

An ACT for the better governing of Negroes; and the more effectual preventing the Inhabitants of this Island, from employing their Negroes or other Slaves, in selling or bartering.

N^o. 164.
Vid. No. 82.

W H E R E A S several good and wholesome Laws have been made and provided, for the government of Negroes in this Island; and to prevent the Inhabitants from employing their own, or other Negroes or Slaves, in selling or bartering; which Laws if duly put in execution, would redound to the great advantage and benefit of the People of this Island, and prevent many felonies, and other crimes and abuses, daily committed by Negroes and other Slaves, to the great impoverishment, loss and damage of the Inhabitants: For the better execution therefore of the said Laws, and to prevent such enormities and abuses for the future, Be it enacted by his Excellency the Right Honourable *Scroop*, Viscount *Howe*, Baron of *Cleonelly*, His Majesty's Captain General, and Governor in chief of this and other the *Caribbe-Islands*, to windward of *Guadaloupe*, &c. the Honourable the Members of His Majesty's Council, and the General Assembly

Preamble.

Clause I.

Justices of the Peace required to put the Laws for governing Negroes, in force, particularly the Acts No. 82, and No. 116.

Assembly of this Island, and by the Authority of the same, that from and after publication of this Act, it shall and may be lawful to and for all, or any of His Majesty's Justices of the Peace within this Island, and they are hereby required respectively, to put the said Laws forthwith in execution, against all and every person offending against the same, particularly the Act or Statute bearing date the eighth day of *August*, One thousand six hundred eighty-eight, entitled, "*An Act for the governing of Negroes*;" and one other Act bearing date the sixth day of *January*, One thousand seven hundred and eight, entitled, "*An Act to prohibit the Inhabitants of this Island, from employing their Negroes or other Slaves, in selling or bartering.*"

Clause II.

Ministers in each Parish, shall, on 50*l.* penalty, publish the said Laws, with this Act, in the several Parish Churches, on the second or third *Sunday* in *January* yearly.

And the several Church-wardens shall furnish them with annual Copies for that purpose, under the like penalty.

Application of the Forfeitures.

AND to the end that greater and better notice may for the time to come be had and taken of the said Acts or Statutes, Be it further enacted by the Authority aforesaid, that the several Rectors or officiating Ministers of the respective Parishes within this Island for the time being, shall and they are hereby required, under the penalty of fifty pounds, to His Majesty, to be recovered against him or them, neglecting his or their duty, by Action of Debt, in any of His Majesty's Courts of Record in this Island, to be commenced and prosecuted by any person that will sue for the same, to cause the said Acts or Statutes, together with this Act, a copy whereof for that purpose the Church-wardens of the respective Parishes within this Island for the time being, shall and they are hereby required under the like penalty of fifty pounds, to be recovered in the like manner, and to the said uses, as the said penalty on Rectors and officiating Ministers, to provide and send annually to the said Rectors or officiating Ministers to be openly read in Church, immediately after Divine Service on the second *Sunday* in *January* yearly; or in case there should be no Service on the second *Sunday* aforesaid, then on the first *Sunday* after on which there shall be Divine Service; one half of the said penalties to be for the Informer, and the other half for the use of the Poor of each Parish where such neglect shall happen.

Clause III.

Constables, Clerks of the Market, or any other person may apprehend Negroes in whose custody Sugar-canes, Sugar, Rum, &c. or other goods are found; to take such away and carry them, with the Negroes, &c. before a Justice.

Who shall condemn the Goods, to the use of the poor Prisoners in Gaol, if it doth not appear that they were delivered to the Negro by the Master, to be sold for his use, and with a Ticket as directed by No. 52 or No. 116.

