

An Act for the better Ordering and Governing Negroes and other Slaves in this Province. N^o. 695

WHEREAS in his majesty's plantations in America, slavery has been introduced and allowed; and the people commonly called negroes, Indians, mulatos and mestizos, have deemed absolute slaves, and the subjects of property in the hands of particular persons; the extent of whose power over such slaves, ought to be settled and limited by positive laws, so that the slaves may be kept in due subjection and obedience, and the owners and other persons having the care and government of slaves, may be restrained from exercising too great rigour and cruelty over them; and that the public peace and order of this Province may be preserved: *Be it enacted*, that all negroes, Indians, (free Indians in amity with this government, and negroes, mulatos and mestizos who are now free excepted) mulatos or mestizos, who now are or shall hereafter be in this Province, and all their issue and offspring born or to be born, shall be and they are hereby declared to be and remain for ever hereafter absolute slaves.

Preamble.

Enacted.

What persons are deemed slaves.

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Proviso.

slaves, and shall follow the condition of the mother; and shall be deemed, should, taken, reputed and adjudged in law to be chattles personal in the hands of their owners and possessors and their executors, administrators and assigns, to all intents, constructions and purposes whatsoever. *Provided* that if any negro, Indian mulato, or mestizo shall claim his or her freedom, it shall and may be lawful for such negro, Indian, mulato or mestizo, or any person or persons whatsoever, on his or her behalf to apply to the justices of his Majesty's court of common pleas by petition or motion, either during the sitting of the said court, or before any of the justices of the same court at any time in the vacation. And the said court or any of the justices thereof, shall and they are hereby fully empowered to admit any person to applying, to be guardian for any negro, Indian, mulato or mestizo claiming his, her or their freedom, and such guardians shall be enabled, intitled and capable in law to bring an action of trespass, in the nature of ravishment of ward, against any person who shall claim property in, or who shall be in possession of any such negro, Indian, mulato or mestizo: and the defendant shall and may plead the general issue on such action brought, and the special matter may and shall be given in evidence, and upon a general or special verdict found, judgment shall be given according to the very right of the cause, without having any regard to any defect in the proceedings, either in form or substance: And if judgment shall be given for the plaintiff, a special entry shall be made declaring, that the ward of the plaintiff is free, and the jury shall assess damages which the plaintiff's ward hath sustained, and the court shall give judgment, and award execution against the defendant for such damages with full costs of suit, but in case judgment shall be given for the defendant, the said court is hereby fully empowered to inflict such corporal punishment not extending to life or limb on the ward of the plaintiff as they in their discretion shall think fit.

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Provided that in any action or suit to be brought in pursuance of the direction of this act, the burthen of the proof shall lay upon the plaintiff, and it shall be always presumed, that every negro, Indian, mulato and mestizo, is a slave, unless the contrary can be made appear. (The Indians in amity with this government excepted) in which case the burthen of the proof shall lie on the defendant. *Provided* also, that nothing in this act, shall be construed to hinder or restrain any other court of law or equity in this Province, from determining the property of slaves, or their right of freedom, which now have cognizance or jurisdiction of the same, when the same shall happen to come in judgment before such courts or any of them, always taking this act for their direction therein.

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The defendant to enter into a recognizance to produce the ward of the plaintiff, &c.

II. And in every action or suit to be brought by any such guardian as aforesaid, appointed pursuant to the direction of this act, the defendant shall enter into a recognizance with one or more sufficient sureties to the plaintiff in such sum as the said court of common pleas shall direct, with condition that he shall produce the ward of the plaintiff at all times, when required by the court and that whilst such action or suit shall be depending and undetermined, the ward of the plaintiff, shall not be eloyged, abused or misused.

No slave to be absent from home without a letter or ticket.

III. And for the better keeping slaves in due order and subjection: *Be it further enacted*, that no person whatsoever, shall permit or suffer any slave under his or their care or management, and who lives, or is employed in Charlestown, or any other town in this Province, to go out of the limits of the said town, or any such slave who lives in the country to go out of the plantation to which such slave belongs, or in which plantation such slave is usually employed, without a letter subscribed and directed, or a ticket in the words following.

Slaves found from home without a ticket how to dealt be with.

PERMIT this slave to be absent from Charlestown, (or any other town, or if he lives in the country) from Mr. plantation in parish, for days or hours, dated the day of— or to that purpose or effect; which ticket shall be signed by the master or other person having the care or charge of such slave, or by some other person by his or their order, direction and consent: And every slave who shall be found out of Charlestown, or any other town, if such slaves lives or is usually employed there, or out of the plantation to which such slave belongs, or in which such slave is usually employed; if such slave lives in the country, without a letter or ticket as aforesaid, or without a white person in his company, shall be punished with whipping on the bare back not exceeding 20 lashes.

Any person who shall give a ticket to a slave without his master's consent shall forfeit £20 to the owner.

IV. And if any person shall presume to give a ticket or licence to any slave, who is the property or under the care or charge of another without the consent or against the will of the owner, or other person having charge of such slave, shall forfeit to the owner the sum of £20 current money.

V. If any slave, who shall be out of the house or plantation where such slave shall live or shall be usually employed, or without some white person in company with such slave, shall refuse to submit to or undergo the examination of any white person, it shall be lawful for any such white person to pursue, apprehend and moderately correct such slave; and if such slave shall assault and strike such white person, such slave may be lawfully killed.

VI. *Provided* that if any negro or other slave, who shall be employed in the lawful business or service of his master, owner, overseer, or other person having charge of such slave, shall be beaten, bruised, maimed or disabled by any person or persons not having sufficient cause or lawful authority for so doing, (of which cause the justices of the peace respectively may judge) every person and persons so offending, shall, for every such offence, forfeit and pay the sum of 40s. current money, over and besides the damages herein-after mentioned, to the use of the poor of that parish in which such offence shall be committed. And if such slave or slaves shall be maimed or disabled by such beating, from performing his or her work, such person and persons so offending, shall also forfeit and pay to the owner or owners of such slaves, the sum of 15s. current money per diem, for every day of his lost time, and also the charge of the cure of such slave. And if the said damages, in the whole, shall not exceed the sum of £20 current money, the same shall, upon lawful proof thereof made, be recoverable before any one of his Majesty's justices of the peace, in the same way and manner as debts are recoverable by the act for the trial of small and mean causes. And such justice before whom the same shall be recovered, shall have power to commit the offender or offenders to gaol, if he, she or they shall produce no goods on which the said penalty and damages may be levied, there to remain without bail, until such penalty and damages shall be paid, any law, statute, usage or custom to the contrary notwithstanding.

