

TOBAGO:—An Act to repeal an Act commonly called the Slave Act, and to substitute a new Act in lieu thereof.

Preamble.

WHEREAS it has become expedient that the Act, intituled “ An Act to repeal an Act, intituled ‘ An Act for the good order and government of Slaves, ’ and for repealing an Act of this Island, intituled ‘ 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, ” and passed on or about the twenty-third day of August, which was in the year of our Lord one thousand eight hundred and twenty-three, should be repealed, and that further provisions should be made for the protection and good government of the slaves of this island :

Clause 1.
Repeals former
Slave Act.

We therefore, your Majesty’s most dutiful and loyal subjects, his Excellency Major-general Nathaniel Blackwell, Companion 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 ; do humbly pray your most excellent Majesty that it may be enacted, and be it and it is hereby enacted by the said Nathaniel Blackwell, by and with the advice and consent of the said Council and General Assembly in session assembled, and by the authority of the same, that from and after the publication of this Act, the said recited Act shall be and the same is hereby repealed.

Clause 2.
Rebellion and arson
of cane-fields, &c.
made felony.

And be it and it is hereby enacted by the authority aforesaid, that if any slave or slaves shall enter into or be concerned in any rebellion or rebellious conspiracy, or shall maliciously and wilfully set fire to cane-fields, whether the canes shall have been cut or otherwise, or provision grounds, negro-houses, magass-houses, or heaps, or plantation works, or any part thereof, or any pen, cooperage, out-house or building pertaining to such works, or shall wilfully and maliciously kill or destroy, by poison or otherwise, any mule or mules, horses or horned cattle, he, she or they shall be guilty of felony, and being thereof convicted, in the manner and in the court of King’s Bench hereinafter mentioned, shall suffer death as a felon or felons.

Slaves guilty of
higher crimes than
misdemeanors to be
tried as free persons.

And if any slave or slaves shall commit any crime which would subject free persons to be indicted for any crime of a higher nature than misdemeanors, such slave or slaves shall for such offence or offences be indicted and tried in the court of King’s Bench hereafter to be established, in all respects in the same manner as free persons,

persons, and upon conviction thereof shall suffer death, transportation, or such punishment as a person of free condition would be liable to suffer for the like offence.

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And be it further enacted by the authority aforesaid, that if any slave or slaves shall commit or attempt to commit any misdemeanor or inferior offence, such slave or slaves shall be apprehended and brought before any one of His Majesty's justices of the 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 shall within the space of ten days thereafter, or as soon after as conveniently may be, associate to himself one other justice of the peace, and the said two justices shall by their warrant, or precept, summon to join them any nine of the most respectable persons qualified to sit as jurors in the court of King's Bench hereafter to be established (any five of whom shall be a jury for the purposes hereinafter mentioned, and whose verdict shall be unanimous), to meet them at the public court-house in the town of Scarborough for the trial of such offender or offenders, to which freeholders the said justices shall administer the following oath, viz.

Clause 3.
Slaves guilty of misdemeanors how to be dealt with.

Court for trial of misdemeanors.

" You shall to the best of your judgment and knowledge try the prisoner before you, and a true verdict give according to the evidence.

" So help you God."

And the said two justices shall give notice to the chief, or one other of the justices of the court of Common Pleas or King's Bench hereafter to be established, to sit with them on the said trial, and the said two justices, and one justice of the court of Common Pleas or King's Bench, 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 such corporal or other punishment as they shall in their discretion think proper: provided always, that if by reason of the non-venue of any or either of the said justices, or for want of a sufficient number of jurors, or from any other cause, such trial cannot be had at the day originally appointed therefor, such offender or offenders may at any time thereafter be proceeded against in the manner hereby prescribed, before the same or any other justices, within any time not exceeding fifteen days thereafter.

Proviso, for trial in case of no trial on the day first fixed.

And be it further enacted by the authority aforesaid, that if any justice of the peace, upon application to him made, shall neglect or refuse to take and use proper measures for the trial of any slave or slaves, or if any juror after being duly summoned shall without lawful excuse neglect or refuse to appear or be sworn, such justices or jurors shall severally forfeit any sum not less than five pounds nor exceeding ten pounds sterling money, 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 juror for such neglect or refusal.

