

AN ACT to regulate the emancipation of Slaves, and to disable Free Negroes and persons of Colour from being seised of real Estate. [9th August 1806.]

Henry Tucker.

Preamble.

No slave under forty years of age shall be emancipated, except upon condition that he leave these Islands within three months.

Such emancipated slave, if found within these Islands after the expiration of the said term, shall be committed to prison, and be transported by the public treasurer.

Proviso.

A further allowance of two months to be given to such emancipated slave, in certain cases; but if again found, he shall be committed and transported, as herein before directed.

If such slave shall return to these Islands, he shall be

WHEREAS the rapid increase of the number of free negroes and free persons of colour, is a great and growing evil to this community, and to prevent the same, it is deemed expedient to regulate the emancipation of slaves, we therefore, your Majesty's most dutiful and loyal subjects, the general assembly of these your Majesty's Bermuda or Somers Islands in America, do most humbly beseech your Majesty, that it may be enacted, and be it enacted by your Majesty's president and commander in chief, council and assembly, and it is hereby enacted and ordained by the authority of the same, That during the continuance of this Act, no slave owner shall emancipate a slave of forty years of age or under, except upon condition of such slaves leaving these Islands within three months from the date of his emancipation.

And be it further enacted by the authority aforesaid, That if the said emancipated slave shall be found within these Islands after the expiration of three months from the date of his emancipation (not having left the Island,) any magistrate, upon receiving information and being satisfied of the fact, shall commit the said emancipated slave to prison, who shall be, as soon as a proper opportunity offers, transported by the public treasurer from off these Islands; always provided, in the case of an emancipated slave's not having left the Island, and being found therein after three months from the date of his emancipation, it shall be competent to him to shew to any magistrate, before whom he may be called, his inability to procure a conveyance from these Islands, or other sufficient cause of his continuance therein; and the said magistrate, upon being satisfied of the truth and sufficiency of the plea alledged, shall, under his hand and seal, give the said emancipated slave a farther allowance of two months from the day of the examination, for the purpose of leaving the Island; but if, at the expiration of the said period of two months, the said emancipated slave be again found in the Island, he shall be committed to prison, in the manner before provided, and shipped off by the treasurer aforesaid.

And be it further enacted by the authority aforesaid, That as often as the said slave, or any other slave, to be shipped off in manner hereinafter mentioned, shall return into these Islands, he shall be taken up and transported by the public treasurer, and sold

sold in behalf of the public to the best advantage; and the net proceeds to be remitted to the said treasurer, after deducting his commission of ten per cent. shall be to his Majesty, his heirs and successors, for and towards supplying the deficiency of the fund established by an Act, intituled, "An Act for raising a public revenue for the support of the government of these his Majesty's Islands."

And be it further enacted by the authority aforesaid, That if the slave, so emancipated, shall be above the age of forty years, then the owner shall, at the time of the emancipation of the said slave, deposit with the public treasurer the sum of fifty pounds current money; there to be and remain as a fund to indemnify the public, or any parish in these Islands, for any charges which may be thereafter incurred on account of emancipated slaves.

And be it further enacted by the authority aforesaid, That from and after the passing of this Act, any negro or person of colour, being or pretending to be free, shall be liable to be called before any magistrate of these Islands; and upon its appearing that the requisites of this Act, in the emancipation of the said negro or person of colour, had not been complied with, the said negro or person of colour shall be committed to prison, for the period of one month, and forthwith advertised by the said magistrate in the Bermuda Gazette, four successive weeks; and if at the end of that time, he or she shall not be claimed by any person as his or her slave, the said negro or person of colour shall be, in manner hereinbefore mentioned, shipped off by the treasurer aforesaid, the expenses attending the examination, committing to prison and advertising the said negro or person of colour, to be defrayed by the public; and if within the said period of one month, the said negro or person of colour shall be claimed as a slave by any person, the said owner (satisfactorily proving his or her title to the said slave) shall be obliged to discharge all the said expenses, which shall have been incurred by the examination, committing to prison, and advertising the said negro or person of colour: Always provided, that no part of this clause shall in any manner affect or extend to any negro or person of colour, who shall, upon examination, satisfactorily prove his or her title to freedom before the passing of this Act.

