave or Slaves; and that it may be, as it is hereby declared to be in the power of the said Justices, to order and deliver the possession of the said Negro or Negroes, Slave or Slaves, according to the appointment and intent of this Act, on due and legal proof thereof, before the said Justices, by the oath of one or more credible witnesses, that the Negro or Negroes, Slave or Slaves, complained for have, before the time of such complaint made, been in the lawful, quiet and peaceable custody and possession of the Complainant, or Complainants for the time and space of three months, and in such legal manner as herein before is mentioned and expressed; and that the Party or Parties complained of, have in an unjust and unlawful manner, maintained, kept, harboured, concealed, or fraudulently detained such Negro or Negroes, Slave or Slaves, contrary to the intent of this Act, or have not come to

Clause II.

Complaint to be in Writing, and to the two nearest Justices, who are within 2 days to issue their Warrant commanding the Defendant's appearance within 4 days.

And to summons Witnesses, at the instance of the Plaintiff.

Warrant of Search to be issued for the Negroes complained for.

Justices to order Possession, according to this Law.

What shall be sufficient proof of a Detinue. See Cl. 1. and 2.

Justice, to adjudge the penalty of 5*l.* per day, or any part of a day.

Provided it exceed not 100*l.*
And to order the Negroes to be restored.

On refusal the Justices to issue Execution for 200*l.* for every Negro so detained.

Execution to be directed to any Constable in the Parish where the Complaint is made, to levy and proceed at common Law; and to receive the same Fees as Marshalls.

Upon request of either of the Parties, Justices are to give Copies of Proceedings under their Hands and Seals.

Justices for the same.

Proviso.

In case of Negro's death, between the time of Complaint, and the Judgment given, then the Complainant is not liable to the forfeiture of 200*l.*

VI. Cl. 9.

Clause III.

Upon sufficient Evidence, the Defendant is compelled to answer on Oath.

See Cl. 14.

the possession of the same by some lawful, or warrantable way or means, (although it shall appear to the said Justices, that the time of such unlawful detinue as aforesaid, do or shall exceed the time and space of three months) then and in such case, such Justices shall adjudge the Party or Parties so complained of, guilty of an illegal detention, contrary to the intent and meaning of this Act; and the Party and Parties so found guilty, shall pay to the Complainant or Complainants, for every day, or any part of a day, which the Offender or Offenders, shall be proved and adjudged to have unlawfully detained each and every such Negro or Negroes, Slave or Slaves, the sum of five pounds sterling money, and so proportionably for a longer time; Provided the said penalty doth not exceed one hundred pounds sterling: And the said Justices are hereby further empowered and required strictly to command and enjoin the said Offender or Offenders, to deliver and restore to the Complainant or Complainants, and into his, her or their safe possession, each and every such Negro or Negroes, Slave or Slaves; and in default or refusal thereof, to forfeit and pay the sum of two hundred pounds sterling, for every such Negro or Slave so detained as aforesaid; and in case any such Offender or Offenders, do not obey the Order, Sentence and Judgment of the said Justices, as to the payment of the said penalty, and restoring the Negro or Negroes, Slave or Slaves so detained, then the said Justices are hereby empowered and required forthwith, after such Judgment by them given, to issue Execution under their Hands and Seals, pursuant to the Judgment aforesaid, against such Offender or Offenders, and every of them, as well for the penalty aforesaid as for the said forfeiture of two hundred pounds sterling, for every Negro or Slave, so as aforesaid detained and that shall not be forthwith restored, to the Complainant in manner aforesaid; which Execution is to be directed to any Constable within the Parish where the complaint shall be made; who is hereby empowered and required to levy the same, and proceed therein in like manner as the Marshalls of the Courts of Common-pleas of this Island, are empowered to proceed upon Executions at common Law; and the Constables in this case shall and may receive the like Fees as the Marshalls of the Courts of Common-pleas in this Island, are by Law empowered to demand and receive; and the said Justices are hereby further required, upon request of either of the Parties, Complainant or Defendant, to give them or each of them a fair and full copy of all their proceedings, containing the Complaints, Proofs, Orders, Judgments, and Executions at large, under their Hands and Seals, for which the Party desiring the same, shall immediately pay the sum of ten shillings, together with five shillings more, when the said Copies shall be fully complete and perfected, and delivered to him.

PROVIDED nevertheless, that if any Negro or Negroes, Slave or Slaves, adjudged or ordered to be delivered, or restored to the Complainant or Complainants, as aforesaid, shall happen to die a natural death between the day of complaint and the time that the Judgment shall be given as aforesaid, and duly made appear by any legal witnesses, such Offender shall not be liable to the forfeiture of two hundred pounds sterling aforesaid: any thing in this Act contained to the contrary notwithstanding.

BUT forasinch as such secret, clandestine, and illegal detaining of Negroes and Slaves, are not easily discovered for want of legal evidence, Be it therefore enacted and declared by the Authority aforesaid, That every such Complainant, and Complainants so grieved, if they have not sufficient evidence to prove such detinue at all, or that they can prove but part of the number of Negroes and Slaves that have been detained, then and in such case the said Justices are hereby fully authorized, empowered and

and required to examine the Party or Parties complained of upon Oath, or legal Affirmation (if *Quakers*) requiring them, and each of them to declare the truth concerning such Complaint, (in case of failure of other witnesses) and if upon such Oath or Affirmation, it shall appear to the said Justices, that such Negro or Negroes, Slave or Slaves, have been illegally detained, then such Justices shall order such Negro or Negroes, Slave or Slaves, to be restored in manner aforesaid; but if the Party or Parties, so lawfully summoned and returned, so to be upon oath of the Constable, (except in case of extraordinary sickness, so as to disable him, her or them) shall neglect, or refuse to appear, answer, discover, or declare upon Oath, or legal Affirmation as aforesaid, to such questions as shall be asked and demanded concerning the detaining such Negro or Negroes, Slave or Slaves, so complained for, it shall be taken *pro confesso*, that such Negro or Negroes, Slave or Slaves, have been illegally detained; and the said Justices shall give Judgment accordingly, as if such detention had been otherwise fully proved: And in such case, where the Offender's oath is required, the said Justices are hereby authorized and empowered to adjudge such Damages as they in their consciencies do believe have been sustained by the Complainant or Complainants, for every day that such Negro or Negroes, Slave or Slaves, have been so illegally detained, according to the value of the service of such Slave or Slaves; which Damages when so adjudged, the said Justices shall order the Offender or Offenders, forthwith to pay to the Complainant or Complainants; and upon the refusal of the Offender or Offenders to pay the same, the said Justices shall grant Execution in manner aforesaid, only for such Damages so ascertained; and the same is to be levied in manner aforesaid, not exceeding the sum of two shillings sterling money, *per day*, for each Negro; and shall likewise order and put the Complainant into possession of the said Negro or Negroes in manner, and under the penalty of two hundred pound, for each Negro or other Slave, as aforesaid: But if such complaint shall appear to be vexatious, then the said Justices shall tax reasonable Cost for the Defendant against the said Complainant or Complainants, not exceeding the sum of five pounds sterling Money; and in case of non-payment thereof within ten days, Execution to issue and be levied in manner aforesaid.