Clause 4.
Neglect of justices, and disobedience to summons by jurors, how punishable.

And whereas the evidence of slaves is at present only admitted against persons of free condition in certain cases, and it is proper and expedient that the distinction which has hitherto prevailed between the admission of the evidence of persons free and bond should be done away with, and that the evidence of slaves should be admitted in all cases without any restriction; be it therefore and it is hereby enacted by the authority aforesaid, that in all trials and examinations whatsoever, whether in civil or criminal cases, it shall and may be lawful to examine as a witness or witnesses upon his, her or their corporal oath or oaths, any slave or slaves within the said island, in any court, and before any judge, justice of the peace, grand or petit jury, or other tribunal or authority having cognizance of such cases, in the same manner in every respect as free persons are by law admitted and received as witnesses by and before any such courts, judges, justices, jurors, or other tribunals aforesaid, subject only to such exceptions as persons of free condition are liable to, without any restriction whatsoever arising from their being slaves, any law, usage or custom to the contrary in anywise notwithstanding: provided always, that no execution shall take place in any capital criminal case, wherein conviction hath taken place upon slave evidence alone, until the case, with the opinion of the judge who tried the same, shall have been laid before the Governor or Commander-in-chief for the time being, and shall have received his approval and confirmation.

Clause 5.
Evidence of slaves liable only to the same objections as evidence of free persons.

Proviso, no execution till report made and confirmed.

Clause 6.
List of slave witnesses to be delivered to prisoner ten days before trial.

Slave witness asserted to be free and not in the list, how ascertained.

And be it further enacted by the authority aforesaid, that in all cases where a person shall or may be charged with a capital offence, and a slave or slaves is or are intended to be brought forward and examined as a witness or witnesses on the part of the prosecution, such person or persons so charged with such capital offence shall be furnished with a list of such witnesses as are slaves, and of their description and place of residence, at least ten days, the day of delivery of such list and the day of presentment to the grand jury being both reckoned exclusively, before any bill of indictment shall be presented to the grand jury upon such charge, otherwise the evidence of such slave or slaves before either the grand or petit jury shall be inadmissible: provided always, that in case it shall happen that any person shall be produced as a witness on the part of the prosecutor, whose name, description, and place of abode shall not have been inserted in the list delivered to the defendant pursuantly to this Act, and the defendant shall object that such witness is a slave, such witness shall be examined on his *voire dire*, and it shall be lawful for the court to examine such other evidence as it shall deem fit to ascertain whether such person so produced be free or otherwise.

Clause 7.
Perjury and subornation of perjury punishable as by the law of England.

And be it further enacted by the authority, aforesaid that in case any slave or slaves shall wilfully and corruptly give false evidence, or suborn any other person or persons to give false evidence, such slave or slaves, being thereof convicted, shall receive such punishment as persons of free condition are liable to for the crime of wilful and corrupt perjury or subornation of perjury by the statute or common law of England.

Clause 8.
Subpœna to be served on slave, and copy thereof on owner.

And be it and it is hereby enacted by the authority aforesaid, that in all cases where the evidence of slaves is required to be given in any court or courts of justice of this island, a writ of *subpœna* shall and may issue under the hand of the secretary of the island or his lawful deputy, and under the seal of the court in the usual manner, upon the application of any person or persons requiring the testimony of such slaves, directed to such slave or slaves, and a copy thereof shall be served on the owner or possessor of such slave or slaves, or the person under whose immediate charge such slave or slaves may be; and if any person shall prevent any slave or slaves from attending any court according to the exigency of such *subpœna*, such person or persons shall be guilty of a contempt of court out of which such *subpœna* shall issue, and be dealt with as in other cases of contempt of court.

Clause 9.
Allowance of provision grounds; Thursdays allowed for cultivation thereof, from 1st May to 1st December.

Proviso, where insufficient land for provision grounds.

House to be provided.

Allowance of food and clothing.

Allowance to unattached slaves.

Neglect or refusal how punishable.