VII. And it shall and may be lawful for every justice assigned to keep the peace in this Province, within his respective county and jurisdiction, upon his own knowledge or view, or upon information received upon oath, either to go in person, or by warrant or warrants directed to any constable, or other proper person, to command to their assistance any number of persons as they shall see convenient, to disperse any assembly or meeting of slaves which may disturb the peace, or endanger the safety of his Majesty's subjects, and to search all suspected places, for arms, ammunition or stolen goods, and to apprehend and secure all such slaves as they shall suspect to be guilty of any crimes or offences whatsoever, and to bring them to speedy trial according to the direction of this act; and in case any constable or other person shall refuse to obey or execute any of the warrants or precepts of such justices, or any of them, within their several limits and precincts, or shall refuse to assist the said justices or constables or any of them, when commanded or required; such person or persons shall forfeit and pay the sum of £5 current money, to be recovered by a warrant under the hand and seal of any other justice of the peace, in the same way and manner as is directed by the act for the trial of small and mean causes.

VIII. If any person shall be maimed, wounded or disabled, in pursuing, apprehending or taking any slave that is run away, or charged with any criminal offence, or in doing any other act, matter or thing, in obedience to or in pursuance of the direction of this act, he shall receive such reward from the public as the General Assembly shall think fit; and if any such person shall be killed, his heirs, executors or administrators shall receive the like reward.

IX. And whereas natural justice forbids, that any person of what condition soever should be condemned unheard, and the order of civil government requires, that for the due and equal administration of justice, some convenient method and form of trial should be established, *Be it therefore enacted*, that all crimes and offences which shall be committed by slaves in this Province, and for which capital punishment shall or lawfully may be inflicted, shall be heard, examined, tried, adjudged, and finally determined by any 2 justices assigned to keep the peace, and any number of freeholders not less than 3 or more than 5 in the county where the offence shall be committed, and can be most conveniently assembled; either of which justices, on complaint made or information received of any such offence committed by a slave, shall commit the offender to the safe custody of the constable of the parish where such offence shall be committed, and shall without delay, by warrant under his hand and seal, call to his assistance, and request any one of the nearest justices of the peace, to associate with him; and shall by the same warrant summon such a number of the neighbouring freeholders as aforesaid, to assemble and meet together with the said justices, at a certain day and place not exceeding * 3 days after the apprehending of such slave or slaves; and the justices and freeholders being so assembled, shall cause the slave

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Slaves refusing to be examined by any white person, may be corrected, and if they resist they may be lawfully killed.

Slaves beaten, &c. without cause, every person so offending shall forfeit 40s. to the poor. And if such slave shall be disabled from performing his work, the offender shall forfeit 15s. per day, for each day of his lost time, and the cure of such slave.
How to be recovered.

Justices empowered to command any number of persons as they shall see convenient, to disperse any assembly or meeting of slaves &c. and search for arms, ammunition or stolen goods, and to apprehend suspected slaves, &c.
Persons refusing to execute the justices warrant when commanded, shall forfeit 5.
How to be recovered.

Persons maimed or wounded in taking runaway slaves to be rewarded by the General Assembly.
How slaves are to be tried for offences capital.

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accused

* Altered to 6 or longer by A. A. 1754.

A. D. 1746. accused or charged, to be brought before them, and shall hear the accusation which shall be brought against such slave, and his or her defence, and shall proceed to the examination of witnesses, and other evidence, and finally hear and determine the matter brought before them, in the most summary and expeditious manner; and in case the offender shall be convicted of any crime, for which by law the offender ought to suffer death, the said justices shall give judgment, and award and cause execution of their sentence to be done, by inflicting such manner of death, and at such time as the said justices, by and with the consent of the freeholders, shall direct, and which they shall judge will be most effectual to deter others from offending in the like manner.

And for offences not capital.

X. If any crime or offence, not capital, shall be committed by any slave, such slave shall be proceeded against and tried for such offence in the manner herein-before directed, by any 1 justice of the peace, and any 2 freeholders of the county where the offence shall be committed, and can be most conveniently assembled; and the said justice and freeholders shall be summoned, assembled and called together, and shall proceed upon the trial of any slave who shall commit any offence, not capital, in like manner as is herein-before directed for trying of cases capital: And in case any slave shall be convicted before them, of any offence not capital; the said 1 justice, by and with the consent of the said freeholders, shall give judgment, for the inflicting any corporal punishment, not extending to the taking away life or member, as he and they in their discretion shall think fit; and shall award and cause execution to be done accordingly.

Provido. That if the said 1 justice and 2 freeholders, upon examination of any slave charged or accused before them, for an offence not capital, shall find the same to be a greater offence, and may deserve death, they shall with all convenient speed, summons and request the assistance of another justice, and one or more freeholders, not exceeding 3; which said justice and freeholders newly assembled, shall join with the justice and freeholders first assembled, and shall proceed in the trial, and unto final judgment and execution, if the case shall so require, in manner as is herein-above directed for the trial of capital offences.

Two justices & one freeholder or one justice and two freeholders to be a Quorum on the trial of slaves.

XI. And by it further enacted, That 2 justices and 1 freeholder, or 1 justice and 2 freeholders of the said 2 justices and 3 freeholders, shall make a Quorum, and the conviction or acquittal of any slave or slaves by such a Quorum of them, shall be final in all capital cases; but on the trial of slaves for offences not capital, it shall and may be sufficient, if before sentence or judgment shall be given, for inflicting a corporal punishment not extending to life or member, that 1 justice and any 1 of the freeholders shall agree, that the slave accused is guilty of the offence with which he shall be charged.

XII. So soon as the justice or justices and freeholders shall be assembled as aforesaid, in pursuance of the direction of this act, the said justices shall administer to each other the following oath:

Oath to be administered on the trial of slaves.

I, A. B. do solemnly swear in the presence of Almighty God, That I will truly and impartially try and adjudge the prisoner or prisoners who shall be brought before me, upon his or their trial, and honestly and duly, on my part, put in execution on this trial an act, entitled, An act for the better ordering and governing negroes and other slaves in this province, according to the best of my skill and knowledge; So help me God.

And the said justice or justices having taken the aforesaid oath, shall immediately administer the said oath to every freeholder who shall be assembled as aforesaid, and shall forthwith proceed upon the trial of such slave or slaves as shall be brought before them.

Evidence to be allowed against slaves.

XIII. And for the preventing the concealment of crimes and offences committed by slaves, and for the more effectual discovery and bringing slaves to condign punishment, *Be it enacted*, That not only the evidence of all free Indians without oath, but the evidence of any slave without oath shall be allowed and admitted, in all causes whatsoever, for or against another slave accused of any crime or offence whatsoever, the weight of which evidence being seriously considered, and compared with all other circumstances attending the case, shall be left to the conscience of the justices and freeholders.

And against free negroes.

