

AN Act to repeal an act entitled “ An Act for the good Order and Government of Slaves, and for repealing an act of this Island, entitled An Act for the good Order and Government of Slaves, and for keeping them under proper restraint, and for establishing the method of Trial in Capital Cases, and other Regulations for the greater security of that part of the Inhabitants’ Property,” and to substitute a New Act in lieu thereof.

WHEREAS the slaves in this island, for the good order and government of whom, an act was heretofore passed, entitled “ An Act for the good order and government of slaves, and for repealing an act of this island, entitled an act for the good order and government of slaves, and for keeping them under proper restraint, for establishing the method of trial in capital cases, and other regulations for the greater security of that part of the inhabitants’ property,” have become more civilized, and their minds are so much improved as to render it expedient that other rules and regulations should be established for their government, and for the amelioration of their condition. (Preambl

Be it and it is hereby enacted by His Majesty’s most dutiful and loyal subjects, his Excellency Major-General Sir Frederick Philipse Robinson, Knight Commander of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief, in and over the island of Tobago, and its dependencies; the Council and General Assembly of the same, that from and after the publication of this act, the said recited act shall be, and it is hereby declared to be repealed. Clause 1. An Act for the good order and government of slaves, &c. repealed.

And be it and it is hereby enacted, by the authority aforesaid, that all slaves and their accessories guilty of murder, treason, rapes, maiming or wounding, or compassing the death of a white, or free persons, maiming or wounding any other slave, or wilfully setting fire to cane fields, or to provision grounds, or other fields, or to dwelling-houses, negro-houses, or other buildings, or of giving or attempting to give poison to any person whatever, although the poison shall not be taken, or death do not ensue, or who shall be guilty of robbery, burglary, or grand or petty larceny, or who shall maliciously kill, or attempt to kill, by poison, or otherwise, or maim, or destroy, any horse, mule, ass, or horned cattle, or who shall be guilty of enticing or inviting other slaves to run off the island, or who shall be guilty of any offence, made felony by other law of this island, or by the common or statute law of England, shall suffer death as felons, or such other punishment as the court herein-after appointed to try slaves for capital offences, shall think proper to inflict, provided always that all slaves shall be entitled to the Clause 2. Slaves guilty of murder, treason, rapes, maiming white or free persons, setting fire to canes, &c. Giving poison. Burglary or Larceny. Poisoning or destroying cattle, enticing slaves off the island, or guilty of offences against this act, or the law

of England shall suffer death or other punishment as the court shall determine. Slaves entitled to the benefit of clergy, where the same is not taken away by any act of this island, and in cases where the same is not taken away by the statute law of England.

Clause 3.
Receiving stolen goods in all cases a misdemeanor.

And be it and it is hereby enacted, by the authority aforesaid, that receiving of stolen goods shall be in all cases a misdemeanor, and shall be tried by the court hereinafter appointed for the trial of capital offences, and shall be punished as a misdemeanor at common law, to which the court shall have power to add corporal punishment at their discretion according to the nature of the offence.

Clause 4.
Constitution of court for trial of slaves accused of capital offences.

And be it and it is hereby further enacted, by the authority aforesaid, that the Chief Justice of the Court of Common Pleas for the time being, and two puisne justices to be appointed by his Excellency the Governor or Commander-in-chief for the time being, whose commissions shall be *quamdiu se bene gesserint*, shall be, and they are hereby declared to be, a Court for the Trial of Slaves accused of having committed any of the crimes enumerated in the preceding clauses of this act, or any other crime made capital by any other law of this island, or by the common or any statute law of England, and the said court shall be called the "Slave Court for the Trial of Capital Offences committed by Slaves." Provided always that in case of the absence from the island, or sickness of the Chief Justice, or of either of the two puisne judges, the other two judges shall constitute a court.

Clause 5.
The same proceedings and rules in the court as in the court of King's Bench and Grand Sessions.