And be it and it is hereby further enacted by the authority aforesaid, that every owner, renter or possessor of slaves belonging to or worked upon any plantation or estate, or their attorney, agent or representative, shall permit each and every such slave to use a sufficient portion of land adapted to the growth of provisions for their support and maintenance, and between the first day of May and the first day of December in each and every year shall allow to each and every such slave the Thursday in each and every week over and above the Sundays, for the purpose of cultivating the same and attending market; provided, that in all cases where such owners, renters or possessors of such slaves shall not have sufficient land adapted for the growth of provisions, and by reason thereof shall be unable to allow such portion of land for the purpose aforesaid, he, she or they shall by some other ways and means make ample provision for such slaves in lieu of the allowance of land and time aforesaid; and every owner, renter or possessor of such slaves shall provide for and allow to every family of slaves a good and comfortable house, and shall provide and give to each and every such slave a sufficient allowance, weekly, of salt fish, when the same can be procured at any reasonable price, or of such other food as their ages and state of health may require, and shall provide and give to each and every such slave sufficient clothing and blankets suitable to their respective sex, age and condition; and every owner or possessor of slaves not attached to or worked upon any plantation or estate, shall provide for and furnish such slaves with comfortable lodging, sufficient food and decent clothing: and if any owner, renter or possessor of slaves shall wilfully neglect or refuse to comply with the provisions hereinbefore specified, every person so offending shall forfeit and pay the sum of forty shillings sterling for every slave not by him provided with food or clothing according to the provisions of this Act, and such neglect or refusal 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 shall deem

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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 or refusal in the court of King's Bench to be established, and the judges of the said court may order such part of the penalty recovered as they may think fit to be expended in the purchase of food and clothing for the use of the slave or slaves so complaining: and provided also, that if any owner, renter, possessor, attorney or manager, shall find that his gang, or any part thereof, shall make it a practice to resort to the market on Thursdays not with the intention of purchasing or selling, but from motives of idleness, or if he shall find it necessary for the welfare of the estate or plantation, it shall and may be lawful for him at any time to deprive the said gang, or any part thereof, of the Thursday hereinbefore directed to be allowed them, and to substitute some other working day in the said week for the said gang, or such part thereof so deprived of the Thursday aforesaid, to cultivate their grounds: and provided also, for that experience hath shown that the privation of a day or the stopping of allowances is more effectual as a punishment than corporal chastisement, and is frequently the means of detecting offenders that would otherwise remain undiscovered, it shall and may be lawful for any owner, renter, possessor, attorney or manager, when his gang, or any part thereof, shall misbehave, or when any larceny or depredation or other offence shall be committed whereof he cannot by other means discover the perpetrator, to deprive such gang, or such part thereof as he shall deem fit, of one or more of the days hereby allowed them, or of one or more allowances of food, or to defer the serving out of the clothing as a punishment for such misbehaviour, or in case of larceny, depredation or other offence, until the perpetrator thereof shall be discovered, so always that such gang or any part thereof shall not, during the period from the first day of May to the first day of December, be deprived, in the whole, of more than four days or of four allowances of salt provisions, nor shall the serving of their clothing for the causes aforesaid be deferred for any longer time than two months.

Penalty, how it may be applied.

In what cases other days may be substituted.

In what cases days and allowances may be stopped.

Restrictions thereon.