XIV. And whereas slaves may be harboured and encouraged to commit offences, and concealed and received by free negroes; and such free negroes may escape the punishment due to their crimes, for want of sufficient and legal evidence against them; *Be it enacted*, That the evidence of any free Indian or slave without oath, shall in like manner be allowed and admitted in all cases, against any free negroes, Indians, (free Indians in amity with this government only excepted) mulatto or mestizo, and all crimes and offences committed by free negroes,

Indians,

Indians, (except as before excepted) mulattoes or mestizos, shall be proceeded in, heard, tried, adjudged and determined by the justices and freeholders appointed by this act for the trial of slaves, in like manner, order and form as is hereby directed and appointed for the proceedings and trial of crimes and offences committed by slaves, any law, statute, usage or custom to the contrary notwithstanding.

XV. If any slave in this Province shall commit any crime or offence whatsoever, which by the laws of England, or of this Province, now in force, is or has been made felony without benefit of the clergy, and for which the offender by law ought to suffer death; every such slave, being duly convicted according to the directions of this act, shall suffer death, to be inflicted in such manner as the justices, by and with the advice and consent of the freeholders, who shall give judgment on the conviction of such slave, shall direct and appoint.

XVI. And whereas some crimes and offences of an enormous nature, and of the most pernicious consequence, may be committed by slaves, as well as other persons, which being peculiar to the condition and situation of this Province, could not fall within the provision of the laws of England; *Be it therefore enacted*, that the several crimes and offences herein-after particularly enumerated, are hereby declared to be felony without the benefit of the clergy, *That is to say*, If any slave, free negro, mulatto, Indian or mestizo, shall wilfully and maliciously burn or destroy any stack of rice, corn or other grain, of the product, growth or manufacture of this Province; or shall wilfully and maliciously set fire to, burn or destroy any tar kiln, barrels of pitch, tar, turpentine or resin, or any other the goods or commodities of the growth, produce or manufacture of this Province; or shall feloniously steal, take or carry away any slave, being the property of another, with intent to carry such slave out of this Province; or shall wilfully and maliciously poison, or administer any poison to any person, Freeman, woman, servant or slave; every such slave, free negro, mulatto, Indian (except as before excepted) and mestizo, shall suffer death as a felon.

XVII. Any slave who shall be guilty of homicide of any sort, upon any white person, except by misadventure, or in defence of his master or other person under whose care and government such slave shall be, shall upon conviction thereof as aforesaid, suffer death.

* And every slave who shall raise or attempt to raise an insurrection in this Province, or shall endeavour to delude or entice any slave to run away and leave this Province; every such slave and slaves, and his and their accomplices, aiders and abettors, shall upon conviction as aforesaid, suffer death. *Provided always*, That it shall and may be lawful to and for the justices who shall pronounce sentence against such slaves, by and with the advice and consent of the freeholders as aforesaid, if several slaves shall receive sentence at one time, to mitigate and alter the sentence of any slave, other than such as shall be convicted of the homicide of a white person, who they shall think may deserve mercy, and may inflict such corporal punishment (other than death) on any such slave, as they in their discretion shall think fit, any thing herein contained to the contrary thereof in any wise notwithstanding. *Provided*, That one or more of the said slaves who shall be convicted of the crimes or offences aforesaid, where several are concerned, shall be executed for example, to deter others from offending in the like kind.

XVIII. And to the end that owners of slaves may not be tempted to conceal the crimes of their slaves, to the prejudice of the public, *Be it enacted*, That in case any slave shall be put to death, in pursuance of the sentence of the justices and freeholders aforesaid, (except slaves guilty of murder, and slaves taken in actual rebellion) the said justices, or one of them, with the advice and consent of any 2 of the freeholders, shall, before they award and order their sentence to be executed, appraise and value the said negroes so to be put to death, at any sum not exceeding £200 current money, and shall certify such appraisement to the public treasurer of this Province, who is hereby authorized and required to pay the same; one moiety thereof at least to the owner of such slave, or to his order, and the other moiety, or such part thereof as such justices and freeholders shall direct, to the person injured by such offence for which such slave shall suffer death.

XIX. And the said justices, or any of them, are hereby authorized, empowered and required to summons and compel all persons whatsoever, to appear and to give evidence upon the trial of any slave; and if any person shall neglect or refuse to appear, or appearing, shall refuse to give evidence; or if any master or other person who has the care and government of any slave, shall prevent or hinder any slave under his charge or government, from appearing or giving evidence in any matter depending before the justices and freeholders aforesaid; the said justices may, and they are hereby fully empowered and required to bind every such person offending as aforesaid, by recognizance, with 1 or more sufficient sureties, to appear at

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Crimes committed by slaves, which by the laws of England or this province, is or has been made felony without benefit of clergy, the offender shall suffer death.

Crimes declared felony.

Slaves who shall attempt to raise an insurrection or to entice other slaves to run away and leave this province, shall suffer death. *Provido*.

That the justices with the consent of the freeholders, if several slaves shall receive sentence at any time, may mitigate the punishment, &c. One or more of the slaves convicted, to be executed for example,

If any slave shall be executed for any crime except murder and rebellion, the justices and freeholders shall appraise such slave, at any sum not exceeding 200l. and shall certify the same to the public treasurer, who is required to pay the same.

Justices empowered to compel any persons to appear and give evidence on the trial of slaves. And any person refusing, shall be

* Altered by A. A. 17 May, 1751. *Quod vide* and revival act of 12 March, 1783.

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bound over to the sessions.

Any person who shall conceal any slave, accused of a capital crime, shall forfeit 20*l*. But if such slave shall be accused of a crime not capital, then such person shall forfeit 5*l*.

Constables to cause execution to be done on all slaves, &c. And shall be paid (unless in such cases where the prosecution shall appear to be malicious, which shall be then paid by the prosecutors) for whipping and other corporal punishment 20*s*. and for punishment extending to life, 5*l*. and other charges, &c. The constable empowered to imprefs any slave to inflict the punishment on offenders, &c. Persons who shall put any slave to work on Sunday, shall forfeit 5*l*.

It shall not be lawful for slaves to use fire arms, without a ticket. The tickets to be renewed every month. No slave shall carry any weapon from home between Saturday evening and Monday morning.

In what case fire arms, &c. may be taken from slaves.

the next general sessions, to answer such their offences and contempt; and for default of finding sureties, to commit such offender to prison.

XX. In case the master or other person having charge or government of any slave who shall be accused of any capital crime, shall conceal or convey away any such slave, so that he cannot be brought to trial and condign punishment, every master or other person so offending, shall forfeit the sum of 250 current money, if such slave be accused of a capital crime as aforesaid; but if such slave shall be accused of a crime not capital then such master or other person, shall only forfeit the sum of 50 current money.