And be it and it is hereby enacted, by the authority aforesaid, that the slaves accused of any of the crimes hereinbefore enumerated, or any other crime made capital by any other law of this island, or by the common statute law of England, shall be proceeded against before any justice of the peace for the said island, and prosecuted and tried before the said court in like manner, and by such rules as are established and observed for the trial of white or free persons in the Court of King's Bench and Grand Sessions of this island, any thing in any other act of this island contained to the contrary notwithstanding.

Clause 6.
Evidence of slaves admitted on trial of slaves.

And be it and it is hereby enacted, by the authority aforesaid, that the evidence of slaves shall be admitted on the trial of persons prosecuted in the said court, and in the court hereafter appointed for the trial of offences not capital.

Clause 7.
Court to sit on first Tuesday in March and September and declared a Court of Record.

Provision not to bar the governor or commander for the time being from issuing commission to hold a court at other periods.

And be it further enacted by the authority aforesaid, that the said court shall sit at the Court House in the town of Scarborough, to hear, try, and determine all criminal matters within their jurisdiction, on the first Tuesday in the months of March and September in every year, and shall be and is hereby declared to be a Court of Record, and shall have power and authority to sit, and adjourn from day to day during the space of ten days and no longer; provided always, that nothing herein contained, shall be construed to bar or hinder the governor or commander-in-chief for the time being, at any time or times to issue a commission or commissions for holding the court hereby appointed for the trial of any crime or offences within their jurisdiction.

Clause 8.
Officers of the court appointed.

And be it and it is hereby enacted by the authority aforesaid, that the clerk of the crown for this island for the time being, or his lawful deputy shall be clerk of the court hereby constituted, and the Provost Marshal of this island, or his lawful deputy shall be marshal of the said court.

Clause 9.
Chief justice with one other may admit bail.

And be it and it is hereby further enacted by the authority aforesaid, that the chief justice with one or both of the other justices by this act appointed, may at any time of the year admit bail in cases cognizable by the said court.

And be it enacted by the authority aforesaid, that the clerk of the crown shall ten days before the sitting of the said court, issue a writ or precept in the King's name to this effect: Witness the chief justice of our said court hereto subscribing and sealing, which precept he shall immediately deliver to the provost marshal or his lawful deputy, who shall apply to the chief justice to sign the said writ or precept, the tenor of which shall be to summon a sufficient jury to serve at the said court, and the clerk of the crown shall be entitled for every precept to nine shillings currency, and the provost marshal or his lawful deputy for procuring the signature of the chief justice, the sum of four shillings and six pence.

Clause 10.
Clerk of the crown to issue precept for jury.
To be signed by the chief justice.
Fees for issuing precept and procuring judge's signature.

And be it further enacted by the authority aforesaid, that the provost marshal or his lawful deputy by virtue of the said writ, shall summon forty-eight persons, being freeholders, merchants, tradesmen, managers, or chief overseers, to serve as jurors at the said court, and the form of summons shall be "A. B. appear on the day of next (or instant,) and serve as a (grand juror or petty juror as the case may be) at a court to be holden at the Public Court House in the town of Scarborough, for the trial of slaves accused of capital crimes," which shall be served personally, or by leaving it at the usual place of abode of the persons summoned, four days before the court, exclusive of the day of attendance, and a sufficient grand jury, and a petit jury consisting of twelve shall be empannelled for the trial of offences in like manner as is directed for the trial of offences at the Court of King's Bench and Grand Sessions.

Clause 11.
Marshal to summon jury.

And be it further enacted, by the authority aforesaid, that all justices of the peace who have taken any depositions, recognizances, or other papers relating to matters cognizable by the said court, shall send the same to the clerk of the crown four days before the holding of the said court, or if taken within four days then as soon after as conveniently may be, and such depositions, recognizances, or other papers, shall be received and lodged in the office of the clerk of the crown without fee or reward.

Clause 12.
Justices to lodge depositions and other papers in the crown office four days before court day.

And be it and it is hereby enacted, by the authority aforesaid, that His Majesty's Attorney or Solicitor-General for the said island, shall and he is hereby required to prosecute all offenders within the jurisdiction of the said court by indictment, and his fee for each and every indictment and prosecution shall be ten pounds sixteen shillings currency and no more.