And be it further enacted by the authority aforesaid, that on complaint of any slave or slaves, or upon the information or complaint of any other person or persons, that the provisions hereinbefore contained for the maintenance and support of such slave or slaves have not been complied with, it shall and may be lawful to and for any two justices of the peace for the said island to cause and command such slave or slaves, or such other person or persons as such justices may deem necessary to be examined in the premises, to be and appear before them, and such justices shall and may inquire into such complaint, and if necessary shall and may inspect the grounds, clothing and lodgings of such slave or slaves; and if it shall appear on such complaint or inquiry that the provisions hereinbefore contained for the maintenance and support of such slaves have not been complied with, then and in such case the said justices are hereby authorized and strictly required to afford redress to such slave or slaves, without delay, in manner and to the extent hereinafter specified, that is to say, to each slave belonging or attached to, or worked upon any plantation or estate, one quarter of an acre of land, or a weekly allowance of seven quarts of corn-meal, or five quarts of rice or flour in lieu thereof; a weekly allowance of two pounds of salt fish, or such other provisions as may be equivalent thereto, when the same can be procured at any reasonable price; an annual allowance of clothing as follows, viz. six yards of cloth or pennistone, six yards of osnaburgh or other linen of equal strength or value, one hat, and a triennial allowance of one blanket; and to each slave not attached to or worked upon any plantation or estate, a weekly allowance in money or provisions equivalent to the value of two shillings sterling, and an annual allowance of one suit of clothing; and such justices are hereby authorized and empowered to issue an order under their hands requiring such owners or possessors of slaves to provide, furnish and give the allowances hereinbefore immediately specified, or so much and such parts thereof as to such justices in their discretion may seem meet; and every owner or possessor of slaves refusing to comply with and obey such order shall forfeit and pay a sum equivalent to the purchase of the allowance so by him, her or them neglected or refused to be made to the slave or slaves for or in respect of whom such justices order shall issue; provided that the allowances herein mentioned shall have relation only to adult slaves, and that others shall be allowed in proportion, regard being had to their age, sex and condition.

Clause 10. Justices, how to proceed on complaint of neglect or refusal to make proper allowances to slaves.

Power of inspection.

To make order on owners.

Penalty for non-compliance with orders.

Clause 11.
Baptism and religious instruction of slaves.

And be it further enacted by the authority aforesaid, that all owners or possessors of slaves, or their agents, attornies or representatives, shall as much in them lies, endeavour to instruct their slaves in the principles of the Christian religion, and as soon as conveniently can, cause to be baptized all such adult slaves not already baptized as they may make sensible of a duty to God and the Christian faith, and all slaves hereafter to be born, within six months after their respective births, (except as hereinafter excepted), which ceremony the rector of the island shall be and he is hereby required to perform gratis, and also to attend any slave or slaves in sickness when his spiritual aid may be required : provided always, that when any owner or other person having the charge of any plantation shall provide for the spiritual exigencies of the slaves thereto attached, by causing any clergyman of any persuasion other than the church of England to attend such slaves for their religious instruction, then the duties hereby imposed on the rector shall cease and determine, for and in respect of such plantation for the instruction of the slaves whereof such other provision shall have been made.

Proviso, relating to sectarian clergymen.

Clause 12.
Marriage of slaves.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for any slave who may be desirous of intermarrying with any other slave, to apply to any clergyman of the established church of England and Ireland in the said island, who is hereby authorized and required to solemnize the same : provided always, that such slaves shall produce to such clergyman a permission in writing from their owner or owners, or the attorney, agent or representative of their owner or owners, for that purpose ; and provided also, that such clergyman shall not solemnize such marriage unless he shall consider such slaves to have an adequate knowledge of the marriage vow.

Permission of owner.

Solemnization by clergymen, when.

Clause 13.
Families not to be separated by sale.

And be it further enacted by the authority aforesaid, that it shall not be lawful for the provost-marshal, or his lawful deputy, to levy upon and sell in execution of any judgment, sentence or decree of any court of justice or other authority whatsoever, or for any other person or persons to sell or dispose of any slave having a husband or wife, or child or children under the age of twelve years, or any female unmarried slave having a child or children under the age aforesaid, who may be the property of the same person or persons, unless such husband and wife, child or children, or such unmarried female slave and child or children, shall be sold together to the same person or persons ; and if in the execution of any such judgment, sentence or decree, any slave or slaves shall be sold separate and apart from their husband or wife, or child or children, or if any such unmarried female slave and child or children shall be sold separate and apart from each other, such sale shall be absolutely null and void to all intents and purposes whatsoever : provided always, that nothing herein contained shall prevent any person desirous of manumitting any slave offered for sale by the provost-marshal or other vendor, from paying to the said provost-marshal or other vendor the value of such slave for and in consideration of the manumission, in lieu of the purchase of such slave, and then and in that case it shall and may be lawful to and for the said provost-marshal or such other vendor of such slave, in lieu of executing a conveyance of such slave to the person so paying such consideration money, to execute a deed of manumission to such slave in the common form, which shall be duly recorded ; and when the value of such slave shall be paid with a view to manumission, he or she may be manumitted by the said provost-marshal or other vendor separately and apart from his or her wife, husband, father, mother, child, children, or other relation or relations whatsoever, any thing to the contrary hereof in anywise notwithstanding ; and the deed of manumission so executed shall have the like effect to vest freedom and enfranchisement in such slave as the conveyance of the said provost-marshal or other vendor would have had to transfer the right, title and interest, of, in and to such slave to the purchaser, in case of an ordinary sale and purchase, if this Act had never been passed.

