



N^o. 196.

Vid.No. 91. 92. 93. 112.

216. 117. 159. 161.

164. 180. and 201.

Preamble.

An ACT for rendering more effectual, and for supplying many defects in the several Laws of this Island, for the governing of Negroes.

WHEREAS divers mischiefs do often happen, and frequent disorders occasioned in and about the Towns, and other parts of this Island, by the notorious fighting, quarrelling, and other evil and daring practices of Negroes and other Slaves, openly carried on in the public Streets and Highways, to the disturbance of the general quiet of the Inhabitants; which has been in a great measure owing to the indulgence and countenance given by some Masters and Mistresses to their Slaves: And whereas though there is no express Law for the punishing the said offences, yet it has been usual from the necessity and supposed reason of the thing, for Magistrates to punish the same by whipping, as directed in the like cases; which however has of late occasioned some doubts and disputes to arise: To obviate therefore all such doubts, and to prevent such disputes for the future, to the end that there may be full provision made in these particular cases, and an explicit Law for the purpose.

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BE it enacted and declared by his Excellency, *Henry Grenville, Esq*; Captain General and Governor in chief of this, and all other His Majesty's *Caribbee-Islands*, to windward of *Guadaloupe, &c.* The Honourable the Members of His Majesty's Council, and the General Assembly of this Island, and by the Authority of the same; That from and after publication of this Act, any Justice of the Peace upon due complaint to him made, shall have power and authority, and he is hereby required by warrant under his hand and seal, to cause any Negro or other Slave or Slaves; to be apprehended and brought before him, for any threatening; fighting or quarrelling one with another; or for any insolent language or gesture to any white or free person; or for swearing, cursing or uttering any obscene speeches or drunkenness; or making, felling, throwing or firing of Squibs, Serpents or other Fire-works; or any other misbehaviour whereby the Public may be disturbed, or any particular person immediately aggrieved; but it shall and may be lawful for any Constable without such Warrant, to apprehend and secure any Negro or other Slave or Slaves so offending in his presence, and to convey him, her or them, as soon as conveniently may be, before the next or any neighbouring Justice of the Peace; and if any Negro or other Slave, shall commit any of the said offences before mentioned and described, in the view or hearing of any Justice of the Peace, or be duly convicted of any of the said offences before any Justice, he may order him, her or them to be whipped by a Constable or the common Whipper, according to the nature of the offence, and the state of health, age and character of the Offender, not exceeding thirty nine lashes: But the punishment of Women big with child may be respited.

AND be it further enacted by the Authority aforesaid, That for every Negro or other Slave who shall be apprehended and whipped by order of any Justice of the Peace, by virtue of this or any other Act of this Island, the Owner or other possessor of such Slave, shall immediately pay to the Constable and Whipper their reasonable Fees, not exceeding fifteen pence for any one Slave; to be determined by such Justice of the Peace, and proceeded for as in case of Servants Wages.

PROVIDED, that nothing herein contained, shall be construed to lessen or alter any the rewards for apprehending of run-away Negroes, particularly appointed by an Act, entitled, "*An Act for the governing of Negroes,*" and also by another Act, entitled, "*An Act for amending An Act of this Island, entitled, An Act for the governing of Negroes, &c.*"

AND be it further enacted by the Authority aforesaid, That in case any person or persons knowing any Negro or other Slave to commit any offence within the description of this Act, or having notice thereof from any Constable, shall harbour, conceal or convey away any such Slave, whether the Slave be or be not his or their own, in order to hinder him or her from being punished according to the directions of this Act; or shall in any wise hinder it's being put in force; or abuse or threaten any one for pursuing it, such person or persons who shall so offend and be thereof convicted before any Justice of the Peace, by the oath of any one credible witness, shall forfeit for every Negro or other Slave so harboured, concealed or conveyed away as aforesaid, five pounds; to be recovered by the Informer as in case of Servants Wages; one moiety thereof to be to the use of such Informer, and the other moiety to the poor Prisoners in the common Gaol; to be distributed in such manner as the said Justice shall direct and appoint.