Clause 13.
Attorney or Solicitor-general to prosecute.
His fee for prosecuting

And be it, and it is hereby enacted, by the authority aforesaid, that if any juror lawfully summoned shall neglect to appear at the opening of the court hereby established, or shall depart without leave of the court, he shall be subject and liable to pay a fine of five pounds current money, to be recovered by attachment issuing out of the said court as for a contempt.

Clause 14.
Fines of jurors.

And be it, and it is hereby enacted, by the authority aforesaid, that when any misdemeanor or offence not herein-before directed to be tried by the court herein-before established, shall be committed, or attempted to be committed, by any slave or slaves, the criminal or criminals shall be apprehended and brought before any one of His Majesty's justices of peace for this island, who is hereby authorized to commit the said slave or slaves to the common gaol by warrant directed to the provost marshal or his lawful deputy; and the said justice, or any other justice, shall, within the space of ten days thereafter, or as soon as conveniently may be, associate to himself one other justice of the peace, and these two shall, by their warrant or precept, summon to join them any five of the most respectable freeholders of the island, to meet them at the public court-house in the town of Scarborough, to which freeholders the justices shall ad-

Clause 15.
Slaves accused of offences not capital to be committed by a justice of the peace who is to associate one other justice and to issue summons to five freeholders.
The two justices and a justice of the common pleas to form a court.

The freeholders to be a jury and their verdict to be unanimous.

minister the following oath, viz. : " You shall, to the best of your judgment and knowledge, try the prisoner or prisoners before you, and verdict give according to evidence." And the said two justices, and one of the justices of the court of common pleas, are hereby declared to be a court with full power to hear and examine all evidences, proofs, and testimonies ; and, on proof of guilt, to sentence the offender or offenders to imprisonment or corporal punishment, or both ; and the said freeholders shall be a jury for the trial of all offences within the jurisdiction of the said court ; and the verdict of such jury is hereby required to be unanimous.

Clause 16.
Penalty on justices and freeholders for refusing to act.

And be it further enacted, by the authority aforesaid, that if any justice of the peace, upon application to him made, or any freeholder, after being duly summoned, shall neglect or refuse, or take and use proper measures for the trial of any slave or slaves, such justices and freeholders shall severally forfeit twenty pounds current money of this island, to be recovered by action of debt in any court of record ; and the Attorney-General is hereby required and directed to prosecute such justice or freeholder for such neglect or refusal.

Clause 17.
Slaves guilty of perjury how punishable.

And be it, and it is hereby enacted, by the authority aforesaid, that in case any slave or slaves shall wilfully give any false evidence in any trial before the court appointed by the fifteenth clause of this Act, such slave or slaves being thereof convicted, shall suffer such punishment as the court shall award.

Clause 18.
Persons wickedly killing slaves to suffer death ; forfeiture of lands, and corruption of blood excepted.

And be it further enacted, that by the authority aforesaid, that if any person or persons shall, willingly or wickedly, kill a negro or slave, he, she, or they so offending, being thereof convicted by verdict or confession, shall be adjudged guilty of murder ; and the offender or offenders shall suffer death without benefit of clergy ; provided always that such conviction shall not extend to the corrupting the blood, or the forfeiture of lands, tenements, slaves, goods, or chattels.

Clause 19.
Whipping of slaves by owners restricted to twenty stripes.

Cruelty, how punishable.

And be it, and it is further enacted, by the authority aforesaid, that in case any slave or slaves shall be thought by his or her master or mistress, owner or renter, or person having charge of such slave or slaves deserving punishment, it shall be lawful to punish him, her, or them, by whipping, not exceeding twenty stripes, or some other correction suitable to the fault ; and if any person or persons whatsoever shall torture or mutilate slaves, or punish them with cruelty, he, she, or they shall be punished with fine and imprisonment in any court of Oyer or Terminer, or other court of criminal jurisdiction in this island.

