

AN ACT FOR THE BETTER ORDERING AND GOVERNING NEGROES AND OTHER SLAVES
IN THIS PROVINCE

WHEREAS, in his Majesty's plantations in America, slavery has been introduced and allowed, and the people commonly called Negroes, Indians, mulattoes and mustizoes, have been deemed absolute slaves, and the subjects of property in the hands of the particular persons, the extend of whose power over such slaves ought to be settled and limited by positive laws, so that the slave may be kept in due subjection and obedience, and the owners and other persons having the care and government of slaves may be restrained from exercising too great rigour and cruelty over them, and that the public peace and order of this Province may be preserved: We pray your most sacred Majesty that it may be enacted,

I. *And be it enacted*, by the honorable William Bull, Esquire, Lieutenant Governor and Commander-in-chief, by and with the advice and consent of his Majesty's honorable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That all Negroes and Indians, (free Indians in amity with this government, and degrees, mulattoes, and mustizoes, who are now free, excepted,) mulattoes or mustizoes who now are, or shall hereafter be, in this Province, and all their issue and offspring, born or to be born, shall be, and they are hereby declared to be, and remain forever hereafter, absolute slaves, and shall follow the condition of the mother, and shall be deemed, held, taken, reputed and adjudged in law, to be chattels personal, in the hands of their owners and possessors, and their executors, administrators, and assigns, to all intents, constructions and purposes whatsoever; *provided always*, that if any Negro, Indian, mulatto or mustizo, shall claim his or her freedom, it shall and may be lawful for such Negro, Indian, mulatto or mustizo, or any person or persons whatsoever, on his or her behalf, to apply to the justices of his Majesty's court of common pleas, by petition or motion, either during the sitting of the said court, or before any of the justices of the same court, at any time in the vacation; and by the said court, or any of the justices thereof, shall, and they are hereby fully empowered to, admit any person so applying to be guardian for any Negro, Indian, mulatto or mustizo, claiming his, her or their freedom; and such guardians shall be enabled, entitled and capable in law, to bring an action of trespass in the nature of ravishment of ward, against any person who shall claim property in, or who shall be in possession of, any such Negro, Indian, mulatto or mustizo; and the defendant shall and may plead the general issue on such action brought, and the special matter may and shall be given in evidence, and upon a general of special verdict found, judgment shall be given according to the very right of the cause, without having any regard to any defect in the proceedings, either in form or substance; and if judgment shall be given for the plaintiff, a special entry shall be made, declaring that the ward of the plaintiff is free, and the jury shall assess damages which the plaintiff's ward hath sustained, and the court shall give judgment and award execution, against the defendant for such damage, with full costs of suit; but in case judgment shall be given for the defendant, the said court is hereby fully empowered to inflict such corporal punishment, not extending to life or limb, on the ward of the plaintiff, as they, in their discretion, shall

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

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

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

Permit this slave to be absent from Charlestown, (or any other town, or if he lives in the country, from Mr. _____ plantation, _____ parish,) for _____ days or hours; dated the _____ day of _____.

Or, to that purpose or effect; which ticket shall be signed by the master or other person having the care or charge of such slave, or by some other [person] by his or their order, directions and consent; and every slave who shall be found out of Charlestown, or any other town (if such slave lives or is usually employed there,) or out of the plantation to which such slave belongs, or in which [such] slave is usually employed, or if such slave lives in the country, without such letter or ticket as aforesaid, or without a white person in his company, shall be punished with whipping on the bare back, not exceeding twenty lashes.

IV. *And be it further enacted* by the authority aforesaid, That if any person shall presume to give a ticket or license to any slave who is the property or under the care of charge of another, without the consent or against the will of the owner or other person having charge of such slave, shall forfeit to the owner the sum of twenty pounds, current money.

V. *And it shall be further enacted* by the authority aforesaid, That if any slave who shall be out of the house or plantation where such slave shall live, or shall be usually employed, or without some whiter person in company with such slave, shall refuse to submit or undergo the examination of any white person, it shall be lawful for any such white person to pursue, apprehend, and moderately correct such slave; and if any such slave shall assault and stricke such white person, such slave may be lawfully killed.

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

VII. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful for every justice assigned to keep the peace in this Province, within his respective county and jurisdiction, upon his own knowledge or view, or upon information received upon oath, eithe4r to go in person, or by warrant or warrants directed to any constable or other proper person, to command to their assistance any number of persons as they shall see convenient, to disperse any assembly or meeting of slaves which may disturb the peace or endanger the safety of his Majesty's subjects, and to search all suspected places for arms, ammunition or stolen goods, and to apprehend and secure all such slaves as they shall suspect to be guilty of any crimes or offences whatsoever, and to bring them to speedy trial, according to the directions of this Act; and in case any constable or other person shall refuse to obey or execute any of the warrants of precepts of such justices, or any of them, within their several limits and precincts, or shall refuse to assist the said justices or constables, of any of them, when commanded or required, such person or persons shall forfeit and pay the sum of five pounds, current money, to be recovered by a warrant under the hand and seal of any other justice of the peace, in the same way and manner as is directed by the Act of the trial of small and mean causes.

