

AN ACT to amend an Act, intituled, " An Act to prevent the further sudden increase of free Negroes and Mulattoes ;" and also to amend an Act, intituled, " An Act for the better government of Slaves, and for the more speedy and effectual suppression of run-away Slaves," and to ascertain what shall be evidence of the sealing of certificates respecting enfranchisement, as directed to be made by the Guardians of Slaves. [2 April 1792.]

Preamble.

WHEREAS by the fifth clause of an Act passed to prevent the further sudden increase of free negroes and mulattoes, it was enacted, that all negroes and mulattoes pretending to be free, and residing in these islands, should bring their respective acts of freedom to the registers office of the said islands to be recorded, and any person or persons not having such acts of freedom or manumission, by reason of being born of a free woman, should make and procure such proofs of their freedom, as were therein particularly specified and directed, and such persons pretending to be free who could not produce such regular deeds of manumission, or prove their birth from free women, should make and procure such other proofs of their freedom, as were therein also particularly specified and directed, and such proofs when so made and procured, were thereby declared to be sufficient evidence of the freedom of such persons, and were directed to be received upon record; provided that such deeds of freedom, and other proofs therein mentioned should be brought into the said register's office, within three calendar months next and immediately after the publication of the said Act.

And whereas by the seventh clause of the said Act, such coloured persons as should not bring such proofs as aforesaid of their freedom, unto the said register's office within the said limited time, were and are liable to be committed to gaol, and sold as slaves in way and manner therein particularly mentioned.

And whereas the said Act was published on the twenty-first day of April one thousand seven hundred and sixty-seven, and the time thereby prescribed for recording the said deeds of manumission, and other proofs of freedom therein mentioned is long ago expired: And whereas by the construction given to the said Act, many coloured persons who are really free, may be deprived of the benefit and advantage of such their freedom, to the great injury both of their property and persons; for remedy whereof, BE it enacted by his excellency Edward Mathew, esquire, captain general, and governor in chief of these His Majesty's Islands of Grenada and such of the Grenadines as lie to the southward of the island of Carriacou, including that Island; the honourable the members of His Majesty's council for the said Islands, and the representatives of the people of the same; and it is hereby enacted by the authority of the same, That from and after the publication of this Act, every negro, mulatto, or other coloured person having or possessing a manumission or any other act of freedom, either by last will and testament, or otherwise, may at any time
prove

Clause I.

Acts of freedom by deed, last will or otherwise, may be recorded at any time.

Originals of such acts, or certified copies, may be

prove and record the same in the register's office of these Islands, in manner prescribed by law, for the probate and recording of other deeds or wills; and that the original or originals thereof, after due proof of the execution of the same, or an office copy or office copies from the record thereof, duly certified by the register of these Islands for the time being, or his lawful deputy, shall and may at any time be pleaded and given in evidence in all courts of law and equity in these Islands, any thing in the said Act contained to the contrary thereof in anywise notwithstanding: Provided always, that nothing herein contained shall affect or prejudice any intermediate bona fide purchaser or other incumbrancer, who may not have notice of such manumission or other act of freedom, at the time of becoming such purchaser or incumbrancer as aforesaid.

And be it also enacted by the authority aforesaid, That every negro, mulatto, or other coloured person who hath not a manumission or other act of freedom, by reason of being born of a free woman, shall and may at any time bring two credible freeholders within these Islands, before any two justices of the peace in the Island where such freeholders do actually reside, to declare upon oath before such justices by affidavit in writing, that such person pretending to be free, was born of a free woman, or hath always been reputed so to be, and that the mother of such coloured person was free, or reputed so to be, at the time of the birth of such coloured person, and upon such affidavit being so made, the said justices shall and may grant a certificate thereof, under their respective hands and seals, and such affidavit and certificate shall, and the same are hereby declared to be prima facie sufficient proof and evidence of the freedom of such coloured person, and shall and may be pleaded and admitted as such in all courts of law and equity in these Islands; and any person pretending to be free, and who cannot produce a regular deed of freedom, and cannot prove his or her birth of a free woman, shall and may bring two credible freeholders within these Islands, before any two justices of the peace in the Island where such freeholders do actually reside, to declare solemnly upon oath, before such justices by affidavit in writing, that such freeholders, and each of them, have known the persons so pretending to be free, for the space of five years at least; that during such space of five years, such person was reputed to be free from slavery, to all intents and purposes, and did behave and demean him or herself decently, and in a manner becoming a free person of his or her complexion; and upon such affidavit being so made, the said justices shall and may grant a certificate thereof, under their respective hands and seals, and such affidavit and certificate shall, and the same are hereby declared to be prima facie sufficient proof and evidence of the freedom of such coloured person, and shall and may be pleaded and admitted as such in all courts of law and equity in these Islands: Provided always nevertheless, that every person shall and may be at liberty to dispute and counteract such prima facie evidence of freedom by offering and producing all such testimony or other proofs as he or she may be possessed of, or have in his or her power for the purpose of disproving such freedom: And provided also, that nothing herein contained shall deprive any negro, mulatto, or other coloured person pretending to be free either by manumission, last will, being born of a free woman or otherwise, of the benefit and advantage which he she or they may have from any other evidence of his her or their freedom, but that every such proof or evidence thereof, other or different from the proof or evidence hereby directed and prescribed, shall and may be admitted and received as evidence in all courts of law and equity in these Islands, in the same manner as the same would have been admitted and received, had this Act, and the said Act to prevent the further sudden increase of free negroes and mulattoes never been made:

And be it enacted by the authority aforesaid, That any person making such affidavit or affidavits as are hereinbefore mentioned, who shall swear thereto falsely, or who shall be guilty of procuring any other person or persons to swear falsely in any manner relative to such proof or proofs of freedom of any coloured person or persons as aforesaid, shall, in the former case of swearing falsely, be deemed guilty of wilful and corrupt perjury, and in the latter case of procuring any other person to swear falsely, be guilty of subornation of perjury, and shall and may be proceeded against, as in Great Britain in cases of wilful and corrupt perjury, or subornation of perjury, according to the nature of the offence or offences respectively; and every person convicted of such perjury or subornation of perjury, shall incur the same pains and penalties, as by the laws and statutes of Great Britain are declared and in force against the crimes of wilful and corrupt perjury and subornation of perjury.

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And

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pleaded and given in evidence in all courts of law and equity in these islands.

Proviso.

Bona fide purchaser or incumbrancer, not to be thereby affected without notice.

Clause II.

Negroes and Mulattoes claiming to be free by birth, to prove such claim by the affidavit of two credible freeholders, before two justices of the peace.

Justices to grant certificate of such claim and proof.

Where there is neither manumission nor proof of freedom by birth, a claim of freedom by repute may be proved, certified and given in evidence in like manner, if the party has been so reputed free for five years.

Proviso.

Such prima facie proof not conclusive, if opposed by contrary evidence.

Proviso.

But the party claiming to be free is not to be debarred from adducing further proof of his her or their freedom.

Clause III.

Persons falsely swearing under this Act, or procuring others so to do, guilty of perjury or subornation of perjury, punishable by the laws of England.

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Clause IV.

The 1st, 2nd, 3d,
4th, 5th, 6th and 7th
clauses of the Act of April 23, 1767, repealed.

And be it further enacted by the authority aforesaid, That the first, second, third, fourth, fifth, sixth, and seventh clauses of the said Act to prevent the further sudden increase of free negroes and mulattoes, shall from and after the publication of this Act be and the same are hereby repealed.

Clause V.
Preamble.

Certificates obtained subsequent to the said recited act, and not recorded within the time limited thereby, and certificates obtained after the expiration of the time prescribed by the said act, and before the publication of this act, declared to be valid and effectual.

Proviso.
Such certificates not conclusive, but may be opposed by contrary evidence.

Proviso.
Party producing such certificates not to be debarred from adducing other proof of his her or their freedom.

And whereas many negroes, mulattoes, and other coloured persons, have, subsequent to the publication of the said Act, to prevent the sudden increase of free negroes and mulattoes, obtained certificates of their freedom under the hands and seals of two justices of the peace, in manner prescribed by the fifth clause of the said last-mentioned Act: And whereas some of such certificates have been neglected to be recorded in the register's office within the time prescribed for that purpose by the proviso to the said clause, and others of such certificates have been procured subsequent to the expiration of such time so prescribed by the said proviso, and in both cases it is now impossible to comply with the regulations directed by the said proviso: And whereas it is unnecessary to put such persons as are possessed of such certificates to the trouble and expense of procuring others in way and manner prescribed by this Act; BE it enacted by the authority aforesaid, That every certificate of freedom of any negro, mulatto, or other coloured person, which antecedent to the publication of this Act, hath been obtained agreeable to, and in the terms of the said fifth clause of the said Act to prevent the sudden increase of free negroes and mulattoes, but without compliance with the requisites prescribed and directed by the said proviso thereto, shall and the same is hereby declared to be as valid effectual and sufficient both at law and in equity, as if the said proviso to the said fifth clause of the said last-mentioned Act had never been made: Provided always nevertheless, that every person shall and may be at liberty to dispute and counteract the force and effect of every such certificate, by offering and producing such testimony or other proofs as he or she may be possessed of, or have in his or her power for the purpose of disproving the freedom so certified: And provided also, that nothing herein contained shall deprive any negro, mulatto, or other coloured person, having such last-mentioned certificate or certificates, of the benefit and advantage which he she or they may have from any other evidence of his her or their freedom, but that every such proof or evidence thereof, other or different from such certificate or certificates, shall and may be admitted and received as evidence in all courts of law and equity in these Islands, in the same manner as the same would have been admitted and received, had this Act and the said Act to prevent the further sudden increase of free negroes and mulattoes never been made.