Clause 20.
Punishment of slaves by owners beyond twelve stripes to be in presence of white or free persons other than the person ordering punishment.

And be it further enacted, by the authority aforesaid, that whenever any master or mistress, owner, renter, or person having charge of slaves, may deem it necessary for the sake of example, to punish his, her, or their slave or slaves with a greater number of stripes than twelve, such punishment shall be inflicted in the presence of one white or free person, other than the person by whose order such punishment shall be inflicted.

Clause 21.
Drivers not to punish slaves without express orders.

And be it, and it is hereby further enacted by the authority aforesaid, that no driver shall be permitted to punish a slave, but by the express order of the owner, a ruler of such slave or the manager or overseer under whose direction such slave may be, and any offence against this clause, shall be cognizable by the court of justices and freeholders and punishable by them.

Clause 22.
In cases of murder, may-

And whereas it may happen that in cases of cruelty, or other injury to slaves by white or free persons, no other evidence than that of slaves can be procured,

by reason whereof such cruelty cannot be punished or redressed: BE it and it is hereby enacted by the authority aforesaid, That in all cases where any white or free person, or any white or free person acting under his, her, or their authority, is, or are charged with wilful murder or mayem of, or cruelty to any slave, or slaves, it shall, and may be lawful in case no white or free person was present, or can be produced to prove the facts relating to such imputed murder, mayem or cruelty, to admit the evidence of two slaves to prove the facts and circumstances attending such imputed murder, mayem or cruelty, and that the concurrent evidence of such two slaves to such facts and circumstances, if unimpeached as to their credibility, shall have the same effect in point of law as if a white or free person had proved the same facts and circumstances attending such murder, mayem, or cruelty, and the slave suffering such mayem or cruelty, shall be admitted as one of the two evidences.

em of, or cruelty to slaves - by white or free persons.

Evidence of slave admissible when no white or free person can be produced to give evidence of the facts.

And be it and it is hereby further enacted, by the authority aforesaid, That any white or free person or persons who shall be on the oath of one or more credible witnesses, duly convicted at a court of Oyer, and Terminer, or grand sessions, of carrying off, or attempting to carry off from this island any slave or slaves without a license or permission from the owner or owners, or person or persons having the care and charge of such slave or slaves, he, she, or they, shall be and are hereby declared to be guilty of felony, and shall suffer death without benefit of clergy.

Clause 23. Any free person carrying off a slave, shall suffer death.

And be it and it is hereby further enacted by the authority aforesaid, That the owner or owners of any slave carried off or attempted to be carried off shall be entitled to a civil action, therefore any thing in the preceding clause to the contrary thereof notwithstanding, and when he, she or they, shall resort to a civil action, it shall, and may be lawful for him, her, or them, when the defendant is a non-resident, to make affidavit of the particulars of the case, and that the defendant is about to depart the island, and that thereby he, or she, may be defeated of redress, and upon such affidavit or affidavits, he, she, or they, shall be entitled to an order of the chief justice, or in his absence any other justice of the Court of Common Pleas, who is hereby authorized to make such order or hold the defendant to bail, as in case of debt.

Clause 24. In a civil action for carrying off a slave, plaintiff may procure a Judge's order to hold defendant to bail.

And whereas it may often happen that slaves may be injuriously used by their owners or persons exercising authority over them in the absence of their owners or other persons, and may be deterred by apprehension or menace from making complaint thereof, and it is reasonable that they should have some established tribunal to resort to: BE it and it is hereby further enacted, by the authority aforesaid, That from and after the publication of this Act, the president of the council for the time being, and the Speaker of the House of General Assembly for the time being, and the judges of the Court of Common Pleas shall be and they are hereby declared to be the guardians of slaves, with full power and authority to entertain all complaints made to them by any slave or slaves for, or in respect of any cruelty, ill usage, or violation of the provisions of this Act, and when any complaint shall be preferred to the said guardians, they, or any three of them, shall have power and full authority to summon all and every person and persons whom they shall judge necessary, to give evidence touching such complaint; and if upon examination of such complaint they shall be of opinion that it is well-founded, they shall report the same in writing to his Majesty's Attorney-General, who is hereby required forthwith to prosecute the persons complained against for cruelty or ill-usage, and if such complaints relate to the violation of any provisions which may be contained in this Act applicable to the maintenance and clothing of Negroes, they are hereby authorized and required to proceed