AND be it further enacted by the Authority aforesaid, That the several Constables in this Island, shall at all times use their best endeavours to prevent Negroes or other Slaves from gaming or assembling together at Huck-

Clause I.

Any Justice may upon due complaint, issue his Warrant for apprehending Negroes charged with fighting, quarrelling, swearing, drunkenness, obscene speeches, or other misbehaviour; or making, felling, or firing Squibs, &c.

See No. 206. Cl. 3.

Constables may without a Warrant apprehend Slaves offending as aforesaid, and carry them before a Justice.

And Slaves committing either of the said Offences in the view or hearing of a Justice, or convict before him, to be whipped according to the nature of the Offence; &c. not exceeding 39 lashes.

The punishment of Women big with Child to be respited.

Clause II.

Owners of Slaves whipped, are to pay the Constable and Whipper their fees, not exceeding 15 d. for each Slave.

Vid. No. 206. Cl. 3.

Proviso.

This Act not to lessen the rewards given by former Acts, for taking up run-away Slaves.

See No. 82. Cl. 18. and No. 180. Cl. 4.

Clause III.

Persons knowing, or having notice from a Constable, that Slaves have committed any of the aforementioned Offences, and shall screen them from Justice; or whoever shall obstruct the execution of this Act, to forfeit 5 l. for every Slave secreted, half to the Informer and half to the poor Prisoners; recoverable as Servants Wages.

Clause IV.

Constables are to endeavour to prevent Slaves assembling at Huckster Shops, or other unlawful meetings; and if neces-

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any, may take a Guard to disperse them; and in case of resistance, to secure and carry them before a Justice to be punished.

Clause V.

Every Person who shall let to, or for the use of a Slave, any Shed, Room, Land, &c. except in case of Sickness, shall forfeit 5*l.* per month for every such Slave, for so long as he shall have the use of such Room, &c. to be recovered by the Church-warden before a Justice, to the use of the poor Prisoner.

See No. 210. Cl. 2.
where such are to pay half the rent as a tax, above all other assessments.

Clause VI.

Whoever knowingly conceals any Slave charged with a capital crime, or shall oppose any one who lawfully endeavour to take such Offender, &c. shall pay to the Party aggrieved, his full damages; recoverable by Action.

And whoever shall apprehend such an Offender, so that he be executed, shall receive from the Treasurer 2*l.* 10*s.*

Clause VII.

Any Justice may impose a penalty not exceeding 5*l.* upon every Constable for wilful neglect of his duty, in the execution of the Acts for governing of Negroes.

And every Justice refusing to do the duties required of him by any of the said Acts, shall forfeit 10*l.* to be paid into the Treasury for uses of the Exchequer Act. The Suit to be commenced within three months after such refusal.

Clause VIII.

When Goods are taken away from any Slave, and carried before a Justice for condemnation, he shall summon the Owner or reputed Owner, before him to shew cause, &c. and upon due consideration, the Justice may condemn or restore the Goods.

ter's shops, Tipling or Dram-houses, or other unlawful meetings; and if necessary, may take to their aid and assistance, a sufficient guard to disperse such Slaves; and in case of any resistance to secure them, that they may be carried before the next Justice of the Peace, to be examined and punished as the Laws direct.

AND be it further enacted by the Authority aforesaid, that every person who shall let or hire to any other person's Slave, or permit any such Slave or Slaves, at the instance or on the credit of any other person, to have the use or ordering of any Land, House, Shed or Room, except in case of Sickness, such person or persons offending as aforesaid, shall pay to the Church-warden of the Parish where the Offender lives, at the rate of five pounds a Month for every such Slave, for so long a time as he or she shall have the use, ordering or possession of any such Land, House, Shed or Room as aforesaid; to be recovered by such Church-warden from the Offender before any Justice of the Peace, as in case of Servant's Wages, and applied to the uses of the poor Prisoners in the common Gaol of this Island.