AND be it further enacted by the Authority aforesaid, That if any person or persons, who on any Sale at Outcry of any Goods, Chattels or other Effects, by virtue of this Act, shall happen to be the greatest bidder, shall not pay the sum by him, her or them, bid at such Sale at Outcry, within twenty days, then and in such case the Justices of the Peace, before whom the first complaint was made, shall, and they are hereby empowered and required to issue a Writ of twenty *per Cent.* against the person or persons, who fails in payment, in the same manner as is appointed on Sales at Outcry, by virtue of any proceedings in the Courts of Common-pleas in this Island.

AND for a more speedy recovery of Negroes and Slaves, by Suits at the common Law, Be it enacted and ordained by the Authority aforesaid, That all and every person or persons, who shall lay any claim to the right, property and inheritance of any Negro or Negroes, Slave or Slaves, shall and may lawfully bring his, her or their Suit or Action, against any person or persons, who have possession of any Negro or Negroes, Slave or Slaves, except Overseers and Managers, who have Negroes and Slaves under their charge in the right of other, who, by the intent of this Act, are not deemed to have the right of possession, but their Master or Mistress, or those who represent them, and are the persons deemed liable to be sued in such manner as other persons herein before-mentioned in the Court of Common-pleas

Justices to order the Negro to be restored, if proof is made of the Detention.

Defendant refusing to answer, it shall be taken, *pro confesso*. See Cl. 30. if Evidences refuse to appear, or answer.

Where the Defendant's Oath is required, the Justices to adjudge only the damages.

Which shall be paid forth with, or Execution to issue, and be levied.

but not to exceed 2s. *per day*; and to put the Complainant into possession.

Complaint appearing vexatious, the Justices to tax Costs for the defendant not exceeding 5l. if not paid in 10 days, Execution to issue and be levied as aforesaid.

Clause IV. Purchasers on Out-cry, to pay the Sum bid within 20 days.

Vid. No. 28. Cl. 4.

Or a Writ of twenty *per Cent.* to issue against them.

Clause V. Persons claiming Right to any Slaves, may bring Actions against those who have the Possession; except Overseers who hold for others.

Where such Actions shall be brought; and how served.

Common-pleas, held for the Precincts where such Defendant lives; and in case they have no certain habitation of their own, then the Action shall be served in the most usual, or common place of abode, ten days at the least, before the setting of the said Court; and upon legal return of such service, the Judges of the respective Courts of Commonpleas aforesaid, are hereby fully impowered, authorized and required, in all such cases, to proceed to trial, and give Judgment the first Court after a full and perfect issue shall be joined, and the Cause made fit for Trial or Judgment, either in matter of Law or fact.

Method of the Courts
proceeding thereon.
See Cl. 7. and 11.

Proviso
In what cases Overseers
are liable.

* i. e. The Overseer.

PROVIDED always, that in case the Owner of any Plantation, or his Executors or Administrators, are not in this Island, and have no Attorney or Attornies here, then the Agent or chief Manager, or Overseer of such Plantation shall be prosecuted, examined and awarded against, for unlawfully detaining of such Negroes as all other persons are by this Act; and so * he shall be if he unlawfully detain and keep any Negro or Slave, belonging to any other person, without the express order of his Master, or Employer.

Clause VI.
Plaintiff to leave in the
Clerk's Office, on filing
his Action, all Papers,
&c. or attested Copies,
relative to the Action.

AND for the more speedy bringing all such Actions which any ways relate to Negroes for Trial and Judgment, It is hereby enacted and ordained by the Authority aforesaid, that every Plaintiff or Plaintiffs, when he, she or they files their Declaration in the Clerk's Office of the Courts of Common-pleas, shall leave in the said Office with the Clerk all such Powers, or Letters of Attorney, Letters Testamentary, or of Administration or Guardianship, Deeds and Writings, or legal attested Copies thereof, from some Office of Record, as are any ways mentioned in the Action or Actions filed, and whereof *profert* is made, to the end the Defendant or Defendants may have a view of the same, the better to enable him, her or them, to plead within the time limited and prescribed by this Act; and after any Plea of Abatement shall be filed in the said Office, then the Plaintiff or Plaintiffs, may take all such Papers and Writings from the said Clerk into his, or their custody.

And after a Plea of
Abatement is filed, he
may withdraw them
again.

Clause VII.
Plea in Abatement to be
filed in 4 days after
Service, and argued the
first Court.

AND it is hereby further enacted, ordained and declared by the Authority aforesaid, That in case the Defendant shall plead in Abatement to such Action, such Plea shall be filed in the Office of the said Court in four days after due service thereof, that the Plaintiff may take a copy thereof; which Plea of Abatement shall be called and argued the first Court after the filing of the same; and if such Plea shall be over-ruled by the Court, then the Defendant shall plead issuably, or in Bar, or demur fourteen days at farthest after the last day of the Court that such Plea of Abatement shall be over-ruled and filed in the said Office, that the Plaintiff may have Copies thereof, in order to join issue, reply or demur; and if it shall so happen, that further special pleadings shall be requisite to complete any Cause for Trial, either by the Court or Jury, then it shall be in the power, or discretion of the Court, to give the Plaintiff or Defendant a Rule, not exceeding fourteen days in any necessary case where further pleading is required, having due regard not to suffer any dilitary pleadings, or continuances; but that all Actions relating to the right, or property of Negroes, be every Court first called and proceeded upon with all expedition, as far forth as the Cause will admit of, until a full, just, and final sentence shall be given.

If over-ruled, the De-
fendant to Plead issuably,
in 14, or demur, in
14 days after the Court.

Where further Pleadings
are necessary, the Court
may give a Rule not
exceeding 14 days; but
not suffer any dilitary
Pleadings, or Continu-
ances.

Neg. Actions to be first
proceeded on, at every
Court.
See Cl. 5. and 11.

