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SLAVE LAW

OF

JAMAICA.

Jamaica Statutes

SLAVE LAW

OF

JAMAICA:

WITH

PROCEEDINGS AND DOCUMENTS

RELATIVE THERETO.

LONDON:

JAMES RIDGWAY, 169, PICCADILLY.

1828.

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COMPANIES AND DOCUMENTS

REVERSE SIDE

LONDON:

SHACKELL AND BAYLIS, JOHNSON'S COURT.

1881

P R E F A C E.

DURING a considerable period past, a general and anxious attention has been paid to the condition and government of the slaves in our colonies. It is a subject well calculated to excite popular interest, and has been too frequently resorted to for that special purpose, without sufficient care that the interest thus excited should be prudently and beneficially directed.

A great majority of those whose feelings have been agitated by eloquent orations concerning "the odious state of slavery," have yet to learn, that the trade which originally supplied African slaves for our West Indian settlements, was previously coveted and adopted by Great Britain, simply as an advantageous branch of commerce; subsequently, when it had been rendered instrumental in the cultivation of our colonies, an act of Parliament was passed with this preamble: "Whereas the trade to and from Africa is very advantageous to Great Britain, and necessary for the supplying the plantations

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and, colonies thereunto belonging, with a sufficient number of negroes, at reasonable rates.”—(23 Geo. II. cap. 31.)

Consistently with this legislative declaration of the importance to the mother country of her colonies in the West Indies, many acts of Parliament have been passed, encouraging and stimulating their cultivation by British capital; and one act was passed expressly to invite and to secure investments or loans from *foreigners* for that purpose;—(13 Geo. III. cap. 14)—and, as a further stimulus to such loans from British subjects or from aliens, a charge of 6 per cent. interest was subsequently rendered legal.—(14 Geo. III. cap. 79.)—Slaves and their issue are expressly, by these and other authorities, treated as property liable to mortgage or other lien; and, together with the lands, buildings, &c. to which they give value, they have accordingly been pledged as security to British subjects and others, in full reliance upon this legislative sanction, to an immense amount.*

* A passage or two, in the judgment given, on the 6th November last, in the case of the woman named Grace, by the venerable and learned judge who presides in the High Court of Admiralty, may, on this subject, be referred to as unquestionable authority.—See *Report of Lord Stowell's judgment, published by Haggard, from his Lordship's notes.*

“ Having adverted to most of the objections that arise to the revival of slavery in the colonies, I have first to observe, that it returns upon the slave, by the same title by which it grew up originally: it never

These facts have surely been overlooked, not only by those well-meaning persons who have petitioned

was in Antigua the creature of *law*, but of that custom which operates with the force of law: and, when it is cried out, that "*malus usus abolendus est*," it is first to be proved, that, even in the consideration of England, the use of slavery is considered as "*malus usus*" in the colonies. Is that a "*malus usus*," which the court of the King's Privy Council, and the Courts of Chancery, are every day carrying into full effect in all considerations of property—in the one by appeal, and in the other by original causes; and all this enjoined and confirmed by statutes? Still less is it to be considered a *malus usus* in the colonies themselves, where it has been incorporated into full life and establishment—where it is the system of the state, and of every individual in it; and fifty years have passed, without any authorised condemnation of it, in England, as a *malus usus* in the colonies. . . . Slavery was a very favoured introduction into the colonies: it was deemed a great source of the mercantile interest of the country, and was on that account largely considered by the mother country as a great source of its wealth and strength. Treaties were made on that account, and the colonies compelled to submit to those treaties by the authority of this country. This system continued entire. Instead of being condemned as "*malus usus*," it was regarded as a most eminent source of its riches and power. It was at a late period of the last century that it was condemned in England as an institution not fit to exist *here*, for reasons peculiar to our own condition. But it has been continued in our colonies, favoured and supported by our own courts, which have liberally imparted to it their protection and encouragement. To such a system, while it is so supported, I rather feel it to be too strong to apply the maxim, "*Malus usus abolendus est*." The time may come when this institution may fall in the colonies, as other institutions have done in other flourishing countries. But I am of opinion, that it can only be effected at the joint expense of both countries; for it is, in a peculiar manner, the crime of this country: and I rather feel it to be an objection to this species of emancipation, that it is intended to be a very cheap measure here, by throwing the whole expense upon the colony."

the Legislature to direct a summary and speedy emancipation of all the slaves in the colonies, but by those who, with that object in their contemplation, are zealously urging measures of arbitrary interference with a property thus sanctioned; effecting thereby its deterioration, without giving to its possessor simultaneous and full compensation.

Admit what force you please to the claim of the slave upon that government under whose authority he was first conveyed to the colonies and there sold,—the claim of the colonist who bought him, and of the capitalist who lent money upon him as property, cannot be disputed by the Sovereign Legislature, which solemnly invited and legalized those proceedings; and so became bound to continue its protection to such property, or, on withholding it, to grant indemnification.

“ But the Parent State must, whenever necessary, extend its protecting arm over the slaves which it has created, and who, since the trade in slaves for the use of the British colonies has been utterly abolished, have gradually become susceptible of new instruction, and worthy of new privileges.” The colonists contend, that towards these objects a progress has been made, as rapid and effective as was consistent with the welfare of the entire population; a result for which their respective distinct legislatures are responsible, and for attaining and preserving which, they are best able to devise the

fittest and safest means. Only under their conviction of consistency with this principle do the Colonial Legislatures, who are constitutionally invested with the rights of internal regulation and government, consent to further innovation. But they challenge inquiry as to any necessity for more rapid movements, arising from the actual condition of the slaves. They declare, that no case of existing grievance has been made out, imperatively calling for regulations, which may be objectionable only as premature or ill-timed. It is probable, that with a small degree of patience and good-humour, every important regulation which the mother country has required, respecting the government of the slaves, would be substantially enacted and enforced by the Colonial Legislatures; excepting, indeed, such as imply a compulsory emancipation of the slaves, unaccompanied by a direct and full compensation, applicable to every case of property injured by the measure. Without that equitable provision for the protection of the multitude of subjects of the realm, who, as proprietors, mortgagees, annuitants, legatees, widows, orphans, creditors, and others, are more or less dependant upon property, legally vested, the value of which is inseparable from slave labour, one cannot conceive how compulsory emancipation is to be reconciled with the principles and practice of the British Legislature, so scrupulously

just in all questions of property, and, in this case, so specifically pledged.*

* “It has been said, that the law of England discourages slavery; and so it certainly does, within the limits of these islands. But the law uses a very different language, and exerts a very different force, when it looks to her colonies; for to this trade, in those colonies, it gives an almost unbounded protection. And it is in the habit of doing so at the present time, in many exercises of public authority; and even since slavery has become odious in England, it has been fully supported by the authority of many statutes, for the purpose of carrying it into full effect in the colonies. All the efforts of the persons who have contended for the abolition of slavery in the colonies, and who have obtained many acts of parliament for the regulation of it therein, have in no degree weakened the force of those English statutes which so powerfully support it in the mother country. . . . Have not innumerable acts passed, which regulate the condition of slaves, which tend to consider them, as the colonists themselves do, as *res posite in commercio*—as mere goods and chattels—as subject to mortgages—as constituting part of the value of estates—as liable to be taken in execution for debt—to be publicly sold for such purposes? And has not the sovereign state established courts of the highest jurisdiction, for the carrying into execution provisions for all these purposes? Can any man doubt that, at this time of day, slaves in the colonies may be transferred by sale made in England, and which would be affirmed without reference to the court so empowered? For the acts of Parliament, including the recent Consolidation Act (5 Geo. 4. c. 113. § 37.) prescribe and regulate the manner in which these transfers of slaves are to be securely made in this kingdom, and the mode to be adopted where money is lent on mortgage, on the security of slaves. And how, under the guarantee of such protection, can it be asserted, that the law of England does not support, and in a high degree favour, the law of slavery in its West India colonies, however it may discourage it in the mother country? Is it not most certain; that this trade of the colonies has been the very favourite trade of this

We know, indeed, that there are persons who, in their zeal for what they regard as first principles, *have been able to discover* that the claims of all these classes of subjects upon the laws and good faith of the country may be rejected, and that we **CAN decline to perform the act of justice to the master, while we are performing what they deem the act both of charity and justice to the slave.** However respectable in character and ability those who hold these opinions may be, it is certain that they are not among those *men of great wisdom and integrity* to whom the venerable judge, in the solemn decision we have already appealed to, alludes.

As the progress of amelioration in the condition of the slaves has been regulated in the respective colonies, by circumstances attaching to the various classes of their population, considered in relation with the safety and welfare of the whole, it is natural to suppose, that the greatest caution would be practised where the proportion of the slaves to the free was most excessive, and where facilities most

country, and so continues, so far as can be judged from encouragement given in various forms? If it be a sin, it is a sin in which this country has had its full share of the guilt, and ought to bear its proportion of the redemption—how this country can decline to perform the act of justice in performing the act of charity, men of great wisdom and integrity have not been able to discover.’—*Lord Stowell's Judgment in the Case of Grace, as reported, from his Lordship's Notes, by Haggard.*

readily present themselves for an abuse of any license which should be granted. Hence, probably, it has happened, that certain relaxations and extensions of privilege in favour of the slaves have in Jamaica been less promptly adopted than in some of the smaller islands. And no one, not resident in the colony, nor conversant with the characters and situations of the different classes of its extensive and various population, should presume to accuse the Jamaica Legislature, on this ground, of a backwardness in humane attention to its slaves.

The conduct of that legislature in the performance of this important duty, has recently excited much public attention, and will probably become matter of discussion in the present session of Parliament; the papers now presented will, it is presumed, be found important towards a candid investigation of the subject.

The slave law of Jamaica was in 1816 compressed and centered in what was called the Consolidated Bill of that year. Several acts extending the privileges and comforts of the slaves were subsequently passed, all which, with considerable improvements, were again consolidated, in a bill, passed by the Jamaica Legislature, in December 1826; which bill his Majesty has been advised to disallow.

The rejection of that law has occasioned some sur-

prise and concern here, but much more in Jamaica. The subject is interesting, and well merits attentive consideration by those who admit the benefit of a cordial union betwixt that important colony and the mother country. In this pamphlet will be found the Slave Law of 1816, which may be compared with that (here also given) which has recently been disallowed; the letter of the Colonial Secretary stating the grounds of that determination, and the Report of the House of Assembly, containing their observations upon that letter are subjoined, and are not only printed, each substantively and entire, but, for the benefit of accurate and candid examination, each passage of the two documents is placed by the side of that to which in the other it has relation.

And as the right of the Colonial Legislature to pass an act, calculated for immediate operation (and therefore without a suspending clause), a right which the Assembly of Jamaica supposed to be acknowledged, is brought into question by Mr. Huskisson's letter, it has been judged proper to republish the proceedings of the House of Assembly in the years 1809 and 1810, which had a reference to that important subject.

April, 1828.

*The reader is requested to correct the following Errata
with his pen.*

Page Line	<i>for</i> substantially	<i>read</i> substantively
xiii 12	— blood	— bloody
12 ult.	— no such person	— no person
17 8,	— peace or parish	— peace of the parish
25 23,	— cause	— caused
66 penult.	— month.	— month,
96 1st marginal note		— <i>dele</i> ing
115 2nd ditto,	— obey	— disobey
151 20,	— to	— of
penult.	— required	— requires
153 12,	— the beneficial	— the most beneficial
154 21.		— <i>insert</i> , <i>after</i> practice—
155 14,		— <i>and dele it after</i> process
		— or
5 from end	— of	— of crimes [and again
157 1,	— of the crimes	p. 222. 10 from end.]
		— interest
5,	— interests	— believe [and again p.
166 20,	— believed	197, l. antepenult.]
		— the severity
173 6 from end,	— these verity	— appear [and again p.
175 11 ditto,	— appears	208, l. 31.]
		— a fit precaution
195 7,	— a fit of precaution	— on the road to
211 13 ditto,	— in the road	— <i>insert</i> " <i>after</i> witnesses
217 6 from end,		— night
218 5 ditto,	— nights	— of the term
4 ditto,	— of term	— nor
220 17,	— not	— not
ult.	— no	— <i>dele</i> of
223 25,		— any law
234 14,	— any such law	— submit,
236 penult.	— submit	— unlicensed
246 17,	— licensed	— regulating the police
247 5 from end	— regulating police	— the right of the people
248 23,	— the right the people	— and not on the colonial
249 6 ditto,	— and on the colonial	— enact
252 16,	— exact	

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SLAVE LAW

OF

JAMAICA.

57 GEO. III. CAP. 25.

An act for the subsistence, clothing, and the better regulation and government of slaves; for enlarging the powers of the council of protection; for preventing the improper transfer of slaves; and for other purposes.—[Passed 19th December, 1816.]

WHEREAS it is expedient that the laws now in force relating to slaves should be revised, and other provisions enacted, to promote their moral and religious instruction, and by means whereof their general comfort and happiness may be increased, as far as is consistent with due order and subordination, and the well-being of this colony: may it therefore please your Majesty that it may be enacted; be it therefore enacted by the Governor, Council, and Assembly, of this your Majesty's island of Jamaica, That, from and after the commencement of this act, the act, entitled *An act for the protection, subsisting, clothing, and for the better order, regulation, and government of slaves,*

Preamble.

50 Geo. III.
cap. 16 re-
pealed.

and for other purposes, passed the fourteenth day of December, in the fiftieth year of your majesty's reign, may be and stand repealed, and the same is hereby repealed accordingly.

Slaves to be religiously instructed, and such baptized as can be made sensible of a duty to God and of the Christian faith.

II. And be it further enacted, by the authority aforesaid, that all owners, proprietors, and possessors, or, in their absence, the managers, or overseers, of slaves, shall, as much as in them lies, endeavour the instruction of their slaves in the principles of the Christian religion, whereby to facilitate their conversion, and shall do their utmost endeavours to fit them for baptism, and, as soon as conveniently can be, cause to be baptised all such as they can make sensible of a duty to God, and the Christian faith, which ceremony the clergymen of the respective parishes are to perform when required.

No shop to be kept open during divine service.

III. And be it enacted, That from and after the passing this act, no shop shall be kept open during the time of divine service.

Slaves to be allowed one day in every fortnight, besides Sundays, except during crop, under penalty of 20/.

IV. And be it further enacted, by the authority aforesaid, That from and after the commencement of this act, the slaves belonging to, or employed on, every plantation or settlement, shall, over and above the holidays hereinafter to be mentioned, be allowed one day in every fortnight, to cultivate their own provision grounds, exclusive of Sundays, except during the time of crop, under the penalty of twenty pounds, to be recovered against the overseer or person having the care of such slaves: Provided always, That the number of days, so allowed to the slaves for the cultivation of their grounds, shall be at least twenty-six in the year.

So as the number of days may be at least 26.

Slaves exempted from labour on Sundays during crop, and no mills to be

V. And be it enacted, by the authority aforesaid, That, during the crop, not only shall the slaves, as heretofore, be exempted from the labour of the estate or plantation on Sundays, but that no mills shall be

put about or worked between the hours of seven o'clock on Saturday night and five o'clock on Monday morning, under the penalty of twenty pounds, to be recovered against the overseer or other person having the charge of such slaves.

VI. And be it enacted, by the authority aforesaid, That every master, owner, or possessor, of any slave or slaves, or his or her overseer or chief manager, shall, under the penalty of ten pounds for each neglect, personally inspect into the condition of the negro-grounds once in every month at least, in order to see that the same are cultivated, and kept up in a proper manner, of which oath shall be made, as in this act is hereafter directed: And whereas it may happen that on some plantations, pens, settlements, and towns on this island, there may not be lands proper for the cultivation of provisions, or where, by reason of long continuance of dry weather, the negro-grounds may be rendered unproductive; then, and in that case, the masters, owners, or possessors, do, by some other ways and means, make good and ample provision for all such slaves as they shall be possessed of, equal to the value of three shillings and four pence currency per week for each slave, in order that they may be properly supported and maintained, under the penalty of fifty pounds.

VII. And be it further enacted, by the authority aforesaid, That every master, owner, or possessor of slaves, shall, once in every year, provide and give to each slave they shall be possessed of, proper and sufficient clothing, to be approved of by the justices and vestry of the parish where such master, owner, or possessor of such slaves shall reside, under the penalty of one hundred pounds.

VIII. And be it further enacted by the authority aforesaid, That every master, owner, proprietor, or pos-

worked between seven o'clock on Saturday night and five o'clock on Monday morning, under the penalty of 20/.

Negro-grounds to be inspected every month.

Where there are not proper lands, each slave is to have provision equal to 3s. 4d. per week.

Proper clothing to be given to slaves annually, under penalty of 100/.

Yearly accounts to be given in of the

provision made for, and clothing delivered to, slaves, under penalty of 100*l*.

essor of slaves, his or her overseer, or chief manager, at their giving in an account of their slaves and stock, to the justices and vestry, on the twenty-eighth day of December, in every year, or at the vestry which shall be held next after that day, shall, under the penalty of one hundred pounds for every neglect, give in an account, on oath, of the nature and quantity of the clothing actually served to each slave on such plantation, pen, or other settlement, for the approbation of the justices and vestry, as aforesaid; and shall likewise, at the same time, declare, on oath, that he has inspected the negro-grounds (where such negro-grounds are allotted) of such plantation, pen, or settlement, according to the directions of this act, and that every negro on the property is sufficiently provided with grounds.

Account of births and deaths of slaves to be given in yearly, under penalty of 50*l*.

IX. And be it further enacted, by the authority aforesaid, That on the twenty-eighth day of December, in every year (the time of giving in as aforesaid), or within thirty days after, the owner, overseer, or manager, of every plantation, pen, or settlement, shall give in to the justices and vestry of their respective parishes, on oath, an account of all the births and deaths of the slaves of such plantation, pen, or settlement, for the preceding year, under the penalty of fifty pounds, to be recovered from the owner of such plantation, pen, or other settlement.

If neglect in giving in accounts proceed from overseers or managers, owners to deduct the penalty from their wages.

X. And be it further enacted, by the authority aforesaid, That if the not giving in upon oath such several accounts shall be owing to the neglect of the overseer or manager of such plantation, pen, or other settlement, it shall and may be lawful for the owner, proprietor, or possessor, of such plantation, pen, or other settlement, to stop and detain the penalty he or she shall suffer by this law out of the wages of such overseer or manager.

XI. And be it further enacted, by the authority aforesaid, That in case it shall appear to the satisfaction of the justices and vestry, from the return of the owner, overseer, or manager, aforesaid, that there has been a natural increase of the number of slaves on any such plantation, pen, or other settlement, the owner or proprietor of such plantation, pen, or other settlement, shall pay to the overseer the sum of three pounds for every slave born on such plantation, pen, or other settlement, in the time aforesaid, and which shall be then living, such sum to be by the said overseer divided in equal proportions among the mothers of the surviving children, the midwife, and the nurse or nurses attending such children; and the owner or proprietor of such plantation, pen, or other settlement, shall have a deduction from the first of his or her public taxes that shall become due of the sum so paid, on producing a certificate from the justices and vestry of such increase, and a receipt of the overseer of the sum so paid.

XII. And, in order that further encouragement may be given to the increase and protection of negro infants, be it further enacted, by the authority aforesaid, That every female slave, who shall have six children living, or who, having raised from infancy, and during the period of nurture, a child or children of deceased mothers, and which shall continue to live with her as her adopted child or children, shall have of her own, and of such so raised and adopted child or children, six children living, shall be exempted from all hard labour in the field or otherwise; and the owner or possessor of every such female slave shall be exempted from all manner of taxes for such female slave, any thing in the act, commonly called the poll-tax law, or any other of the tax laws of this island, passed or annually to be passed, to the contrary not-

Overseers to be paid 3/ for every slave born on plantations, to be divided between the mothers, midwives, and nurses;

and which is to be deducted from the taxes of the proprietors.

Females who have six children living, whether their own or adopted, are to be exempted from hard labour, and their owners from taxes for them;

proof being given that the mother, or adoptive mother, and children, are living.

Possessors of slaves not to turn them away on account of infirmity,

but keep them on their properties, and provide for them, under penalty of 20*l*.

withstanding, and a deduction shall be made for all such female slaves from the taxes of such owner, or possessor, by certificate of the justices and vestry: Provided nevertheless, That proof be given on oath, to the satisfaction of the said justices and vestry, not only that the requisite number of children, together with the mother, or adoptive mother, are living, but also that the mother is exempted from all manner of field or other labour, and is provided with the means of an easy and comfortable maintenance.

XIII. And be it further enacted, by the authority aforesaid, That no master, owner, or possessor, of any slave or slaves, whether in his or her own right, or as attorney, guardian, trustee, executor, or otherwise, shall discard or turn away any such slave or slaves, on account or by reason of such slave or slaves being rendered incapable of labour or service to such master, owner, or possessor, by means of sickness, age, or infirmity; but every such master, owner, or possessor, as aforesaid, shall be, and he is hereby, obliged to keep all such slave or slaves upon his, her, or their properties, and to find and provide them with sufficient clothing, wholesome necessaries of life, and not suffer such slave or slaves as aforesaid to be in want thereof, or to wander about or become burthensome to others for sustenance, under the penalty of twenty pounds for every such offence, to be recovered in a summary manner before any two justices of the peace in this island; who are hereby authorized, empowered, and required, to cause such master, owner, or possessor, his, her, or their attorney, or agent, and such other persons as they shall judge necessary, to be summoned before them, to enable them to judge and determine of the propriety of such information, and whether such master, owner, or possessor, ought to incur the said penalty; and, in the mean time, and un-

til such trial can be had, the said justices of the peace, upon their own view, or upon the information of any free person, on oath, are hereby empowered and required to take up such wandering, sick, aged, or infirm slave or slaves, and to lodge him, her, or them in the nearest workhouse, there to be clothed and fed, but not worked, at the expense of the master, owner, or possessor, until such trial as aforesaid can be had; and if it shall appear to the said justices, on such trial, that the party or parties so complained of, is or are guilty of the said offence, and shall refuse to pay the said sum of twenty pounds, and the fees of such workhouse, for the maintenance of such slave or slaves, together with the charges of clothing and of the conviction, the said justices are hereby required and empowered, under the penalty of twenty pounds, forthwith, by warrant under their hands and seals, directed to the constable, to commit such offender or offenders to the common gaol of the county or parish where the offence shall be committed, there to remain until he or she shall pay the said sum of twenty pounds and charges as aforesaid; one moiety of which said fine shall be paid to the informer, who is hereby declared to be a good witness, and the other moiety shall be paid into the hands of the churchwardens of such parish, for the poor of the said parish; any law, custom, or usage, to the contrary notwithstanding.

Wandering slaves may be taken up and sent to the workhouse, to be supported till possessor summoned and matter inquired into.

If possessor found guilty, and refuse to pay penalty, workhouse fees, &c. he is to be sent to gaol till he pay.

XIV. And whereas, from the decease and change of residence of many proprietors of slaves, and other circumstances, and from the manumission of negro, mulatto, and other slaves, without any suitable provision being made for their future maintenance, many unhappy objects, afflicted with contagious distempers, or disabled from labour by sickness, age, and otherwise, and, having no owners, prove dangerous, or

Justices and vestries to lay taxes for support of disabled negroes,

who are to be passed to the parishes where their former owners resided ;

as are those free poor who have been manumised.

Vestries to make regulations for their accommodation.

become a burthen or nuisance to the several towns and parishes of this island : For remedy whereof, be it further enacted, by the authority aforesaid, That the justices and vestrymen of the several towns and parishes in this island be empowered to lay a tax upon the several towns and parishes, in the same manner as the parochial taxes are usually laid, for the purpose of raising such a sum as they shall judge sufficient to provide for the maintenance, clothing, medical care, and attendance, in the workhouses, or other convenient places, of the said several towns and parishes of this island, of such negro, mulatto, or other slaves, or other unhappy objects, as aforesaid : And the magistrates respectively of such town and parish are hereby empowered and required, upon application being made to them, or either of them, or upon view, to order all such objects, as aforesaid, to be removed and conveyed to the respective workhouses of each parish, where (if a slave) the former proprietor or proprietors, owner or owners, of such slave lived or resided ; or, if a person manumised or made free, of the parish wherein the owner or owners commonly resided, or the property was situated, to whom or to which such manumised person belonged immediately previous to the execution of such manumission ; or if such manumission be by will, immediately previous to the decease of the testator or testatrix, there to be lodged and taken care of, as aforesaid : And the magistrates and vestries of the several towns and parishes, as aforesaid, are hereby empowered and required to make, from time to time, all such humane and salutary regulations, for the purposes aforesaid, as to them shall seem necessary and expedient ; and the supervisor or keeper of the workhouse in such parish, to which such slave or free person shall be sent by warrant from any other parish, shall be

obliged to receive the same, under the penalty of twenty pounds.

XV. And it is hereby enacted and declared, That every parish in this island to which any manumised person shall be removed, in pursuance of this act, or any clause of any former act for this purpose, as to the place of the legal settlement of such person, shall be entitled to claim all the advantages to be derived by law from the security-bond, directed to be entered into and given, in and by an act, passed in the fifteenth year of his present majesty, entitled *An act for regulating the manumission of negro, mulatto, and other slaves, and to oblige the owners to make a provision for them during their lives*, by any person or persons manumising any slave or slaves, to the churchwardens of whatsoever parish such bond may have been given, as fully as if the same had been entered into to the churchwardens of the parish to which such manumised person shall become burthensome.

In the case of manumised persons becoming burthensome to any parish, such parish may have recourse to the security bond entered into under 15 Geo. III. cap. 18.

XVI. And be it further enacted, by the authority aforesaid, That in case any goods, chattels, or slaves, belonging to the owners of such old, infirm, and deserted slaves, as aforesaid, who shall have become burthensome to any parish for support, shall thereafter be found in any part of this island, it may and shall be lawful for the churchwardens of every such parish to recover the full amount of all expenses, to which such parish shall at any time have been put, on account of such deserted slaves; before any two justices of the peace of the parish or precinct wherein such goods, chattels, or slaves, shall be found, by distress and sale of the same.

Property of owners liable for support of deserted slaves, though not in the parish they become burthensome to.

XVII. And whereas it sometimes happens, that aged, infirm, or disabled slaves, belonging to the estates of insolvent debtors, remain in the custody of the provost-marshal of this

Disabled slaves, the property of insolvent debtors, in custody of provost-marshal, may be removed by order of two magistrates to the parish where their owner resided.

Such order being recorded in clerk of peace's office, provost-marshal and his deputies indemnified in acting under it.

If negroes afflicted with contagious diseases are

island, or his deputies, without a possibility of the same being sold for the benefit of the creditors of such estates: Be it enacted, by the authority aforesaid, That upon proof being made on oath, by any deputy-marshal, before any two magistrates of the district wherein he shall hold his appointment, that any slave or slaves of the above description has or have been in his custody for more than six months thereto preceding, that such slave or slaves have been repeatedly put up to sale by public outcry, that no bidder has offered to purchase the same, and there is no probability of his or her being sold, it may and shall be lawful for the said two magistrates to make an order, under their hands and seals, for the removal of such slave or slaves to the parish wherein the owner of such slave or slaves resided, at or immediately before the time when he or she took the benefit of the act for the relief of insolvent debtors, now in force, or hereafter to be in force, there to be maintained and provided for, according to the directions of this act, hereinbefore declared.

XVIII. And it is hereby enacted, That such order, being recorded in the office of the clerk of the peace of the precinct, wherein the gaol of such deputy-marshal, as aforesaid, shall be situated, shall be deemed and taken, in all the courts of this island, as a complete and perfect acquittal of all demands, claims, suits, and actions of every kind, on or against such provost-marshal, or any of his deputies, as may or shall be made, instituted, or preferred, by any person or persons whatsoever, on account or by reason of the removal of any such slave or slaves, as aforesaid, out of his or their custody.

XIX. And whereas negroes afflicted with the yaws, coco-bay, or other contagious disease, are sometimes permitted to leave their masters' property, and

travel about the country, to the great annoyance of the public and of those in the neighbourhood: Be it enacted, that every owner or proprietor of slaves, or his, her, or their overseer, as the case may be, permitting the same, shall forfeit the sum of twenty pounds for every such offence; one moiety of which to be paid to the informer, and the other moiety to the churchwardens, for the poor of the parish in which the offence shall be committed, and which forfeiture shall be recovered in a summary manner, on oath of the informer, or other person complaining, to be levied by warrant of the said magistrates; who, on refusal or failure of payment, are hereby authorized to commit the delinquent to the county or nearest gaol until paid.

XX. And be it further enacted, by the authority aforesaid, that every field-slave on any plantation or settlement shall, on work-days, be allowed half-an-hour for breakfast, and two hours for dinner; and that no slaves shall be compelled to any manner of field-work upon the plantation before the hour of five in the morning, or after the hour of seven at night, except during the time of crop, under the penalty of fifty pounds, to be recovered against the overseer or other person having the charge of such slaves.

XXI. And be it further enacted, by the authority aforesaid, That for the future all slaves in this island shall be allowed the usual number of holidays that were allowed at the usual seasons of Christmas, Easter, and Whitsuntide: Provided, That at every such respective season no two holidays shall be allowed to follow or succeed immediately one after the other; any law, custom, or usage, to the contrary notwithstanding: And if any master, owner, guardian, or attorney, of any plantation or settlement, or the overseer of such plantation or settlement, shall

allowed to leave the property, and travel about the country, the owner, &c. permitting the same, to forfeit 20*l.* for each.

Field slaves are to have half an hour for breakfast and two hours for dinner, and not to work before five nor after seven, except during crop, under penalty of 50*l.*

Slaves to be allowed the usual holidays, but they are not to have two successive days.

If persons allow them more holidays at those seasons, they forfeit 5*l.*

presume, at the seasons aforesaid, to allow any holidays to any slave on any such plantation or settlement, other than is directed by this act to be given, every person, so offending, shall forfeit the sum of five pounds.

Slaves taking up runaways, or discovering their being harboured, are to be rewarded at discretion of a magistrate.

XXII. And, in order to encourage slaves for every good and worthy act that they shall do, be it further enacted, by the authority aforesaid, That every slave or slaves, that shall inform against any person who shall have or conceal any runaway slave or slaves, so that such runaway slave or slaves may be taken and restored to his or their owner or owners, or be committed to any workhouse, every such slave or slaves, so informing, shall be entitled to such reward as any justice shall think just and reasonable, and be paid by such person or persons as such justice shall determine ought to pay the same, not less than ten shillings, nor exceeding twenty shillings, to be enforced by a warrant under the hand and seal of such justice.

If they kill or take rebels, they are also to be rewarded.

XXIII. And be it further enacted, by the authority aforesaid, That if any slave or slaves shall kill or take any slave or slaves in actual rebellion, he or she shall receive from the churchwardens of the respective parishes, where such slave or slaves shall have been killed, the sum of three pounds, and the sum of five pounds if taken alive, and a blue cloth coat, to be paid and furnished by the churchwardens of the respective parishes where such slave or slaves shall have been killed or taken; the whole expense whereof shall be reimbursed by the receiver-general for the time being, out of any monies in his hands unappropriated.

Persons willfully killing slaves to suffer death.

XXIV. And be it further enacted, by the authority aforesaid, That if any person hereafter shall wantonly, willingly, or blood-mindedly, kill, or cause

to be killed, any negro or other slave, such person, so offending, shall, on conviction, be adjudged guilty of felony, without benefit of clergy, and shall suffer death accordingly for the said offence: Provided always, That such conviction shall not extend to the corrupting the blood, or the forfeiture of lands or tenements, goods or chattels; any law, custom, or usage, to the contrary thereof in anywise notwithstanding.

Blood not corrupted there by.

XXV. And, in order to prevent any person from mutilating, dismembering, or cruelly beating or confining, any slave or slaves, Be it further enacted, by the authority aforesaid, That if any master, mistress, owner, possessor, or other person whatsoever, shall, at his, her, or their own will and pleasure, or by his, her, or their direction, or with his, her, or their knowledge, sufferance, privity, or consent, mutilate or dismember any slave or slaves, or wantonly or cruelly whip, maltreat, beat, bruise, wound, or imprison, or keep in confinement, without sufficient support, any slave or slaves, he, she, or they, shall be liable to be indicted for such offence in the supreme court of judicature, or in any of the assize-courts of this island; and, upon conviction, shall be punished by fine not exceeding one hundred pounds, or imprisonment not exceeding twelve months, or both, for each and every slave so mutilated or dismembered, punished, or confined; and such punishment is declared to be without prejudice to any action that could or might be brought at common law, for recovery of damages for or on account of the same, in case such slave or slaves shall not be the property of the offender: And in atrocious cases, where the owner of such slave or slaves shall be convicted of such offence, the court, before whom such offender shall have been tried and convicted, are hereby empowered, in case

Persons mutilating slaves, or consenting thereto, may be fined 100l. and imprisoned twelve months.

besides being liable to an action of damages.

Court may, in atrocious cases, manumit mutilated slaves,

and order the penalty to be paid to vestry,

who are to allow each slave 10*l.* per annum.

Slaves complaining to a magistrate may be sent to the work-house, to be supported and attended till meeting of vestry,

who are hereby created a council of protection, and are to inquire into such mutilations, and prosecute the offenders.

they shall think it necessary for the future protection of such slave or slaves, to declare him, her, or them, free and discharged from all manner of servitude, to all intents and purposes whatsoever: And, in all such cases, the court are hereby empowered and authorized, if to them it shall appear necessary, to order and direct the said fine of one hundred pounds to be paid to the justices and vestry of the parish to which the said slave or slaves belonged, to the use of the said parish; the said justices and vestry, in consideration thereof, paying to each of the said slave or slaves, so made free, the sum of ten pounds *per annum* for his or her maintenance and support during life: And in case any slave or slaves shall suffer any before-mentioned mutilations, or wanton punishment, or confinement, such slave or slaves, on his, her, or their application to any justice of the peace, the said justice of the peace shall be, and is hereby, directed, required, and empowered, on view, and its appearing to his satisfaction that such mutilation, or wanton punishment, have been really suffered, to send such slave or slaves to the nearest workhouse where such offence shall be committed; and such slave or slaves shall be there safely kept, and carefully attended, but not worked, at the expense of such parish, until such time as there shall be a legal meeting of the justices and vestry of such parish, which meeting the said justice shall call as soon as conveniently may be; which justices and vestry, so met, are hereby created and appointed a council of protection of such slave or slaves: and the said justices and vestry, so met, are hereby directed and empowered to make further and full inquiry, upon view, and by the examination of witnesses, into the commitment of the mutilation or punishment of such slave or slaves; and, if to them it shall appear proper, the said justices and vestry

are hereby empowered and required to prosecute to effect such owner or owners; the expense of which prosecution shall be paid by the parish where such offence shall be committed: And in case the owner or owners of such slave or slaves shall appear capable of paying the costs and charges of such before-mentioned prosecution, the said justices and vestry are hereby empowered to commence suit or suits against such owner or owners of such slave or slaves, and recover all costs and charges out of purse, by them laid out and expended in such suit or suits: And the keeper or supervisor of the workhouse, where such slave or slaves shall have been first committed, is hereby directed and required, upon due notice of the first meeting of the justices and vestry of the parish where the offence was committed, to produce such slave or slaves for the inspection and direction of such justices and vestry, under the penalty of one hundred pounds for every neglect in not producing before such justices and vestry such slave or slaves.

XXVI. And be it further enacted, by the authority aforesaid, That in case any justice of the peace shall receive any complaint or probable intelligence, from any slave or otherwise, that any slave or slaves is or are so mutilated or punished, or is or are confined without sufficient support, it shall and may be lawful for such justice of the peace, and he is hereby empowered and required, forthwith to issue his warrant to any constable, ordering him immediately to proceed to the place where such slave or slaves are confined, and such slave or slaves to release and bring before such justice, who, on view of the fact, is hereby authorized to send such slave or slaves to the workhouse, for protection, there to be kept, but not worked, until inquiry shall be made into the fact, according to law.

Owners may be sued for costs.

Workhouse-keeper to produce mutilated slaves at first vestry, under penalty of 20l.

Justices being informed that slaves are mutilated or confined without support, are to issue their warrants in order that they may be brought before them.

No slave to have more than ten lashes at a time for one offence unless the owner, &c; or supervisor, &c. be present, nor more than thirty nine on any account in one day, under penalty.

XXVII. And, in order to restrain arbitrary punishment, be it further enacted, by the authority aforesaid, That no slave on any plantation or settlement, or in any of the workhouses or gaols in this island, shall receive more than ten lashes at one time and for one offence, unless the owner, attorney, guardian, executor, or administrator, or overseer, of such plantation or settlement, having such slave in his care, or supervisor of such workhouse, or keeper of such gaol shall be present; and that no such owner, attorney, guardian, executor, administrator, or overseer, supervisor or gaol-keeper, shall, on any account, punish a slave with more than thirty-nine lashes at one time, and for one offence, nor inflict, or suffer to be inflicted, such last-mentioned punishment, nor any other number of lashes, in the same day, nor until the delinquent has recovered from the effects of any former punishment, under a penalty not less than ten pounds, or more than twenty pounds for every offence; to be recovered against the person directing or permitting such punishment, in a summary manner, upon conviction before any two magistrates, by warrant, besides being subject to be prosecuted by indictment in the supreme or assize courts, or courts of quarter-sessions, of this island, as for an offence against this act.

Complaints of slaves being improperly punished to be inquired into summarily by two magistrates.

XXVIII. And be it further enacted, by the authority aforesaid, That in case any justices of the peace shall receive any complaint, or probable intelligence, from any slave or otherwise, that any slave or slaves has or have been improperly punished, contrary to the true intent and meaning of this act, it shall and may be lawful to and for such magistrate to associate one other of the magistrates of the said parish with him, and to inquire in a summary manner into such complaint; and if upon inquiry it shall be found that the said complaint is true, it shall be the duty of

the said magistrates, and they are hereby required to proceed against the offender according to law; but if it shall appear that such complaint was groundless, the said magistrate shall punish the complainant, and the person giving information thereof, in such manner as to them may seem proper.

and, where they are groundless, complainants to be punished.

XXIX. And be it further enacted, by the authority aforesaid, That no such person shall, on any pretence whatsoever, punish any negro or other slave, whether his own property or otherwise, by fixing or causing to be fixed, an iron or other collar round the neck of such slave, or by loading the body or limbs of such slave, for any offence whatsoever, with chains or weights, of any kind, other than a light collar without hooks; to indicate that such slave is an incorrigible runaway, or one accustomed to commit depredation on grounds of the other negroes, and which collar shall only be put on by the directions of a magistrate, on complaint being made, under a penalty not less than five pounds, nor exceeding fifty pounds, to be recovered in a summary manner before any two or more justices of the peace of the parish or precinct where the offence shall be committed; and all and every the justices of the peace within this island are hereby authorized, directed, and required, under the penalty of one hundred pounds, on information and view of such offence, to order such collar, chains, irons, or weights, to be immediately taken off from the slave or slaves wearing or bearing the same.

Penalties on persons putting weights or chains on slaves, or iron collars, other than here designated.

XXX. And be it further enacted, by the authority aforesaid, That no slave, such only excepted as are going with fire-wood, grass, fruit, provisions, or small stock, and other goods which they may lawfully sell, to market, and returning therefrom, shall hereafter be suffered or permitted to go out of his or her master's or owner's plantation or settlement, or to

No slave to travel (unless to market) without a ticket,

under penalty
of 40s. on the
owner, &c.,

if he cannot
prove he gave
a ticket, or that
the slave went
without his
consent.

If Justices do
not inflict this
penalty, they
forfeit 5l.

Tickets to be
only for one
month.

Free people
granting tickets
to slaves of
others to be
punished as the
court shall
direct.

travel from one town or place to another, unless such slave shall have a ticket from his master, owner, employer, or overseer, expressing particularly the time of such slave's setting out, and where he or she is going, and the time limited for his or her return, under a penalty not exceeding forty shillings for every slave so offending, to be recovered from the master, owner, employer, or overseer, in a summary manner, before any one justice of the peace, by warrant of distress, complaint being made to him upon oath; unless the master, owner, employer, or overseer of such slave shall prove upon oath, before any justice of the peace of the parish or precinct, where such master, owner, employer, or overseer, may or shall live, or happen to be, that he did give the said slave such ticket as aforesaid, or that such slave went away without his consent, in which case the justice to order punishment; and if such justice shall refuse or neglect his duty, either in causing the penalty to be forthwith levied, on complaint being made to him, as aforesaid, on the owner, overseer, or any other person, who shall suffer a slave, being under his or their direction, to go without a ticket, as aforesaid, every justice so offending shall forfeit the sum of five pounds; any law, custom, or usage, to the contrary notwithstanding.

XXXI. And be it further enacted, by the authority aforesaid, That no ticket shall be granted to any slave or slaves for any time exceeding one calendar month.

XXXII. And whereas, the more effectually to conceal runaway slaves, or prevent their being apprehended, tickets are given by Indians, free negroes, or free mulattoes: Be it therefore enacted, by the authority aforesaid, That any Indian, free negro, or mulatto, granting or giving such ticket, with such intent,

shall be liable to be tried for the said offence before the supreme court of judicature, or in either of the courts of assize in this island where the offence shall be committed; and, on conviction, shall suffer transportation, or such other punishment as the court, in their discretion, shall think proper to inflict, not extending to life.

XXXIII. And be it further enacted, by the authority aforesaid, That if such ticket shall be granted or given by any white person, with such intent, as aforesaid, to any slave or slaves, before or after his or their absenting themselves from their owner, employer, overseer, or manager, such white person shall be liable to be tried for the same before the supreme court of judicature, or either of the assize courts of this island where the offence shall be committed; and, on conviction, shall suffer such punishment as the court, in their discretion shall think proper to inflict, not extending to life.

XXXIV. And be it further enacted, by the authority aforesaid, That if any master, owner, guardian, possessor, or attorney, overseer, or book-keeper, of any plantation or settlement, shall hereafter suffer any strange slaves to assemble together and beat their drums, or blow their horns or shells, upon any plantation, pen, or settlement, or in any yard or place under his, her, or their care or management, or shall not endeavour to disperse or prevent the same, by immediately giving notice thereof to the next magistrate or commissioned officer, that a proper force may be sent to disperse the said slaves, every such master, owner, guardian, possessor, or attorney, overseer, or book-keeper, shall, for every such offence, upon conviction thereof, upon an indictment in the supreme court of judicature or courts of assize, or quarter-sessions of the parish wherein such offence shall be committed,

White people doing so to be also punished at discretion of the court.

Penalty of 50l. for not endeavouring to suppress unlawful assemblies of slaves.

Information must be given within fourteen days.

Civil and military officers to suppress such assemblies.

Overseers, &c. who suffer such assemblies, to be imprisoned six months,

if information given in fourteen days.

pay a fine of fifty pounds to his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof: Provided nevertheless, That information of such offence shall be made, upon oath, before any of his Majesty's justices of the peace, within the space of fourteen days after the commission of the offence.

XXXV. And be it further enacted, by the authority aforesaid, That all officers, civil and military, shall be, and are hereby, empowered and required to enter into any plantation, settlement, or other place, to disperse all such unlawful assemblies, and to suppress and prevent all unlawful drummings, or other noise, as before mentioned, any law, custom, or usage, to the contrary notwithstanding, according to the nature, degree, or circumstances, of the case.

XXXVI. And whereas it has been found by experience that rebellions have been often concerted at negro dances, and nightly meetings of slaves, and as it has been found also that those meetings tend much to injure the health of negroes: Be it further enacted, by the authority aforesaid, That if any owner or proprietor, overseer, or, in his absence, any book-keeper, or other person having the care and management of any plantation or settlement, shall suffer any slaves to assemble together, or beat their drums, or blow their horns or shells, every such owner or proprietor, overseer, book-keeper, or other person, so offending, shall, for every such offence, upon conviction thereof, upon an indictment in the supreme court of judicature, or before the justices of assize, or court of quarter-sessions wherein such offence shall be committed, suffer imprisonment, without bail or mainprize, for any term not exceeding six calendar months; provided information is made, upon oath as aforesaid, before one of his Majesty's justices of the peace, within fourteen days

after the commission of such offence ; but nothing herein contained shall be construed to prevent any master, owner, or proprietor, of any plantation or settlement, or the overseer thereof, from granting liberty to the slaves of such plantation or settlement only, for assembling together upon such plantation or settlement, and playing and diverting themselves in any innocent amusements, so as they do not make use of military drums, horns, or shells; but that they shall and may grant such liberty when and as often as they please, any thing in this or any other act to the contrary notwithstanding: Provided, That such amusements are put an end to by ten of the clock at night.

Slaves may have diversions on the properties they belong to, if no drums, &c. are used;

but they must be over by ten at night.

XXXVII. And, in order to prevent riots and nightly meetings among negro and other slaves, to the disturbance of the public peace, and endangering their healths: Be it further enacted, by the authority aforesaid, That all negro burials shall in future take place in the day-time only, so that the same may be ended before sunset; and if any master, owner, or possessor, of slaves, his or her overseer or chief manager, shall knowingly suffer or permit the burial of any slave otherwise than as before directed, he shall forfeit the sum of fifty pounds; and if any burials shall take place in any of the towns of this island, or in savannas, commons, or other places, not in charge of an overseer, after sunset, every person of free condition, in whose house, yard, or premises, any slaves shall be permitted to assemble for attending such burial, shall forfeit a sum not less than five pounds, nor exceeding fifty pounds, and the negro or other slaves, who shall meet for the purpose of attending such burial, or be found thereat, shall, upon conviction before two or more magistrates, suffer such punishment as the said

Negro burials to be over by sunset, or owner, &c. forfeits 50l.

Burials in towns, &c. must also be over before sunset.

magistrates shall direct, not exceeding thirty-nine lashes.

Penalty on persons permitting unlawful assemblages of slaves at their houses or settlements.

XXXVIII. And be it further enacted, by the authority aforesaid, That if any Indian, free negro, or mulatto, or white person, shall, hereafter suffer any unlawful assembly of slaves at his or her house or settlement, every such Indian, free negro, mulatto, or white person, shall, upon due conviction thereof, before any court of quarter-sessions, suffer punishment by fine not exceeding one hundred pounds, or imprisonment not exceeding six months: Provided nevertheless, That information thereof shall be given on oath, within fourteen days, of such unlawful meeting.

if complained of in fourteen days.

XXXIX. And whereas the permitting and suffering negro and other slaves to keep horses, mares, mules, or geldings, is attended with many and great mischiefs to the island in general, in order, therefore, to remedy the same, Be it further enacted, by the authority aforesaid, That, from and after the commencing of this act, no master, owner, proprietor, attorney, guardian, trustee, or other person in possession of any plantation, pen, or settlement, or holding a property of slaves, although not settled on any property, shall knowingly permit or suffer any slave or slaves to keep on such plantation, pen, or settlement, any horse, mare, mule, or gelding; and in case of so doing, shall, for every offence, forfeit the sum of thirty pounds, to be recovered in a summary manner, before any two justices of the peace for the parish or precinct where such offence is committed or permitted.

Owners, &c. of slaves knowingly permitting them to keep horses, &c. to forfeit 30l. for each offence.

When stock given in, oath to be made that none of the horses, &c. belong to any

XL. And be it further enacted, by the authority aforesaid, That every master, owner, proprietor, attorney, guardian, trustee, or other person, at the respective times of their giving in an account

of their slaves and stock to the justices and vestry, shall also make oath that none of the said horses, mares, mules, or geldings, so given in, do belong to any negro or other slave; and that such person so giving in, or his, her, or their employer or employers, hath not, nor have, in his, her, or their possession, to his, her, or their knowledge or belief, any horse, mare, mule, or gelding, belonging to, or reputed to belong to, any slave or slaves; and in case any person or persons shall neglect or refuse so to do, any person so neglecting or refusing shall, for every offence, forfeit the sum of thirty pounds, to be recovered in the same summary manner, and to be disposed of as hereinafter mentioned: And if any person or persons hereafter shall discover any horse, mare, mule, or gelding, belonging to any negro or other slaves, he shall forthwith take and send the same to the nearest pound of the parish where such horse, mare, mule, or gelding, shall be found; and the keeper of the pound aforesaid shall, and he is hereby obliged to, receive the same, under penalty of ten pounds for each and every horse, mare, mule, or gelding so refused, unless the same shall be disordered so as to endanger the cattle or other stock already in the pound, in which case only it shall and may be lawful for such pound-keeper to refuse such disordered horse, mare, mule, or gelding; and upon reception into the pound of any horse, mare, mule, or gelding, the property or supposed property of any negro or other slave, the pound-keeper aforesaid shall, for four successive weeks, advertise the same in the Gazette or Chronicle of the county where such pound is situate, under the head of negro stock, and describing the height, colour, and marks in the most particular manner; and, in one week after the expiration of the said four weeks'

slave, under penalty of 30l. for neglect or refusal.

Any person discovering horses, &c. belonging to slaves must send them to the pound.

From which they are to be advertised and sold.

Net proceeds to be divided between the sender in of the stock and the poor.

advertisement, shall put up and sell the same, at the usual place of public sales in the said parish, and after deduction of the usual charges of the pound, in which no mile-money shall form a part, shall pay one moiety of the net proceeds to the person who brought in such horse, mare, mule, or gelding, and the other moiety to the church-wardens of the parish, for the benefit of the poor of the said parish.

