

An ACT for the more effectual Trial and Punishment of Slaves, who may have been, or may hereafter be concerned in the Rebellion and Insurrection now existing in this Island.—[7 June 1796.]

Preamble.

WHEREAS by the laws now existing in these Islands, slaves convicted of any heinous or grievous crimes or offences are liable to suffer death: And whereas from the humane principles of our Government it is necessary to discriminate between such slaves as have willingly taken an active part in the rebellion and insurrection, and in the committing of murders, and setting fire to buildings and canoes, and such slaves as have in some measure been compelled to join the insurrection, from the owners and other persons having the charge of Slaves being obliged to quit their habitations and retire for safety to the town of Saint George and its neighbourhood; and that such new punishments should be substituted

tuted as are likely not only to produce a lasting impression upon the minds of the slaves, but also to be otherwise beneficial to the community; we, Your Majesty's most dutiful, loyal and obedient subjects the lieutenant governor of these Your Majesty's Islands of Grenada, and the Grenadines thereon dependant, and commander in chief therein, the members of Your Majesty's council, and the representatives of the people of the said Islands, in general assembly convened, pray Your most excellent Majesty that it may be enacted and ordained, and be it and it is hereby enacted by the authority aforesaid, That each and every slave or slaves who has or have been, or who is or are suspected to have been concerned in the present insurrection and rebellion, and who is or are suspected of any felony, burglary, robbery, burning of houses, cane-pieces, murders, rebellions, conspiracies, insurrection, compassing or imagining the death of any white or free coloured person or any slave, or who has or have been aiding, abetting, counselling, or advising in the commission of any of the aforesaid crimes, and who has or have at any time heretofore been taken, or surrendered himself, herself, or themselves, shall and may be tried by a court to be assembled in way and manner hereinafter mentioned for the trial of slaves who may at any time hereafter be taken or surrendered themselves, and, if found guilty, shall and may be punished in any of the ways hereinafter directed.

Clause I.

Slaves suspected of being concerned in the insurrection and rebellion to be tried by a court hereinafter mentioned, and punished as hereinafter directed.

And be it further enacted, That every slave who may hereafter be taken, or shall surrender himself or herself, shall immediately, or as soon after as it can be conveniently done, be sent by the person so taking or to whom such slave shall surrender, before some one or more of His Majesty's justices of the peace to be examined; and such justice shall accordingly proceed to examine such slave and all other persons who can give evidence of the conduct of the said slave, and shall reduce such examinations into writing, and return or transmit the same, together with his proceedings thereupon, to the commander in chief for the time being, within twenty-four hours after the taking such examinations respectively; and if upon such examination there shall appear just grounds to suspect that such slave has been guilty of any of the crimes aforesaid, or has been aiding, abetting, counselling, or advising therein, or is otherwise a dangerous character, unfit to be allowed to go at large, the said justice shall commit such slave to the common gaol, or to some other secure place of confinement, there to be detained for trial, and it shall and may be lawful for the commander in chief for the time being, at any time hereafter, to issue his warrant or order to any three or more of His Majesty's justices of the peace to be therein named, authorizing and requiring them to proceed to the trial of the offender in any parish within this Island, to be named in such warrant or order; and such justices shall within twenty-four hours after the receipt of such warrant or order, issue their precept directed to a constable of the parish where such trial shall be directed to be had, authorizing and requiring him to summon five respectable white persons of the said or any of the adjoining parishes to be named in such precept, at a certain day and place to be named therein, and between the hours of eight and ten in the forenoon, personally to be and appear before the said justices to serve as jurors for the trial of such offender or offenders; at which time and place the said justices shall cause the offender or offenders, and the witness or witnesses against and for such offender or offenders, to come before them, by issuing their summons to such witness; and in case of slaves being witnesses, the summons shall be served on the owner or person having charge of such slave; and shall explain the nature of the offence with which the prisoner stands charged, and demand of him or her whether he or she is guilty or not guilty, and if the prisoner pleads guilty, the justices shall proceed to pronounce sentence of death, or banishment from the Island, or confinement in chains to hard labour for life, or for any less term, and at the expiration thereof then to be banished from the Island, as the said justices shall determine, according to the nature of the offence; but if such prisoner pleads not guilty, then the said justices shall proceed to choose by ballot, three of the said five persons summoned as jurors, and shall administer to the three so chosen the following oath; viz.

Clause II.

Slaves when taken and surrendered to be first examined by a justice of the peace.

Examinations to be returned to the commander in chief within 24 hours.

Justice to commit offender to prison if he sees probable ground for suspicion, there to be detained for trial.

Commander in chief to issue his warrant to three or more justices to proceed to try the offender.

Justices within 24 hours after receiving such warrant to issue a precept to some constable to summon five white persons as jurors.

To fix a time for trial.

To cause at such trial witnesses to come forward.