Clause VI.
Preamble.

Originals of all manumissions duly proved, or office copies thereof, duly certified according to law, declared to be good evidence at law or in equity.

And whereas many manumissions and other acts of freedom for the purpose of enfranchising slaves, have been made and executed subsequent to the sixth of January one thousand seven hundred and eighty-four, when these Islands were restored to Great Britain, without complying with the requisites and formalities prescribed by the first, second, and third clauses of the said Act, to prevent the further sudden increase of free negroes, and mulattoes, upon a mistaken idea that the said Act was not then in force: And whereas the said first, second, and third clauses of the said last-mentioned Act, were by two Acts of the legislature of these Islands repealed during the continuance of the said Acts, and other regulations thereby established for the manumission and enfranchisement of slaves, which said last-mentioned regulations are now in force: And whereas it would be unjust, under such circumstances, to permit the said Act to prevent the further sudden increase of free negroes and mulattoes, to operate against and destroy the intention and effect of such manumissions or other acts of freedom so made and executed between the said sixth day of January one thousand seven hundred and eighty-four, and the said third day of November one thousand seven hundred and eighty-eight; BE it therefore enacted by the authority aforesaid, That the originals of all manumissions or other acts of freedom, whether by last will and testament or otherwise, after been duly proved according to law, and if proved and recorded in the register's office of these Islands in manner prescribed by law, then office copies thereof duly certified by the register of these Islands for the time being, or his lawful deputy in manner prescribed by law, shall and may be admitted and received as evidence in all courts of law and equity in these Islands, and shall have and produce the same operation and effect, both at law and in equity, as such manumissions or other acts

of freedom would have had and produced, had the said Act to prevent the further sudden increase of free negroes and mulattoes never been made.

And whereas by the seventeenth clause of an Act for the better protection and for promoting the increase and population of slaves, and for repealing during the continuance of the said Act, the first, second and third clauses of an Act, intituled, "An Act to prevent the further sudden increase of free negroes and mulattoes;" and such part of all and every law and laws then in force relative to the trial and punishment of slaves, as relate to their trial and punishment for the sole offence of running away, and for substituting another mode of trial and punishment in lieu thereof, and for appointing guardians to carry the said Act into execution, a certificate under the hands and seals of the guardians of slaves for the district wherein any slave or slaves intended to be manumitted resides or reside, or of any two of them to the effect therein mentioned, is directed to be indorsed on or annexed to the deed of manumission of such slave or slaves, and in cases by manumission by last will and testament, such certificate is directed to be indorsed on or annexed to an office copy of such last will and testament: And whereas the signing and sealing of such certificate of such guardians, hath not in any case been made in the presence of witness or witnesses, and from the death or absence of such guardian or guardians it may be difficult and in some cases impossible to procure such actual sealing by such guardians, although the signature of such guardian or guardians may be easily proved in manner prescribed by law; BE it therefore enacted by the authority aforesaid, That where the seals and signatures of such guardians, or of any two of them, appear to be set and affixed to such certificate, due proof of the respective signatures of such guardians to such certificates, shall be also held and deemed prima facie evidence of the sealing thereof by the guardian or respective guardians whose signature or signatures thereto shall be so proved; and that if any person after such prima facie evidence given, shall dispute such sealing, he shall be obliged to disprove the same according to law.

Clause VII.
Preamble.

Where certificates of guardians, under the act of February 1791, (expired) have not been valid and signed in presence of witnesses, proof of the signature of such guardians made prima facie evidence of such sealing.

And whereas by the twenty-first clause of an Act for the better government of slaves, and for the more speedy, and effectual suppression of run-away slaves, it is enacted amongst other things, that the provost marshal, or his lawful deputy, shall receive into his custody all run-away slaves brought to him, and pay the rewards for the same therein directed, and after making publication respecting every such slave or slaves for six weeks in manner therein prescribed, shall, if such slave or slaves be not claimed within the time aforesaid, sell such slave or slaves at public outcry, and pay the money arising therefrom, after deduction of charges and fees, to the owner or owners of such slave or slaves, and in default of knowing such owner or owners, to the treasurer of these Islands for the time being, for the use of the public, till such time as the owner or owners of such slave or slaves shall appear: And whereas the aforesaid Regulation hath from experience been found to be productive of much injury and loss to such persons as from local situation or other circumstances have not had it in their power to claim or prove their property in, or title to such run-away slaves, within the time therein before prescribed; for remedy whereof, BE it enacted by the authority aforesaid, That it shall and may be lawful for the provost marshal of this Island for the time being, or his lawful deputy, to receive into his custody all run-away slaves, who shall be brought to him, and to pay the apprehender of such slave or slaves, the rewards and mile money specified and directed in the third section of the said Act, for the better government of slaves, and for the more speedy and effectual suppression of run-away slaves; provided the owner or owners of such slave or slaves is or are not known to such apprehender or apprehenders, and such provost marshal for the time being, or his lawful deputy, shall and may keep such slave or slaves in safe custody, and shall immediately give public notice thereof, by publication (in some Grenada newspaper, if any, at the time; and if none, by written advertisement affixed at the church and court house doors of the town of Saint George in the said Island of Grenada) for six successive weeks, describing as near as may be, the name, age, sex, size, complexion, and external marks of such slave or slaves, whereby he she or they may be more readily known, together with the country of such slave or slaves, if the knowledge thereof be attainable, and shall also affix a copy in writing of such publication on the door of the public office of such provost marshal or his lawful deputy for the time hereinbefore prescribed; and in case such provost marshal for the time being, or his lawful deputy,