Clause 25. Guardians appointed for hearing and examining complaints of slaves with power to summon evidence, &c. If complaint well founded how to proceed. If frivolous, complainant to be punished.

against the persons complained of, as herein after directed, and if the complaint be found frivolous and vexatious, such slave complaining shall be punished by order of the said guardians.

Clause 26.
Any slave concealing a runaway, knowing him to be so, is to suffer corporal punishment, prosecution to be within one month after discovery of the offence.

And be it and it is hereby further enacted, by the authority aforesaid, That any slave harbouring, receiving, or concealing any other slave, who shall have run away from his master or mistress's, owner's or renter's service, knowing him to be run away, or shall otherways assist such slaves so run away, he or she shall, upon conviction thereof, before the said last-mentioned court, suffer such imprisonment or corporal punishment as the said court in their discretion shall think it right to inflict, provided always that no slave shall be punished by virtue of this clause for harbouring, concealing, or entertaining any run-away slave, unless prosecution for the same be commenced within one month after the discovery of the said offence.

Clause 27.
White or free persons harbouring a runaway liable to pay the owner nine shillings per day for the time the slave shall have been absent.

And be it and it is hereby enacted, by the authority aforesaid, that if any white or free person or persons knowing any slaves to be run away from his or her master, owner, or renter, shall entertain, harbour, receive, or conceal, any such slave, such person shall be liable to pay to the owner or renter of such slave at and after the rate of nine shillings for each and every day such slave shall have been so run away, with full costs of suit to be recovered by action of debt in any court of record.

Clause 28.
No slave to carry fire-arms unless in pursuit of a runaway, or attending on his master, without a ticket from his owner or manager. Any slave running away, &c.

carrying off fire-arms shall be tried for such offence. If not absent 24 hours, to be punished by two justices. Slaves may be employed to shoot game with proper certificate.

And be it and it is hereby further enacted, by the authority aforesaid, That no slave within this island shall be permitted to have in his custody, or carry a musket, fusic, pistol, or any other fire arms, unless such slave be in pursuit of a runaway slave or slaves under the order and direction of a white or free person, duly authorized, or shall be attending upon his master or the manager, or some other white person, employed on the plantation to which such slave shall belong, without a ticket from the owner or manager of such plantation, dated the very hour, as near as the same can be ascertained, that the said fire-arm or fire-arms is or are delivered to such slave, and the quantity of powder, ball, or shot, if any be given him therewith, which ticket shall require the return of the slave to which it is given, within six hours after the date hereof, excepting negroes watching stores and provision grounds, who shall be weekly furnished with a ticket from their owner or manager, expressing the nature of their arms, and that they are only furnished with two rounds of powder and ball; and if any fire-arm or fire-arms be found with any slave, after the expiration of the time limited in the ticket for his return, any free person is hereby authorized to take the same away, and to keep and retain the same for his use; and any slave who shall run away or absent himself from the service of his owner, renter, or employer, having carried off with him any piece of fire-arms as aforesaid, or who having had a ticket to carry any fire-arms, shall absent himself for twenty-four hours after the expiration of the time therein limited for his return, such slave shall be tried before the last-mentioned court, and shall suffer such punishment, short of life or loss of limb, as the said court shall think fit to inflict; and any slave found with any fire-arms after the time limited for his return, who shall not have been absent for twenty-four hours as aforesaid, such slave shall be punished by order of two justices of the peace, provided always that it shall and may be lawful to and for any person or persons to employ any slave or slaves to shoot game, which slave is hereby authorized to carry the requisite fire-arms for such purpose; and the person or persons so employing such slave or slaves shall give him or them a certificate to that effect, which such slave or slaves is and are hereby required to produce when called on by any free person so to do, and on production of the same shall be exempt from the above provisions.