Notices to witnesses who are slaves to be served on their owner.

Punishment of death, banishment or hard labour in chains, on prisoner pleading guilty.

If prisoner pleads not guilty, justices to choose three of the five jurors to try cause.

Juror's oath.

" You shall well and truly try, and true deliverance make between our sovereign Lord the King, and the prisoner whom you have in charge, and a true verdict give according to the evidence given unto you. So help you GOD."

And the said justices shall proceed to examine the witnesses produced, and shall admit the prisoner, either by himself or any other person on his or her behalf, to a full defence; and if upon hearing the evidence the jury shall find the prisoner guilty,

Justice's sentence to be final, and to be executed at any time they shall appoint after 36 hours.

## GRENADA.

guilty, then the justices presiding shall proceed to pass the sentence in the same manner as hereinbefore directed when the prisoner pleads guilty, and every sentence shall be final and conclusive, and without appeal; and the justices presiding at every such trial shall cause their sentence to be carried into execution at such time (after the expiration of thirty-six hours from the pronouncing such sentence respectively) and place as they shall think proper, unless the commander in chief for the time being, to whom the justices shall report or transmit every such sentence within twenty-four hours after pronouncing the same respectively, shall think proper to respite the same, or to pardon the criminal: And in all trials to be had under this Act, the evidence of slaves against and for one another shall be deemed good and sufficient proof; and in case of the absence of any material witness, either against or for the prisoner to be tried under this Act, the justices presiding shall adjourn the trial for forty-eight hours, and direct a constable to search for and bring such witness before the court at its next sitting, and shall then proceed with such trial either with or without the attendance of such witness, if he or she is not to be found; and the justices presiding at such trials respectively shall make regular minutes, to contain the day of trial, the names of the justices and jury, the crime for which the prisoner stands charged, his or her plea, the evidence for the prosecution, and on the prisoner's behalf, the verdict of the jury, and the sentence of the court; and shall sign the same, and return such minutes into the secretary's office within six days after every such trial shall be finished respectively: And in all cases where the punishment of death is inflicted, the execution shall be performed in a public part of the parish, and with due solemnity; and care shall be taken by the gaoler or person having charge of the prisoner, that he or she is free from intoxication at the time of his or her trial, and from thence to and at the time of his or her execution, under the penalty of twenty pounds, to be recovered in manner hereinafter directed for the recovery of penalties incurred by jurors, constables and witnesses; and the mode of such execution shall be hanging by the neck and no other; and the body shall be afterwards disposed of in such manner as the justices presiding at the trial shall direct: And in all cases where the punishment shall be confinement in chains to hard labour for life, or for any lesser term, the criminals shall be employed under proper overseers, and a sufficient guard, to be provided at the public expense, in clearing the woods in the interior part of this Island, and making convenient roads through the same to every part of the Island; and the constables of the parish, where such trials shall be had respectively, shall attend the justices during the sitting of the court, and at all other times, when required so to do, and shall also attend the execution of every sentence of death.

Commander in chief may respite or pardon any criminal.

Evidence of slaves for and against one another.

Justices may adjourn the trial for 48 hours in case of absence of material witness.

If witness does not then appear, trial to go on.

Justices to make regular minutes, and to return them into the secretary's office in six days.

Punishment of death to be inflicted publicly.

Prisoner not to be intoxicated when executed.

No other mode of execution but hanging allowed.

Offenders how to be guarded and employed when any other sentence than death is inflicted.

Constables to attend the trial and execution.

## Clause III.

Court may adjourn as often as they please for 48 hours.

And be it enacted by the authority aforesaid, That the said court shall have full power and authority, if they shall see cause to adjourn the said court from time to time, for any time not exceeding forty-eight hours, during any one adjournment.

## Clause IV.

Slaves giving false evidence liable to the same punishment as the offender, if he had been found guilty.

Justices to explain to slave witnesses the punishment for false testimony.

Owner refusing to produce slaves summoned as witnesses, to forfeit 50*l.*

And be enacted, That in case any slave shall wilfully, or with evil intent, give false evidence on any trial to be had under this Act, such slave, upon being found guilty thereof before a court to be assembled as hereinbefore directed, shall suffer the same punishment as the person or persons on whose trial such false evidence was given would, if found guilty, have been liable to suffer, or such other punishment as the court shall think proper to inflict, according to the circumstances of the case.

And the justices presiding at any trial where a slave or slaves shall be brought forward to give testimony, shall explain to each of the witnesses the punishment which he or she may be subject to, in case of giving false evidence; and if any owner or person having charge of slaves shall wilfully refuse or neglect to produce before the court hereby directed, any slave, whose testimony is required on any trial to be had under this Act, every such person shall, for each refusal or neglect, incur a penalty of fifty pounds.

## Clause V.

Justice refusing to act, to forfeit 50*l.*

How to be recovered.