Properties of persons manumising slaves subjected to the annual sum allowed by law for their support.

XLI. And whereas it may happen that slaves directed to be manumised by will, may find it difficult to establish their freedom, by reason of the person or persons acting under such will refusing to enter into the security required by law on the manumission of slaves: Be it enacted, by the authority aforesaid, That, from and after the passing of this act, whenever any person shall, by will in writing, expressly manumise, or direct to be manumised, any slave or slaves, belonging to him or her, the usual bond required by law in cases of manumission shall not be necessary, but the estate of the person so manumising any slave or slaves, or directing any slave or slaves to be manumised, shall be, and the same is hereby declared to be, liable to the payment of the annual sum required by law to be paid to any slave manumised, and the freedom of such slave, so manumised, or directed to be manumised, by will, shall be at once established: Provided always, That nothing in this act contained shall extend, or be construed to extend, to exempt such slaves so manumised from any debt or demand against the estate of the testator to which such slave or slaves should be otherwise liable: And provided always, and it is hereby enacted, That any will in writing, which by law would be deemed valid and sufficient for disposing of goods and chattels, or other personal estate, shall be, and the same is hereby declared to be, valid and sufficient for manumising, or

Slaves to be manumised by will not exempted from any debt against the estate of the testator.

Wills valid for the disposal of goods, &c. sufficient for the manumission of slaves.

directing to be manumised, any slave or slaves, any thing in a certain statute, made and passed in the twenty-ninth year of the reign of his Majesty king Charles the Second, commonly called the statute of frauds and perjuries, or in a certain act of the governor, council, and assembly, of this island, made and passed in the sixteenth year of his present Majesty's reign, entitled, *An act to regulate the devises of negro, mulatto, and other slaves in wills*, or any act, law, usage or custom, to the contrary thereof in anywise notwithstanding.

16th Geo. III.
cap. 14, page 9.

XLII. And whereas it is expedient to prevent slaves from being purchased by persons for the purposes of resale, and to prevent such resales: Be it enacted, That, from and after the passing of this act, if any person or persons shall be found travelling about from place to place, exposing or offering for sale any negro, mulatto, or other slave or slaves, it shall and may be lawful for any person whomsoever, to seize and detain any such person or persons, and the slave and slaves, under his or their charge, and to carry such person or persons, and slave or slaves, before any one of his Majesty's justices of the peace or parish where such offence shall be committed, which said justice is hereby authorised and required to call to his assistance one other justice of the said parish, and which two justices, being so associated, shall, on due proof, on oath, that the party or parties, brought before them, had been found exposing or offering a slave or slaves to sale, contrary to the true intent and meaning of this act, cause the said slave or slaves, so offered for sale, to be publicly sold by warrant, under the hands and seals of the said two justices, one moiety of the monies arising from the sale thereof, after deducting the expences of the said sale, to be paid into the hands of the churchwardens of the said parish where the

Persons travelling about the country for the purpose of trafficking in slaves to be taken up and carried, with the slaves, before a justice, who is to proceed against them as herein directed.

On due proof, such slaves to be sold, one moiety of sale to the poor the other to the inform. er.

offence shall be committed, for the use of the poor of the said parish, and the other moiety to the use of the person or persons, who shall bring the offender or offenders before the said justices.

The oath of the informer sufficient.

XLIII. And it is hereby enacted and declared, That the oath of the person or persons, bringing such offender or offenders before the said justices, shall be received and taken, and shall be considered good evidence against such offender or offenders.

Sales of slaves made as aforesaid to be null and void, and the slaves forfeited.

XLIV. And be it further enacted, by the authority aforesaid, That if any sale or sales of slaves shall be so made, as aforesaid, the same shall be, and are hereby declared to be, null and void, and that no title shall accrue to the purchaser or purchasers thereof; and any slave or slaves, so sold, shall become forfeited, and any justice of the peace, on receiving information, on oath, of any such sale or sales, shall issue his warrant to take up such slave or slaves; and if it shall appear to his satisfaction that such slave or slaves has or have been so sold, he shall declare the same to be forfeited, and proceed to sell the said slave or slaves, and apply the money arising from such sale in manner hereinbefore mentioned.

Justices on information, to issue warrants to take up slaves so sold, to sell them, and apply the money as before.

Proceedings under this act cannot be removed into the supreme or other courts.

XLV. And it is hereby enacted, by the authority aforesaid, That no writ of *certiorari*, or other process, shall issue, or be issuable to remove any proceedings whatsoever, had in pursuance of this act, into the supreme court of judicature, or any other of the courts of this island.

XLVI. And whereas it is absolutely necessary that the slaves in this island should be kept in due obedience to their owners, and in due subordination to the white people in general, and, as much as in the power of the legislature, all means and opportunities of slaves being concerned in rebellious conspiracies, and committing other crimes, to the ruin and destruc-

tion of the white people and others in this island, prevented, and that proper punishments should be appointed for all crimes to be by them committed: Be it further enacted, by the authority aforesaid, That if any slave or slaves shall, after the commencement of this act, enter into or be concerned in any rebellion, or rebellious conspiracy, or commit any murder, felony, burglary, robbery, or set fire to any houses, out-houses, negro-houses, cane-pieces, grass or corn pieces, or break into such houses, out-houses, or negro-houses, in the day time, no person being therein, and stealing thereout, or compass or imagine the death of any white person, and declare the same by some overt act, or commit any other crime which would subject white persons, or persons of free condition, to be indicted for felony, such slave or slaves shall, for every such offence or offences, upon trial and conviction thereof, in manner hereinafter mentioned, suffer death, transportation, or such other punishment as the court shall think proper to direct, according to the nature and extent of the offence.

Slaves concerned in rebellions, or committing murder, or other felony, to suffer death, transportation, &c. as the court may think fit.

XLVII. And be it further enacted, by the authority aforesaid, That if any slave shall assault or offer any violence, by striking or otherwise, to or towards any white person, or persons of free condition, such slave, upon due and proper proof, shall, upon conviction, be punished with death, transportation, or confinement to hard labour for life, or a limited time, or such other punishment, according to the nature of the offence, as the court shall in their discretion think proper to inflict; provided such assault or violence be not by command of his, her, or their owners, overseers, or persons entrusted with them, or in the lawful defence of their owners' persons or goods.

Slaves guilty of assaults or other violence, to be punished at discretion of the court,

unless by order or in defence of their owner, &c.

XLVIII. And be it further enacted, by the authority aforesaid, That if any slave or slaves shall here-

How slaves possessing fire

or other arms without knowledge of their owner, &c. are to be dealt with.

after be found to have in his, her, or their, custody, or possession, any fire-arms, pikes, sabres, swords, cutlasses, lances, gunpowder, slugs, or ball, without the knowledge of his, her, or their owner, proprietor, or possessor, or his, her, or their overseer, such slave or slaves shall be taken before two magistrates, who shall, if they are of opinion that the same was with evil intent, commit such slave or slaves to the gaol, to be tried by a slave-court, as hereinafter directed; and, upon conviction, the said slave or slaves shall suffer death, transportation, or such other punishment as the court shall think proper to direct.

Slaves pretending to supernatural power may be sentenced to death, &c.

XLIX. And, in order to prevent the many mischiefs that may hereafter arise from the wicked art of negroes going under the appellation of obeah men and women, and pretending to have communication with the devil and other evil spirits, whereby the weak and superstitious are deluded into a belief of their having full power to exempt them, whilst under their protection, from many evils that might otherwise happen: Be it further enacted, by the authority aforesaid, That from and after the commencing of this act, any slave who shall pretend to any supernatural power, in order to excite rebellion, or other evil purposes, or shall use, or pretend to use, any such practices, with intent, or so as to affect or endanger the life or health of any other slave, shall, upon conviction thereof, suffer death or transportation; any thing in this or any other act to the contrary in anywise notwithstanding.

Punishment on slaves preaching or teaching as Anabaptists, or otherwise, without permission.

L. And whereas it has been found that the practice of ignorant, superstitious, or designing slaves, of attempting to instruct others, has been attended with the most pernicious consequences, and even with the loss of life: Be it enacted, That any slave or slaves, found guilty of preaching and teaching as Anabaptists, or otherwise, without a permission from their

owner and the quarter-sessions for the parish in which such preaching or teaching takes place, shall be punished in such manner as any two magistrates may deem proper, by flagellation, or imprisonment, in the workhouse to hard labour.

L.I. And whereas a practice of nightly and other private meetings has frequently taken place amongst the slaves in several parts of this island, and which have been unknown to the owner, attorney, or other person having charge of the slaves of the property, and as such meetings are injurious to the health of the slaves, and of dangerous tendency: Be it further enacted, by the authority aforesaid, That in future all such meetings shall be deemed unlawful, and the persons who shall or may attend them, shall be liable to be apprehended and taken before any magistrate of the parish wherein the offence shall be committed; and, if any person of free condition attend such meeting, and it appears to the said magistrate, on the oath of the person accusing the party, that he or she is guilty, he or she shall be committed to gaol, to be tried at the next quarter-session of the parish for the said offence, and, if convicted thereof, he or she shall be sentenced to imprisonment in the county goal for such period of time as the justices, before whom he or she shall be so convicted, think proper to direct, not exceeding three months: And if the offender be a slave, he or she shall be tried at a slave-court, and, if convicted thereof, he or she shall be sentenced by the said court to hard labour for such time as the court shall think proper to direct, or to receive such other punishment, by flogging, not exceeding thirty-nine lashes at one time, as the court shall order and direct.

Nightly meetings of slaves unlawful, and free people attending them how punishable.

If offender be a slave, he or she is to be punished as slave court may direct.

L.II. And be it further enacted, by the authority aforesaid, That if any negro or other slave or slaves

Slaves preparing or giving poison, though

death does not ensue, are to suffer death.

Punishment on slaves having any poisonous drugs, pounded glass, &c. in their possession.

Slaves found at any meeting, formed for administering unlawful oaths, &c. are to be punished as court shall direct,

as are white or free people present at such meetings.

shall mix or prepare, with an intent to give or cause to be given, any poison, or poisonous or noxious drug, pounded glass, or other deleterious matter, in the practice of obeah or otherwise, although death may not ensue on the taking thereof, the said slave or slaves, together with their accessories, as well before as after the fact (being slaves), being duly convicted thereof, shall suffer death; any thing in this or any other act to the contrary in anywise notwithstanding.

LIII. And be it further enacted, That if there shall be found in the possession of any slave any poisonous drugs, pounded glass, parrots' beaks, dogs' teeth, alligators' teeth, or other materials notoriously used in the practice of obeah or witchcraft, such slave, upon conviction, shall be liable to suffer transportation from this island, or such other punishment, not extending to life, as the court shall think proper to direct.

LIV. And whereas it is necessary to prevent secret and unlawful meetings of slaves: Be it therefore enacted, by the authority aforesaid, That all and every slave or slaves, who shall be found at any meeting, formed either for the purpose of administering unlawful oaths, by drinking human blood mixed with rum, grave-dirt, or otherwise, or of learning the use of arms, or for any other unlawful or dangerous purpose, such slave or slaves shall, on conviction thereof, suffer death, or transportation for life, as the court shall direct.

LV. And be it further enacted, by the authority aforesaid, That if any person or persons, either white or of free condition, shall be present at any such meeting, and aiding and assisting in any of the unlawful purposes before mentioned, such person or persons shall, upon conviction thereof in the supreme court, or either of the courts of assize of this island,

be punished by death, transportation off this island for life, or fine or imprisonment, or both, at the discretion of the court before whom such person or persons shall be tried.

LVI. And be it further enacted, That if any person or persons, having knowledge of such unlawful meetings, as aforesaid, shall not forthwith give information thereof to a justice of the peace, such person or persons shall, on conviction before the supreme or either of the courts of assize of this island, suffer such punishment, by fine or imprisonment, or both, or by public whipping, as the court before which such person or persons shall have been so convicted shall direct.

Persons having knowledge of such unlawful meetings, and not giving information thereof, to be punished at discretion of court.

LVII. And be it further enacted, by the authority aforesaid, That if any negro or other slave shall, after the commencement of this act, steal any horned cattle, sheep, goat, hog, horse, mare, mule, or ass, or shall kill any such horned cattle, sheep, goat, hog, horse, mare, mule, or ass, with intent to steal the whole carcass of any such horned cattle, sheep, goat, hog, horse, mare, mule, or ass, or any part of the flesh thereof, such negro or other slave shall, on conviction thereof, suffer death, transportation, or such other punishment as the court shall in its discretion inflict.

Slaves stealing horned cattle, sheep, horses, &c. may be condemned to death.

LVIII. And whereas great numbers of horned cattle, sheep, goats, hogs, horses, mares, mules, and asses, are frequently stolen and killed by negro and other slaves, in so secret and private a manner that it is with the greatest difficulty they can be found out and discovered, in such manner as to convict them of such offence, although large quantities of beef, mutton, and the flesh of other valuable animals, are found upon him, her, or them: in order, therefore, to prevent such evils in future, and to punish the perpetrators of such acts agreeable to their crime. Be it

If slaves have in their possession twenty pounds of meat, unaccounted for, they are to be whipped, not exceeding thirty-nine lashes; and if above twenty pounds, justices to assign punishment, not affecting life.

enacted by the authority aforesaid, That if any negro or other slave shall fraudulently have in his, her, or their custody, or possession, unknown to his or her master, owner, overseer, or other persons who shall have the overlooking or employing of such slave, any fresh beef, veal, mutton, pork, or goat, or the flesh of horse, mare, mule, or ass, in any quantity not exceeding twenty pounds weight, without giving a satisfactory account in what manner he or she became possessed thereof, such negro or other slave, upon conviction thereof before any two magistrates, shall be whipped in such manner as such magistrates shall direct, not exceeding thirty-nine lashes; and if there shall be found in his, her, or their custody or possession a larger or greater quantity than twenty pounds weight of fresh beef, veal, mutton, pork, or goat, or the flesh of horse, mare, mule, or ass, and such slave shall not give a satisfactory account how he or she became possessed of such meat, then such negro or other slave, upon conviction thereof, shall suffer such punishment as the said two justices shall think proper to inflict or direct, not extending to life or imprisonment for life.

Punishment on slaves maiming or injuring horned cattle, horses, &c.

LIX. And be it enacted, by the authority aforesaid, That if any negro or other slave shall wantonly and cruelly cut, chop, shoot at, or otherwise maim and injure, any horned cattle, horse, gelding, mare, mule, or ass, such negro or other slave shall, for every such offence, be tried, in a summary manner, before two or more justices of the peace of the parish or precinct where the offence shall be committed; and the said justices of the peace shall, on conviction of such slave or slaves, order and direct such punishment to be inflicted as they shall think proper, not exceeding fifty lashes, to be inflicted at one or more different times, or two months' hard labour in the workhouse; and in all cases where, from such treat-

ment as above set forth, any horned cattle, horse, gelding, mare, mule, or ass, shall be killed, or shall die within ten days after the offence committed, although the carcass, or any part of the flesh thereof, may not be stolen, such negro or other slave shall be tried at a slave-court, and, on conviction thereof, suffer death, transportation, or confinement to hard labour for life, or such other punishment as the court shall think proper.

LX. Be it further enacted, by the authority aforesaid, That if any slave or slaves shall, by wantonly and cruelly cutting, chopping, striking, or, by any other manner or way whatsoever, mutilate, disfigure, dismember, or injure, any slave or slaves, so as to endanger life, although death shall not ensue, or that such slave or slaves shall become a cripple, or lose any of his or her limbs, or be deprived of the use thereof, all and every or any such slave or slaves so offending shall, for every or any such offence, be tried at a slave court, and, upon conviction, shall, for the first offence, suffer such punishment, not extending to life, as the court shall think proper to direct, according to the circumstances of the case; and, for a second offence, upon conviction, shall suffer death, or transportation for life, as the court shall direct.

Punishment on those wantonly cutting and chopping any other slave.

LXI. And whereas the practice of negroes to clear their grounds by fire is highly dangerous to the neighbouring properties, and frequent instances of alarm and injury occur for want of some restraint in that respect: For prevention of so great an evil, be it further enacted, That if any injury shall arise to the owner, proprietor, or possessor of one property, by a slave or slaves on the adjoining property clearing ground by fire, the slave or slaves, who shall so clear ground by fire, by which injury shall result to the adjoining property, shall be proceeded against, tried,

Punishment on slaves clearing their grounds by fire, if injury arise.

Overseers, &c. having knowledge that any fire has been made for such purpose, and not doing their utmost to extinguish it, to be fined at discretion of two justices.

and punished, if found guilty, as and for a misdemeanour; and if the overseer, or other person then actually having charge of the property on which such fire shall originate, shall have knowledge that any negro under his charge has made any such fire for clearing his or her ground, and shall not forthwith use his best endeavours to cause the same to be extinguished, and such fire shall cause injury to the neighbouring property, such overseer or other person shall suffer such fine as any two justices of the peace of the parish, wherein such injury shall happen, shall award, not exceeding ten pounds for one and the same offence; the complaint whereon shall be heard, determined, and the penalty, when imposed, shall be enforced, in a summary manner, before any two justices of the peace.

Slaves absent five days, or found eight miles from home, without tickets, to be deemed run-aways.

LXII. And whereas it is very dangerous to the peace and safety of this island to suffer slaves to continue out as runaways, and it is absolutely necessary to declare and make known to the public what slaves shall be deemed such: Be it enacted, by the authority aforesaid, That, from and after the commencement of this act, any slave or slaves who shall be absent from his owner or employer, without leave, for the space of five days, or who shall be found at the distance of eight miles from the house, plantation, or other settlement, to which such slave or slaves shall belong, without a ticket or other permit to pass, except as hereinbefore excepted in going to and returning from market, shall be deemed a runaway.

Slaves, who shall run away for a longer period than six months, to be punished as the court shall direct.

LXIII. And be it further enacted, by the authority aforesaid, That if any slave shall run away from his or her owner or lawful possessor, and continue absent for a term exceeding six months, such slave, being convicted thereof, shall be sentenced to be confined to hard labour for such time as the court shall

determine, or be transported for life, according to the magnitude of the offence.

LXIV. And be it further enacted, by the authority aforesaid, That if any slave shall run away from his or her lawful owner or possessor, as aforesaid, and continue absent for any term not exceeding six months, such slave shall be liable to be tried before two justices, and, upon conviction thereof, shall, for the first offence, suffer such punishment, by flogging, or confinement to hard labour not exceeding three months, as the said two justices shall think proper to direct; but if the said slave hath frequently run away, and is by his owner or possessor declared to be an incorrigible runaway, he shall be tried as if he had been run away from his said owner or possessor, and continued absent for a term exceeding six months, and such slave, being convicted thereof, shall be sentenced to be confined to hard labour or be transported for life, as the court shall direct.

Punishment on those who continue absent for a shorter period than six months.

and those who are incorrigible runaways,

LXV. And be it further enacted, by the authority aforesaid, That any slave or slaves, who shall knowingly harbour or conceal any runaway slave or slaves, shall be liable to be tried for the same at the slave court hereinafter appointed, and, on conviction, shall suffer such punishment as the court shall think proper to direct, not extending to life.

Slaves, harbouring runaways to receive punishment not extending to life.

LXVI. And be it further enacted, by the authority aforesaid, That any slave, or other person or persons whatsoever, who shall apprehend any runaway slave or slaves, shall, for every one so apprehended, be entitled to receive from the owner, employer, overseer, or manager of such slave or slaves, the sum of ten shillings, and no more, besides mile-money at the rate of one shilling *per* mile for the first five miles, and six pence *per* mile for every mile afterwards: provided nevertheless, That nothing in this act con-

Owner, &c. to pay 10s. and mile-money for each runaway taken up.

This act not to alter rewards to maroons.

Slaves, when apprehended, to be conveyed to the owner, &c. or the workhouse of the parish; but if no workhouse in the parish, then to the nearest gaol.

Workhouse or gaol-keeper must receive such slaves, and pay reward and mile-money, under the penalty of 5l.

Workhouse and gaol keepers to advertise weekly in each county paper all runaways in their possession, with full descriptions of them, under a penalty of 10l. charging 3s. 4d. for each

tained shall be construed to extend to an allowance of the said sum of ten shillings, and mile-money, in addition to the sum allowed to maroon negroes for apprehending runaways: And provided also, That it is not hereby intended to deprive the said maroons of their legal and established reward of forty shillings for each negro.

LXVII. And be it further enacted, by the authority aforesaid, That the person or persons, so apprehending such runaway slave or slaves, shall convey him, her, or them, to their respective owner, employer, or manager, or to the workhouse of the parish in which they may be apprehended, if any workhouse is established there, and, in case of there being no workhouse, to the next gaol; and the gaoler or workhouse-keeper is hereby required and ordered to receive such slave or slaves into his or their custody, and to pay the party delivering such slave or slaves the said sum of ten shillings and mile-money as aforesaid, and no more, for each slave so delivered, under the penalty of five pounds.

LXVIII. And, to the end that the owners and proprietors of runaway slaves may have a due knowledge where such slaves are confined, after their being apprehended and sent to any workhouse or gaol in this island, in order that such owners or proprietors may apply for such slaves, be it further enacted, by the authority aforesaid, That, from and after the commencement of this act, all and every the keepers of the workhouses or gaol-keepers in any of the parishes of this island shall, and they are hereby obliged, once in every week, to advertise in the Gazette of St. Jago de la Vega, the Royal Gazette, and the Cornwall Chronicle, the height, names, marks, and sex, and also the country, where the same can be ascertained, of each and every runaway slave then in their custody, toge-

ther with the time of their being sent into custody, and the name or names of the owner or owners thereof, if known, and that upon oath, under the penalty of ten pounds for every slave so neglected by him to be advertised; and for the expense of such advertisement, they the said workhouse-keepers or gaol-keepers shall and may, and they are hereby authorized to, charge the owner or proprietor of such runaway slaves, so advertised, at and after the rate of three shillings and four pence *per* month for each paper, and no more; which said sum of three shillings and four-pence *per* month for each paper to be paid to the printers of the several papers respectively, the amount of whose accounts, after being properly authenticated upon oath, shall be paid annually by the treasurers for the time being of the several workhouses in this island: And that it shall and may be lawful for the keeper of the workhouse or gaol-keeper to detain and keep in his or their custody such runaway slave or slaves, so brought unto him or them, until the owner or owners thereof, or some person on their behalf, properly authorized, shall pay unto him or them what he or they so paid to the person or persons, who apprehended and brought such slave or slaves into custody, with two shillings and sixpence in the pound for laying out his or their money, the cost of advertising, at and after the rate above mentioned, and sixpence for every twenty-four hours such slave or slaves shall have been in custody, for maintenance, and two pence per day for medical care and extraordinary nourishment where necessary, the expense of clothing when supplied, and also the charges of advertising above directed, and no other fees whatever; and that the gaoler, workhouse-keeper, or supervisor, and no other person, shall attest, upon oath, that the charges in the account for mile-money, and the reward for apprehending such slave, were

paper per month, which owners are to reimburse.

Advertising accounts to be paid annually by treasurers.

Slaves may be detained till all expenses paid

with 2s. 6d. in the pound

also 6d. per day for main-tenance, 2d per day for medical care where necessary, &c.

which charges must be attested.

Slaves committed under judgment excluded from payment of fees.

Slaves in confinement to have sufficient provisions, under penalty of 10l. Rations for them

also clothing.

On a negro or other person detained as runaway alleging himself to be free, custos to summon a special sessions, to investigate the truth thereof.

actually paid to the person who brought such runaway, and that the whole of the charges in the said account are strictly conformable to law; Provided always, and it is hereby declared, That the owner or owners of any slave to be committed by the judgment of any slave court, or by order of the magistrates, to any workhouse, by way of punishment, shall not be answerable for, or compelled to pay, the workhouse fees for the time such slave shall be so committed and confined.

LXIX. And be it further enacted, by the authority aforesaid, That the keeper of every workhouse or gaol in this island shall, under the penalty of ten pounds for every neglect, provide and give to every slave confined in such workhouse or gaol a sufficient quantity of good and wholesome provisions daily; that is to say, not less than one quart of unground Guinea or Indian Corn, or three pints of the flour or meal of either, or three pints of wheat flour, or eight full grown plantains, or eight pounds of cocoas or yams, and also one herring or shad, or other salted provisions equal thereto, and shall also, under the like penalty, provide and supply every such slave, confined as aforesaid, with good and sufficient clothing where necessary.

LXX. Provided always, and it is hereby enacted, by the authority aforesaid, That in case any negro or other person sent in, and detained in, any gaol or workhouse, as a runaway slave, shall allege himself or herself to be free, it shall be the duty of the custos or senior justice of the parish or precinct, wherein such gaol or workhouse is situated, to convene, as soon as conveniently may be, a special sessions; consisting of not less than three justices of the peace of such parish or precinct, and of which special sessions, and of the time and place of holding the same, due notice shall

be given in the several county newspapers of this island; and which special sessions, being so convened, shall carefully and attentively investigate, inquire into, and examine, the truth of such allegation; and if it shall appear to such special sessions that such person, so detained, as a runaway slave, is free, such person shall be forthwith discharged, and, in case it shall appear to such special sessions, that such person is a slave, he or she shall be forthwith remanded to the workhouse or gaol, whereto he or she had been sent: Provided always, and it is hereby declared, That the decision of such special sessions shall be without prejudice to the prosecution of the right or title of any person to such runaway, or to the prosecution, by such person detained as a runaway, of his or her right or title to his or her freedom.

LXXI. And it is hereby further enacted, by the authority aforesaid, That no slave or slaves, so detained as a runaway slave or slaves, shall be sold by any gaoler, supervisor, or workhouse-keeper, until such special sessions has been convened and held, and such investigation, inquiry, and examination had, and without the same being certified by the justices attending such special sessions, under their hands and seals; and the sale of any runaway slave or slaves, made without such certificate being obtained, shall be, and the same is hereby enacted and declared to be, null and void, to all intents and purposes, and no right, title, or interest whatsoever, shall pass thereunder to any purchaser whomsoever, any thing in this act, or in an act of the Lieutenant-Governor, Council, and Assembly of this island, made and passed in the thirty-second year of his present Majesty's reign, entitled, *An act for establishing public workhouses in the several parishes in this island*, or any other act,

If entitled to freedom, to be forthwith discharged; if a Slave, remanded.

Decision not to prejudice title.

No slaves, detained as above, to be sold until such investigation takes place.

Such sale declared void

32 Geo. 3. Cap. 11. Page 23.

law, usage, or custom, to the contrary in anywise notwithstanding.

Four weeks' notice in county papers to be given by supervisor, &c. of replevin, &c. brought against them for slaves in the work-house.

LXXII. And be it further enacted, by the authority aforesaid, That, from and after the commencement of this act, every supervisor, intendant, or keeper of any public workhouse in this island, who shall have any action in replevin, *homine replegiando*, or ejectment, brought against him for any negro or other slave or slaves in his custody, shall, under a penalty for every offence, not less than five pounds, nor exceeding fifty pounds, as shall be inflicted by the judges of His Majesty's Supreme Court of Judicature or courts of assize in this island, immediately after he receives such replevin, *homine replegiando*, or ejectment, give notice in the several county newspapers of such action, and at whose suit it is brought, and the name or names of such negro or other slave or slaves, together with his, her, or their, mark or marks, and the best information he can get concerning the real owner of such slave or slaves, and shall continue such notice for four weeks, before the trial shall be had upon such replevin, *homine replegiando*, or ejectment, or such slave or slaves be taken out of the custody of such supervisor, intendant or workhouse-keeper; the costs of which, and all other expenses incurred, shall be paid to such supervisor, intendant, or workhouse-keeper, by the person who shall recover such slave or slaves: And if any person or persons shall give notice to such supervisor, intendant, or keeper of any workhouse, of his, or her, or their, intention to take the defence of any action so brought, such supervisor, intendant, or keeper of a workhouse, shall detain in his custody the slave or slaves, for or by whom such action shall be brought, until the trial of such action or order of the court thereon, under the penalty of one hundred pounds, unless the security

Expenses to be paid by person recovering.

If any person give notice to supervisors, &c. of an intention to defend such actions, supervisors must detain in custody the slaves in dispute until trial, under penalty of 100l.

offered in cases of *homine replegiando* shall justify, before a judge of the grand court or courts of assize, in such sum as such judge shall think proper, notice of such justification, and the time and place thereof, and the judge before whom the same is to be taken, being given to the person intending to take the defence of such action.

LXXIII. And be it further enacted, by the authority aforesaid, That no runaway slave shall, on any account be committed to gaol by any magistrate of a parish where there is any workhouse established, but to such workhouse only.

Runaways to be committed to workhouses only.

LXXIV. And whereas, several slaves have found means to desert from their owners, and depart from this island, to the great damage of such owners, in evil example to other slaves, who may [be] thereby induced to attempt or conspire to do the same; And whereas, there is reason to suspect that such slaves have been aided and assisted in such escape and departure by other persons, and there is not any adequate punishment provided by law for such desertion or departure, or attempting or conspiring to desert and depart this island, or for persons aiding, assisting, or abetting, such deserters: For remedy whereof, Be it enacted, by the authority aforesaid, That, from and after the commencement of this act, if any slave shall run away from his, her, or their owner or owners, employer or employers, and go off, or conspire or attempt to go off, this island, in any ship, boat, canoe, or other vessel or craft whatever, or be aiding, or abetting, or assisting to any other slave or slaves in such going off this island, he, she, or they, so running away, and going off, or conspiring or attempting to go off, or so aiding, assisting, or abetting, in such going off, being thereof convicted,

Slaves attempting to depart this island, or assisting others in such attempts, may be sentenced to death.

shall suffer death or such other punishment as the court shall think proper to direct.

Free people of colour assisting slaves in going off are to be transported,

LXXXV. And be it further enacted, by the authority aforesaid, That if any Indian, free negro, or mulatto, shall, from and after the commencement of this act, knowingly be aiding, assisting, or abetting, any slave or slaves in going off this island, and shall be convicted thereof, either in the supreme court or in other [*either of*] the courts of assize of this island, such Indian, free negro, or mulatto, shall be forthwith transported off this island by the provost marshal or his lawful deputy, into whose custody such person or persons shall be committed; and if such person or persons, so convicted, sentenced, and transported, shall be afterwards found at large in this island, he, she, or they, on proof of his or their identity before the said supreme court or courts of assize as aforesaid, shall suffer death without benefit of clergy.

and suffer death if they return.

If white people do so, they forfeit 300l. for each,

LXXXVI. And be it further enacted, by the authority aforesaid, That if any white person or persons shall knowingly be aiding, assisting, or abetting, any slave or slaves in going off this island, he, she, or they, being convicted thereof, by bill, plaint, or information, in the supreme court of judicature, or either of the courts of assize of this island, shall forfeit the sum of three hundred pounds for each slave; one moiety whereof shall be to our sovereign lord the king, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the party or parties at whose suit or complaint such person was convicted; and shall also suffer imprisonment, at the discretion of the said court, for any space of time not exceeding twelve months, without bail or mainprize.

and may be imprisoned a year.

LXXVII. And be it further enacted, by the authority aforesaid, That it shall and may be lawful to proceed against the person or persons so aiding, assisting, or abetting, any slave or slaves in going off this island, whether the principal or principals be convicted or not, any thing in this or in any other act, law, custom, or usage to the contrary thereof notwithstanding.

Accessories may be proceeded against though principals are not convicted.

LXXVIII. And be it further enacted, by the authority aforesaid, That no negro or other slave shall be allowed to travel the public roads with dogs, or cutlasses, or other offensive weapons, without a ticket from his owner, or to hunt any cattle, horses, mares, mules, or asses, in any part of this island, with lances, guns, cutlasses, or other instruments of death, unless in the company of his or their master, overseer, or some other white person by him or them deputed, or by permission in writing; and if any negro or other slave shall offend, contrary to the true intent and meaning of this act, he, she, or they, being thereof convicted before two justices, shall suffer such punishment as they shall think proper to inflict, not extending to life, or transportation for life.

If slaves, not authorized, travel with dogs, &c. or hunt with instruments of death, punishment may be awarded by two justices.

LXXIX. And whereas it is necessary to declare how and in what manner slaves shall be tried for the several crimes which they may hereafter commit: Be it enacted, by the authority aforesaid, That, from and after this act shall commence and be in force, upon complaint made to any justice of the peace of any murder, felony, burglary, robbery, burning or destroying of houses, out-houses, negro-houses, or cane, grass, or corn-pieces, or breaking into such houses, out-houses, or negro-houses, in the day-time, no person being therein, and stealing thereout; rebellious conspiracies, compassing or imagining the death of any white person or persons, or any other

On complaint of felonies, burglaries, &c. by slaves, justice to issue a warrant.

Slaves to be evidence against each other.

Justice to commit and bind over witnesses to appear.

Justice to call in two other justices (who must attend or each forfeit 20*l.*) and they are to summon a jury, from which particular persons are excepted.

offence whatsoever, committed by any slave or slaves, that shall subject such slave or slaves to suffer death, transportation, or confinement to hard labour, such justice shall issue out his warrant for apprehending such offender or offenders, and for all persons that can give evidence, to be brought before him, or any other justice of the peace; and the evidence of slaves against one another, in this and all other cases, shall be received; and if, upon examination, it appears probable that the slave or slaves apprehended is or are guilty, the justice before whom such examination shall be had and taken, shall commit him, her, or them, to prison, and bind over the witnesses to appear at a certain day, not less than ten days from the day on which the complaint shall be made, and at the place where the quarter-sessions are usually held, and where there are no quarter-sessions held at the place where the parochial business is usually transacted (except in the precinct of Saint Thomas in the East and Saint David, where such trial shall take place at the place where the quarter-sessions are usually held), and shall certify to two other justices of the peace the cause of such commitment, and require them, by virtue of this act to associate themselves to him, which the said justices are hereby severally required to do, under the penalty of twenty pounds for every neglect or refusal; and the said justices, so associated, shall issue out their warrant, directed to the deputy-marshal of such parish or precinct, to summon twenty-four persons, such as are usually warned and empanelled to serve on juries (the master, owner, or proprietor, of the slave or slaves so complained of, or the attorney, guardian, trustee, overseer, or book-keeper, of such master, owner, or proprietor, or the person prosecuting, his or her attorney, guardian, trustee, overseer, or book-keeper, always excepted),

personally to be and appear before the said justices, or any three or more justices of the peace of the said parish, associated for the same purpose, at the day and place aforesaid, to be expressed in such warrant, and between the hours of eight and twelve of the clock in the forenoon, when and where the said persons so warned by the deputy-marshal as aforesaid are hereby severally required to attend, under the penalty of five pounds on each defaulter, and when and where the said justices shall cause the said slave or slaves, so complained of, to be brought before them, and thereupon twelve of the said persons, so summoned as aforesaid, shall compose a jury to try the said slave or slaves, and shall by the said justices (the charge or accusation being first read) be sworn to try the matter before them, and to give a true verdict, according to evidence; and such charge or accusation shall be deemed valid, if sufficient in substance; and if the said jurors shall, upon hearing the evidence, unanimously find the said slave or slaves guilty of the offence wherewith he, she, or they, stand charged, the said justices shall give sentence of death, without benefit of clergy, or transportation, or confinement to hard labour for life, or a limited time, according to the nature of the offence, and shall cause such sentence to be carried into execution at such time and place as they shall think proper, women with child only excepted, whose execution shall be respited until a reasonable time after delivery: Provided always, That nothing in this act contained shall hinder or prevent the said justices, upon any such trial, where any slave or slaves shall be condemned to die, from respiting the execution of such sentence for any term not exceeding thirty days, or until the pleasure of the governor, or the person executing the functions of

Jurors not attending to forfeit 5l.

Twelve persons to compose a jury.

If slaves convicted, justices may give sentence of death, transportation, &c.

Justices may suspend execution for thirty days, if they see cause,

governor, shall be known, in case proper cause shall appear to them for so doing; and that if the jury, upon any such trial, shall apply to the said justices to suspend the execution of any sentence until the pleasure of the governor, or person executing the functions of governor, is known, the said justices shall be obliged to suspend the same for thirty days, and to report the particulars of the trial to the governor, or the person executing the functions of governor, forthwith, under the penalty of fifty pounds on each justice who sat on such trial, except in cases of trial of any slave or slaves convicted of actual rebellion, or for rebellious conspiracy, in all which cases the said justices shall, if they think it expedient, order the sentence passed on such slave or slaves to be carried into immediate execution: And it is hereby declared, That at every court of quarter-sessions, held in each and every parish or precinct within this island, the justices there assembled shall and may, after the usual business of the said court shall be done, form themselves into a court, for the purpose of inquiring into, hearing, and determining, all manner of offences for which any slave or slaves are liable to be punished with death, or transportation, or confinement to hard labour, as aforesaid, and shall open the said court by proclamation, declaring the same to be a slave-court for such purpose; and shall thereupon, on the like charge in writing, and in like manner, in all other respects, as the three justices associated and met as hereinbefore mentioned are, by this act directed to proceed in the trial of slaves for such offences, proceed to try, and deliver the gaol or workhouse within the said parish or precinct of all and every slave or slaves, who shall or may then be in the custody of the marshal or keeper of the workhouse, within each and

and must do it on application of the jury,

except in cases of rebellion, when they may order immediate execution.

When business of quarter sessions ended, justices to form themselves into a slave-court,

for the purpose of gaol delivery,

every parish or precinct, and shall further call a jury, consisting of twelve jurors, to be called and taken from the panel returned to the said court of quarter-sessions, and shall cause them to be severally sworn, as they shall appear, to try all and every such slave or slaves as shall be brought before them, charged with any such offences as aforesaid, and a true verdict give, according to evidence, as in other cases: Provided always, That no less than three justices shall constitute a court for the trial of any slave or slaves, for any crime or offence that shall subject such slave or slaves to suffer death, transportation, or confinement to hard labour for life, as aforesaid: Provided always, That if any slave or slaves shall have been detained in custody, under commitment, for six calendar months, and no indictment shall have been preferred against him, her, or them, or person appearing to prosecute the complaint, during that time, it shall be the duty of the said justices, so associated for the purpose of holding such slave-court, to discharge such slave or slaves by proclamation, at the expiration of such six calendar months, from the time of the commitment of such slave or slaves: And provided always, That in any case, upon an indictment against any slave or slaves for murder, where malice prepense shall not be proved to the satisfaction of the jurors, such jurors shall be, and they are hereby declared to be, at liberty to return a verdict of manslaughter, if they shall think the nature of the case shall require it, and the person or persons so found guilty of manslaughter shall suffer such punishment as the court shall think fit to inflict, not extending to life, or transportation for life.

LXXX. And be it further enacted, by the authority aforesaid, That all and every the jurors, who have

Not less than three justices to constitute a court for trial of slaves in certain cases.

Slaves detained under commitment for six months, and no indictment preferred against them, to be discharged by proclamation.

Where slaves are indicted for murder, if malice prepense do not appear, verdict of manslaughter may be returned.

Jurors summoned for

quarter-sessions must serve in slave-courts, under penalty of 5*l*.

been returned to serve as jurors at the quarter-sessions to be holden as aforesaid, are hereby required, under the penalty of five pounds, to be and appear at the said slave-court, so to be formed and holden, as aforesaid, and to serve as jurors thereon as they shall respectively be called; and that upon all trials of slaves under this act, no peremptory challenges of any of the said jurors, or any exception to the form of the indictment, shall be allowed.

Penalty of 10*l*. on persons warned to attend trials, and neglecting to do so.

I.LXXXI. And be it further enacted, That all witnesses of free condition, legally warned, and who do not attend to give evidence at any trial under this act, or shew, by affidavit, a sufficient cause for his or her absence, shall be liable to a fine of ten pounds.

Jurors, witnesses, &c. under this act, protected in their persons,

LXXXII. And be it further enacted, by the authority aforesaid, That all jurors serving at slave-courts, and every person or persons whose presence may be requisite at the examination of any slave or slaves, and who shall be required by warrant or summons under the hand and seal of any justice of the peace, and all and every slave and slaves, who shall be brought as witnesses, shall be protected in their persons from all mesne or judicial process whatsoever, in their going to, attending at, and returning from such examinations or trial, and that such slaves shall not be subject to be levied on.

and slaves from being levied on.

Records to be kept by clerk of the peace, who must attend trials, and record proceedings in thirty days, under penalty of 20*l*.

LXXXIII. And be it further enacted, by the authority foresaid, That a record shall be entered up of all proceedings on the trials of slaves for any crime that shall subject any slave or slaves to suffer death, transportation, or confinement to hard labour, in a book to be kept for that purpose by the clerk of the peace, or his lawful deputy, of the parish or precinct; who is hereby obliged to attend all such trials, and to record the proceedings within thirty days after such

trial, under the penalty of twenty pounds for each neglect ; and he shall be entitled to receive from the church wardens of such parish the sum of five pounds, and no more, for attending each trial, entering up the record, and all other business incidental thereto : and further, that the deputy-marshal for the said parish, or some proper person acting under him, shall, under the penalty of fifty pounds, warn the jurors, and attend the trials of all slaves, and also attend at the execution of such offenders as shall be condemned to die ; and that he shall be entitled to receive from the churchwardens of the said parish, for warning jurors and attending the trials of slaves at all special slave-courts, the sum of five pounds for each court, to be held under this act, and the further sum of five pounds for attending the execution of each offender as shall be condemned to die,

His fee.

Deputy marshals must warn jurors and attend at such trials, under penalty of 50*l*.

Their fees.

LXXXIV. And be it further enacted, by the authority aforesaid, That in case any slave or slaves shall, with evil intent, give false evidence in any trial had under this act, such slave or slaves, being thereof convicted, shall suffer the same punishment as the person or persons, on whose trial such false evidence was given, would, if convicted, have been liable to suffer.

Punishment on slaves for giving false evidence.

LXXXV. And be it further enacted, by the authority aforesaid, That in future, whenever a warrant shall be granted by one or more of his Majesty's justices of the peace against any slave, if the said slave cannot be immediately taken on the said warrant, the owner, possessor, attorney, guardian, or overseer, of such slave shall be served with a copy of the said warrant, and if he, she, or they, do not carry the said slave before a magistrate, to be dealt with according to law on the said warrant, and if it should be afterwards proved that the owner, possessor, attorney, guardian, or overseer, of such slave, wilfully detained

If slaves, against whom warrants are issued, are concealed by owners, &c. they forfeit 100*l*.

or concealed the said slave, he, she, or they, shall forfeit the sum of one hundred pounds.

Six days' notice of trial to be given to owners, &c. of slaves.

LXXXVI. And be it further enacted, by the authority aforesaid, That in all trials of any slave or slaves under this act, six days' notice of such trial shall be first given to the owner, proprietor, or possessor, of such slave or slaves, his, her, or their lawful attorney or attornies, or other representative or representatives: any law, custom, or usage, to the contrary notwithstanding.

How such notices are to be served where owners reside in a different parish to that in which their slaves may have committed offences, and are to be tried.

LXXXVII. And whereas it may some-times happen that the owner, proprietor, or possessor of a slave may reside in a different parish or precinct from that wherein such slave may have committed the offence for which he or she is to be tried, Be it therefore enacted, That in such cases the clerk of the peace of the parish or precinct wherein the offence is to be tried, shall transmit the notice of such trial to the clerk of the peace of the parish or precinct, wherein the owner, proprietor, or possessor as aforesaid may reside, who shall forthwith thereupon, under the penalty of twenty pounds, deliver such notice, and a copy thereof, to one of the lawful constables of the said parish, to be by him, under the penalty of ten pounds, served on such owner, proprietor, or possessor; and the said constable is hereby required to make an affidavit of the manner in which he may have served the said notice, to be sworn to before any justice of the peace, and shall return such notice, so sworn to, to the clerk of the peace from whom he received the same, to be by him transmitted to the clerk of the peace of the parish or precinct where the offence is to be tried in due time; for which duty the clerk of the peace of the parish, where the warrant shall be served, shall be paid the sum of one pound six shillings and eight-pence, and the constable the sum of one pound

six shillings and eight-pence, by the acting churchwarden of the said parish.

LXXXVIII. And be it further enacted, by the authority aforesaid, That in all cases where the punishment of death is inflicted, the execution shall be performed in a public part of the parish, and with due solemnity; and care shall be taken by the gaoler or deputy-marshal that the criminal is free from intoxication at the time of his trial, and from thence to and at the time of his execution, under the penalty of twenty pounds; and the mode of such execution shall be hanging by the neck, and no other, and the body shall be afterwards disposed of as the court shall direct.

Executions must be public and solemn.

LXXXIX. And be it further enacted, by the authority aforesaid, That in all cases, where any slave or slaves shall be put upon his, her, or their, trial, and receive sentence of death, or transportation, or commitment to hard labour for life, the court, at the time of trying such slave or slaves, shall also inquire of the jury, upon their oaths, what sum or sums of money the owner, proprietor, or possessor, of the said slave or slaves, ought to receive for such slave or slaves, and certify the same, so that such sum or sums of money do not exceed the sum of one hundred pounds for each slave so sentenced as aforesaid; and, if the conviction be for running away, the value to be set by the jury shall not exceed fifty pounds.

Slaves sentenced to be executed or transported to be valued by the jury.

XC. And be it further enacted, by the authority aforesaid, That in all cases where any slave or slaves shall be brought to trial, and sentenced to death or transportation, and valued according to the directions of this act, the provost-marshal or his lawful deputy shall, under the penalty of two hundred pounds, carry such sentence into execution as soon after the passing

Provost marshal must execute sentences without delay under penalty of 200l.

and render account of net proceeds of sales, on back of certificate of valuation.

If charges amount to or exceed sale, receiver-general to pay the whole.

Valuation of slaves sentenced to death, &c. under this act, to be paid by receiver-general.

thereof as an opportunity shall offer; and in case of sentence to transportation, shall forthwith sell such slave or slaves for transportation to the best advantage in his power; and shall, under the penalty of two hundred pounds, within the space of one month from the time of such sale, render to the owner, proprietor, or possessor, of such slave, or other person legally entitled to receive the same, a just and true account, upon oath, of the sale or sales of such slave or slaves, and of the legal charges attending the same, and pay over to such owner, proprietor, or possessor, or other person legally entitled to receive the same, the proceeds of such sale or sales, after deducting all legal charges, as aforesaid; and if it shall happen that the charges due to the provost-marshal or his legal deputy, for confinement and subsistence of said slave or slaves, shall amount to or exceed the amount of the sales, the same shall be sworn to by the said provost-marshal or his lawful deputy, on the back of the certificate of valuation, in which case the receiver-general shall pay the whole amount of such valuation.

XCI. And be it further enacted, by the authority aforesaid, That in all cases, where any slave or slaves shall be sentenced to death or confinement to hard labour for life, and be valued according to this act, such slave or slaves shall be paid for by the receiver-general of this island, out of any monies in his hands, upon production of a legal certificate of such sentence and valuation, but not otherwise; and in all cases, where any slave or slaves shall be sentenced to transportation, and valued in manner aforesaid, the receiver-general shall, in like manner, upon production of a like certificate, together with the account upon oath, hereinbefore directed to be made by the provost-marshal or his lawful deputy, but not otherwise, pay

the amount of the valuation of such slave or slaves, after deducting the amount of such account.

XCII. And be it further enacted, by the authority aforesaid, That every slave who, under the authority and by virtue of this act, shall be sold for transportation by the provost-marshal or his lawful deputy, shall, notwithstanding such sale, remain in the custody of the said provost-marshal or his said deputy, until the purchaser of such slave shall have entered into bond, with sufficient security, to our sovereign lord the King, under the penalty of five hundred pounds for every such slave, so purchased, that every such slave shall be transported off this island within thirty days after the date of such bond, and shall in the mean time be kept in close confinement on board the ship or vessel in which such slave is intended to be transported; which bond shall be taken by the said provost-marshal, or his lawful deputy as aforesaid (for which the provost-marshal, or his said deputy, shall receive from the party entering into the same all expenses incidental thereto), and be filed among the records in the office of the clerk of the peace of the parish or precinct where such slave was tried.

Purchasers of slaves sentenced to transportation to give bond in 500/ penalty to transport them in thirty days.

Bond to be lodged in clerk of peace's office.

XCIII. And be it further enacted, by the authority aforesaid, That every such purchaser of any slave, so directed to be sold for transportation, as aforesaid, shall, at the time of executing such bond, as aforesaid, also make oath, in writing, on some part of the said bond, before the provost-marshal, or his lawful deputy, as aforesaid, (either of whom is hereby authorized and required to administer the same), that every such slave, so purchased by him, shall be transported to (death or danger of the seas excepted), and that the said slave, so purchased, shall not, with his knowledge, privity, or consent, be re-landed in this island.

Purchasers to make oath that slaves shall be transported, and that they shall not be re-landed.

No slave to be delivered until bond taken and oath made, under penalty.

Slaves returning from transportation to be re-sold for transportation.

Such slaves going at large may be apprehended by any person, and on due proof re-sold.

Appropriation of the money.