Clause 29

And be it further enacted, by the authority aforesaid, That no slave shall carry

a cutlass or other sharp-edged or offensive weapon, except such slave be actually in pursuit of a runaway, under the order and direction of a free person duly authorized for that purpose, or shall be attending upon his owner or master, or some other white person, or shall be upon a message or errand, or shall be employed by the way, wardens without a ticket from his owner or manager, under the penalty of being punished by order of any two justices of the peace.

No slave to carry a cutlass or offensive weapon except in particular cases, enumerated without a ticket, under

penalty of being punished by two justices.

And be it and it is hereby enacted, by the authority aforesaid, That any slave convicted of playing cards or dice, or of fighting cocks, or throwing at cocks, or convicted of any species of gaming whatsoever, shall be punished by order of two justices of the peace.

Clause 30. Gaming prohibited under penalty of punishment by two justices.

And be it, and it is hereby further enacted, by the authority aforesaid, That it shall and may be lawful to and for any person or persons to apprehend any runaway slave or slaves and deliver him or them to the provost-marshal or his lawful deputy, who is hereby required to pay the apprehender of the said slave or slaves eighteen shillings, which shall be charged against the owner or owners of such slave or slaves, and the provost marshal or his lawful deputy is to keep the said slave or slaves in safe custody, and shall advertise him, her, or them, in the public gazette of this island, and if no gazette, then by written advertisement at the court-house door in Scarborough, for six weeks, describing such slave or slaves as accurately as can be, and in case the provost marshal or his lawful deputy fail in performing the several matters in this clause required, he shall be subject and liable to an action of damage at the suit of the party aggrieved; and if the slave or slaves so advertised, are not claimed within six weeks from and after the day on which he she or they were delivered to the said provost marshal or his lawful deputy, then it shall be lawful for the said provost marshal or his lawful deputy, and he is hereby empowered and required to discharge such slave or slaves out of his custody, and shall give such slave or slaves a certificate of his detention and discharge.

Clause 31. Any person may apprehend slaves runaway and deliver them to the marshal, the apprehenders to receive 18s., provost marshal to keep them in safe custody and to advertise them. Marshal failing to do his duty, liable to an action. Slaves advertised and not claimed in six weeks to be discharged

And be it and it is hereby further enacted, by the authority aforesaid, That the provost marshal or his lawful deputy shall be and he is hereby empowered in case any slave committed to his custody should be ill, to call in a practitioner of physic to the assistance of the slave, whose bill the owner is to pay on delivery of the said slave from gaol; and it shall be lawful for the marshal or his deputy to detain in custody the body of such runaways so brought to him until the owners pay unto him two shillings for feeding for every four and twenty hours such slave shall have been in custody, and also at the rate of two and sixpence per pound for laying out his money.

Clause 32. If a slave committed be ill, marshal to call medical aid, marshal to detain runaway till paid two shillings for feeding for every twenty-four hours the slave shall have been in

custody, and two shillings and six pence for laying out his money.

And be it and it is hereby enacted by the authority aforesaid, That the sitting justices shall on their respective days of sitting visit the public gaol in order to ascertain the state thereof and the treatment of the prisoners, and shall make a minute thereof in the justice book kept by the sitting justices, and in case of any improper proceeding in respect of the gaol, the justices shall report the same to the governor or commander-in-chief for the time being.

Clause 33. Sitting justices to visit the gaol and to report any irregularities to the governor or commander-in-chief.