AND be it further enacted by the Authority aforesaid, that whoever knowing any Negro or other Slave to have committed a Felony of any kind, or having notice from any Constable, that any Slave is charged with any such capital crime before a Justice of Peace, shall oppose any one who lawfully endeavours to apprehend such Offender, or shall rescue or aid any such Offender in making his or her escape; or shall harbour or conceal any such Offender from being brought to public justice, every such person shall in every such case pay unto the party injured his full damages; to be recovered in any Court of Record in this Island: and whatever person shall apprehend a Slave who hath committed Felony or any capital crime, so that such Slave shall be brought to Justice and executed, shall be paid by the Treasurer of this Island for the time being, out of any the public Monies, on a Certificate of the Justices and Free-holders, the sum of fifty shillings.

AND be it further enacted by the Authority aforesaid, that it shall and may be lawful for any Justice of Peace to impose upon any Constable, for every wilful neglect or default of his duty in the execution of this Act or any other Act for the government of Negroes, a penalty not exceeding five pounds; to be levied by distress, and sale of the Offender's goods, rendering him the overplus, if any, one moiety of such penalty to be paid to the Informer, and the other moiety to be distributed among the poor Prisoners as aforesaid: and every Justice of Peace who shall refuse to perform the duty required of him by this Act or any of the other Acts relating to the government of Negroes, shall forfeit ten pounds; to be paid into the Treasury of this Island, and applied to the uses and purposes of the present or any future Excise Act; such forfeiture to be recovered by information or other suit in any Court of Record; provided the same be commenced within three months after such refusal.

AND be it further enacted by the Authority aforesaid that whenever any goods or things taken away from any Slave, shall be brought before any Justice of the Peace, in order to be condemned by virtue of any Act or Acts of this Island; before condemnation shall be made thereof, the Owner or reputed Owner of such goods and things, if he or she be known and can be found, shall be summoned before such Justice, who is hereby required to hear what such Owner may have to say or can alledge against such condemnation; and upon due consideration of the whole matter, to restore such goods and things to the said Owner or condemn them, as the case may require: But if such Owner be not known or cannot be found or being summoned

summoned shall not appear before the Justice, within some reasonable and convenient time, by him to be appointed, the said Justice in those cases shall and may nevertheless proceed against such goods and things in such manner, as in and by such Act or Acts is required and directed.

AND be it further enacted by the Authority aforesaid, that all penalties and forfeitures herein mentioned, shall be to His Majesty, his Heirs and Successors, for the uses herein appointed; and if any person shall at any time be sued for any matter or thing by him done in pursuance of this Act, he or she may plead the general issue, and give this Act, and the special matter in evidence; and if a verdict shall pass for the Defendant, or the Plaintiff be non suit or discontinue, or judgment shall otherwise pass for the Defendant, such Defendant shall recover his double Costs.

If the Owner cannot be found, or will not appear, the Justice to proceed as directed by former Acts. See An Act passed *March 15. 1747.* which is since expired.

Clause IX.

Persons sued for pursuing this Act, may plead the general-Issue, &c.

Passed *August 9th, 1749.*



Barbados. Acts, passed in the island of Barbados. From 1643, to 1762, inclusive; Carefully revised, innumerable Errors corrected; and the Whole compared and examined, with the original acts, In the Secretary's Office. By the late Richard Hall, Esquire: One of the Representatives in the General-Assembly, for the Parish of St. Michael; and one of His Majesty's Justices of the Peace, for the said Island, near Thirty Years; And since his Death, continued by his son, Richard Hall. To which is added, An index; and abridgment: With many useful Notes, References and Observations, never before published. And also A List of all the Laws, passed from the Settlement of the Island; which are now become Obsolete, Expired, or have had their Effect. Printed for Richard Hall, MDCCLXIV. [1764].
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