

CAP. 14.

Slaves, cattle,
implements,
&c. levied
on, not to be
removed from
properties,

Enacts, *Clause I.*---“ That, from and after the passing of this act, the provost-marshal, or his deputy or deputies, shall not remove or carry away, off or from any estate or estates, plantation or plantations, property or properties, any levy or levies which he or they, or any of them, shall or may make of or on any negro or negroes, or other slave or slaves, mule or mules, cattle, stock, waggon, wain, or other carriage, plantation utensil, or implement of planting;

Eng: Prohibited, The defendant or defendants in the writ or writs on which such levy or levies is, are, or shall be, made, his, her, or their, overseer or overseers, attorney or attornies, trustee, or trustees, executors, administrators, or other representative or representatives, or the mortgagee or mortgagees, or other person claiming title to such levy or levies in virtue of some mortgage or other prior incumbrance, his, her, or their, overseer or overseers, attorney or attornies, trustee or trustees, executors, administrators, or other representatives, do and shall, within five days after such levy or levies so made, produce and shew to the provost-marshal, or his deputy or deputies making such levy or levies, a docket, duly attested, of such mortgage or other incumbrance, together with an affidavit of such defendant or defendants, his, her, or their, overseer or overseers, attorney or attornies, trustee or trustees, executors, administrators, or other representative or representatives, or of the mortgagee, or other person claiming title to such levy or levies, in virtue of such mortgage or other prior incumbrance, his, her, or their, overseer or overseers, attorney or attornies, trustee or trustees, executors, administrators, or other representative or representatives (such affidavit to be sworn before any of the judges, or any justice of the peace), that, to the best of his, her, or their knowledge, information, and belief, such negro or negroes, or other slave or slaves, mule or mules, cattle or stock, waggon, wain, or other carriage, plantation utensil, or implement of planting, whereon such levy or levies is, are, or shall be, made, is or are comprized and included in such mortgage or other incumbrance, a docket or dockets whereof shall be so produced as aforesaid, or is or are the increase of the same, and that such mortgage or mortgages, or other incumbrance or incumbrances, is or are prior to the execution or executions on which the writ or writs issue or issues whereon the levy or levies is, are, or shall be, made; which affidavit shall be in the form following; that is to say,

if, within five days after levy made, they are attested to be subject to prior incumbrances.

I, A. B. of the parish of _____ in the said island, owner, (overseer, trustee, &c. as the case may be) do swear, that the several negro and other slaves following; viz. (here name the slaves, and set forth the particulars of the levy, whether negroes, mules, cattle, stock, or plantation utensils, as the case may be) levied on by _____ deputy-marshal for the said parish, on the _____ day of _____ instant (or last past, as the case may be) on a writ of *condemni exponas*, at the suit of _____ against _____ (or by virtue of a writ of *replevin*, as the case may be) are, to the best of this deponent's knowledge, information, and belief, either comprized and included, or are the increase of negroes and stock comprized

(which attestation is to be in this form.)

prised and included, in a certain indenture of mortgage or other incumbrance, bearing date the day of from to an attested docket whereof this deponent produced to the said deputy-marshal at the time of his making the aforesaid levy (or as soon after as this deponent had an opportunity of so doing, as the case may be); And this deponent further saith, that, to the best of his knowledge and belief, the said indenture of mortgage or other incumbrance is prior to the execution on which the writ of venditioni exponas was issued, whereon the aforesaid levy was made;

and an acknowledgment is made of the levy, with a conditional engagement for its forthcoming.

and do also, at the same time, give to the provost-marshal, or deputy marshal making such levy, an acknowledgment and engagement, in writing under his or their hand or hands, that such levy has been made, and that the same remains in his, her, or their, hands, and shall be produced or delivered over to such provost-marshal, or his deputy, on the first Monday in the next succeeding grand court, in case no replevin shall be filed and lodged for the same by the person or persons claiming title thereto under such mortgage or other prior incumbrance, as aforesaid, on or before that day; and, in case any such replevin shall be filed and lodged, then that the same levy, or such part thereof as shall not be recovered by the plaintiff or plaintiffs in such replevin or replevins, shall, within five days after the trial of such replevin or replevins, be delivered over to the provost-marshal, or his deputy or deputies, in order that the same may be sold, if the court shall so order it; which acknowledgment or engagement shall be in the form following; that is to say,

Form of the acknowledgment.