XCIV. And be it further enacted, by the authority aforesaid, That the provost-marshal, or any of his deputies, shall not, under the penalty of three hundred pounds for each offence, deliver over to any purchaser or purchasers, any slave, so sold for transportation, as aforesaid, until such bond is entered into, and oath taken, as aforesaid; and in case any such slave, so sold for transportation, as aforesaid, shall be found within this island after the expiration of the thirty days before limited for his or her transportation, such slave shall become forfeited to the crown, and be re-sold for transportation by the provost marshal or his lawful deputy, in the same manner, and under the like penalties, as are hereinbefore enacted, and the net proceeds of such re-sale shall be paid over to the receiver-general for the use of the public.

XCV. And be it further enacted, by the authority aforesaid, That every slave sold for transportation, under and by virtue of this act, who shall be found at large within this island, at any time after such sale as is hereinbefore directed, may and shall be lawfully apprehended by any person whomsoever, and immediately taken before any of His Majesty's justices of the peace, and if it shall appear, to the satisfaction of such justice, that such slave has been formerly sold for transportation, by virtue of this act, such justice shall, by warrant under his hand and seal, direct such slave to be delivered to the provost-marshal or his lawful deputy, to be re-sold for transportation only; and the monies arising from such sale, after deducting a commission of five pounds *per centum*, and all necessary expenses, shall be paid over, one moiety thereof to the person apprehending such slave, and the other moiety to the receiver-general for the time being, for the support of the government of this island.

XCVI. And be it further enacted, by the authority aforesaid, That if any negro or other slave, who shall have been transported from this island under the direction of this act, or of any other act heretofore in force respecting slaves, for murder, rebellion, or being engaged in a rebellious conspiracy, or obeah, or arson, shall wilfully return from transportation, such negro or other slave shall, upon conviction, suffer death without benefit of clergy.

If slaves return from transportation for murder, &c they are to suffer death.

XCVII. And be it further enacted, by the authority aforesaid, That if the master of any ship or vessel shall knowingly and wilfully bring back to this island any negro or other slave, who shall have been transported from this island under and by virtue of this act, or any other act heretofore in force respecting slaves, such master, being convicted thereof by bill, plaint, or information, in the supreme court of judicature, or either of the courts of assize of this island, shall forfeit the sum of three hundred pounds for each slave so brought back; one moiety whereof shall be to our sovereign lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the party or parties at whose suit or complaint such person was convicted, and shall also suffer imprisonment, at the discretion of the court, for any space of time not less than three nor exceeding twelve months, without bail or mainprize.

Masters of vessels, wilfully bringing back transported slaves, to forfeit 300*l.* for each, and suffer imprisonment at the discretion of the court.

XCVIII. And be it further enacted, by the authority aforesaid, That if any negro or other slave, who may be sentenced to be confined in the workhouse for the term of two years, or a less time, shall escape from such confinement before the expiration of his sentence, such negro or other slave, being retaken, shall, on proof of his or her identity before two justices of the peace, be adjudged by them to be sent

Slaves sentenced to confinement in workhouse for two years, escaping, may be ordered fifty lashes, and re-committed;

back to confinement, to complete the term for which he or she was sentenced to confinement, and to receive a whipping, not exceeding fifty lashes.

and those sentenced for life, escaping, may be transported.

XCIX. And be it further enacted, by the authority aforesaid, That if any negro or other slave, who may be sentenced to be confined to hard labour for life in any workhouse, shall escape therefrom, every such negro or other slave, being retaken, shall, on proof of his or her identity before two magistrates, be adjudged by them either to be recommitted to his or her former punishment, or to be transported off this island for life.

If marshal, constable, &c. suffer them to escape, they forfeit 50*l.* and may be sued for their value.

C. And be it further enacted, by the authority aforesaid, That if the provost-marshal, or any of his lawful deputies, or any lawful constable or workhouse keeper, shall willingly or negligently suffer any slave or slaves to escape, who shall be committed to his or their custody for any offence under this act, such marshal, constable, or workhouse keeper, who shall suffer such escape, shall, on conviction thereof before two magistrates, forfeit the sum of fifty pounds, to be recovered in a summary manner, by warrant under the hands and seals of the said two magistrates, for the use of the parish, and without injury to the rights of the owner to sue for the value of the same.

Fees of slaves discharged by proclamation to be paid by the public, proof being given that they were properly maintained.

CI. And be it further enacted, That when any slave or slaves shall be discharged by proclamation, the deputy-marshal or workhouse keeper shall be entitled to receive all such fees, as shall be due to him or them for such slave or slaves, at the time of such discharge, from the public, upon application and due proof made in the most solemn manner to the assembly, or any committee thereof, that such slave or slaves, during the time they were in the custody of such deputy-marshal or workhouse keeper, was or were found and provided with proper and sufficient pro-

visions and necessary clothing, agreeably to this law.

CII. And be it further enacted, by the authority aforesaid, That no gaol-keeper in this island, or any person acting under him as clerk or deputy, shall, on any pretence whatsoever, work or employ any slave or slaves sent to his custody, upon any plantation, pen, or settlement, belonging to, or in the possession of, any such gaol-keeper, nor hire or lend such slave or slaves out to work for any other person or persons, during the time such slave or slaves shall be in his custody, but that all such slaves shall be and remain in the common gaol of the county, parish, or precinct; in order to be inspected by any person or persons desiring the same; and in case any gaol-keeper shall offend herein, he shall, for every offence, forfeit the sum of fifty pounds.

Gaol keepers not to work out slaves sent to them for confinement, under penalty of 50*l.*

CIII. And whereas, there are many inferior crimes and misdemeanors committed by slaves, which ought to be punished in a summary manner before two magistrates: Be it therefore enacted, by the authority aforesaid, That all misdemeanors and inferior crimes committed by any slave or slaves, not hereinbefore mentioned and directed in what manner they are to be tried, shall be tried in a summary manner before two or more justices of the peace of the parish or precinct, where the offence shall be committed, reasonable notice of the time and place of such trial being given to the owner, proprietor, or possessor of such slave or slaves, or his, her, or their attorney or attornies, or the person or persons having the care of such slave or slaves; and the said justices of the peace shall, on conviction of such slave or slaves, order and direct such punishment to be inflicted as they shall think proper, not exceeding fifty lashes, or six months' imprisonment to hard labour.

Two justices may inquire into inferior crimes, giving notice to owners, &c. of slaves, and order punishment.

Clerks of peace to attend such summary trials, under penalty of 50*l.* for which they are to be paid 1*l.* 6*s.* 8*d.*

CIV. And be it further enacted, That the clerk of the peace for attending such summary trial, and making out the order of the magistrates thereat, which he is hereby bound to do, under the penalty of fifty pounds, shall be entitled to receive from the churchwardens of the parish, the sum of one pound six shillings and eight-pence; and the constable, for attending at the trial and at the execution of the order of the magistrates thereon, shall receive the sum of ten shillings, except in the city of Kingston, where the fees to the clerk of the peace shall be thirteen shillings and four-pence, and to the constable five shillings, in consequence of the great number of such trials in that city.

Fee to constables.

Justices to enforce this act as well during martial law as at other times.

CV. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the justices aforesaid, and they are hereby required, to do their several and respective duties under this act when martial law shall happen to be in force, as they might or ought to have done if martial law were not subsisting; any law, custom, or usage, to the contrary in anywise notwithstanding.

Recovery and application of penalties not before disposed of.

CVI. And be it further enacted, by the authority aforesaid, That all penalties in this act mentioned, and not already declared how they shall be recovered and applied, shall, if not exceeding fifty pounds, be recovered in a summary manner before any two of His Majesty's justices of the peace, by distress and sale of the offender's goods and chattels, and, if amounting to or exceeding fifty pounds, to be recovered in the supreme court of judicature, or in either of the courts of assize, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law, or *non vult ulterius prosequi*, shall be entered; one moiety of which penalties shall be paid to the churchwardens, for the use of the parish

where the offence shall be committed, and the other moiety to the informer, or him, her, or them, who shall sue for the same: Provided always, That all proceedings, for the recovery of penalties under this act, shall be instituted within twelve months after the offence be committed.

Proceedings to be commenced within twelve months.

CVII. And be it further enacted, by the authority aforesaid, That all crimes committed by slaves during the time the act entitled, *An act for the protection, subsisting, clothing, and for the better order and government of slaves, and for other purposes*, passed in the year one thousand eight hundred and nine, was in force, shall be heard, tried, and determined, and such slave punished, in the manner directed by the said act, and as if the same were now in full force, and for which purpose only the said recited act shall be considered as still in force.

Offences committed under former act may be heard, tried, &c. as if it were still in force.

CVIII. And be it further enacted, by the authority aforesaid, That this act shall commence, continue, and be in force, from the thirty-first day of December in the present year. (1816.)

Commencement of this act.

IN the course of the ten years which elapsed after the enactment of the law of 1816, several acts, having for their object the benefit and improvement of the slaves, or facilitating their manumission, passed the Jamaica Legislature and received the royal assent; of these we may cite 2 Geo. IV. cap. 16., 4 Geo. IV. cap. 15., 5 Geo. IV. cap. 21 and cap. 22., and 6 Geo. IV. cap. 19. These were all repealed by the last consolidated slave law; but their provisions were re-enacted, with several beneficial extensions, in the body of that law, a copy of which we now proceed to present.

7 GEO. IV. CAP. 23.

An Act to alter and amend the Slave Laws of this island.—[22d December, 1826.]

Preamble.

WHEREAS it is expedient that the laws now in force relating to slaves should be revised and consolidated, and other provisions be enacted to promote their religious and moral instruction, and by means whereof their general comfort and happiness may be increased, as far as is consistent with due order and subordination, and the well-being of this colony: May it therefore please your Majesty that it may be enacted: Be it therefore enacted by the Governor,

Council, and Assembly of this your Majesty's island of Jamaica, That from and after the commencement of this act an act, entitled "*An act for the subsistence, clothing, and the better regulation and government of slaves, for enlarging the powers of the council of protection, for preventing the improper transfer of slaves, and for other purposes,*" passed the nineteenth day of December, in the fifty-seventh year of the reign of his late Majesty King George the Third; also an act, entitled "*An act to amend the slave act, by altering the mode of carrying into execution the sentence of death on slaves,*" passed the fourth day of December, in the second year of the reign of his present Majesty King George the Fourth; also an act, entitled "*An act to take away clergy from offenders in rape on slaves,*" passed the eleventh day of December, in the fourth year of the reign of his present Majesty King George the Fourth; also an act, entitled "*An act for removing impediments to the manumission of slaves by owners having only a limited interest,*" passed the eighteenth day of December, in the fifth year of the reign of his present Majesty King George the Fourth; also an act, entitled "*An act to prevent levies on slaves on Saturday,*" passed the eighteenth day of December, in the fifth year of the reign of his present Majesty King George the Fourth; and also an act, entitled "*An act to enable slaves to receive bequests of money or other personal estate,*" passed the twenty-first day of December, in the sixth year of the reign of his present Majesty King George the Fourth, shall be and stand repealed, and the same are hereby repealed accordingly. repealed.

57 Geo. III.
cap. 25,

2 Geo. IV.
cap. 16,

4 Geo. IV.
cap. 15,

5 Geo. IV.
cap. 21,

5 Geo. IV.
cap. 22.

6 Geo. IV.
cap. 19,

II. Whereas doubts may be entertained whether the act of twenty-fifth George the Third, chapter eight, has been repealed by any act or acts hereto-

25 Geo. III.
cap. 8, de-
clared in force.

Slaves to be
religiously in-
structed, and
such baptized
as can be made
sensible of a
duty to God
and the Chris-
tian faith.

Marriages of
slaves regu-
lated.

Proviso.

fore passed: In order to put an end to such doubts, be it enacted by the authority aforesaid, That nothing in any act heretofore passed, or nothing in this act contained, shall repeal the said mentioned act, but that the same shall be in as full force and virtue as if the said several acts had never been made.

III. And be it further enacted, by the authority aforesaid, That all owners, proprietors, and possessors, or, in their absence, the managers or overseers of slaves, shall, as much as in them lies, endeavour the instruction of their slaves in the principles of the Christian religion, whereby to facilitate their conversion, and shall do their utmost endeavours: to fit them for baptism, and, as soon as conveniently can be, cause to be baptized all such as they can make sensible of a duty to God and the Christian faith, which ceremony the clergymen of the respective parishes are to perform, when required, without fee or reward.

IV. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for any slave or slaves, who has or have been baptized, who may be desirous of entering into the holy state of matrimony, to apply to any clergyman of the established church to solemnize such marriage, who is hereby required to perform the same without any fee or reward, if such clergyman shall, upon examination of such slaves, consider them to have a proper and adequate knowledge of the nature and obligation of such a contract: Provided always, That such slave shall produce to the clergyman a permission in writing from his owner, or from the legal representative of his owner, for that purpose.

V. And whereas, by the ninth section of the eighth George the Second, chapter fifth, it is enacted,

“ That whenever hereafter any slave or slaves, taken on any writ of *venditioni* shall be exposed to sale, the provost-marshal or his deputies respectively shall sell all such slaves singly, unless in cases of families, in which case, and no other, the said provost-marshal, or any of his deputies, may set up to sale such family or families, consisting of a man and his wife, his or their children:” And whereas it seems necessary further to enforce this provision: Be it therefore enacted, by the authority aforesaid, That in all cases, where a levy shall be made by any deputy-marshal or collecting constable of a family or families, each family shall be sold together, and in one lot: Provided always, That nothing in this act contained shall be understood to interfere with levies on individual slaves, nor be construed to authorize excessive levies.

Families not to be separately sold when levied on.

Proviso.

VI. And be it further enacted, by the authority aforesaid, That no white person or persons of free condition shall expose on a Sunday, after the hour of eleven o'clock in the forenoon, any goods or provisions for sale in any market, or in any shop or other places, under a penalty not exceeding five pounds for every offence, to be recovered in a summary manner before any two magistrates; and, if any slave do commit such offence, the goods so exposed to be forfeited, by order of any justice of the peace, for the benefit of the poor of the parish where such offence is committed: Provided, That nothing herein shall extend to prevent the keeping open any druggist's shop, tavern, or lodging-house, or the sale of fresh meat and fresh fish or milk, on Sunday; such sale, however, not to take place in any town or place during the hours appointed for the celebration of divine service therein: Provided always, That sufficient notice be given in the market that the hour for closing it has arrived.

Sunday markets limited.

Proviso.

Proviso.

VII. Whereas it is expedient to render the Sabbath as much as possible a day of rest, and for religious worship: And whereas it would be right and proper that slaves should be protected on some other day in the week besides Sunday from being taken or levied upon, for debt under any process issuing out of any of the courts of justice in this island, or by collecting constables for taxes: Be it therefore enacted, by the authority aforesaid, That it shall not be lawful to make any levy upon any negro or other slave on Saturday, and that they shall be exempt from all such process, and also from levies by collecting constables for taxes, on that day the same as on Sunday.

Slaves protected from process on Saturday.

Slaves to be allowed one day in every fortnight, besides Sundays, except during crop, under penalty of 20*l*.

VIII. And be it further enacted, by the authority aforesaid, That from and after the commencement of this act the slaves belonging to, or employed on, every plantation or settlement shall, over and above the holidays hereinafter to be mentioned, be allowed one day in every fortnight to cultivate their own provision-grounds, exclusive of Sundays, except during the time of crop, under the penalty of twenty pounds, to be recovered against the overseer or person having the care of such slaves: Provided always, That the number of days, so allowed to the slaves for the cultivation of their grounds, shall be at least twenty-six in the year.

Proviso.

Slaves not to be employed on Sundays or other days without consent of owner.

IX. And whereas much mischief is occasioned by persons employing the slaves of others: Be it enacted by the authority aforesaid, That from and after the passing of this act no person or persons whomsoever shall employ the slave or slaves of others, for any reward or hire to be paid to them, on the Sunday or any other day allowed such slave by law, without the consent, in writing, of such owner or owners, or overseers, first had and obtained, under a penalty not exceeding

five pounds for each negro so hired or employed, such penalty to be recovered in a summary manner by warrant under the hands and seals of two magistrates of the parish in which the property is situated, where the offence shall have been committed, and, in case of non-payment of such penalty, to commit the offender or offenders to the common gaol of the county, in which such offence shall have been committed, for a space not exceeding twenty days, or until such penalty shall be paid, and such penalty shall be for the benefit of the party, proprietor, or possessor of such slave complaining, in case such offence shall be proved by a disinterested person; and in case such offence shall be proved by the owner, proprietor, or possessor of such slave, such penalty shall be for the benefit of the poor of the parish in which the same offence shall be committed.

X. And be it enacted by the authority aforesaid, That during the crop not only shall the slaves, as heretofore, be exempted from the labour of the estate or plantation on Sundays, but that no mills shall be put about or worked between the hours of seven o'clock on Saturday night and five o'clock on Monday morning, under the penalty of twenty pounds, to be recovered against the overseer or other person having the charge of such slaves.

XI. And be it enacted by the authority aforesaid, That every master, owner, or possessor of any slave or slaves, or his or her overseer or chief manager, shall, under the penalty of ten pounds for each neglect, cause the condition of the negro grounds to be inspected once in every month at least, in order to see that the same are cultivated and kept up in a proper manner, of which oath shall be made as in this act is hereafter directed: And whereas it may happen that on some plantations, pens, settlements, and towns in

Slaves exempted from labour on Sundays during crop, and working of mills regulated.

Negro-grounds to be inspected every month.

Where there are not proper lands, each slave is to have provision equal to 3s. 4d. per week, under penalty of 50l.

Proper clothing to be given to slaves annually, under penalty of 5l. for each slave, for whom such clothing shall not be provided.

Yearly accounts to be given in of the provision made for, and clothing delivered to, slaves, under penalty of 100l.

this island, there may not be lands proper for the cultivation of provisions, or where, by reason of long continuance of dry weather, the negro-grounds may be rendered unproductive: Then, and in that case, the masters, owners, or possessors do, by some other ways and means, make good and ample provision for all such slaves as they shall be possessed of, equal to the value of three shillings and four-pence currency per week for each slave, in order that they may be properly supported and maintained, under the penalty of fifty pounds.

XII. And be it further enacted by the authority aforesaid, That every master, owner, or possessor of slaves shall, once in every year, provide and give to each slave they shall be possessed of proper and sufficient clothing, to be approved of by the justices and vestry of the parish where such master, owner, or possessor of such slaves shall reside, under the penalty of five pounds for each slave, for whom such clothing shall not be provided, to be recovered in a summary manner before three justices of the peace.

XIII. And be it further enacted by the authority aforesaid, That every master, owner, proprietor, or possessor of slaves, his or her overseer or chief manager, at their giving in an account of their slaves and stock to the justices and vestry on the twenty-eighth day of March, in every year, or at the vestry which shall be held next after that day, shall, under the penalty of one hundred pounds for every neglect, give in an account, on oath, of the nature and quantity of the clothing actually served to each slave on such plantation, pen, or other settlement, for the approbation of the justices and vestry, as aforesaid, and shall likewise, at the same time, declare on oath that he has inspected, or cause to be inspected, the negro-grounds (where such negro-grounds are allotted)

of such plantation, pen, or settlement, according to the directions of this act, and that every negro on the property is sufficiently provided with grounds, or, where there are no negro-grounds, such ample provision as hereinbefore directed.

XIV. And be it further enacted by the authority aforesaid, That when the number of slaves belonging to any master, owner, or possessor, shall not exceed forty, and such master, owner, or possessor shall not comply with the enactments contained in the two foregoing clauses of this act, the justices and vestry of the parish, where such master, owner, or possessor of such slaves reside, shall have power and authority to impose a penalty not exceeding fifty pounds, to be recovered in a summary manner before any two of his Majesty's justices of the peace by distress and sale of the offender's goods and chattels.

When slaves do not exceed forty in number, penalty not to exceed 50l.

XV. And whereas, by the usage of this island, slaves have always been permitted to possess personal property, and it is expedient that such laudable custom should be established by law: Be it therefore enacted by the authority aforesaid, That if any owner, possessor, or any other person whatsoever, shall wilfully and unlawfully take away from any slave or slaves, or in any way deprive or cause any slave or slaves to be deprived of, any species of personal property, by him, her, or them lawfully possessed; such person or persons shall forfeit and pay the sum of ten pounds over and above the value of such property so taken away as aforesaid, the same to be recovered under the hands and seals of any three justices of the peace before whom the complaint shall be laid and the facts proved: Provided nevertheless, That nothing in this act shall be construed or deemed to authorise any trespass, or to allow any slave or slaves to turn loose or keep, on his owner's or other person's pro-

Personal property of slaves protected.

Proviso.

perty, any horses, mares, mules, asses, cattle, sheep, hogs, or goats, without the consent of his owner, or person in possession of such lands, being first had and obtained.

XVI. Whereas it is expedient that the owners of slaves or other persons should have it in their power to reward the fidelity of slaves, or to make them a bequest as a reward for their services or good conduct; Be it therefore enacted, by the authority aforesaid, That any pecuniary bequest or legacy of a chattel to a slave shall be deemed and considered to be a valid and legal bequest or legacy, and the executor or executors or other representative of the testator shall be authorized to pay the amount of such legacy, or to deliver such chattel to such slave: Provided always, That nothing herein contained shall be deemed to authorize the institution of any action or suit at law, or in equity, for the recovery of such legacy, or to make it necessary to make any slave or slaves a defendant or defendants to a suit in equity.

Requests to slaves secured.

Proviso.

Females who have six children living, whether their own or adopted, are to be exempted from hard labour, and their owners from taxes for them, proof being given that the mother, or adoptive mother, and children, are living.

XVII. And, in order that further encouragement may be given to the increase and protection of negro infants, be it further enacted by the authority aforesaid, That every female slave, who shall have six children living, or who having raised from infancy, and during the period of nurture, a child or children of deceased mothers, and which shall continue to live with her as her adopted child or children, shall have of her own, and of such so raised and adopted child or children, six children living, shall be exempted from all hard labour, in the field or otherwise, and the owner or possessor of every such female slave shall be exempted from all manner of taxes for such female slave, any thing in the act, commonly called the poll tax law, or any other of the tax laws of this island, passed or annually to be passed, to the contrary notwithstanding, and a deduction shall be made for all such female

slaves from the taxes of such owner or possessor by certificate of the justices and vestry : **Provido.** Provided nevertheless, That proof be given on oath, to the satisfaction of the said justices and vestry, not only that the requisite number of children, together with the mother, or adopted mother, are living, but also that the mother is exempted from all manner of field or hard labour, and is provided with the means of an easy and comfortable maintenance.

XVIII. And be it further enacted by the authority aforesaid, That no master, owner, or possessor of any slave or slaves, whether in his or her own right, or as attorney, guardian, trustee, executor, or otherwise, shall discard or turn away any such slave or slaves on account or by reason of such slave or slaves being rendered incapable of labour or service to such master, owner, or possessor, by means of sickness, age, or infirmity; but every such master, owner, or possessor, as aforesaid, shall be, and he is hereby, obliged to keep all such slave or slaves upon his, her, or their properties, and to find and provide them with sufficient clothing, wholesome necessaries of life, and not suffer such slave or slaves as aforesaid to be in want thereof, or to wander about and become burthensome to others for sustenance, under the penalty of twenty pounds for every such offence, to be recovered in a summary manner before any three justices of the peace in this island, who are hereby authorized, empowered, and required to cause such master, owner, or possessor, his, her, or their attorney, or agent, and such other persons as they shall judge necessary, to be summoned before them, to enable them to judge and determine of the propriety of such information, and whether such master, owner, or possessor ought to incur the said penalty; and in the meantime, and until such trial can be had, the said justices of the peace,

Possessors of slaves not to turn them away on account of infirmity, but keep them on their properties, and provide for them, under penalty of 20l.

Wandering slaves may be taken up and sent to the workhouse, to be supported till possessor summoned and matter inquired into. If possessor found guilty, and refuse to pay penalty, workhouse fees, &c. he is to be sent to gaol till he pay.

upon their own view, or upon the information of any white or free person, on oath, are hereby empowered and required to take up such wandering, sick, aged, or infirm slave or slaves, and to lodge him, her, or them, in the nearest workhouse, there to be clothed and fed, but not worked, at the expense of the master, owner, or possessor, until such trial as aforesaid can be had; and if it shall appear to the said justices, on such trial, that the party or parties so complained of is or are guilty of the said offence, and shall refuse to pay the said sum of twenty pounds, and the fees of such workhouse, for the maintenance of such slave or slaves, together with the charges of clothing and of the conviction, the said justices are hereby required and empowered, under the penalty of twenty pounds, forthwith, by warrant under their hands and seals, directed to the constable, to commit such offender or offenders to the common gaol of the county or parish where the offence shall be committed, there to remain until he, she, or they shall pay the said sum of twenty pounds and charges as aforesaid; one moiety of which said fine shall be paid to the informer, who is hereby declared to be a good witness, and the other moiety shall be paid into the hands of the churchwardens of such parish, for the poor of the said parish, any law, custom, or usage to the contrary notwithstanding.

XIX. And whereas, from the decease and change of residence of many proprietors of slaves, and other circumstances, and from the manumission of negro, mulatto, and other slaves, without any suitable provision being made for their future maintenance, many unhappy objects, afflicted with contagious distempers, or disabled from labour by sickness, age, and otherwise, and having no owners, prove dangerous, or become a burthen or nuisance to the several towns and parishes of this island: For remedy whereof, be

it further enacted by the authority aforesaid, That the justices and vestrymen of the several towns and parishes in this island be empowered to lay a tax upon the several towns and parishes, in the same manner as the parochial taxes are usually laid, for the purpose of raising such a sum as they shall judge sufficient to provide for the maintenance, clothing, medical care, and attendance, in the workhouses or other convenient places of the said several towns and parishes of this island, of such negro, mulatto, or other slaves, or other unhappy objects, as aforesaid : And the magistrates respectively of such town and parish are hereby empowered and required, upon application being made to them, or either of them, or upon view, to order all such objects as aforesaid to be removed and conveyed to the respective workhouses of each parish, where (if a slave) the former proprietor or proprietors, owner or owners, of such slave lived or resided ; or, if a person manumized or made free, of the parish wherein the owner or owners commonly resided, or the property was situated, to whom or to which such manumized person belonged immediately previous to the execution of such manumission ; or, if such manumission be by will, immediately previous to the decease of the testator or testatrix, there to be lodged and taken care of, as aforesaid : And the magistrates and vestries of the several towns and parishes as aforesaid are hereby empowered and required to make, from time to time, all such humane and salutary regulations, for the purposes aforesaid, as to them shall seem necessary and expedient ; and the keeper of the workhouse in such parish, to which such slave or free person shall be sent by warrant from any other parish, shall be obliged to receive the same, under the penalty of twenty pounds.

Justices and vestries to lay taxes for support of disabled negroes,

who are to be passed to the parishes where their former owners resided,

as are those free poor who have been manumized.

Vestries to make regulations for their accommodation.

In the case of manumized persons becoming burthensome to any parish, such parish may have recourse to the security-bond entered into under 15 Geo. III cap. 18.

XX. And it is hereby enacted and declared, That every parish in this island to which any manumized person shall be removed, in pursuance of this act, or any clause of any former act for this purpose, as to the place of the legal settlement of such person, shall be entitled to claim all the advantages to be derived by law from the security bond, directed to be entered into and given in, and by an act, passed in the fifteenth year of the reign of his late Majesty King George the Third, entitled, "*An act for regulating the manumission of negro, mulatto, and other slaves, and to oblige the owners to make a provision for them during their lives,*" by any person or persons manumizing any slave or slaves to the churchwardens of whatsoever parish such bond may have been given, as fully as if the same had been entered into to the churchwardens of the parish to which such manumized person shall become burthensome.

Old or infirm slaves manumized to be allowed 10*l.* per annum.

XXI. And be it further enacted by the authority aforesaid, That all owners or others, who may manumize such slaves as are old, infirm, or unable to work for their maintenance, are hereby obliged to provide for such maintenance, by allowing each and every such slave at the rate of ten pounds per annum, under the penalty of one hundred pounds, to be recovered in the grand or assize courts, and to be paid over to the churchwardens of the parish where such slave may reside; which parish shall, after the recovery of such sum, provide for and pay the sum of ten pounds annually for the support of such slave.

Property of owners liable for support of deserted slaves, though not in the parish they become burthensome to.

XXII. And be it further enacted by the authority aforesaid, That in case any goods, chattels, or slaves, belonging to the owners of such old, infirm, and deserted slaves as aforesaid, who shall have become burthensome to any parish for support, shall there-

after be found in any part of this island, it shall and may be lawful for the churchwardens of every such parish to recover the full amount of all expences, to which such parish shall at any time have been put, on account of such deserted slaves, before any three justices of the peace of the parish or precinct wherein such goods, chattels, or slaves shall be found, by distress and sale of the same.

XXIII. And whereas it sometimes happens that aged, infirm, or disabled slaves, belonging to the estates of insolvent debtors, remain in the custody of the provost-marshal of this island, or his deputies, without a possibility of the same being sold for the benefit of the creditors of such estates : Be it enacted by the authority aforesaid, That upon proof being made on oath, by any deputy-marshal, before any three magistrates of the district wherein he shall hold his appointment, that any slave or slaves of the above description has or have been in his custody for more than six months thereto preceding, that such slave or slaves have been repeatedly put up to sale by public outcry, that no bidder has offered to purchase the same, and there is no probability of his or her being sold, it may and shall be lawful for the said three magistrates to make an order, under their hands and seals, for the removal of such slave or slaves to the parish, wherein the owner of such slave or slaves resided, at or immediately before the time when he or she took the benefit of the act for the relief of insolvent debtors, now in force, or hereafter to be in force, there to be maintained and provided for, according to the directions of this act hereinbefore declared.

XXIV. And it is hereby enacted, That such order being recorded in the office of the clerk of the peace of the precinct, wherein the gaol of such deputy-marshal as aforesaid shall be situated, shall be deemed

Disabled slaves, the property of insolvent debtors, in custody of provost-marshal, may be removed by order of two magistrates to the parish where their owner resided.

Such order being recorded in clerk of peace's office, provost-marshal and his

deputies indemnified in acting under it.

Proviso.

If negroes afflicted with contagious diseases are allowed to leave the property, and travel about the country, the owner, &c. permitting the same, to forfeit 20l. for each.

Field slaves are to have half an hour

and taken, in all the courts of this island, as a complete and perfect acquittal of all demands, claims, suits, and actions of every kind, on or against such provost-marshal, or any of his deputies, as may or shall be made, instituted, or preferred by any person or persons whatsoever, on account or by reason of the removal of any such slave or slaves as aforesaid out of his or their custody: Provided always, That if such slave should at any time thereafter recover and become saleable, it shall be the duty of the supervisor of the workhouse in which such slave is confined, to report the same to the provost-marshal-general, and thereupon the supreme court shall order such slave to be sold by the provost-marshal for the benefit of the insolvent's estate.

XXV. And whereas negroes afflicted with the yaws, cocobay, or other contagious disease, are sometimes permitted to leave their masters' property and travel about the country, to the great annoyance of the public, and of those in the neighbourhood: Be it enacted, That every owner or proprietor of slaves, or his, her, or their overseer, as the case may be, permitting the same, shall forfeit the sum of twenty pounds for every such offence, to be recovered in a summary manner before any three magistrates; one moiety of which to be paid to the informer, and the other moiety to the churchwardens, for the poor of the parish in which the offence shall be committed, and which forfeiture shall be recovered on oath of the informer, or other person complaining, to be levied by warrant of the said magistrates, who, on refusal or failure of payment, are hereby authorized to commit the delinquent to the county or nearest gaol until paid.

XXVI. And be it further enacted, That every field-slave on any plantation or settlement shall, on

work days, be allowed half an hour for breakfast, and two hours for dinner; and that no slaves shall be compelled to any manner of field-work upon the plantation before the hour of five in the morning or after the hour of seven at night, except during the time of crop, under the penalty of fifty pounds, to be recovered against the overseer or other person having the charge of such slaves.

XXVII. And be it further enacted by the authority aforesaid, That for the future all slaves in this island shall be allowed the usual number of holidays that were allowed at the usual seasons of Christmas, Easter, and Whitsuntide: Provided, That at every such respective season no more than three holidays shall be allowed to follow or succeed immediately one after the other, any law, custom, or usage to the contrary notwithstanding: And if any master, owner, guardian, or attorney of any plantation or settlement, or the overseer of such plantation or settlement, shall presume, at the seasons aforesaid, to allow any holidays to any slaves on any such plantation or settlement, other than is directed by this act to be given, every person so offending shall forfeit the sum of five pounds.

XXVIII. And, in order to encourage slaves to detect runaways, be it enacted by the authority aforesaid, That every slave or slaves that shall inform against any person, who shall have or conceal any runaway slave or slaves, so that such runaway slave or slaves may be taken and restored to his, her, or their owner or owners, or be committed to any work-house, every such slave or slaves so informing shall be entitled to such reward as any justice shall think just and reasonable, and be paid by such person or persons as such justice shall determine ought to pay the same, not less than twenty shillings, nor exceeding

for breakfast, and two hours for dinner, and to work from five to seven, except during crop.

Slaves to be allowed the usual holidays, but they are not to have more than three successive days.
Proviso.

If persons allow them more holidays at those seasons, they forfeit 5*l*.

Slaves taking up runaways or discovering their being harboured, are to be rewarded at discretion of a magistrate.

forty shillings, to be enforced by a warrant under the hand and seal of such justice.

If they kill or take rebels, they are also to be rewarded.

XXIX. And be it further enacted by the authority aforesaid, That if any slave or slaves shall kill or take any slave or slaves in actual rebellion, he or she shall receive from the churchwardens of the respective parishes, where such slave or slaves shall have been killed, the sum of three pounds, and the sum of five pounds, if taken alive, and a blue cloth coat, to be paid and furnished by the churchwardens of the respective parishes where such slave or slaves shall have been killed or taken, the whole expence whereof shall be reimbursed by the receiver-general for the time being, out of any monies in his hands unappropriated.

Persons wilfully killing slaves, to suffer death.

XXX. And be it further enacted by the authority aforesaid, That if any person hereafter shall, with malice aforethought, kill or murder any negro or other slave, such person so offending shall, on conviction, be adjudged guilty of felony without benefit of clergy, and shall suffer death accordingly for the said offence: Provided always, That such conviction shall not extend to the corrupting the blood, or the forfeiture of lands or tenements, goods or chattels; any law, custom, or usage to the contrary thereof, in anywise notwithstanding.

Proviso.

Rape under ten years declared felony.

XXXI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time after the commencement of this act, unlawfully and carnally know and abuse any female slave under the age of ten years, every such unlawful and carnal knowledge shall be felony, and the offender thereof, being duly convicted, shall suffer as a felon, without benefit of clergy.

Rape to be punished by death.

XXXII. And be it further enacted by the authority aforesaid, That if any person or persons shall, at

any time after the commencement of this act, commit a rape on any female slave, then and in every such case, every [*such*] person, being thereof lawfully convicted, shall be deemed guilty of felony, and suffer death without benefit of clergy: **Provido.** That nothing herein contained shall extend to the corrupting the blood, or the forfeiture of lands or tenements, goods or chattels; any law, custom, or usage to the contrary thereof in anywise notwithstanding.

XXXIII. And, in order to prevent any person from mutilating, dismembering, or cruelly beating or confining any slave or slaves, be it further enacted by the authority aforesaid, That if any master, mistress, owner, possessor, or other person whatsoever, shall, at his, her, or their own will and pleasure, or by his, her, or their direction, or with his, her, or their knowledge, sufferance, privity, or consent, mutilate or dismember any slave or slaves, or wantonly or cruelly whip, maltreat, beat, bruise, wound, or imprison, or keep in confinement without sufficient support, or brand, any slave or slaves, he, she, or they shall be liable to be indicted for such offence in the Supreme Court of Judicature, or in any of the assize-courts or courts of quarter-sessions of this island, and, upon conviction, shall be punished by fine not exceeding one hundred pounds, or imprisonment not exceeding twelve months, or both, for each and every slave so mutilated or dismembered, punished or confined, and such punishment is declared to be without prejudice to any action that could or might be brought at common law, for recovery of damages, for or on account of the same, in case such slave or slaves shall not be the property of the offender; and in atrocious cases, where the owner of such slave or slaves shall be convicted of such offence, the court, before whom such

**Punishment
for mutilating,
cruelly treat-
ing, or brand-
ing slaves.**

slave or slaves ; and if to them it shall appear proper, the said justices and vestry are hereby empowered and required to prosecute to effect such owner or owners, the expense of which prosecution shall be paid by the parish where such offence shall be committed ; and, in case the owner or owners of such slave or slaves shall appear capable of paying the costs and charges of such before-mentioned prosecution, the said justices and vestry are hereby empowered to commence a suit or suits against such owner or owners of such slave or slaves, and recover all costs and charges out of purse by them laid out and expended in such suit or suits ; and the keeper of the workhouse, where such slave or slaves shall have been first committed, is hereby directed and required, upon due notice of the meeting of the said special sessions, or of the first meeting of the council of protection of the parish where the offence was committed, to produce such slave or slaves for the inspection and direction of such special sessions and council of protection, under the penalty of one hundred pounds for every neglect in not producing before such council of protection such slave or slaves.

Penalty of 10l. on magistrates and vestrymen for non-attendance.

XXXIV. And be it further enacted, by the authority aforesaid, That if, after due notice of such meeting being convened, a sufficient number of magistrates and vestrymen do not attend to form a council of protection, the custos or senior magistrate, who may preside at such meeting, is hereby empowered and required to inflict a fine, not exceeding ten pounds, upon any vestryman or magistrate voluntarily absenting himself, to be levied by warrant under his hand and seal.

Justices, being informed that slaves are mutilated or con-

XXXV. And be it further enacted, by the authority aforesaid, That in case any justice of the peace shall receive any complaint or probable intelligence

from any slave or otherwise, that any slave or slaves is or are so mutilated or cruelly punished, or is or are confined without sufficient support, it shall and may be lawful for such justice of the peace, and he is hereby empowered and required forthwith, to issue his warrant to any constable, ordering him immediately to proceed to the place where such slave or slaves are confined, and such slave or slaves to release and bring before such justice, who, on view or proof of the fact, is hereby authorized to send such slave or slaves to the workhouse for protection, there to be kept, but not worked, until inquiry shall be made into the fact according to law.

XXXVI. And, in order to restrain arbitrary punishment, be it further enacted, by the authority aforesaid, That no slave on any plantation or settlement, or in any of the workhouses or gaols in this island, shall receive more than ten lashes at one time, and for one offence, unless the owner, attorney, guardian, executor, or administrator, or overseer of such plantation or settlement, having such slave in his care, or keeper of such workhouse, or keeper of such gaol, shall be present, and that no such owner, attorney, guardian, executor, administrator, or overseer, workhouse-keeper or gaol-keeper, shall, on any account, punish a slave with more than thirty-nine lashes at one time, and for one offence, nor inflict, or suffer to be inflicted, such last-mentioned punishment, nor any other number of lashes, in the same day, nor until the delinquent has recovered from the effects of any former punishment, under a penalty not less than ten pounds, nor more than twenty pounds, for every offence, to be recovered against the person directing or permitting such punishment, in a summary manner, upon conviction before any three magistrates, by warrant of distress and sale; and, in

fined without support, are to issue their warrants, in order that they may be brought before them.

No slave to have more than ten lashes at a time for one offence, unless the owner, &c. or supervisor, &c. be present, nor more than thirty-nine on any account in one day, under penalty.

default of payment, the said magistrates are hereby required and empowered to commit such offender to the common gaol for any space of time not exceeding ten days, besides being subject to be prosecuted by indiotment in the supreme or assize courts, or courts of quarter-sessions, of this island, as for an offence against this act.

Punishments
of slaves, after
the com-
mencement of
this act, re-
gulated.

XXXVII. And be it further enacted, by the authority aforesaid, That no person or persons shall, after the commencement of this act, commit or send any slave or slaves belonging to him, her, or them, to any workhouse in this island, for any offence whatsoever, for a longer space of time than ten days, without a commitment or warrant, to be signed by a justice of the peace, nor shall give, nor direct or cause to be given, to any slave in such workhouse more than twenty lashes, without a warrant from a justice of the peace, under a penalty of five pounds for each and every such offence; and if any person shall further punish, or cause to be punished, any such slave or slaves for the same offence for which he, she, or they had suffered such punishment as aforesaid (or such punishment as a justice of the peace shall have directed,) either by recommitting such slave or slaves to the same workhouse, or committing or sending him, her, or them to any other workhouse, or otherwise howsoever, such person shall suffer such punishment by fine, not exceeding ten pounds; and if any workhouse-keeper shall give, or cause to be given, any number of lashes contrary to the true intent and meaning of this clause, such workhouse-keeper shall suffer punishment by fine, not exceeding ten pounds; and the several penalties and fines under this clause are to be recovered before any three justices of the peace, who may commit the person so offending to gaol, until such penalties or fines are paid, or may issue

their warrant for the levying and sale of the same, by sale of the goods and chattels of the offender.

XXXVIII. And be it further enacted, by the authority aforesaid, That in case any justice or justices of the peace shall receive any complaint or probable intelligence, from any slave or otherwise, that any slave or slaves has or have been improperly punished, contrary to the true intent and meaning of this act, it shall and may be lawful to and for such magistrate to associate two other of the magistrates of the said parish with him, and to inquire in a summary manner into such complaint; and, if upon inquiry it shall be found that the said complaint is true, it shall be the duty of the said magistrates, and they are hereby required, to proceed against the offender according to law; but, if it shall appear that such complaint was groundless, the said magistrates shall punish the complainant, and the person giving information thereof, in such manner as to them may seem proper.

XXXIX. And be it further enacted, by the authority aforesaid, That no person shall, on any pretence whatsoever, punish any negro or other slave, whether his own property or otherwise, by fixing, or causing to be fixed, an iron or other collar round the neck of such slave, or by loading the body or limbs of such slave, for any offence whatsoever, with chains or weights of any kind, other than a light collar, without hooks, to indicate that such slave is an incorrigible runaway, or one accustomed to commit depredation on grounds of the other negroes, and which collar shall only be put on by the direction of a magistrate, on complaint being made, under a penalty not less than five pounds, nor exceeding fifty pounds, to be recovered in a summary manner before any two or more justices of the peace of the parish or precinct

Complaints of slaves being improperly punished to be inquired into summarily by two magistrates,

and, where they are groundless, complainants are to be punished.

Penalties on persons putting weights or chains on slaves, or iron collars, other than here designated.

where the offence shall be committed; and all and every the justices of the peace within this island are hereby authorized, directed, and required, under the penalty of one hundred pounds, on information and view of such offence, to order such collar, chains, irons, or weights, to be immediately taken off from the slave or slaves wearing or bearing the same.

No slave to travel (unless to market) without a ticket, under penalty of 40s. on the owner, &c. if he cannot prove he gave a ticket, or that the slave went without his consent.

XL. And be it further enacted, That no slave, such only excepted as are going with fire-wood, grass, fruit, provisions, or small stock, and other goods, which they may lawfully sell, to market, and returning therefrom, shall, from and after the commencement of this act, be suffered or permitted to go out of his or her master's or owner's plantation or settlement, or to travel from one town or place to another, unless such slave shall have a ticket from his master, owner, employer, or overseer expressing particularly the time of such slave's setting out, and where he or she is going, and the time limited for his or her return, under a penalty not exceeding forty shillings for every slave so offending, to be recovered from the master, owner, employer, or overseer, in a summary manner, before any one justice of the peace, by warrant of distress, complaint being made to him upon oath, unless the master, owner, employer, or overseer of such slave shall prove upon oath before any justice of the peace of the parish or precinct where such master, owner, employer, or overseer may or shall live, or happen to be, that he did give the said slave such ticket as aforesaid, or that such slave went away without his consent, in which case the justice to order punishment; and if such justice shall neglect or refuse his duty, either in causing the penalty to be forthwith levied, on complaint being made to him as aforesaid, on the owner, overseer, or any other person, who shall suffer a slave, being under his or their

If justices do not inflict this penalty they forfeit 5l.

direction, to go without a ticket as aforesaid, every justice so offending shall forfeit the sum of five pounds; any law, custom, or usage to the contrary notwithstanding.

XLI. And be it further enacted by the authority aforesaid, That no ticket shall be granted to any slave or slaves for any time exceeding one calendar month.

Tickets to be only for one month.

XLII. And whereas it is very dangerous to the peace and safety of this island to suffer slaves to continue as runaways, and it is absolutely necessary to declare and make known to the public what slaves shall be deemed such: Be it enacted by the authority aforesaid, That from and after the commencement of this act, any slave or slaves, who shall be absent from his owner or employer without leave for the space of five days, or who shall be found at the distance of eight miles from the house, plantation, or other settlement, to which such slave or slaves shall belong, without a ticket or other permit to pass, except as hereinbefore excepted, in going to and returning from market, shall be deemed a runaway.

Slaves absent five days, or found eight miles from home, without tickets, to be deemed run-aways.

XLIII. And be it further enacted by the authority aforesaid, That if any slave shall run away from his or her owner, or lawful possessor, and continue absent for a term exceeding six months, such slave, being convicted thereof, shall be sentenced to be confined to hard labour for such time as the court shall determine, or be transported for life, according to the magnitude of the offence.

Slaves, who shall run away for a longer period than six months, to be punished as the court shall direct.

XLIV. And be it further enacted by the authority aforesaid, That if any slave shall run away from his or her lawful owner or possessor as aforesaid, and continue absent for any term not exceeding six months, such slave shall be liable to be tried before two justices, and upon conviction thereof, shall, for

Punishment on those who continue absent for a shorter period than six months,

and those who are incorrigible runaways.

the first offence, suffer such punishment, by flogging, or confinement to hard labour, not exceeding three months, as the said two justices shall think proper to direct; but if the said slave hath frequently run away, and is by his or her owner or possessor declared to be an incorrigible runaway, he or she shall be tried as if he or she had been run away from his or her said owner or possessor, and continued absent for a term exceeding six months; and such slave, being convicted thereof, shall be sentenced to be confined to hard labour, or be transported for life, as the court shall direct.

Slaves harbouring runaways to suffer punishment, not extending to life.

XLV. And be it further enacted by the authority aforesaid, That any slave or slaves who shall knowingly harbour or conceal any runaway slave or slaves, or shall furnish a ticket or letter to such runaway slave or slaves, for the purpose of enabling them to evade detection, shall be liable to be tried for the same at the quarter-sessions, or special slave-court hereinafter appointed, and, on conviction, shall suffer such punishment as the court shall think proper to direct, not extending to life.

Punishment for harbouring or concealing slaves.

XLVI. And be it further enacted by the authority aforesaid, That if any white person, or person of free condition, shall wilfully or knowingly employ, harbour, or conceal any runaway slave, he, she, or they shall be liable to be indicted in the court of quarter-sessions of the parish or precinct where such offence has been committed, and, on conviction, shall suffer such punishment, by fine, not exceeding fifty pounds, or by imprisonment, not exceeding three months, as the court shall think proper to inflict; and also the further sum of three shillings and four-pence per day, for every day such slave or slaves may have been so run away, to be paid to the owner or possessor of such slave, to be recovered in the same manner, and

by the same remedy, as the fine: Provided, nevertheless, That nothing in this clause shall prevent the injured party from prosecuting, under the act commonly called the inveigling act, if it shall be deemed proper. Proviso.

XLVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any justice of the peace, and he is hereby authorized and required, upon complaint made to him on oath, that any slave or slaves are run away, or on suspicion or probable intelligence of the same, and that he, she, or they have absconded themselves from the service of their owners or employers, to grant a warrant to search for and apprehend all such runaway slaves, as also such slaves as the complainant shall have just cause to suspect to be guilty of wilfully entertaining, harbouring, or concealing such runaway slaves; and it shall and may be lawful for any person or persons, so authorized by warrant as aforesaid, to enter any negro house or houses, or other place occupied by any slave or slaves, to search for any slave or slaves, having first given notice to the master, owner, manager, or overseer, on the plantation to which such house or houses, or other places as aforesaid, belong, or proprietor or occupier of any house; and, after such warrant obtained, and notice given, as aforesaid, to break open the door or doors of such negro houses or rooms, into which admittance shall be refused: Provided such warrant be executed by a lawful constable, or some white or free person, specially sworn as a constable for the purpose. Justices may grant warrants to search for runaways.

XLVIII. And whereas, the more effectually to conceal runaway slaves, or prevent their being apprehended, tickets are given by ill-disposed persons of free condition: Be it therefore enacted by the authority aforesaid, That any white person, or person of Proviso.

Punishment for granting false tickets.

free condition, granting or giving a letter or ticket to enable any slave to absent himself or herself from his or her owner or possessor, shall be liable to be tried for the said offence before the Supreme Court of Judicature, or in either of the courts of assize, or courts of quarter-sessions, in this island, where the offence shall be committed; and, on conviction, shall suffer such punishment by fine or imprisonment, or both, as the court in their discretion shall think proper to inflict, not extending to life.

Owner, &c. to pay 10s. and mile-money for each runaway taken up.

