

AN ACT to make the testimony of Slaves admissible in certain cases and under certain restrictions for a limited time; to forfeit runaway Slaves who have been absent from the service of their masters a certain time, and to oblige the inhabitants of this Island having intelligence of the situation or motions of the runaway Slaves, to communicate the same to the persons, and in the manner prescribed by this Act, and to prevent persons from harbouring or employing Slaves on their plantations or in their houses without a written permission from the owner or person having charge of such Slaves, and for other purposes. [30th April 1798.]

WHEREAS many evil disposed persons in this Island do, notwithstanding sundry salutary laws made for the suppression of runaway slaves, still persist in the pernicious practice of carrying on an intercourse with the runaway slaves, and of supplying them, not only with the necessaries of life, but also with arms and ammunition, whereby the said runaways are enabled to continue in a state of revolt and rebellion, such persons so carrying on an intercourse with and supplying the said runaways as aforesaid, being emboldened in the said wicked practice by the difficulty (the admission of testimony of slaves not being allowable in any case as the law now stands) of convicting them of their said offences; for remedy whereof, we the governor in chief and the council and the assembly of the Island of Dominica do humbly pray your most excellent Majesty, that it may be enacted and ordained,

1st. And be it and it is hereby enacted and ordained by the authority aforesaid, That no white person or free person of colour, from and after the publication of this Act, shall give sell or barter any gunpowder, fire-arms or other offensive weapons, salt, salt provisions, clothes or other necessaries whatever, or hold any intercourse or correspondence, directly or indirectly, to or with any runaway slave or slaves knowing them to be such, under the penalty of being deemed guilty of a high misdemeanor, and shall on conviction thereof suffer punishment by fine, pillory, imprisonment and banishment, or any or either of them, at the discretion of the court before whom such white or free person of colour shall be tried and convicted, and such justices are hereby authorized to pronounce judgment of the last-mentioned punishments any or either of them.

2d. And be it and it is hereby enacted and ordained by the authority aforesaid, That where any person shall be charged or accused of any of the crimes in the preceding clause mentioned, it shall and may be lawful in support of such charge or accusation, to examine as witnesses on their corporal oaths any slave or slaves other than the slave or slaves of the person accused, before any judge, justice of the peace, grand jury or petty jury, in any court within the said Island having cognizance of such offences; provided always nevertheless, that no white person or free person of colour shall be convicted of any of the offences aforesaid on the testimony of any slaves, unless two of the said slaves at the least, clearly and consistently with each other, depose to the same fact, act or circumstance; and also unless the said slaves are examined apart, and out of the hearing of each other; and provided also, that no white person or free person of colour shall be convicted on the testimony of any slaves of any of the offences aforesaid, unless the same be prosecuted within twelve months after the commission thereof.

3rd. And be it and it is hereby enacted and ordained by the authority aforesaid, That all male slaves taken after the first day of September in the year one thousand seven hundred and ninety-seven, at the expense of this colony, or otherwise, who shall have been absent for the space of twelve months previous to the time of their apprehension and commitment, shall be forfeited and banished from the Island by the sentences of the justices who may try them, to any place or places distant from this Island at least twenty-five leagues (unless condemned according to law, on the verdict of a jury by the court who shall try such slave, to suffer death) and such slave or slaves shall be sold by the provost marshal or his deputy, subject to their respective sentences, within three days after the pronouncing thereof, and the money arising from such sale, after deducting the reasonable charge thereof, and the reward allowed by law for the apprehending such slaves, shall be paid to the owner or owners thereof.

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4th. And be it and it is hereby enacted and ordained by the authority aforesaid, That where any slave or slaves shall be sold as aforesaid, subject to a sentence or sentences of banishment, the person or persons purchasing the same, before the delivery thereof, shall with two sufficient sureties enter into a recognizance with his Majesty, his heirs and successors, before any of his Majesty's justices of the peace, in double the value of the slave or slaves to be so purchased, conditioned to banish the same, within seven days after the date of such recognizance; and if such slave or slaves shall after the expiration of that space of time remain on this Island, such recognizance shall be deemed forfeited, and shall be sueable and recoverable as other forfeited recognizances to his Majesty now are or may by law be sued and recovered, and the amount of such recognizance shall, when recovered, be paid into the public treasury of this Island for the benefit and uses thereof.