Clause VIII.
What shall be sufficient
Evidence, where the
names of Negroes are
unintelligible, &c.

AND because it hath been very difficult to prove a right to Negroes, their Names many times being unintelligible, and many going under two names, and others under one and the same name; Be it therefore enacted by the Authority aforesaid, That if the evidence proves the Negroes declared for, to be such Negroes as have been, or are commonly deemed,
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known or taken to be the Negroes or Slaves, of the Plaintiff or Plaintiffs unless the Defendant shews a more clear right and proof paramount to the Negro or Negroes, Slave or Slaves in question, that then and in such case such Negroes and Slaves shall be deemed and judged to be sufficiently proved under such proof as aforesaid; any thing in this Law seeming to the contrary notwithstanding.

AND be it further enacted by the Authority aforesaid, that upon every Action of Detinue, if the Plaintiff or Plaintiffs make recovery, the verdict shall be, that the Defendant or Defendants deliver into the possession of such Plaintiffs, such Negro or Negroes, Slave or Slaves, or for each and every one of them, the sum of two hundred pounds current money; and if such Defendant do not perform the same in fourteen days after Judgment of the said Court upon the said Verdict, the said Plaintiff or Plaintiffs may take out Execution against such Defendant or Defendants, and levy the same upon any of their Estates, either real or personal, and for want thereof upon their bodies; and the manner of the proceedings, as to the levy or *Capias*, to be executed by the Officers of the said Court of Common-pleas according to the Methods of such Courts.

EXCEPTED always, if such Negroes or Slaves, or any of them shall happen to die a natural death, between the date of the Judgment and the Execution, then and in such case the Defendant shall not be compelled, or be liable to pay the said penalty of two hundred pounds current money; any thing in this Law to the contrary notwithstanding.

AND that there may not be any encouragement to keep and detain Negroes, when the persons so keeping them know they have no right; Be it therefore enacted by the Authority aforesaid, that after such recovery is made, the Plaintiff may have his, her, or their Action or Actions for the damages by him, her, or them sustained.

AND be it further enacted by the Authority aforesaid, that all Actions relating to the property and right of Negroes, and the pleadings to them, shall be put first upon the list, and called for trial, as the same shall severally be, according as they are entered; and if it appear that the Officers or any of them be guilty of any corruption, either by neglecting to give timely summons, or in summoning of Juries, or wilfully fail in their duty, by giving wrong copies of Records, misplacing such Actions on the list, or otherwise, then such evil practices being duly and legally proved before the said Court or the major part thereof, the said Officer shall be displaced, and for ever rendered incapable of the said Office; and be further liable to the damages sustained by reason of such misfeasance.

AND be it further enacted by the Authority aforesaid, that all Writs of Error on Negro-Actions, shall be brought within fourteen days after Judgment given at the Common Law, or after any Judgment given upon a complaint before any Justices of the Peace; and also all Injunctions, which shall be necessary and allowed by the Chancellor, shall be brought before Judgment or within fourteen days after; Persons beyond sea, Feme-coverts, and Infants excepted; and all Writs of Error which shall be brought on Negro-actions, shall be put first on the list of Error.

AND be it further enacted by the Authority aforesaid, that in all proceedings relating to the possession or detention of Negroes or other Slaves, before the Justices; or property before any of the Judges of the respective Courts of Common-pleas in this Island, no Action, Bill, Complaint or any other proceedings, where there shall be more Plaintiffs than one, or where there is but one Plaintiff, shall fall, or abate, either by death or absence of any one or more, or all of the said Plaintiffs to the Action, or Complaint;

Clause IX.

What shall be the Jury's Verdict, on the Plaintiff's recovery.

Execution to issue thereon in 14 days.

Proviso.

When Negroes die a natural death, between the date of the Judgment and Execution. See the latter of the second Clause.

Clause X.

After Recovery the Plaintiff may have an Action of Damages.

Clause XI.

All Negro Actions to be first put on the Court List.

Vid. Cl. 7. Penalty on Officers in cases of Corruption.

Clause XII.

Writs of Error, and Injunction's, to be before Judgment, or in 14 days after.

Exceptions.

Writs of Error to be first put on the List.

Clause XIII.

No Negro Action or Complaint, shall abate by the death, or absence of the Plaintiff.

It is the Pleasants Act
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Clause XIV.

It is sufficient for
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Clause XV.

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but those who have the right of representation, either as Heirs, Guardians, Executors, Administrators or Attornies, such qualifications being produced upon record, shall be admitted and made Party or Parties to the record, by the rule or order of the Judges or Justices, before whom the Complaint or Action lies; and such person or persons so admitted Party or Parties shall have one month's time after such their admittance, that they may have due time to prosecute the interest of the person or persons whom they represent; neither shall such Action fall by the death of any or all the Defendants, but such Action or Complaint shall go on and be maintained against any the representatives of such Defendant or Defendants, or such person or persons as shall have the Negroes or Slaves, demanded in their possession; and such representative of the Defendant, or person or persons who have the said Negroes in their possession, shall be made Parties to the said Complaint or Action in manner aforesaid, to the end they may have due time to defend the interest of themselves or the persons they represent.

AND be it further enacted by the Authority aforesaid, that if the Defendant or Defendants in any Action, in any the Courts of Common-pleas within this Island, shall plead that such Negro or Negroes, Slave or Slaves, are not in their possession, then and in such case it shall be sufficient for the Plaintiff or Plaintiffs to prove by one or more legal evidence or evidences to the Jury, that such Negro or Negroes, Slave or Slaves, were in the possession of the Defendant, either upon the day of the Action brought, or within ten days before the Action brought: Provided the Defendant hath not delivered unto the Complainant the Negroes so complained or sued for, within ten days after complaint; and if the Plaintiff or Plaintiffs find any difficulty to prove the possession in part or in the whole, then complaint may be made as aforesaid to the two nearest or neighbouring Justices to the Complainant; who are hereby required to proceed in manner aforesaid, for discovery of the possession, by or upon the oath of the Party or Parties so complained of; and if upon such complaint, or examination, any time of possession of any Negro or Negroes, Slave or Slaves shall be proved, then a Certificate of the the time of such possession, under the Hands and Seals of the said Justices, shall be sufficient proof to the Jury to find for any Plaintiff or Plaintiffs, commencing their Action or Actions in manner aforesaid.