Case of sale with a view to manumission.

Clause 14.
Sale of merchandize on Sundays prohibited.

And whereas by the laws now in force the holding of a market on Sunday is abolished, and it is expedient that the due observance of the Sabbath should be enforced ; be it therefore and it is hereby enacted by the authority aforesaid, that all persons who shall sell or expose for sale any goods or merchandize in any market, shop, store or house, or who shall keep open any shop or store in the towns of the said island on Sundays, shall be liable to a penalty of five pounds sterling for each and every offence ; and if any slave or slaves shall expose for sale

Shops and stores to be shut.
Penalty.

sale any goods or merchandize on the Sabbath-day, any constable shall be and he is hereby authorized to seize the same, and carry the same before either of the sitting magistrates or a justice of the peace, who upon view thereof may order the same to be applied to such charitable purposes as the said magistrates, or either of them, shall think proper to order and direct: provided always, that nothing herein contained, shall extend to prevent the dressing or selling meats, bread, fish, and other necessaries of life on that day, by any person or persons whatsoever.

Proviso.

And be it and it is hereby further enacted by the authority aforesaid, that it shall not be lawful for any person whatsoever to employ their slaves in carting produce, or in any kind of work, on Sundays (save work rendered unavoidable by necessity or accident), except domestics, stock-keepers, and persons attendant on live stock, watchmen, and such slaves as are employed in potting sugar, under the penalty in such case of five pounds; nor shall it be lawful for any person to put about, or cause to be worked, any sugar-mill between the hours of eight o'clock on Saturday night and four o'clock on Monday morning, under the like penalty; nor shall it be lawful for any person whomsoever to employ any female slave having six children alive, in any manner of field work, under the penalty of five pounds for every such offence.

Clause 15.
Non-employment of slaves on Sundays.

Mills, when to be stopped.

Females having six children alive.

And be it further enacted by the authority aforesaid, that it shall not be lawful to or for the proprietor, owner, renter or possessor of any plantation or estate, or any person or persons employed by or under such proprietor, owner, renter or possessor, except in the act of manufacturing such species of produce as necessarily requires night continued or extra labour, to compel or oblige any slave belonging to or worked upon such plantation or estate, to leave his or her house in order to work in the field or at his trade until day-break, or to work during the times of breakfasting or dining, for the first of which such slave shall be allowed forty minutes, and for the latter one hour and forty minutes; nor to compel any such slave to work after sunset, except in the carrying of a bundle of grass or stock meat from the field to the stable, or other place where the same is to be consumed, under the penalty of five shillings sterling for each and every offence: provided always, that nothing in this Act contained relating to the times allowed to slaves for their meals, shall be construed to extend to prevent any owner, renter or possessor, or other person or persons having charge of such slaves, from employing any part of the slaves on any plantation during the hours and times for meals so allowed them by this Act, in their necessary and ordinary occupation or business of attending the live stock on such plantation, and the mills, fires, coppers, boilers and stills, then necessarily continued in action, use and operation, during the times allowed for meals to the remainder of the slaves attached to such plantation.

Clause 16.
Time allowed for meals.

Slaves not to work after sun-set.

Exceptions.

Whereas by the law and usage of this island, slaves have always been permitted to hold and enjoy their personal property free from control, and it is expedient that the same should still be recognized, established, and further extended; be it and it is hereby further enacted by the authority aforesaid, that it shall and may be competent for any slave in this island to purchase, acquire, possess, enjoy, hold, alienate, dispose of, devise and bequeath any real or personal property, of what value and amount soever, and to bring, maintain, prosecute and defend, in his or her own name, any suit or action in any court or courts of law and equity, for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition: provided always that nothing herein contained shall extend to authorize any slave to acquire or become the owner, by any ways or means whatsoever, of any fire-arms, gunpowder or ammunition, or other implements or weapons or war.