VIII. *And be it further enacted* by the authority aforesaid, That if any person shall be maimed, wounded or disabled, in pursuing, apprehending, or taking any slave that is runaway or charged with any criminal offence, or in doing any other act, matter or thing, in obedience to or in pursuance of the direction of this Act, he shall receive such reward from the public, as the General Assembly shall think fit; and if any such person shall be killed his heirs, executors or administrators, shall receive the like reward.

IX. *And whereas*, natural justice forbids that any person, of what condition soever, should be condemned unheard, and the order of civil government requires that for the due and equal administration of justice, some convenient method and form of trial should be established; *Be it therefore enacted* by the authority aforesaid, That all crimes and offences which shall be committed by slaves in this Province, and for which capital punishment shall or lawfully may be inflicted, shall be heard, examined, tried, adjudged and finally determined by any two justices assigned to keep the peace, and any number of freeholders not less than three or more than five, in the county where the offences shall be committed, and who lives in the parts adjacent, and can be most conveniently assembled; either of which justices, on complaint made or information received of any such offence committed by a slave, shall commit the offender to the safe custody of the constable of the parish where such offence shall be committed, and shall without delay, by warrant under his hand and seal, call to his assistance and request any one of the nearest justices of the peace to associate with him, and shall, by the same warrant, summon such a number of the neighboring freeholders as aforesaid, to assemble and meet together with the said justices, at a certain day and place, not exceeding three days after the apprehending of such slave or slaves; and the justices and the freeholders being so assembled, shall cause the slave accused or charged, to be brought before them, and shall hear the accusation which shall be brought against, such slave, and his or her defense, and shall proceed to the examination of witnesses and other evidences, and finally to hear and determine the matter brought before them, in the most summary and expeditious manner; and in case the offender shall be convicted of any crime for which by laws the offender ought to suffer death, the said justices shall give judgment, and award and cause execution of their sentence to be done, by inflicting such manner of death, and at such time, as the said justices, by and with the consent of the freeholders, shall direct and which they shall judge will be most effectual to deter others from offending in the like manner.

X. *And be it further enacted* by the authority aforesaid, That if any crime or offence not capital, shall be committed by any slave, such slave shall be proceeded against and tried for such offence in the manner herein before directed, by any one justice of the peace and any two freeholders of the county where the offence shall be committed, and can be most conveniently assembled; and the said justice and freeholders shall be assembled, summoned and called together, and shall proceed upon the trial of any slave who shall commit any offence not capital, in the like manner as it shall be convicted before them of any offence not capital, the said one justice, by and with the consent of the said freeholders, shall give judgment for the inflicting any corporal punishment; not extending to the taking away life or member, as he and they in their discretion shall think fit, and shall award and cause execution to be done accordingly. *Provided always* that if

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

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

XII. *And be it further enacted* by the authority aforesaid, That so soon as the justice or justices and freeholders shall be assembled as aforesaid, in pursuance of the direction of this Act, the said justices shall administer to each other the following oath.

I, A B, do solemnly swear, in the presence of Almighty God, that I will truly and impartially try and adjudge the prisoner or prisoners who shall be brought before me, upon is or their trial, and honestly and duly, on my party, put in execution, on this trial, an Act entitled “An Act for the better ordering and governing Negroes and other slaves in this Province,” according to the best of my skill and knowledge. So help me God.

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

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

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

excepted,) mulattoe or mustizoe; and of all crimes and offences committed by free Negroes, Indians, (except as before excepted,) mulattoes or mustizoes, shall be proceeded in, heard, tried, adjudged and determined by the justices and freeholders appointed by this Act for the trial of slave, in like manner, order and form, as is hereby directed an appointed for the proceedings and trial of crimes and offences committed by slaves; any law statue, usage or custom to the contrary notwithstanding.

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

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

XVII. *And be it further enacted* by the authority aforesaid, That any slave who shall be guilty of homicide of any sort, upon any whiter person, except by misadventure, or in defense of his master or other person under whose care and government such slave shall be, shall, upon conviction thereof as aforesaid, suffer death; and every slave who shall raise or attempt to raise an insurrection in this Province, shall endeavor to delude or entice any slave to run away and leave this Province, every such slave and slaves, and his and their accomplices, aiders and abettors, shall, upon conviction as aforesaid, suffer death; *Provided always*, that it shall and may be lawful to and for the justices who shall pronounce sentence against such slaves, by and with the advice and consent of the freeholders as aforesaid, if several slaves shall receive sentence at one time, to mitigate and alter the sentence of any slave other than such as shall be convicted of the homicide of a whiter person, who they shall think may deserve mercy, and may inflict such corporal punishment, (other than death,) on any such slave, as they in their discretion shall think fit; any thing herein contained to the contrary thereof in any wise not

withstanding; *Provided always*, that one or more of the said slaves who shall be convicted of the crimes or offences aforesaid, where several are concerned, shall be executed for example, to deter others from offending in the like kind.