AND be it further enacted by the Authority aforesaid, that if any Widow seized of any Negro or Negroes, Slave or Slaves, of the Dower of her Husband, shall send off or any ways directly or indirectly consent to the sending off this Island, or sell and dispose of any such Negro or Negroes, Slave or Slaves, so that they or any of them are sent off this Island as aforesaid, without the lawful consent of him, her, or them in reversion or remainder, being of full age; and also of the Executor or Administrator, where they are liable to the payment of debts for want of other effects, then and in such case it shall and may be lawful for him, her, or them in reversion or remainder, or the Executor or Administrator, and every of them, or those who have any trust lodged in them for the use of any other, to enter and take possession of such Negro or Negroes, Slave or Slaves, and all other the Estate which she holds of the Dower of her Husband, the same being forfeited by the sending off or disposing of such Negro or Negroes, Slave or Slaves, by this Act. And further, if any such Widow shall marry an Husband who shall send off, or sell and dispose of any such Negro or Negroes, Slave or Slaves, so that they are sent off as aforesaid, without the lawful consent of him, her, or them in reversion, or the Trustees as aforesaid and every of them, then and in such case the

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person or persons who have the reversion, shall and may enter into and enjoy all and every the Estate, which the said Husband holds in right of his Wife as her Dower, whereof such Negro or Negroes is or are part, or the whole, for and during the life of her Husband.

AND that it may fall out, that the Negroes and Slaves sent off as aforesaid, or disposed of, may be of greater value than the Estate that such person or persons in reversion or remainder, or as Executor or Administrator can find to enter upon, so that there may be a great defect of a just remedy in such a case: Be it therefore enacted by the Authority aforesaid, that the person or persons in reversion or remainder, shall and are hereby empowered to have an Action or Actions at Common-Law against the Widow and against the Husband, for the recovery of treble the full value of such Negro or Negroes so sent off, or disposed of as aforesaid, out of any other Estate of her said Husband.

AND also that it is not hereby provided, that if such persons in reversion or remainder, or an Executor or Administrator, be interrupted in their entering upon such estate forfeited as aforesaid, how they shall be remedied: Be it therefore enacted by the Authority aforesaid, that every person or persons so injured as aforesaid, shall and is hereby fully empowered to bring an Action or Actions at the Common-law, for the recovery of such forfeited Estate, be the same Land, Buildings, Negroes or Slaves, or the value thereof, against any person or persons who shall impede, molest, or interrupt any such person as aforesaid, from taking or entering on any the Estate herein before mentioned; the said recovery to be levied on any the Estate real or personal, against whom such recovery shall be had and obtained, according as is appointed by the Acts relating to the Courts of Common-pleas; which Action or Actions shall be tried within the same time, and under the same rules and penalties in the proceedings, as is provided for the recovery of Negroes as aforesaid.

AND be it further enacted by the Authority aforesaid, that the same proceedings shall be had and made against all persons that are possessed of Negroes or other Slaves, for and during their natural lives, or the life of another, if they or any of them shall sell or send off any such Negro or Negroes, Slave or Slaves, or dispose of them so as they are sent off this Island, and be under the same forfeiture to all intents and purposes, as the Widow and Husband lie under, as aforesaid: And if any person or persons so holding any Negro or Negroes, Slave or Slaves, either in Dower or for term of his or her own life, or the life of another person, shall wilfully destroy, maim, or disable any Negro or Slave so held, shall pay treble the value of such Negro or Slave so destroyed, maimed, or disabled, to the person or persons in reversion or remainder, or to his or their lawful representative; to be recovered against such Offender or Offenders in damages, in the Court of Common-pleas where such Offender lives, and be liable to be sued there for the same at any time after the said offence is committed.

AND be it further enacted by the Authority aforesaid, that all Negroes and Slaves, or the value thereof shall be sued for, and tried by Action of Detinue, Writ *de partitione facienda*, Action of Trover and Conversion, Trespass or of Dower, as the the case shall require, and by no other Writ or Action whatsoever; and all proceedings to and upon such Action of Detinue, Partition or Dower, shall be in the same manner as herein before expressed and appointed: But as to Trover and Trespass, the proceedings shall be after the accustomed method of the Common Law.

Clause XVI.

Negroes in Dower sent off, being of greater value than the remaining Estate held in Dower, Party in Reversion to have an Action at Common Law against the Offender, for treble the value of the Negroes sent off.

Clause XVII.

Interruptions on Entries for any Forfeitures, the Party injured to have Remedy at common Law.

Recoveries at Law to be levied on any Estate of the Offender, as in the Courts of Common Pleas.

See Cl. 5. 7. and 11.

Clause XVIII.

The same Proceedings and Penalties against Tenants for Life, as Tenants in Dower.

Tenants for Life or Dower, wilfully destroying or disabling such Negroes, to pay treble their value to the Party in Reversion.

How and where recoverable.

Clause XIX.

Method of bringing Actions for Negroes, or their Value.

See Cl. 5. 7. and 11. Exceptions, as to Trover, and Trespass.

PROVIDED

Provided, That the Complainants in Partition or Dower, is not to recover any penalty, or damages, upon such Actions against the Defendants, for the time the Complainants have been out of possession, other than what may accrue to them from the commencement of their right, which they may sue for by due course of Law.

PROVIDED always, and it is the true intent and meaning of this Act, that the Complainants in Partition or Dower, is not to recover any penalty, or damages, upon such Actions against the Defendants, for the time the Complainants have been out of possession, other than what may accrue to them from the commencement of their right, which they may sue for by due course of Law.

And it is further provided, that this Act or any thing herein contained, shall not extend to any person or persons whatsoever, that hath or shall lend any Negro or Negroes, Slave or Slaves, or let any such for any time or term of years, or for a shorter time, whose Leases or Agreements are expired; nor to any Attorney, Overseer, or other person who came by the possession of any such Negroes or Slaves, by act or consent of the Claimers, or by some persons by, from, or under him, her, or them, and whose possession appears clearly to be but a bare trust; for and in all such cases, the Party or Parties, who makes the Claim, shall be put into possession of such Negroes or Slaves, by the said Justices in manner and form aforesaid, and the same proceedings are to be had in case of refusal, as if an illegal Detention; any thing in this Law seeming to the contrary notwithstanding: And in all cases where any Negro or Negroes, Slave or Slaves, unlawfully detained, are, or shall be lent, rented, or hired out, the Borrower, Renter, or Hirer shall not incur, or be subject to the penalty of five pounds per diem; but the person lending, renting, or hiring out, shall be liable and subject to the same only, and be levied upon for it accordingly.