5th. And be it enacted by the authority aforesaid, That all and every person and persons shall and they are hereby enjoined, on discovering or knowing the situation or movement of the runaways or any party thereof, to give the earliest possible information thereof, either to some commander of a party acting against the runaways, or to the commander in chief of this Island; and any person or persons, who shall be credibly informed of, discover or know of the situation or movement of the said runaways or any party thereof, and shall neglect to give information thereof as aforesaid, shall for every such offence, on conviction thereof, if a white person or free person of colour, forfeit the sum of one hundred pounds current money of this Island, to be recovered in any court of record within this Island, and be paid one-half to the person who shall sue for the same, and the other half into the colony treasury of this Island for the public uses thereof; and if a slave, on conviction thereof by any two or more justices of the peace, shall receive such public punishment of flogging not exceeding thirty-nine lashes, as the said justices of the peace in their discretion shall order and adjudge.

6th. And whereas it often happens that slaves absent themselves from the service of their masters and mistresses upon very slight occasions, and are afterwards employed or harboured by evil-minded white persons and free persons of colour, and sometimes by slaves, whereby such runaways are countenanced and encouraged in continuing absent from their duty; for remedy whereof, be it and it is hereby enacted and ordained by the authority aforesaid, That after any slave or slaves hath or have absented himself herself or themselves from his her or their owner or employer's service, every other slave knowing thereof, who shall entertain, employ, harbour, receive or conceal, or any way assist, comfort, afford or give sustenance to any such runaway slave or slaves, shall upon conviction thereof before any justice of the peace of this Island, for such offence be publicly whipped upon the bare breech, with any number of stripes not exceeding thirty-nine; and if any white person or free person of colour shall entertain, employ, harbour or receive, or any way assist, comfort, afford or give sustenance to any such runaway slave or slaves, such white or free person of colour for the first offence, shall forfeit the sum of twenty-five pounds current money, for the second offence fifty pounds, and for the third, imprisonment for a month, and to be put in the pillory once during that time; which several penalties, on conviction of the offender or offenders before any three justices of the peace, shall be recovered by their warrant to the provost marshal, who shall levy the same in the manner as executions on complaints are levied, and executed out of the court of common pleas, and be entitled to the same fees thereon, and when recovered such penalties shall be paid into the public treasury for the public uses of the colony; and such offender or offenders shall moreover be liable to an action at the suit of the owner renter or employer of such runaway slave or slaves, for employing harbouring or concealing of such runaway slave or slaves, in which action the jury shall allow to the plaintiff or plaintiffs, in case a verdict shall be found for him her or them, at the rate of twelve shillings per diem, for every day he or she shall be proved to have been runaway and absent as aforesaid, besides full costs of suit; and in all cases of prosecutions for any of the penalties in this clause mentioned, the justices shall admit the testimony of slaves in support of the prosecution, in the same manner as prescribed by the second clause of this Act: provided always, that the said justices shall not examine as witnesses against any offender or offenders, any of his her or their own proper slaves; and if after the publication of this Act, any white or free person of colour shall employ any slave or slaves, who may not have a written per-
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mission or ticket for working out from his her or their owner, such white or free person shall be liable to pay twelve shillings per day, for every day he or she may employ such slave, to be recovered as aforesaid with full costs of suit.