AND be it further enacted by the Authority aforesaid, that from and after publication of this Act, it shall and may be lawful to and for every Constable within this Island, and to and for the Clerk or Clerks of the Market for the time being, his or their Deputy or Deputies, who shall have taken the Oath appointed to be taken, in and by the said last mentioned Act, and to and for every other person whatsoever, to seize and apprehend all such Negroes and other Slaves, in whose custody he or they shall find any Sugar-canes, whole or in pieces, *Muscovado* or other Sugar, Syrup, Rum or Mollasses, Cotton, Ginger, Corn or Grain of any kind, Plate wrought or melted down, Iron, Lead, Copper, Pewter, Bras, Tin or other Goods, of what nature or quality soever; and likewise to seize and take from such Negro or Negroes, Slave or Slaves, all such Goods as shall be so found in his or their custody, and the said Negro or Negroes, Slave or Slaves, together with such Goods, to carry before the next or neighbouring Justice of the Peace, before whom, if sufficient proof shall not be made to his satisfaction, that the same Goods were delivered or sent by the Master or Mistress of such Negro or other Slave, or by such as shall act under him or her, to be sold or otherwise disposed of for his or her use, and with a Ticket for that purpose, and under the same restrictions, directions and appointments, as by the said former Laws or either of them is required and enacted, the said Goods and every of them shall be adjudged forfeited; and thereupon the same, or so much thereof as the said Justice in his discretion shall think fit, shall by such Justice be forthwith sent to the common Gaol of this Island, there to be distributed or disposed of among the Prisoners in Gaol, as the Provost Marshal or his Deputy, having a just

ving a just regard to the poverty and circumstances of each Prisoner, shall in his discretion think fit and reasonable: And in case any of the aforementioned Goods, which shall be suspected to have been stolen, shall be found in the custody or keeping of any White-person; or that the same shall be found selling or exposed to sale, at any Door, Window or other place in any of the Towns of this Island, or in or near the Roads leading thereto, the same shall and may be also seized upon, or taken by any of the persons aforesaid, who shall think proper to seize the same, and in like manner carried to the next or neighbouring Justice of the Peace, before whom if it shall not appear to his satisfaction, that the same and every part and parcel thereof was legally and honestly come by, or bought from the true, rightful and lawful Owner, or from some Negro or other Slave, sufficiently authorized to dispose thereof, as by the said former Laws is directed, all and every such Goods shall likewise be adjudged forfeited; and the party or parties claiming the same, or in whose custody, possession or keeping the same were found; and every Negro or Slave which shall appear to be any wise concerned in the same, either by bringing the said Goods, or any of them to Town, or taking upon them to sell or expose, or offering the same to sale, shall be proceeded against as in and by the said former Laws or either of them, or any other Law, Act or Statute of this Island, is directed or appointed; and the Goods so taken and adjudged forfeited, or so much thereof as the said Justice shall think proper, shall in like manner be forthwith sent to the common Gaol, there to be disposed of as herein before is directed and appointed.

PROVIDED always, and it is the true intent and meaning of this Act, That if the true lawful Owner of any Goods so to be seized, shall appear to such Justice, before whom the same shall be carried for his Judgment and adjudication thereon, and whose determination concerning the same shall be definitive and conclusive to all parties; then and in such case, Restitution thereof shall forthwith be made to the rightful Owner or Proprietor of such Goods, he or she paying any sum not exceeding five shillings, as shall by such Justice be adjudged reasonable, to the person or persons who seized the same; but in case the Owner or Proprietor of any Plate or other valuable Goods, so to be seized or taken, may not presently be known, the Justice before whom such Plate or other valuable Goods shall be carried, the Members of His Majesty's Council excepted, unless they think proper to act, is hereby required under the penalty of twenty pounds, to be recovered before any other of His Majesty's Justices of the Peace, for His Majesty, his Heirs and Successors; one half thereof to the Informer, and the other half to the party grieved, to give public notice in writing of such seizure of such stolen Plate or other valuable Goods, with the marks and best description thereof that can or may be given; and such notice in writing shall, by nine o'clock in the morning of one of the two next *Sundays*, after such Plate or other valuable Goods shall be brought or carried to such Justice, be affixed to every Church-door in the respective Parishes of this Island, there to remain till after the *Sunday* following; and in the mean time, *viz.* on the *Wednesday* or *Thursday* between the *Sundays* aforesaid, the same Plate or other Goods to be described in such notice, shall be publicly cried between the hours of nine and twelve in the forenoon, in the Towns of *St. Michael* and *Speights*, or *Little Bristol*; and if in ten days after such notice shall be so affixed, the rightful and lawful Owner of such Plate or Goods shall not appear before such Justice, and make out his or her claim, right or property thereto, then and not before, it shall and may be lawful for such Justice to sell or dispose of such Plate and Goods, at public Outcry in the Market-town in the Precinct, according