And be it and it is hereby further enacted by the authority aforesaid, That all owners, renters, or possessors of slaves shall, and they are hereby required to afford sufficient food to each and every of their slaves, either by apportioning to each a sufficient quantity of provision ground, or by a sufficient daily or weekly allowance of dry provision with an allowance of salt or pickled fish, and shall give to each and every of their slaves good and sufficient clothing once in every year, under a penalty not exceeding ten pounds for every slave not sufficiently

Clause 34. Owners to afford sufficient food and clothing to their slaves under penalties fixed in this clause.

fed, and ten pounds for every slave not furnished with a sufficient supply of clothes; and such neglect to furnish food and clothing shall be deemed a misdemeanor: and in case the guardians hereby appointed, or any three of them, on complaint made to them, deem such complaint well founded, they or such three of them shall direct the law officers of the crown to prosecute the offender for such neglect in the Court of King's Bench and Grand Sessions, and the judges of the said court may order such part of the penalty recovered as they may think fit to be expended in food and clothing for the negro or negroes complaining.

Clause 35.
The personal
property of
slaves secured
to them.

And whereas the negroes have always been in the habit of enjoying their personal property without control, yet, nevertheless, in order that such right may be ascertained by legal provisions: BE it and it is hereby enacted by the authority aforesaid, That any slave in possession of personal property of any description whatever fairly acquired, shall be, and he or she is hereby declared to be entitled to hold and enjoy the same without the let, hinderance, claim, or molestation of any person whatever, and may freely and without control, sell, barter, grant or bequeath the same; and such slave shall be entitled to bring all actions personal for recovery of his or her personal property; and slavery shall not be a valid plea in abatement or bar of such action, any law, usage or custom to the contrary thereof in anywise notwithstanding.

Clause 36.
Any free per-
son selling or
giving to slaves
fire-arms or
offensive wea-
pons to forfeit
a sum not ex-
ceeding fifty
pounds; not
to extend to
implements
for agricultu-
ral purposes.

And be it and it is hereby further enacted, by the authority aforesaid, That any free person whatsoever, who shall hereafter sell, barter or give to a slave, any fire-arm, cutlass or any offensive weapon, shall forfeit a sum not exceeding fifty pounds for each offence, to be recovered before any two justices of the peace, on conviction by one sufficient evidence, by their warrant directed to the provost marshal, or his lawful deputy, in the nature of an execution issuing out of the Court of Common Pleas on a judgment obtained therein, to be levied at any time of the year, provided always, that nothing contained in this clause shall prevent any owner or manager from giving any slave such implements for agricultural purposes as may be deemed requisite.

Clause 37.
Free persons
in Scarbo-
rough and
Plymouth not
to allow slaves
other than
their own to
dance in their
premises un-
der penalty
not exceeding
fifteen pounds.

And whereas it frequently happens, that free persons in the towns of Scarborough and Plymouth, and in the immediate vicinity thereof, induce slaves to assemble at untimely hours for the purpose of dancing and gambling, by which, the health and morals of the slaves are injured; BE it and it is hereby enacted, by the authority aforesaid, That any free person in the towns of Scarborough and Plymouth, or in the immediate vicinity thereof, not extending to any estate, shall permit any slave or slaves other than those belonging to such free person to dance in his or her house or premises, such free person shall on conviction thereof, before any two justices of the peace, forfeit a sum not exceeding fifteen pounds for each and every offence, to be recovered by warrant under the hands and seals of the said two justices in like manner as is directed by the preceding clause: Provided always, That the sitting magistrates for the town of Scarborough, or any two of them, or any two magistrates in the vicinity of Plymouth, shall have power and authority to give permission to any free person or persons, to allow their slaves with any others to assemble for the purpose of dancing without being subject to the penalty of this clause; any thing herein contained to the contrary thereof notwithstanding.

Clause 38.
Slaves found
in the streets
after the hour
of nine at
night unless in
service of their

And whereas it often happens, that slaves in or near the towns frequent the public streets at night, and occasion great noise and riot therein, to the annoyance of the inhabitants, and to the prejudice of their own health and morals: BE it and it is hereby enacted, by the authority aforesaid, That any slave found in the public streets of the towns after the hour of nine o'clock at night, unless in attend-

ance on, or bearing a letter for his or her owner or employer, he or she shall be committed to gaol, and there kept until the following morning, then to be discharged by the provost marshal or keeper of the gaol without fee or reward.

owners, how to be dealt with.