7th. And for the more ready apprehending any slave or slaves runaway, be it further enacted by the authority aforesaid, That it shall and may be lawful for the owner renter or employer of any slave or slaves, or any other person by his directions and in his aid, having a warrant from a magistrate, to enter any negro house or houses, belonging to any person or persons, and upon refusal of opening the doors of any negro house or houses by day or by night, to search for any such runaway slave or slaves, then to break them open, having first given notice to the owner, renter, manager or overseer of the plantation, if any such thereon living and then at home, or else to any other white person being there, otherwise to proceed to make such search without notice; and if any other person or persons whomsoever, either owner, renter, manager, overseer or any other white person of or on any plantation, shall hinder, threaten, oppose or deter any person or persons giving notice as aforesaid, from making search in his, her, their or any of their negro-houses, for any runaway slave or slaves, such person or persons shall pay and forfeit each, for every such offence, a fine not exceeding ten pounds, nor under five pounds current money of this Island, to be recovered as hereinafter directed; and further, if any person or persons shall make search, or aid or assist in making such search, without first giving notice, when any white person is on the plantation, when such search shall be made, according to the tenor and direction of this Act, or shall under colour of such search, beat, abuse, wound or hurt any slave or slaves without just cause, the offender or offenders each shall forfeit any sum not exceeding ten pounds, nor under five pounds, current money, besides being liable to an action of the party injured for damages, and if application before a warrant obtained, be made by the owner renter or employer of any runaway slave or slaves, or any other free person for him or her, to the owner renter or manager of any plantation in the country or house in town, to search or cause to be searched the negro-house belonging to such plantation or house in town, for any such runaway slave or slaves as he or she may have received information is or are there harboured concealed or entertained, such owner renter or manager of such plantation or house in town, shall immediately make diligent search or cause such diligent search to be made in the negro-house and other suspected place in the said plantation or to the said house in town belonging, for such runaway slave or slaves, and upon proof of the refusal to make such search, or to cause such search to be made, the party so refusing shall forfeit in manner aforesaid: provided always, that before such forfeiture be incurred, the owner renter or employer of such runaway slave or slaves, shall make oath before some justice of the peace, that he did actually receive such information, and that there was probable cause to suspect that it might be true; the fines to be incurred by virtue of this clause to be recovered, before any two justices of the peace, by warrant of distress.

8th. Whereas it sometimes happens that slaves who have been guilty of crimes or petty offences are harboured and concealed, so that they cannot be apprehended and speedily brought to justice; for remedying which inconveniences, be it enacted by the authority aforesaid, That when any warrant or warrants shall be granted by any of the justices of the peace in this Island, for the apprehending of any slave or slaves, the person authorized to apprehend such slave or slaves, if such slave or slaves cannot be immediately found, shall apply to the owner renter or employer of such slaves, who upon notice of such warrant being granted, shall deliver or cause to be delivered up such slave or slaves to the constable or person authorized to execute it, on pain of forfeiting, in case of neglect or refusal to deliver up such slave or slaves, the sum of twenty pounds for each neglect or refusal, to be recovered by the warrant of any two justices of the peace of the Island, directed to any constable to levy the same on his her or their goods or chattels; but if the owner renter or employer aforesaid, shall make oath in writing that such slave or slaves is or are runaway from his her or their plantation or place of residence, or otherwise cannot be found after diligent search, then the said justices are hereby directed to take the matters stated in such affidavit into their consideration, and if satisfied that the same are a reasonable excuse, are hereby authorized to remit the fine aforesaid or any part thereof, which fine so recovered, after deducting the necessary expenses of the constable who may be employed to arrest such slave, and also the expenses of the said warrant and the levy thereof, shall be paid by the magistrate who shall receive the same, into the public

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treasury of this Island for the uses thereof, and the owner renter or employer shall immediately after the return of such slave or slaves, deliver him her or them to the magistrate who issued such warrant, to be dealt with according to law, under the like penalty of twenty pounds to be recovered and applied as aforesaid.

9th. And be it further enacted and ordained by the authority aforesaid, That there shall be printed at the public expense, one hundred and fifty copies of this Act, and the treasurer is hereby directed to pay for the same, to be distributed in the usual manner.

Chas^r Winston, Speaker.

Passed the House of Assembly, this twenty-seventh day of April one thousand seven hundred and ninety-eight.

F. Collins, Clerk of Assembly.

Passed the Council, this 27th day of April one thousand seven hundred and ninety-eight.

Geo. Boyce, Ass^t Clerk of the Council.

Duly published in the town of Roseau, this thirtieth day of April in the year one thousand seven hundred and ninety-eight.

James Laing, (P. M.)

Andrew (L. s.) Cochrane Johnstone.