Goods suspected to be stolen, and found in the possession of a white person, may also be seized and carried before a Justice.

If it doth not appear they were honestly come by, they shall in like manner be forfeited and applied.

The Person in whose custody they are found, and every Slave concerned, to be proceeded against, as by former Laws are directed.

Proviso.

If the Owner of such Goods so seized, appear before the Justice, they shall be restored, on his paying the Person seizing them, any Sum not above 5s.

If the Owner of Plate or other valuable Goods seized, is not known, the Justice under the penalty of 20l. shall give notice, with the description thereof, in writing, to be affixed to, and remain on every Church-door in the Island, two *Sundays*.

To be also cried on the *Wednesday* or *Thursday* between the said two *Sundays*, in the Towns of *St. Michael*, and *Speights*. If the Owner does not appear in 10 days after, the Goods shall be sold, and the Justice receive 20s. the remainder to be applied, half to the Informer, and half to the party grieved; or among the poor of the Parish; or among the Prisoners

in Gaol and the said Poor; as the Justice shall order.

If the Owner doth appear, and prove his right, Restitution shall be made, on his paying 5 s. to the Captor, and 20 s. to the Justice.

to the method used by the Marshal of the Court of Common-pleas; one half thereof, after deducting twenty shillings for the care and trouble of such Justice, in advertising and crying, and selling of the said valuable Goods according to the directions of this Law, for the use of the Informer; and the other half to be distributed as aforesaid, or among the Poor of the Parish where such sale shall be made, or amongst the Prisoners in the common Gaol, and the said Poor in such proportions as the said Justice in his discretion shall think proper; but in case the true, rightful and lawful Owner, shall in the mean time appear before such Justice, by himself or other person lawfully authorized thereto, and shall make due proof of his right or property, to the satisfaction of the said Justice, then and in such case, restitution of all such Plate and other valuable Goods, shall be forthwith made to such Owner or Proprietor claiming the same, he or she paying five shillings to the Informer or Captor of such Plate or Goods, together with twenty shillings to such Justice for his care and trouble in the execution of his Office, and giving such notice as herein before directed, and causing the same to be publicly cried as aforesaid; any thing herein before, or any Law, Custom or Usage seeming to the contrary hereof in any wise notwithstanding.

AND whereas it is very inconvenient to the Inhabitants of this Island, especially to the Cotton and Ginger Planters, that Negroes or other Slaves should be at liberty to plant any quantities of Cotton or Ginger; for that under pretence thereof, great frauds and felonies are frequently committed, and clandestine trade by means thereof, is daily carried on between ill-disposed White-persons, and Negroes or Slaves; for prevention whereof for the future, Be it further enacted by the Authority aforesaid, That from and after the publication of this Act, it shall not be lawful for any Negro or other Slave, to plant to his own or other use than that of his Master, any Cotton or Ginger whatsoever; and that if any Negro or other Slave shall be found with any such or exposing the same to sale, such Cotton and Ginger shall be deemed as stolen Goods, and the same proceedings, penalties and forfeitures shall be had, made and prosecuted thereon against such Negro or other Slave, as in the cases herein before mentioned: And any Huckster or other Person, who shall be convicted of dealing with or buying any such Cotton or Ginger from such Negro or other Slave, shall be subject to the same penalties and proceedings as by the said two last mentioned Acts or Statutes, or any other Act or Statute of this Island, touching stolen Goods or trading with Negroes or other Slaves, are already inflicted, directed or appointed; any former Law, Custom or Usage to the contrary in any wise notwithstanding.