XXI. *And be it further enacted* that all and every the constable and constables in the several parishes within this Province, where any slave shall be sentenced to suffer death, or other punishment, shall cause execution to be done of all the orders, warrants, precepts and judgments of the justices hereby appointed to try such slaves; for the charge and trouble of which the said constable or constables, respectively shall be paid, unless in such cases as shall appear to the said justices and freeholders to be malicious or groundless prosecutions, in which cases the said charges shall be paid by the prosecutors, for whipping, or other corporal punishment not extending to life, the sum of 20*s*. and for any punishment extending to life, the sum of 5 current money, and such other charges for keeping and maintaining such slaves, as are allowed to the warden of the work-house in Charlestown for keeping and maintaining any slave committed to his custody; for the levying of which charges against the prosecutor, the justice or justices are hereby empowered to issue their warrant. And that no delay may happen in causing execution to be done upon such offending slave or slaves, the constable who shall be directed to cause execution to be done, shall be and is hereby empowered to press 1 or more slave or slaves, in or near the place where such whipping or other corporal punishment shall be inflicted, to whip or inflict such other corporal punishment upon the offender or offenders; and such slave or slaves so pressed shall be obedient to and observe all the orders and directions of the constable, in and about the premises, upon pain of being punished by the said constable, by whipping on the bare back not exceeding 20 lashes; which punishment the said constable is hereby authorized and empowered to inflict; and the constable shall, if he presses a negro, pay the said negro 5*s*. out of his fee, for doing the said execution.

XXII. If any person in this Province, shall on the Lord's day, commonly called Sunday, employ any slave in any work or labour (works of absolute necessity, and the necessary occasions of the family only excepted) every person in such case offending, shall forfeit the sum of 5 current money, for every slave they shall so work or labour.

XXIII. *It shall not be lawful for any slave, unless in the presence of some white person, to carry or make use of fire-arms, or any offensive weapon whatsoever, unless such negro or slave shall have a ticket or licence in writing from his master, mistress or overseer, to hunt and kill game, cattle, or mischievous birds, or beasts of prey, and that such licence be renewed once every month; or unless there be some white person of the age of 16 years or upwards, in the company of such slave when he is hunting or shooting; or that such slave be actually carrying his master's arms to or from his master's plantation, by a special ticket for that purpose; or unless such slave be found in the day time actually keeping off rice-birds, or other birds within the plantation to which such slave belongs, lodging the same gun at night within the dwelling-house of his master, mistress or white overseer. And provided also, that no negro or other slave shall have liberty to carry any gun, cutlass, pistol or other weapon, abroad from home, at any time between Saturday evening after Sun-set and Monday morning before Sun-rise, notwithstanding a licence or ticket for so doing. And in case any person shall find any slave using or carrying fire-arms, or other offensive weapons, contrary to the true intention of this act; every such person may lawfully seize and take away such fire-arms or offensive weapons: But before the property of such goods shall be vested in the person who shall seize the same, such person shall, within 48 hours next after such seizure, go before the next justice of the peace, and shall make oath of the manner of the taking; and if such justice of the peace, after such oath shall be made, or if upon any other examination, he shall be satisfied, that the said fire-arms or other offensive weapons, shall have been seized according to the directions, and agreeable to the true intent and meaning of this act, the said justice shall, by certificate under his hand and seal, declare them forfeited, and that the property is lawfully vested in the person who seized the same. Provided that no such certificate shall be granted by any justice of the peace, until the owner or owners of such fire-arms or other offensive weapons to be seized as aforesaid, or the overseer or overseers who shall or may have the charge of such slave or slaves from whom such fire-arms or other offensive weapons shall be taken or seized, shall*

shall be duly summoned, to shew cause (if any such they have) why the same should not be condemned as forfeited; or until 48 hours after the service of such summons, and oath made of the service thereof before the said justice.

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XXIV. If any slave shall presume to strike any white person, such slave, upon trial and conviction before the justice or justices and freeholders aforesaid, according to the directions of this act, shall for the 1st and 2d offence, suffer such punishment as the said justice and freeholders, or such of them as are empowered to try such offences, shall in their discretion think fit, not extending to life or limb, and for the 3d offence shall suffer death; but in case any such slave shall grievously wound, maim or bruise any white person, though it shall be only the 1st offence, such slave shall suffer death. *Provided* that such striking, wounding maiming or bruising be not done by the command, and in the defence of the person or property of the owner, or other person having the care or government of such slave; in which case the slave shall be wholly excused, and the owner or other person having the care or government of such slave, shall be answerable as far as by law he ought.

Slaves who shall strike a white person, how to be dealt with.

*XXV. And it shall and may be lawful for every person in this Province, to take, apprehend and secure any run-away or fugitive slave; and they are hereby directed and required to send such slave to the master, or other person having the care or government of such slave, if the person taking up or securing such slave, knows or can without difficulty be informed to whom such slave shall belong; but if not known or discovered, then such slave shall be sent, carried or delivered into the custody of the warden of the work-house in Charlestown: And the master or other person who has the care or government of such slave, shall pay for taking up of such slave, whether by a free person or slave, the sum of 20s. current money: And the warden of the work-house, upon receipt of every fugitive or run-away slave, is hereby directed and required to keep such slave in safe custody, until such slave shall be lawfully discharged; and shall, as soon as conveniently may be, publish in the weekly gazette, such slave, with the best descriptions he shall be able to give, first carefully viewing and examining such slave naked to the waist, for any mark or brand, which he shall also publish, to the intent the owner or other person who shall have the care and charge of such slave, may come to the knowledge that such slave is in custody: And if such slave shall make escape through the negligence of the warden of the work-house, and cannot be taken within 3 months, the said warden of the work-house shall answer to the owner for the value of such slave, or the damages which the owner shall sustain by reason of such escape, as the case shall happen.

Any person may apprehend a runaway slave, and send him to his master, if known, otherwise to the work-house in Charlestown. The master is to pay 20s. for taking up the slave. The warden of the work-house is to keep every runaway slave in safe custody, and to publish the best description he can of such in the gazette. If any slave shall escape through the warden's negligence, he shall answer to the owner for damages.

XXVI. And the said warden of the work-house, shall, at the charge of the owner of such slave, provide sufficient food, drink, clothing and covering for every slave delivered into his custody, and shall keep them to moderate labour, and advertise them in the gazette in the manner aforesaid, and on failure thereof shall forfeit all his fees due for such slave.

The warden to provide for slaves at the owner's expence.

XXVII. And any person who shall take up any run-away slave, and shall deliver such slave either to the master or other person having the care or charge of such slave, or to the warden of the work-house, shall be entitled to receive from the owner or warden of the work-house, upon the delivery, 15d. current money per mile, for every mile such slave shall have been brought or sent, to be computed from the place where such slave was apprehended: And if such slave shall be delivered into the custody of the warden aforesaid, the person delivering such slave, shall give an account of his name, place of abode, and the time and place when and where such slave was apprehended; which account the said warden shall enter down in a book to be kept for that purpose, and shall give a receipt for any such slave which shall be delivered as aforesaid, into his custody: And the said warden is hereby fully authorized and empowered to demand and receive from the owner, or other person having the charge or care of any such slave, for negroes committed, from the month of October to March inclusive, for finding necessary clothing and coverings, to be the property of the masters, any sum not exceeding £6; and the several sums following, and no other sum, fee or reward on any pretence whatsoever, that is to say, For apprehending each slave, paid to the person who delivered such slave in custody, 20s. current money: For mileage paid to the same person, 15d. like money: For a sufficient quantity of provision for each day, for each slave, 3s. 9d. like money: For advertising and publishing every slave, as directed by this act, 5s. like money, exclusive of the charge of printing: For receiving such slave, 5s. and for delivering of him, 5s. For poundage on money advanced, 1s. in the pound, like money. And the said warden shall and may lawfully detain any slave in custody, until the fees and expences aforesaid, be

Persons taking up slaves to have mileage.

