

An ACT to repeal several Acts therein mentioned respecting Slaves, to declare Slaves Assets for payment of Debts and Legacies, and in what manner they shall descend and be held as property, and be sold and conveyed in certain cases. [28 November 1807.]

Preamble.

Repeal of the following Acts.

WHEREAS on the expiration of a certain Act, intituled, "An Act to repeal the several Acts and clauses of Acts respecting slaves therein mentioned, and for the better order and government of slaves, and other purposes, the several Acts and clauses of Acts in and by the said Act repealed, will revive and be in force: And whereas it is expedient that all and every the said Acts and clauses of Acts, and also certain other enactments respecting slaves should be and stand repealed, to the end that the code for the protection and government of slaves may be simplified, and as much as may be consolidated: We, Your Majesty's most dutiful and loyal subjects, the assembly of this Your Majesty's Island of Jamaica, most humbly beseech Your Majesty, That it may be enacted; BE it therefore enacted by the lieutenant-governor, council and assembly of the said Island; and it is hereby enacted and ordained by the authority of the same, That from and after the first day of December next, all and every the Laws and Acts hereinafter mentioned, and every part thereof, be and stand repealed, annulled, and made void, to all intents and purposes whatsoever; any thing in the said laws, or in any other law contained, to the contrary in any anywise notwithstanding; *videlicet*, An Act of the governor, council, and assembly of this Island, intituled, "An Act for regulating servants," passed in the year of our Lord one thousand six hundred and eighty-one; also one other Act of the lieutenant governor, council, and assembly, intituled, "An Act for the better order and government of Slaves," passed in the year of our Lord one thousand six hundred and ninety-six; also one other Act, intituled, "An Act for the more effectual punishing of crimes committed by Slaves," passed in the year of our Lord one thousand seven hundred and seventeen; also one other Act, intituled, "An Act for the encouragement of voluntary parties to suppress rebellious and runaway Negroes," passed in the year of our Lord one thousand seven hundred and eighteen; also one other Act, intituled, "An Act to inflict further and other punishments on the transgressors of two several Acts, the one intituled, 'An Act for the better order and government of Slaves,' and the other intituled, 'An Act to prevent the enticing or inveigling of Slaves from the possessors, and for the preventing the transportation of Slaves by mortgagers and tenants for life and years; and for regulating abuses committed by Slaves,'" passed in the year of our Lord one thousand seven hundred and

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twenty-five; also one other Act to repeal part of an Act, intituled, "An Act for the more effectual punishment of crimes committed by Slaves, and to oblige the several parishes to pay for all negroes executed in each respective parish," passed in the year of our Lord one thousand seven hundred and forty; also one other Act, intituled, "An Act to explain and amend an Act, intituled, 'An Act for the better order and government of Slaves, and for making free and rewarding a negro named Hector, belonging to Thomas Fuller, esquire, and paying his said master the value of the said negro,'" passed in the year of our Lord one thousand seven hundred and forty-four; also one other Act, intituled, "An Act to inflict further and other punishments on runaway Slaves, and such as shall entertain them," passed in the year of our Lord one thousand seven hundred and forty-nine; also one other Act to amend an Act, intituled, "An Act to repeal part of an Act, intituled, 'An Act for the more effectual punishment of crimes committed by Slaves, and to oblige the several parishes to pay for all Negroes executed in each respective parish,'" passed in the said year of our Lord one thousand seven hundred and forty-nine; also, "An Act to prevent the clandestine killing and marking of cattle, and for the better regulating of hunting," passed in the said year of our Lord one thousand seven hundred and forty-nine; also one other Act, intituled, "An Act to explain part of an Act, intituled, 'An Act for the better order and government of Slaves, and for inflicting further and other punishments on persons killing negroes or slaves,'" passed in the year of our Lord one thousand seven hundred and fifty-one; also one other Act, intituled, "An Act to remedy the evils arising from irregular assemblies of Slaves, and to prevent their possessing arms and ammunition, and going from place to place without tickets, and for preventing the practice of obeah, and to restrain overseers from leaving the estates under their care on certain days, and to oblige all free negroes, mulattoes or Indians, to register their names in the vestry books of the respective parishes of this Island, and to carry about them the certificate, and wear the badge of their freedom; and to prevent any captain, master or supercargo of any vessel bringing back slaves transported off this Island," passed in the year of our Lord one thousand seven hundred and sixty; also one other Act, intituled, "An Act to explain and amend an Act, intituled, 'An Act to remedy the evils arising from irregular assemblies of Slaves, and to prevent their possessing arms and ammunition, and going from place to place without tickets, and for preventing the practice of obeah, and to restrain overseers from leaving the estates under their care on certain days, and to oblige all free negroes, mulattoes or Indians, to register their names in the vestry-books of the respective parishes of this Island, and to carry about them the certificate, and wear the badge of their freedom; and to prevent any captain, master or supercargo of any vessel bringing back Slaves transported off this Island,'" passed in the year of our Lord one thousand seven hundred and sixty-one; also one other Act, intituled, "An Act to repeal an Act, intituled, 'An Act for the more effectual preventing Negroes and other Slaves from deserting from their owners, and departing from this Island in a clandestine manner, and to punish such persons as shall be aiding, assisting or abetting such slaves in their escape, and for the more effectual preventing Negroes and other Slaves from deserting from their owners, and departing from this Island in a clandestine manner, and to punish such persons as shall be aiding, assisting or abetting such Slaves in their escape,'" passed in the year of our Lord one thousand seven hundred and seventy-one; also one other Act, passed in the year of our Lord one thousand seven hundred and seventy-eight, intituled, "An Act to explain, alter and amend an Act, passed in the year of our Lord one thousand six hundred and ninety-six, intituled, 'An Act for the better order and government of Slaves;'" and also one other Act, intituled, "An Act to repeal several Acts and clauses of Acts respecting Slaves, and for the better order and government of Slaves, and for other purposes," passed the twenty-second day of December, in the year of our Lord one thousand seven hundred and eighty-seven.