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

XIV. *And be it further enacted* by the authority aforesaid, That the said justices, or any of them, are hereby authorized, empowered, and required, to summons and compel all persons whatsoever, to appear and to give evidence upon the trial of any slave; and if any person shall neglect or refuse to appear, or appearing, shall refuse to give evidence, or if any master or other person who has the care and government of any slave, shall prevent or hinder any slave under his charge or government, from appearing or giving evidence in any matter depending before the justices and freeholders aforesaid, the said justices may, and they are hereby fully empowered and required to, bind every such person offending as aforesaid, by recognizance with one or more sufficient sureties, to appear at the next general sessions, to answer such their offences and contempt; and for default of finding sureties, to commit such offender to prison.

XX. *And be it further enacted* by the authority aforesaid, That in case the master or other person having charge or government of any slave who shall be accused of any capital crime, shall conceal or convey away any such slave, so that he cannot be brought to trial and condign punishment, every master or other person so offending, shall forfeit the sum of two hundred and fifty pounds current money, if such slave be accused of a capital crime as aforesaid; but if such slave shall be accused of a crime not capital, then such master or other person shall only forfeit the sum of fifty pounds current money.

XXI. *And be it further enacted* by the authority aforesaid, That all and every the constable and constables in the several parishes within this Province where any slave shall be sentenced to suffer death or other punishment, shall cause execution to be done of all the orders, warrants, precepts and judgments of the justices hereby appointed to try such slaves; for the charge and trouble of which the said constable or constables, respectively, shall be paid and the public treasurer of this Province, upon a certificate produced under the hands of the said justice or justices before whom such Negroes or slaves shall be tried; unless in such cases shall appear to the said justices and freeholders to the malicious or groundless prosecutions, in which cases the said charges shall be paid

by the prosecutors; for whipping or other corporal punishments not extending to life, the sum of twenty shillings; and for any punishment extending to life, the sum of five pounds current money; and such other charges for keeping and maintaining such slaves, as are allowed to the warden of the work house in Charlestown, for keeping and maintaining such slaves, committed to his custody; for the levying of which charges against the prosecutor, the justice or justices are hereby empowered to issue their warrant. And that no delay may happen in causing execution to be done upon such offending slave or slaves, the constable who shall be directed to cause execution to be done, shall be, and is hereby, empowered to press one or more slave or slaves, in or near the place where such whipping or corporal punishment shall be inflicted, to whip or inflict such other corporal punishment upon the offender or offenders; and such slave or slave so pressed, shall be obedient to and observe the orders and direction of the constable in and about the premises, upon pain of being punished by the said constable, by whipping on the bare back, not exceeding twenty lashes, which punishment the said constable is hereby authorized and empowered to inflict; and the constable shall, if he presses a Negro, pay the said Negro five shillings out of his fee for doing the said execution.

XXII. *And be it further enacted* by the authority aforesaid, That if any person in this Province shall, on the Lord's day, commonly called Sunday, employ any slave in any work or labour, (works of absolute necessity and the necessary occasions of the family one excepted,) every person in such case offending, shall forfeit the sum of five pounds, current money, for every slave they shall so work or labour.

XXIII. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any slave, unless in the presence of some white person, to carry or make use of fire arms, or any offensive weapons whatsoever, unless such Negro or slave shall have a ticket or license, in writing, from his master, mistress or overseer, to hunt and kill game, cattle, or mischievous birds, or beasts of prey, and that such license be renewed once every month, or unless there be some white person of the age of sixteen years or upwards, in the company of such slave, when he is hunting or shooting or that such slave be actually carrying his master's arms to or from his master's plantation, by a special ticket for that purpose, or unless such slave be found in the day time actually keeping off rice birds, or other birds, within the plantation to which such slave belongs, lodging the same gun at night within the dwelling house of his master, mistress or white overseer; and *provided also*, that no Negro or other slave shall have liberty to carry any gun, cutlass, pistol or other weapon, abroad from home, at any time between Saturday evening after sun-set, and Monday morning before sun-rise, notwithstanding a license or ticket for so doing. And in case any person shall find any slave using or carrying fire arms, or other offensive weapons, contrary to the true intention of this Act, every such person may lawfully seize and take away such fire arms or offensive weapons. But before the property of such goods shall be vested in the person who shall seize the same, such person shall, within forty-eight hours next after such seizure, go before the next justice of the peace, and shall make oath of the manner of the taking; and if such justice of the peace, after such oath shall be made, or if, upon any other examination, he shall be satisfied that the said fire arms or other offensive weapons shall have been seized according to the direction and agreeable to the true intent and meaning of this Act, the

said justice shall, by certificate under his hand and seal, declare them forfeited, and that the property is lawfully vested in the person who seized the same: *Provided always*, that no such certificate shall be granted by any justice of the peace, until the owner or owners of such fire arms of other offensive weapons so to be seized as aforesaid, or the overseer or overseers who shall or may have the charge of such slave or slaves from whom such fire arms or other offensive weapons shall be taken or seized, shall be duly summoned, to show cause, if any such they have, why the same should not be condemned as forfeited, or until forty-eight hours after the service of such summons, and oath made of the service of such summons before the said justice.

