

An Act to prevent the inveigling, stealing and carrying away Negroes and other Slaves in this Province: And to prevent the carrying away of Schooners or Pettiauguas. And also, for repealing so much of an Act, intituled, an Act for the better ordering and governing Negroes and other Slaves in this Province, as relates to the time within which Offenders, that are apprehended, shall be tried: And giving the Justices and Freeholders a Power to postpone the Trial of such Offenders.

WHEREAS, by the laws of this Province, negroes and other slaves are deemed to be chattles personal; and are, in every respect, as much the property of their owners, as any other goods or chattles are. And whereas no punishment can be inflicted, by the laws now in force, upon persons inveigling, stealing, or carrying away any such slaves from their lawful owners or employers, that is adequate to so great and growing an evil. And whereas the inhabitants of this Province are liable to, and receive, great prejudice and damage by
such

Preamble.

A. D. 1754.

N^o. 839.

Enacted.

That any person who shall inveigle or steal any slave, or aid in so doing; or aid any slave in running away from his master, shall be deemed guilty of felony, and debarred the benefit of clergy.

The carrying away of schooners, &c. also declared felony.

That part of the negro-act, which directs the trial of slaves to be within 3 days after they are apprehended repealed.

And 6 days allowed to bring them to trial; & a further time, if thought necessary by the justices and freeholders.

such unwarrantable and pernicious practices, and wicked proceedings. Therefore to prevent and punish, as much as may be, such evil: *Be it enacted*, That from and immediately after the 24th day of June next, all and every person and persons who shall inveigle, steal, or carry away any negro or other slave or slaves; or shall hire, aid, or counsel any person or persons to inveigle, steal, or carry away, as aforesaid, any such slave, so as the owner or employer of such slave or slaves shall be deprived of the use and benefit of such slave or slaves; or that shall aid any such slave in running away, or departing from his master or employer's service, shall be, and he and they is and are, hereby declared to be guilty of felony; and being thereof convicted or attainted, by verdict or confession; or being indicted thereof, shall stand mute; or will not directly answer to the indictment; or will peremptorily challenge above the number of 20 of the jury, shall suffer death as felons, and be excluded and debarred of the benefit of clergy.

II. And whereas several of the inhabitants of this Province, owners of schooners and pettiaguaus, are under a necessity of employing others as patrons and masters in the navigation thereof, and are liable to receive great prejudice by the wilful and felonious carrying away such schooners and pettiaguaus, by the person or persons to whose care and management the same are intrusted: *Be it therefore enacted*, That all and every person or persons that shall, after the passing of this act, carry away any schooner or pettiagua committed to his or their care and management, fraudulently or with intention to steal or deprive the owner of the property of the same, from any part of this Province, to any other part thereof or elsewhere, whereby the owners of such schooner or pettiagua shall be deprived of them or any of them, or of the use and benefit of them or any of them, shall be, and he and they is and are, hereby declared to be, guilty of felony; and being lawfully convicted thereof by verdict or confession; or, being indicted thereof, shall stand mute; or will not directly answer to the indictment; or will peremptorily challenge above the number of 20 of the jury; or shall, upon such indictment be outlawed, shall suffer death as felons, and be excluded and debarred of and from the benefit of clergy.

III. And whereas by the act intitled, *An act for the better ordering and governing negroes and other slaves in this Province*, passed the 10th day of May, 1740, *It is enacted*, That a justice of the peace shall, upon complaint made, or information received, of an offence committed by any slave for which capital punishment may be inflicted, commit the offender to the safe custody of the constable of the parish where such offence was committed, and shall, without delay, by his warrant, call to his assistance any 1 of the nearest justices of the peace, to associate with him; and shall, by the same warrant, summon any number of the neighbouring freeholders, not less than 3 or more than 5, to meet at a certain day and place, not exceeding 3 days after the apprehending of such slave or slaves, and finally hear and determine the matter brought before them, in the most expeditious and summary manner. And whereas it may frequently happen to be impossible, to procure the justice and freeholders, and the witnesses who are capable of giving such evidence as would subject the offenders to the punishment inflicted by law, to attend such trial within the time by the said act prescribed, whereby such offenders, though guilty, may escape the punishment due to their offences. *Therefore be it enacted, by the authority aforesaid*, That the said clause, so far as the same relates to the trial of such slaves at any time not exceeding 3 days after his being apprehended, shall be, and is hereby, from and immediately after passing this act, repealed.

IV. And it shall and may be lawful for the justice who shall commit the offender, to issue his warrant, under his hand and seal, to call to his assistance any 1 of the nearest justices of the peace, to associate with him, and to summon the freeholders as mentioned in the said act, to meet together with the said justice, at a certain day and place, not exceeding 6 days after the apprehending such offender. And that it shall be left to the discretion of the said justices and freeholders, at any time within 6 days after the apprehending such slave and his being committed by a justice of peace for trial, to postpone the said trial to such further time as they shall think proper and appoint, upon oath being made before them, or affidavit produced to them, that the person or persons who was or were witnesses to such fact for which such slave was apprehended is or are ill, and cannot with safety attend such trial, or is or are at too great a distance to be there within the time by this act directed for such trial.

11th May, 1754.

JAMES GLEN.

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