AND it is further provided, that this Act or any thing herein contained, shall not extend to any person or persons whatsoever, that hath or shall lend any Negro or Negroes, Slave or Slaves, or let any such for any time or term of years, or for a shorter time, whose Leases or Agreements are expired; nor to any Attorney, Overseer, or other person who came by the possession of any such Negroes or Slaves, by act or consent of the Claimers, or by some persons by, from, or under him, her, or them, and whose possession appears clearly to be but a bare trust; for and in all such cases, the Party or Parties, who makes the Claim, shall be put into possession of such Negroes or Slaves, by the said Justices in manner and form aforesaid, and the same proceedings are to be had in case of refusal, as if an illegal Detention; any thing in this Law seeming to the contrary notwithstanding: And in all cases where any Negro or Negroes, Slave or Slaves, unlawfully detained, are, or shall be lent, rented, or hired out, the Borrower, Renter, or Hirer shall not incur, or be subject to the penalty of five pounds per diem; but the person lending, renting, or hiring out, shall be liable and subject to the same only, and be levied upon for it accordingly.

And forasmuch as many times Guardians, Executors and Administrators, by connivance and fraud, do suffer Negroes under their trust to be underfold, and often buy such Negroes themselves, or contrive that they be bought for them, to the great loss of Orphans, Creditors, Legatees, and all concerned, such Negroes being sold oftentimes for half their worth, even to the ruin of the Plantations to which they belong, and this many times when there are other effects, by which means such Negroes might be preserved: Be it therefore enacted by the Authority aforesaid, That if any Guardian, Executor or Administrator shall consent or agree with any Marshal, Officer, Creditor or other person, to have any Negro or Negroes, or other Slave or Slaves, belonging to the Estate which they, or any of them have in trust as aforesaid, to be extended, or sold at Outcry, or suffer or permit any such Negro or Negroes, to be sold at Outcry when there are other effects, personal Estate of the deceased, liable to the payment of any such debt; in such case the said Guardian, Executor or Administrator, and every or any of them so consenting or agreeing, suffering or permitting, shall be, and are hereby respectively liable to the forfeiture of fifty pounds current Money of this Island, for each and every Negro or other Slave so extended, or sold at Outcry, to her Majesty, her Heirs and Successors, for the use of the party grieved.

AND forasmuch as many times Guardians, Executors and Administrators, by connivance and fraud, do suffer Negroes under their trust to be underfold, and often buy such Negroes themselves, or contrive that they be bought for them, to the great loss of Orphans, Creditors, Legatees, and all concerned, such Negroes being sold oftentimes for half their worth, even to the ruin of the Plantations to which they belong, and this many times when there are other effects, by which means such Negroes might be preserved: Be it therefore enacted by the Authority aforesaid, That if any Guardian, Executor or Administrator shall consent or agree with any Marshal, Officer, Creditor or other person, to have any Negro or Negroes, or other Slave or Slaves, belonging to the Estate which they, or any of them have in trust as aforesaid, to be extended, or sold at Outcry, or suffer or permit any such Negro or Negroes, to be sold at Outcry when there are other effects, personal Estate of the deceased, liable to the payment of any such debt; in such case the said Guardian, Executor or Administrator, and every or any of them so consenting or agreeing, suffering or permitting, shall be, and are hereby respectively liable to the forfeiture of fifty pounds current Money of this Island, for each and every Negro or other Slave so extended, or sold at Outcry, to her Majesty, her Heirs and Successors, for the use of the party grieved.

Clause XX. And be it further enacted by the Authority aforesaid, That upon all Outcries of Negroes, there shall be twenty days for Redemption, as in case of Land; and until the expiration of the said twenty days, no property shall be transferred to the Purchaser, who shall not be obliged to pay his Money for the Negroes purchased until the expiration of twenty days; any Law or Statute to the contrary notwithstanding: And during the said twenty days, the Negroes so purchased, shall remain in the hands of the Purchaser, he giving security in double the sum which the said Negroes sold for, to redeliver them to the Marshal if the person or persons, from whom they were attached, or their Executors, Administrators or Affigns,

AND be it further enacted by the Authority aforesaid, That upon all Outcries of Negroes, there shall be twenty days for Redemption, as in case of Land; and until the expiration of the said twenty days, no property shall be transferred to the Purchaser, who shall not be obliged to pay his Money for the Negroes purchased until the expiration of twenty days; any Law or Statute to the contrary notwithstanding: And during the said twenty days, the Negroes so purchased, shall remain in the hands of the Purchaser, he giving security in double the sum which the said Negroes sold for, to redeliver them to the Marshal if the person or persons, from whom they were attached, or their Executors, Administrators or Affigns,

Clause XXI. And be it further enacted by the Authority aforesaid, That upon all Outcries of Negroes, there shall be twenty days for Redemption, as in case of Land; and until the expiration of the said twenty days, no property shall be transferred to the Purchaser, who shall not be obliged to pay his Money for the Negroes purchased until the expiration of twenty days; any Law or Statute to the contrary notwithstanding: And during the said twenty days, the Negroes so purchased, shall remain in the hands of the Purchaser, he giving security in double the sum which the said Negroes sold for, to redeliver them to the Marshal if the person or persons, from whom they were attached, or their Executors, Administrators or Affigns,

or the person that hath the title of the said Negroes, shall at any time within the said twenty days, make due tender of, and pay unto the Marshal that outcried them, or his lawful Deputy, the full value of the Outcry, and his lawful charges; in which case such Purchaser at Outcry shall deliver back all the Negroes and Slaves so bought and redeemed unto the said Marshal, who shall forthwith deliver them to the person or persons that shall so redeem them; and if the Purchaser shall refuse, on such demand of the said Marshal, to deliver them to him, then such person so refusing shall from the day of such refusal, be deemed and adjudged an unlawful Detainer of the possession of all such Negroes and Slaves, and be in all respects, subject and liable to be prosecuted for the same, before the two next Justices, and suffer the penalties provided for in this Act.

On refusal thereof, such Person to be deemed an unlawful Detainer, and subject to the penalties of this Act.

PROVIDED nevertheless, that if any of the said Negroes shall die a natural death, between the time of their being outcried and the said demand of the said Marshal, in order to his restoring them to the person so redeeming them, the said Purchaser at Outcry shall suffer no damage or loss by such death, and shall be liable to deliver back such only of them as are living at the time of such demand made by the said Marshal: But if the said Negroes so purchased at Outcry, are not redeemed within the said twenty days, then the right and property which the Debtor had in such Negroes and Slaves, shall divest and be settled in the Purchaser, and the said Marshal shall pass his Bill of Sale for the same accordingly, and then demand and receive the full value of the Outcry from the Purchaser for the use of the Creditor; which if the said Purchaser shall refuse to pay at that time, he shall be subject and liable to such penalties and forfeitures as herein before is appointed for such as neglect, or refuse to pay for any effects bought at Outcry, and shall be proceeded against accordingly.