XXIV. *And be it further enacted* by the authority aforesaid, That if any slave shall presume to strike any white person, such slave, upon trial and conviction before the justice or justices and freeholders, aforesaid, according to the directions of this Act, shall, for the first and second offence, suffer such punishment as the said justice and freeholders, or such of them as are empowered to try such offence, shall in their discretion, think fit, not extending to life or limb; and for the third offence, shall suffer death. But in case any such slave shall grievously wound, maim or bruise any white person, though it by only the first offence, such slave shall suffer death. *Provided always*, that such striking, wounding, maiming or bruising, not be done by the command, and in the defense of, the person or property of the owner or other person having the care and government of such slave, in which case the slave shall be wholly excused, and the owner or other person having the care and government of such slave shall be answerable, as far as by law he ought.

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

XXVI. *And be it further enacted* by the authority aforesaid, That the said warden of the work-house shall, at the charge of the owner of such slave, provide sufficient food, drink, clothing and covering, for every slave delivered into his custody, and shall keep them to moderate labour, and advertise them in the gazette, in the manner aforesaid; and on failure thereof, shall forfeit all his fees due for such slave; and the said warden is hereby directed and required to cause every such slave delivered into his custody as a runaway, upon receipt of such slave, to be whipped on the bare back, not exceeding twenty lashes; and on failure thereof, shall forfeit all his fees due for such slave.

XXVII. *And be it further enacted* by the authority aforesaid, That any person who shall take up any runaway slave, and shall deliver such slave either to the master or other person having the care or charge of such slave, or to the warden of the work-house, shall be entitled to receive from the owner or warden of the work-house, upon the delivery, fifteen pence, current money, per mile, for every miles such slave shall have been brought of sent, to be computed from the place where such slave was apprehended. And if such slave shall be delivered into the custody of the warden aforesaid, the person delivering such slave shall give an account of his name, place of abode, and the time and place when and where such slave was apprehended; which account the said warden shall enter down in a book to be kept for that purpose, and shall give a receipt for any such slave which shall be delivered, as aforesaid, into his custody. And the said warden is hereby fully authorized and empowered to demand and receive from the owner or other persons having the charge or care of any such slave, for Negroes committed from the month of October to March, including, for finding necessaries, clothing an covering, to be the property of the master, any sum not exceeding six pounds, and the several sums following and no other sum, fee or reward, on any pretence whatsoever, (that is to say,) for apprehending each slave, paid to the person who delivered such slave in custody, twenty shillings, current money; for mileage, paid to the same person, fifteen pence, like money; for a sufficient quantity of provision for each day, for each slave, three shillings and nine pence, like money; for advertising and publishing every slave, as directed by this Act, five shillings, like money, for exclusive of the charge of printing; for receiving such slave, five shillings, and for delivering of him, five shillings, like money; for poundage on money advance, one shilling in the pound, like money. And the said warden shall and may lawfully detain any slave in custody until the fees and expenses aforesaid be fully paid and satisfied; and in case the owner of such slave, or his overseer, manager, agent, attorney, or trustee, shall neglect or refuse to pay and satisfy the said fees and expenses, for the space of thirty days after the same shall be demanded by notice, in writing, served on the owner of such slave, or (if the owner is absent from this Province,) upon his overseer, agent, manager, attorney or trustee, the said warden shall and may expose any such slave to sale, at public outcry, and after deducting the fees and expenses aforesaid, and the charges of such sale, shall upon demand, return the overplus money arising by such sale, to any person who has a right to demand and receive the same.

XXVIII. And forasmuch as for want of knowing or finding the owner of any fugitive slave to be delivered to him, as aforesaid, the said warden may not be obliged to keep such slave in his custody, and find and provide provisions for such slave, over and beyond a reasonable time, *Be it therefore further enacted* by the authority aforesaid, That

if the owner or owners of such fugitive slave shall not, within the space of eighteen months from the time of commitment, make his, her or their claim or claims, or it shall not be otherwise made known to the said warden, within the time aforesaid, to whom such committed slave shall belong, it shall and may be lawful for the said warden to sell such slave at public outcry, in Charlestown, he the said warden first advertising such sale six weeks successively in the public gazette, together with the reason of the sale of such slave, and out of the money arising by such sale, to pay, deduct or retain to himself what shall be then due for money by him disbursed on receipt of such fugitive slave, and for his fees and provisions, together with the reasonable charges arising by such sale, and the overplus money, (if any there shall be,) shall be rendered and paid by the said warden to the public treasurer for the time being, in trust, nevertheless, for the use of the owner or owners of such slave, provided the same be claimed by him, her or them within one year and a day after such sale, or in default of such claim, within the time aforesaid, to the use of the public of this Province to be applied as the General Assembly shall direct.