2d. And whereas in and by certain of the Acts and clauses of Acts herein and hereby repealed, provision was made for making slaves assets for payment of debts and legacies, and in what manner they should descend and be held as property, and be conveyed in certain cases; and it is expedient to continue and amend such wholesome regulations; BE it further enacted by the authority aforesaid, That no slave shall be free by becoming a Christian; and for payment of debts and legacies, all slaves shall be deemed and taken as all other goods and chattels are in the hands of executors or administrators; and where other goods and chattels are not sufficient

Slaves not to be free by becoming Christians; they are to be taken for debts when no other effects can be got.

JAMAICA.

Their children stand in the parents situation.

Proviso respecting leased slaves.

41 Geo. III. c. 26.

8 Gul. III. c. 2.

Clause 40 in last recited Act to be considered as in full force.

Slaves for dower may be taken for debts.

Husband's sale of his slaves to bar the widow.

Books to be kept, wherein entries must be made of slaves bought and sold.

Substance of the entries, which shall confirm titles; but such entries not to be effectual to transfer slaves of a femme covert.

Punishment for erasure of entries; also for a clerk's refusing to make such entry when legal fee tendered.

to satisfy the said debts and legacies, then so many slaves as are necessary for the payment of debts and legacies shall be sold, and the remaining slaves, after the payment of the said debts and legacies, shall be judged, deemed and taken as inheritance, and shall accordingly descend; and all children of slaves, born in the possession of tenant for life or years, shall remain or revert, as the parents do or should have done, to him or her in reversion or remainder, after expiration of such term of years after the death of tenant for life or tenant in tail, after possibility of issue extinct: Provided nevertheless, that nothing in this clause shall extend, or be construed to extend, to leases heretofore made, any thing in this or any other Act to the contrary in anywise notwithstanding.

3d. And whereas in and by an Act, intituled, "An Act to repeal the several Acts and clauses of Acts respecting slaves therein mentioned, and for the better order and government of Slaves, and other purposes, the fortieth clause of an Act of the lieutenant governor, council and assembly of this Island, intituled, "An Act for the better order and government of Slaves," passed in the year of our Lord one thousand six hundred and ninety-six, being the same clause hereinbefore re-enacted, was annulled; repealed, and made void: And whereas the said clause was so annulled, repealed and made void inadvertently and through mistake, and advantages may be attempted to be taken of such mistake by designing persons; BE it therefore enacted and declared by the authority aforesaid, That the said clause, and every matter and thing therein contained, is to be taken and considered to have been and continued in force and effect from the time of passing the said Act, in the said year of our Lord one thousand six hundred and ninety-six, until the passing of this present Act, any law usage or custom to the contrary in anywise notwithstanding.

4th. And be it further enacted, That all slaves assigned for dower shall be liable, proportionably with those belonging to any heir or heirs, to the payment of debts, but not of legacies, any thing to the contrary notwithstanding: Provided nothing in this Act contained shall extend to hinder any person, possessed in his own right of any slave or slaves, to sell, or by gift or otherwise dispose of such slave or slaves as he shall think fit during his lifetime; which sale, gift or disposal shall be a perpetual bar to his wife from any claim of dower in such slave or slaves.

5th. And in order that there may be a safe and regular mode in which property in slaves may be transferred at an easy expense; BE it enacted, That the clerks of the peace, or clerks of the vestry where no clerks of the peace are, of the several parishes and precincts within this Island, shall keep a distinct book, in which it shall and may be lawful for all persons resident within the parish or precinct where such book is kept, to cause entries to be made of all slaves sold and disposed of, and agreed to be conveyed by toll; in every which entry shall be expressed the time of the sale made, the names of the vendor and vendee, the name and mark of the slave or slaves, with the consideration for which sold; which said entry or toll, if the seller is lawfully authorized to sell or dispose of such slave or slaves, shall be as good and valid to ratify and confirm the said sale or sales, as if the same had been by deed or writing under hand and seal, and shall be held, deemed and adjudged to be a sufficient record and evidence in any court of record within this Island: Provided always, that no entry by way of toll shall be effectual to transfer and convey the slaves of a femme covert, but that such slaves shall only be transferred and conveyed by deed, executed and proved in the same manner and form as is required to deeds for barring dower; and if any person shall raze, injure or destroy any such entry or toll, the person so offending, on being convicted in the supreme court, or any court of assize within this Island, shall suffer such punishment as the law has provided against such as raze, injure or destroy records; and if any clerk, by whom such book is directed to be kept, shall refuse or neglect to make such entry, on receiving or having tendered to him the legal fee, he shall forfeit to the party or parties injured the sum of ten pounds for every such offence, to be recovered in a summary way, before two or more magistrates of the parish or precinct, and to be levied, by warrant under their hands and seals, on the goods and chattels of the offender.

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