Proviso.

Where Negroes die a natural Death, between the time of Out-cry, and the Marshal's demand of redelivery.

If no Redemption is made in 20 days, the Property to be settled in the Purchaser.

See No. 28. Cl. 10. And the Marshal to give a Bill of Sale, and then demand the value of the Outcry.

Which shall be immediately paid, or the Purchaser liable to the Penalties in this Act, on Outcries.

See Cl. 4.

AND be it further enacted by the Authority aforesaid, That for the better preserving Negroes on Estates in this Island, and keeping them entire together from ruin, by the recovery of Legacies left by Testators, and just debts due from their Estates, which might with more ease be paid without injuring any person concerned, by having a little longer time for the payment of such Debts or Legacies after they shall become due, it shall and may be lawful for any Executor, Administrator or other person in trust, not having sufficient effects in his, or their hands belonging to the Testator, or the Estate that he or they are entrusted for, to pay and satisfy, or cause to be paid and satisfied, any Legacy or just Debt after the same shall become due from the Estate, that the Negroes may be preserved on the Plantation, and prevented from being levied on and carried from it, which would inevitably ruin the same, and put it out of a capacity of recovering itself again; and what Money any Executor, Administrator or other person in trust shall pay or satisfy, or cause to be paid and satisfied, for the discharging such Legacies and Debts as aforesaid, the Estate shall stand and remain a security for the Money paid or satisfied, or to be paid as aforesaid, with Interest for the same, at and after the rate of ten pounds *per Cent. per Annum*, until the same shall be fully paid and satisfied.

Clause XXII.

Where the Effects are not sufficient to pay Debts and Legacies, the Executor, &c. may discharge them, to prevent the Negroes from being sold; and the Estate shall remain a Security for the Sums so advanced, with Interest thereon at 10 *per Cent* until the same be fully satisfied.

AND whereas it often falls out, that after the death of any person or persons possessed of Negroes and Slaves, great disputes arise about the title and possession of such Slave or Slaves, so that several persons pretend right to them, and get them many times by indirect means into their several possessions, which proves often times the ruin of the Plantations, and the persons to whom they really belong, occasioning long and tedious Law-suits, the possession not being hitherto in such cases clearly settled, so that the Justices of the Peace may so safely proceed as the case requires:

Be it therefore enacted by the Authority aforesaid, That where any person

Clause XXIII.

Person or persons, shall have the possession of the same, until the title shall be determined.

Proviso.

That they account for the Negroes work, with the right Owner.

Clause XXIV.

When any Negro shall be executed, the Justice or Justices, shall enquire if any Person is entitled to Reversion; and give Certificate, inserting the value thereof to be paid by the Treasurer, after the Party injured is satisfied.

Vid. No. 32. Cl. 15.

And the surplus to the Person having a present Estate in such Negro. The enquiry to be on Oath of the Party demanding satisfaction, before such Certificate is granted.

Clause XXV.

Commander of a Ship, or Master carrying off any Slave without the Owner's consent, to forfeit 200l. and for every Slave attempted to be carried off 50l. to the Owner of such Slave; to be recovered by Action of Debt, in any Court of Common Pleas.

Vid. No. 150. *wherein is contained the Death of any off Negroes, and the carrying off any Slave, or even attempting to do so, shall be deemed a Felony, &c. See also the Statute of the 17th of King Charles the Second, cap. 17. In the Slaves carried off, Recovery shall be had against the Security of such Vessel.*

Out of which forfeiture, when recovered, the Informer to be paid one third; recovered as in case of Servants Wages.

or persons whatsoever, shall die seized or possessed of any Negro or Negroes, Slave or Slaves as aforesaid, the Executor or Executors, Administrator, Trustee or Trustees of such persons, shall have the benefit of this Law, to have such possession for and in behalf of the person or persons, that have just right to them or any of them, for preserving of them, until the title of such Negroes and Slaves is settled and determined by due course of the common Law, or otherwise; and the said Negroes shall continue on the Plantation of the party deceased, until legally recovered by some person rightfully claiming.

Provided always, that the advantages accruing for the work of such Negroes and Slaves, be not misapplied by such Executors, Administrators, or Trustees, but they and every of them shall be accountable to the person or persons, in whom the title is found good.

AND be it further enacted by the Authority aforesaid, That when any Negro or Negroes, Slave or Slaves, shall be hereafter executed, and the Justices and Free-holders, or Field-officers, shall have certified the values of such Negroes or Slaves, as the Law directs, then, if any person or persons, have any right or title to a reversion or remainder, in such Negroes or Slaves, the same shall be, by the said Justices and Free-holders, enquired into upon, or immediately after the Trial; and the value of such reversion or remainder, after the Party injured is paid, shall be by them set and inserted in the Certificate, and awarded to such persons, or those who represent them, and shall be by the Treasurer of this Island accordingly paid out of the whole value of such Negroes or Slaves, the other part being due to such person or persons who have a present Estate in such Negroes or Slaves; the aforesaid enquiry to be made upon the oath of the Party that demands satisfaction, to be administered unto him by the said Justices or Field-officers; who shall have no such Certificate granted unto him, until he shall swear, whether there be a Reversion, and in whom the reversion is, (if any).

AND be it further enacted by the Authority aforesaid, That if any Captain, Master or Commander of any Ship or Vessel, or any other Mariner, or person shall, directly or indirectly carry off, or attempt, cause, or suffer to be carried off this Island, any Slave or Slaves, belonging to the Inhabitants of this Island, without the knowledge and consent of the Owner of such Slave or Slaves; shall forfeit for every Slave so carried off, the sum of two hundred pounds current Money, and for every such Negro or other Slave attempted to be carried off as aforesaid, the sum of fifty pounds of like Money to Her Majesty, her Heirs and Successors, for the use of the Owners of such Slave or Slaves; to be recovered by Action of Debt, in any of Her Majesty's Courts of Common-pleas held in this Island, against such Commander, Master or other person so offending; and if any Slave or Slaves, as aforesaid, shall be carried off, then against the security for such Ship or Vessel, in which such Slave or Slaves shall be so illegally carried off; to which Action the Defendant or Defendants shall plead issuably, and Execution thereon to issue, and be levied in the same manner as by the Laws of this Island, establishing the Courts of Common-pleas, and proceedings therein, is directed and appointed; any Law, Usage, or Custom to the contrary notwithstanding: Out of which forfeiture or forfeitures, after the same shall be recovered and received, the person and persons so recovering and receiving, shall pay unto such person or persons as shall inform or make appear the carrying off, or attempting to carry off any Slave or Slaves as aforesaid, one third part of the sum recovered and received; and upon neglect or refusal so do, the said third part shall be recovered before the two next Justices of the Peace, to the place where the said Owner lives, and Execution to issue, and be levied as in case of Servants Wages is appointed.