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

XXX. *And be it further enacted* by the authority aforesaid, That no slave who shall dwell, reside, inhabit or be usually employed in Charlestown, shall presume to buy, sell, deal, traffic, barter, exchange or use commerce for any goods, wares, provisions, grain, victuals, or commodities, of any sort or kind whatsoever, (except as hereinafter particularly excepted and provided, and under such provisos, conditions, restrictions and limitations as are herein particularly directed, limited and appointed) on pain that all such goods, wares, provisions, grain, victuals or commodities, which by any slave shall be so bought, sold, dealt, trafficked or bartered for, exchanged or used in commerce, shall be

sized and forfeited, and shall be sued for and recovered before any one justice assigned to keep the peace in Charlestown, and shall be applied and disposed of, one half to him or them who shall seize, inform and sue for the same, and the other half to the commissioners of the poor of the parish of St. Philips, Charlestown; and moreover, that the said justice shall order every slave who shall be convicted of such offence, to be publicly whipped on the bare back, not exceeding twenty lashes; *provided always* that it shall and may be lawful for any slave who lives or is usually employed in Charlestown, after such license and ticket as hereinafter is directed shall be obtained, to buy or sell fruit, fish and garden stuff, and to be employed as porters, carters or fishermen, and to purchase anything for the use of their masters, owners or other person who shall have the charge and government of such slave, in open market, under such regulations as are or shall be appointed by law concerning the market of Charlestown, or in any open shop kept by a white person.

XXI. *And be it further enacted* by the authority aforesaid, That no slave or slaves whatsoever, belonging to Charlestown, shall be permitted to buy any thing to sell again, or to sell any thing upon their own account, in Charlestown; and it shall and may be lawful for any person or persons whosoever to seize and take away all and all manner of goods, wares or merchandize, that shall be found in the possession of any such slave or slaves in Charlestown, which they have bought to sell again, or which they shall offer to sale upon their own accounts, in Charlestown, one half of which shall be to the use of the poor of the said parish, and the other to the informer, and shall be adjudged and condemned by any justice of the peace in the said parish.

XXII. *And be it further enacted* by the authority aforesaid, That if any keeper of a tavern or punch house, or retailer of strong liquors, shall give, sell utter or deliver to any slave, any beer, ale, cider, wine, rum, brandy, or other spirituous liquors, or strong liquor whatsoever, without the license or consent of the owner, or such other person who shall have the care or government of such slave, every person so offending shall forfeit the sum of five pounds, current money, for the first offence, and for the second offence, ten pounds; and shall be bound in recognizance in the sum of one hundred pounds, current money, with one or more sufficient sureties, before any of the justices of the court of general sessions, not to offend in the like kind, and to be of good behaviour, for one year; and for want of such sufficient sureties, to be committed to prison without bail or mainprize, for any term not exceeding three months.

XXXIII. *And whereas*, several owners of slaves do suffer their slaves to go and work where they please, upon conditions of paying to their owners certain sums of money agreed upon between the owner and the slave; which practice has occasioned such slaves to pilfer and steal, to raise money for their owners, as well as to maintain themselves in drunkenness and evil courses; for prevention for which practices for the future, *Be it enacted* by the authority aforesaid, That no owner, master or mistress of any slave, after the passing of this Act, shall permit or suffer any of his, her or their slaves to go and work out of their respective houses or families, without a ticket in writing, under pain of forfeiting the sum of ten pounds, current money, for every such offence, to be paid the one half to the church-wardens of the parish, for the use of the poor of the parish

in which the offence is committed, and the other half to him or them that will inform and sue for the same, to be recovered in the same way as debts are by the Act for the trail of small and mean causes. And every person employing any slave without a ticket from the owner of such slave, shall forfeit to the informer five pounds, current money, for each day he so employees such slave, over and above the wages agreed to be paid such slave for his work; *provided* that the said penalty of five pounds per diem, shall not extend to any person whose property in such slave is disputable; and *provided*, that nothing herein contained shall hinder any person or persons from hiring out by the year, week, or day, or any other time, any Negroes or slaves, to be under the care and direction of his or their owner, master or employer, and that the master is to receive the whole of the earnings of such slave or slaves, and that the employer have a certificate or note, in writing, of the time or terms of such slave's employment, from the owner, attorney or overseer of every such slave, severally and respectively.

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

"I, A B, do sincerely swear, that I have a just and lawful right or title to certain goods seized and taken by C D, out of the possession of a slave named --; and I do sincerely swear and declare, that I did not, directly or indirectly, permit or suffer the said slave, or any other slave whatsoever, to use, keep or employ the said goods for the use,

benefit or profit of any slave whatsoever, or to sell, barter or give away the same; but that the same goods were in the possession of the said slave by theft, finding or otherwise, or to be kept bona fide for my use, or for the use of E F, a free person, and not for the use or benefit of any slave whatsoever. So help me God.”

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

XXXV. *Provided also, and be it enacted* by the authority aforesaid, That this Act shall not extend or be constructed to extend to debar and of the inhabitants of Charlestown from sending any of their slaves resided therein, to sell in open market, any sort of provisions whatever, which the owner of such slave shall have received and brought from his or her state in the country, to be sold at the first hand; nor shall such slaves be debarred from buying any kind of provisions for the use and consumption of their masters and mistresses of their families, and for which such slave or slaves shall have a license or permit from the master of mistress, or some other person under whose care such slave shall be; any thing in this, or any other Act, to the contrary notwithstanding.