And to give an account of their names and places of abode to the warden who is to enter them in a book, and to give a receipt for any slave delivered to him.

The warden's fees.

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* See A. A. 27 Feb. 1788, and the A. A. 1783, incorporating Charlestown, and putting the work-house under the directions of the intendat and wardens of the said city.

A. D. 1740. fully paid and satisfied; and in case the owner of such slave, or his overseer, agent manager, attorney or trustee, shall neglect or refuse to pay or satisfy the said fees and expences, for the space of 30 days after the same shall be demanded, by notice in writing served on the owner of such slave, or (if the owners is absent from this Province) upon his overseer, agent, manager, attorney or trustee, the said warden shall and may expose any such slave to sale at public outcry, and after deducting the fees and expences aforesaid, and the charges of such sale, shall upon demand, return the overplus money arising by such sale, to any person who has a right to demand and receive the same.

Slaves in the warden's custody 18 months and not claimed, shall be sold at public outcry, &c.

XXVIII. And sofar as much as for want of knowing or finding the owner of any fugitive slave, to be delivered to him as aforesaid, the said warden may not be obliged to keep such slave in his custody, and find and provide provisions for such slave over and beyond a reasonable time; *Be it therefore enabled*, That if the owner or owners of such fugitive slaves, shall not within the space of 18 months from the time of commitment, make his, her or their claim or claims, or it shall not be otherwise made known to the said warden, within the time aforesaid, to whom such committed slave shall belong; it shall and may be lawful for the said warden to sell such slave at public outcry, in Charlestown, he the said warden is to advertise such sale 6 weeks successively in the public gazette, together with the reason of the sale of such slave, and out of the money arising by such sale, to pay, deduct or retain to himself what shall be then due for money by him disbursed on receipt of such fugitive slave, and for his fees and provisions, together with the reasonable charges arising by such sale; and the overplus money, if any there shall be, shall be rendered and paid by the said warden to the public treasurer for the time being, in trust nevertheless for the use of the owner or owners of such slave, provided the same be claimed by him, her or them, within 1 year and a day after such sale, or in default of such claim, within the time aforesaid, to the use of the public of this province, to be applied as the General Assembly shall direct.

Free negroes or slaves that shall harbour runaways, how to be dealt with.

XXIX. If any free negro, mulatto or mestizo, or any slave, shall harbour, conceal or entertain any slave that shall run away, or shall be charged or accused with any criminal matter; every free negro, mulatto and mestizo, and every slave, who shall harbour, conceal or entertain any such slave, being duly convicted thereof, according to the directions of this act, if a slave, shall suffer such corporal punishment, not extending to life or limb, as the justice or justices, who shall try such slave, shall in his or their discretion think fit; and if a free negro, mulatto or mestizo, shall forfeit the sum of £10 current money, for the first day, and 20s. for every day after, to the use of the owner or owners of such slave so to be harboured, concealed or entertained as aforesaid, to be recovered by warrant under the hand and seal of any one justice of the peace in and for the county where such slave shall be so harboured, concealed or entertained, in like manner as debts are directed to be recovered by the act for the trial of small and mean causes. And that in case such forfeitures cannot be levied, or such free negro, mulatto or mestizo shall not pay the same, together with the charges attending the prosecution, such free negro, mulatto or mestizo shall be ordered by the said justice to be sold at public outcry, and the money arising by such sale, shall in the first place, be paid for and applied towards the forfeiture due and made payable to the owner or owners, and the charges attending the prosecution and sale, and the overplus, if any, shall be paid by the said justice into the hands of the public treasurer, to be afterwards paid and applied in such manner as by the General Assembly of this Province shall be directed and appointed.

Slaves residing in Charlestown not to buy or sell (except as is herein-after excepted) on pain of forfeiting all the goods, &c.

How to be recovered and disposed of.

XXX. No slave who shall dwell, reside, inhabit or be usually employed in Charlestown, shall presume to buy, sell, deal, traffic, barter, exchange or use commerce, for any goods, wares, provisions, grain, victuals, or commodities of any sort or kind whatsoever, (except as is herein-after particularly excepted and provided, and under such provisos, conditions, restrictions and limitations as are herein particularly directed, limited and appointed) on pain that all such goods, wares, provisions, grain, victuals or commodities, which by any slave shall be so bought, sold, dealt, trafficked or bartered for, exchanged or used in commerce, shall be seized and so forfeited; and shall be sued for and recovered before any 1 justice assigned to keep the peace in Charlestown, and shall be applied and disposed of one half to him or them who shall seize, inform and sue for the same, and the other half to the commissioners of the poor of the parish of St. Philip's, Charlestown; and moreover, the said justice shall order every slave who shall be convicted of such offence, to be publicly whipped on the bare back not exceeding 20 lashes. *Provided*, That it shall and may be lawful for any slave, who lives or is usually employed in Charlestown, after such licence and ticket as herein-after is directed, shall be obtained, to buy or sell fruit, fish and garden-stuff, and to be employed as porters, carters or fishermen, and to purchase

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purchase any thing for the use of their masters, owners, or other person who shall have the charge and government of such slaves, in open market, under such regulations as are or shall be appointed by law concerning the market of Charlestown, or in any open shop kept by a white person.

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XXXI. *Local.*

XXXII. If any keeper of a tavern or punch-house, or retailer of strong liquors, shall give, sell, utter or deliver to any slave, any beer, ale, cyder, wine, rum, brandy, or other spirituous liquor, or strong liquor whatsoever, without the licence or consent of the owner, or such other person who shall have the care or government of such slave; every person so offending, shall forfeit the sum of £5 current money, for the 1st offence, and for the 2^d offence, £10, and shall be bound in a recognizance in the sum of £100 current money, with one or more sufficient sureties, before any of the justices of the court of general sessions, not to offend in the like kind, and to be of good behaviour for 1 year; and for want of such sufficient sureties, to be committed to prison without bail or mainprize, for any term not exceeding 3 months.

No strong liquors to be sold to slaves.

Penalty thereon.