XLIX. And be it further enacted by the authority aforesaid, That any slave, or other person or persons whatsoever, who shall apprehend any runaway slave or slaves, shall, for every one so apprehended, be entitled to receive from the owner, employer, overseer, or manager of such slave or slaves, the sum of ten shillings, and no more, besides mile-money, at the rate of one shilling per mile for the first five miles, and sixpence per mile for every mile afterwards: Provided, nevertheless, That nothing in this act contained shall be construed to extend to an allowance of the said sum of ten shillings and mile-money, in addition to the sum allowed to maroon negroes for apprehending runaways: And provided, also, That it is not hereby intended to deprive the said maroons of their legal and established reward of forty shillings for each negro.

Proviso.

This act not to alter rewards to maroons.

Apprehended runaways to be delivered to owner, or lodged in the workhouse.

L. And be it further enacted by the authority aforesaid, That the person or persons so apprehending such runaway slave or slaves shall convey him, her, or them to their respective owner, employer, or manager, or to a justice of the peace, who shall or may commit him, her, or them to the nearest workhouse; and the workhouse-keeper is hereby required and ordered to receive such slave or slaves into custody, and to pay the party delivering such slave or

slaves the said sum of ten shillings, and mile-money as aforesaid, and no more, for each slave so delivered, under the penalty of five pounds.

LI. And, to the end that the owners or proprietors of runaway slaves may have a due knowledge where such slaves are confined, after their being apprehended and sent to any workhouse in this island, in order that such owners or proprietors may apply for such slaves; be it further enacted by the authority aforesaid, That from and after the commencement of this act, all and every the workhouse-keepers in any of the parishes of this island shall, and they are hereby obliged, once in every week, to advertise, in the Gazette of St. Jago de la Vega, the Royal Gazette, and the Cornwall Chronicle, the height, names, marks, and sex, and also the country, where the same can be ascertained, of each and every runaway slave then in custody, together with the time of their being sent into custody, and the name or names of the owner or owners thereof, if known, and that upon oath, under the penalty of ten pounds for every slave so neglected by him to be advertised; and for the expence of such advertisement, they, the said workhouse-keepers, shall and may, and they are hereby authorized to, charge the owner or proprietor of such runaway slaves so advertised at and after the rate of three shillings and four-pence per month for each paper, and no more; which said sum of three shillings and four-pence per month for each paper, to be paid to the printers of the several papers respectively, the amount of whose accounts, after being properly authenticated upon oath, shall be paid annually by the treasurers for the time being of the several workhouses in this island: And that it shall and may be lawful for the workhouse-keeper to detain and keep in custody such runaway slave or slaves, until the owner or owners thereof, or some

Workhouse-keepers to advertise weekly in each county paper all run-aways in their possession, with full descriptions of them, under penalty of 10l. charging 3s.4d. for each paper per month, which owners are to reimburse.

Advertising accounts to be paid annually by treasurers.

Slaves may be detained till all expences paid,

with 2s. 6d. in the pound;

also 6d. per day for maintenance, 2d. per day for medical care where necessary, &c.;

which charges must be attested.

Owners of slaves committed under judgment excepted from payment of fees.

Slaves in confinement to have sufficient provisions, under the penalty of 10*l*.

Rations for them,

person on their behalf, properly authorized, shall pay unto such workhouse-keeper what shall have been paid to the person or persons who apprehended and brought such slave or slaves into custody, with two shillings and sixpence in the pound for laying out the money, the cost of advertising at and after the rate above mentioned, and sixpence for every twenty-four hours such slave or slaves shall have been in custody for maintenance, and two-pence per day for medical care and extraordinary nourishment where necessary, the expence of clothing when supplied, and also the charges of advertising above directed, and no other fees whatever; and that the workhouse-keeper, and no other person, shall attest upon oath, that the charges in the account for mile-money, and the reward for apprehending such slave, were actually paid to the person who brought such runaway, and that the whole of the charges in the said account are strictly conformable to law: Provided always, and it is hereby declared, That the owner or owners of any slave to be committed, by the judgment of any court, or by order of the magistrates, to any workhouse by way of punishment, shall not be answerable for, or compelled to pay, the workhouse fees, for the time such slave shall be so committed and confined.

LII. And be it further enacted by the authority aforesaid, That the keeper of every workhouse or gaol in this island shall, under the penalty of ten pounds for every neglect, provide and give to every slave confined in such workhouse or gaol a sufficient quantity of good and wholesome provisions daily, that is to say, not less than one quart of unground Guinea or Indian corn, or three pints of the flour or meal of either, or three pints of wheat flour, or eight full-grown plantains, or eight pounds of coocoes or yams, and also one herring or shad, or other salted provisions, equal thereto; and shall also, under the

like penalty, provide and supply every such slave confined as aforesaid, with good and sufficient clothing, where necessary. also clothing.

LIII. Provided always, and it is hereby enacted by the authority aforesaid, That in case any negro or other person sent in, and detained in, any workhouse, as a runaway slave, shall allege himself or herself to be free, it shall be the duty of the custos, or senior justice of the parish or precinct wherein such workhouse is situated, to convene, as soon as conveniently may be, a special sessions, consisting of not less than three justices of the peace of such parish or precinct, and of which special sessions, and of the time and place of holding the same, due notice shall be given in the several county newspapers of this island; and which special sessions, being so convened, shall carefully and attentively investigate, inquire into, and examine the truth of such allegation; and if it shall appear to such special sessions, that such person so detained as a runaway slave is free, such person shall be forthwith discharged; and in case it shall appear to such special sessions that such person is a slave, he or she shall be forthwith remanded to the workhouse, whereto he or she had been sent: Provided always, and it is hereby declared, That the decision of such special sessions shall be without prejudice to the prosecution of the right or title of any person to such runaway, or to the prosecution, by such person detained as a runaway, of his or her right or title to his or her freedom.

On a negro or other person detained as a runaway alleging himself to be free, custos to summon a special sessions to investigate the truth thereof.

If entitled to freedom, to be forthwith discharged; if a slave, remanded.

Decision not to prejudice title.

LIV. And it is hereby further enacted by the authority aforesaid, That no slave or slaves, so detained as a runaway slave or slaves, shall be sold by any workhouse-keeper, until such special sessions has been convened and held, and such investigation, inquiry, and examination had, and without the same

No slaves detained as above to be sold until such investigation takes place.

Such sale declared void.

being certified by the justices attending such special sessions, under their hands and seals; and the sale of such runaway slave or slaves, made without such certificate being obtained, shall be, and the same is hereby enacted and declared to be, null and void, to all intents and purposes, and no right, title, or interest whatsoever shall pass thereunder to any purchaser whomsoever; any thing in this act, or in an act of the Lieutenant-Governor, Council, and Assembly of this island, made and passed in the thirty-second year of his late Majesty's reign, entitled, *An act for establishing public workhouses in the several parishes in this island*, or any other act, law, usage, or custom to the contrary in anywise notwithstanding.

Four weeks' notice in the county papers to be given by supervisors, &c. of replevins, &c. brought against them for slaves in the workhouse.

LV. And be it further enacted by the authority aforesaid, That from and after the commencement of this act, every workhouse-keeper in this island, who shall have any action in replevin, *homine replegiando*, or ejectment, brought against him for any negro or other slave or slaves in his custody; shall, under a penalty for every offence, not less than five pounds, nor exceeding fifty pounds, as shall be inflicted by the judges of his Majesty's Supreme Court of Judicature or courts of assize in this island, immediately after he receives such replevin, *homine replegiando*, or ejectment, give notice in the several county newspapers of such action, and at whose suit it is brought, and the name or names of such negro or other slave or slaves, together with his, her, or their mark or marks, and the best information he can get concerning the real owner of such slave or slaves, and shall continue such notice for four weeks before the trial shall be had upon such replevin, *homine replegiando*, or ejectment, or such slave or slaves be taken out of the custody of such workhouse-keeper, the costs of which, and all other expences incurred, shall be paid

Expences to be paid by persons recovering.

to such workhouse-keeper by the person who shall recover such slave or slaves: And if any person or persons shall give notice to such workhouse-keeper of his, or her, or their intention to take the defence of any action so brought, such workhouse-keeper shall detain in his custody the slave or slaves, for or by whom such action shall be brought, until the trial of such action or order of the court thereon, under the penalty of one hundred pounds, unless the security offered in cases of *homine replegiando* shall justify, before a judge of the grand court or courts of assize, in such sum as such judge shall think proper, notice of such justification, and the time and place thereof, and the judge before whom the same is to be taken, being given to the person intending to take the defence of such action.

LVI. And whereas several slaves have found means to run away from their owners, and depart from this island, to the great damage of such owners, in evil example to other slaves, who may be thereby induced to attempt or conspire to do the same: And whereas there is reason to suspect that such slaves have been aided and assisted in such escape and departure by other persons, and there is not any adequate punishment provided by law for such running away or departure, or attempting or conspiring to run away and depart this island, or for persons aiding, assisting, or abetting such runaways: For remedy whereof, be it enacted by the authority aforesaid, That from and after the commencement of this act, if any slave shall run away from his, her, or their owner or owners, employer or employers, and go off, or conspire or attempt to go off, this island, in any ship, boat, canoe, or other vessel or craft whatever, or be aiding, or abetting, or assisting to any other slave or slaves in such going off this island, he, she, or they, so run-

If any person give notice to supervisors, &c. of an intention to defend such actions, supervisors must detain in custody the slaves in dispute until trial, under penalty of 100l.

Slaves attempting to depart this island, or assisting others in such attempts, may be punished at the discretion of the court.

ning away and going off, or conspiring or attempting to go off, or so aiding, assisting, or abetting in such going off, being thereof convicted, shall suffer such punishment as the court shall think proper to direct, not extending to life.

If white or free people do so, they forfeit 300*l.* for each,

LVII. And be it further enacted by the authority aforesaid, That if any white person, or person of free condition, shall knowingly be aiding, assisting, or abetting any slave or slaves in going off this island, he, she, or they, being convicted thereof, by bill, plaint, or information in the Supreme Court of Judicature, or either of the courts of assize of this island, shall forfeit the sum of three hundred pounds for each slave; one moiety whereof shall be to our sovereign lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the party or parties at whose suit or complaint such person was convicted; and shall also suffer imprisonment, at the discretion of the said court, for any space of time not exceeding twelve months, without bail or mainprise.

and may be imprisoned a year.

Accessaries may be proceeded against, though principals are not convicted.

LVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to proceed against any person or persons so aiding, assisting, or abetting any slave or slaves in going off this island, whether the principal or principals be convicted or not; any thing in this or any other act, law, custom, or usage to the contrary thereof notwithstanding.

If slaves, not authorized, travel with dogs, &c. or hunt with instruments of death, punishment may be awarded by three justices.

LIX. And be it further enacted by the authority aforesaid, That no negro, or other slave, shall be allowed to travel the public roads with dogs, or cutlasses, or other offensive weapons, without a ticket from his owner, or to hunt any cattle, horses, mares, mules, or asses, in any part of this island, with lances, guns, cutlasses, or other instruments of death, unless in the company of

his or their master, overseer, or some other white person, by him or them deputed, or by permission in writing; and if any negro or other slave shall offend, contrary to the true intent and meaning of this act, he, she, or they, being thereof convicted before three justices, shall suffer such punishment as they shall think proper to inflict, not extending to life, or transportation for life.

LX. And be it further enacted by the authority aforesaid, That if any master, owner, guardian, possessor, or attorney, overseer, or bookkeeper, of any plantation or settlement, shall hereafter suffer any strange slaves to assemble together and beat their drums, and blow their horns or shells, upon any plantation, pen, or settlement, or in any yard or place under his, her, or their care or management, or shall not endeavour to disperse or prevent the same, by immediately giving notice thereof to the next magistrate or commissioned officer, that a proper force may be sent to disperse the said slaves, every such master, owner, guardian, possessor, or attorney, overseer, or bookkeeper, shall, for every such offence, upon conviction thereof upon an indictment in the Supreme Court of Judicature, or courts of assize, or quarter-sessions of the parish wherein such offence shall be committed, pay a fine of fifty pounds to his Majesty, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof: Provided nevertheless, That information of such offence shall be made, upon oath, before any of his Majesty's justices of the peace, within the space of fourteen days after the commission of the offence.

Penalty of 50*l.* for not endeavouring to suppress unlawful assemblies of slaves.

Proviso. Information must be given within fourteen days.

LXI. And be it further enacted by the authority aforesaid, That all officers, civil and military, shall be, and are hereby empowered and required to enter

Civil and military officers to suppress such assemblies.

into any plantation, settlement, or other place, to disperse all such unlawful assemblies, and to suppress and prevent all unlawful drummings, or other noise, as before mentioned; any law, custom, or usage to the contrary notwithstanding, according to the nature, degree, or circumstances of the case.

Owners, overseers, &c. who suffer such assemblies, to be imprisoned six months.

if information given in fourteen days.

Slaves may have diversions on the properties they belong to, if no drums, &c. are used;

LXII. And whereas it has been found by experience that rebellions have often been concerted at negro dances and nightly meetings of slaves, and as it has been found also that those meetings tend much to injure the health of negroes: Be it further enacted by the authority aforesaid, That if any owner or proprietor, overseer, or, in his absence, any bookkeeper or other person having the care and management of any plantation or settlement, shall suffer any slaves to assemble together, or beat their drums, or blow their horns or shells, every such owner or proprietor, overseer, bookkeeper, or other person, so offending, shall, for every such offence, upon conviction thereof upon an indictment in the Supreme Court of Judicature, or before the justices of assize, or court of quarter-sessions wherein such offence shall be committed, suffer imprisonment, without bail or mainprize, for any term not exceeding six calendar months, provided information is made, upon oath, as aforesaid; before one of his Majesty's justices of the peace, within fourteen days after the commission of such offence; but nothing herein contained shall be construed to prevent any master, owner, or proprietor of any plantation or settlement, or the overseer thereof, from granting liberty to the slaves of such plantation or settlement only, for assembling together upon such plantation or settlement, and playing and diverting themselves in any innocent amusements, so as they do not make use of military drums, horns, or shells; but that they shall and may grant such

liberty when and as often as they please, any thing in this or any other act to the contrary notwithstanding: Provided, That such amusements are put an end to by twelve of the clock at night.

but they must be over by twelve at night.

LXIII. And, in order to prevent riots and nightly meetings among negro and other slaves, to the disturbance of the public peace, and endangering their healths: Be it further enacted by the authority aforesaid, That all negro burials shall in future take place in the day-time, so that the same may be ended before sun-set: and if any master, owner, or possessor of slaves, his or her overseer or chief manager, shall knowingly suffer or permit the burial of any slave otherwise than as before directed, he shall forfeit the sum of fifty pounds; and if any burials shall take place in any of the towns of this island, or in savannas, commons, or other places not in charge of an overseer, after sun-set, every person of free condition, in whose house, yard, or premises, any slaves shall be permitted to assemble for attending such burial, shall forfeit a sum not less than five pounds, nor exceeding fifty pounds, and the negro or other slaves, who shall meet for the purpose of attending such burial, or be found thereat, shall, upon conviction before three or more magistrates, suffer such punishment as the said magistrates shall direct, not exceeding thirty-nine lashes.

Negro burials to be over by sunset, or owner, &c. forfeits 50*l*.

Burials in towns, &c. must also be over before sunset.

LXIV. And be it further enacted by the authority aforesaid, That if any white or free person shall hereafter suffer any unlawful assembly of slaves at his or her house or settlement, every such free person shall, upon due conviction thereof before any court of quarter-sessions, suffer punishment by fine not exceeding one hundred pounds, or imprisonment not exceeding six months: Provided nevertheless, That

Penalty on persons permitting unlawful assemblages of slaves at their houses or settlements,

if complained of in fourteen days.

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information thereof shall be given on oath within fourteen days of such unlawful meeting.

**Punishment
for permitting
gaming.**

LXV. And be it further enacted by the authority aforesaid, That if any white or free person or persons, or any slave or slaves, shall knowingly suffer any person to game with any slave or slaves, 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 any three justices of the peace in the parish in which such person or persons shall be apprehended, who are 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 lashes, as such justices shall, upon conviction thereof, think proper to order and direct, and, if a white or free person, shall and may commit such white or free person to the nearest common gaol for any period of time, not exceeding six days.

**Properties of
persons manu-
mizing slaves
subjected to
the annual
sum allowed
by law for
their support.**

LXVI. And whereas it may happen that slaves, directed to be manumized by will, may find it difficult to establish their freedom, by reason of the person or persons acting under such will refusing to enter into the security required by law on the manumission of slaves: Be it enacted by the authority aforesaid, That from and after the commencement of this act, whenever any person shall, by will in writing, expressly manumize, or direct to be manumized, any slave or slaves, belonging to him or her, the usual bond required by law in cases of manumission shall not be necessary, but the estate of the person so manumizing any slave or slaves, or directing any slave or slaves to be manumized, shall be, and the same is hereby declared to be, liable to the payment of the annual sum required by law to be paid to any

slave manumized, and the freedom of such slave so manumized, or directed to be manumized, by will, shall be at once established: Provided always, That nothing in this act contained shall extend, or be construed to extend, to exempt such slaves so manumized from any debt or demand against the estate of the testator, to which such slave or slaves should be otherwise liable: And provided always, and it is hereby enacted, That any will in writing, which by law would be deemed valid and sufficient for disposing of goods and chattels, or other personal estate, shall be, and the same is hereby declared to be, valid and sufficient for manumizing, or directing to be manumized any slave or slaves, any thing in a certain statute, made and passed in the twenty-ninth year of the reign of his Majesty King Charles the Second, commonly called the statute of frauds and perjuries, or in a certain act of the Governor, Council, and Assembly of this Island, made and passed in the sixteenth year of his late Majesty's reign, entitled "*An act to regulate the devises of negro, mulatto, and other slaves in wills,*" or any act, law, usage, or custom to the contrary in anywise notwithstanding.

Slaves to be manumized by will not exempted from any debt against the estate of the testator.

Wills valid for the disposal of goods, &c. sufficient for the manumission of slaves.

LXVII. Whereas it sometimes happens that persons in possession of slaves, by reason of their having only an interest for life, or other limited freehold estate, in such slaves, or by limitations, trusts, or other legal impediments, are prevented from giving an effectual manumission to such slaves, although desirous so to do, and it is proper that owners should possess in all cases the power of rewarding fidelity and good conduct in their slaves by manumission, where the same can be effected without prejudice to the rights of other persons: Be it therefore enacted by the authority aforesaid, That any person or persons, having legal or equitable estate for life, or for

Any person having legal or equitable

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estate for life, &c. of any slave, and desirous of manumizing such slave, is entitled to make application for that purpose to the custos or senior magistrate of the parish where such slave resides, in the manner and form herein stated.

other freehold interest in, and being in the actual possession of, any slave, and who shall be desirous or consenting that such slave shall be made free, shall be entitled to make an application to the custos or senior magistrate of the parish where such slave shall reside; and, in case such custos or senior magistrate shall be related to the party applying, or interested in the matter, then to some other magistrate, and shall deliver a written statement, verified upon the oath of the applicant or applicants, or, in case of absence, of his, her, or their attorney, duly constituted, which oath the said custos or senior or other magistrate is hereby authorized to administer, stating the nature and extent of the interest of such person or persons, and the different rights, claims, and limitations to which such slave is subject, and the impediments which prevent such slave being manumitted in the ordinary manner; and such custos or senior or other magistrate shall associate to himself two other magistrates, disinterested in the matter, and shall inquire into the merits of the application, and if such application shall appear to the said magistrates, or any two of them, to be well founded, three indifferent persons shall be appointed as valutors, one of whom to be named by the party or parties applying, and another by the person or persons entitled in remainder, or otherwise interested, or, if a minor, by his or her guardian, and appearing personally, or by his, her, or their attorney or attorneys, lawfully constituted, before the said magistrates, and the third to be nominated by the said magistrates; and in case no other person or persons shall appear before the said magistrates, having an interest in the said slave, then two of the said valutors shall be appointed by the said magistrates, and such three persons shall inquire into the value of the slave so intended to be manumized,

and shall make their report, in writing, under their signatures, to the said three magistrates: **Provido**, always, That if the person having such vested estate or interest as aforesaid, or such estate in remainder, shall be covert, the consent of such *femme covert* to such manumission, and her authority to any person or persons to appoint a valuator, given in the same manner as by the laws of this island is required in the execution of deeds by *femme covert*, and recorded in the office of secretary of this island, shall be sufficient to authorize the magistrates to give such authority and order, as hereinafter mentioned, and, when such *femme covert* is absent from this island, to dispense with her appearance before them: **Provido**, That before such custos, or senior or other magistrate, shall entertain such application, it shall be made to appear to him that notice has been given in the three county newspapers, for three weeks successively, of the intention to make such application, stating the name or names of the person or persons applying, the name or names of the slave, the place or places where such slave has been resident for the last twelve months, and the time when such application is intended to be made.

LXVIII. And be it further enacted by the authority aforesaid, That when such valuation shall be reported and approved of, the said custos, or senior or other magistrate, and his associates, shall, and they are hereby required to, give an authority to the receiver-general to receive the amount of the valuation, and to place the sum, when paid, to the credit of the person or persons interested in the said slave, and the said amount shall bear an interest of six *per cent.* payable out of the public funds, so long as the same shall remain in the hands of the receiver-general.

Custos, &c. to authorize the receiver-general to receive the amount of the valuation, to be applied as herein mentioned.

Receiver-general to give a certificate of the amount of the valuation being paid, on the production of which to the custos, &c. the order for manumission herein described is to be given.

LXIX. And it is hereby further enacted by the authority aforesaid, That the receiver-general shall give to the party or parties, paying in the amount of the valuation a certificate under his hand that the same has been paid to him ; and upon the production of such certificate of the receiver-general to the said custos, or senior or other magistrate, and his associates, they are hereby authorized and required again to meet, and give an order for the manumission of the said slave in manner following :

Whereas A. B. of _____ did, on the _____ day of _____ last past, appear before us, and did make a statement, upon oath, that he was tenant for life (or as the case may be), and in the actual possession, of a certain slave named _____, and that he was desirous that the said slave should be made free, but that he was prevented from so doing by reason of legal impediments: And whereas the said slave, named _____, hath been valued by three indifferent persons at the sum of _____ pounds, and a certificate of the receiver-general hath been produced to us that the amount of such valuation had been paid into his office: We do, therefore, in pursuance of an act of the Governor, Council, and Assembly, declare the said slave to be free. In witness whereof we have hereunto set our hands and seals this, _____ day of _____

The order for manumission, and the receiver-general's certificate annexed, to be recorded, &c.

LXX. And it is hereby enacted by the authority aforesaid, That the said order of manumission, together with the valuation and the receiver-general's certificate annexed thereto, shall be entered in the office of the secretary of this island, and recorded in a separate book for manumissions, and shall not be

delivered out except under an order of the Court of Chancery or Supreme Court, but shall be kept in the said office as original documents, and a certified copy of the same shall be received as evidence in all courts, and be of the same force as the originals.

LXXI. And be it further enacted by the authority aforesaid, That the amount of the valuation, or the interest thereof, shall be paid by the receiver-general, under an order of the Court of Chancery, or of the Supreme Court, to be made upon the application of the person or persons interested in the money, and such money shall be considered as of the same nature, whether real or personal estate, as the slave would have been, if proceedings under this act had not taken place, and the said money shall be liable to the same descent, limitations, trusts, debts, and incumbrances, as the slave was subject to; and it shall be in the power of the said courts, or either of them, to direct the principal, or the interest thereof, to be paid by the receiver-general, according to the rights of the different owners or their creditors.

The amount of the valuation, or the interest thereof, to be repaid on application, under an order of the Court of Chancery or of the Supreme Court, &c.

LXXII. And be it further enacted by the authority aforesaid, That in case any slave, manumized in pursuance of this act, shall have belonged, at the time of his or her manumission, to a tenant for life, or a tenant for life shall have become entitled to the interest of the money, and such slave, after being so manumized, if a male, shall die in the life-time of the tenant for life, or, being a female slave, shall die in the life-time of the tenant for life, without leaving her surviving any child or children, born after the date of the manumission, or such child or children shall, after her death, die in the life-time of the tenant for life, then and in every such case the person or persons in remainder shall not be considered to be entitled to the principal or interest of the said money

A tenant for life to be entitled to the principal or interest of the money, in case a slave, manumized in pursuance of this act, shall die in the life-time of such tenant for life, &c.

but the same shall be deemed the property of the tenant for life as against all persons, to take in succession, without prejudice to the creditors of the person who limited the said slave in settlement, or the creditors of the tenant for life.

LXXIII. And whereas it may sometimes happen that the persons, desirous of effecting such manumission as aforesaid, may wish to invest the consideration of such manumission in the purchase of other slaves, instead of placing the same in the hands of the receiver-general, or may be prevented from carrying their intentions into effect, without incurring considerable expense, by reason of the estate, to which the slave or slaves so intended to be manumized, may belong, being in the hands of a receiver, appointed by the Court of Chancery: Be it enacted by the authority aforesaid, That, in all such cases, it shall and may be lawful for the person or persons so desirous of effecting such manumission as aforesaid, under and subject to the same regulations as are hereinbefore prescribed, relative to persons having only a limited interest, to invest the consideration, which he, she, or they shall have received, in the purchase of other slave or slaves, to be held by him, her, or them, subject to the same descent, limitations, trusts, orders, debts, and incumbrances, to which the slave or slaves so manumized shall have been subject.

Purchase-money may be invested in the purchase of other slaves.

LXXIV. And whereas it is now required by law, in all cases of manumission by deed, that a bond should be given to the churchwardens of the parish for payment of an annuity of five pounds for the maintenance of any slave intended to be manumized, and such bond is in many cases unnecessary: Be it further enacted by the authority aforesaid, That it shall not be necessary to give such bond to the churchwardens, provided that in lieu thereof the

slave intended to be manumized, shall be produced to the magistrates and vestry of the parish where such slave shall reside, or it shall be otherwise shewn to their satisfaction that the manumission is not given for the purpose of relieving the owner from the obligation of maintaining an aged or infirm slave, a certificate whereof shall be given by the clerk of the vestry, and shall be annexed to, and entered in the secretary's office with, the deed of manumission.

LXXV. And whereas it is expedient to prevent slaves from being purchased by persons for the purposes of resale, and to prevent such resale: Be it enacted, That from and after the commencement of this act, if any person or persons shall be found travelling about from place to place, exposing or offering for sale any negro, mulatto, or other slave or slaves, it shall and may be lawful for any person whomsoever to seize and detain any such person or persons, and the slave and slaves, under his or their charge, and to carry such person or persons, and slave or slaves, before any one of his Majesty's justices of the peace of the parish where such offence shall be committed, which said justice is hereby authorized and required to call to his assistance two other justices of the said parish, and which three justices, being so associated, shall, on due proof, on oath, that the party or parties brought before them, had been found exposing or offering a slave or slaves to sale, contrary to the true intent and meaning of this act, cause the said slave or slaves, so offered for sale, to be publicly sold by warrant, under the hands and seals of the said three justices, one moiety of the monies arising from the sale thereof, after deducting the expenses of the said sale, to be paid into the hands of the churchwardens of the said parish where the offence shall be committed, for the use of the poor of the said parish, and the other

The usual bond, given in cases of manumission, declared to be unnecessary hereafter, under certain provisions.

Persons travelling about the country for the purpose of trafficking in slaves, to be taken up and carried, with the slaves, before a justice, who is to proceed against them, as herein directed.

On due proof, such slaves to be sold, one moiety of sale to the poor, the other to the informer.

moiety to the use of the person or persons, who shall bring the offender or offenders before the said justices,

The oath of the informer sufficient.

LXXVI. And it is hereby enacted and declared, That the oath of the person or persons, bringing such offender or offenders before the said justices, shall be received and taken, and shall be considered good evidence against such offender or offenders.

Sales of slaves made as aforesaid to be null and void, and the slaves forfeited.

LXXVII. And be it further enacted by the authority aforesaid, That if any sale or sales of slaves shall be so made as aforesaid, the same shall be, and are hereby declared to be, null and void, and that no title shall accrue to the purchaser or purchasers thereof; and any slave or slaves so sold, shall become forfeited, and any justice of the peace, on receiving information, on oath, of any such sale or sales, shall issue his warrant to take up such slave or slaves; and, if it shall appear to his satisfaction that such slave or slaves has or have been so sold, he shall declare the same to be forfeited, and proceed to sell the said slave or slaves, and apply the money arising from such sale in manner hereinbefore mentioned.

Justices, on information, to issue warrants to take up slaves so sold, to sell them, and apply the money as before.

Proceedings under this act cannot be removed into the supreme or other courts.

LXXVIII. And it is hereby enacted by the authority aforesaid, That no writ of *certiorari*, or other process, shall issue, or be issuable, to remove any proceedings whatsoever, had in pursuance of this act, into the Supreme Court of Judicature, or any other of the courts of this island.

LXXIX. And whereas it is absolutely necessary that the slaves in this island should be kept in due obedience to their owners, and in due subordination to the white people in general, and, as much as in the power of the legislature, all means and opportunities of slaves being concerned in rebellious conspiracies, and committing other crimes, to the ruin and destruction of the white people and others in this island, prevented, and that proper punishments should be

appointed for all crimes to be by them committed: Be it further enacted by the authority aforesaid, That if any slave or slaves shall, after the commencement of this act, enter into, or be concerned in any rebellion, or rebellious conspiracy, or commit any murder, felony, burglary, robbery, or set fire to any houses, out-houses, negro-houses, cane-pieces, grass or corn pieces, or break into such houses, out-houses, or negro-houses in the day-time, no person being therein, and stealing thereout, or commit any other crime which would subject white persons, or persons of free condition, to be indicted for felony, such slave or slaves shall, for every such offence or offences, upon trial and conviction thereof, in manner hereinafter mentioned, suffer death, transportation, or such other punishment as the court shall think proper to direct, according to the nature and extent of the offence.

LXXX. And be it further enacted by the authority aforesaid, That if any slave shall assault or offer any violence, by striking or otherwise, to or towards any white person or persons of free condition, such slave, upon due and proper proof, shall, upon conviction, be punished with death, transportation, or confinement to hard labour for life, or a limited time, or such other punishment, according to the nature of the offence, as the court shall, in their discretion, think proper to inflict, provided such assault or violence be not by command of his, her, or their owners, overseers, or persons entrusted with them, or in the lawful defence of their owners' persons or goods.

LXXXI. And be it further enacted by the authority aforesaid, That if any slave or slaves shall hereafter be found to have in his, her, or their custody or possession, any fire-arms, pikes, sabres, swords, cutlasses, lances, gunpowder, slugs, or ball, without the knowledge or consent of his, her, or their owner, pro-

Slaves concerned in rebellions, or committing murder, or other felony, to suffer death, transportation, &c. as the court may think fit.

Slaves guilty of assaults or other violence, to be punished at discretion of the court,

unless by order or in defence of their owners, &c.

How slaves, possessing fire-arms without knowledge of their owner, &c. are to be dealt with.

prietor, or possessor, or his, her, or their overseer, such slave or slaves shall be taken before three magistrates, who shall, if they are of opinion that the same was with evil intent, commit such slave or slaves to the gaol, to be tried at the court of quarter-sessions, or special slave-court, as hereinafter directed, and, upon conviction, the said slave or slaves shall suffer transportation, or such other punishment as the court shall think proper to direct, not extending to life.

Slaves pretending to supernatural power may be sentenced to death, &c.

LXXXII And, in order to prevent the many mischiefs that may hereafter arise from the wicked art of negroes going under the appellation of obeah men and women, and pretending to have communication with the devil and other evil spirits, whereby the weak and superstitious are deluded into a belief of their having full power to exempt them, whilst under their protection, from many evils that might otherwise happen: Be it further enacted by the authority aforesaid, That from after the commencement of this act, any slave who shall pretend to any supernatural power, in order to excite rebellion or other evil purposes, or shall use, or pretend to use, any such practices, with intent or so as to affect or endanger the life or health of any other slave, shall, upon conviction thereof, suffer death or transportation, or any such punishment as the court may direct; any thing in this or any other act to the contrary in anywise notwithstanding.

Punishment on slaves preaching and teaching as Anabaptists, or otherwise, without permission.

LXXXIII. And whereas it has been found that the practice of ignorant, superstitious, or designing slaves, of attempting to instruct others, has been attended with the most pernicious consequences, and even with the loss of life: Be it enacted, That any slave or slaves found guilty of preaching and teaching as Anabaptists, or otherwise, without a permission from their owner and the quarter-sessions for the parish, in which such preaching or teaching takes

place, shall be punished in such manner as any three magistrates may deem proper, by whipping or imprisonment in the workhouse to hard labour.

LXXXIV. And whereas the assembling of slaves and other persons, after dark, at places of meeting belonging to dissenters from the established religion, and other persons professing to be teachers of religion, has been found extremely dangerous, and great facilities are thereby given to the formation of plots and conspiracies, and the health of the slaves and other persons has been injured in travelling to and from such places of meeting at late hours in the night: Be it further enacted by the authority aforesaid, That from and after the commencement of this act, all such meetings between sunset and sunrise shall be held and deemed unlawful, and any sectarian, dissenting minister, or other person professing to be a teacher of religion, who shall, contrary to this act, keep open any such places of meeting between sunset and sunrise for the purpose aforesaid, or permit or suffer any such nightly assembly of slaves therein, or be present thereat, shall forfeit and pay a sum not less than twenty pounds, or exceeding fifty pounds, for each offence, to be recovered in a summary manner before any three justices, by warrant of distress and sale, one moiety thereof to be paid to the informer, who is hereby declared a competent witness, and the other moiety to the poor of the parish in which such offence shall be committed, and, in default of payment thereof, the said justices are hereby empowered and required to commit such offender or offenders to the common gaol for any space of time, not exceeding one calendar month: Provided always, that nothing herein contained shall be deemed or taken to prevent any minister of the Presbyterian kirk, or licensed minister, from performing divine worship at any time before

Meetings of
sectarians be-
tween sunset
and sunrise
prohibited.

Licensed
places of wor-
ship excepted.

the hour of eight o'clock in the evening at any licensed place of worship, or to interfere with the celebration of divine worship according to the rites and ceremonies of the Jewish and Roman Catholic religions.

LXXXV. And whereas, under pretence of offerings and contributions, large sums of money and other chattels have been extorted by designing men, professing to be teachers of religion, practising on the ignorance and superstition of the negroes in this island, to their great loss and impoverishment: And whereas an ample provision is already made by the public and by private persons for the religious instruction of the slaves: Be it enacted by the authority aforesaid, That from and after the commencement of this act it shall not be lawful for any dissenting minister, religious teacher, or other person whatsoever, to demand or receive any money or other chattel whatsoever from any slave or slaves within this island, for affording such slave or slaves religious instruction, by way of offering contributions, or under any other pretence whatsoever; and if any person or persons shall, contrary to the true intent and meaning of this act, offend herein, such person or persons shall, upon conviction before any three justices, forfeit and pay the sum of twenty pounds for each offence, to be recovered in a summary manner, by warrant of distress and sale, under the hands and seals of the said justices, one moiety thereof to be paid to the informer, who is hereby declared a competent witness, and the other moiety to the poor of the parish in which such offence shall be committed, and, in default of payment, the said justices are hereby empowered and required to commit such offender or offenders to the common gaol for any space of time, not exceeding one calendar month.

Punishment
on designing
teachers for
levying contri-
butions on
slaves.

LXXXVI. And whereas a practice of nightly and other private meetings has frequently taken place amongst the slaves in several parts of this island, and which have been unknown to the owner, attorney, or other person having charge of the slaves of the property, and as such meetings are injurious to the health of the slaves, and of dangerous tendency: Be it therefore enacted by the authority aforesaid, That in future all such meetings shall be deemed unlawful, and the persons who shall or may attend them, shall be liable to be apprehended and taken before any magistrate of the parish, wherein the offence shall be committed; and if any white person, or person of free condition, attend such meeting, and it appears to the said magistrate, on the oath of the person accusing the party, or on the oath of any other person, that he or she is guilty, he or she shall be committed to the gaol, to be tried at the next quarter-sessions of the parish for the said offence; and if convicted thereof, he or she shall be sentenced to imprisonment in the county gaol for such period of time as the justices, before whom he or she shall be convicted, think proper to direct, not exceeding three months; and, if the offender be a slave, he or she shall be tried at the quarter sessions or special slave court, and, if convicted thereof, he or she shall be sentenced by the said court to hard labour, for such time as the court shall think proper to direct, or to receive such other punishment by whipping, not exceeding thirty-nine lashes at one time, as the court shall order and direct.

Nightly meetings of slaves unlawful, and free people attending them how punishable.

If offender be a slave, he or she is to be punished as a court may direct.

LXXXVII. And be it further enacted by the authority aforesaid, That if any negro or other slave or slaves shall mix or prepare, with an intent to give or cause to be given, any poison, or poisonous or

Slaves preparing or giving poison, though death does not ensue, are to suffer death.

noxious drug, pounded glass, or other deleterious matter, in the practice of obeah or otherwise, although death may not ensue on the taking thereof, the said slave or slaves, together with their accessaries, as well before as after the fact (being slaves), being duly convicted thereof, shall suffer death, or such other punishment as the court shall award; any thing in this or any other act to the contrary in anywise notwithstanding.

Punishment on slaves having any poisonous drugs, pounded glass, &c. in their possession.

LXXXVIII. And be it further enacted, That if there shall be found in the possession of any slave any poisonous drugs, pounded glass, or any materials used in the practice of obeah or witchcraft, such slave, upon conviction, shall be liable to suffer transportation from this island, or such other punishment, not extending to life, as the court shall think proper to direct.

Slaves found at any meeting formed for administering unlawful oaths, &c. are to be punished as court shall direct,

LXXXIX. And whereas it is necessary to prevent secret and unlawful meetings of slaves: Be it therefore enacted by the authority aforesaid, That all and every slave or slaves, who shall be found at any meeting, formed either for the purpose of administering unlawful oaths, by drinking human blood mixed with rum, grave-dirt, or otherwise, or of learning the use of arms, or for any other unlawful or dangerous purpose, such slave or slaves shall, on conviction thereof, suffer death, or transportation for life, or such other punishment as the court shall direct.

as are white or free people present at such meetings.

XC. And be it further enacted by the authority aforesaid, That if any white person, or person of free condition, shall be present at any such meeting, and aiding and assisting in any of the unlawful purposes before mentioned, such person or persons shall, upon conviction thereof, in the Supreme Court, or either of the courts of assize in this island, be punished by

death, transportation off this island for life, or fine or imprisonment, or both, at the discretion of the court, before whom such person or persons shall be tried.

XCI. And be it further enacted by the authority aforesaid, That if any person or persons, having knowledge of such unlawful meetings as aforesaid, shall not forthwith give information thereof to a justice of the peace, such person or persons shall, on conviction before the supreme or either of the courts of assize or courts of quarter-sessions of this island, suffer such punishment, by fine or imprisonment, or both, or by public whipping, as the court, before which such person or persons shall have been so convicted, shall direct.

Persons having knowledge of such unlawful meetings, and not giving information thereof, to be punished at discretion of court.

XCII. And be it further enacted by the authority aforesaid, That if any negro or other slave shall, after the commencement of this act, steal any horned cattle, sheep, goat, hog, horse, mare, mule, or ass, or shall kill any such horned cattle, sheep, goat, hog, horse, mare, mule, or ass, with intent to steal the whole carcass of any such horned cattle, sheep, goat, hog, horse, mare, mule, or ass, or any part of the flesh thereof, such negro or other slave shall, on conviction thereof, suffer death, transportation, or such other punishment as the court shall, in its discretion, inflict.

Slaves stealing horned cattle, sheep, horses, &c. may be condemned to death.

XCIII. And whereas great numbers of horned cattle, sheep, goats, hogs, horses, mares, mules, and asses, are frequently stolen and killed by negro and other slaves in so secret and private a manner, that it is with the greatest difficulty they can be found out and discovered in such manner as to convict them of such offence, although large quantities of beef, mutton, and the flesh of other valuable animals, are found upon him, her, or them: In order, therefore, to prevent such evils in future, and to punish the perpetrators of

If slaves have in their possession twenty pounds of meat unaccounted for, they are to be whipped, not exceeding thirty-nine lashes; and, if above twenty pounds, justices to assign punishment, not affecting life.

such acts agreeable to their crimes, be it enacted by the authority aforesaid, That if any negro or other slave shall fraudulently have in his, her, or their custody or possession, unknown to his or her master, owner, overseer, or other persons, who shall have the overlooking or employing of such slave, any fresh beef, veal, mutton, pork, or goat, or the flesh of horse, mare, mule, or ass, in any quantity not exceeding twenty pounds weight, without giving a satisfactory account in what manner he or she became possessed thereof, such negro or other slave, upon conviction thereof before any magistrate, shall be whipped in such manner as such magistrate shall direct, not exceeding thirty-nine lashes; and if there shall be found in his, her, or their custody or possession, a larger or greater quantity than twenty pounds weight of fresh beef, veal, mutton, pork, or goat, or the flesh of horse, mare, mule, or ass, and such slave shall not give a satisfactory account how he or she became possessed of such meat, then such negro or other slave, upon conviction thereof, shall suffer such punishment as any three justices shall think proper to inflict or direct, not extending to life, or imprisonment for life.

Punishments on slaves maiming or injuring horned cattle, horses, &c.

XCIV. And be it enacted by the authority aforesaid, That if any negro or other slave shall wantonly and cruelly cut, chop, shoot at, or otherwise maim and injure, any horned cattle, horse, gelding, mare, mule, or ass, such negro or other slave shall, for every such offence, be tried in a summary manner, before three or more justices of the peace of the parish or precinct, where the offence shall be committed; and the said justices of the peace shall, on conviction of such slave or slaves, order and direct such punishment to be inflicted as they shall think proper, not exceeding fifty lashes, to be inflicted at one or more different

times, or two months' hard labour in the workhouse ; and in all cases where, from such treatment as above set forth, any horned cattle, horse, gelding, mare, mule, or ass, shall be killed, or shall die within ten days after the offence committed, although the carcass, or any part of the flesh thereof, may not be stolen, such negro or other slave shall be tried at the court of quarter-sessions, or special slave-court, and, on conviction thereof, suffer death, transportation, or confinement to hard labour for life, or such other punishment as the court shall think proper.

XCV. Be it further enacted by the authority aforesaid, That if any slave or slaves shall, by wantonly and cruelly cutting, chopping, striking, or by any other manner or way whatsoever, mutilate, disfigure, dismember, or injure any slave or slaves, so as to endanger life, although death shall not ensue, or that such slave or slaves shall become a cripple, or lose any of his or her limbs, or be deprived of the use thereof, all and every or any such slave or slaves so offending shall, for every or any such offence, be tried at the court of quarter-sessions or special slave-court, and, upon conviction, shall suffer death, transportation for life, or such other punishment as the court shall direct.

Punishment on those wantonly cutting and chopping any other slave.

XCVI. And whereas the practice of negroes to clear their grounds by fire is highly dangerous to the neighbouring properties, and frequent instances of alarm and injury occur for want of some restraint in that respect : For prevention of so great an evil, be it further enacted, That if any injury shall arise to the owner, proprietor, or possessor of one property, by a slave or slaves on the adjoining property clearing ground by fire, the slave or slaves, who shall so clear ground by fire, by which injury shall result to the adjoining property, shall be proceeded against, tried,

Punishment on slaves clearing their grounds by fire, if injury arise.

Overseers, &c. having knowledge that any fire has been made for such purpose, and not doing their utmost to extinguish it, to be fined at discretion of two justices.

and punished, if found guilty, as and for a misdemeanour; and if the overseer, or other person then actually having charge of the property on which such fire shall originate, shall have knowledge that any negro under his charge has made any such fire for clearing his or her ground, and shall not forthwith use his best endeavours to cause the same to be extinguished, and such fire shall cause injury to the neighbouring property, such overseer or other person shall suffer such fine as any two justices of the peace of the parish wherein such injury shall happen, shall award, not exceeding ten pounds for one and the same offence; the complaint whereon shall be heard, determined, and the penalty, when imposed, shall be enforced, in a summary manner, before any two justices of the peace.

Slaves to be tried for crimes before courts of quarter-sessions, and by indictment before grand and petit juries.

XCVII. And whereas it is necessary to declare how and in what manner slaves should be tried for crimes and offences: Be it enacted by the authority aforesaid, That from and after this act shall commence and be in force all and every charge or complaint against any slave or slaves of murder, rape, felony, burglary, robbery, burning or destroying houses, out-houses, stores, negro-houses, or cane, grass, or corn pieces, or breaking into such houses, out-houses, stores, or negro-houses, in the day-time, no person being therein, and stealing thereout, rebellion, rebellious conspiracies, or any other offence whatsoever, committed by any slave or slaves, that shall subject such slave or slaves to suffer death, transportation, or confinement to hard labour for life, or for a term exceeding one year, shall be heard, tried, and determined at the court of quarter-session or special slave-court for the parish or precinct wherein the offence shall be committed, as part of the business of such court, and by indictment before

the grand and petit juries of such court, as indictable offences are now conducted at such courts against white persons and persons of free condition, but first disposing of such business of the court as shall concern white persons and persons of free condition, and then proceeding with the trial of slaves, against whom bills may be found by the grand jury; and the justice, before whom such charge or complaint is made, shall issue out his warrant for apprehending the offender or offenders, and all persons that can give evidence, who being brought before him, or any other justice of the peace, if, upon examination, it appears probable that the slave or slaves apprehended is or are guilty, [*he*] shall commit the offender or offenders to gaol for trial at the next court of quarter-sessions or special slave court, and secure the attendance there of the witnesses by recognizance or committal to gaol, as public justice may require; and in all cases the evidence of slaves shall be admitted against slaves before the justice, the court, and the grand or petit jury; and in case of the grand jury finding a true bill, then, in any parish where a court of quarter-sessions is now usually holden, such slave or slaves shall have the indictment or charge distinctly read to him, her, or them, in open court, which indictment or charge shall be deemed valid, if sufficient in substance, and shall not be quashed for defect in form, and thereupon the plea shall be taken down and entered, and such slave or slaves shall be put upon his, her, or their trial, before a petit jury, in like manner as is the practice usual and accustomed at the quarter-sessions on the trial of indictments against white persons and persons of free condition; and, if a petit jury be already formed for any preceding business of the court, it shall be lawful to proceed to try the indictment against such slave or slaves, upon

calling over the names of the jurors, and causing them to be sworn to try all and every such slave or slaves as shall be brought before them, and a true verdict give, according to evidence, as in other cases, reserving to the crown and to the prisoner the power of challenging any of the said jurors, upon assigning cause to be approved of by the court, and provided that no owner or proprietor of any prisoner, or the attorney, guardian, trustee, overseer, or bookkeeper of such owner or proprietor, or the person prosecuting, his or her attorney, guardian, trustee, overseer, or bookkeeper, shall be allowed to sit as a juror upon the trial of such prisoner; and the place of such jurors as shall be set aside upon challenge, or for the causes aforesaid, shall be supplied by others returned upon the panel to serve as jurors; or if a sufficient number should not be in attendance, then such sufficiency shall be supplied by a writ of tales, to be issued by the court in which such trial shall take place, and the same jury shall serve for every case under the preceding regulations at the same court, unless the court shall see, or the jury of themselves declare, that the circumstances of one trial too intimately affect another trial to proceed without bias, in which case a new jury shall be called; and if the said jurors shall, upon hearing the evidence, unanimously find the slave or slaves guilty of the offence, with which he, she, or they stand charged, the court shall pass sentence of death without benefit of clergy, or transportation, or confinement to hard labour for life, or a limited time, or whipping, or such other punishment as the court shall think proper, according to the nature of the offence: Provided always, That no sentence of death or transportation, pronounced on any slave or slaves, shall be carried into effect, unless by warrant under the hand and seal of the governor, or

Sentences of death not to be carried into effect, but under governor's warrant;

the person exercising the functions of governor, who is hereby authorized to issue such warrant, and before whom shall be previously laid the charge or indictment, the evidence taken down at the trial, and the sentence of the court, or a true copy thereof, attested by the justice presiding at the trial, or, in case of his death or absence, of one of the other justices constituting the court, except when sentence of death shall be passed upon any slave or slaves convicted of rebellion or rebellious conspiracy, in which case the court shall and may proceed to pass sentence, and carry the same into execution as heretofore, at such time and place as public expedience may require; or, if no pressing occasion arise, the court may, if it sees fit, refer the proceedings to the governor, in the manner, and to be disposed of by him, as in other cases of public convictions: Provided always, That if it shall be necessary or expedient, for the furtherance of justice and the safety of the public, to hold any court before the stated court of quarter-sessions, it shall be lawful to convene a special slave-court; and the custos or senior magistrate of the parish or precinct shall issue a special writ of venire, directed to the provost-marshal-general, or his lawful deputy, to summon and warn forty-eight persons, such as are usually warned and empanelled to serve on juries for the parish or precinct, personally to be and appear at such court, at the usual place for holding the quarter-session, at such day and time as may be expressed in such venire, then and there to inquire for our sovereygn lord the King of and concerning all such matters and things as shall be given them in charge and enjoined; when and where the said persons, so warned by the provost-marshal, or his lawful deputy as aforesaid, are hereby severally required to attend, under the penalty of five pounds on each de-

except in cases of rebellion.