Clause 17.
Real and personal property secured to slaves. Recovery.

Proviso, exception of fire-arms, &c.

And be it further enacted by the authority aforesaid, that if any owner, renter, possessor, manager or overseer of any slave or slaves, or other person, shall unlawfully and unjustly take away from any slave or slaves, or in any manner deprive or cause him, her or them to be deprived of any species of property by him, her or them lawfully possessed; such owner, renter, possessor, attorney, manager or overseer, or other person, shall forfeit and pay the full value of any such property so taken away as aforesaid, to be recovered by action brought by the slave aggrieved, with full costs of suit.

Clause 18.
Unlawfully depriving slaves of property, how dealt with.

Clause 19.

Exposure of females under punishment prevented.

And be it further enacted by the authority aforesaid, that whenever it shall become necessary to punish any female slave by flogging, such punishment shall take place without any improper exposure of the person of such female slave; and any person who shall cause any improper exposure in the infliction of such punishment, shall be held guilty of a misdemeanor.

Clause 20.

Who may punish slaves by flogging. Driver not to flog without orders.

And be it and it is hereby further enacted by the authority aforesaid, that no driver or other person, whether of free condition or a slave, shall be permitted to punish any slave by flogging, but by the express order of the owner, renter or possessor of such slave, or the attorney, manager or overseer, or other person or persons under whose charge such slave may be; and any offence against this clause shall be cognizable by the court appointed for the punishment of misdemeanors committed by slaves, or the court of King's Bench to be hereafter established, as the case may be, and be punishable by them as the justice of the case may require: provided always, that no overseer shall be permitted to punish any slave by flogging to any extent beyond the number of six lashes.

Restriction on overseers.

Clause 21.

More than twelve stripes not to be inflicted but in the presence of one other free person. Punishment restricted to twenty stripes.

And be it further enacted by the authority aforesaid, that no owner, proprietor, renter, attorney, manager, or person or persons having charge or management of any slave or slaves, having occasion to inflict a punishment on any such slaves beyond twelve stripes, shall inflict the same without the presence of a person of free condition, nor shall he, she or they inflict, or cause or knowingly suffer to be inflicted on any slave, any corporal punishment exceeding twenty stripes for any one offence, nor shall such punishment exceeding twelve stripes be inflicted on the day on which such offence shall be committed; and no owner, proprietor, renter, attorney, manager, or person or persons having the charge or management of any slave or slaves, shall inflict or cause to be inflicted any punishment by flogging for a second offence, on the same day on which punishment for a former offence hath been inflicted, nor until the delinquent has recovered from the effects of the former punishment: provided always, that in all cases where the owner, proprietor, renter, attorney, manager, or other person having charge of any slave or slaves, shall conceive the fault committed (the same not being cognizable by law) to be of such enormity as to deserve more exemplary punishment than is hereinbefore allowed to be inflicted, it shall and may be lawful for such owner, proprietor, renter, attorney, manager, or such other person as aforesaid, to cause such offending slave or slaves to be carried before any two justices of the peace, or either of the sitting magistrates; and such justices or either of the sitting magistrates are and is hereby authorized and required to hear and examine into every such complaint, and to direct such corporal punishment not exceeding thirty-nine lashes, or confinement to hard labour not exceeding thirty days, as the offence shall in his or their discretion merit; after which punishment inflicted by order of the justices aforesaid, no further or other punishment whatever shall be inflicted on such slave for that offence by any person or persons whatsoever.

Various restrictions.

When magistrates may punish to the extent of thirty-nine stripes, or by hard labour.

No private punishment thereafter.

Clause 22.

Unlawful punishment of slaves, how prosecuted.