XXXIII. And whereas several owners of slaves do suffer their slaves to go and work where they please, upon conditions of paying to their owners certain sums of money agreed upon between the owner and slave; which practice has occasioned such slaves to pilfer and steal, to raise money for their owners, as well as to maintain themselves in drunkenness and evil courses; for prevention of which practices for the future, *Be it enacted*, that no owner, master or mistress of any slave, after the passing of this act, shall permit or suffer any of his, her or their slaves to go and work out of their respective houses or families, without a ticket in writing, under pain of forfeiting the sum of £10 current money, for every such offence, to be paid the 1 half to the church-wardens of the parish, for the use of the poor of the parish, in which the offence is committed, and the other half to him or them that will inform and sue for the same, to be recovered in the same way as debts are by the act for the trial of small and mean causes.

Slaves not to go out to work without a ticket.

Penalty thereon.

And every person employing any slave without a ticket from the owner of such slave, shall forfeit to the informer, £5 current money, for each day he so employs such slave, over and above the wages agreed to be paid such slave for his work. *Provided* that the said penalty of £5 per diem, shall not extend to any person whose property in such slave is disputable. And *Provided*, that nothing herein contained shall hinder any person or persons from hiring out by the year, week or day, or any other time, any negroes or slaves to be under the care and direction of his or their owner, master or employer, and that the master is to receive the whole of the earning of such slave or slaves, and that the employer have a certificate or note in writing of the time or terms of such slave's employment, from the owner, attorney or overseer of every such slave severally and respectively.

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XXXIV. And whereas several owners of slaves have permitted them to keep canoes, and to breed and raise horses, neat cattle and hogs, and to traffic and barter in several parts of this Province, for the particular and peculiar benefits of such slaves, by which means they have not only an opportunity of receiving and concealing stolen goods, but to plot and confederate together, and form conspiracies dangerous to the peace and safety of the whole Province; *Be it therefore enacted* that it shall not be lawful for any slave to buy, sell, trade, traffic, deal or barter for any goods or commodities, (except as before excepted) nor shall any slave be permitted to keep any boat, pettianger or canoe, or to raise and breed for the use and benefit of such slave, any horses, mares, neat cattle, sheep or hogs, under pain of forfeiting all the goods and commodities which shall be so bought, sold, traded, trafficked, dealt or bartered for, by any slave, and of all the boats, pettiangers or canoes, cattle, sheep or hogs, which any slave shall keep, raise or breed for the peculiar use, benefit and profit of such slave; and it shall and may be lawful for any person or persons whosoever to seize and take away from any slave all such goods, commodities, boats, pettiangers, canoes, horses, mares, neat cattle, sheep or hogs, and to deliver the same into the hands of any 1 of his Majesty's justices of the peace, nearest to the place where the seizure shall be made; and such justice shall take the oath of such person who shall make any such seizure, concerning the manner of seizing and taking the same; and if the said justice shall be satisfied that such seizure hath been made according to the directions of this act, he shall pronounce and declare the goods so seized to be forfeited, and shall order the same to be sold at public outcry, and the monies arising by such sale, shall be disposed of and applied as is herein-after directed. *Provided* that if any goods shall be seized which come to the possession of any slave by theft, finding or otherwise, without the knowledge, privity, consent or connivance of the person who have a right to the property

No slave to buy, &c. except as before excepted, nor to keep any boat, &c.

Any person may seize and take away any boat, &c. from any slave.

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A. D. 1740. or lawful custody of any such goods, all such goods shall be restored on such persons making oath before any justice as aforesaid, who is hereby empowered to administer such oath, to the effect or in the following words,

Oath to be taken by any person claiming any goods seized in possession of a slave.

I A. B. do sincerely swear, that I have a just and lawful right or title to certain goods seized and taken by C. D. out of the possession of a slave named E. and I do sincerely swear and declare, that I did not directly or indirectly permit or suffer the said slave, or any other slave whatsoever, to use, keep or employ the said goods for the use, benefit or profit of any slave whatsoever, or to sell, barter or give away the same; but that the same goods were in the possession of the said slave by theft, finding or otherwise, or to be kept bona fide for my use, or for the use of E. F. a free person, and not for the use or benefit of any slave whatsoever: So help me God.

Persons may give a licence to their slaves to sell or barter expressing the quantity of goods in such licence.

Which oath shall be taken *mutatis mutandis*, as the case shall happen. Provided also, that it shall be lawful for any person, being the owner or having the care or government of any slave who resides or is usually employed in any part of this Province without the limits of Charlestown, to give a licence or permission to sell, exchange or barter in Charlestown, or elsewhere within this Province, the goods or commodities of the owner, or other person having the care or government of such slave; provided that in such licence or permission, the quantity and quality of the goods and commodities with which such slave shall be intrusted, be particularly and distinctly set down and specified, and signed by the owner or other person having the charge or government of such slave, or by some other person by his, her or their order and direction.

Persons living in Charlestown, may send their slaves to sell provisions in open market, and to buy for their masters families.

XXXV. Provided, that this act shall not extend to be construed to extend to debar any of the inhabitants of Charlestown from sending any of their slaves residing therein, to sell in open market any sort of provisions whatever, which the owner of such slave shall have received and brought from his or her estate in the country, to be sold at the 1st hand; nor shall such slaves be debarred from buying any kind of provisions for the use and consumption of their masters and mistresses families, and for which such slave or slaves shall have a licence or permit from the master or mistress, or some other person under whose care such slave shall be, any thing in this or any other act to the contrary notwithstanding.

Slaves found out of their master's plantation, without a ticket, may be taken up and corrected.

XXXVI. And for that as it is absolutely necessary to the safety of this Province, that all due care be taken to restrain the wanderings and meetings of negroes and other slaves, at all times, and more especially on Saturday nights, Sundays and other holidays, and their using and carrying wooden swords, and other mischievous and dangerous weapons, or using or keeping of drums, horns, or other loud instruments, which may call together or give sign or notice to one another of their wicked designs and purposes: and that all masters, overseers and others may be enjoined diligently and carefully to prevent the same, *Be it enacted*, That it shall be lawful for all masters, overseers and other persons whomsoever, to apprehend and take up any negro or other slave that shall be found out of the plantation of his or their master or owner, at any time, especially on Saturday nights, Sundays or other holidays, not being on lawful business, and with a letter from their master or a ticket, or not having a white person with them, and the said negro or other slave or slaves correct by a moderate whipping: as also any negro or other slave or slaves met or found out of the plantation of his or their master or mistress, though with a letter or ticket, if he or they be armed with such offensive weapons aforesaid, him or them to disarm, take up and whip: And whatsoever master, owner or overseer shall permit or suffer his or their negro or other slave or slaves, at any time hereafter, to beat drums, blow horns, or use any other loud instruments, or whatsoever shall fill and countenance any public meeting or feasting of strange negroes or slaves in their plantations, shall forfeit £10 current money, for every such offence, upon conviction or proof as aforesaid; provided an information or other suit be commenced within 1 month after forfeiture thereof for the same.