Special slave-courts may be held.

faulter, and when and where the said special slave-court shall proceed in like manner in all respects as is the usual custom and practice at a general court of quarter-sessions of the peace for indictable offences against persons of free condition.

Special slave-courts may be held in the parishes of St. Thomas in the Vale and St. John.

XCVIII. And whereas this mode of trying slaves will materially interfere with the facilities granted to those parishes, which are component parts of a precinct, wherein special slave-courts are now allowed: Be it enacted, That in the parishes of St. Thomas in the Vale and St. John, part of the precinct of St. Catherine, indictments against slaves shall be preferred before the grand jury convened and sworn at the court of quarter-sessions of the respective precincts; and the attendance of all witnesses to support the charge before the grand jury shall be secured as aforesaid; and, when a true bill shall be returned against any slave or slaves, such trial shall be proceeded in a special slave-court, to be convened by the custos or senior magistrate of such parish, to meet at the place such court is at present held by law; and thereupon the custos, or, in his absence, the senior magistrate of the parish, where such trial is to take place, shall and may hold such special slave-court at the place, where parochial business is usually transacted in such parish, and shall sign and issue a writ of venire to the provost-marshal, or his lawful deputy, for convening twenty-four persons of the parish qualified to serve on juries, at the time and place appointed by the writ of venire, to form a petit jury for the trial of slaves, against whom bills of indictment have been found at the quarter-session, such trial to take place under the same regulations as are hereinbefore contained as to trials of slaves in the courts of quarter-sessions; and the provost-marshal, his deputy, and all persons under recognizance,

and the persons so warned as jurors, for any breach of the duty hereby imposed in regard to such special slave-court, shall suffer the like penalties, under the like remedies, as if done in regard to the quarter-session; and all proceedings of such special slave-court shall be returned into the office of the clerk of the peace of the precinct there to be recorded and kept as part of the records of the said parish. Provided always, That if any slave or slaves shall have been detained in custody under commitment for six calendar months, and no indictment shall have been preferred against him, her, or them, or person appearing to prosecute the complaint during that time, it shall be the duty of the said justices of quarter-sessions, so associated for the purpose of holding such court of quarter-sessions, to discharge such slave or slaves by proclamation, at the expiration of such six calendar months from the time of the commitment of such slave or slaves: And provided always, That in any case, upon an indictment against any slave or slaves for murder, where malice prepense shall not be proved to the satisfaction of the jurors, such jurors shall be, and they are hereby declared to be, at liberty to return a verdict of manslaughter, if they shall think the nature of the case shall require it, and the person or persons so found guilty of manslaughter, shall suffer such punishment as the court shall think fit to inflict, not extending to life.

XCIX. And whereas the ends of justice are sometimes defeated by the incapacity or gross neglect of their duties by the clerks of the peace: Be it enacted by the authority aforesaid, That if a charge in writing of any misdemeanour, or gross neglect, or frequent neglect, committed by a clerk of the peace, or of his ignorance or incapacity to fill such office, be exhibited against him to the quarter-sessions, a

Slaves to be discharged if not indicted in six months.

Where slaves are indicted for murder, if malice prepense do not appear, verdict of manslaughter may be returned.

Clerks of peace may be discharged for neglect or incapacity.

majority of the justices, on open examination and proof thereof there, may discharge him from the office, or suspend him for such space of time as the justices shall think proper: and, in default of appointment of another sufficient person, resident in the parish, by the *custos rotulorum*, to the office of such clerk of the peace, before the next quarter-sessions, the justices at the said or any subsequent court may appoint to the office.

Every parish to employ a professional man to defend slaves on their trial.

C. And be it further enacted by the authority aforesaid, That the *custos*, magistrates, and vestry, in every parish of this island, are hereby empowered and required to employ a person, who has been regularly admitted as a barrister or attorney at law in the courts of this island, to attend the trials of all slaves for capital offences, in the quarter-sessions or special slave courts, and to take the defence of such slaves, at such rate of salary, or remuneration by fees, as they may see fit, to be paid out of the parochial funds.

Penalty of 10*l.* on persons warned to attend trials, and neglecting to do so.

CI. And be it further enacted by the authority aforesaid, That all witnesses, whether white or of free condition, legally warned, and who do not attend to give evidence at any trial under this act, or shew, by affidavit, a sufficient cause for his or her absence, shall be liable to a fine of ten pounds.

Jurors, witnesses, &c. under this act, protected in their persons,

CII. And be it further enacted by the authority aforesaid, That all jurors serving at any of the courts herein mentioned, and every person or persons, whose presence may be requisite at the examination of any slave or slaves, and who shall be required by warrant or summons under the hand and seal of any justice of the peace, and all and every slave and slaves, who shall be brought as witnesses, shall be protected in their persons from all mesne or judicial process whatsoever, in their going to, attending at, and returning

and slaves from being levied on.

from, such examinations or trial, and that such slaves shall not be subject to be levied on.

CIII. And be it further enacted by the authority aforesaid, That a record shall be entered up of all proceedings on the trials of slaves, for any crime that shall subject any slave or slaves to suffer death, transportation, or confinement to hard labour, in a book to be kept for that purpose by the clerk of the peace, or his lawful deputy, of the parish or precinct, who is hereby obliged to attend all such trials, and to record the proceedings within thirty days after such trial, under the penalty of twenty pounds for each neglect; and he shall be entitled to receive from the churchwardens of such parish the sum of five pounds, and no more, for attending each trial, entering up the record, and all other business incidental thereto; and further, that the deputy-marshal for the said parish, or some proper person acting under him, shall, under the penalty of fifty pounds, warn the jurors, and attend the trials of all slaves, and also attend at the execution of such offenders as shall be condemned to die; and that he shall be entitled to receive from the churchwardens of the said parish, for warning jurors and attending the trials of slaves at all courts, the sum of five pounds for each court to be held under this act, and the further sum of five pounds for attending the execution of each offender as shall be condemned to die.

CIV. And be it further enacted by the authority aforesaid, That in case any slave or slaves shall give false evidence on any trial had under this act, such slave or slaves, being thereof convicted, shall suffer the same punishment as persons convicted of wilful and corrupt perjury.

CV. And be it further enacted by the authority aforesaid, That in future, whenever a warrant shall

Records to be kept by clerk of the peace, who must attend trials, and record proceedings in thirty days, under penalty of 20l.

His fee.

Deputy marshals must warn jurors, and attend at such trials, under penalty of 50l. Their fees.

Punishment on slaves for giving false evidence.

If slaves, against whom

warrants are issued, are concealed by owners, &c. they forfeit 100l.

be granted, by one or more of his Majesty's justices of the peace against any slave, if the said slave cannot be immediately taken on the said warrant, the owner, possessor, attorney, guardian, or overseer of such slave shall be served with a copy of the said warrant, and if he, she, or they do not carry the said slave before a magistrate, to be dealt with according to law on the said warrant, and if it should be afterwards proved that the owner, possessor, attorney, guardian, or overseer of such slave wilfully detained or concealed the said slave, he, she, or they shall forfeit the sum of one hundred pounds.

Six days' notice of trial to be given to owners, &c. of slaves.

CVI. And be it further enacted by the authority aforesaid, That in all trials of any slave or slaves under this act, six days' notice of such trial shall be first given to the owner, proprietor, or possessor of such slave or slaves, his, her, or their lawful attorney or attorneys, or other representative or representatives; any law, custom, or usage to the contrary notwithstanding.

How such notices are to be served where owners reside in a different parish to that in which their slaves may have committed offences, and are to be tried.

CVII. And whereas it may sometimes happen that the owner, proprietor, or possessor of a slave may reside in a different parish or precinct from that wherein such slave may have committed the offence for which he or she is to be tried: Be it therefore enacted, That in such cases the clerk of the peace of the parish or precinct, wherein the offence is to be tried, shall transmit the notice of such trial to the clerk of the peace of the parish or precinct wherein the owner, proprietor, or possessor as aforesaid may reside, who shall forthwith thereupon, under the penalty of twenty pounds, deliver such notice, and a copy thereof, to one of the lawful constables of the said parish, to be by him, under the penalty of ten pounds, served on such owner, proprietor, or possessor; and the said constable is hereby required

to make an affidavit of the manner, in which he may have served the said notice, to be sworn to before any justice of the peace, and shall return such notice, so sworn to, to the clerk of the peace from whom he received the same, to be by him transmitted to the clerk of the peace of the parish or precinct, where the offence is to be tried, in due time; for which duty the clerk of the peace of the parish, where the warrant shall be served, shall be paid the sum of one pound six shillings and eight-pence, and the constable the sum of one pound six shillings and eight-pence, by the acting churchwarden of the said parish.

CVIII. And whereas it sometimes happens that runaway slaves are apprehended in consequence of the commission of crimes, and in such cases it is frequently impossible to ascertain the owners, or other persons, on whom notices of trial ought to be served: Be it therefore enacted, That, whenever it shall so happen that the name of the owner cannot be discovered, a public notice shall be given for three weeks in the three county papers of the name and description of the slave, of the nature of the offence, and of the day of trial, which shall be deemed to be sufficient notice of such trial.

Notice of trial to be given in newspapers, when the owner's name cannot be ascertained.

CIX. And be it further enacted by the authority aforesaid, That in all cases, where the punishment of death is inflicted, the execution shall be performed in a public part of the parish, and with due solemnity, and it shall be the duty of the rector or curate to prepare the criminal while under sentence, and to attend at the place of execution; and care shall be taken by the gaoler or deputy-marshal that the criminal is free from intoxication at the time of his trial, and from thence to and at the time of his execution, under the penalty of twenty pounds; and the mode of such execution shall be hanging by the neck,

Executions must be public and solemn.

and no other, and the body shall be afterwards disposed of as the court shall direct.

Slaves, sentenced to be executed or transported, to be valued by the jury.

CX. And be it further enacted by the authority aforesaid, That in all cases where any slave or slaves shall be put upon his, her, or their trial, and receive sentence of death, or transportation, or commitment to hard labour for life, the court, at the time of trying such slave or slaves, shall also inquire of the jury, upon their oaths, what sum or sums of money the owner, proprietor, or possessor of the said slave or slaves ought to receive for such slave or slaves, and certify the same, so that such sum or sums of money do not exceed the sum of one hundred pounds for each slave, so sentenced as aforesaid; and, if the conviction be for running away, the value to be set by the jury shall not exceed fifty pounds.

Provost-marshal must execute sentences without delay, under penalty of 200l.

CXI. And be it further enacted by the authority aforesaid, That in all cases where any slave or slaves shall be brought to trial, and sentenced to death, and valued according to the directions of this act, the provost-marshal, or his lawful deputy, shall, under the penalty of two hundred pounds, carry such sentence into execution in obedience to the warrant from the governor, or person executing the functions of governor for the time being, or the warrant of the justices, in cases of conviction for rebellion or rebellious conspiracy; and, in case of sentence to transportation, shall, upon receiving a warrant from the governor, or person exercising the functions of governor for the time being, for that purpose, forthwith sell such slave or slaves for transportation to the best advantage in his power; and shall, under the penalty of two hundred pounds, within the space of one month from the time of such sale, render to the owner, proprietor, or possessor of such slave, or other person legally entitled to receive the same, a just and

and render account of net proceeds of sales on back of certificate of valuation.

true account, upon oath, of the sale or sales of such slave or slaves, and of the legal charges attending the same, and pay over to such owner, proprietor, or possessor, or other person legally entitled to receive the same, the proceeds of such sale or sales, after deducting all legal charges as aforesaid; and if it shall happen that the charges due to the provost-marshal, or his lawful deputy, for confinement and subsistence of said slave or slaves, shall amount to or exceed the amount of the sales, the same shall be sworn to by the said provost-marshal, or his lawful deputy, on the back of the certificate of valuation, in which case the receiver-general shall pay the whole amount of such valuation.

If charges amount to or exceed sale, receiver-general to pay the whole.

CXII. And be it further enacted by the authority aforesaid, That in all cases where any slave or slaves shall be sentenced to death or confinement to hard labour for life, and be valued according to this act, such slave or slaves shall be paid for by the receiver-general of this island out of any monies in his hands, upon production of a legal certificate of such sentence and valuation, but not otherwise; and in all cases where any slave or slaves shall be sentenced to transportation, and valued in manner aforesaid, the receiver-general shall, in like manner, upon production of a like certificate, together with the account upon oath, hereinbefore directed to be made by the provost-marshal or his lawful deputy, but not otherwise, pay the amount of the valuation of such slave or slaves, after deducting the amount of such account.

Valuation of slaves sentenced to death, &c. under this act, to be paid by receiver-general.

CXIII. And be it further enacted by the authority aforesaid, That every slave, who, under the authority and by virtue of this act, shall be sold for transportation by the provost-marshal, or his lawful deputy, shall, notwithstanding such sale, remain in the custody of the said provost-marshal or his said deputy, until

Purchasers of slaves sentenced to transportation to give bond in 500*l.* penalty to transport them in thirty days.

Bond to be lodged in clerk of the peace's office.

the purchaser of such slave shall have entered into bond, with sufficient security, to our sovereign lord the King, under the penalty of five hundred pounds for every such slave so purchased, that every such slave shall be transported off this island within thirty days after the date of such bond, and shall, in the mean time, be kept in close confinement on board the ship or vessel in which such slave is intended to be transported, which bond shall be taken by the said provost-marshal or his lawful deputy as aforesaid (for which the provost-marshal, or his said deputy, shall receive from the party entering into the same all expenses incidental thereto), and be filed among the records in the office of the clerk of the peace of the parish or precinct where such slave was tried.

Purchasers to make oath that slaves shall be transported, and that they shall not be relanded.

CXIV. And be it further enacted by the authority aforesaid, That every such purchaser of any slave, so directed to be sold for transportation as aforesaid, shall, at the time of executing such bond as aforesaid, also make oath, in writing, on some part of the said bond, before the provost-marshal, or his lawful deputy, as aforesaid (either of whom is hereby authorized and required to administer the same), that every such slave, so purchased by him, shall be transported to (death or danger of the seas excepted), and that the said slave, so purchased, shall not, with his knowledge, privity, or consent, be relanded in this island.

No slave to be delivered until bond taken and oath made, under penalty.

CXV. And be it further enacted by the authority aforesaid, That the provost-marshal, or any of his deputies, shall not, under the penalty of three hundred pounds for each offence, deliver over to any purchaser or purchasers any slave, so sold for transportation as aforesaid, until such bond is entered into, and oath taken, as aforesaid; and in case any such slave, so sold for transportation as aforesaid, shall be found

Slaves returning from transportation, to

within this island after the expiration of the thirty days before limited for his or her transportation, such slave shall become forfeited to the crown, and be resold for transportation by the provost-marshal or his lawful deputy, in the same manner, and under the like penalties, as are hereinbefore enacted, and the net proceeds of such resale shall be paid over to the receiver-general for the use of the public.

CXVI. And be it further enacted by the authority aforesaid, That every slave sold for transportation under and by virtue of this act, who shall be found at large within this island, at any time after such sale as is hereinbefore directed, may and shall be lawfully apprehended by any person whomsoever, and immediately taken before any of his Majesty's justices of the peace; and if it shall appear to the satisfaction of such justices, that such slave has been formerly sold for transportation, by virtue of this act, such justice shall, by warrant under his hand and seal, direct such slave to be delivered to the provost-marshal, or his lawful deputy, to be resold for transportation only; and the monies arising from such sale, after deducting a commission of five pounds *per centum*, and all necessary expences, shall be paid over, one moiety thereof to the person apprehending such slave, and the other moiety to the receiver-general for the time being, for the support of the government of this island.

CXVII. And be it further enacted by the authority aforesaid, That if any negro or other slave, who shall have been transported from this island under the directions of this act, or of any other act heretofore in force, respecting slaves, for murder, rebellion, or any other crime, which would have subjected him to the punishment of death, shall wilfully return from trans-

be resold for transportation.

Such slaves going at large may be apprehended by any person, and on due proof resold.

Appropriation of the money.

If slaves return from transportation for murder, &c. they are to suffer death.

portation, such negro or other slave shall, upon conviction, suffer death without benefit of clergy.

Masters of vessels, wilfully bringing back transported slaves, to forfeit 300/. for each, and suffer imprisonment at the discretion of the court.

CXVIII. And be it further enacted by the authority aforesaid, That if the master of any ship or vessel, or any other person or persons, shall knowingly and wilfully bring back to this island, or shall be aiding and assisting in the bringing back, or cause or procure to be brought back, to this island, any negro or other slave, who shall have been transported from this island under and by virtue of this act, or any other act heretofore in force respecting slaves, such master or person or persons, being convicted thereof, by bill, plaint, or information in the Supreme Court of Judicature, or either of the courts of assize of this island, shall forfeit the sum of three hundred pounds for each slave so brought back; one moiety whereof shall be to our sovereign lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the party or parties at whose suit or complaint such person was convicted, and shall also suffer imprisonment, at the discretion of the court, for any space of time, not less than three nor exceeding twelve months, without bail or mainprise.

When slaves condemned to transportation cannot be sold, they are to be committed to hard labour in workhouse.

CXIX. Whereas it is now difficult to transport slaves with effect: Be it enacted by the authority aforesaid, That in future all slaves sentenced to transportation, that cannot be sold within one month, shall be committed by warrant of any justice of the peace to hard labour in the workhouse till transportation can be effected, and the receiver-general shall pay such value to the owner as may have been fixed by the jury; and if thereafter the provost-marshal, or his lawful deputy, shall be able to effect the sale

for transportation, he shall, under the penalty of two hundred pounds, within the space of one month from the time of such sale, render to the receiver-general a just and true account, upon oath, of the sale of the slave or slaves, and of the legal charges attending the same, and pay over to the receiver-general the proceeds of such sale or sales, after deducting all legal charges.

CXX. And whereas instances have occurred of convicted slaves, under confinement to hard labour in the workhouse for life, having conducted themselves in such an orderly and correct manner as to obtain the approbation and confidence of the persons having charge over them, and to evince in every respect a complete reformation of manners; and as it is expedient to hold out encouragement to convicts who have so conducted themselves, as well as to render them an example for imitation, to the end that a laudable excitement may prevail amongst persons in their otherwise desperate condition: Be it enacted by the authority aforesaid, That it shall and may be lawful for the governor, or person exercising the functions of governor for the time being, upon the representation of the commissioners of the workhouse of the parish, where any deserving convict shall be, that such convict has conducted himself or herself, for a period not less than three years, in such an orderly and correct manner as to obtain the approbation and confidence of the person having charge over him or her, and to evince in every respect a complete reformation of manners, to direct the workhouse-keeper, under his sign manual, to put the said convict up to public sale, and to sell and dispose of him or her to the highest and best bidder, with the approbation of the said convict; and the title given upon the sale thereof shall be as legal and effectual as any

Slaves, sentenced to hard labour for life, may be sold, after three years' good behaviour.

sales made under the workhouse law, and the proceeds of the said sale, after deducting the charges thereof, shall be paid over to the receiver-general, to be applied in aid of the island contingencies.

Slaves sentenced to confinement in workhouse for two years, escaping, may be ordered fifty lashes, and recommitted,

CXXI. And be it further enacted by the authority aforesaid, That if any negro or other slave, who may be sentenced to be confined in the workhouse for any time, shall escape from such confinement before the expiration of his or her sentence, such negro or other slave, being retaken, shall, on proof of his or her identity before three justices of the peace, be adjudged by them to be sent back to confinement, to complete the term for which he or she was sentenced to confinement, and to receive a whipping not exceeding fifty lashes.

and those sentenced for life escaping may be transported.

CXXII. And be it further enacted by the authority aforesaid, That if any negro or other slave, who may be sentenced to be confined to hard labour for life in any workhouse, shall escape therefrom, every such negro or other slave, being retaken, shall, on proof of his or her identity before three magistrates, be adjudged by them either to be recommitted to his or her former punishment, or to be transported off this island for life.

If marshal, constable, &c. suffer them to escape, they forfeit 50*l.* and may be sued for their value.

CXXIII. And be it further enacted by the authority aforesaid, That if the provost-marshal or any of his lawful deputies, or any lawful constable or workhouse-keeper, shall wilfully or negligently suffer any slave or slaves to escape, who shall be committed to his or their custody for any offence under this act, such marshal, constable, or workhouse-keeper, who shall suffer such escape, shall, on conviction thereof before three magistrates, forfeit a sum not exceeding fifty pounds, to be recovered in a summary manner, by warrant under the hands and seals of the said three magistrates, for the use of the parish, and with-

out injury to the rights of the owner to sue for the value of the same.

CXXIV. And be it further enacted by the authority aforesaid, That when any slave or slaves shall be discharged by proclamation, the deputy-marshal or workhouse-keeper shall be entitled to receive all such fees as shall be due for such slave or slaves, at the time of such discharge, from the public, upon application and due proof made in the most solemn manner to the assembly, or any committee thereof, that such slave or slaves, during the time they were in the custody of such deputy-marshal or workhouse-keeper, was or were found and provided with proper and sufficient provisions and necessary clothing, agreeably to this law

Fees of slaves discharged by proclamation to be paid by the public, proof being given that they were properly maintained.

CXXV. And be it further enacted by the authority aforesaid, That no gaol-keeper in this island, or any person acting under him as clerk or deputy, shall, on any pretence whatsoever, work or employ any slave or slaves sent to his custody, nor hire or lend such slave or slaves to work for any other person or persons, during the time such slave or slaves shall be in his custody, but that all such slaves shall be and remain in the common gaol of the county, parish, or precinct, in order to be inspected by any person or persons desiring the same; and, in case any gaol-keeper shall offend herein, he shall for every offence forfeit a sum not exceeding fifty pounds.

Gaol-keepers not to work out slaves sent to them for confinement, under penalty of 50*l.*

CXXVI. And whereas there are many inferior crimes and misdemeanors committed by slaves, which ought to be punished in a summary manner before two magistrates: Be it therefore enacted by the authority aforesaid, That all misdemeanors and inferior crimes committed by any slave or slaves, including swearing, obscene language, drunkenness, and indecent and noisy behaviour, shall be tried in a summary

Two justices may inquire into inferior crimes, giving notice to owners, &c. of

slaves, and order punishment.

manner before two or more justices of the peace of the parish or precinct where the offence shall be committed, reasonable notice of the time and place of such trial being given to the owner, proprietor or possessor of such slave or slaves, or his, her, or their attorney or attornies, or the person or persons having the care of such slave or slaves; and the said justices of the peace shall, on conviction of such slave or slaves, order and direct such punishment to be inflicted as they shall think proper, not exceeding thirty-nine lashes, or three months' imprisonment to hard labour.

Clerks of peace to attend such summary trials, under penalty of 50*l.* for which they are to be paid 1*l.* 6*s.* 8*d.*
The constable to be paid 10*s.*
Fees to the clerk of the peace and constable in Kingston.

CXXXVII. And it is further enacted, That the clerk of the peace, for attending such summary trial, and making out the order of the magistrates thereat, which he is hereby bound to do, under the penalty of fifty pounds, shall be entitled to receive from the churchwardens of the parish the sum of one pound six shillings and eight-pence; and the constable, for attending at the trial and at the execution of the order of the magistrates thereon, shall receive the sum of ten shillings, except in the city of Kingston, where the fees to the clerk of the peace shall be thirteen shillings and four-pence, and to the constable five shillings, in consequence of the great number of such trials in that city.

Slave evidence to be received in cases of crime by magistrates, juries, and courts, on production of a certificate of baptism, and on due examination:

CXXXVIII. And be it further enacted by the authority aforesaid, That from and after the commencement of this act, upon any complaint made before a justice of the peace of any murder, felony, burglary, robbery, rebellion, or rebellious conspiracy, treason, or traitorous conspiracy, rape, mutilation, branding, dismembering, or cruelly beating, or confining without sufficient support, a slave or slaves, or in any cases of seditious meetings, or of harbouring or concealing runaway slaves, or giving false tickets

or letters to such runaway slaves, to enable them to elude detection, or on any inquisition before a coroner, the evidence of any slave or slaves, respecting such complaint or inquisition, shall be received and taken by such justice of the peace or coroner; and on any prosecution in any of the courts of this island, for any of the crimes before mentioned, the evidence of a slave or slaves shall also be admitted and received: Provided always, That before such evidence shall be received a certificate of his or her baptism shall be produced, and the justice of the peace, coroner, or court, shall be satisfied, on due examination had, that such slave comprehends the nature and obligation of an oath: And provided also, That nothing herein contained shall prevent the court from receiving objections as to the competency of such witness, or from receiving evidence as to the credibility of such witness, in like manner as they would receive the same as to white persons and persons of free condition: And provided also, That no white person or persons of free condition shall be convicted of any of the crimes aforesaid, on the testimony of any slaves, unless two of the said slaves, at least, clearly and consistently depose to the same fact or circumstance, such slaves being examined apart and out of the hearing of each other: And provided also, That no white person or person of free condition shall be convicted, on the testimony of any slave or slaves, of any crime or offence, as aforesaid, unless the complaint shall have been made within twelve months after the commission thereof, and unless the crime or offence shall have been committed subsequent to the commencement of this act.

CXXIX. And be it further enacted by the authority aforesaid, That every justice of the peace or coroner, who shall take the deposition of any slave,

Objections as to their competence, and evidence as to their credibility, to be received in the same manner as regards white and free persons: To produce conviction against white or free persons, two slaves must consistently depose to the fact or circumstance:

No conviction to take place unless the complaint be made within twelve months after the commission of any crime, &c. &c. Justices and coroners to certify having

examined slaves, who are competent to give evidence, and to take recognizance,

shall certify, as part of the jurat, that the deponent had been duly examined, and found to possess a competent knowledge of the nature and obligations of an oath; and such justice of the peace and coroner shall take from the person in possession of such slave, or from some fit and proper person, a recognizance, in a sum not exceeding one hundred pounds, nor less than twenty pounds, conditioned for the production of such slave as a witness in the court, at which the indictment is to be preferred or tried, and such justice or coroner shall forthwith transmit to the clerk of the crown such deposition and recognizance; and in case the person in possession of such slave, as aforesaid, shall refuse to give, or shall not produce such bail for the appearance of the slave as a witness, or the person in possession of such slave shall be the party accused, or if, under the circumstances of the case, the justice of the peace or coroner shall see cause to apprehend that the witness may be withheld from giving his or her testimony, then such justice of the peace or coroner shall have the power of securing the attendance of such slave as a witness by a committal to gaol, in the same manner as the attendance of a witness for the crown, who is unable to find bail for his appearance, is now insured; and the marshal or keeper of such gaol shall allow to the said slave the sum of one shilling and eight-pence *per diem* for his or her support during confinement, and such allowance shall be repaid to the marshal or keeper of the gaol in the same manner as the allowance to witnesses for the crown is now paid to him; and in case the party in possession of a slave shall produce him or her as a witness at the court, where any indictment is preferred or had, according to the condition of a recognizance entered into by or on the part of such person in possession as aforesaid, such

or may commit to gaol.

Allowance to evidences.

person in possession shall be entitled to receive mile-money at the rate of one shilling *per* mile for the first five miles, and sixpence *per* mile for every mile afterwards, and a sum not exceeding three shillings and four-pence *per diem* for each and every day such slave shall have been absent from home, for the purpose of attending at the court, as a compensation for the loss of the labour of such slave; and the judges presiding at the trial, upon application made to them in court after the trial, are hereby authorized, if they shall deem it equitable and right under the circumstances of the case, to assess the amount of such mile-money and compensation, and to grant a certificate thereof under their signature; and such certificate, after being approved of by the commissioners of public accounts, shall be paid by the receiver-general to the person or persons to whom such certificate shall be granted.

CXXX. And, in order to remove as much as possible any temptation to commit perjury by those slaves who shall be required to give evidence, Be it enacted by the authority aforesaid, That the court shall not be at liberty to exercise the power given by this act for declaring any slave free and discharged from all manner of servitude, where the owner of such slave has been convicted of particular offences, if any slave shall have been sworn upon the trial as a witness on the part of the prosecution.

Witnesses
cannot claim
freedom.

CXXXI. And be it further enacted by the authority aforesaid, That if any slave shall commit wilful and corrupt perjury in giving evidence upon any of the occasions hereinbefore mentioned, such slave shall be liable to be tried therefor, and, upon conviction thereof, shall be sentenced to hard labour in the workhouse, or to stand in the pillory for such time as the court shall direct, or to whipping, or to all or

Punishment
for perjury.

either of such punishments, at the discretion of the court.

Witnesses protected in their persons.

CXXXII. And it is hereby enacted by the authority aforesaid, That the slaves, whose attendance are required as witnesses, shall be protected in their persons from all civil process whatsoever, in going to, attending at, and returning from, such examinations or trials as are hereinbefore mentioned, and that such slaves shall, during such time, not be liable to be levied on for debt or otherwise.

Slave evidences good in all cases against associates in crime.

CXXXIII. And whereas it may sometimes happen that white persons, or persons of free condition, associate themselves in crime with slaves: Be it therefore enacted, That if any white or free person or persons shall be found in the company of any slave or slaves, and aiding or assisting them in the commission of any crime or illegal offence, or shall employ them in such offences, the testimony of such slaves shall be received against such free person or persons, whether baptized or not, except where the life of such white or free person or persons shall be affected, and admitted in such manner as the testimony of accomplices in crime is received in courts of law.

Martial law not to suspend the operation of this law.

CXXXIV. And be it further enacted by the authority aforesaid, That the operation of this act, nor [or] any part thereof, shall not be suspended by martial law, any law, usage, or custom, to the contrary thereof in anywise notwithstanding.

Recovery and application of penalties not before disposed of.

CXXXV. And be it further enacted by the authority aforesaid, That all penalties in this act mentioned, and not already declared how they shall be recovered and applied, shall, if not exceeding fifty pounds, be recovered in a summary manner before any two of his Majesty's justices of the peace, by distress and sale of the offender's goods

and chattels, and, if amounting to or exceeding fifty pounds, to be recovered in the Supreme Court of Judicature, or in either of the courts of assize, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law, or *non vult ulterius prosequi*, shall be entered; one moiety of which penalties shall be paid to the churchwardens, for the use of the parish where the offence shall be committed, and the other moiety to the informer, or him, her, or them, who shall sue for the same: Provided always, That all proceedings for the recovery of penalties under this act shall be instituted within twelve months after the offence be committed.

Proviso.

CXXXVI. And be it further enacted by the authority aforesaid, That all offences committed during the time the act, entitled, "*An act for the subsistence, clothing, and the better regulation and government of slaves; for enlarging the powers of the Council of Protection; for preventing the improper transfer of slaves, and for other purposes,*" passed in the year one thousand eight hundred and sixteen, and all other acts by this act repealed, were in force, shall be punished in the manner directed by the said acts, but shall be heard, tried, and determined in the form prescribed by this act, and it shall be lawful to recover and apply all penalties incurred thereunder, as fully and effectually as if the said acts were still in force and unrepealed.

Offences under repealed acts made triable under this act.

CXXXVII. And be it further enacted by the authority aforesaid, That this act shall commence, continue, and be in force from the first day of May next until the first day of May, one thousand eight hundred and thirty.

This act to be in force till 1st May 1830.

At the close of the session of 1826, on the 22d of December, the Assembly voted an Address and Memorial to the King, from which we present the following Extract :—

“If preliminary investigations had taken place, under the sanction of the British Government, into our colonial polity, and if the measures, which are now considered by the Imperial Parliament as necessary for the amelioration of the condition of the slave population, had been the result of a fair and impartial inquiry, the co-operation of the Legislature of Jamaica would not have been withheld for their adoption. But a line of conduct has been pursued towards us, who are removed at a considerable distance from the parent state, different to that which is observed in England, whenever individual property of the most trifling value is sought to be invaded for the purposes of public weal. The laws are there interposed for its protection, and a jury of the country assess a full and ample compensation before the proprietor is called upon to surrender his rights. To us the same measure of justice is denied, and we are required to enact laws which, in their consequences, may involve the island in ruin, without any solemn inquiry as to their expediency, but merely under the suggestion of individuals, who have calumniated the colonies on evidence derived from the most tainted sources.

“ We appeal to that code of laws by which the slave is protected in his person and property, for a refutation of those aspersions which have been so lavishly bestowed on the inhabitants of the colonies. We appeal to those laws, as evincing the sincere desire by which

the Assembly of Jamaica is actuated in promoting the welfare of the slave, as far as is consistent with the rights of property. Each succeeding session has conferred additional privileges and enjoyments; and the amendments which have been introduced this year, ought to satisfy any unprejudiced mind that the appeal we make is founded in justice.

“ The consolidated slave law, passed in 1816, received an unqualified approbation from many of your Majesty’s ministers, as containing many salutary and humane provisions. Since that period, the persons of females have been protected by legal enactments, in conformity with the spirit of the act of Elizabeth. Sentence of death by judicial authority cannot be enforced without the sanction of the Governor. Manumissions have been encouraged and facilitated. The slave has been exempted from the effect of legal process on Saturday, that he may dispose of the produce of his labour on that day, and devote his Sunday to religious worship. Curates throughout the several parishes of this island have been appointed for the special purpose of instructing our slave population in the tenets of the Christian faith. Fees on baptism and marriage have been abolished. The slave has also been made capable of receiving bequests of personal property to any amount. These enactments emanated spontaneously from the humane and benevolent disposition, which has prompted us from time to time to revise our slave code; and, in strict conformity with that spirit, we have, during the present session, steadily pursued the same course, and have expunged all those enactments which the policy of a remote period rendered imperative, but which, in the present day, are no longer called for, and appear harsh and unnecessary; and have afforded still greater protection to the slave, by imposing further restrictions on the mode of punishment, and by extending to him, in

common with every British subject, the benefit of a grand jury; thereby securing a twofold investigation before guilt can be affixed to him. An advantage has also been conferred, which no British subject in the United Kingdom enjoys, of having counsel assigned, with liberty to address the jury on behalf of the slave who may be put on his trial for any capital offence. The Sunday market has been abolished after the hour of eleven: marriage among our slaves has received legislative encouragement; and the separation of families, under judicial or other process, has been abolished. The maintenance of infirm slaves has been enforced: the acquisition of personal property, which had been permitted under the usage of the country, has been sanctioned and secured by law. Lastly, to obviate every possible objection that the enemies of our colonial system can urge, that ample protection is not afforded by law to our slaves, we have declared them competent to give evidence in criminal cases."

On the same day, the business of the session being completed, his Grace the Duke of Manchester prorogued the Assembly by a speech, of which the following is an extract:—

"I trust that the laborious attention you have bestowed on the revision of the slave laws, the mildness and moderation which the new act betrays throughout, the beneficial alteration it produces in the condition of the slave, in many particulars, more especially those which regard the mode of trial, and the admission of their evidence in Courts of Justice, will be highly satisfactory to his Majesty's Government."

But the law to which these passages in the memorial of the Assembly to his Majesty, and in the speech of the Governor, have reference, and which we have correctly printed (p. 60 et seq.) has been judged unworthy of the Royal assent, and we now proceed to present a copy of the message from the Lieutenant-

Governor, Sir John Keane, to the Assembly, which accompanied a copy of the dispatch of the Colonial Secretary, stating the reasons for disallowing that act. The proceedings of the House of Assembly, which have reference to this decision of his Majesty's Privy Council, will then follow.

House of Assembly, Jamaica, Nov. 16, 1827.

A Message from his Honour the Lieutenant-Governor was delivered as follows :—

“ MR. SPEAKER,

“ I am commanded by the Lieutenant-Governor to bring down to the House the copy of a dispatch from his Majesty's principal Secretary of State for the Colonial Department, stating in detail the reasons which have induced the Lords of the Committee of Privy Council for Trade and Foreign Plantations, to report to his Majesty in Council their opinion, that an act of this Island, entitled, ‘ An Act to alter and amend the Slave Law,’ should be disallowed.

“ This measure has not been adopted without mature consideration, and with the deepest regret. His Majesty fully appreciates the many valuable improvements contained in the new Slave Code, but it has been found impossible to overcome the objections to which some of its enactments are liable.

“ The Lieutenant-Governor is convinced that the House will proceed to a temperate reconsideration of a subject of such vital importance to the peace and

tranquillity of the colony, with a sincere disposition to meet, as far as may be practicable, the views of his Majesty's Government, particularly by avoiding to introduce into a new bill any provisions, which have a tendency to impose restraints on the religious liberties to which all his Majesty's subjects, whatever may be their civil condition, are alike entitled.

“The Lieutenant-Governor is particularly instructed to assure the House, that his Majesty's Government will view, in the most favourable light, any measure of real and substantive improvement, trusting that, in whatever degree it may still fall short of those contemplated by Parliament and Government, the time is not distant, at which a further approximation will be found consistent with the safety and best interests of the island.”

*Dispatch from his Majesty's Principal Secretary of State
for the Colonial Department.*

Downing-street, Sept. 22, 1827.

SIR,

THE act passed by the Governor, Council, and Assembly of Jamaica, in the month of December, 1826, intituled "An Act to alter and amend the Slave Laws of this Island," having been referred by his Majesty in Council to the Lords of the Committee of Privy Council for the affairs of trade and foreign plantations, that committee have reported to his Majesty in Council their opinion that this act ought to be disallowed. The order of his Majesty in Council, approving that report and disallowing the act, will be transmitted to you by the earliest opportunity.

In obedience to the commands of his Majesty in Council, I proceed to communicate to you the grounds of his Majesty's decision upon this subject.

The Privy Council did not submit to his Majesty their advice that this act should be disallowed without great reluctance. The great importance of the subject has been fully estimated; and his Majesty has perceived with much satisfaction the advances which the Colonial Legislature have made, in many respects, to meet the recommendations conveyed to them in Lord Bathurst's dispatch of the 11th May, 1826; but, however much his Majesty may have been desirous to sanction these valuable improvements in the slave code of Jamaica, it has been found impossible to overcome the objections to which other enactments of this law are open. I am commanded to express to you his Majesty's earnest hope, that, upon a deliberate review of the subject, the Legislative Council and Assembly

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will be disposed to present for your assent another bill, divested of those enactments which have prevented the confirmation of the present act.

Among the various subjects which this act presents for consideration, none is more important in itself, nor more interesting to every class of society in this kingdom, than the regulations on the subject of religious instruction. The eighty-third and the two following clauses must be considered as an invasion of that toleration, to which all his Majesty's subjects, whatever may be their civil condition, are alike entitled. The prohibition of persons in a state of slavery assuming the office of religious teachers might seem a very mild restraint, or rather a fit precaution against indecorous proceedings; but, amongst some of the religious bodies who employ missionaries in Jamaica, the practice of mutual instruction is stated to be an established part of their discipline. So long as the practice is carried on in an inoffensive and peaceable manner, the distress produced by the prevention of it will be compensated by no public advantage.

The prohibition of meetings for religious worship between sunset and sunrise will, in many cases, operate as a total prohibition, and will be felt with peculiar severity by domestic slaves, inhabiting large towns, whose ordinary engagements on Sunday will not afford leisure for attendance on public worship before the evening. It is impossible to pass over without remark the invidious distinction, which is made not only between Protestant dissenters and Roman Catholics, but even between Protestant dissenters and Jews. I have indeed no reason to suppose that the Jewish teachers have made any converts to their religion among the slaves, and probably, therefore, the distinction in their favour is merely nominal; still it is a preference, which, in principle, ought not to be given by the Legislature of a Christian country.

The penalties, denounced upon persons collecting contributions from slaves for purposes either of charity or religion, cannot but be felt, both by the teachers and by their followers, as humiliating and unjust. Such a law would affix an unmerited stigma on the religious instructor; and it prevents the slave from obeying a positive precept of the Christian religion, which he believes to be obligatory on him, and which is not inconsistent with the duties he owes to his master. The prohibition is, therefore, a gratuitous aggravation of the evils of his condition.

It may be doubtful whether the restriction upon private meetings among the slaves, without the knowledge of the owner, was intentionally pointed at the meetings for religious worship. No objection, of course, could exist to requiring that notice should be given to the owner or manager whenever the slaves attended any such meetings; but, on the other hand, due security should be taken that the owner's authority is not improperly exerted to prevent the attendance of the slaves.

I cannot too distinctly impress upon you that it is the settled purpose of his Majesty's government to sanction no colonial law, which needlessly infringes on the religious liberty of any class of his Majesty's subjects, and you will understand that you are not to assent to any bill imposing any restraint of that nature, unless a clause be inserted for suspending its operation until his Majesty's pleasure shall be known.

Having thus adverted to this most important branch of the general subject, I proceed to inquire how far the suggestions contained in Lord Bathurst's dispatch of the 11th of May, 1826, have been followed in the act under consideration.

The Council of Protection established under the thirty-third clause of this act cannot be considered as an effectual substitute for the office of a distinct and

independent protector. The council in each parish will consist of those individuals, over whom the protector was to exercise his superintendence. Their duties are limited to the simple case of extreme bodily injury, and are to be discharged only "if they think proper." The periodical returns required from the protector upon oath are not to be made by the council of protection, nor are they even bound to keep a journal of their proceedings. No provision is made for executing the duties of the office, in different parts of the colony, upon fixed and uniform principles, and the number of persons to be united in this trust is such as entirely to destroy the sense of personal and individual responsibility.

In the provisions for the due observance of Sunday, I remark that the continuance of the markets on that day till the hour of eleven is contemplated as a permanent regulation. It is, however, impossible to sanction this systematic violation of the law prevailing in every other Christian country. In the proposals transmitted by Lord Bathurst to his Grace the Duke of Manchester, a temporary departure from this rule was permitted, but only as a relaxation required by peculiar and transitory circumstances.

The clauses denouncing penalties on persons employing their slaves to labour on Sunday are expressed with some ambiguity, so as to leave it doubtful whether the penalty will be incurred at any other time than during crop, or for any work excepting that required about the mills. Neither is it clear that an owner, procuring his slaves to work on Sunday by persuasion, or by any other means than those of direct compulsion, would violate the law. I do not perceive that provision is made for those cases of unavoidable necessity, which would create an exception to the general rule.

Punishments inflicted by the domestic authority of the owner are not required to be made the subject

of a report to any public officer, nor does the law require that any interval should elapse between the commission of the crime and the infliction of the punishment. The presence of free witnesses at the infliction of punishments is not declared necessary, nor would the law be broken, whatever might be the severity of the punishment, if it were inflicted by any other method than that of whipping or imprisonment. The use of the whip in the field is not forbidden. Women are not exempted from punishment by flogging. Nor is any presumption of guilt to arise, if the slave shall make a "probable, particular, and consistent" charge against his owner, confirmed by the exhibition of his person bearing the marks of recent and illegal punishment.

In all these respects the provisions of this act fall short of the recommendations of his Majesty's Government. It remains to notice other provisions upon the subject of punishment, which have been originally suggested by the colonial legislature.

The act appears to sanction an unlimited delegation of the power of punishment, so that even a fellow-slave might be entrusted with it, provided that the correction does not exceed ten lashes. In the presence of the owner or manager thirty-nine lashes may be inflicted by his authority, an extent of power which cannot be necessary, and which might probably be the source of serious abuse.

The 37th section of this act authorizes private persons to commit their slaves to prison in the public workhouses of the island, without the warrant of a justice of the peace, and the preceding section, the 36th, enables the gaoler, as well as the owner, to inflict punishment by whipping in prison without trial. It is difficult to perceive the necessity for such an extension of domestic authority, and, if unnecessary, it is plainly objectionable.

The fine of 10*l.* for inflicting repeated punishments for the same offence can scarcely be incurred in any case, since no record is to be kept ascertaining the grounds of any particular punishment, and the party accused may impute to his slave whatever offences he may think proper, without the necessity of proving them. The fine on a workhouse-keeper inflicting an excessive number of lashes is 10*l.*, a punishment which may, in some cases, be entirely disproportionate to so serious an offence.

The complaint, which the slave is authorized to make before any three magistrates, would not, I should fear, be a very effectual means of redress. As they must always be three proprietors of the same parish, there is a manifest danger of the influence of local partialities. As every groundless complaint is to be punished, it is to be feared that many well-founded complaints will not be preferred. The mere failure of evidence in support of a complaint is surely not enough to justify the punishment of the party complaining. The owner should be bound to prove that the complaint was malicious or frivolous.

On the subject of marriage I observe that no security is taken against the possible case of the unreasonable or capricious refusal of the owner to consent. By confining the power of celebrating marriages to the clergy of the established church, every other class of religious teachers are deprived of the means of exercising a salutary influence over the minds of their disciples, and probably the Roman Catholic priests may be entitled to say that such an enactment takes away from them a right, which, by the common law, they enjoy in every part of his Majesty's dominions, to which the marriage act of George the Second does not extend. The necessity of undergoing an examination, by a clergyman of the established church, as to the nature and obligations of the marriage contract, is not

very apparent, and might perhaps operate as a serious impediment to the formation of such connections. It is difficult to understand how the range of inquiry respecting the "obligations" of the marriage contract is to be limited, since that expression may be supposed to embrace a large variety of moral and religious considerations, with which the slave population in its present state must be very imperfectly conversant.

I observe that this act does not require that any registry should be kept of the marriages of slaves, nor even that any periodical returns should be made of the number of such marriages.

On the subject of the separation of relatives, the word "family" is left without a definition. It is susceptible of so many different meanings, that it would seem peculiarly necessary to ascertain the precise sense in which it is used. The rule laid down in this law seems also to require some better sanction. It is simply a *direction* to the provost-marshal; but, if he should obey that direction, it is not provided that the sale should be void. A provision appears to be wanting for enabling the officer to ascertain whether any particular slave is or is not a member of the family.

The property of slaves is left by this law in an unprotected state. No action is given to them, or to any person on their behalf, for the defence or recovery of it. The single case in which any remedy is provided is that in which the property of the slave is *taken away*. No mention is made of that much more important class of cases in which property may be *withheld*. The slave could not, under this law, recover a debt, nor obtain damages for the breach of a contract. The mode of proceeding by information for penalties, before three justices of the peace, is a remedy to which hardly any one would resort, for the act does not give the amount to the penalty, if recovered, to the injured party, and the slave himself

could not make the complaint, except upon the condition of receiving a punishment if the justices should deem it groundless. The slaves are also excluded by the terms of this law from acquiring any interest in land, a restriction which would appear at once impolitic and unnecessary.

On the subject of what has been termed the compulsory manumission of slaves, this act does not profess to adopt the measures suggested by his Majesty's Government. It is therefore needless to institute any comparison between those measures and the enactments of this law; but upon that subject I may, perhaps, at no distant period, have occasion to make a further communication to you.

On the subject of gratuitous manumissions, and manumissions effected by voluntary contracts, this act requires that in all cases security shall be given for the maintenance of the slave. In the case of testamentary manumission, the estate of the testator is to be liable to the payment of the annuity of 10% for the support of the slave, if he should become incapable of maintaining himself. These regulations must, of course, operate as a great discouragement to enfranchisements in all cases. Without incurring this inconvenience, an effectual security might have been taken against the abuse of emancipating slaves incapable, from their age or infirmities, of procuring their own subsistence.

It is to be feared that serious inconvenience may arise from the neglect of the proposal to provide a method, by which a slave could ascertain what particular person was entitled to receive the price of his freedom. In the case of plantation slaves, the title is usually the same with the title to the land itself; and cases are stated to have occurred, in which a slave has lost the whole earnings of his life by paying the price of his liberty to the wrong person.

On the important subject of the evidence of slaves, his Majesty is graciously pleased to signify his approbation of the advance which has been made towards a better system of law; but, in reference to this subject, I am to observe that this law appears to contemplate the admission of the evidence of slaves in those cases of crimes only in which they are usually either the actors or the sufferers, excluding their evidence in other cases—a distinction which does not seem to rest on any solid foundation. There is not any necessary connection between the baptism of a witness and his credibility. The rule, which required that two slaves at the least shall consistently depose to the same fact on being examined apart, before any free person can be convicted on slave testimony, will greatly diminish the value of the general rule. In some particular cases, such for example as the case of rape, such a restriction might secure impunity to offenders of the worst description. The rejection of the testimony of slaves twelve months after the commission of the crime, would be fatal to the ends of justice in many cases, nor is it easy to discover what solid advantage could result from it in any case.

If the owner of a slave is convicted of any crime on the testimony of that slave, the court has no power of declaring the slave free, although it may exercise that power when the conviction proceeds on other evidence. Highly important as it is to deprive a slave of every motive for giving false evidence against his owner, that object might be secured without incurring the inconvenience of leaving the slave in the power of an owner convicted of the extreme abuse of his authority.

In rejecting the proposal for establishing a record of the names of all slaves sufficiently instructed to be competent witnesses, the colonial legislature appear to have neglected the means of providing a cheap and

effectual encouragement to good conduct, and of investing the religious teachers of the slaves with a powerful legitimate influence over them.

His Majesty has observed with great satisfaction various provisions in this act for the improvement of the condition of the slaves, which originated exclusively with the colonial legislature. Among them I have particularly to advert to the clause requiring the gratuitous baptism of slaves, and to the regulation by which slaves are allowed one day in each fortnight to cultivate their provision-grounds, exclusive of Sundays, except during the time of crop, the smallest number of days to be allowed in one year being twenty-six. It may, perhaps, however, be necessary that some more effectual means should be devised for enforcing obedience to this law.