And whereas it is the intent and meaning of this act, That the expenses attending all prosecutions instituted in courts hereby established or directed by this act, to be instituted in the Court of Grand Sessions, shall be borne and paid by the public; BE it and it is hereby enacted by the authority aforesaid, That all and every person and persons entitled to fees under and by virtue of this act in either of the said courts, shall be at liberty to charge the same in account with the public.

Clause 39. Expenses attending all prosecutions into court to be borne by the public. Persons entitled to fees to charge them in account with the public.

And whereas it is expedient, that the Sunday market be abolished, in order that the negroes may have an opportunity of attending divine worship, and employing themselves in religious pursuits: BE it and it is hereby enacted, by the authority aforesaid, That from and after the first day of September next ensuing the Sunday market shall be abolished, and the public market shall hereafter be holden in the towns of Scarborough and Plymouth on Thursday in every week.

Clause 40. Sunday Market abolished after 1st September, and Thursday fixed as the public market day.

And be it and it is hereby further enacted, by the authority aforesaid, That from the first day of May to the thirty-first day of December in every year, all plantation slaves shall be allowed one day in every week for the purpose of cultivating their provision grounds. And whereas the usual state of the soil, from excessive drought between the first of January and the first of May, renders it unnecessary that the labour of the negroes should be applied to the cultivation of provisions, while their services are materially important to the gathering in the crop, BE it and it is hereby enacted, by the authority aforesaid, That during these four months the proprietor or his representative shall be allowed to exercise his discretion as to the time to be allowed the slaves for the cultivation of their provision grounds.

Clause 41. From the 1st of May to the 1st of December, plantation slaves to be allowed one day in each week to cultivate their grounds. From Jan. to May, proprietors to exercise their discretion as to the time to be allowed.

And be it and it is hereby further enacted, by the authority aforesaid, That the provisions of the third class of an act to amend an act entitled "An Act for the better regulating the police of the towns of Scarborough and Plymouth, and to regulate the markets in the said towns," shall apply to the market-day appointed by the fortieth clause of this act.

Clause 42. Provisions of the third clause of the police act applied to the market-day fixed by the fortieth clause of this act.

And be it further enacted, by the authority aforesaid, That all penalties mentioned in this act and not declared how they shall be recovered, or how disposed of, shall be recovered by warrant under the hand and seal of any justice of the peace, and shall be to his Majesty, his heirs, and successors, and paid into the public treasury of this island, for the public uses of the colony.

Clause 43. Penalties how recovered and applied.

And be it and it is hereby further enacted, by the authority aforesaid, That all actions or prosecutions for the recovery of fines, forfeitures, or penalties, incurred by virtue of this act, shall be brought within twelve months after the cause of action, or prosecution shall arise.

Clause 44. Limitation of actions or prosecutions.

And be it and it is hereby further enacted, by the authority aforesaid, That in every action, suit, indictment, information, or prosecution, wherein any person shall be sued or prosecuted for doing any thing by virtue of this act, the person or persons so sued or prosecuted may plead the general issue, and give this act in evidence, in any court within this island; and if there be a verdict for such party prosecuted, the party prosecuting shall pay treble costs: and this act shall be

Clause 45. Persons sued or prosecuted may plead the general issue.

deemed a public act ; and all judges, justices, and juries, are hereby required to take notice thereof accordingly.

(Signed)

CHRISTOPHER IRVINE,
Speaker of the House of General Assembly.

*Passed the House of Assembly, this 23d
Day of July, 1823.*

(Signed)

JAMES WILCOCK,
Clerk of General Assembly.

(Signed)

W. M. BRASNELL,
President of the Council.

*Passed the Council, this 1st Day
of August, 1823.*

(Signed)

T. B. MANNING,
Clerk of the Council.

I assent to this Bill,

(Signed)

F. P. ROBINSON, Governor.

Duly proclaimed by me, this 2d day of August, 1823.

(Signed)

J. M. COLLIER,
Dep. Pro. Marshal.