And whereas it is deemed highly injurious to this community and inconsistent with the laws now in being, that free negroes and persons of colour should be seised of real estate, be it therefore enacted by the authority aforesaid, That from and after the passing of this Act, no free negro or person of colour shall be capable of acquiring or of being seised of any real estate whatever, either by descent or purchase, or by any mode of conveyance whatever, whether in trust for them, or any or either of them, or any how otherwise, but that all houses, lands, and other real estate, to which any free negro or person of colour shall, after the passing of this Act, claim title as the owner of the fee thereof, or as the beneficial owner where the fee is in a trustee, shall be forfeited and recoverable in the courts of king's bench and common pleas of these Islands, in an action of ejectment by the public treasurer for the time being; which action the said public treasurer is hereby authorized and required to bring in every such case; and upon judgment being given in favour of the said public treasurer, and execution thereof made, the said real property so recovered shall be sold by the said treasurer, and the net proceeds thereof, after deducting his commission of five per cent. shall be to his Majesty his heirs and successors, for and towards supplying the deficiency of the fund established by an Act, intituled, "An Act for raising a public revenue for the support of the government of these his Majesty's Islands:" Always provided, that this clause shall be confined to cases of real property acquired after the passing of this Act, and that the same do not in any manner extend to or affect the real property of the present possessors, or of such free negroes or persons of colour as shall give satisfactory proof of having legally acquired the fee of the said property previously to the passing of this Act: Provided also, that the claims of creditors of any free negroes or persons of colour, be not in any manner affected or prejudiced by this Act, or by any forfeiture to arise under it; but that whatever remedies such creditors might by law have had before the passing thereof against any real property, which may be the subject of forfeiture under this Act, or the possessors thereof, they shall in the fullest manner have against such real property notwithstanding the passing of this Act.

And be it further enacted by the authority aforesaid, That no house land or tenement shall, from and after the passing of this Act, be leased to any free

taken up, transported, and sold in behalf of the public. Application of the net proceeds of such sale.

If the slave to be emancipated exceed forty years of age, the owner shall pay £.50 into the public treasury. For what uses to be reserved.

In what manner any negro, &c. pretending to be free, shall be proceeded against, if it shall appear that the requisites of this Act, in the emancipation of such negro, &c. have not been complied with.

If any negro, &c. so pretending to be free, shall be claimed as a slave, the owner shall be obliged to defray all the expenses which shall have been incurred.

Proviso.

No free negro, or person of colour, shall be capable of acquiring or being seised of any real estate whatever, after the passing of this Act.

All such real estate shall be forfeited and sold.

The net proceeds of such sales granted to his Majesty.

This clause shall not extend to any real property legally acquired before the passing of this Act.

The creditors of any free negroes, &c. shall not be prejudiced by any forfeiture to arise under this Act.

No house, &c. shall be leased to any free negro, &c. for a longer term than seven years.

BERMUDA.

negro or person of colour, for any longer term than seven years, and that any lease for any longer term shall be utterly void; always provided, that no lease whatever shall be considered valid, unless the same shall be recorded in the secretary's office within three months from the date of such lease, and the true date of such recording be registered or indorsed upon such lease.

Appropriation.

And be it further enacted by the authority aforesaid, That all monies arising by virtue of this Act, whether by fine forfeiture or otherwise, not herein-before particularly appropriated, be to his Majesty his heirs and successors, for and towards supplying the deficiency of the fund established by an Act, intituled, "An Act for raising a public revenue for the support of the government of these his Majesty's Islands."

This Act shall be in force for seven years after his Majesty's assent shall have been had thereto, and made known in these Islands.

And be it further enacted by the authority aforesaid, That this Act be and continue in force for and during the space of seven years, from and after the time that his Majesty's assent shall be had thereto and made known in these Islands, and then to determine and expire.

Passed the Assembly, this seventh day of August one thousand eight hundred and six, and ordered to be laid before the Legislative Council for concurrence.

By order of the House, *James Tucker*, (Speaker.)

Concurred to by the Legislative Council, this eighth day of August one thousand eight hundred and six. *Sam'l Trott*, (President.)

Assented to this ninth day of August one thousand eight hundred and six. *Henry Tucker*.