As also with a ticket, if he be armed.

Slaves not to be suffered to beat drums, blow horns, &c or to have public meetings, &c.

Penalty on any person who shall willfully murder his own slave.

XXXVII. And whereas cruelty is not only highly unbecoming those who profess themselves Christians, but is odious in the eyes of all men who have any sense of virtue or humanity: therefore to restrain and prevent barbarity being exercised towards slaves, *Be it enacted*, That if any person or persons whatsoever, shall willfully murder his own slave, or the slave of any other person, every such person shall upon conviction thereof, forfeit and pay the sum of £700 current money, and shall be rendered, and is hereby declared altogether and forever incapable of holding, exercising, enjoying or receiving the profits of any office, place or employment civil or military within this Province: And in case any such person shall not be able to

pay the penalty and forfeiture hereby inflicted and imposed, every such person shall be sent to any the frontier garrisons of this Province, or committed to the work-house in Charlestown, there to remain for the space of 7 years, and to serve or to be kept at hard labour. And in case the slave murdered shall be the property of any other person than the offender, the pay usually allowed by the public to the soldiers of such garrison, or the profits of the labour of the offender, if committed to the work-house in Charlestown, shall be paid to the owner of the slave murdered: And if any person shall, on a sudden heat or passion, or by undue correction, kill his own slave or the slave of any other person, he shall forfeit the sum of £350 current money. And in case any person or persons shall wilfully cut out the tongue, put out the eye, castrate, or cruelly scald, burn, or deprive any slave of any limb or member, or shall inflict any other cruel punishment, other than by whipping or beating with a horse-whip, cow-skin, switch or small stick, or by putting ironson, or confining or imprisoning such slave; every such person shall for every such offence, forfeit the sum of £100 current money.

XXXVIII. That in case any person in this Province, who shall be owner, or who shall have the care, government or charge of any slave or slaves, shall deny, neglect or refuse to allow such slave or slaves under his or her charge, sufficient cloathing, covering or food, it shall and may be lawful for any person or persons, on behalf of such slave or slaves, to make complaint to the next neighbouring justice in the parish where such slave or slaves live or are usually employed; and if there shall be no justice in the parish, then to the next justice in the nearest parish; and the said justice shall summons the party against whom such complaint shall be made, and shall enquire of, hear and determine the same; and if the said justice shall find the said complaint to be true, or that such person will not exculpate or clear himself from the charge, by his or her own oath, which such person shall be at liberty to do in all cases where positive proof is not given of the offence, such justice shall and may make such orders upon the same for the relief of such slave or slaves, as he in his discretion shall think fit, and shall and may set and impose a fine or penalty on any person who shall offend in the premises, in any sum not exceeding £20 current money, for each offence, to be levied by warrant of distress and sale of the offender's goods, returning the overplus, if any shall be; which penalty shall be paid to the church-wardens of the parish where the offence shall be committed for the use of the poor of the said parish.

XXXIX. And whereas by reason of the extent and distance of plantations in this Province, the inhabitants are far removed from each other; and many cruelties may be committed on slaves, because *no white person* may be present to give evidence of the same, unless some method be provided for the better discovery of such offence; and as slaves are under the government, so they ought to be under the protection of masters and managers of plantations; *Be it further enacted*, That if any slave shall suffer in life, limb or member, or shall be maimed, beaten or abused, contrary to the directions and true intent and meaning of this act, when *no white person* shall be present, or being present shall neglect or refuse to give evidence, or be examined upon oath concerning the same; in every such case, the owner or other person who shall have the care and government of such slave, and in whose possession or power such slave shall be, shall be deemed, taken, reputed and adjudged to be guilty of such offence, and shall be proceeded against accordingly, without further proof; unless such owner or other person as aforesaid, can make the contrary appear by *good and sufficient evidence*, or shall by his own oath, clear and exculpate himself; which oath every court where such offence shall be tried, is hereby empowered to administer, and to acquit the offender accordingly, if clear proof of the offence be not made by *2 witnesses at least*, any law, usage or custom to the contrary notwithstanding.

XL. And whereas many of the slaves in this Province wear clothes much above the condition of slaves, for the procuring whereof, they use sinister and evil methods: For the prevention therefore of such practices for the future, *Be it enacted*, That no owner or proprietor of any negro slave or other slave (except livery-men and boys) shall permit or suffer such negro or other slave, to have or wear any sort of apparel whatsoever, finer, other, or of greater value than negro cloth, duffils kerseys, oznabrigs, blue linen, check linen or coarse garlix, or callicoes, checked cottons, or Scots plaids, under the pain of forfeiting all and every such apparel and garment, that any person shall permit or suffer his negro or other slave, to have or wear finer, other than of greater value than negro cloth, duffils, coarse kerseys, oznabrigs, blue linen, check linen or coarse garlix or callicoes, checked cottons or Scots plaids, as aforesaid; and all and every constable and other persons, are hereby authorised, empowered and required, when and as often as they shall find any such negro slave, or other slave, having on

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And if another person's slave.

Penalty on persons who shall in a sudden passion, or by undue correction, kill a slave.

Penalty for any cruelty exercised towards slaves.

Slaves to be allowed sufficient cloathing and food by their owners, &c.

If slaves are used cruelly, contrary to the true meaning of this act, when *no white person* shall be present, the person having the care of such slave shall be deemed guilty of the offence, unless he can prove to the contrary.

What apparel slaves are to wear.

A. D. 1740. or wearing any sort of garment or apparel whatsoever, finer, other or of greater value than negro cloth, duffils, coarse kerseys, oznabrigs, blue linen, check linen, or coarse garlix, or callicoos, checked cottons or Scots plaids, as aforesaid, to seize and take away the lame, to his No. 695. or their own use, benefit and behoof, any law, usage or custom to the contrary notwithstanding. *Provided*, That if any owner of any such slave or slaves shall think the garment or apparel of his said slave, not liable to forfeiture, or to be taken away by virtue of this act, he may apply to any neighbouring justice of peace, who is hereby authorized and empowered to determine any difference or dispute that shall happen thereupon, according to the true intent and meaning of this act.

Firing guns in the night time, penalty thereon.

XL I. And whereas an ill custom has prevailed in this Province, of firing guns in the night time; For the prevention thereof for the future, *Be it enacted*, That if any person shall fire or shoot off any gun or pistol in the night time after dark and before day-light, without necessity, every such person shall forfeit the sum of 40s. current money, for each gun so fired as aforesaid; to be recovered by warrant from any one justice of the peace of the county where the offence is committed, according to the direction of the *act for the trial of small and mean causes*, and shall be paid to the church wardens of the parish where the offence shall be committed, for the use of the poor of the said parish.

Slaves not to hire any house, store, plantation &c.