I, A B. of the parish of in the said island, owner, (overseen, trustee, &c. as the case may be) do hereby acknowledge, that deputy-marshal for the parish of aforesaid, did, on the day of instant (or last past, as the case may be) levy on (here set forth the names of the negroes, and the particulars of the levy) in my possession, on a writ of venditioni exponas (if more than one, mention them) at the suit of against (or, by virtue of a replevin at the suit of against as the case may be): And I do also acknowledge, that the said levy, so made as aforesaid, remains in my hands and possession, and that I hold the same ready to be delivered over to the provost-marshal, or his deputy, agreeable to a law of this island in such case lately made and provided. Given under my hand, this day of one thousand seven hundred and

Provided

Provided also, That such replevin shall be tried within one court next after the court for which the same is brought, unless the plaintiff or plaintiffs is or are prevented from trying the same by such cause as shall, upon affidavit, appear sufficient and satisfactory to the said supreme court."

Replevin to be tried the court next after that for which it is brought.

Clause 2.---"That if any person or persons, who shall have given such acknowledgment and engagement as is hereby directed, shall refuse, decline, or omit, producing and delivering over such levy or levies at the time and for the purpose hereby declared, and the same shall be made appear to the judges of the supreme court of judicature, all and every such person or persons, so refusing, declining, or omitting, is and are hereby made liable to be proceeded against by the said supreme court; and the judges thereof for the time being are hereby empowered, required, and directed, to proceed against them accordingly, by attachment, fine, imprisonment, or in such other manner as to the said court shall seem most proper and expedient."

Engagement not being fulfilled, defaulters to be proceeded against by grand court.

Clause 3.---"That if, in the absence of the mortgager, mortgagee, or other person in possession of the estate or property upon which any such levy or levies as aforesaid shall be made, any overseer, or other person resident or employed on any such estate or property, shall give any such engagement or acknowledgment as is hereby directed, the mortgager, mortgagee, or other person in possession as aforesaid, shall [be], and he, she, and they, are hereby bound thereby, in the same manner as if, he, she, or they, had actually signed and given such acknowledgment and engagement, and be liable to be proceeded against by the said supreme court of judicature in the manner aforesaid."

Principal answerable for the engagement, though given by an agent.

Clause 4.---"That, although it is hereby enacted that no levy, so to be made of negro or other slaves, mules, steers, cattle, or other stock, wains, waggons, or other carriages, plantation utensils, or implements of planting, so under mortgage, shall be removed from the plantations or properties to which they belong, yet that the same shall, from the time or times of making such levy or levies, be deemed and considered as in the custody of the provost-marshal, or deputy-marshal who shall have made the same: **Prohibited nevertheless,** That no such provost-marshal, deputy or deputies, shall, for or on account or by reason of any such levy or levies, be entitled to, or demand or receive, any consideration by way of gaol-fees, or other fees or charges whatever, until such levy or levies shall be delivered over to be sold (in case that shall happen

Though such levies may not be removed, they are to be considered in the custody of the marshal.

Limitation of marshal's fees.

SLAVE LAWS OF JAMAICA.

to be the case, as aforesaid), and then to gaol-fees only from the time or times of such levy or levies being delivered into his or their possession, so to be sold as aforesaid, and to such other fees as the provost-marshal is legally intitled to upon the sales of levies "

When replevins brought against marshal for such levies, producing them not necessary,

proving they are also mentioned in the prior incumbrance being sufficient.

Clause 5.---" That, in all cases where a replevin or replevins shall be brought against the provost-marshal, or any of his deputies, for any levy or levies by him, them, or any of them, made, by any person or persons claiming title to such levy or levies as aforesaid, and in case such replevin or replevins shall be pleaded to, it shall not be necessary, at the trial of such replevin or replevins, to produce the negro or other slaves, cattle, stock, waggons, wains, carriages, utensils, or implements, for which such replevin or replevins shall be brought; but the mortgager or mortgagers or any person or persons claiming under him, her, or them, or any other person or persons whatsoever, save and except the plaintiff or plaintiffs in such replevin, or any person or persons claiming or to claim under him, her, or them, proving, at the trial or trials of such replevin or replevins, or under any commission in such cause, or rule of court, that the negro or negroes, slave or slaves, mules, cattle, stock, waggons, wains, carriages, utensils, or implements, mentioned in such replevin or replevins, are also mentioned, comprised and contained, in the indenture of mortgage or other incumbrance then produced, shall be, and the same is hereby declared, sufficient proof of the identity of such slave or slaves, mules, cattle, stock, waggons, wains, or other carriages, utensils or implements; any law, custom, or usage, to the contrary thereof, in any wise notwithstanding."