The enactment requiring a monthly inspection of the provision-grounds, and the delivery of an adequate supply of provisions, when there is not a sufficient quantity of such grounds, is calculated to produce the beneficial effects, and might be rendered still more valuable by some alteration in the terms of the oath, which are susceptible of a construction remote from the real intention of the framers of the law. Great advantage may be anticipated from the regulations for the support of the mothers and nurses of large families, and for the protection of old and infirm slaves.

The provisions for the prevention of excessive labour contemplate the working the slaves for eleven hours and a half daily out of crop, and place no limit to the continuance of their work during crop time. Considering the climate in which the labour is to be performed, and that, after the work of the field is over, there will yet remain to be done many offices not falling within the proper meaning of the term "labour," I should fear that the exertions of the slaves, if exacted up to the limits allowed by this law, would be scarcely

consistent with a due regard for the health of the labourer.

The crimes of murder and rape, when committed on the persons of slaves, are most properly made punishable by death ; but, if these enactments are to be understood not as declaratory of existing laws, but as introductory of new laws, then it is obvious that there are other offences, which might be perpetrated on the persons of slaves, against which the same punishment should have been denounced.

The rules for the prevention of mutilation and other cruelties, however just and valuable in principle, would, I should fear, lose much of their efficacy in practice from the peculiar complexity of the process, which is to be observed in bringing the offender to justice. In the cases supposed of the dismemberment or mutilation of a slave, fine and imprisonment would seem a very inadequate punishment.

The rules on the subject of runaways claiming to be free, and respecting slaves carried from place to place for sale, seem well adapted to prevent the recurrence of serious abuses. The provisions for the trial of slaves in criminal cases would also appear to be a material improvement on the former law. I perceive, however, that the evidence of slaves on such trials is to be admitted against slaves. It is not said that such evidence shall be admitted for them, although of course this must have been the intention. It is to be regretted that no provision is made for securing the attendance of judges, regularly educated to the legal profession, on slave trials.

It remains to notice those parts of this act, which provide for the punishment of the prevention of crimes, committed by slaves.

The crime of harbouring runaways may be punished with much more severity, when the offender is a slave, than when he is a free man, a distinction which reverses

the established principle of justice, that the malignity of crime is enhanced by the superior knowledge and station of the criminal.

In many cases both the nature and amount of the punishment to be inflicted on the offending slave are referred exclusively to the discretion of the Court. I am not aware of any necessity for so unlimited a delegation of authority.

Among capital crimes are enumerated rebellion and rebellious conspiracy. As these are terms unknown to the law of England, it is not fit they should remain on the statute book without some legislative definition of their meaning.

Felony seems to be generally declared capital when committed by slaves. The case of clergyable felonies is not noticed.

The enactments, by which assault or offering violence to a free person are declared capital, are framed with an extreme laxity of expression, and have an appearance of severity, which I am persuaded was not really contemplated by the framers of this law.

The definition of the offence of obeah will be found to embrace many acts, against which it could not have been really intended to denounce the punishment of death. The definition of the crime of preparing to administer poison is also so extensive as to include many innocent and even some meritorious acts. Thus also the offence of possessing materials used in the practice of obeah is imperfectly described, since no reference is made to the wicked intention, in which alone the crime consists.

The owner of a slave condemned to death or transportation is in all cases to be indemnified at the public expense for the loss of his property. His Majesty's Government have repeatedly expressed their disapprobation of this rule of law. It weakens the motives for maintaining good domestic discipline, and for prevent-

ing the commission of the crimes, by the authority of the owner. It is unjust to indemnify any man at the public expense for a loss, in which his own culpable neglect of duty may have involved him. To the slave it is unjust to deprive his owner of all pecuniary interests in the preservation of his life; and when the crime of the slave is, as it often may be, the direct consequence of the owner's positive misconduct, it is in the highest degree impolitic to relieve the owner from the loss. The power of remitting the sentences of slaves condemned to hard labour for life, is to be exercised only when the slave evinces, in every respect, a complete reformation of manners. I fear that few men undergo such a total change of character as this under any circumstances, and that a prison is among the last places in which it is to be expected. Independently of this consideration, I apprehend that this clause may in some degree derogate from the power, which, under his Majesty's instructions, you possess of pardoning offenders, or remitting their punishments.

I have thus explained at length the considerations, which have imposed on his Majesty's Government the necessity of submitting to his Majesty their advice that this act should be disallowed. It cannot but be a subject of deep regret to them, that their sense of public duty has prevented their adopting a different course; but I trust that, upon a serious and deliberate review of the subject, the gentlemen of the Legislative Council and Assembly of Jamaica will themselves be disposed to admit, that the decision which has been adopted was inevitable. The preceding remarks will shew that this act has not been disallowed upon any slight ground. The many wise and beneficent provisions which it contains have been fully appreciated, although they have not been thought sufficient to compensate for the irreparable injury which the best interests of the colony might sustain from some of the enactments to which I

have particularly referred. Even were the law unobjectionable on every other ground, it would be impossible to surmount the difficulty presented by the clauses for restraining religious liberty.

I have the honour to be,

Sir,

Your most obedient humble servant,

(Signed)

W. HUSKISSON.

Lieut. Governor Sir John Keane,

K. C. B. &c. &c. &c.

House of Assembly, December 4, 1827.

THE House, after taking into consideration Mr. Huskisson's Letter, resolved as follows :—

“ That it be recommended to the House to send the following message to his Honour the Lieutenant-Governor, in answer to his Honour's first message of the 16th November :—

“ May it please your Honour,

“ We are ordered by the House to wait on your Honour, and to thank your Honour for the fair and candid manner, in which you have laid before the House the copy of a dispatch from his Majesty's Principal Secretary of State for the Colonial Department, stating in detail the reasons of his Majesty's Government for disallowing the law, passed last session, ‘ to alter and amend the Slave Law.’

“ After the mature consideration which the House bestowed upon that law, they regret to find that his Majesty has been advised to disallow the same; but have the consolation to think that, if the slave population be deprived of the many valuable improvements contained in that code, the blame cannot be attributed to the House.

“ In enacting the eighty-third, eighty-fourth, and eighty-fifth clauses, which are particularly objected to, the House had before them the example afforded by Demerara, and they deemed the restrictions necessary, as well for the peace of the colony as for the

well-doing of the slaves : that opinion the House still retains, and consequently are unable to present to your Honour any modified law on this subject.

“ In the law, passed last session, the House did incorporate every real and substantial improvement which they could do with safety to the country, and with benefit to the slave ; but they cannot (for the purpose of gratifying the Parliament and Government of Great Britain) agree to adopt measures incompatible with the best interests of the colonies.

“ The House are aware that your Honour cannot, under the instructions you have received, sanction any bill on the subject of religion without a suspending clause ; and, as the House will never make a deliberate surrender of their undoubted and acknowledged rights, by legislating in the manner prescribed, they will not lay before your Honour any bill respecting the slave population.

“ By the House,

“ JOHN G. VIDAL,
“ *Clerk of the Assembly.*”

A Committee was appointed to draw up an answer to the letter of the right honourable gentleman.

House of Assembly, Dec. 14.

MR. BARRETT, from the Committee appointed to take into consideration the Letter from Mr. Huskisson to his Honour the Lieutenant-Governor, reported as follows:—

MR. SPEAKER,

Your Committee, appointed to take into consideration the letter of Mr. Huskisson to the Lieutenant-Governor, and to report thereon to the House, have drawn up several resolutions, and have replied to the objections which Mr. Huskisson states to have occasioned the disallowance of the Slave Act by his Majesty.

These resolutions, and the reply, your Committee recommend to the consideration of the House.

Resolved,

1st. That the House have learnt, with surprise and disappointment, that the Committee of Privy Council for Trade and Foreign Plantations have advised his Majesty to disallow the act passed last session, intitled "An act to alter and amend the Slave Law."

2d. That his Grace the Duke of Manchester having, in his speech at the close of the last session, declared his opinion "that the mildness and moderation which were evinced throughout the law, and the beneficial alteration produced in the condition of the slave in many particulars, would be highly satisfactory to his Majesty's Government," the House rather expected

to be honoured with the unreserved commendation of his Majesty, than to have their labours contemned, and their sacrifices undervalued and rejected.

3d. That this proceeding on the part of the King's ministers must shake the confidence of the island in their wisdom and justice, inasmuch as for several years successively, plans of melioration have been pressed upon the House, and it has been earnestly suggested to the House that the Imperial Parliament, and Great Britain generally, anxiously desired the amendment of the slave law. With all that respect for the wishes of the King and of our fellow-subjects, which, as belonging to one common empire, we feel bound to observe, this House maturely weighed the various propositions made through the Secretary for the Colonies, and adopted, not only all of the propositions which appeared to be in the slightest degree beneficial to the colony, but they even conceded to Government in every point that was not positively mischievous, and in some of doubtful if not of dangerous tendency. The House do not venture to reproach his Majesty's Government with vacillation and caprice in the change of councils, which has led to the disallowance of a law once so eagerly coveted; yet they find it impossible, in Mr. Huskisson's dispatch to the Lieutenant-Governor, to discover any sound reason for the course that has been pursued.

4th. That the House conceive this important error to have been committed by his Majesty's Government: —Instead of comparing the new act with the institutions of Jamaica, the advisers of the Crown have kept in sight the laws and customs of the mother country, and have passed sentence on a law designed for the regulation of slaves, as if it were an act to fetter the minds and persons of a free people. Moreover his Majesty's advisers have altogether neglected the

obvious propriety of contrasting the new with the old law. Had they deigned to open the law of 1816, they would have found that it wanted many of those humane provisions, which the improved civilization of the slaves enabled the House to introduce into the law of 1826. If it be admitted that the new law falls below the reasonable hopes of the King's ministers, yet it far exceeds the old law in restraints upon the abuse of the master's authority, and in civil rights conceded to the slaves. And had the two acts been judged by their respective merits, and in the same spirit of tenderness to the slaves, which the King's Government has professed for so many years, it is considered by the House that the act of 1816 would not have been revived.

5th. That the disallowed slave act, in the admission of slaves to give evidence in criminal cases, went beyond the expressed recommendation of the King's Government; for in the second proposition of the Colonial Minister, sent down to the House by the Duke of Manchester at the commencement of the last session, and declared by his Grace to have "received the unqualified approbation of both Houses of Parliament," it is observed that "the admission of the evidence of slaves is not to extend to cases where a white person, or person of free condition, shall be charged with or prosecuted for any capital crime." However, not only are slaves by the disallowed act permitted to give evidence in cases where white and free persons are prosecuted for capital crimes, but their evidence has actually been admitted in two such cases during the short operation of the act. In one, the offender, a white man, was convicted, partly on slave evidence, of murder; and, in the other, a man of colour was convicted of manslaughter, solely on such evidence.

6th. That the House hear with pain that, although

this, and other "valuable improvements are fully estimated by his Majesty's Privy Council, yet it was impossible to overcome the objections to which other enactments of this law are open."

7th. That for the information of his Majesty's Government, and the justification of the House to his Majesty, the House will proceed to examine the objections which have prevented the confirmation of the act.

The eighty-third and the two following clauses are called "an invasion of that toleration to which all his Majesty's subjects, whatever may be their civil condition, are alike entitled." The reasoning that follows this doctrine is not of weight enough to be considered, the doctrine itself being utterly at variance with the institutions of Jamaica. The owner is bound by law to lodge, clothe, and feed his slaves; he provides for their comfort in infancy, in sickness, and in age; and, however useless or depraved they may be, this obligation cannot be evaded. If, therefore, slaves are protected from the ordinary casualties of life, and even from the effects of their own indolence and thoughtlessness, and often of their crimes, they necessarily incur obligations to their master, unknown in societies where the connection between the upper and lower classes is more loosely cemented. The eighty-third clause prohibits the preaching and teaching of slaves, not because mischief might possibly accrue, but because it had been found by experience, as the preamble to the clause declares, "to be attended with the most pernicious consequences, and even with the loss of life." So long as the slave subsists at the cost of his master, so long must that master's right be admitted to watch over his actions, on which depend his health and his life. Neither health nor life can be secure, if slaves are allowed to unsettle the understandings of each other, by mutually

inculcating their crude notions of religion, and have free licence to meet, under the pretence of preaching at unseasonable hours and in improper places. The House duly appreciate the pious motives of the King's ministers, who would extend the blessings of religion all over the world ; but nevertheless it is their opinion, that no persons, however dignified in station, and zealous in the cause of Christianity, are competent to judge of regulations intended to restrain the mal-practices of " ignorant, superstitious, and designing slaves," unless they have made themselves acquainted with the African character by a long residence among them. These remarks equally apply to the eighty-fourth clause. Meetings for religious worship between sunrise and sunset, are prohibited only to unlicensed preachers ; and it is believed that in no well organized society are persons, without character, or of doubtful or secret views, suffered to go at large, under shelter of the night, amongst an ignorant peasantry, and make upon their minds an impression that may be dictated by political or religious fanaticism. In England no such unlimited meaning is given to toleration as it is attempted to force upon this colony. By the 52d Geo 3, chap. 155, it is provided that places of religious worship must be certified and registered, under certain penalties for neglect ; and by the same law, persons who shall teach *in any place*, without consent of the owner or occupier, are subject to a penalty. Licences are never denied to persons having proper credentials, and ministers so licensed are authorized to worship till eight o'clock ; consequently, persons who either have not applied for, or have been refused, a licence, must be considered as without character, and with dangerous designs. Although the slaves of Jamaica have advanced rapidly in civilization within a very few years, yet it is not pretended that their progress has been so great, that all those guards

can be dispensed with which were thought essential by our predecessors. The eighty-third and eighty-fourth clauses are not innovations, as Mr. Huskisson seems to suppose: they are taken from the old slave law, and come again into operation on the disallowance of the new law, with this difference, that the new law provides against any misconception of the law in respect to Catholics and Jews, and permits licensed ministers to perform divine worship at any licensed place of worship to the hour of eight; and when it is remembered that in Jamaica the setting of the sun varies from half-past five to half-past six, it will appear that time enough is afforded for the night worship of slaves.

The House notice with regret the error into which Mr. Huskisson has fallen in concluding his observations on the eighty-fourth clause. There is no invidious distinction contemplated therein, in favour of the Roman Catholics or the Jews, at the expense of the Dissenters. The legislature believed that there are certain rights and festivals celebrated at night in the Roman and Jewish churches, and it was in their anxiety to avoid even the appearance of molesting the worship of two orderly and loyal descriptions of persons, that the offending proviso was introduced into the clause. The House might have expected that the late act of the legislature, to extend to Jews the privileges enjoyed by his Majesty's Christian subjects, would have been sufficient in itself to exempt the people of Jamaica from the charge of intolerance. It may here be remarked, that these two obnoxious clauses, with the amendments above noticed, have formed portions of the law of Jamaica ever since the slave code was first enacted.

The next clause objected to is the eighty-fifth, and it is to be defended by the same arguments which have been used in defence of the eighty-third and

eighty-fourth. The master provides all the necessaries of life for his slave, and he has an unquestionable right to guard against their misappropriation; and it is the duty of his representatives in Assembly to assist him in this object by legislative provisions. The slave must neither be suffered to injure his health and strength by nightly wanderings, nor to strip himself of his clothing, and barter his tools and his food, under pretence of contributing to the support of itinerant expounders of the gospel. In the words of the clause, "an ample provision is already made by the public and by private persons for the religious instruction of slaves," and persons, whatever may be their profession and pretension, who use that most irresistible engine with weak minds, the power of persuasion, to extort from slaves the hard-earned reward of industry, and indirectly tempt them, where their own resources fail, to rob their masters and their fellow slaves, such persons, so preying on the poverty, the superstitious fears, and too often on the crimes of their proselytes, brand themselves by this act alone with meanness and hypocrisy, and deserve a far more heavy punishment than the being compelled to disgorge a small part of the profits of their extortion. It is observed, in Mr. Huskisson's letter, that this clause affixes an unmerited stigma on the collector of monies from slaves, but it is submitted, that the extreme disgust and detestation in which all free persons are held, who accept gifts without return, and who in any way take advantage of the easy disposition and ignorance of slaves, is a feeling rather to be encouraged than suppressed. Their peculium is thereby protected, and the want of a positive law to secure them in its unmolested enjoyment, was unfelt and unknown up to the hour when the disallowed slave act was passed. When that law came under the consideration of the legislature, and it was determined to give to negro

property that protection, by express law, which it before derived from usage, it naturally followed that, in securing the negro from the imaginary oppression of his master, the legislature would not leave him a prey to the oily and delusive tongue of a self-ordained preacher. The prohibition of levying a revenue on slaves is not, as Mr. Huskisson terms it, "a gratuitous aggravation of the evils of their condition," but it is designed as a security against the avarice of unhal- lowed men, who are *known* to cajole slaves out of their substance ; and, where soft words fail, who do not forbear to call up the most fearful images to their assistance, threatening their simple followers with the pains of hell fire, and with eternal damnation, if they are slow and scanty in their contributions.

Mr. Huskisson says, in his letter to the Lieutenant-Governor, " I cannot too distinctly impress upon you, " that it is the settled purpose of his Majesty's Govern- " ment to sanction no colonial law, which needlessly " infringes on the religious liberty of any class of His " Majesty's subjects ; and you will understand that you " are not to assent to any bill imposing any restraint of " that nature, unless a clause be inserted for suspending " its operation until his Majesty's pleasure shall be " known."

This instruction contains an absolute and peremp- tory denial of the right of the Jamaica legislature to pass laws on one of the most important and essential subjects which can come under the notice of any legislature. His Majesty's ministers do not seem to have been aware that the old slave law affords already a certain degree of protection to the master from the designs of enthusiastic and necessitous preachers. The disallowance of the new law will only compel him to exact more constantly, and perhaps rigorously, his authority as master : and if he cannot by law punish the religious extortioner, he can at least punish the

trespasser, and drive him off his lands; and he can keep his slave within limits where no preacher dare intrude. The House must regret, that having extended the rights of the slave, and abridged the authority of the master, in the hope of giving satisfaction to the King, their intentions and their law should be so strangely misunderstood, as to be made the plea for depriving them of a large part of their constitutional privileges.—What privileges are left to them are of trifling value, since they too may be reduced, or altogether taken away, whenever it may please his Majesty's ministers to be discontented with the use that is made of them. The House little expected that the very dispatch, that bears such marked respect to mendicant sectarians, would contain a mandate that overturns the ancient and acknowledged constitution of this important island.

His Majesty's ministers "do not consider the Council of Protection, established under the thirty-third clause of the new act, an effectual substitute for the office of a distinct and independent protector." This House will never consent to fix an unmerited stigma on their constituents, by sanctioning the introduction of a spy into the bosom of society under the name of a protector of slaves, and by admitting, in the face of truth, that our laws are not maintained and respected by the people. The House never will sanction the humiliating and unjust conclusion, that our magistracy are incapable of discharging honestly and efficiently the duties imposed on them. Such an anomaly was never before heard of, in a country having its own laws and legislature, as the introduction of officers from a distant kingdom to keep watch upon the inhabitants, to pry into their actions, and to put thereon whatever construction they please, or rather, the construction that will best please the persons that appoint them and pay them. Besides the shame of being subjected

to such control and superintendence, what truth and justice could be hoped for from men who are to be independent, both in purse and character, of the people they are to reside amongst? Looking to Great Britain, and, possibly, to the bitter enemies of the colonies, for reward and praise, either of which they can only expect in proportion to the diligence they exercise in their inquisitorial office, it is impossible to doubt that the most innocent actions will appear suspicious; that no one will dare to inflict the most necessary chastisement on his slaves, lest he incur the imputation of cruelty, and that, consequently, insubordination will ensue, and the free inhabitants will be forced to abandon their possessions. His Majesty's subjects of this island will never permit this novel inquisition to be established amongst them, nor will they ever cease to regard the proposition to introduce it as the artfully devised plan of our enemies and rivals to destroy the colony, by rendering the slaves disobedient and valueless, and thereby inducing a voluntary and uncompensated surrender of the claims of the owner to their services. But, throwing aside our rights of property, as Englishmen ourselves, and the descendants of Englishmen, we view with abhorrence that minute interference with our domestic affairs, which is only exercised by the weakest governments, and yielded to by the most degraded population.

Mr. Huskisson's dispatch proceeds to state, that, "in the provisions for the due observance of Sunday, "I remark that the continuance of the markets on that "day till the hour of eleven, is contemplated as a permanent regulation. It is, however, impossible to sanction "this systematic violation of the law prevailing in every "other Christian country." In the proposals transmitted by Lord Buthurst to his Grace the Duke of Manchester, a "temporary departure from this rule

was permitted, but only as a relaxation required by peculiar and transitory circumstances."

In reply to this unmeasured reprobation of the sixth clause of the disallowed act, it might be sufficient to say that, by the old law, the markets are permitted to be held till Sunday night (except during the hours of divine service), and that the restriction to eleven o'clock in the morning was undeniably an improvement on the ancient mode of observing the Sabbath. It is submitted, that this amendment of the law does not merit the reproach of a systematic violation of the Sabbath; nor were the House assured, until informed thereof by the dispatch of Mr. Huskisson, that Sunday was held sacred for religious worship by the laws of every Christian country, Jamaica only excepted. It was supposed by the House, that in all Catholic, and in most Protestant states, Sunday is considered a day of recreation, and even sometimes of agricultural labour. Nevertheless, though somewhat averse to deprive the slaves of their accustomed relaxation, and to limit the hours of marketing, which it was apprehended would create, and which actually did create much dissatisfaction and some tumult, the House, so far from contemplating the systematic violation of the Sabbath, complied almost with the letter of Lord Bathurst's fifth proposition. They ventured, it is true, to extend the time limited in the proposition from ten till eleven o'clock, that the more distant negroes might participate in the advantage of the market.—Mr. Huskisson and his Majesty's ministers seem to have overlooked the last clause of the disallowed act, limiting its duration to three years, otherwise they never would have contemplated the continuance of the markets on Sunday till the hour of eleven, or any other clause of the act, as a permanent regulation.

It is apprehended by the House, that there is no

ambiguity in the clauses denouncing penalties on persons employing their slaves to labour on Sunday. The eighth clause enacts, "that slaves shall be allowed one day in every fortnight, exclusive of Sundays, to cultivate their own provision grounds, except during the time of crop, under the penalty of twenty pounds, to be recovered against the overseer or person having the care of such slaves."

The plain interpretation of this clause is, that to work negroes on Sundays, except during crop, is an offence punishable by a fine of twenty pounds; and, to prevent too much latitude to this exception, the tenth clause provides that, even during crop, slaves shall be exempted from the ordinary labour of the estate on Sundays, and that no mill shall be put about between the hours of seven o'clock on Saturday night, and five o'clock on Monday morning; and, as it is not provided by the law, that owners may persuade or hire their slaves to work on Sunday, the House conceive that the penalty would be clearly incurred, whether the labour was extorted by compulsion, or induced by persuasion, or purchased by money. It was not thought proper to make "provision for those cases of unavoidable necessity, which would create an exception to the general rule," because it is scarcely possible to define all the cases of unavoidable necessity that may arise, and it was considered that the distinguishing such cases from the usual plantation labour might be safely left to the tribunals.

To the remarks respecting punishments inflicted by the domestic authority of the owner, the House reply, that after the most attentive investigation of the subject, it was determined that a report of punishments inflicted, to a public officer, would be only throwing out a temptation to evasion and perjury, where undue severity was practised; and would be troublesome and useless, where the slaves were humanely

treated; and would also be incomplete, without the creation of new officers, and a new office. Any increase to the burdens of the island cannot be endured, whilst it remains in its present poor and tottering condition: and the House must observe, in answer to this, and others of Lord Bathurst's propositions, that they are conceived under the mistaken impression, that our slaves are miserable and abject, our free inhabitants lawless and tyrannical, and our magistracy ignorant and prejudiced, and without authority to maintain the laws. The inhabitants of Jamaica do not deserve these imputations, and the House cannot be expected to legislate as if they did deserve them.

The presence of free witnesses at the infliction of punishment, is not declared necessary, because the island is too extensive, and too thinly peopled to make the execution of such a regulation practicable, even were no other inconveniences apprehended from it. And the law does not require that an interval should elapse between the commission of the crime, and the infliction of the punishment, because, where only a slight punishment is deserved, it might be necessary to confine the culprit till the hour of punishment arrived, which would add to the penalty of his offence, and, in more serious offences, to postpone the punishment is to give the offender a chance of escape. Every plantation cannot be provided with a secure prison for the detention of culprits under sentence; the particular time of punishment was therefore left to the discretion of the master or overseer. Mr. Huskisson says, "the law would not be broken, whatever might be the verity of the punishment, if it were inflicted by any other method than that of whipping or imprisonment." If Mr. Huskisson will refer to the thirty-third clause, he will discover that he has fallen into a most important error. It is there provided that "if any person shall mutilate, or direct or consent to

mutilate, dismember, wantonly or cruelly whip, maltreat, beat, bruise, wound, or imprison, or keep in confinement without sufficient support, or brand any slave, or slaves, he shall be punished by fine, not exceeding one hundred pounds, or imprisonment, not exceeding twelve months, or both; and the slave so mutilated, or otherwise maltreated, shall, in atrocious cases, be manumised by the court, before whom the offender shall have been convicted." And moreover the fine of one hundred pounds, is to be paid to the justices and vestry of the parish, to which the slave belongs, who shall, in consideration thereof, pay to the suffering slave a pension of ten pounds per annum, for his life. In case the owner or owners of such slave or slaves, shall appear capable of paying the costs and charges of such prosecution, the justices and vestry are empowered to commence a suit against such owner or owners of such slave or slaves, and recover all costs and charges out of purse paid by them, laid out, and expended on such suit. The House conceive that there cannot possibly exist an instance of cruelty or severity, that is not punishable by this clause; it contains a complete enumeration of every possible case of personal ill-treatment, and its efficacy is proved by several convictions.

Mr. Huskisson closes the paragraph with these remarks,—“The use of the whip in the field is not forbidden. Women are not exempted from punishment by flogging. Nor is any presumption of guilt to arise, if the slave shall make a probable, particular, and consistent charge against his owner, confirmed by the exhibition of his person, bearing the marks of recent and illegal punishment.”

The whip is not forbidden in the field, lest the abandonment too suddenly of a long established usage should be misunderstood by the slaves. On many properties the whip is no longer an instrument of

punishment, and the use of it will soon be so generally discontinued, as to enable the legislature to restrict or abolish it by law. Until negro women have acquired more of the sense of shame that distinguishes European females, it will be impossible, in respect to them, to lay aside altogether punishment by flogging, there being no substitute that promises to be accompanied with the same salutary dread.

By the one hundred and thirtieth clause of the disallowed act, slave evidence is admissible in cases of, "rape, mutilation, branding, dismembering, or cruelly beating or confining, without sufficient support, a slave or slaves." And the House cannot avoid the expression of their surprise, that his Majesty's Government have so entirely overlooked this clause, as to imagine that no presumption of guilt is to arise under the circumstances mentioned in the close of the above extract. It is difficult to conceive a case in which, either by direct or circumstantial evidence, a guilty person will not be convicted under this clause. If, however, his Majesty's Government would insist that the marks of ill-treatment alone, without other evidence than the assertion of the maltreated slave, are to be sufficient to ensure conviction, the House can only regret that they feel it to be impossible to place the lives, persons, and properties of their constituents at hazard, on what appears to them such unsatisfactory and uncertain proofs of guilt.

It is complained that the disallowed act "sanctions an unlimited delegation of punishment even to slaves, provided that the correction does not exceed ten lashes." It must frequently occur that slaves are placed in superintendance over their fellow-slaves, and unless they possess some power of punishment, their authority will not be submitted to. It was, therefore, thought that ten lashes, which may not be repeated in the same day, was the most moderate limitation of

the power of inflicting punishment, which could be delegated to a negro in authority, consistent with the maintenance of good order and obedience. And it appears to the House not quite consistent with the enlarged views of Government in favour of the slaves, that the most confidential amongst them should be denied the limited power entrusted to them by this act. For if slaves, however well behaved, are regarded as unfit apportioners of a slight punishment, they must also be considered as unworthy to be distinguished in any way from their fellows, and the best encouragement for good conduct will be taken away. The legislature did not deprive the owner of the power of inflicting punishment to the extent of thirty-nine lashes on his slave, because, however humane a contrary system may at first sight appear, it would be found in practice to have rather an opposite tendency. Under the existing system, the master is accustomed to punish his slaves for almost every offence of which they are guilty, and it often happens that thirty-nine lashes are inflicted by his order, for crimes which, in the eye of the law, are punishable with transportation and death. It is not pretended that offenders, in strict justice, should thus evade the penalty of their misdeeds; yet the House, in passing an act to *meliorate* the condition of the slaves, would have been scarcely justifiable, had they indirectly added to the severity of the law against them. But it must be remarked, that if thirty-nine, or any other number of lashes, are inflicted in a cruel manner, the master is liable to exemplary punishment.

It is objected to the thirty-sixth and thirty-seventh clauses, that "they authorize private persons to commit their slaves to prison, without the warrant of a justice of the peace, and enable the gaoler to inflict punishment by whipping, without trial." It has been found expedient to leave in the hands of the master that

power over the person of the slave, by the immediate exertion of which any symptoms of disobedience may be suppressed. If the master or superintendant is on all occasions to seek the intervention of the magistrates, or of a jury, his authority would be dangerously weakened. The legislature has carefully guarded against the abuse of the master's power, but he cannot be deprived of it without hazarding the overthrow of the system itself.

The House, in answer to the observation, that "the fine of 10% for inflicting repeated punishments for the same offence, can scarcely be incurred," adduce the fact that the penalty has already been levied on the mere testimony of the slave, and the refusal of the offender to contradict the slave's testimony.

If a workhouse-keeper inflicts an excessive number of lashes, the punishment is not 10% only, as his Majesty's Government apprehends; his offence comes under the clause that provides against wantonly or cruelly whipping or mutilating slaves, and is punishable with fine and imprisonment.

Mr. Huskisson, in his zeal for a protectorate of slaves, "fears that the complaint, which the slave is authorized to make before the magistrates, would not be a very effectual means of redress." The House can assure Mr. Huskisson that his fear is unfounded, and that a protector of slaves would be an useless officer in any part of the island, the magistracy having too much regard to the oaths and the sacred duties of their office to violate the one, and neglect the other, for the purpose of sheltering cruelty and oppression.

Mr. Huskisson observes, "As every groundless complaint is to be punished, it is to be feared that many well-founded complaints will not be preferred." The clause is misstated; it runs thus:—"If it shall appear to the justices of the peace that the complaint of such slave is frivolous or unfounded, it shall be

lawful for them, and they are hereby required, to *dismiss the complaint*, or to direct such punishment, by confinement to hard labour, or whipping, or both, as to them may seem proper." If this discretion was not left to the Council of Protection, to punish frivolous complaints, negroes would be constantly on the road to and about the police-offices, and never at their work.

The House cannot think it necessary to defend the restrictions on marriage, since it is admitted by Mr. Huskisson, that similar restrictions are imposed in England by the marriage act of George the Second. He is pleased to term the influence of the dissenting ministers "salutary;" the House have thought such influence may sometimes be pernicious, and they are not yet prepared to extend it over the marriages of their slaves. The House conceived that the holy contract of marriage should not be entered into without some knowledge of its nature and obligations, and they confess themselves to be yet of the same opinion. Mr. Huskisson observes that no registry of the marriage of slaves is kept. The House do not know why such registry should be thought requisite, and the expence is an insurmountable objection, even were some degree of utility to be derived from the measure. There is, however, a register of slave marriages kept in every parish; and if Mr. Huskisson had referred to the 6th of Geo. IV. chap. 17, sec. 41, he would have found that the rector and curate of each parish are compelled to keep a separate register for slaves. Mr. Huskisson remarks, "On the subject of the separation of relatives, the word *family* is left without a definition. It is susceptible of so many different meanings, that it would seem peculiarly necessary to ascertain the precise sense in which it is used. The rule laid down in this law seems also to require some better sanction. It is simply a direction to the pro-vost-marshal; but if he should disobey that direction,

“ it is not provided that the sale should be void. A provision appears to be wanting for enabling the officer to ascertain whether any particular slave is or is not a member of the family.”

The word family is not left undefined by the law, as Mr. Huskisson imagines. It is declared by the fifth clause of the disallowed act to mean, “ a man and his wife, and his or their children;” and if, at a provost-marshal’s sale, parents are separated from their children, or *vice versa*, or brothers and sisters are divided, the Supreme Court will annul the sale as a matter of course. And it is to be further remarked of the fifth clause, that it is only an extension of the 8th of Geo. II. chap. 5, by which the provost-marshal only and his deputies are restricted to sales of families; but by the disallowed act, the collectors of all public and parish taxes are included in the restriction.

The House admit that the property of slaves appears to be inadequately protected; but it was found impracticable to permit slaves to appear as suitors in the courts of justice, without, in a great degree, undermining their dependence on their owners. It is impossible to pass laws for slaves, as if they were free persons; and if slaves labour under any unavoidable disabilities, they also enjoy many immunities. If slaves cannot sue, they cannot be sued.—Their persons are sacred to all but their owners and the laws. It is utterly inconsistent with a state of slavery to give slaves the freedom of action that is indispensable to enable them to collect witnesses, to consult lawyers, and to attend courts; and it is difficult to devise a mode by which slaves shall be compelled to pay their own debts without infringing on the property of their master. The house, the land, the clothes, the provisions, and tools of the slaves are supplied by the owner, and no part thereof can, without the grossest injustice, be made liable for the debts of the slave; and still less

can the person of the slave be placed at the disposal of his creditor, that being also the property of his master.

It is thought by his Majesty's Government, that to exclude slaves from acquiring any interest in land is impolitic and unnecessary. Land cannot be a desirable acquisition to the slave, his duty to his owner not affording him time to cultivate more land than the portion always allotted to him by his master for his maintenance.

Mr. Huskisson has not accurately examined the disallowed act, or he would have avoided his several misconceptions of its provisions. He imagines that in all cases of gratuitous and testamentary manumission, security is to be given for the maintenance of the slave. But it is provided by the seventy-sixth clause, that the manumission bond shall be dispensed with, on proof being given that he is not old or infirm; and, by the sixty-seventh clause, the bond is likewise dispensed with in devises of freedom. Mr. Huskisson "fears" "that serious inconvenience may arise from the neglect" "to provide a method by which a slave can ascertain" "what particular person is entitled to receive the price" "of his freedom." This question comes under the head of compulsory manumission, the discussion of which Mr. Huskisson has postponed, and the House think it most advisable to follow his example. If Mr. Huskisson's observation be intended to apply to that provision in the disallowed act, which relates to the payment of the price of those voluntary manumissions, which it is the object of the act to facilitate and encourage, the House cannot perceive that any difficulty exists. The price is to be paid into the hands of the receiver-general, under the direction of the custos or senior magistrate of the parish where the slave to be manumitted resides—the latter person is selected, in order that the utmost facility may be afforded in concluding

the treaty of sale. It is left by the seventy-first section of the disallowed act, to the Court of Chancery or superior court, on summary petition, to decide on the claims of the persons entitled to the principal or interest of the purchase money; the purchaser of the freedom, as soon as he has paid the purchase money into the receiver-general's office, is wholly relieved from any difficulty or responsibility as to the person or persons entitled to receive it. It is to be observed, that the sixty-seventh and the six following clauses of the disallowed act are re-enactments of the act passed in the fifth year of the present reign, chapter twenty-one, entitled, "An act for removing impediments to manumission of slaves by owners having only a limited interest," and were made to extend to other cases than those embraced by that act.

The House expected to obtain some credit for a measure which removed considerable difficulties in effecting voluntary manumission of slaves, and under which a considerable increase in the number of manumissions has already taken place.

Mr. Huskisson remarks that, "On the important subject of the evidence of slaves, his Majesty is graciously pleased to signify his approbation of the advances which have been made towards a better system of law; but in reference to this subject, I am to observe, that this law appears to contemplate the admission of the evidence of slaves in those cases of crimes only in which they are usually either the actors or the sufferers, excluding their evidence in other cases, a distinction which does not seem to rest on any solid foundation."

The House rejoice that there is a part of the disallowed act approved of by his Majesty, although with much reservation. It is an error to suppose that the evidence of slaves is only admitted when they are actors or sufferers. No pleader would dare to make

the assertion in our courts. In the beginning of this report, two cases are quoted of free persons having been either partly or wholly convicted under this act, on the evidence of slaves; and in one of these cases, no negro was either an actor or a sufferer; yet the question of the admissibility of negro evidence was not mooted by the counsel of the prisoner. The object of the legislature, in excluding the evidence of unbaptized slaves, was the encouragement and promotion of Christianity; and it was also considered that the indiscriminate admission of slave evidence, and the attaching thereto the weight that before only belonged to the evidence of free persons, would be too sudden an innovation on long-established usage; and moreover, as will hereafter appear, the propositions of Lord Bathurst did not invite the House to the indiscriminate admission of slave evidence.

It is observed by Mr. Huskisson, that, "if the owner of the slave is convicted of any crime, on the testimony of that slave, the court has no power of declaring the slave free, although it may exercise that power when the conviction proceeds on other evidence. Highly important as it is to deprive a slave of every motive for giving false evidence against his owner, that object might be secured without incurring the inconvenience of leaving the slave in the power of an owner convicted of the extreme abuse of his authority." By the thirty-fourth clause, already referred to, the court has the power of declaring the slave free, if, by his or any other testimony, an atrocious case of maltreatment is proved against the owner. But if Mr. Huskisson would have slaves manumitted in all cases where the owner is convicted of any offence, on their testimony, the House have only to reply, that no further enactment will be necessary to ensure the speedy manumission of all the slaves of the island, unless, indeed, our juries

reject such suspicious testimony, to avert the ruin that must follow its reception.

In declining to accede to the proposal "for establishing a record of the names of all slaves sufficiently instructed to be competent witnesses," the colonial legislature was governed by the assurance that such registry would be burthensome and useless. It is customary, in slave courts, to examine slaves respecting their knowledge of the nature of an oath, and the punishment they become subject to, if they tender false evidence. This custom has been proved, by experience, to be a sufficient protection to prisoners. The House venture to consider that a *viva voce* examination in open court is a better mode of determining the value of evidence than a record of names; and the House is somewhat at a loss to reconcile the alleged necessity of "a record of all slaves sufficiently instructed to be competent witnesses," with the dissatisfaction expressed by Mr. Huskisson at that portion of the evidence clause that requires slaves to be Christians before they can be witnesses.

Mr. Huskisson fears that "the exertions of the slaves, if exacted up to the limits allowed by the disallowed law, would be scarcely consistent with a due regard for the health of the labourer." Negroes do not exert themselves at work like Europeans; they seldom fatigue themselves; and it is common for them to travel many miles, or to dance the entire night, after the longest day's labour. It is believed by the House, that labourers work much harder and longer in Great Britain, and are rewarded with a smaller share of the necessaries and comforts of existence.

It is observed by Mr. Huskisson, that "the crimes of rape and murder, when committed on the persons of slaves, are properly punishable by death; and that there are other offences, which might be perpetrated on the persons of slaves, against which the same

“punishment should have been denounced.”—No other offence that can be classed with rape and murder has ever come under the cognizance of our courts, otherwise it would not have been overlooked by the legislature.

It is considered, that the “rules for the prevention of mutilation and other cruelties would lose much of their efficacy in practice.” But a more minute inspection of the disallowed act will convince Mr. Huskisson that his apprehension on this head is groundless. By such inspection he will also discover, that the dismemberment or mutilation of a slave is not, as he conceives, only punishable by heavy fine and long imprisonment, but also by the manumission and consequent loss of the slave, if the owner is the offender. And if the outrage has been committed on the slave of another, the offender is exposed, in addition to the penalties, to an action of damages for the injury the owner has sustained in his property. The House, however, are happy to add, that these crimes have long ceased to disgrace the island of Jamaica.

Mr. Huskisson, on the subject of runaways, renews his remark, that the evidence of slaves, in criminal cases, appears to be admissible only against slaves. The right honourable gentleman does the legislature of this island no more than justice, in supposing that the law was intended to admit the evidence of slaves both for and against slaves. It is not easy to conceive how a different meaning can be ascribed to the law.

Mr. Huskisson “regrets that judges regularly educated in the legal profession do not attend on slave trials.” The unpaid magistrates that preside at slave trials are acquainted with the habits and vices of negroes; they have for their guide the slave code, which is neither intricate nor voluminous; and it is believed, that as equal and substantial justice is dealt out by the court so constituted, as if it was composed

of lawyers, versed in all the subtleties and refinement of English jurisprudence.

It is observed by Mr. Huskisson, that "the crime of harbouring runaways may be punished with much more severity, when the offender is a slave, than when he is a free person; a distinction which reverses the established principle of justice, that the malignity of crimes is enhanced by the superior knowledge and station of the criminal." But, on adverting to the 45th and 46th clauses, the principle will be seen, which has, in this instance, guided the legislature. The harbouring of runaways by slaves may be comparatively innocuous, and the court has the power of inflicting a slight punishment; but it may also be a crime of the highest order. The runaway may have designs dangerous to the peace of the community, and he may be aided in those designs by the wicked connivance of the slave that harbours him. The free person cannot be presumed to have any other view in concealing runaways than to profit by their labour; his punishment is accordingly limited to fine and imprisonment, and he is compelled to make that satisfaction to the owner of the runaway in money, which is not exacted from the offending slave, because the law never supposes that a slave is possessed of money. The free person is also liable to the heavy penalties of the inveigling act.

Mr. Huskisson is displeased that the nature and amount of the punishment of offending slaves are often referred to the discretion of the court. This course has never been adopted without good reason, and the effect thereof is, not increased severity towards the slave, but a strong leaning to inflict the lowest possible degree of punishment adapted to the nature of the offence.

In Mr. Huskisson's dispatch, "rebellion and rebellious conspiracy" are declared "to be terms unknown

to the law of England." If the right honourable gentleman will consult the state trials, he will find the words rebellion, rebels, and rebellious are very commonly used in the indictments; and also, in the litany of the church, we pray to be delivered from all sedition, privy conspiracy, and rebellion.

Although it is truly observed, that the benefit of clergy is not expressly allowed to slaves by the disallowed act, yet in effect they have the benefit thereof, since there is no crime, punishable with death absolutely under the act, which would be a clergyable felony in England, and the highest punishment which the law inflicts may be remitted by his Majesty's representative.

The House do not deny, that the punishment provided for offering violence to a free person is severe; but such severity is necessary, in a community where the slaves vastly outnumber the free. Wherever slavery has existed, it has been thought advisable to protect the persons of free men with the most scrupulous jealousy.

The remarks of Mr. Huskisson, on the clause for the punishment of obeah, naturally offer themselves to one ignorant of the extent of African superstition, and the horrible crimes negroes will perpetrate, sometimes to gratify revenge, and often to acquire the influence that may enable them to levy contributions on the fears of their more timid fellows. Negroes are seen to pine away to death under the pretended sorceries of the obeah man; and, where the imagination does not perform the work of death with sufficient celerity, the more certain aid of poison is called in, to hasten the fate of the victim. Mr. Huskisson considers, that under the next clause, many innocent and some meritorious acts are exposed to punishment. But it is submitted, that the possession of poisonous drugs by negroes cannot be innocent, unless confided to them by their

masters; which fact can readily be proved. To this clause, however, a more precise meaning might be given.

In censuring the indemnification of individuals, by the public, for slaves who have suffered death or transportation under sentence of the law, Mr. Huskisson takes a superficial and not a fair view of the act. If the House had conceived, that "the crime of the slave is the direct consequence of the owner's positive misconduct," they would not have differed in opinion with Mr. Huskisson; but believing, as they do, that the owner is in no respect to be blamed for the crimes of his slave, they have thought it an act of justice to pay him out of the public purse for that sacrifice of his property which is demanded by the law for the public safety. Were the public to refuse indemnification to the owners of criminal slaves, the temptation to screen them from justice would be so great, that we should have them and their slaves frequently combining to bid defiance to the law. Nor is it to be supposed that the owner receives by law the full value of the slave; and it is, besides, the practice of juries, in estimating the value of criminals, to consider their misconduct as a material reduction of their value. The owner has, therefore, a sufficient interest left in his slave to induce him to continue his protection, until all domestic punishments have lost their effect, and until he becomes a nuisance to his master and his fellow slaves. Were he even to purchase, with the money allotted by law, another slave, yet he cannot transfer to the new slave the attachments, the clothes, tools, provision-grounds, and very seldom even the house, of his predecessor.

Mr. Huskisson observes, that "the power of remitting the sentences of slaves condemned to hard labour for life, is to be exercised only when the slave evinces, in every respect, a complete reformation of manners.

“ I fear that few men undergo such a total change of character as this under any circumstances, and that a prison is among the last places in which it is to be expected.”

This provision was intended as a mitigation of punishment to slaves, many of whom are known to have completely reformed in prison. The House are not aware, that the reformation, which cannot be expected in a prison, would be in the least forwarded by permitting criminals to go at large. Mr. Huskisson proceeds to say, “ Independently of this consideration; I apprehend that this clause may, in some degree, derogate from the power which, under his Majesty’s instructions, you possess, of pardoning offenders, or remitting their punishments.”

The power of the Governor to pardon remains exactly where it did; and it is believed by the House, that, by a common rule of law, the prerogative of the Crown cannot be affected except by special enactments.

The House, throughout this report, have considered the amended slave act to be finally disallowed by his Majesty; but, until the arrival of the Order in Council, referred to in Mr. Huskisson’s dispatch, doubts are entertained in the courts whether their proceedings are to be governed by the old or the new act. In consequence of these doubts, the courts refuse to take cognizance of offences, which are visited by the severer penalties of the law. Nor is this confusion of laws the only evil result of Mr. Huskisson’s dispatch. Its effect has been felt in the respite and possible escape of a most desperate murderer; and it must be expected, that the tranquillity of the slave population will be disturbed, by the sudden deprivation of the indulgences and immunities so lately conceded to them. It is with pain that the House advert to the small regard that has been shewn to the convenience and peace of the island,

in the disallowance of this act. The act might have been permitted to expire at the date assigned to it in 1830, without compromising either the royal dignity, or subverting, or even interrupting, the progress of Christianity. Had this course been pursued, all the beneficial enactments of the disallowed act would have been retained, and the way left open to introduce further amendments, from time to time, as they became necessary.

The House have now calmly reviewed the reasons which are given for disallowing the slave act of last session. They cannot pass a new bill, containing the amendments suggested in Mr. Huskisson's dispatch, without sacrificing their independence, and endangering the safety of the island. And as the lieutenant-governor is forbidden to sanction such a bill as the House can consent to pass, the slave population must again be governed by the act of 1816. When it shall please his Majesty to withdraw the instruction to the Governor, which limits the legislative power of the Assembly, the House will once more take the slave code into their serious consideration.

Resolved, *nem. con.*, That the House do agree to the Report.

At the close of the session (that of 1827) Sir John Keane, the Lieutenant-Governor, made an address to the Council and Assembly, in which was the following passage :—

“ Should you, on your return to your several parishes, discover any anxiety amongst the labouring class on the subject of the slave act, you cannot too strongly impress upon their minds that their best and surest support and protection will ever be found in the spontaneous kindness and humane disposition of their owners ; and that by a mild and discreet exercise of authority on one part, and a cheerful and willing obedience on the other, a reciprocity of good feeling will be established, almost superseding the necessity of legislative control. You should, above all, endeavour to convince them, that by persevering in that course of gradual improvement in their manners and habits, which has already been the source to them of so much advantage, they will every day acquire new claims on the liberality and consideration of the Legislature.”

As the two preceding documents may become the subject of important discussion, it has been judged expedient to print them together in columns—each part in the one by the side of that part in the other to which it has reference.

HOUSE OF ASSEMBLY.

Veneris, 16 die Novembris, 1827

MR. SPEAKER,

I am commanded by the Lieutenant-Governor to bring down to the House the copy of a dispatch from his Majesty's principal secretary of state for the colonial department, stating in detail, the reasons which have induced the Lords of the Committee of Privy Council for Trade and Foreign Plantations, to report to his Majesty, in Council, their opinion, that an act of this island, intituled, "An act to alter and amend the slave law," should be disallowed.

This measure has not been adopted without mature consideration, and with the deepest regret. His Majesty fully appreciates the many valuable improvements contained in the new slave code; but it has been found impossible to overcome the objections to which some of its enactments are liable.

The Lieutenant-Governor is convinced that the House will proceed to a temperate reconsideration of a subject, of such vital importance to the peace and tranquillity of the colony, with a sincere disposition to meet, as far as may be practicable, the views of his Majesty's Government, particularly by avoiding to introduce into a new bill any provisions, which have a tendency to impose restraints on the religious liberties to which all his Majesty's subjects, whatever may be their civil condition, are alike entitled.

HOUSE OF ASSEMBLY.

December 14.

Mr. Barrett, from the Committee appointed to take into consideration the letter from Mr. Huskisson to his Honour the Lieutenant-Governor, reported as follows:—

MR. SPEAKER,

Your Committee, appointed to take into consideration the letter of Mr. Huskisson to the Lieutenant-Governor, and to report thereon to the House, have drawn up several resolutions, and have replied to the objections which Mr. Huskisson states to have occasioned the disallowance of the slave act by his Majesty.