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

XXXVII. And *whereas*, cruelty is not only highly unbecoming those who profess themselves Christians, but is odious in the eyes of all men who have any sense of virtue of humanity; therefore, to restrain and prevent barbarity being exercised towards slaves, *Be it enacted* by the authority aforesaid, That if any person or persons whosoever, shall willfully murder his own slave, or the slave of any other person, every such person, shall, upon conviction thereof, forfeit and pay the sum of seven hundred pounds, current money, and shall be rendered, and is hereby declared altogether and forever incapable of holding, exercising, enjoying or receiving the profits of any office, place or employment, civil or military, within this Province: And in case any such person shall not be able to pay the penalty and forfeitures hereby inflicted an imposed, every such person shall be sent to any of the frontier garrisons of this Province, or committed to the work house in Charlestown, there to remain for the space of seven years, and to serve or to be kept at hard labor. And in case the slave murdered shall be the property of any other person, than the offender, the pay usually allowed by the public to the soldiers of such garrison, or the profits of the labor of the offender, if committed to the work house in Charlestown, shall be paid to the owner of the slave murdered. And if any person shall, on sudden heat or passion, or by undue correction, kill his own slave, or the slave of any other person, he shall forfeit the sum of three hundred and fifty pounds, current money. And in case any person or persons shall willfully cut out the tongue, put out the eye, castrate, or cruelly scald, burn, or deprive any slave of any limb or member, or shall inflict any other cruel punishment, other than by whipping or beating with a horse-whip, cow-skin, switch or small stick, or by putting irons on, or confining or imprisoning such slave, every such person shall, for every such offence, forfeit the sum of one hundred pounds, current money.

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

XXXIX. And *whereas*, by reason of the extend and distance of plantations in this Province, the inhabitants are far removed from each other, and many cruelties may be

committed on slaves, because no white person may be present to give evidence to the same, unless some method be provided for the better discovery of such offences; and as slaves are under the government, so they ought to be under the protection, of masters and managers of plantations; *Be it therefore further enacted* by the authority aforesaid, That if any slave shall suffer in live, limb or member, or shall be maimed, beaten or abused, contrary to the directions and true intent and meaning of this Act, when no white person shall be present, or being present, shall neglect or refuse to give evidence, or be examined upon oath, concerning the same, in every such case, the owner or other person who shall have the care and government of such slave, and in whose possession or power such slave shall be, shall be deemed, taken, reputed and adjudged to be guilty of such offence, and shall be proceeded against accordingly, without further proof, unless such owner or other person as aforesaid, can make the contrary appear by good and sufficient evidence, or shall be his own oath, clear and exculpate himself; which oath, every court where such offence shall be tried, is hereby empowered to administer, and to acquit the offender accordingly, if clear proof of the offence be now made by two witnesses at least; any law, usage or custom to the contrary notwithstanding.

XL. And *whereas*, many of the slaves in this Province wear clothes much above the condition of slaves, for the procuring whereof they use sinister and evil methods: For the prevention, therefore, of such practices for the future, *Be it enacted* by the authority aforesaid, That no owner or proprietor of any Negro slave, or other slave, (except livery men and boys,) shall permit or suffer such Negro or other slave, to have or wear any sort of apparel whatsoever, finer, other, or greater value than Negro cloth, duffels, kerseys, osnabrigs, blue linen, check linen or coarse garlix, or calicoes, checked cottons, or Scotch plaids, under the pain of forfeiting all and every such apparel and garment, that any person shall permit or suffer his Negro or other slave to have or wear, finer, other or of greater value than Negro cloth, duffels, coarse kerseys, osnabrigs, blue linen, check linen or coarse garlix or calicoes, checked cottons or Scotch plaids, as aforesaid; and all and every constable and other persons are hereby authorized, empowered, and required, when as often as they shall find any such Negro slave, or other slave, having or wearing any sort of garment or apparel whatsoever, finer, other or of greater value than Negro cloth, duffels, coarse kerseys, osnabrigs, blue linen, check linen, or coarse garlix, or calicoes, checked cottons or Scottish plaids, as aforesaid, to seize and take away the same, to his or their own use, benefit and behoof; any law, usage or custom to the contrary notwithstanding. *Provided always*, that if any owner of any such slave or slaves, shall think the garment or apparel of his said slave not liable to forfeiture, or to be taken away by virtue of this Act, he may not apply to any neighboring justice of the peace, who is hereby authorized and empowered to determine any difference or dispute that shall happen thereupon, according to the true intent and meaning of this Act.

XLI. And *whereas*, an ill custom has prevailed in this Province, of firing guns in the night time; for the prevention thereof for the future, *Be it enacted* by the authority aforesaid, That if any person shall fire or shoot off any gun or pistol in the night time, after dark and before day-light, without necessity, every such person shall forfeit the sum of forty shillings, current money, for each gun so fired as aforesaid, to be recovered by warrant from any one justice of the peace for the county where the offence is committed,

according to the direction of the Act for the trial of small and mean causes, and shall be paid to the church-wardens for the parish where the offence shall be committed, for the use of the poor of the said parish.