Clause VIII.
Preamble.

Marshal not to sell runaway slaves without giving public notice in the Island Gazette.

And if no gazette, by a written advertisement, to be affixed for six successive weeks to the doors of the church, court-house and marshal's office.

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Marshal answerable in an action of damages to the party aggrieved, if he neglects to advertise. Slaves, if not claimed within the six weeks, to be then sold by public outcry.

Proceeds, after deducting all charges, to be paid by the marshal to the owner of such slave, or if the owner is not known, to the public treasurer, for such owner when he shall appear.

Proviso.

Such sales not conclusive against owners not resident at the time in the country.

Such owner, upon payment or tender of all monies actually paid, and expenses incurred, may claim restitution of such slave within twelve months after such sale, and maintain the same by action of ejectment, trover or detinue, against the purchaser or possessor.

Clause IX.

Repealing the 21st clause of the act of the 21st of April, 1767.

Clause X.

This Act declared to be a Public Act.

deputy, shall fail in performing all or any of the several matters hereby required, he shall be liable to answer in damages by action for such neglect to the person or persons who shall or may happen to be aggrieved thereby; and after such publication being duly made for the time aforesaid, if such slave or slaves so advertised, shall not be claimed within six weeks from and after the day on which he she or they were delivered into the hands of such provost marshal or his lawful deputy, such slave or slaves shall be sold at public outcry by such provost marshal for the time being, or his lawful deputy, and the monies arising from such sale or sales, after deduction of all reasonable charges and fees, shall be paid over by such provost marshal or his lawful deputy, to the owner or owners of such slave or slaves, his her or their executors or administrators, and for want of knowing such owner or owners, his her or their executors or administrators, the monies arising from such sale or sales, after deduction as aforesaid, shall by such provost marshal for the time being, or his lawful deputy, be deposited in the hands of the public treasurer of these Islands for the time being, to and for the public use of these Islands. But if the owner or owners of such slave or slaves, his her or their executors or administrators, shall appear and claim the same within twelve months from the date of such sale or sales respectively, upon due proof being made within the period aforesaid, by such owner or owners, his her or their executors or administrators, of the title or titles of such owner or owners to the slave or slaves so to be sold, the public treasurer of these Islands for the time being is hereby authorized to pay over the net proceeds of the amount of such sale or sales to such owner or owners, his her or their executors or administrators respectively: Provided always nevertheless, that where such owner or owners shall at the time of the sale or sales be resident out of the government of Grenada and its dependencies, such sale or sales shall not, for and during the period hereinafter specified, be conclusive against such owner or owners, but that such owner or owner so resident out of the said government, shall upon payment or tender of all monies actually paid, and expenses incurred at such public outcry or outcries, for the purchase of such slave or slaves, be authorized and entitled to claim and demand restoration and delivery of such slave or slaves, at any time within twelve months from and after the day of such sale or sales respectively; and on neglect or refusal to deliver such slave or slaves as aforesaid, within the period aforesaid, the owner or owners thereof shall and may, at his her or their option, maintain and prosecute an action or actions of ejectment, trover, or detinue, against such purchaser or purchasers, or other possessor or possessors of such slave or slaves, for the actual recovery thereof, or of the value thereof, and of all damages, costs and expenses incurred by the detection or nondelivery thereof, but not for any wages of such slave or slaves, or hire for his her or their use or labour antecedent to the time of making such claim and demand of such slave or slaves as aforesaid within the period aforesaid.

And be it enacted by the authority aforesaid, That the said twenty-first clause of the said Act, for the better government of slaves, and for the more speedy and effectual suppression of runaway slaves, shall from and after the publication of this Act be and the same is hereby repealed.

And be it further enacted by the authority aforesaid, That this Act shall be deemed a Public Act, and all judges, justices, and jurors shall take notice thereof as such, without specially pleading the same.