PROVIDED always, and be it further enacted, that in case any of the Persons aforesaid, who shall seize or take any of the Goods aforesaid, shall fail or neglect to carry the same in two days after before the next Justice as aforesaid, in order to have and receive his Judgment or determination thereupon; every such Person so offending and convicted thereof before such Justice, shall forfeit and pay to the party grieved, any sum not exceeding ten pounds, at the discretion of such Justice; the same to be levied by warrant under his hand and seal, directed to any Constable, by distress and sale of any the Goods or Chattels of the Party offending as aforesaid, as in case of Servants Wages; and in case Goods of the Party so offending shall not be found, sufficient to satisfy the sum adjudged against him, then and in such case the persons so offending shall be apprehended and conveyed to the common Gaol, there to remain until satisfaction shall be made to the party grieved, as in case of Executions from any the Courts of Common Law in this Island.

PROVIDED

Clause IV.

No Negro allowed to plant Cotton or Ginger for his own use; and if found exposing any to Sale, the Goods to be deemed stolen, and the Slave punished as directed by Cl. 3.

Any person buying such Goods of a Slave, shall be subject to the same penalties, as those that buy stolen goods, or deal with Negroes, are, by any former Law.

Clause V.

If the Person seizing such Goods, do not in 2 days carry them before the next Justice, he shall pay any sum not above 10 l. to the Party grieved.

and for want of effects, to be committed to Gaol, 'till paid.

PROVIDED also, that if any Negroes or other Slaves, who shall have charge of any Waggon, Cart, Cattle, Horses or Asses, belonging to their Master or Mistress, shall be seized and apprehended in pursuance of this Law, whereby such Carriages, Cattle, Horses or Asses may be detained, to the great prejudice of their Owners, and more particularly to such as live at great distances from several Towns in this Island, they shall be forthwith discharged, upon reasonable security being given to such Justice of the Peace, before whom such Negroes or Slaves shall be brought, that such Negroes or Slaves shall be forthcoming in such time, as such Justice in his discreion shall think fit and reasonable, or as the case shall require.

AND be it further enacted by the Authority aforesaid, that in case any stolen Goods shall be found in the custody of any person whatsoever, and that the person from whom the same were stolen, or any other person cannot take upon him to swear or depose against such person, in whose custody such Goods were found, as the actual Thief or Stealer thereof; every such person shall be proceeded against as Receivers of stolen Goods knowing the same to be stolen, are proceeded against in that part of *Great-Britain*, called *England*; and he or they shall be taken and deemed an Accessary or Accessaries to such Felony after the Fact, and shall incur the same punishment as an Accessary or Accessaries to the Felony after the Fact committed.

PROVIDED always, that it shall and may be lawful for the Court where such offence shall be tried, to order and direct such Accessary or Accessaries to be prosecuted as for a Misdemeanor, before the principal shall be convicted as to such Court, from the nature and circumstances of the case, shall seem proper; and if thereof convicted, shall be punished by Fine and Imprisonment, which shall exempt such Offender from being punished as Accessary to the Felony, though the principal should thereof be afterwards convicted; any Law, Custom or Usage to the contrary in any wise notwithstanding.

Proviso.

If any Negro having charge of a Carriage, &c. shall be seized, and such Carriage, &c. is detained, they shall be discharged, on giving Security that such Negro shall be forthcoming.

Clause VI.

Receivers of stolen Goods, not prosecuted as Principals, to be proceeded against, as Accessaries after the Fact committed.

Proviso.

And the Court shall order such Accessary to be prosecuted for a Misdemeanor, before the Principal is convicted, which shall exempt him from farther punishment.