And be it enacted, That if any justice of the peace shall refuse or neglect to do and perform all and singular the duties required of him by this Act, every such justice, upon proof thereof made before the commander in chief for the time being, by one or more credible witness or witnesses, shall for each offence incur a penalty of fifty pounds, to be recovered by attachment, under the hand and seal of such commander in chief, directed to the provost marshal, in the following form; viz.

“ George the Third by the Grace of God King of Great Britain, France and  
“ Ireland, Defender of the Faith, and so forth.”

“ To the Provost Marshal of the Island of Grenada.

“ WE command you to attach the body of *A. B.* and him in safe custody to  
“ keep in our common gaol of our said Island, until he shall pay to us a  
“ fine of fifty pounds, for refusing or neglecting [*here insert the particular*  
“ *offence*] and hereof fail not at your peril. Witness, *C. D.*  
“ our commander in chief for the time being, the day of  
“ and all costs incurred thereon.”

And the provost marshal shall accordingly execute the said writ by attaching the body of the delinquent and detaining him in gaol until the said fine shall be fully paid; and if any constable shall refuse or neglect to do and perform all and singular the duties required of him by this Act, every such constable, for each refusal or neglect, shall incur a penalty of twenty-five pounds, to be recovered by attachment, under the hand and seal of the justice or hands and seals of the justices who shall direct such constable to do his duty, directed to the provost marshal in the aforesaid form, except as to the testing the said writ, which shall be tested in the name or names of the justice or justices issuing the same, and the provost master shall in like manner execute the said writ.

Constable refusing to do his duty liable to a fine of 25 l., to be recovered in like manner.

And be it enacted, That if any juror or witness, after being summoned, shall refuse or neglect to attend in conformity to the said summons, every such juror and witness, upon proof of the service of such summons before the justices issuing the same, every such juror or any witness, being a free person, for each offence shall incur a penalty of twenty-five pounds, to be recovered in like manner as penalties incurred by constables are directed to be recovered; and if any juror or witness so summoned as aforesaid shall attend and shall refuse to serve as a juror or to give evidence, every such juror or witness shall and may be committed by the justices present to the common gaol, there to remain without bail or mainprize for the space of three calendar months.

Clause VI.

Jurors and free witnesses refusing to serve or attend, liable to a fine of 25 l. and three months imprisonment.

And be it enacted, That when any slave shall be sentenced to death, or banished, or condemned to confinement in chains to hard labour, the justices and jury who shall sit upon the trial shall value the said slave at such sum as they in their consciences shall deem him or her to be worth, according to his or her trade or occupation, not exceeding one hundred pounds currency, and shall certify the same to the public treasurer of the Island of Grenada, who is hereby authorized to pay to the owner the amount of the sum mentioned in such certificate: And all slaves condemned to confinement in chains to hard labour or to be banished, shall from and immediately after such appraisement become the property of the public, and the owner divested of all claim therein: And if any owner or other person having the charge of any slave, whom he or she shall suspect to have been guilty of, or aiding, abetting, counselling, or advising in any of the crimes specified in this Act, and shall not immediately carry such slave before some one of His Majesty's justices of the peace to be examined, every such person shall, upon being convicted thereof before the court of King's Bench and Grand Sessions of the Peace, be sentenced to be imprisoned for the space of one year.

Clause VII.

Slaves sentenced to death, confinement or banishment, to be valued by the justices and jurors. Such valuation not to exceed 100 l. currency. To be paid by the treasurer from the public treasury to the owner of the slave. Slaves so valued to be the property of the public. Any owner suspecting any slave of any crime specified in this act, and not carrying him before a justice, liable to be imprisoned one year.

And be it enacted, That all penalties incurred under this Act shall be paid into the hands of the public treasurer by the person receiving the same, and shall by the said treasurer be set apart as a fund for defraying the expenses of guards and cutting traces through the woods, and other expenses incurred in carrying this Act into execution.

Clause VIII.

All fines levied under this act, a fund in the treasurer's hands for the purposes thereof.

And be it enacted, That all reasonable expenses incurred in performing the various duties required by this Act shall be paid by the public treasurer, upon producing a certificate or warrant for the same under the hands of the justices presiding at any court to be held in pursuance of this Act.

Clause IX.

Reasonable expenses incurred to be paid by the treasurer by warrant from the justices.

And be it enacted, That the governor and commander in chief for the time being shall have the ordering and directing the employment of the said slaves in manner before specified, and the appointment of a proper officer for superintending the same; and all monies, the mode of issuing whereof is not directed by this Act, shall be paid by warrant under the hand and seal of the governor or commander in chief for the time being, to such person or persons as shall be therein specified.

Clause X.

Commander in chief to have the direction of all slaves sentenced under this act, and all monies not otherwise ordered to be paid by this act for commander in chief.

the purposes thereof, to be payable by warrant from the