XLII. No slave or slaves shall be permitted to rent or hire any house, room, store or plantation on his or her own account, or to be used or occupied by any slave or slaves; and any person or persons who shall let or hire any house, room, store or plantation to any slave or slaves, or to any free person, to be occupied by any slave or slaves; every such person so offending, shall forfeit and pay to the informer the sum of £20 current money, to be recovered as in the *act for the trial of small and mean causes*.

Number of slaves to travel in the highroads.

XLIII. And whereas it may be attended with ill consequences to permit a great number of slaves to travel together in the high roads, without some white person in company with them; *Be it enacted*, That no men slaves exceeding 7 in number, shall hereafter be permitted to travel together in any high roads of this Province, without some white person with them; and it shall and may be lawful for any person or persons who shall see any men slaves exceeding 7 in number, without some white person with them, as aforesaid, travelling or assembled together in any high road, to apprehend all and every such slaves, and shall and may whip them not exceeding 20 lashes on the bare back.

Time limited for keeping slaves to labour.

XLIV. And whereas many owners of slaves, and others who have the care, management and overseeing of slaves, do confine them so closely to hard labour, that they have not sufficient time for natural rest; *Be it therefore enacted*, That if any owner of slaves, or other person who shall have the care, management or overseeing of any slaves, shall work or put any such slave or slaves to labour, more than 15 hours in 24 hours, from the 25th day of March to the 25th day of September, or more than 14 hours in 24 hours, from the 25th day of September to the 25th day of March; every such person shall forfeit any sum not exceeding £20, nor under £5 current money, for every time he, she or they shall offend herein, at the discretion of the justice before whom the complaint shall be made.

Slaves not to be taught to write.

XLV. And whereas the having of slaves taught to write, or suffering them to be employed in writing, may be attended with great inconveniencies; *Be it enacted*, that all and every person and persons whatsoever, who shall hereafter teach, or cause any slave or slaves to be taught to write, or shall use or employ any slave as a scribe in any manner of writing whatsoever, hereafter taught to write; every such person and persons shall, for every such offence, forfeit the sum of £100 current money.

No person to keep slaves on a plantation without a white person with them.

XLVI. And whereas plantations settled with slaves without any white person thereon, may be harbours for run away and fugitive slaves; *Be it enacted, aforesaid*, that no person or persons hereafter shall keep any slaves on any plantation or settlement without having a white person on such plantation or settlement, under pain of forfeiting the sum of £10 current money, for every month which any such person shall so keep any slaves on any plantation or settlement without a white person as aforesaid.

Penalty on persons refusing to comply with the directions of this act.

XLVII. XLVIII. XLIX. L. *Obsolete*.
LI. If any constable or other person directed or required to do or perform any matter or thing required, commanded or enjoined by this act, who shall know or be credibly informed of any offence which shall be committed against this act, within his parish precincts or limits, and shall not give information thereof to some justice of the peace, and endeavour the conviction of the offenders, according to his duty; but such constable or other person as aforesaid, or

any person lawfully called in aid of the constable or such other person as aforesaid, shall wilfully and wittingly omit the performance of his duty in the execution of this act, and shall be thereof convicted, he shall forfeit for every such offence, the sum of £20 current money: And in case any justice of the peace, warden of the work-house, or freeholder, shall wilfully or wittingly omit the performance of his duty in the execution of this act; every such justice of the peace and warden of the work-house, shall forfeit the sum of £40 current money, and every such freeholder shall forfeit the sum of £15 current money; which several penalties shall be recovered and disposed of as hereafter is directed. And moreover, the judges and justices of the court of general sessions of the peace, oyer and terminer, assize and general goal delivery, are hereby commanded and required to give the offences against this act in charge, in open court; and all grand juries, justices of the peace, constables, and other officers, are hereby required to make due and true presentment of such of the said offences as shall come to their knowledge.

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Judges to give the offences against this act in charge in open court.

LII. If any person shall be at any time sued for putting in execution any of the powers contained in this act, such person shall and may plead the general issue, and give the special matter and this act in evidence; and if the plaintiff be non suit, or a verdict pass for the defendant, or if the plaintiff discontinue his action or enter a *noli prosequi*, or if upon demurrer, judgment be given for the defendant, every such defendant shall have his full double costs.

Persons sued for putting this act in execution, may plead the general issue.

LIII. This act and all clauses therein contained, shall be construed most largely and beneficially for the promoting and carrying into execution this act, and for the encouragement and justification of all persons to be employed in the execution thereof, and no record, warrant, precept or commitment, to be made by virtue of this act, or the proceedings thereupon, shall be reversed, avoided or any ways impeached by reason of any default in form.

How this act is to be construed..

LIV. All fines, penalties and forfeitures imposed or inflicted by this act, which are not hereby particularly disposed of, or the manner of recovery directed, shall, if not exceeding the value of £20 current money, be recovered, levied and distrained for by warrant from any 1 justice of the peace in the county or precinct where such offence shall be committed, according to the act for trial of small and mean causes; And in case such fine, penalty or forfeiture shall exceed the sum of £20 current money; the same shall be recovered by action of debt, bill, plaint or information, in any court of record in this Province, wherein no privilege, protection, effoign, wager of law, or *non vult ulterius prosequi*, or any more than one imparlance shall be admitted or allowed. And all the said fines, penalties and forfeitures which shall be recovered by this act, and are not before particularly disposed of, shall be applied and disposed of, 1 half to be applied by the General Assembly for the use of this Province, and the other half to him or them who will sue or inform for the same.

Fines and forfeitures how to be recovered..

And applied.

LV. The State's part of the fines, penalties and forfeitures, which shall be recovered by virtue of this act, shall be paid into the hands of the justices, or in the court where the same shall be recovered, who shall make a memorial and record of the payment of the same, and shall, without delay, send a transcript of such memorial or record to the public treasurer of this Province from the said court or justices, who shall receive the State's part of such fines and forfeitures; which memorial shall be a charge on the judges or justices respectively to whom the same shall be paid; and the public treasurer of this Province for the time being, shall and may, and he is hereby authorized and empowered to levy and recover the same, by warrant of distress and sale of the goods and chattles of the said judges or justices respectively, who shall be charged with the same, in case they or any of them, shall neglect or refuse to make such memorial or record, as aforesaid, or send such transcript thereof as is before directed, or shall neglect or refuse to pay the same over to the treasurer within 20 days after receipt of the same. *Provided* that no person shall be prosecuted for any fine, forfeiture or penalty imposed by this act, unless such prosecution shall be commenced within 6 months after the offence shall be committed.

Part of the fines to be paid to the justices, &c.

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LVI. *Obsolete.*
LVII. This act shall be deemed a public act, and shall be taken notice of without pleading the same, before all judges, justices, magistrates and courts within this Province.*

This deemed a public act..

10th May, 1740.

CHARLES PINCKNEY, SPEAKER.

WILLIAM BULL.

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* This act made perpetual by A. A. 1783;