

An ACT for the more effectual punishment of negroes and other slaves, and for taking away the benefit of clergy from certain offenders, and a supplementary act to an act, entitled, \* An act to prevent the tumultuous meeting and other irregularities of negroes and other slaves, and directing the manner of trying slaves.

\* 1723, ch. 15.

A supplementary and explanatory act in 1753, ch. 26.

Preamble.

**W**HEREAS the laws in force for the punishment of slaves are found insufficient to prevent their committing very great crimes and disorders, and that a further provision is necessary to keep them in proper bounds and due order, and for a more speedy method to bring them to justice than is prescribed by the laws heretofore made ;

Punishment of slaves, convicted of insurrection, murder &c.

**II. BE IT THEREFORE ENACTED, by the right honourable the Lord Proprietary, by and with the advice and consent of his lordship's Governor, and the Upper and Lower Houses of Assembly, and the authority of the same, That** if any slave or slaves shall at any time consult, advise, conspire or attempt to raise any insurrection within this province, or to murder or poison any person or persons whatsoever, or to commit a rape upon any white woman, or to burn any house or houses, and be thereof convict by confession or verdict, or who shall of malice stand mute, or peremptorily challenge above the number of twenty jurors, shall suffer death, as in cases of felony, without benefit of clergy.

For attempting to burn houses, or out-houses contiguous thereto &c.

**III. AND BE IT FURTHER ENACTED, That** any slave who shall attempt to burn any dwelling-house, or out-houses contiguous to, or used with, any dwelling-house, or any other house wherein there shall be any person or persons, or any goods, merchandizes, tobacco, Indian corn or other grain or fodder, and shall be thereof convict as aforesaid, shall suffer death as a felon, without benefit of clergy.

Slaves committing capital offences, when to be

**IV. AND BE IT FURTHER ENACTED, That** every slave committing any of the felonies herein before mentioned, or any other offence which may by law subject such slave to the pains

of death, shall be committed to the sheriff of the county where the offence shall be committed, and that at the next assizes, or county court, which shall first happen, to be held for the county where the offence shall be committed, the justices of assize, or either of them, or county court, which shall first happen, shall and may, by virtue of this act, try every such offender or offenders according to law, and upon the conviction of the offender or offenders, upon his, her or their voluntary confession, or the verdict of a jury, upon the testimony of one or more legal or credible witness or witnesses, or even the testimony or the evidence of other slaves, corroborated with such pregnant circumstances as shall convince and satisfy the jury who shall try the fact of the guilt of such slave or slaves, to give judgment according to the nature and quality of the offence.

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tried and  
how convicted.

V. AND BE IT FURTHER ENACTED, That any slave or slaves who shall give any false testimony against any slave or slaves who shall be prosecuted as aforesaid, and shall be thereof legally convict, shall have one ear cut off on the day of his or her conviction, and receive thirty-nine stripes on the bare back, and that the other ear shall be cropped the next day, and the like number of stripes given the offender on his or her bare back.

Punishment  
for giving  
false testi-  
mony.

VI. AND, to the end that such slave or slaves as shall be produced as a witness or witnesses against other slave or slaves may be deterred from giving false testimony, BE IT ENACTED, That the justices of assize, or either of them, then sitting, or the justice of the county court who shall preside, shall admonish and charge such witness or witnesses to declare the truth, the whole truth, and nothing but the truth, and acquaint him, her or them, with the danger and consequence of giving false testimony.

Witnesses to  
be admonish-  
ed by the  
court.

VII. AND BE IT FURTHER ENACTED, That when any slave shall be condemned to suffer death, that such slave shall be valued by the justices of assize, or either of them, then present, or county court, according to the best of their knowledge, which said whole value shall be paid by the treasurer of the respective shore on which such execution shall be, on the certificate of such sheriff, out of the public stock of this province in the hands of such treasurer, without fee or reward, to the master or owner of such slave, in case the said slave be actually executed.

The whole  
value of a  
slave con-  
demned to  
death to be  
paid to the  
owner.