XLII. *And be it further enacted* by the authority aforesaid, That no slave or slaves shall be permitted to rent or hire any house, room, store or plantation, on his or her own account, or to be used or occupied by any slave or slaves; and any person or persons who shall let or hire and house, room, store or plantation, to any slave or slaves, or to any free person, to be occupied by any slave or slave, every such person so offending shall forfeit and pay to the informer the sum of twenty pounds, current money, to be recovered as in the Act for the trial of small and mean causes.

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

XLIV. *And whereas*, many owners of slaves, and others who have the care, management and overseeing of slaves, so confine them so closely to hard labor, that they have not sufficient time for natural rest; *Be it therefore enacted* by the authority aforesaid, That if any owner of slaves, or other person who shall have the care, management or overseeing of any slaves, shall work or put to labor any such slave or slaves, more than fifteen hours in for and twenty hours, from the twenty-fifth day of March to the twenty-fifth day of September, or more than fourteen hours in for and twenty hours, from the twenty-fifth day of September to the twenty-fifth day of March, every such person shall forfeit any sum not exceeding twenty pounds, nor under five pounds, current money, for every time he, she or they shall offend herein, at the discretion of the justice before whom such complaint shall be made.

XLV. *And whereas*, the having of slaves taught to write, or suffering them to be employed in writing, may be attended with great inconveniences; *Be it therefore enacted* by the authority aforesaid, That all and every person and persons whatsoever, who shall hereinafter teach or cause any slave or slaves to be taught, to write, or shall use or employ any slave as a scribe in any manner of writing whatsoever, hereafter taught to write, every such person and persons, shall, for every such offense, forfeit the sum of one hundred pounds current money.

XLVI. *And whereas*, plantations settled with slaves without any white person thereon, may be harbours for runaways and fugitive slaves; *Be it therefore enacted* by the authority aforesaid, That no person or persons hereafter shall keep any slaves on any plantation or settlement, without having a white person on such plantation or settlement,

under pain of forfeiting the sum of ten pounds current money, for every month which any such person shall so keep any slaves on any plantation or settlement, without a white person as aforesaid.

XLVII. And *whereas*, many disobedient and evil minded Negroes and other slaves, being the property of his Majesty's subjects of this Province, have lately deserted the service of their owners, and have fled to St. Augustine and other places in Florida, in hopes of being there received and protected; and *whereas*, many other slaves have attempted to follow the same evil and pernicious example, which, (unless timely prevented,) may tend to the very great loss and prejudice of the inhabitants of this Province; *Be it therefore enacted* by the authority aforesaid, That from and after the passing of this act, any white person or persons, free Indian or Indians, who shall, on the south side of Savannah river, take and secure, and shall from thence bring to the work house in Charlestown, any Negroes or other slaves, which within the space of six months have deserted, or who shall hereafter desert, from the services of their owners or employers, every such white person or persons, free Indian or Indians, on evidence of the said slaves being taken as aforesaid, and the same certified by any two justices of the peace in this Province, shall be paid by the public treasurer of this Province the several rates and sums following, as the case shall appear to be; *provided always*, that nothing in this clause contained shall extend to such slaves as shall desert from any plantation situate within thirty miles of the said Savannah river, unless such slaves last mentioned shall be found on the south side of Altamahaw river; that is to say: -- for each grown man slave brought alive, the sum of fifty pounds; for every grown woman or boy slave above the age of twelve years brought alive, the sum of twenty five pounds; for every Negro child under the age of twelve years, brought alive, the sum of five pounds; for every scalp of a grown Negro slave with the two ears, twenty pounds; and for every Negro grown slave, found on the south side of St. John's river, and brought alive as aforesaid, the sum of one hundred pounds; and for every scalp of a grown Negro slave with the two ears, taken on the south side of St. John's river, the sum of fifty pounds.

XLVIII. *And be it further enacted* by the authority aforesaid, That the expense of taking and securing all slaves brought alive as aforesaid, shall be at the charge of the respective owners; and no such slave or slaves taken on the south side of Savannah river, and brought to the work houses of Charlestown, as aforesaid, shall be delivered out of the custody of the warden of the said workhouse, without a certificate to him first produced from the public treasurer of this Province, that the money by him, disbursed, for the taking and securing the said slave or slaves, is fully satisfied to the treasurer, besides the following fees, which the said treasurer is hereby required to allow, pay and charge for the trouble necessary to be taken concerning the place and manner of apprehending the said slaves, viz: -- to the two justices who shall examine, take and certify the said evidence, for each slave brought alive, the sum of forty shillings; and to the treasurer for his trouble in executing this Act, for each slave brought alive as aforesaid, the sum of twenty shillings; and to the warden of the work house, the sum of three shillings and nine pence per diem, for his maintaining the same while in custody. And on the commitment of any slave or slaves to the custody of the said warden, where the public treasurer shall, by virtue of this Act, expend any money for apprehending the same, the said warden is