AND be it further enacted by the Authority aforesaid, That for every Warrant granted by Justices of the Peace for Detinue of Negroes, from and after publication of this Act, the said Justices may demand two shillings and six pence; and for every Evidence summoned seven pence half-penny, and no more; but if out of the Parish, five shillings for the Warrant; and two shillings and six pence to the Constable for serving the Warrant; and also two shillings and six pence for summoning each Evidence in the said Warrant; for every Judgment, Execution, Levying, Outcrying, and other process, the same Fees to the Justices of the Peace and Constable, as are allowed to the Judge and Marshal of the Courts of Common-pleas.

Clause XXVI.
Justices and Constables fees, on Complaints of Detinue.

AND be it further enacted by the Authority aforesaid, that if any person or persons, who now is, are, or hereafter shall be in possession of any Negroes or Slaves, and have quietly, without lawful interruption, possessed the same, either by himself, or any other person or persons whatsoever, under him, or under any such person or persons whom he, she, or they shall claim, by the space of five years last past, shall have a good right and title to the same, as in case of Land, against all persons whatsoever, for and during the Estate whereof he, she, or they are possessed and have right to.

Clause XXVII.
Five years quiet possession without lawful interruption, a good title against all Persons, as in case of Land.
Vid. No. 31. Cl. 4.

PROVIDED always, that this Act be not construed so as to prejudice married Women, persons under age of one and twenty years, or of unsound memories, or persons absent from this Island; who shall prosecute their respective titles within two years after their being unmarried, becoming of full age, or of sound memory, or arriving in this Island.

Proviso.
Except Feme Coverts, Infants, *non sane memoria*, and absent Persons; who are allowed two years after their disabilities are removed, to prosecute their Titles.

AND it is hereby further enacted and declared, That all persons whatsoever, that shall hereafter make any claim to any such Negroes or Slaves, within the time limited by this Act, do, by the said Action or some other, if brought within five years then next after, bring the same to Trial, and that Trial to be conclusive on the Plaintiff's part for ever, and never to bring any other Action for the same, but to be for ever barred; any Law, Usage, or Custom to the contrary notwithstanding: And it shall and may be lawful for any person or persons, to give this Act in evidence on any Trial at common Law.

Clause XXVIII.
Persons claiming in time, to bring Actions within five years, and come to Trial: and the same to be conclusive on the Plaintiff.
The same as to Land,
Vid. No. 50. Cl. 2.

AND be it further enacted by the Authority aforesaid, That if any Judges or Assistants of the respective Courts of Common-pleas, or any Justice or Justices of the Peace, or any Officer of the Court of Common-pleas, or other Courts concerned in the due execution of this Act, shall refuse or neglect to do and perform their respective duties appointed and required of them in and by this Act, by delays or otherwise, every such person so offending, upon due proof thereof made before the Governor and Council, or Commander in chief and Council for the time being; shall be forthwith turned out of his place; and if any Constable shall neglect or refuse to do his duty by this Act required, then the said Justices of the Peace before whom the matter or cause lies, shall commit such Constable to the common Gaol, there to remain for the space of six months without Bail or Mainprize; and shall further appoint the execution of this Law, and their order to be put into the hands of some other Constable.

This Act may be given in Evidence:

Clause XXIX.
Any Judge, Assistant, Justice, or Officer neglecting his duty, shall be forth with turned out of his place.

AND be it further enacted by the Authority aforesaid, That if any person or persons, duly summoned by virtue of this Act, or any person summoned as evidence in any matter or thing relating therunto, shall refuse or neglect to answer to such questions as shall be required of them and each of them; or shall not appear according to the legal Summons to give in their evidences, all such Offenders shall, by the Judge or Justices, before whom the matter lies, be forthwith committed to the common Gaol

And any Constable neglecting his Duty, to be committed six months without Bail; and this Act, and the Justices Order executed by some other Constable.

Clause XXX.
Any Person summoned and not appearing, or appearing and refusing his Testimony, to be committed for six months without Bail.

of

of this Island, there to be kept for six months, without Bail or Main-prize.

Proviso.

Provided nevertheless, that the Members of Her Majesty's Council in this Island, although they are Justices of the Peace, are hereby exempted from acting as Justices of the Peace, on complaint of Detinue of Negroes by this Act, and from the penalties therein contained for not acting as such; by reason they are Judges of all Errors, if a Writ of Error should be brought on any of their proceedings therein: and if any Justice of the Peace is related to either Party complaining or complained of, in such nearness of blood or affinity, as is a legal exception to a Juror in the Courts of Common-pleas, then and in such case the Justice or Justices of the Peace may be excepted against, by either Party before any hearing be of the matter, but not afterwards; and if such exception be true and just, of which his fellow Justice is to be the Judge, then shall such related Justice be exempted from hearing the Cause, and his fellow Justice shall join himself to the next Justice of the Peace of the Quorum (if the Quorum Justice be wanting) not related to either of the Parties as aforesaid; and those two Justices shall be the proper and lawful tryers of the possession of Negroes and Slaves, according to this Act; any thing herein seeming to the contrary notwithstanding.

PROVIDED nevertheless, that the Members of Her Majesty's Council in this Island, although they are Justices of the Peace, are hereby exempted from acting as Justices of the Peace, on complaint of Detinue of Negroes by this Act, and from the penalties therein contained for not acting as such; by reason they are Judges of all Errors, if a Writ of Error should be brought on any of their proceedings therein: and if any Justice of the Peace is related to either Party complaining or complained of, in such nearness of blood or affinity, as is a legal exception to a Juror in the Courts of Common-pleas, then and in such case the Justice or Justices of the Peace may be excepted against, by either Party before any hearing be of the matter, but not afterwards; and if such exception be true and just, of which his fellow Justice is to be the Judge, then shall such related Justice be exempted from hearing the Cause, and his fellow Justice shall join himself to the next Justice of the Peace of the Quorum (if the Quorum Justice be wanting) not related to either of the Parties as aforesaid; and those two Justices shall be the proper and lawful tryers of the possession of Negroes and Slaves, according to this Act; any thing herein seeming to the contrary notwithstanding.