VIII. AND BE IT FURTHER ENACTED, That where any slave shall be guilty of rambling, riding, or going abroad in the night, or riding horses in the day-time without leave, or running away, it shall and may be lawful for the justices of the county court, and they are hereby obliged, upon the application or complaint of the master or owner of such slave, or his, her or their order, or on the application or complaint of any other person who shall be any ways damnified or injured by such slave, immediately such slave to punish by whipping, cropping, or brand-

Slaves ram-  
bling &c.  
how to be  
punished.

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Persons killing any slave refusing to surrender &c. shall be indemnified from any prosecution.

Penalty for enticing slaves to run away,

This act to be read, by the sheriff on the 2d day of each court.

ing in the cheek with the letter R. or otherwise, not extending to life, or to render such slave unfit for labour.

**IX. AND BE IT LIKEWISE ENACTED,** That if any slave shall happen to be slain for refusing to surrender him or herself, contrary to law, or in unlawful resisting any officer, or other person, who shall apprehend or endeavour to apprehend such slave or slaves, and such officer, or other person, so killing such slave as aforesaid making resistance, shall be, and he is by this act, indemnified from any (a) prosecution for such killing aforesaid; and that in every such case such slave or slaves shall be valued by two reputable persons, not being of kin to the master or owner of such slave, upon oath to be administered unto them, and to be appointed by the then nearest magistrate, "well and truly to value what such slave was worth, to the best of their knowledge, without favour or partiality," and that the whole value of such slave or slaves shall be certified by such persons to such magistrate, and that the same shall be paid to the owner or owners of such slave or slaves, or to his, her or their order, by the treasurer of the respective shore of this province on which the same death happened, upon a certificate from the said magistrate of the death and value of such slave or slaves, out of the public stock of this province in the hands of such treasurer, without fee or reward.

**X. AND BE IT FURTHER ENACTED,** That if any free person shall entice and persuade any slave within this province to run away, and who shall actually run away from the master, owner or overseer, and be convicted thereof, by confession, or verdict of a jury upon an indictment or information, shall forfeit and pay the full value of such slave to the master or owner of such slave, to be levied by execution on the goods, chattels, lands or tenements of the offender, and in case of inability to pay the same, shall suffer one year's imprisonment without bail or mainprise; and that if any white servant shall entice or persuade any such slave to run away, and who shall actually run away, that the offender shall, after the expiration of his time of servitude, become a servant to the master or owner of such slave for and during the term of four years, or satisfy and pay to the master or owner the value of such slave, to be adjudged, in either case, at the trial, by the court before whom the fact shall be tried, and that the fact may be tried either in the county where the offences shall be committed, or where the offender or offenders shall be taken or apprehended.

**XI. AND,** to the end this act may be known by all sort of people, **BE IT ENACTED,** by the authority aforesaid, That the several sheriffs within this province shall read, or cause this

(a) By 1753, ch. 26. the persons so killing shall not hereby be exempted from undergoing a legal trial, but if it appear upon evidence, that such killing was done in the lawful execution of this act, then such person shall not only be acquitted, but also the public of this province shall pay all the costs and charges of such prosecution.

act to be read, at the court-house door, on the second day of each of the four county courts in every year, during the continuance of this act, on pain of forfeiting five pounds current money for every neglect, to be recovered as aforesaid, with costs of suit, by indictment or information, in the court of the county where such neglect shall happen, and be applied to defray the county charge.

*June,*  
*1752.*



**XII. PROVIDED ALWAYS,** That where any money shall be paid by virtue of any act or acts of this province for any slave or slaves who shall die in gaol after sentence, or shall be executed, **IT IS HEREBY DECLARED AND ENACTED,** That such payment shall be made for such slave or slaves who were actual inhabitants within this province at the time such fact committed, and not otherwise. **Proviso.**

**XIII.** This act to continue for three years, and unto the end of the next session of assembly which shall happen after the end of the said three years. **Duration.**

Farther continued by 1754, ch. 19. 1757, ch. 27. 1762, ch. 10. 1765, ch. 17. June, 1773, ch. 2. October, 1780, ch. 12. November, 1787, ch. 38. 1795, ch. 83. till 30th January, 1798; revived and continued, (where not altered,) to the end of the session, (and all acts under it confirmed,) 1798, ch. 10. and by 1798, ch. 71. enacted into a permanent law.

Vide list of acts relating to negroes and slaves, 1715, ch. 44.