And be it further enacted by the authority aforesaid, that if any proprietor, attorney, manager, overseer or other person having the charge or direction of slaves, shall upon any pretence whatsoever take upon himself or herself to inflict, or cause or knowingly suffer to be inflicted on any slave or slaves, any heavier, greater or other kind of corporal punishment than hereinbefore limited and prescribed, or inflict punishment at other and different times than hereinbefore mentioned, or if any person or persons shall wantonly or cruelly cut, wound, maim or mutilate, or keep in confinement without sufficient support any slave or slaves, he, she or they shall be liable to be prosecuted for each and every such offence as aforesaid by indictment at any court of King's Bench to be holden for this island, and upon conviction shall be punished by fine or imprisonment, or both, at the discretion of the court before whom such offender shall be tried and convicted.

Clause 23.

Magistrates appointed guardians.

Guardians, how to proceed on complaints.

And be it further enacted by the authority aforesaid, that from and after the publication of this Act all justices assigned to keep the peace in and for the said island, or any three of them, shall be and they are hereby declared to be 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 full power and authority to summon all and every person or persons whom they shall judge necessary, to give evidence on oath touching such

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 the law officer of the Crown, who is hereby required forthwith to prosecute the persons complained against, and if the complaint be found frivolous and vexatious, such slave so complaining shall be punished by order of such guardians, by any number of stripes not exceeding thirty-nine, or commitment to hard labour not exceeding a period of thirty days; provided always that no person hereby appointed as a guardian of slaves, having the charge or being the owner of any slave or slaves, shall be competent to sit as a guardian on the examination of any slave or slaves belonging to or under his charge.'

When to direct prosecution. Frivolous complaints.

Guardian not to sit on complaint of slave under his own charge.

And be it further enacted by the authority aforesaid, that any slave or slaves harbouring, receiving or concealing any other slave who shall have run away from his or her master, mistress, owner or renter's service, or the service of any person or persons having the charge of such slave or slaves, knowing him or her to be runaway, or shall otherwise assist such slaves to run or stray away, he, she or they shall upon conviction thereof before the said court for the trial of misdemeanors, suffer such imprisonment with hard labour 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 runaway slaves, unless prosecution for the same be commenced within one month after discovery of the said offence.

Clause 24. Harbouring runaway slaves, how punished in slaves.

Prosecution within one month.

And be it further enacted by the authority aforesaid, that if any white or free person knowing any slave to be runaway 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 five shillings sterling for each and every day such slave shall have been so harboured, with full costs of suit, to be recovered by action of debt in any court of record in the said island.

Clause 25. The like offence by free persons, how dealt with.

And be it 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, her or them to the provost-marshal or his lawful deputy, who is hereby required to pay the apprehender of the said slave or slaves eight shillings sterling, 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 damages at the suit of the party aggrieved; and if the said slave or slaves so advertised are not claimed within six weeks from the day on which he, she or they were delivered to the 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 cause such slave or slaves to be sold at public outcry, and the proceeds of such sale shall, after payment of all lawful charges, with five per cent commission on the sale, be returned to the owner of such slave, or if such owner be unknown, to the public treasurer or his lawful deputy, for the use of the public, until the owner shall appear.

Clause 26. Regulations respecting slave apprehended as runaway.

And be it further enacted by the authority aforesaid, that in case any negro or other person committed to the common gaol as a runaway slave shall allege himself or herself to be free, it shall and may be lawful for the guardians of slaves, or any three of them, upon complaint thereof to them made, to investigate, inquire and examine the truth of such allegation, and if it shall appear to such guardians of slaves that such person so detained as a runaway slave is free, such person shall forthwith be discharged; and in case it shall appear to such guardians that such person is a slave, he or she shall be remanded to the common gaol; provided always and it is hereby declared, that the decision of such justices shall be without prejudice to the party claiming any right or title to such person as a runaway slave, or to the prosecution by such person detained as a runaway of his or her right or title to his or her freedom, or for damages by reason of his or her illegal detention or imprisonment.

Clause 27. Persons apprehended as runaway asserting themselves to be free.

Guardians to inquire without prejudice to other claims.

Clause 28.
No sale before examination of guardians.

Examination to be signed and sealed.

Otherwise sale avoided.

And be it further enacted by the authority aforesaid, that no negro or person detained as a runaway slave or slaves, so claiming their freedom as aforesaid, shall be sold by the provost-marshal general or his lawful deputy, until such investigation, inquiry and examination has been had, and without the same has been certified by the said guardians under their hands and seals, and filed with the clerk of the Crown; and the sale of any runaway slave or slaves so claiming their freedom, made without such certificate being obtained, shall be and the same is hereby declared to be null and void to all intents and purposes whatsoever.