AND whereas it many times happens, that Negroes and other Slaves are attached and sold at public Outcry, for and towards satisfaction of public Levies, Parochial-taxes, Servants Wages, provisions of this Country produce, and for several fines and penalties made and laid on several persons by several Acts of this Island, whereon Executions are issued forth by Justices of the Peace, in many of which recited cases Records are not kept, or at least very often mislaid and lost, so that purchasers of Negroes, or other Slaves by means thereof, have sometimes lost their right for want of recourse to the Records on which such Outcry was made: to prevent which evils for the future, Be it enacted by the Authority aforesaid, That when any Negro or Negroes, or other Slave or Slaves, shall be attached and sold at public Outcry for any of the causes aforesaid, the Constable or Constables, or other Officer or Officers who shall outcry the same, shall be obliged to give the Purchaser at such Outcry a Bill of Sale under his or their Hands and Seals, and therein recite the whole proceedings, and set forth the cause for which such Negro or Negroes, or other Slave or Slaves was, or were so attached and sold; which said Bill of Sale being duly proved and recorded in the Secretary's Office of this Island, shall vest a good right and title in the purchaser against the person or persons from whom the said Negro or Negroes, or other Slave or Slaves, shall be so attached, and against every other person or persons, who shall claim by, from or under him, her or them; any Law, Custom, or Usage to the contrary notwithstanding.

Clause XXXI.

When Negroes are sold at Outcry for public Levies, &c. the Constable or Constables or other Officer or Officers, to whom a Bill of Sale, containing all the Proceedings...

Which being proved and recorded, shall vest a good right and title in the Purchaser against the Person from whom they were attached.

Clause XXXII.

Persons shewing evidence, not their own, to any Marshal, Constable, &c. for satisfaction of any demand whatsoever made, or to be made against him, her or them, other than what he, she, or they may legally shew in satisfaction of such demand, in all and every such case, the person or persons so offending, shall forfeit and pay to the Party grieved, the sum of two hundred pounds current Money of this Island for every such Offence; to be recovered before any two of the neighbouring Justices of the Peace, to the party grieved and complaining, as in case of Servants Wages. And for the better prevention and discovery of such evil practices, all Marshals, Constables, or other Officers who, after

AND be it further enacted by the Authority aforesaid, That if any person or persons whatsoever for the future, shall presume to shew any Negro or Negroes, Slave or Slaves, or other effects whatsoever to any Marshal, Constable, or other Officer for, or towards satisfaction of any demand whatsoever made, or to be made against him, her or them, other than what he, she, or they may legally shew in satisfaction of such demand, in all and every such case, the person or persons so offending, shall forfeit and pay to the Party grieved, the sum of two hundred pounds current Money of this Island for every such Offence; to be recovered before any two of the neighbouring Justices of the Peace, to the party grieved and complaining, as in case of Servants Wages. And for the better prevention and discovery of such evil practices, all Marshals, Constables, or other Officers who, after

after publication of this Act, shall attach any Negro or Negroes, Slave or Slaves, or other Effects whatsoever, and shall expose the same to sale at public Outcry, for or towards satisfaction of any demand whatsoever, the said Marshal, Constable or other Officer, and all and every of them are hereby strictly obliged and required to set up, or affix notes in every Town of this Island, mentioning the particulars of his or their Levy and Attachment, and from whom, for what, and for satisfaction of whom the same was made, and where, and at what time the said Outcry is to be; which said Outcry shall be on the tenth day after the setting up such notes as aforesaid; and in case the said Negroes are not then outcried and sold, they shall not thereafter be outcried and sold, but on the tenth day after other notice given thereof, by notes so set up as aforesaid; and all and every Marshal, Constable or other Officer, for every time he, or they shall offend in this particular, shall forfeit and pay the sum of one hundred pounds current Money of this Island, to Her Majesty, her Heirs and Successors; one half to the use of the fortifications of this Island, and the other to the Informer; and to be recovered as in case of Servants Wages: And if any person or persons whatsoever, shall any ways destroy, deface, tear or pull down any such note or notes, or shall cause or procure them or any of them to be destroyed, defaced torn, or pulled down, before the said ten days and Sale at Outcry shall be over, on due proof thereof, before any Justice of the Peace in this Island, every such person shall forfeit and pay to Her Majesty, her Heirs and Successors, the sum of ten pounds current Money, for every Negro or Slave mentioned in such note or notes; one half to the use of the Fortifications of this Island, and the other to the Informer; to be recovered as in case of Servants Wages: But if no Negroes or Slaves, are mentioned in such Note or Notes, then the Party offending shall forfeit only the sum of ten pounds for every such Note or Notes; to be to the same uses, and recovered in the same manner as aforesaid.

for Effects attached, mentioning the Particulars, 10 days before any Sale.

Out cry to be on the tenth day after setting up Notes; and if the Negroes are not then sold, new Notes are to be again set up, *ut supra*. On forfeiture of 100l. half to the Informer, and the remainder for the use of the Fortifications; recoverable as Servants Wages.

Whosoever shall pull down, or destroy any Notes for Sales, shall forfeit 10l. for every Negro mentioned in such Note; recoverable and applicable as the preceding forfeiture.

But if no Slaves are mentioned in the Notes, then to forfeit only 10l. to the same uses, and recoverable in the same manner.

Clause XXXIII.

AND forasmuch as the several complaints concerning Negroes and other Slaves in this Act mentioned, are appointed to be enquired into by the two next, or neighbouring Justices of the Peace to the Party complaining, so that it may sometimes happen that the said Justices may differ in opinion concerning any complaint which shall come before them; Be it therefore enacted by the Authority aforesaid, That in case of any such difference in opinion, the said Justices may, and they are hereby empowered and required to take unto their assistance, the next adjoining Justice of the Peace, and them three, or any two of them shall sentence, adjudge and determine the matter in complaint; any thing in this Law to the contrary in any wise notwithstanding.

Justices differing in opinion may call to their assistance the next Magistrate; and these three, or any two of them, shall determine the Complaint.

AND be it further enacted by the Authority aforesaid, That all Caveats against sending off Negroes or other Slaves, which for the future shall be entered in the Secretary's Office of this Island, shall continue and be of full force for the space of one year from the day of the date thereof, and no longer, unless then renewed for one year longer; and so from year to year, as there shall be occasion.

Clause XXXIV. Caveats against sending off Slaves, to be in force only one year; but may be renewed from year to year.

Passed the 24th day of June, 1709.