These resolutions, and the reply, your Committee recommend to the consideration of the house.

Resolved,

1st. That the House have learnt with surprise and disappointment, that the Committee of Privy Council for Trade and Foreign Plantations have advised his Majesty to disallow the act passed last session; intituled "An act to alter and amend the slave law."

2d. That his Grace the Duke of Manchester having, in his speech at the close of the last session, declared his opinion "that the mildness and moderation which were evinced throughout the law, and the beneficial alteration produced in the condition of the slave in many particulars, would be highly satisfactory to his Majesty's Government,"

MR. HUSKISSON'S LETTER.

The Lieutenant-Governor is particularly instructed to assure the House, that his Majesty's Government will view, in the most favourable light, any measure of real and substantive improvement, trusting that, in whatever degree it may still fall short of those contemplated by parliament and government, the time is not distant at which a further approximation will be found consistent with the safety and best interests of the island.

Dispatch from His Majesty's Principal Secretary of State for the Colonial Department.

Downing Street, Sept. 22, 1827.

SIR,

The act passed by the Governor, Council, and Assembly of Jamaica, in the month of December, 1826, intitled, "An Act to alter and amend the slave laws of this island," having been referred by his Majesty in Council to the Lords of the Committee of Privy Council for the Affairs of Trade and Foreign Plantations, that Committee have reported to his Majesty in Council their opinion that this act ought to be disallowed. The order of his Majesty in Council, approving that report and disallowing the act, will be transmitted to you by the earliest opportunity.

In obedience to the commands of his Majesty in Council, I proceed to communicate to you the grounds of his Majesty's decision upon this subject.

The Privy Council did not submit to his Majesty their advice that this act should be disallowed with-

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the house rather expected to be honoured with the unreserved commendation of his Majesty, than to have their labours contemned, and their sacrifices undervalued and rejected.

3d. That this proceeding on the part of the King's ministers must shake the confidence of the island in their wisdom and justice, inasmuch as for several years successively, plans of melioration have been pressed upon the House, and it has been earnestly suggested to the House that the Imperial Parliament, and Great Britain generally, anxiously desired the amendment of the slave law. With all that respect for the wishes of the King and of our fellow-subjects, which, as belonging to one common empire, we feel bound to observe, this House maturely weighed the various propositions made through the secretary for the colonies, and adopted, not only all of the propositions which appeared to be in the slightest degree beneficial to the colony, but they even conceded to Government in every point that was not positively mischievous, and in some of doubtful it not of dangerous tendency. The House do not venture to reproach his Majesty's Government with vacillation and caprice in the change of councils, which has led to the disallowance of a law once so eagerly coveted; yet they find it impossible, in Mr. Huskisson's dispatch to the Lieutenant-Governor, to discover any sound reason for the course that has been pursued.

4th. That the House conceive this important error to have been

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out great reluctance. The great importance of the subject has been fully estimated; and his Majesty has perceived with much satisfaction the advances which the colonial legislatures have made, in many respects, to meet the recommendations conveyed to them in Lord Bathurst's dispatch of the 11th May, 1826; but however much his Majesty may have been desirous to sanction these valuable improvements in the slave code of Jamaica, it has been found impossible to overcome the objections to which other enactments of this law are open. I am commanded to express to you his Majesty's earnest hope, that, upon a deliberate review of the subject, the Legislative Council and Assembly will be disposed to present for your assent another bill, divested of those enactments which have prevented the confirmation of the present act.

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committed by his Majesty's government:—Instead of comparing the new act with the institutions of Jamaica, the advisers of the crown have kept in sight the laws and customs of the mother country, and have passed sentence on a law designed for the regulation of slaves, as if it were an act to fetter the minds and persons of a free people. Moreover his Majesty's advisers have altogether neglected the obvious propriety of contrasting the new with the old law. Had they deigned to open the law of 1816, they would have found that it wanted many of those humane provisions, which the improved civilization of the slaves enabled the House to introduce into the law of 1826. If it be admitted that the new law falls below the reasonable hopes of the King's ministers, yet it far exceeds the old law in restraints upon the abuse of the master's authority, and in civil rights conceded to the slaves. And had the two acts been judged by their respective merits, and in the same spirit of tenderness to the slaves, which the King's Government has professed for so many years, it is considered by the House that the act of 1816 would not have been revived.

5th. That the disallowed slave act, in the admission of slaves to give evidence in criminal cases, went beyond the expressed recommendation of the King's Government; for in the second proposition of the colonial minister, sent down to the house by the Duke of Manchester at the commencement of the last session, and declared by his Grace to have "received the un-

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qualified approbation of both houses of parliament," it is observed that "the admission of the evidence of slaves is not to extend to cases where a white person, or person of free condition, shall be charged with or prosecuted for any capital crime." However, not only are slaves by the disallowed act permitted to give evidence in cases where white and free persons are prosecuted for capital crimes, but their evidence has actually been admitted in two such cases during the short operation of the act. In one, the offender, a white man, was convicted, partly on slave evidence, of murder; and, in the other, a man of colour was convicted of manslaughter, solely on such evidence.

6th. That the House hear with pain that, although this, and other "valuable improvements are fully estimated by his Majesty's Privy Council, yet it was impossible to overcome the objections to which other enactments of this law are open."

7th. That for the information of his Majesty's Government, and the justification of the House to his Majesty, the House will proceed to examine the objections which have prevented the confirmation of the act.

Among the various subjects which this act presents for consideration, none is more important in itself, nor more interesting to every class of society in this kingdom, than the regulations on the subject of religious instruction. The eighty-third and the two following clauses must be considered as an invasion of that

The eighty-third and the two following clauses are called "an invasion of that toleration to which all his Majesty's subjects, whatever may be their civil condition, are alike entitled." The reasoning that follows this doctrine is not of weight enough to be considered, the doctrine itself being utterly at variance

toleration to which all his Majesty's subjects, whatever may be their civil condition, are alike entitled. The prohibition of persons in a state of slavery assuming the office of religious teachers might seem a very mild restraint, or rather a fit of precaution against indecorous proceedings; but, amongst some of the religious bodies who employ missionaries in Jamaica, the practice of mutual instruction is stated to be an established part of their discipline. So long as the practice is carried on in an inoffensive and peaceable manner, the distress produced by the prevention of it will be compensated by no public advantage.

The prohibition of meetings for religious worship between sunset and sunrise will, in many cases, operate as a total prohibition, and will be felt with peculiar severity by domestic slaves, inhabiting large towns, whose ordinary engagements on Sunday will not afford leisure for attendance on public worship before the evening. It is impossible to pass over, without remark, the invidious distinction which is made, not only between Protestant dissenters and Roman Catholics, but even between Protestant dissenters and Jews. I have, indeed, no reason to suppose that the Jewish teachers have made any converts to their religion among the slaves, and probably, therefore, the distinction in their favour is merely nominal; still it is a preference, which, in principle, ought not to be given by the Legislature of a Christian country.

The penalties denounced upon persons collecting contributions from

with the institutions of Jamaica. The owner is bound by law to lodge, clothe, and feed his slaves; he provides for their comfort in infancy, in sickness, and in age; and, however useless or depraved they may be, this obligation cannot be evaded. If, therefore, slaves are protected from the ordinary casualties of life, and even from the effects of their own indolence and thoughtlessness, and often of their crimes, they necessarily incur obligations to their master, unknown in societies where the connection between the upper and lower classes is more loosely cemented. The eighty-third clause prohibits the preaching and teaching of slaves, not because mischief might possibly accrue, but because it had been found by experience, as the preamble to the clause declares, "to be attended with the most pernicious consequences, and even with the loss of life." So long as the slave subsists at the cost of his master, so long must that master's right be admitted to watch over his actions, on which depend his health and his life. Neither health nor life can be secure, if slaves are allowed to unsettle the understandings of each other, by mutually inculcating their crude notions of religion, and have free licence to meet, under the pretence of preaching, at unseasonable hours and in improper places. The House duly appreciate the pious motives of the King's ministers, who would extend the blessings of religion all over the world; but nevertheless it is their opinion, that no persons, however dignified in station, and zealous in the cause of

slaves, for purposes either of charity or religion, cannot but be felt, both by the teachers and by their followers, as humiliating and unjust. Such a law would affix an unmerited stigma on the religious instructor; and it prevents the slave from obeying a positive precept of the Christian religion, which he believes to be obligatory on him, and which is not inconsistent with the duties he owes to his master. The prohibition is, therefore, a gratuitous aggravation of the evils of his condition.*

It may be doubtful whether the restriction upon private meetings among the slaves, without the knowledge of the owner, was intentionally pointed at the meetings for religious worship. No objection, of course, could exist to requiring that notice should be given to the owner or manager whenever the slaves attended any such meetings; but, on the other hand, due security should be taken that the owner's authority is not improperly exerted to prevent the attendance of the slaves.

Christianity, are competent to judge of regulations intended to restrain the mal-practices of "ignorant, superstitious, and designing slaves," unless they have made themselves acquainted with the African character by a long residence among them. These remarks equally apply to the eighty-fourth clause. Meetings for religious worship, between sunrise and sunset, *are prohibited only to unlicensed preachers*; and it is believed that in no well-organized society are persons, without character, or of doubtful or secret views, suffered to go at large, under shelter of the night, amongst an ignorant peasantry, and make upon their minds an impression that may be dictated by political or religious fanaticism. In England no such unlimited meaning is given to toleration as it is attempted to force upon this colony. By the 52d Geo. 3, chap. 155, it is provided that places of religious worship must be certified and registered, under certain penalties for neglect; and by the same law, persons who shall teach *in any place*, without consent of the owner or occupier, are subject to a

* His Majesty's advisers were not perhaps aware, that the Body of *Wesleyan Ministers*, assembled at Kingston, Jamaica, in their annual meeting, on the 16th January 1823, passed and published the following Resolutions:

"Resolved, 1st. Whereas we, having learnt that various persons, *chiefly negroes*, have been found about plantations and estates, calling themselves Methodist teachers and preachers, collecting slaves and others, under a pretence of teaching religion, performing marriage, and *collecting money, without the knowledge or consent of proprietors, judge it to be of serious injury to the cause of true religion*, and detrimental to the interest of the community.

"Resolved, 2d. That we feel it a duty we owe to our own character as ministers, and to the public at large, to make this open protestation against such irregularities, and to *avow*, that we neither *have*, nor *can have*, according to the rules of our church, such persons connected with our body, and, whatever they may call themselves, we know nothing of them."

penalty. *Licences are never denied to persons having proper credentials, and ministers so licensed are authorized to worship till eight o'clock; consequently, persons who either have not applied for, or have been refused, a licence, must be considered as without character, and with dangerous designs.* Although the slaves of Jamaica have advanced rapidly in civilization within a very few years, yet it is not pretended that their progress has been so great, that all those guards can be dispensed with which were thought essential by our predecessors. The eighty-third and eighty-fourth clauses are not innovations, as Mr. Huskisson seems to suppose: they are taken from the old slave law, and come again into operation on the disallowance of the new law; with this difference, that the new law provides against any misconception of the law in respect to Catholics and Jews, and permits licensed ministers to perform divine worship at any licensed place of worship to the hour of eight; and when it is remembered, that in Jamaica the setting of the sun varies from half-past five to half-past six, it will appear that time enough is afforded for the night worship of slaves.

The House notice with regret the error into which Mr. Huskisson has fallen in concluding his observations on the eighty-fourth clause. There is no invidious distinction contemplated therein, in favour of the Roman Catholics or the Jews, at the expense of the Dissenters. The Legislature believed that there are certain rites and festivals celebrated at night in the Roman and Jewish churches,

and it was in their anxiety to avoid even the appearance of molesting the worship of two orderly and loyal descriptions of persons, that the offending proviso was introduced into the clause. The house might have expected that the late act of the Legislature, to extend to Jews the privileges enjoyed by his Majesty's Christian subjects, would have been sufficient in itself to exempt the people of Jamaica from the charge of intolerance. It may here be remarked, that these two obnoxious clauses, with the amendments above noticed, have formed portions of the law of Jamaica, ever since the slave code was first enacted.

The next clause objected to is the eighty-fifth, and it is to be defended by the same arguments which have been used in defence of the eighty-third and eighty-fourth. The master provides all the necessaries of life for his slave, and he has an unquestionable right to guard against their misappropriation; and it is the duty of his representatives in assembly to assist him in this object by legislative provisions. The slave must neither be suffered to injure his health and strength by nightly wanderings, nor to strip himself of his clothing, and barter his tools and his food, under pretence of contributing to the support of itinerant expounders of the gospel. In the words of the clause, "an ample provision is already made by the public, and by private persons, for the religious instruction of slaves;" and persons, whatever may be their profession and pretension, who use that most irresistible engine with weak minds, the power of persua-

sion, to extort from slaves the hard-earned reward of industry, and indirectly tempt them, where their own resources fail, to rob their masters and their fellow-slaves—such persons, so preying on the poverty, the superstitious fears, and too often on the crimes of their proselytes, brand themselves, by this act alone, with meanness and hypocrisy, and deserve a far more heavy punishment than the being compelled to disgorge a small part of the profits of their extortion. It is observed, in Mr. Huskisson's letter, that this clause affixes an unmerited stigma on the collector of monies from slaves; but it is submitted, that the extreme disgust and detestation in which all free persons are held, who accept gifts without return, and who, in any way, take advantage of the easy disposition and ignorance of slaves, is a feeling rather to be encouraged than suppressed. Their peculium is thereby protected, and the want of a positive law, to secure them in its unmolested enjoyment, was unfelt and unknown up to the hour when the disallowed slave act was passed. When that law came under the consideration of the Legislature, and it was determined to give to negro property that protection, by express law, which it before derived from usage, it naturally followed, that, in securing the negro from the imaginary oppression of his master, the Legislature would not leave him a prey to the oily and delusive tongue of a self-ordained preacher. The prohibition of levying a revenue on slaves is not, as Mr. Huskisson terms it, "a gratuitous aggravation of the

evils of their condition," but it is designed as a security against the avarice of unhallowed men, who are *known* to cajole slaves out of their substance; and, where soft words fail, who do not forbear to call up the most fearful images to their assistance, threatening their simple followers with the pains of hell fire, and with eternal damnation, if they are slow and scanty in their contributions.

I cannot too distinctly impress upon you, that it is the settled purpose of his Majesty's Government to sanction no colonial law, which needlessly infringes on the religious liberty of any class of his Majesty's subjects, and you will understand that you are not to assent to any bill imposing any restraint of that nature, unless a clause be inserted for suspending its operation until his Majesty's pleasure shall be known.*

Having thus adverted to this most important branch of the general subject, I proceed to inquire how far the suggestions contained in Lord Bathurst's dispatch of the 11th of May, 1826, have been followed in the act under consideration.

This instruction contains an absolute and peremptory denial of the right of the Jamaica Legislature to pass laws on one of the most important and essential subjects which can come under the notice of any legislature. His Majesty's ministers do not seem to have been aware that the old slave law affords already a certain degree of protection to the master from the designs of enthusiastic and necessitous preachers. The disallowance of the new law will only compel him to exact more constantly, and perhaps rigorously, his authority as master: and if he cannot by law punish the religious extortioner, he can at least punish the trespasser, and drive him off his lands: and he can keep his slave

*It cannot be supposed that the House of Assembly has the design to call in question the undoubted prerogative of his Majesty to refuse, either by his own immediate authority, or by that of his representative, his assent to any law passed by the two other branches of the legislature; but it has been the practice to allow operation to any act passed by the Assembly and Council, and assented to by the Governor, until his Majesty's pleasure be known in respect to it, unless, indeed, a suspending clause were appended to the act, to prevent its having even such temporary operation. A law may be passed under circumstances which render its *immediate operation* of the utmost consequence to the public safety, and it is not difficult to suppose a case wherein a law of that urgent importance might have some reference to proceedings of certain religious bodies. The House of Assembly feel it to be a violation of their constitution to refuse *in all cases whatsoever* the temporary operation of a law of internal regulation passed under such circumstances. —See the Appendix.

within limits where no preacher dare intrude. The House must regret, that having extended the rights of the slave, and abridged the authority of the master, in the hope of giving satisfaction to the King, their intentions and their law should be so strangely misunderstood, as to be made the plea for depriving them of a large part of their constitutional privileges.—What privileges are left to them are of trifling value, since they too may be reduced, or altogether taken away, whenever it may please his Majesty's ministers to be discontented with the use that is made of them. The House little expected that the very dispatch, that bears such marked respect to mendicant sectarians, would contain a mandate that overturns the ancient and acknowledged constitution of this important island.

The Council of Protection established under the thirty-third clause of this act cannot be considered as an effectual substitute for the office of a distinct and independent protector. The Council in each parish will consist of those individuals, over whom the protector was to exercise his superintendence. Their duties are limited to the simple case of extreme bodily injury, and are to be discharged only "if they think proper." The periodical returns required from the protector upon oath are not to be made by the Council of Protection, nor are they even bound to keep a journal of their proceedings. No provision is made for executing the duties of the office, in different parts of the colony, upon fixed and uniform principles, and the number of persons

His Majesty's ministers "do not consider the Council of Protection, established under the thirty-third clause of the new act, an effectual substitute for the office of a distinct and independent protector." This House will never consent to fix an unmerited stigma on their constituents, by sanctioning the introduction of a spy into the bosom of society under the name of a protector of slaves, and by admitting, in the face of truth, that our laws are not maintained and respected by the people. The House never will sanction the humiliating and unjust conclusion, that our magistracy are incapable of discharging honestly and efficiently the duties imposed on them. Such an anomaly was never before heard of, in a country having its own laws and legislature, as the

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to be united in this trust is such as entirely to destroy the sense of personal and individual responsibility.

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introduction of officers from a distant kingdom to keep watch upon the inhabitants, to pry into their actions, and to put thereon whatever construction they please, or rather, the construction that will best please the persons that appoint them and pay them. Besides the shame of being subjected to such control and superintendence, what truth and justice could be hoped for from men who are to be independent, both in purse and character, of the people they are to reside amongst? Looking to Great Britain, and, possibly, to the bitter enemies of the colonies, for reward and praise, either of which they can only expect in proportion to the diligence they exercise in their inquisitorial office, it is impossible to doubt that the most innocent actions will appear suspicious; that no one will dare to inflict the most necessary chastisements on his slaves, lest he incur the imputation of cruelty, and that, consequently, insubordination will ensue, and the free inhabitants will be forced to abandon their possessions. His Majesty's subjects of this island will never permit this novel inquisition to be established amongst them, nor will they ever cease to regard the proposition to introduce it as the artfully devised plan of our enemies and rivals to destroy the colony, by rendering the slaves disobedient and valueless, and thereby inducing a voluntary and uncompensated surrender of the claims of the owner to their services. But, throwing aside our rights of property, as Englishmen ourselves, and the descendants of Englishmen, we view with abhor-

In the provisions for the due observance of Sunday, I remark, that the continuance of the markets on that day till the hour of eleven is contemplated as a permanent regulation. It is, however, impossible to sanction this systematic violation of the law prevailing in every other Christian country. In the proposals transmitted by Lord Bathurst to his Grace the Duke of Manchester, a temporary departure from this rule was permitted, but only as a relaxation required by peculiar and transitory circumstances.

rence that minute interference with our domestic affairs, which is only exercised by the weakest governments, and yielded to by the most degraded population.

In reply to this unmeasured reprobation of the sixth clause of the disallowed act, it might be sufficient to say, that, by the old law, the markets are permitted to be held till Sunday night (except during the hours of divine service), and that the restriction to eleven o'clock in the morning was undeniably an improvement on the ancient mode of observing the Sabbath. It is submitted, that this amendment of the law does not merit the reproach of a systematic violation of the Sabbath; nor were the House assured, until informed thereof by the dispatch of Mr. Huskisson, that Sunday was held sacred for religious worship by the laws of every Christian country, Jamaica only excepted. It was supposed by the House, that in all Catholic, and in most Protestant states, Sunday is considered a day of recreation, and even sometimes of agricultural labour. Nevertheless, though somewhat averse to deprive the slaves of their accustomed relaxation, and to limit the hours of marketing, which it was apprehended would create, and which actually did create, much dissatisfaction and some tumult, the House, so far from contemplating the systematic violation of the Sabbath, complied almost with the letter of Lord Bathurst's fifth proposition. They ventured, it is true, to extend the time limited in the proposition from ten till eleven o'clock, that the more distant negroes

The clauses denouncing penalties on persons employing their slaves to labour on Sunday are expressed with some ambiguity, so as to leave it doubtful whether the penalty will be incurred at any other time than during crop, or for any work excepting that required about the mills. Neither is it clear that an owner, procuring his slaves to work on Sunday by persuasion, or by any other means than those of direct compulsion, would violate the law. I do not perceive that provision is made for those cases of unavoidable necessity, which would create an exception to the general rule.

might participate in the advantage of the market.—Mr. Huskisson and His Majesty's ministers seem to have overlooked the last clause of the disallowed act, limiting its duration to three years, otherwise they never would have contemplated the continuance of the markets on Sunday till the hour of eleven, or any other clause of the act, as a permanent regulation.

It is apprehended by the House, that there is no ambiguity in the clauses denouncing penalties on persons employing their slaves to labour on Sunday. The eighth clause enacts, "That slaves shall be allowed one day in every fortnight, exclusive of Sundays, to cultivate their own provision grounds, except during the time of crop, under the penalty of twenty pounds, to be recovered against the overseer, or person having the care of such slaves."

The plain interpretation of this clause is, that to work negroes on Sundays, except during crop, is an offence punishable by a fine of twenty pounds; and, to prevent too much latitude to this exception, the tenth clause provides, that, even during crop, slaves shall be exempted from the ordinary labour of the estate on Sundays, and that no mill shall be put about between the hours of seven o'clock on Saturday night, and five o'clock on Monday morning; and, as it is not provided by the law, that owners may persuade or hire their slaves to work on Sunday, the house conceive that the penalty would be clearly incurred, whether the labour was extorted by compulsion, or induced

Punishments inflicted by the domestic authority of the owner are not required to be made the subject of a report to any public officer, nor does the law require that any interval should elapse between the commission of the crime and the infliction of the punishment. The presence of free witnesses at the infliction of punishments is not declared necessary, nor would the law be broken, whatever might be the severity of the punishment, if it were inflicted by any other method than that of whipping or imprisonment. The use of the whip in the field is not forbidden. Women are not exempted from punishment by flogging. Nor is any presumption of guilt to arise, if the slave shall make a "probable, particular, and consistent" charge against his owner, confirmed by the exhibition of his person bearing the marks of recent and illegal punishment.

In all these respects the provisions of this act fall short of the recommendations of his Majesty's Government. It remains to notice other provisions upon the subject of punishment, which have been originally suggested by the colonial legislature.

by persuasion, or purchased by money. It was not thought proper to make "provision for those cases of unavoidable necessity, which would create an exception to the general rule," because it is scarcely possible to define all the cases of unavoidable necessity that may arise, and it was considered that the distinguishing such cases from the usual plantation labour might be safely left to the tribunals.

To the remarks respecting punishments inflicted by the domestic authority of the owner, the House reply, that after the most attentive investigation of the subject, it was determined that a report of punishments inflicted to a public officer, would be only throwing out a temptation to evasion and perjury, where undue severity was practised; and would also be troublesome and useless, where the slaves were humanely treated; and would also be incomplete, without the creation of new officers, and a new office. Any increase to the burdens of the island cannot be endured, whilst it remains in its present poor and tottering condition: and the House must observe, in answer to this, and others, of Lord Bathurst's propositions, that they are conceived under the mistaken impression that our slaves are miserable and abject, our free inhabitants lawless and tyrannical, and our magistracy ignorant and prejudiced, and without authority to maintain the laws. The inhabitants of Jamaica do not deserve these imputations, and the House cannot be expected to legislate as if they did deserve them.

The presence of free witnesses at the infliction of punishment, is

not declared necessary, because the island is too extensive, and too thinly peopled to make the execution of such a regulation practicable, even were no other inconveniences apprehended from it. And the law does not require that an interval should elapse between the commission of the crime, and the infliction of the punishment, because, where only a slight punishment is deserved, it might be necessary to confine the culprit till the hour of punishment arrived, which would add to the penalty of his offence, and, in more serious offences, to postpone the punishment is to give the offender a chance of escape. Every plantation cannot be provided with a secure prison for the detention of culprits under sentence; the particular time of punishment was therefore left to the discretion of the master or overseer. Mr. Huskisson says, "the law would not be broken, whatever might be the severity of the punishment; if it were inflicted by any other method than that of whipping or imprisonment." If Mr. Huskisson will refer to the thirty-third clause, he will discover that he has fallen into a most important error. It is there provided that "if any person shall mutilate, or direct or consent to mutilate, dismember, wantonly or cruelly whip, maltreat, beat, bruise, wound, or imprison, or keep in confinement without sufficient support, or brand any slave, or slaves, he shall be punished by fine, not exceeding one hundred pounds, or imprisonment, not exceeding twelve months, or both; and the slave so mutilated, or

otherwise maltreated, shall, in atrocious cases, be manumised by the court, before whom the offender shall have been convicted." And moreover the fine of one hundred pounds is to be paid to the justices, and vestry of the parish, to which the slave belongs, who shall, in consideration thereof, pay to the suffering slave a pension of ten pounds per annum, for his life. In case the owner or owners of such slave or slaves shall appear capable of paying the costs and charges of such prosecution, the justices and vestry are empowered to commence a suit against such owner or owners of such slave or slaves, and recover all costs and charges out of purse paid by them, laid out, and expended on such suit. The House conceive that there cannot possibly exist an instance of cruelty or severity, that is not punishable by this clause; it contains a complete enumeration of every possible case of personal ill-treatment, and its efficacy is proved by several convictions.

The whip is not forbidden in the field, lest the abandonment too suddenly of a long established usage, should be misunderstood by the slaves. On many properties the whip is no longer an instrument of punishment, and the use of it will soon be so generally discontinued, as to enable the legislature to restrict or abolish it by law. Until negro women have acquired more of the sense of shame that distinguishes European females, it will be impossible, in respect to them, to lay aside altogether punishment by flogging, there being no substitute

that promises to be accompanied with the same salutary dread.

By the one hundred and thirtieth clause of the disallowed act, slave evidence is admissible in cases of "rape, mutilation, branding, dismembering, or cruelly beating or confining, without sufficient support, a slave or slaves." And the House cannot avoid the expression of their surprise, that his Majesty's Government have so entirely overlooked this clause, as to imagine that no presumption of guilt is to arise under the circumstances mentioned in the close of the above extract. It is difficult to conceive a case in which, either by direct or circumstantial evidence, a guilty person will not be convicted under this clause. If, however, his Majesty's Government would insist that the marks of ill-treatment alone, without other evidence than the assertion of the maltreated slave, are to be sufficient to ensure conviction, the House can only regret that they feel it to be impossible to place the lives, persons, and properties of their constituents at hazard, on what appears to them such unsatisfactory and uncertain proofs of guilt.

The act appears to sanction an unlimited delegation of the power of punishment, so that even a fellow-slave might be entrusted with it, provided that the correction does not exceed ten lashes. In the presence of the owner or manager thirty-nine lashes may be inflicted by his authority, an extent of power which cannot be necessary, and which might probably be the source of serious abuse.

It is complained that the disallowed act "sanctions an unlimited delegation of punishment even to slaves, provided that the correction does not exceed ten lashes." It must frequently occur that slaves are placed in superintendence over their fellow-slaves, and unless they possess some power of punishment, their authority will not be submitted to. It was, therefore, thought that ten lashes, which may not be re-

peated in the same day, was the most moderate limitation of the power of inflicting punishment, which could be delegated to a negro in authority, consistent with the maintenance of good order and obedience. And it appears to the House not quite consistent with the enlarged views of Government in favour of the slaves, that the most confidential amongst them should be denied the limited power entrusted to them by this act. For if slaves, however well behaved, are regarded as unfit apportioners of a slight punishment, they must also be considered as unworthy to be distinguished in any way from their fellows, and the best encouragement for good conduct will be taken away. The legislature did not deprive the owner of the power of inflicting punishment to the extent of thirty-nine lashes on his slave, because, however humane a contrary system may at first sight appear, it would be found in practice to have rather an opposite tendency. Under the existing system, the master is accustomed to punish his slaves for almost every offence of which they are guilty, and it often happens that thirty-nine lashes are inflicted by his order, for crimes which, in the eye of the law, are punishable with transportation and death. It is not pretended that offenders, in strict justice, should thus evade the penalty of their misdeeds; yet the House, in passing an act to *meliorate* the condition of the slaves, would have been scarcely justifiable, had they indirectly added to the severity of the law against them. But it must be remarked, that if thirty-

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The 37th section of this act authorizes private persons to commit their slaves to prison in the public work-houses of the island without the warrant of a justice of the peace, and the preceding section, the 36th, enables the gaoler, as well as the owner, to inflict punishment by whipping in prison without trial. It is difficult to perceive the necessity for such an extension of domestic authority, and, if unnecessary, it is plainly objectionable.

The fine of 10*l*. for inflicting repeated punishments for the same offence can scarcely be incurred in any case, since no record is to be kept ascertaining the grounds of any particular punishment, and the party accused may impute to his slave whatever offences he may think proper, without the necessity of proving them. The fine on a work-house-keeper inflicting an excessive number of lashes is 10*l*. a punishment which may, in some cases, be entirely disproportionate to so serious an offence.

The complaint, which the slave is

nine, or any other number of lashes, are inflicted in a cruel manner, the master is liable to exemplary punishment.

It is objected to the thirty-sixth and thirty-seventh clauses, that they authorize private persons to commit their slaves to prison, without the warrant of a justice of the peace, and enable the gaoler to inflict punishment by whipping, without trial. It has been found expedient to leave in the hands of the master that power over the person of the slave, by the immediate exertion of which any symptoms of disobedience may be suppressed. If the master or superintendent is on all occasions to seek the intervention of the magistrates, or of a jury, his authority would be dangerously weakened. The legislature has carefully guarded against the abuse of the master's power, but he cannot be deprived of it without hazarding the overthrow of the system itself.

The House, in answer to the observation that "the fine of 10*l*., for inflicting repeated punishments for the same offence, can scarcely be incurred," adduce the fact that the penalty has already been levied on the mere testimony of the slave, and the refusal of the offender to contradict the slave's testimony.

If a workhouse-keeper inflicts an excessive number of lashes, the punishment is not 10*l*. only, as his Majesty's Government apprehends; his offence comes under the clause that provides against wantonly or cruelly whipping or mutilating slaves, and is punishable with fine and imprisonment.

Mr. Huskisson, in his seal for a

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authorized to make before any three magistrates, would not, I should fear, be a very effectual means of redress. As they must always be three proprietors of the same parish, there is a manifest danger of the influence of local partialities. As every groundless complaint is to be punished, it is to be feared that many well-founded complaints will not be preferred. The mere failure of evidence in support of a complaint is surely not enough to justify the punishment of the party complaining. The owner should be bound to prove that the complaint was malicious or frivolous.

protectorate of a slave, "fears that the complaint, which the slave is authorized to make before the magistrates, would not be a very effectual means of redress." The House can assure Mr. Huskisson that his fear is unfounded, and that a protector of slaves would be an useless officer in any part of the island, the magistracy having too much regard to the oaths and the sacred duties of their office to violate the one, and neglect the other, for the purpose of sheltering cruelty and oppression.

Mr. Huskisson observes, "As every groundless complaint is to be punished, it is to be feared that many well-founded complaints will not be preferred." The clause is mis-stated; it runs thus:—"If it shall appear to the justices of the peace that the complaint of such slave is frivolous or unfounded, it shall be lawful for them, and they are hereby required to *dismiss the complaint*, or to direct such punishment, by confinement to hard labour, or whipping, or both, as to them may seem proper." If this discretion was not left to the Council of Protection, to punish frivolous complaints, negroes would be constantly in the road and about the police-offices, and never at their work.

On the subject of marriage I observe that no security is taken against the possible case of the unreasonable or capricious refusal of the owner to consent. By confining the power of celebrating marriages to the clergy of the established church, every other class of religious teachers are deprived of the means of exercising a salutary influence over the

The House cannot think it necessary to defend the restrictions on marriage, since it is admitted by Mr. Huskisson, that similar restrictions are imposed in England by the marriage act of George the Second. He is pleased to term the influence of the dissenting ministers "salutary;" the House have thought such influence may sometimes be pernicious,

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minds of their disciples, and probably the Roman Catholic Priests may be entitled to say that such an enactment takes away from them a right, which, by the common law, they enjoy in every part of his Majesty's dominions, to which the marriage act of George the Second does not extend. The necessity of undergoing an examination, by a clergyman of the established church, as to the nature and obligations of the marriage contract, is not very apparent, and might perhaps operate as a serious impediment to the formation of such connections. It is difficult to understand how the range of inquiry respecting the "obligations" of the marriage contract is to be limited, since that expression may be supposed to embrace a large variety of moral and religious considerations, with which the slave population in its present state must be very imperfectly conversant.

I observe that this act does not require that any registry should be kept of the marriages of slaves, nor even that any periodical returns should be made of the number of such marriages.

On the subject of the separation of relatives, the word "family" is left without a definition. It is susceptible of so many different meanings, that it would seem peculiarly necessary to ascertain the precise sense in which it is used. The rule laid down in this law seems also to require some better sanction. It is simply a *direction* to the provost-marshal; but, if he should disobey that direction, it is not provided that the sale should be void. A provision appears to be wanting for

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and they are not yet prepared to extend it over the marriages of their slaves. The House conceived that the holy contract of marriage should not be entered into without some knowledge of its nature and obligations, and they confess themselves to be yet of the same opinion. Mr. Huskisson observes that no registry of the marriage of slaves is kept. The House do not know why such registry should be thought requisite, and the expence is an insurmountable objection, even were some degree of utility to be derived from the measure. There is, however, a register of slave marriages kept in every parish; and if Mr. Huskisson had referred to the 6th of Geo. IV. chap. 17, sec. 41, he would have found that the rector and curate of each parish are compelled to keep a separate register for slaves.

The word family is not left undefined by the law, as Mr. Huskisson imagines. It is declared by the fifth clause of the disallowed act to mean, "a man and his wife, and his or their children;" and if, at a provost-marshal's sale, parents are separated from their children, or *vice versa*, or brothers and sisters are divided, the Supreme Court will annul the sale as a matter of course. And it is to be further remarked of the fifth clause, that it is only an extension of the 8th of Geo. II. chap. 5, by which the provost-marshal only and his deputies are restricted to sales of families; but by the disallowed act, the collectors of all public and parish taxes are included in the restriction.

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enabling the officer to ascertain whether any particular slave is or is not a member of the family.

The property of slaves is left by this law in an unprotected state. No action is given to them, or to any person on their behalf, for the defence or recovery of it. The single case in which any remedy is provided, is that in which the property of the slave is *taken away*. No mention is made of that much more important class of cases in which property may be *withheld*. The slave could not under this law recover a debt, nor obtain damages for the breach of a contract. The mode of proceeding by information for penalties, before three justices of the peace, is a remedy to which hardly any one would resort; for the act does not give the amount of the penalty, if recovered, to the injured party, and the slave himself could not make the complaint, except upon the condition of receiving a punishment, if the justices should deem it groundless. The slaves are also excluded by the terms of this law from acquiring any interest in land, a restriction which would appear at once impolitic and unnecessary.

The House admit that the property of slaves appears to be inadequately protected; but it was found impracticable to permit slaves to appear as suitors in the courts of justice, without, in a great degree, undermining their dependance on their owners. It is impossible to pass laws for slaves, as if they were free persons; and if slaves labour under any unavoidable disabilities, they also enjoy many immunities. If slaves cannot sue, they cannot be sued.—Their persons are sacred to all but their owners and the laws. It is utterly inconsistent with a state of slavery to give slaves the freedom of action that is indispensable to enable them to collect witnesses, to consult lawyers, and to attend courts; and it is difficult to devise a mode by which slaves shall be compelled to pay their own debts, without infringing on the property of their master. The house, the land, the clothes, the provisions, and tools of the slaves are supplied by the owner, and no part thereof can, without the grossest injustice, be made liable for the debts of the slave; and still less can the person of the slave be placed at the disposal of his creditor, that being also the property of his master.

It is thought by his Majesty's Government, that to exclude slaves from acquiring any interest in land is impolitic and unnecessary. Land cannot be a desirable acquisition to the slave, his duty to his owner not affording him time to cultivate more land than the portion always allotted

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On the subject of what has been termed the compulsory manumission of slaves, this act does not profess to adopt the measures suggested by his Majesty's Government. It is therefore needless to institute any comparison between those measures and the enactments of this law; but upon that subject I may, perhaps, at no distant period, have occasion to make a further communication to you.

On the subject of gratuitous manumissions, and manumissions effected by voluntary contracts, this act requires that in all cases security shall be given for the maintenance of the slave. In the case of testamentary manumission, the estate of the testator is to be liable to the payment of the annuity of 10*l.* for the support of the slave, if he should become incapable of maintaining himself. These regulations must, of course, operate as a great discouragement to enfranchisements in all cases. Without incurring this inconvenience, an effectual security might have been taken against the abuse of emancipating slaves incapable, from their age or infirmities, of procuring their own subsistence.

It is to be feared that serious inconvenience may arise from the neglect of the proposal to provide a method, by which a slave could ascertain what particular person was entitled to receive the price of his freedom. In the case of plantation slaves, the title is usually the same with the title to the land itself; and cases are stated to have

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to him by his master for his maintenance.

Mr. Huskisson has not accurately examined the disallowed act, or he would have avoided his several misconceptions of its provisions. He imagines that in all cases of gratuitous and testamentary manumission, security is to be given for the maintenance of the slave. But it is provided by the seventy-sixth clause, that the manumission bond shall be dispensed with, on proof being given that he is not old or infirm; and, by the sixty-seventh clause, the bond is likewise dispensed with in devises of freedom. Mr. Huskisson "fears that serious inconvenience may arise from the neglect to provide a method by which a slave can ascertain what particular person is entitled to receive the price of his freedom." This question comes under the head of compulsory manumission, the discussion of which Mr. Huskisson has postponed, and the House think it most advisable to follow his example. If Mr. Huskisson's observation be intended to apply to that provision in the disallowed act, which relates to the payment of the price of those voluntary manumissions, which it is the object of the act to facilitate and encourage, the House cannot perceive that any difficulty exists. The price is to be paid into the hands of the receiver-general, under the direction of the custos or senior magistrate of the parish where the slave to be manumitted resides—the latter person is selected, in order that the utmost facility may be afforded in concluding the treaty of sale. It is left, by

occurred, in which a slave has lost the whole earnings of his life, by paying the price of his liberty to the wrong person.*

the seventy-first section of the disallowed act, to the Court of Chancery or superior court, on summary petition, to decide on the claims of the persons entitled to the principal or interest of the purchase money; the purchaser of the freedom, as soon as he has paid the purchase money into the receiver-general's office, is wholly relieved from any difficulty or responsibility as to the person or persons entitled to receive it. It is to be observed, that the sixty-seventh and the six following clauses of the disallowed act are re-enactments of the act passed in the fifth year of the present reign, chapter twenty-one, intitled, "An act for removing impediments to manumission of slaves, by owners having only a limited interest," and were made to extend to other cases than those embraced by that act.

The House expected to obtain some credit for a measure which removed considerable difficulties in effecting voluntary manumission of slaves, and under which a considerable increase in the number of

* It is certain that the House of Assembly, in passing the act 5 Geo. IV. cap. 21. was induced to tread upon hazardous ground, with a view of meeting the wishes of the mother country in facilitating manumissions, and did assent to provisions which not only leave insufficiently guarded the rights of mortgagees, and others holding liens on slaves, but which are really at variance with the established law of England, by which a mortgagor cannot redeem at his pleasure a part of the property he has mortgaged, but must do it with the consent of the mortgagee or discharge the whole debt. Those irregular provisions of that law of 5 Geo. IV. which are all embodied and extended in the disallowed act, passed without any notice from the legal department of the colonial office; nor do we find them alluded to in this dispatch. Are, then, the rights and properties of absent persons holding liens on slaves, and the consistency of colonial acts with the established law of the country, less objects of attentive regard with that department than emancipation (no matter by what means obtained) to the slaves?

On the important subject of the evidence of slaves, his Majesty is graciously pleased to signify his approbation of the advance which has been made towards a better system of law; but, in reference to this subject, I am to observe, that this law appears to contemplate the admission of the evidence of slaves, in those cases of crimes only in which they are usually either the actors or the sufferers, excluding their evidence in other cases—a distinction which does not seem to rest on any solid foundation. There is not any necessary connection between the baptism of a witness and his credibility. The rule, which required that two slaves at the least shall consistently depose to the same fact, on being examined apart, before any free person can be convicted on slave testimony, will greatly diminish the value of the general rule. In some particular cases, such, for example, as the case of rape, such a restriction might secure impunity to offenders of the worst description. The rejection of the testimony of slaves twelve months after the commission of the crime, would be fatal to the ends of justice in many cases, nor is it easy to discover what solid advantage could result from it in any case.

If the owner of a slave is convicted of any crime on the testimony of that slave, the court has no power of declaring the slave free, although it may exercise that power when the conviction proceeds on other evidence. Highly important as it is to deprive a slave of every

manumissions has already taken place.

The House rejoice that there is a part of the disallowed act approved of by his Majesty, although with much reservation. It is an error to suppose that the evidence of slaves is only admitted when they are actors or sufferers. No pleader would dare to make the assertion in our courts. In the beginning of this report, two cases are quoted of free persons having been either partly or wholly convicted under this act, on the evidence of slaves; and in one of these cases, no negro was either an actor or a sufferer; yet the question of the admissibility of negro evidence was not mooted by the counsel of the prisoner. The object of the legislature, in excluding the evidence of unbaptized slaves, was the encouragement and promotion of Christianity; and it was also considered, that the indiscriminate admission of slave evidence, and the attaching thereto the weight that before only belonged to the evidence of free persons, would be too sudden an innovation on long-established usage; and, moreover, as will hereafter appear, the propositions of Lord Bathurst did not invite the House to the indiscriminate admission of slave evidence.

By the thirty-fourth clause, already referred to, the court has the power of declaring the slave free, if, by his or any other testimony, an atrocious case of maltreatment is proved against the owner. But if Mr. Huskisson would have slaves manumized in all cases where the

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motive for giving false evidence against his owner, that object might be secured without incurring the inconvenience of leaving the slave in the power of an owner convicted of the extreme abuse of his authority.

In rejecting the proposal for establishing a record of the names of all slaves sufficiently instructed to be competent witnesses, the colonial legislature appear to have neglected the means of providing a cheap and effectual encouragement to good conduct, and of investing the religious teachers of the slaves with a powerful legitimate influence over them.

owner is convicted of any offence, on their testimony, the House have only to reply, that no further enactment will be necessary to ensure the speedy manumission of all the slaves of the island, unless, indeed, our juries reject such suspicious testimony, to avert the ruin that must follow its reception.

In declining to accede to the proposal "for establishing a record of the names of all slaves sufficiently instructed to be competent witnesses," the colonial legislature was governed by the assurance that such registry would be burthensome and useless. It is customary, in slave courts, to examine slaves respecting their knowledge of the nature of an oath, and the punishment they become subject to, if they tender false evidence. This custom has been proved by experience, to be a sufficient protection to prisoners. The House venture to consider that a *viva voce* examination in open court is a better mode of determining the value of evidence than a record of names; and the House is somewhat at a loss to reconcile the alleged necessity of "a record of all slaves sufficiently instructed to be competent witnesses, with the dissatisfaction expressed by Mr. Huskisson at that portion of the evidence clause that requires slaves to be Christians before they can be witnesses.

His Majesty has observed with great satisfaction various provisions in this act for the improvement of the condition of the slaves, which originated exclusively with the colonial legislature. Among them I have particularly to advert to the

clause requiring the gratuitous baptism of slaves, and to the regulation by which slaves are allowed one day in each fortnight to cultivate their provision-grounds, exclusive of Sundays, except during the time of crop, the smallest number of days to be allowed in one year being twenty-six. It may, perhaps, however, be necessary that some more effectual means should be devised for enforcing obedience to this law.

The enactment requiring a monthly inspection of the provision-grounds, and the delivery of an adequate supply of provisions, when there is not a sufficient quantity of such grounds, is calculated to produce beneficial effects, and might be rendered still more valuable by some alteration in the terms of the oath, which are susceptible of a construction remote from the real intention of the framers of the law. Great advantage may be anticipated from the regulations for the support of the mothers and nurses of large families, and for the protection of old and infirm slaves.

The provisions for the prevention of excessive labour contemplate the working the slaves for eleven hours and a half daily out of crop, and place no limit to the continuance of their work during crop time. Considering the climate in which the labour is to be performed, and that, after the work of the field is over, there will yet remain to be done many offices not falling within the proper meaning of term "labour," I should fear that the exertions of the slaves, if exacted up to the limits allowed by this

Mr. Huskisson fears that "the exertions of the slaves, if exacted up to the limits allowed by the disallowed law, would be scarcely consistent with a due regard for the health of the labourer." Negroes do not exert themselves at work like Europeans: they seldom fatigue themselves; and it is common for them to travel many miles, or to dance the entire nights after the longest day's labour. It is believed by the House, that labourers work much harder and longer in Great Britain, and are rewarded with a smaller

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law, would be scarcely consistent with a due regard for the health of the labourer.

The crimes of murder and rape, when committed on the persons of slaves, are most properly made punishable by death: but, if these enactments are to be understood not as declaratory of existing laws, but as introductory of new laws, then it is obvious that there are other offences, which might be perpetrated on the persons of slaves, against which the same punishment should have been denounced.

The rules for the prevention of mutilation and other cruelties, however just and valuable in principle, would, I should fear, lose much of their efficacy in practice from the peculiar complexity of the process, which is to be observed in bringing the offender to justice. In the cases supposed of the dismemberment or mutilation of a slave, fine and imprisonment would seem a very inadequate punishment.

The rules on the subject of runaways claiming to be free, and respecting slaves carried from place to place for sale, seem well adapted to prevent the recurrence of serious

share of the necessaries and comforts of existence.

No other offence that can be classed with rape and murder has ever come under the cognizance of our courts, otherwise it would not have been overlooked by the legislature.

It is considered, that the "rules for the prevention of mutilation and other cruelties would lose much of their efficacy in practice." But a more minute inspection of the disallowed act will convince Mr. Huskisson that his apprehension on this head is groundless. By such inspection he will also discover, that the dismemberment or mutilation of a slave is not, as he conceives, only punishable by heavy fine and long imprisonment, but also by the manumission and consequent loss of the slave, if the owner is the offender. And if the outrage has been committed on the slave of another, the offender is exposed, in addition to the penalties, to an action of damages for the injury the owner has sustained in his property. The House, however, are happy to add, that these crimes have long ceased to disgrace the island of Jamaica.

Mr. Huskisson, on the subject of runaways, renews his remark, that the evidence of slaves, in criminal cases, appears to be admissible only against slaves. The right

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abuses. The provisions for the trial of slaves in criminal cases would also appear to be a material improvement on the former law. I perceive, however, that the evidence of slaves on such trials is to be admitted against slaves. It is not said that such evidence shall be admitted for them, although of course this must have been the intention. It is to be regretted that no provision is made for securing the attendance of judges, regularly educated to the legal profession, on slave trials.

It remains to notice those parts of this act, which provide for the punishment, or the prevention of crimes, committed by slaves.

The crime of harbouring runaways may be punished with much more severity, when the offender is a slave, than when he is a free man, a distinction which reverses the established principle of justice, that the malignity of crime is enhanced by the superior knowledge and station of the criminal.

honourable gentleman does the legislature of this island no more than justice, in supposing that the law was intended to admit the evidence of slaves both for and against slaves. It is not easy to conceive how a different meaning can be ascribed to the law.

Mr. Huskisson "regrets that judges regularly educated in the legal profession do not attend on slave trials." The unpaid magistrates that preside at slave trials are acquainted with the habits and vices of negroes; they have for their guide the slave code, which is neither intricate nor voluminous; and it is believed, that as equal and substantial justice is dealt out by the court so constituted, as if it was composed of lawyers, versed in all the subtleties and refinement of English jurisprudence.

But, on adverting to the 45th and 46th clauses, the principle will be seen, which has, in this instance, guided the legislature. The harbouring of runaways by slaves may be comparatively innocuous and the court has the power of inflicting a slight punishment; but it may also be a crime of the highest order. The runaway may have designs dangerous to the peace of the community, and he may be aided in those designs by the wicked connivance of the slave that harbours him. The free person cannot be presumed to have any other view in concealing runaways than to profit by their labour; his punishment is accordingly limited to fine and imprisonment, and he is compelled to make that satisfaction to the owner of the runaway in money, which is no

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In many cases both the nature and amount of the punishment to be inflicted on the offending slave are referred exclusively to the discretion of the court. I am not aware of any necessity for so unlimited a delegation of authority.

Among capital crimes are enumerated rebellion and rebellious conspiracy. As these are terms unknown to the law of England, it is not fit they should remain on the statute book without some legislative definition of their meaning.

Felony seems to be generally declared capital when committed by slaves. The case of clergyable felonies is not noticed.