Clause 29.

Persons carrying slaves off the island liable to the owner.

How held to special bail.

And be it 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 therefor, 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 to hold the defendant to bail as in case of debt.

Clause 30.

Slaves quarrelling, fighting, gaming, &c. in the streets, how dealt with.

And be it further enacted by the authority aforesaid, that if any slave or slaves shall be found swearing or uttering obscene language or committing any indecent act in the public streets, highways or any other place, or gaming, getting drunk in tippling-houses, quarrelling or fighting, cruelly whipping, beating or ill-using any animal, such slave or slaves shall on conviction before the sitting magistrates, or either of them, or any justice of the peace, be punished by sentence to hard labour not exceeding fifteen days or twenty stripes; and all constables are strictly enjoined and required to use their best endeavours to prevent slaves from gambling, assembling in tippling-houses or grog-shops, or meeting at unlawful hours for the purpose of dancing or otherwise.

Clause 31.

Suffering slaves to game, how punishable :

in a slave ;

in a free person.

And be it further enacted by the authority aforesaid, that if any free person or persons, or any slave or slaves, shall knowingly suffer any person to game in any house or out-house in his charge, or shall be found gaming with any slave or slaves, such person or persons shall and may be apprehended and taken before either of the sitting magistrates or a justice of the peace, who is hereby authorized and empowered to inflict on such person or persons, if a slave or slaves, such corporal punishment by whipping not exceeding thirty-nine stripes, or thirty days imprisonment with hard labour, as such magistrate or justice shall, upon conviction thereof, in his discretion order and direct; and if a free person, shall and may commit such free person to the common gaol of this island for a period of time not exceeding thirty days, with hard labour on the tread-mill, or convict such person in a penalty not exceeding ten pounds sterling.

Clause 32.

Slaves not to carry fire-arms. Exceptions.

And be it further enacted by the authority aforesaid, that no slave shall carry any fire-arms, cutlass or offensive weapon, except such slave be so possessed thereof for the purpose of cultivating his master's land or his own garden, or be actually in pursuit of a runaway, or shall be attending upon his owner or master, or some other white or free 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, provided such punishment shall not exceed the term of ten days imprisonment with hard labour, or twenty stripes.

Clause 33.

Sale of fire-arms, &c. to slaves prohibited.

Proviso.

And be it further enacted by the authority aforesaid, that if any person whatsoever shall hereafter sell, barter or give to any slave any fire-arms or offensive weapons, without a ticket or leave from the master of such slave, he, she or they shall forfeit twenty pounds for such offence; provided always, that nothing contained in this clause shall prevent any owner or manager giving, or any merchant or shopkeeper selling any slaves any implements for agricultural purposes whatever.

Clause 34.

Recovery and disposal of penalties not otherwise provided for.

And be it further enacted by the authority aforesaid, that all penalties and forfeitures in this Act mentioned, and not declared how they shall be recovered or disposed of, shall, if not exceeding five pounds sterling, be recovered by warrant under the hand and seal of any justice of the peace in the said island, directed to the provost-marshal or his lawful deputy, and all penalties exceeding five pounds sterling shall be recovered by action of debt, bill or plaint, in any court of record,

the

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the whole amount whereof shall be paid to the public treasurer of this island for the public uses of the colony; provided always, that all proceedings for the recovery of all penalties under this Act shall be instituted within six months after the offence was committed.

Passed the House of General Assembly, this 11th day of August 1829.

Christopher Irvine,
Speaker of the House of General Assembly.

William Desvignes,
Clerk of the House of General Assembly.

Passed the Board of Legislative Council, this 14th day of August 1829.

Alex. Gairdner,
President of the Legislative Council.

R. B. Pitman,
Acting Deputy Clerk of Council.

Assented to by me, this 15th day of August 1829.

Nath. Blackwell,
Governor.

Duly proclaimed by me, this 17th day of August, 1829.

Barclay Wilson,
Acting Provost-marshal General.

GOD SAVE THE KING.