hereby required to advertise in the public gazette of this Province for the space of three months, the best description he can form of all and every the said slaves, with the place and manner of their being taken; and in case the owner of employer of the said slave or slaves, shall neglect within that time, to redeem the said slave or slaves, by fully satisfying the public treasurer the changes he shall be at, in such manner and proportion as by this Act is directed, then, and in every such case, the said public treasurer shall be at liberty to dispose of every such slave or slaves to the best bidder at public auction, which sale shall be deemed good and effectual, to all intents and purposes, to such person or persons as shall purchase the same; and the produce of every such slave or slaves, shall first go towards satisfying the expense of the said public treasurer and warden of the work house, for the taking, securing and keeping the said slave or slaves, as aforesaid; and then the surplus, (if any,) shall be paid to the respective owner or owners.

XLIX. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, where any slave or slaves shall be tried and condemned to be executed for deserting, out of this Province, every such slave or slaves shall, before their execution, be valued by the tryers of the same; and in every such case the owner or owners of every such slave, shall be paid by the public of this Province, the full sum and rates at which such executed slave or slaves shall be valued as aforesaid, without being a charge to any particular owner or owners; any law, usage or custom to the contrary notwithstanding.

L. *And be it further enacted* by the authority aforesaid, That all charge of taking and bringing in slaves as aforesaid, shall be defrayed and paid by the public.

LI. *And be it further enacted* by the authority aforesaid, That if any constable or other person, directed to required to do or perform any matter or think, required, commanded, or enjoined by this Act, who shall know or be credibly informed of any offence which shall be committed against this Act, within his parish, precinct or limits, and shall not give information thereof to some justice of the peace, and endeavor the conviction of the offenders according to his duty, but such constable or other person as aforesaid, or any person lawfully called in aid of the constable or such other person as aforesaid, shall willfully and willingly omit the performance of his duty in the execution of this Act, and shall be thereof convicted, he shall forfeit for every such offence, the sum of twenty pounds current money. And in case any justice of the peace, warden of the work house, or freeholder, shall willfully or willingly omit the performance of his duty in the execution of this act, every such justice of the peace and warden of the work house, shall forfeit the sum of forty pounds current money; and every such freeholder shall forfeit the sum of fifteen pounds current money; which several penalties shall be recovered and disposed of as hereinafter is directed; and *moreover*, the judges and justice of the court of general sessions of the peace, oyer and terminer, assize and assize and general gaol delivery, are hereby commanded and required to give offenders against this Act in charge in open court; and all grand juries, justices of the peace, constables, and other officers, are hereby required to make due and true presentment of such of the said offences as come to their knowledge.

LII. *And be it further enacted* by the authority aforesaid, That if any person shall be at any time sued for putting in execution any of the powers contained in this Act, such person shall and may plead the general issue and give the special matter and this Act in evidence; and if the plaintiff be nonsuit, or a verdict pass for the defendant, or if the plaintiff discontinue his action, or enter a *noli prosequi*, or if upon demurrer judgment be given for the defendant, every such defendant shall have his full double costs.

LIII. *And be it further enacted* by the authority aforesaid, That this Act, and all clauses therein contained, shall be constructed most largely and beneficially for the promoting and carrying into execution this Act, and for the encouragement and justification of all persons to be employed in the execution thereof; and that no record, warrant, process or commitment to be made by virtue of this Act, or the proceedings thereupon, shall be reversed, avoided, or any way impeached, by reason of any default in form.

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

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

such prosecution shall be commenced within six months after the offense shall be committed.

LVI. And *whereas*, several Negroes did lately rise in rebellion, and did commit many barbarous murders at Stono and other parts adjacent thereto; and *whereas*, in suppressing the said rebels, several of them were killed and others taken alive and executed; and as the exigence and danger the inhabitants at that time were in an exposed to, would not admit of the formality of a legal trial of such rebellious Negroes, but for their own security the said inhabitants were obliged to put such Negroes to immediate death; to prevent, therefore, any person or persons being questioned for any matter or thing done in the suppression or execution of the said rebellious Negroes, as also any litigious suit, action or prosecution that may be brought, sued or prosecuted or commenced against such person or persons for or concerning the same; *Be it enacted* by the authority aforesaid, That all and every act, matter and thing, had, done, committed and executed, in and about the suppressing and putting all and every the said Negro and Negroes to death, is and are hereby declared lawful, to all intents and purposes whatsoever, as fully and amply as if such rebellious Negroes had undergone a formal trial and condemnation, notwithstanding any want of form or omission what-ever in the trial of such Negroes; and any law, usage³ or custom to the contrary thereof in any wise notwithstanding.

LVII. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and shall be taken notice of without pleading the same before all judges, justices, magistrates and courts within this province.

LVIII. *And be it further enacted* by the authority aforesaid, That this Act shall continue in force for the space of three years, and from thence to the end of the next session of the General Assembly, and no longer.

C. PINCKNEY, *Speaker*.

In the Council Chamber, the 10th day of May, 1740.

Assented to:

WM. BULL.