The enactments, by which assault or offering violence to a free person are declared capital, are framed with an extreme laxity of expression, and have an appearance of severity, which I am persuaded was not really contemplated by the framers of this law.

The definition of the offence of obeah will be found to embrace many acts, against which it could

be exacted from the offending slave, because the law never supposes that a slave is possessed of money. The free person is also liable to the heavy penalties of the inveigling act.

This course has never been adopted without good reason, and the effect thereof is, not increased severity towards the slave, but a strong leaning to inflict the lowest possible degree of punishment adapted to the nature of the offence.

If the right honourable gentleman will consult the state trials, he will find the words rebellion, rebels, and rebellious are very commonly used in the indictments; and also, in the litany of the church, we pray to be delivered from all sedition, privy conspiracy, and rebellion.

Although it is truly observed, that the benefit of clergy is not expressly allowed to slaves by the disallowed act, yet in effect they have the benefit thereof, since there is no crime, punishable with death absolutely under the act, which would be a clergyable felony in England, and the highest punishment which the law inflicts may be remitted by his Majesty's representative.

The House do not deny, that the punishment provided for offering violence to a free person is severe; but such severity is necessary, in a community where the slaves vastly outnumber the free. Wherever slavery has existed, it has been thought advisable to protect the persons of free men with the most scrupulous jealousy.

The remarks of Mr. Huskisson, on the clause for the punishment of obeah, naturally offer themselves to

not have been really intended to denounce the punishment of death. The definition of the crime of preparing to administer poison is also so extensive as to include many innocent and even some meritorious acts. Thus also the offence of possessing materials used in the practice of obeah is imperfectly described, since no reference is made to the wicked intention, in which alone the crime consists.

The owner of a slave condemned to death or transportation is in all cases to be indemnified at the public expense for the loss of his property. His Majesty's Government have repeatedly expressed their disapprobation of this rule of law. It weakens the motives for maintaining good domestic discipline and for preventing the commission of the crimes, by the authority of the owner. It is unjust to indemnify any man at the public expense for a loss, in which his own culpable neglect of duty may have involved him. To the slave it is unjust to deprive his owner of all pecuniary interests in the preservation of his life; and when the crime of the slave is, as it often may

one ignorant of the extent of African superstition, and the horrible crimes negroes will perpetrate, sometimes to gratify revenge, and often to acquire the influence that may enable them to levy contributions on the fears of their more timid fellows. Negroes are seen to pine away to death under the pretended sorceries of the obeah man; and, where the imagination does not perform the work of death with sufficient celerity, the more certain aid of poison is called in, to hasten the fate of the victim. Mr. Huskisson considers, that under the next clause, many innocent and some meritorious acts are exposed to punishment. But it is submitted, that the possession of poisonous drugs by negroes cannot be innocent, unless confided to them by their masters; which fact can readily be proved. To this clause, however, a more precise meaning might be given.

In censuring the indemnification of individuals, by the public, for slaves who have suffered death or transportation under sentence of the law, Mr. Huskisson takes a superficial and not a fair view of the act. If the House had conceived, that "the crime of the slave is the direct consequence of the owner's positive misconduct," they would not have differed in opinion with Mr. Huskisson; but believing, as they do, that the owner is in no respect to be blamed for the crimes of his slave, they have thought it an act of justice to pay him out of the public purse for that sacrifice of his property which is demanded by the law for the public safety. Were the public to refuse indemnity

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be, the direct consequence of the owner's positive misconduct, it is in the highest degree impolitic to relieve the owner from the loss. The power of remitting the sentences of slaves condemned to hard labour for life, is to be exercised only when the slave evinces, in every respect, a complete reformation of manners. I fear that few men undergo such a total change of character as this under any circumstances, and that a prison is among the last places in which it is to be expected. Independently of this consideration, I apprehend that this clause may in some degree derogate from the power, which, under his Majesty's instructions, you possess of pardoning offenders, or remitting their punishments.

fication to the owners of criminal slaves, the temptation to screen them from justice would be so great, that we should have them and their slaves frequently combining to bid defiance to the law. Nor is it to be supposed that the owner receives by law the full value of the slave; and it is, besides, the practice of juries, in estimating the value of criminals, to consider their misconduct as a material reduction of their value. The owner has, therefore, a sufficient interest left in his slave to induce him to continue his protection, until all domestic punishments have lost their effect, and until he becomes a nuisance to his master and his fellow slaves. Were he even to purchase, with the money allotted by law, another slave, yet he cannot transfer to the new slave the attachments, the clothes, tools, provision-grounds, and very seldom even the house, of of his predecessor.

Mr. Huskisson observes, that "the power of remitting the sentences of slaves condemned to hard labour for life, is to be exercised only when the slave evinces, in every respect, a complete reformation of manners. I fear that few men undergo such a total change of character as this under any circumstances, and that a prison is among the last places in which it is to be expected."

This provision was intended as a mitigation of punishment to slaves, many of whom are known to have completely reformed in prison. The House are not aware, that the reformation, which cannot be expected in a prison, would be in the least forwarded by permitting criminals

I have thus explained at length the considerations, which have imposed on his Majesty's Government the necessity of submitting to his Majesty their advice that this act should be disallowed. It cannot but be a subject of deep regret to them, that their sense of public duty has prevented their adopting a different course; but I trust that, upon a serious and deliberate review of the subject, the gentlemen of the Legislative Council and Assembly of Jamaica will themselves be disposed to admit, that the decision which has been adopted was inevitable. The preceding remarks will shew that this act has not been disallowed upon any slight ground. The many wise and beneficent provisions which it contains have been fully appreciated, although they have not been thought sufficient to compensate for the irreparable injury which the best interests of the colony might sustain from some of the enactments to which I have particularly referred. Even were the law unobjectionable on every other ground, it would be impossible to surmount the difficulty pre-

to go at large. Mr. Huskisson proceeds to say, "Independently of this consideration, I apprehend that this clause may, in some degree, derogate from the power which, under his Majesty's instructions, you possess, of pardoning offenders, or remitting their punishments."

The power of the Governor to pardon remains exactly where it did; and it is believed by the House that, by a common rule of law, the prerogative of the crown cannot be affected except by special enactments.

The House, throughout this report, have considered the amended slave act to be finally disallowed by his Majesty; but, until the arrival of the Order in Council, referred to in Mr. Huskisson's dispatch, doubts are entertained in the courts whether their proceedings are to be governed by the old or the new act. In consequence of these doubts, the courts refuse to take cognizance of offences, which are visited by the severer penalties of the law. Nor is this confusion of laws the only evil result of Mr. Huskisson's dispatch. Its effect has been felt in the respite and possible escape of a most desperate murderer; and it must be expected, that the tranquillity of the slave population will be disturbed by the sudden deprivation of the indulgences and immunities so lately conceded to them. It is with pain that the House advert to the small regard that has been shewn to the convenience and peace of the island, in the disallowance of this act. The act might have been permitted to expire at the date assigned to it in 1830, without compromising either the royal dignity,

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sented by the clauses for restraining religious liberty.

I have the honour to be,

Sir,

Your most obedient

humble servant,

(Signed) W. HUSKISSON.

Lieut. Governor Sir John Keane,

K. C. B. &c. &c. &c.

or subverting, or even interrupting, the progress of Christianity. Had this course been pursued, all the beneficial enactments of the disallowed act would have been retained, and the way left open to introduce further amendments, from time to time, as they became necessary.

The House have now calmly reviewed the reasons which are given for disallowing the slave act of last session. They cannot pass a new bill, containing the amendments suggested in Mr. Huskisson's dispatch, without sacrificing their independence, and endangering the safety of the island. And as the Lieutenant-Governor is forbidden to sanction such a bill as the House can consent to pass, the slave population must again be governed by the act of 1816. When it shall please his Majesty to withdraw the instruction to the Governor, which limits the legislative power of the Assembly, the House will once more take the Slave Code into their serious consideration.

Resolved, *nem. con.*, That the House do agree to the Report.

APPENDIX.

PROCEEDINGS

OF THE

HOUSE OF ASSEMBLY OF JAMAICA,

IN THE YEARS 1809 AND 1810.

RELATIVE TO THEIR

RIGHT OF PASSING BILLS OF INTERNAL REGULATION,

WITHOUT

A SUSPENDING CLAUSE.

APPENDIX.

PROCEEDINGS OF THE HOUSE OF ASSEMBLY, &c. &c.

3d November, 1809.

Message of the House of Assembly to the Governor.

Ordered,

That the following Message be sent to his Grace the Governor:

“ *May it please your Grace,*

“ *We are ordered by the House to wait on your Grace, and to acquaint you that the agent has communicated a copy of an instruction to his Majesty's Governors of his islands in the West-Indies, not to assent to any law or laws to be passed concerning religion, until they shall have first transmitted to the Secretary of State the draught of such bill, or unless a clause be inserted therein deferring the execution thereof:*

“ *That the House have received authentic information, that your Grace has been directed not to assent to any bill respecting the office of the provost-marshal-general of this island:*

“ *That there is now before the House a bill containing a clause for communicating to the negro slaves the blessings of the Christian religion:*

“ *That a Committee has been appointed to inquire into the clauses existing in the office of the provost-marshal-general, with a view to its better regulation by law.*

“ *The House request that your Grace, as has been done on former occasions, would be pleased to communicate (if such exist) instructions or directions so important for regulating the proceedings of the House, and that its time, at present of great import-*

ance, may not be wasted in discussing and framing regulations that can be of no practical utility, if your Grace be precluded from concurring in them."

6th November.

A Message from his Grace the Governor, by his Secretary as follows :

" Mr. Speaker,

" I am commanded by his Grace the Governor to lay before the House, in answer to its last message, a copy of the latest instructions respecting his assent to any law or laws to be passed concerning religion, together with a copy of his Majesty's Order in Council of the 26th April, 1809 ; and further to acquaint the House, that he has not received instructions not to give his assent to any bills respecting the office of provost-marshal-general of this island. The conduct his Grace may feel himself obliged to pursue, with regard to a bill of such nature, must depend upon the contents of it."

(COPY.)

" At the Court at the Queen's Palace, the 26th of April, 1809, present, the King's most excellent Majesty in Council.

" Whereas there was this day read at the board a report from the Right Honourable the Lords of the Committee of Council, appointed for the consideration of all matters relating to trade and foreign plantations, dated the 18th of this instant, in the words following, viz.

" Your Majesty having been pleased, by your Order in Council of the 21st December, 1808, to refer unto this Committee a letter from the right honourable lord Viscount Castlereagh, one of your Majesty's principal Secretaries of State, to the Lord President of the Council, with several acts passed by the legislature of the island of Jamaica, in October and November, 1807, the Lords of the Committee, in obedience to your Majesty's said order of reference, have taken into consideration two of the said acts, viz. an act, intituled, ' An act for the protection, subsisting, clothing, and for the better order and government of slaves, and for other purposes,' and an act, intituled, ' An act to repeal several acts therein mentioned respecting slaves ; to declare slaves assets for payment of debts and legacies, and in what manner they shall descend and be held as property, and be sold and conveyed, in certain cases.'

And their Lordships have also had under consideration a memorial of the Committee, appointed by the annual conference of the people called Methodists, late in connection with the reverend John Wesley, to regulate all important matters relating to their religious and secular concerns (which memorial was, by your Majesty's Order in Council, also referred to this Committee) praying, for the reasons therein contained, that the said first mentioned act may not be allowed.

And their Lordships do agree, humbly to report to your Majesty, that the object of the said act is to consolidate and bring into one law all the laws which have been passed by the legislature of Jamaica, respecting the order and government of slaves; but, as the first clause of the act, now under consideration, which enacts 'that all masters and mistresses, owners, or, in their absence, overseers of slaves, shall, as much as in them lies, endeavour to instruct their slaves in the principles of the Christian religion,' contains a proviso or regulation, 'that the instruction of such slaves shall be confined to the doctrines of the Established Church in the said island, and that no methodist, missionary, or other sectary or preacher, shall presume to instruct their slaves, or to receive them in their houses, chapels, or conventicles of any sort or description,' which is contrary to the principles of toleration prevailing in this kingdom, and is the more objectionable, as an act to the same effect has been disallowed by your Majesty at a former period on similar grounds, the Lords of the Committee are humbly of opinion that the said act ought to be disallowed.

By the other act hereinbefore mentioned, intitled 'An act to repeal several acts therein mentioned respecting slaves; to declare slaves assets for payment of debts and legacies, and in what manner they shall descend and be held as property, and be sold and conveyed in certain cases, it is declared, that on the expiration of a certain act, intitled, 'An act to repeal the several acts and clauses of acts respecting slaves therein mentioned, and for the better order and government of slaves, and other purposes; the said acts, and clauses of acts, in and by the said acts repealed will revive and be in force, and that it is expedient that all and every the said acts and clauses of acts, and also certain other enactments respecting slaves, should be and stand repealed, to the end that the code for the protection and government of slaves may be simplified, and as much as may be consolidated.'

The act then goes on to repeal and annul various laws, the titles of which are set forth in the act now in consideration; but

the Lords of this Committee having herein before submitted as their opinion to your Majesty, that the act, passed by the legislature of Jamaica in November, 1807, intituled 'An act for the protection, subsisting, clothing, and for the better order and government of slaves, and for other purposes,' should be disallowed, for the reasons above stated, the Lords of the Committee are humbly of opinion that the act now under consideration, intituled 'An act to repeal several acts therein mentioned respecting slaves,' to declare slaves assets for payment of debts and legacies, and in what manner they shall descend and be held as property, and be sold and conveyed, in certain cases; should also be disallowed, so that the several laws relating to the better order and government of slaves, which were repealed by the former above-recited act, for repealing the several acts and clauses of acts respecting slaves, therein mentioned, and for the better order and government of slaves and other purposes, which act expired on the 31st December, 1807, may revive and be in force: and the Lords of the Committee are further of opinion that Lord Viscount Castlereagh, your Majesty's principal Secretary of State for the Colonial Department, should receive your Majesty's pleasure for writing to the Governor of your Majesty's island of Jamaica, on the subject of both the above-mentioned laws, communicating to him, as far as may be necessary, the grounds upon which the said acts have been disallowed, viz. 'the act to repeal several acts therein mentioned respecting slaves; to declare slaves assets for payment of debts and legacies, and in what manner they shall descend and be held as property, and be sold and conveyed in certain cases,' and the act for the protection, subsisting, clothing, and for the better order and government of slaves, and for other purposes.

His Majesty, having taken the said report into consideration, was pleased, by and with the advice of his Privy Council, to approve of what is therein proposed, and accordingly to disallow the said acts: And his Majesty doth hereby order that the right honourable Lord Viscount Castlereagh, one of his Majesty's principal Secretaries of State, do receive his Majesty's pleasure for writing to the Governor of his Majesty's said island of Jamaica, acquainting him with the reasons for disallowing the said acts.

“(Signed) W. FAWKENER.”

(COPY)

Additional Instruction to our right trusty and entirely beloved Cousin William, Duke of Manchester, our Captain-general and Governor-in-chief in and over our island of Jamaica, and its dependencies ; or, in his absence, to our Lieutenant-Governor or officer administering the Government of our said island for the time being. Given at our Court at St. James's, the 7th day of June, 1809, in the 49th year of our reign.

“ It is our will and pleasure, and we do hereby require and command that you do not, on any pretence whatever, give your assent to any law or laws to be passed concerning religion, until you shall have first transmitted unto us, through one of our principal Secretaries of State, the draught of such bill or bills, and shall receive our royal will and pleasure thereupon, unless you take care, in passing such bill or bills, that a clause or clauses be inserted therein, suspending and deferring the execution thereof until our will and pleasure shall be known thereupon.

(Signed) G. R.

“ *William Duke of Manchester.*”

Ordered,

That the above message, and the documents sent down therewith, be referred to the Committee appointed to consider the report of the Lords Commissioners of Trade of 23d May last, his Majesty's additional instruction to governors respecting religion, and another instruction to his Grace the Governor relating to the office of the provost-marshal.

Ordered,

That the following message be sent to his Grace the Governor :

“ *May it please your Grace,*

“ *We are ordered by the House to wait on your Grace, and to thank you for the communication in your message of to-day of the instruction, and his Majesty's Order in Council respecting religion, in answer to their message of Friday last.*”

16th November 1809.—Report from the Committee appointed to consider a Report of the Lords of the Committee of Council for Trade and Foreign Plantations.

Mr. Taylor, from the Committee appointed to consider the Report of the Lords Commissioners of Trade of 23d May last, his Majesty's additional instruction to governors respecting religion, and another instruction to his Grace the Governor relating to the office of the provost-marshal, reported as follows :

“ *Mr. Speaker,*

“ Your Committee, appointed to take into consideration a report of the Right Honourable the Lords of the Committee of Council, appointed for the consideration of all matters relative to trade and foreign plantations, dated on or about the 23d May, 1809, and an additional instruction issued in pursuance thereof by his Majesty's ministers to the governors of his Majesty's islands in the West Indies, commanding such governors not to assent to any such law or laws to be passed concerning religion, until they shall have first transmitted to the Secretary of State the draught of such bill, and shall have received an answer to such communication ; or unless a clause be inserted therein, suspending and deferring the execution thereof until his Majesty's pleasure shall be known thereupon ; and another instruction received by his Grace the governor of this island, not to assent to any bill that shall be passed by this House, for regulating the office of the provost-marshal-general ; to inquire what will be the effect of the said instructions on the constitution of this colony, and also to examine into and report the measures which have been pursued by the House of Assembly, when attempts have heretofore been made to introduce alterations of the same nature, with their opinion of the conduct that ought to be adopted by the House on the present occasion, have given their best consideration to the important objects referred to them by the House, and have agreed to the following report :

By a letter from the agent of the island, bearing date the 16th June, and covering a printed publication, your Committee find that, on or about the month of May last, a report and instruction, in the words and figures following, appeared in certain of the London newspapers :

“ At the Council-Chamber, Whitehall, May 23d, 1809, by the Right Honourable the Lords of the Committee of Council, appointed for the Consideration of all Matters relating to Trade and Foreign Plantations.

“ TO THE KING’S MOST EXCELLENT MAJESTY IN COUNCIL.

“ May it please your Majesty,

“ Your Majesty having been pleased, by your Order in Council of the 26th ultimo, to approve of a report of this Committee, submitting that an act, passed by the legislature of the Island of Jamaica, in the year 1807, intituled, ‘ An Act for the protection, subsisting, clothing, and for the better order and government of slaves, and for other purposes,’ should be disallowed, as containing a clause contrary to the principles of toleration prevailing in this kingdom, and as being the more objectionable, as an act to the same effect had been disallowed by your Majesty at a former period, and no provision had been made by the legislature of the island for clergymen of the established church. The Lords of the Committee, adverting to the circumstance of this act being a second attempt by the legislature of the island of Jamaica to pass a law of this nature, and foreseeing the inconvenience that may arise from a recurrence of this practice, are humbly of opinion, that an additional instruction should be given to the several governors of your Majesty’s islands in the West Indies, restraining them from giving their assent to any law or laws concerning religion being passed, until the same shall have been first transmitted to your Majesty, through one of your Majesty’s principal secretaries of state, for your Majesty’s royal consideration, unless a clause or clauses be inserted in such law or laws, suspending and deferring the execution thereof until your Majesty’s pleasure shall be known thereon: and the Lords of the Committee, having prepared a draught of such additional instruction, humbly take leave herewith to lay the same before your Majesty, for your royal approbation.”

Instruction issued in pursuance of the above Report.

“ Additional Instructions to the Governors of his Majesty’s Islands in the West Indies.

“ It is our will and pleasure, and we do hereby require and command, that you do not, on any pretence whatever, give your

assent to any law or laws to be passed concerning religion, until you shall have first transmitted unto us, through one of our principal secretaries of state, the draught of such bill or bills, and shall have received our royal pleasure thereupon, unless you take care, in the passing such bill or bills, that a clause or clauses be inserted therein, suspending and deferring the execution thereof, until our will and pleasure shall be made known thereupon."

It is not certain by whose authority this proceeding was promulgated in a manner so insulting to the Colonial Assemblies; but it was adopted without making any previous communication on the subject to the agents of the colonies, and was avowed by Lord Bathurst, when Mr. Lyon waited on him to represent his apprehensions that it would become a subject of just complaint on the part of the colonial legislatures, from imposing a restraint injurious to the exercise of their right of internal legislation. His lordship, we find, was pleased to answer this representation, by observing, that the instruction was binding on the governors and not on the colonial legislatures, and that similar instructions on subjects of legislation had heretofore been given.

To these observations we shall call your attention in the sequel; but in order that the question may be clearly understood, it will be our duty to trace the history of our constitution from a very early date, and to advert to some of those contests which evince the principles on which it was founded.

Although a civil government may be considered to have been formed immediately after the restoration, yet its complete establishment, in nearly the form which it has since preserved, must be dated from the arrival of Lord Windsor, in the year 1661. On the 14th December, he published a royal proclamation, for encouraging planters in his Majesty's island of Jamaica, which, amongst other gracious declarations, contained the following:

"And we do further publish and declare, that all the children of natural-born subjects of England, to be born in Jamaica, shall, from their respective births, be reputed to be, and shall be, free denizens of England, and shall have the same privileges, to all intents and purposes, as our free-born subjects of England; and that all free persons shall have liberty without interruption, to transport themselves and their families, and any of their goods (except only coin and bullion), from any of our dominions and territories to the said island of Jamaica, &c."

This proclamation, although conferring, your Committee humbly submit no privileges not before enjoyed by Englishmen, has always been regarded as a solemn recognition and acknowledg-

ment, on the part of the Crown, that their new situation of colonists, without the realm, did not alter or abridge those rights, franchises, and immunities, inherent in, and unalienable from, the person of a subject of England, whilst his allegiance was unimpeached.

Lord Windsor leaving the island in two months, the execution of his commission and instructions devolved on Sir Charles Littleton, who had been appointed Lieutenant Governor. He named a council of twelve persons, and called an Assembly, freely chosen by the people at large, who passed a body of laws, containing, amongst others, one for raising a revenue; the collection, disposal, and accounting for which were regulated by the Assembly. Sir Charles Littleton continued to administer the government, thus formed, for nearly two years, when he was superseded by Sir Thomas Modyford.

Writs for electing two assembly-men, for each parish, were issued by Sir Thomas, in July; they met in October, 1664, and enacted a body of laws, which were transmitted for the royal approbation. The laws passed during these two administrations, were not confirmed by his Majesty, and would have expired at the end of two years; they appear, however, not to have been re-enacted during the government of Sir Thomas Modyford, but are said to have been continued in force, by an order of the Governor, or of the Council. It should seem that about this period there were several ordinances irregularly issued by the Governor and Council, in the form of laws, purporting that they should continue in force until another Assembly was called, and then to be confirmed, altered, or repealed, as that Assembly should see convenient.

Sir Thomas Lynch, having succeeded on the recall of Sir Thomas Modyford, in 1670, issued writs for calling an Assembly, which met in January, 1671, and passed a body of laws which were transmitted to England, but never confirmed. In May, 1678, a new Assembly was called, and dissolved in a few days, on refusing to grant money for the fortifications. Another Assembly also sat during this administration, but nothing worthy of observation occurs in their proceedings.

On the 3d December, 1674, Lord Vaughan was appointed Governor; in his commission a council of twelve persons was named, reserving, however, power to him to expel or suspend any of them, and in case of vacancies to nominate others, so as to keep up the number to nine. He was empowered to call Assemblies according to the usage of the island; and, with the

Council and Assembly, to pass laws, to be in force for two years, unless disallowed by the crown in the meantime; but to remain no longer in force if not confirmed by his Majesty. During the administration of Lord Vaughan, two Assemblies met, in 1675 and 1677; each passed a body of laws, which were transmitted to England, but, like the others, never received the assent of the King.

By the preceding narrative it appears that, from the year 1661 to the year 1677, a free constitution for the government of the island, by a Governor and Council, appointed by the Crown, and an Assembly elected by the people, was established, and the laws were passed nearly in the present form, except that the royal confirmation had uniformly been refused.

About this unhappy period the ministry, condemned to eternal infamy, under the name of *the cabal*, directed the councils of Charles the Second, and had formed the plan of ruling in England without parliaments. Ireland, but particularly Scotland, were already afflicted with the most grievous despotism; and it was not to be expected that a free constitution would be suffered to exist in any of the colonies. The Lords of the Committee of Trade and Plantations of that day, were not wanting in their endeavours to point out the proper means of extinguishing liberty in the island.

By a report, made about the month of February, 1677-8, they recommend that a body of laws be sent out and offered to the next Assembly, that they may be consented to as laws originally coming from his Majesty; that, for the future, no legislative Assembly be called without special direction from the King; but, upon emergencies, the Governor was to acquaint the administration at home, by letters, with the necessity of calling such Assembly, and pray consent and directions for their meeting, and, at the same time, send to England a scheme of such acts as he should think fit and necessary, that the same might be taken into consideration, and returned in the form wherein it should be thought fit that they might be re-enacted; that the Governor, upon the receipt of the ministers' commands, should then summon an Assembly, and propose the said laws for their consent, so that the same method in legislative matters, might be made use of in Jamaica, as in Ireland, according to the form prescribed by Poyning's law. This recommendation was adopted, with an addition, proposed by the Privy Council, that, in case of invasion, rebellion, or other very urgent necessity, the Governor might have power, with the consent of the Assembly, to pass acts for

raising of money, to answer the occasions arising by such urgent necessities.

Such is the constitution that was intended for Jamaica, extracted from the report of the Committee of the Lords of Trade and Plantations, and the Order in Council, marked No. 1 and 2, published in the first volume of the Laws of Jamaica, Your Committee have made no alteration whatever, except using the word government, or ministers, in place of the name of his Majesty, which, in the original, is prostituted for enforcing such nefarious objects. A commission and instructions were prepared for Lord Carlisle, agreeable to the new plan of government: he arrived in the island on the 19th of July, 1678, and prepared to carry it into effect. An Assembly met in September following, and one by one the laws presented to them were rejected. Blandishments, threats, violence, were in vain used to induce the Assembly to assent to the projected innovations, and rivet the chains which had been forged for their posterity; judges were dismissed, members of the council expelled, Colonel Long, the Chief Justice, and Colonel Beeston, the Speaker of the Assembly, were carried state prisoners to England by Lord Carlisle, who himself left the island in April, 1680. In the progress of the dispute the Lords of the Committee of Trade recommend, as a cure for irregularities past, and a remedy against all further inconveniences, that in case of the Assembly continuing refractory, the Governor should be furnished with such powers as were formerly given to Colonel D'Oyley, the first governor of Jamaica, to govern with the advice of the Council, without assemblies; they are pleased to add, according to the laws of England, as if it were possible to reconcile such contradictions. It has been well observed by our patriotic historian, Mr. Long, "that the tyranny which this recommendation was calculated to enforce, is almost without example, and in a more virtuous age would have been thought a sufficient ground for impeaching and bringing the authors to condign punishment." Fortunately, notwithstanding the general tenor of his government at this time, his Majesty, on the present occasion, took better advice; the case was referred for consideration to the judges, who, after hearing Colonel Long, and the other gentlemen of Jamaica, who had been carried prisoners, or went to England on this important occasion, decided in favour of the claims of the inhabitants of the island. In consequence of this decision a new or supplementary commission to my Lord Carlisle was made out, granting authority to call general assemblies in manner and form then practised in Jamaica,

and recognizing their power, with the advice and consent of the Governor and Council, to make, constitute, and ordain laws, statutes, and ordinances, for the public peace, welfare, and good government of the island, and of the people and inhabitants thereof, which were to be (as nearly as conveniently might be) agreeable to the laws and statutes of England; with a proviso, that such laws should be transmitted immediately, under the public seal for his Majesty's allowance and approbation, and that they should be void on his Majesty's disallowance, being signified under the sign manual, or by an order of the Privy Council.

Thus after a struggle which lasted three years, the most arbitrary administration, that has been known in England since the restoration, gave up the plan of imposing fetters on the colony. The right of the Assembly to originate, discuss, settle, and pass, without suspending clauses, all laws required by the exigencies of the colony, was solemnly recognized: his Majesty reserved only the acknowledged prerogative of rejecting them when presented for his approbation, and the constitution of the colony, as settled on the arrival of Lord Windsor, was confirmed, with the very important improvement, that the laws so passed were to be in force until they were disallowed by his Majesty, and such disallowance signified under his Majesty's sign manual, or by order of the Privy Council. Still, however, the general code of laws, which had several times been enacted by the legislature of the island, had not yet received the royal assent. His Majesty had been advised never to give his confirmation to the colonial statutes, nor to allow of adopting and declaring in force the laws of England, adapted to the situation, and theretofore received and used in the colony. The history of the transactions, as entered on the journals of the House, warrants your Committee in asserting that this was reserved as a means of extorting a perpetual revenue, similar to the four and a half per cent. duty that had been conceded by the windward islands. The tax alluded to had been soon perverted from the objects for which it had been granted, and was, as it still continues to be, regarded by the minister as a fund for pensions, to persons nowise connected with the contributors, in place of being applied for the protection and use of the islands. With such an example before them, the Assembly long resisted all the applications for a perpetual revenue, and when this question was at last settled by the law of 1728, the representatives of the people, at that time, in conceding a perpetual revenue to the Crown, as a consideration for confirming the laws, and establishing their right to those of England, that

had been adopted in this colony, took especial care that the money to arise from the funds established, should be appropriated to the public service of the island. They also secured the application of the quit-rents to the same object.

Before the important settlement just mentioned, several compromises were made: about the year 1682 the Assembly passed a revenue bill of twenty-one years, with an understanding that their laws should be confirmed for the same period. His Majesty accepted the revenue bill for the term proposed, and only agreed to the other laws being in force for seven years; afterwards, however, by an Order in Council, made the 17th of April, 1684, the greater part of the laws, with others which had been passed in the interval, were confirmed for twenty-one years. The revenue bill was again passed for a period of twenty-one years about the year 1703, and the other laws received the royal confirmation for the same limited space. What was called the revenue at that time, was analogous to that afterwards established by the law of 1728: it was meant to cover the ordinary expense of the civil government, the common repairs of the fortifications, and the salary of the captain and gunners of Fort Charles; it was even inadequate to these objects; for the deficiency, and for all extraordinary aids, either of a military or civil nature, there was a necessity for resorting to assemblies. Such aids were granted with a sparing hand, and often made payable to commissioners named in the acts. This had also been occasioned by the exorbitant pretensions of the governor and council, that the money should be issued by them only, and the difficulty of making the receiver-general amenable for misappropriation, when he could produce the fiat of the governor for the disbursement. In the year 1713 and 1714, the governor, Lord Archibald Hamilton, having prorogued and dissolved the Assembly, without a provision being made for the army, his Lordship and the Council advanced considerable sums of their own money, in giving the troops the usual subsistence; when application was afterwards made for repayment, a Committee of the House reported, "that the accounts were of an unprecedented nature, and disbursed without a law, of the public faith given for the reimbursing the same." The Committee gave no opinion, but the report was agreed to, and a resolution came to, "that this House cannot discharge the said debt, without highly infringing upon the liberties of the subjects of this island, and betraying the trust reposed in them." Successive Assemblies adhered to the same principle, and came to resolutions refusing payment of the debt,

although sought for in every shape of application from the governor, representations from the lords of trade, and recommendation under the sign manual of his Majesty.

The difficulties of this unconstitutional administration were aggravated, if not occasioned, by the pretensions of the council board at this time, to make amendments to money bills, and demand conferences on them. As both these points have been since fully settled, your Committee would not have brought them forward but for the memorable manner in which they ended, and because they were supported by an authority which it seems at present intended to revive, for the destruction of the privileges of the House, and the liberty of their constituents. The Council rest their pretensions on the following letter from the Lords Commissioners of Trade, &c. &c., entered in the second volume of your Journals, folio 190 :

“As to the Assembly’s pretence that the Council have no right to amend money bills, it is groundless, and will not be allowed of here: They only sit as an Assembly, and are part of the legislature, as also the council, by virtue of a clause in his Majesty’s commission to your Lordship, without which they could not be elected and sit as an Assembly; consequently their assuming a pretended right, nowise inherent in them, is a violation of the constitution of Jamaica, and is derogatory to his Majesty’s royal prerogative. If, therefore, upon your Lordship’s acquainting them with what we now write, they should at any time insist on that ill-grounded pretence, your Lordship may inform them, that as they must not assume to themselves the rights and privileges of the House of Commons of Great Britain, so such measures will be taken here, as may be effectual to assert his Majesty’s undoubted prerogative in that island.”

Notwithstanding the threatening letter of their Lordships, the Assembly continued firmly to maintain their inherent rights, observing on that part of this epistle, which grounds their authority solely on a clause in his Majesty’s Commission to the governor, that the House of Commons could be no more elected, without writs under the broad seal, than the Assembly of Jamaica, and hoped no one would conclude, that what is conformable to the constitution of England is a violation of that of Jamaica. His Majesty, in place of taking the means recommended by the Lords Commissioners for effectually asserting the prerogative, recalled the governor, and removed most of his council.

As the existing statutes would again expire in the year 1723,

in an Assembly, which met shortly after the arrival of the Duke of Portland, in 1722, a law was passed making the colonial statutes perpetual; and although this was accompanied with a revenue as usual, the royal assent was refused, because the manner, in which the laws of England were declared to be received and in force here, was disapproved by the Lords of Trade, &c. To shew the spirit which in times most favourable to liberty has prevailed in regard to ruling the colonies, one of the chief objections of their Lordships is, that the island ought not to have the benefit of the Habeas Corpus act, especially the clause which restrains sending persons who are prisoners out of the kingdom; and the old complaint that a draught of the bill had not been transmitted before passed into a law, is again brought forward. The Assembly persisted even in refusing a confirmation of the laws in perpetuity, and the extension of those of England, at the expence of sacrificing what was then considered the established constitution of the island. A very able address was presented to the Duke of Portland, justifying their conduct in adhering to the maxims of government drawn from the mother-country, who can endure no laws but those of her own choosing, and to the spirit and language of their predecessors, in times less favourable to liberty. The benefit of the complete confirmation was deferred, and annual laws passed continuing the existing statutes. In October, 1726, Mr. President Ayscough, on the death of the Duke of Portland, met the Assembly, and sent them a letter, under the sign manual, with a draught, received from England, of "a bill for granting a revenue to his Majesty, &c., for the support of the government of this island, and perpetuating the acts and laws thereof as they now stand and are used."

A most indignant answer was given to a message from the President, reminding the House of his Majesty's commands to pass the act in question. The contest on this subject may be said to have commenced shortly after the arrival of the Duke of Portland, and to have continued until Robert Hunter, Esq., assumed the administration, in 1728. It became most violent towards the close of the President Ayscough's administration; it occasioned, during that period, twelve prorogations of the Assembly, and three dissolutions in one year. The members returned, however, were actuated by the same spirit of liberty and independence as those who had been in the Houses that were dissolved. The draught of the bill always met with the same reception, until governor Hunter opened a new Assembly, by a

permission to prepare a bill in the old constitutional form. This important law, intituled, "*An Act for granting a Revenue to his Majesty, his Heirs, and Successors, for the support of the Government of this Island, and for reviving and perpetuating the Acts and Laws thereof;*" was passed, with little debate, was agreed to by the Council without amendment, immediately assented to by the governor, and was confirmed by the royal authority.

Your Committee have felt it their duty to dwell at some length on the transactions which ended in passing this act, which has always been regarded as the *Magna Charta* of Jamaica.

Nothing can more strongly shew the sentiments of those able and patriotic men, who then directed the councils of this country, on the subject of preserving the political independence of the House of Assembly, than their refusing to let it be called in question, by establishing a dangerous precedent, even to attain the favourite object of the Assemblies of the island, from their earliest existence. It has been very generally considered that, from the time the statute last-mentioned received the royal confirmation, the constitution was regarded as established, and has remained unchanged. Your Committee have, however, to observe, with deep regret, that we are not indebted for this stability to the forbearance of the ministers of Great Britain, or their agents, who have been governors here; many attempts have since been made, to introduce into our laws a suspending clause, and to get bills enacted, of which draughts were sent out to the governors to be presented to the Assemblies. To avoid prolixity, your Committee have not inserted the numerous instances which occur in the journals; they have, in the preceding part of the report, contented themselves with pointing out three memorable occasions, wherein the question was not merely raised here, but regularly discussed with the administration of the day, and finally determined in favour of the colony. We shall, for the same reasons, call your attention to one more instance, during the government of a gentleman of uncommon ability; who, as his own correspondence proves, had formed a deliberate plan of overturning the constitution of the island, and which clearly evinces the determination of our predecessors to resist the interference of the crown with the right of internal legislation, whatever shape it assumed.

In the year 1762, governor Lyttleton sent a message to the House of Assembly, announcing the royal disallowance of four acts which had passed in this island. It was accompanied by a

report from the Lords Commissioners of Trade and Plantations, and by an intimation, that his Majesty was graciously pleased to give his permission for re-enacting certain parts of those laws; and that his Excellency was ready to concur with the House in passing a particular act, for the purpose of carrying into effect such regulations as had not been deemed objectionable by the Lords of Trade and Plantations. Your Committee need hardly remark, that this was a kind of interference, distinct from either a draught or a suspending clause; it was merely pointing out to the Assembly what would, or would not, be assented to, but leaving the bill to be framed by them in the usual form. On this occasion a resolution was come to, that, after maturely weighing the purport of the proposition, the House do not incline to accept it; that they are by no means disposed to submit their sentiments to the determination of the Board of Trade, nor ever will, at any time, in any respect suffer them to direct or influence their proceedings, by any proposition or decision whatever. This resolution produced an angry message from his Excellency, which, however, had no other effect than enabling the Assembly to declare their loyalty to his Majesty, but that they considered themselves ill-treated by the Lords Commissioners of Trade. They prepared accordingly to vindicate their conduct, and, as appears by the letter of Mr. Lyttleton, on the minutes of the House, were prorogued for the express purpose of preventing the report intended from being made. He observes, that, if he had dissolved them, he would only have another Assembly chosen, ready to adopt the same measures with more violence, and consisting of mostly the same members. During the recess he proposed to use his best endeavours to bring them into a better disposition. In these endeavours he does not appear to have been very successful; for, at the meeting of the House, after the prorogation, they came to resolutions declaratory of the rights and constitution of the colony, and amongst others, that the assertion of the Lords Commissioners of Trade and Plantations, that, setting aside the provisions in perpetual laws confirmed by the crown, by temporary acts, to take effect immediately without the royal assent, is irregular, was a misrepresentation of the constitution of the colony, and, if admitted, would deprive us of some of our most valuable and established rights, abridge the power of the legislature, and draw the colony into many inconveniences, as well as into a dangerous and unconstitutional dependence upon the Board of Trade and Plantations. In these resolutions the Council concurred; and a stop was put for a time to the plans of

this Governor for overturning the constitution. He pursued them afterwards upon other grounds, not immediately connected with the subject matter of this report, and we shall only observe, that they ended, as we trust the present measures will do, in establishing more firmly those rights which they were intended to subvert.

The last attempt upon record to alter the mode of framing our laws (excepting that which is the immediate subject of our deliberation), and give the crown the right of preparing draughts, and sending them to this House to be enacted, was made in the year 1804.

Your Committee find that, in the session of that year, his honour, Lieutenant-governor Nugent, sent a message to the House of Assembly, with an extract of a letter from Earl Camden, a report from the Lords of Trade, and an order of his Majesty in Council thereupon, with the draught of a bill for the prevention of licensed preachers in this island, which his Honour said he was instructed to propose to the House should be passed into a law.

Although the measure was in itself desirable, the House, for an answer to the message, said, that they had maturely weighed the proposition recommended, but were of opinion that any attempt by the Board of Trade, or any other, to direct or influence the proceedings of the House of Assembly in matters of internal regulation, by any previous proposition or decision on what was referred to, or under their consideration and deliberation, was an interference with the appropriate functions of the House, to which it was their bounden duty never to submit.

In respect of the clause, suspending the operation of our laws until the pleasure of the minister be known, this has usually been held out as an alternative to sending a draught to England, or receiving one from thence, as now proposed by the Lords of Trade; it has, as we have seen, been uniformly resisted, as well as the other parts of the system. From the deference of the Council to governors, such clauses were sometimes, in the early part of our annals, proposed by them as amendments to public acts, but always rejected by the Assembly. In the year 1771, a remarkable instance occurs of the vigilance of the House to guard against any thing of this kind: the Council having made an amendment to the act to regulate the assizes for the county of Cornwall, which, by an overstrained construction, was supposed to suspend its operation, it was proposed to send a message, expressing surprize, that the Board should take upon them to

attempt altering a bill sent to them by the House, by inserting therein what must operate as a suspending clause, and by that means enlarge the prerogative of the Crown, and take away the rights and privileges of a free people. A message, however, was sent over in the first instance, disagreeing to the proposed amendments, and the council, on receiving it, receded from them. In private acts, your Committee have to state, that the practice has been different; many such have been passed without a suspending clause, of which a few are enumerated below.* But, of late, whenever the person who introduced the bill thought proper to insert this clause, or the Council proposed it as an amendment, the Assembly have not objected. Your Committee submit that the House may have been induced to acquiesce in the first instance, with a view to guard the sacred rights of private property (of which a large proportion belongs to absentees) by every mode that could be suggested, and afterwards from an impression that the parties applying for relief, in a variety of cases of great

* 1797, lib. 11, fo. 54, An act to enable the justices and vestry of the parish of St. Ann to lay and assess a tax on the inhabitants of the said parish for the recovery of a certain charitable donation.

1798, fo. 80, An act for appointing certain commissioners to purchase lands and buildings in the town of Port Royal, for the use of his Majesty's naval hospital.

1799, fo. 138, An act to repeal part of an act, intitled, "An Act for making Kingston a parish," and for ascertaining and fixing the boundaries of the said parish of Kingston, and for granting compensation to the parish of St. Andrew.

1800, fo. 164, An act for amending a certain act, made in the year 1795, intitled, "An Act to constitute certain persons therein described a corporation or body politic, for making and keeping up a close-harbour at Meagree Bay, being a part of Montego Bay, in the parish of St. James, and for other purposes.

1800, fo. 156, An act to constitute certain persons therein described, a corporation or body politic, for supplying the town of Falmouth, in the parish of Trelawny, and the inhabitants thereof, and the shipping in the harbour of the said town, with good and wholesome water.

1800, fo. 164, An act for granting a toll on Voce's Road, in the parish of St. Ann, and for other purposes.

1801, lib. 12, fo. 25, An act for extending the powers of the corporation of Montego Bay and St. James.

1801, fo. 49, An act concerning the Court of Common Pleas for the parish of Portland.

1802, fo. 67, An act for extending the powers of an act, intitled, "An Act to enable the justices and vestry of the parish of Hanover to lay a tax for erecting a Court-house, Gaol, Workhouse, and Poor-house, in the said parish, and for other purposes."

1802, fo. 138, An act for the better regulating police within the town of St. Jago de la Vega, and for the more easy recovery of small debts in the said town.

1809, lib. 13, fo. 248, An act for amending the act of incorporation of the city and parish of Kingston, in certain particulars.

importance to them, would have been without prospect of remedy, if the Council adhered to a proceeding of which precedents were furnished by the journals. Your Committee cannot help thinking it unfortunate that this anomaly has been permitted to creep into the constitution; they can in no way account for the attempts made by so many administrations (of which several were friendly to the liberty of the subject) on the rights and privileges of the Assembly, but by believing that for want of due information, the clear distinction between the invariable practice in respect to public laws, and the deviation that had been occasionally admitted in regard to private bills, had been confounded.

Your Committee trust, that by a patient investigation of precedents, and a detail of incontrovertible facts, they have established, to the satisfaction of every unbiassed mind, that it is the constitution of the government of Jamaica, and the established privileges of the House of Assembly, that all laws for internal regulation should be propounded and framed in that House, without the control or interference of any power on earth: that the bills, when passed, are subject to full and free discussion by, and may be amended in the council, except in the cases of money-bills, which that Board must either reject, or pass, as sent from the House of Assembly.

That it is the right the people of this island, to have the assent of the Governor given to such bills as are presented, when called for to establish right or redress wrong, and when such acts contain nothing inconsistent with the laws of England, without the bills being suppressed by the arbitrary fiat of a minister, in their progress to our most gracious sovereign.

That it is the birth-right of the inhabitants of this free colony, and has been the established usage for more than a century, to have the immediate benefit of all public acts, as soon as they have passed the colonial legislature, without the introduction of any clause suspending their operation, which would often entirely defeat their object.

That it is the undoubted prerogative of his Majesty to confirm or reject all our laws, when regularly presented to him, and when the dissent is promulgated here, such laws cease to have any force or effect; but, until the disallowance by his Majesty be signified under the sign manual, or by an order of his Majesty's Privy Council, the said laws continue to be in full force and effect, to every intent and purpose whatever, within the colony.

It becomes now the painful duty of your Committee to resume

the consideration of the report of the Right Honourable the Lords of Trade, and the measures adopted thereupon, as already stated, and to point out their effect on this constitution. By a communication from the agent, two days after his interview with Lord Bathurst, hereinbefore alluded to, it appears that the Board of Trade had agreed to alter that part of their report which asserted that no provision had been made for clergymen of the established church. Nothing indeed was required but opening the statute-book, to prove that the assertion was altogether at variance with fact, and that every incumbent in this island had, in addition to a house and glebe, 420*l.* per annum, paid by the receiver-general, independent of fees and emoluments, in many cases of much greater value. Had their Lordships thought proper to direct an inquiry to be instituted in the proper place, it would have been established by evidence altogether incontrovertible, that the other ground assumed in the report was equally unfounded and fallacious, and that the law of Jamaica, in place of being enacted on intolerant principles, was imperiously called for by the gross misconduct of the sectaries.

Your Committee do not consider that the inquiry which they are directed to make admits of their going deeply into the proofs of the necessity for the legislative provision so wantonly stigmatized, but having before them one of those documents which admits neither of dispute nor reply, and establishes the facts, controverted by the methodists before the Board of Trade, out of the mouths of their preachers themselves, they have annexed it to this report; it is the petition of George Johnston, and John Wiggins, dissenting ministers of the methodist church, ordained by Bishop Coke, presented to the magistrates of Kingston, at the quarter-sessions, in August last; on reference to which, it will be found that they candidly avow, "they have been informed that their predecessors did, upon many occasions, conduct themselves improperly, and did inculcate improper notions into the minds of the slaves."

The reasons assigned in the report being thus given up, or refuted, we shall advert to those alleged by the Lord President of the Board of Trade, as stated by the agent, "that the instruction was binding on the governors, and on the colonial legislatures, and that similar instructions on subjects of legislation had been heretofore given." Your Committee can hardly suppose that Lord Bathurst meant to deny that an effectual and insurmountable bar was intended to be interposed to the legislature of this island, enacting any law on the important subject of

religion, but on terms which had been declared unconstitutional, and resisted for one hundred and thirty years. That this negative before debate was as complete to the extent prescribed, on publishing the instruction, as if the door of the House of Assembly had been shut by proclamation or public advertisement, cannot be controverted by the chicane of the most slavish advocate for prerogative, without adding insult to oppression. It must, however, be allowed, that his Lordship is not incorrect when he alleges that similar instructions have issued on the recommendation of the Board at which he presides. The facts stated, and long series of precedents which it has been our duty to review, evince, that although the present procedure has the ornaments of fiction and fancy, neither the report itself, nor the instruction grounded thereon, can boast the charms of novelty. They possess, however, a merit which the framers probably reckoned of more consequence: of the various expedients employed to overturn the constitution of the colony, that now adopted on the recommendation of the Lords of Trade is certainly the most summary, and likely to be the most efficacious and complete. If their Lordships, or his Majesty's other ministers, have a right, by an advertisement in the common newspapers (whether dignified by the form of an official report, or disguised in the shape of a royal instruction), to interdict the House of Assembly from passing laws concerning religion, your Committee submit that no barrier remains but their forbearance, to prevent another advertisement appearing on the arrival of the first packet, prohibiting the House from legislating on any other subject respecting property, liberty, or life. Even the profligate ministers of the second Charles thought it decent to attempt obtaining the consent of the Assembly before the system of Poyning was forced upon them, as that arbitrary monarch Henry the Seventh had procured the sanction of the Parliament to its reception in Ireland. Your Committee beg leave to remark, that although publishing tyrannical edicts in the newspapers may be more insulting, it is not so dangerous as confining them to the cabinets of the ministers and governor, if they are intended to prevent enacting the regulations required by the various exigencies of the country, and more especially for the protection of property against the extortion of those clothed with the powers of the law for the sole purpose of transferring it with integrity from the debtor to the creditor.

The last climax in the long train of political oppression is being tried by laws, the existence of which was unknown to the

party inculpated ; but such would be the government to be substituted for the free constitution of Jamaica, if the representatives of the people are to be controlled in the exercise of their legal functions, or the fruits of their labours are to be suppressed, in their way from the House of Assembly to our most gracious Sovereign, for his constitutional confirmation, by the previous interdict of a minister, whatever may be the shape that it shall assume. By the message of his Grace the Governor, with the copy of his Majesty's Order in Council of the 26th April last, and the instruction thereon founded, received since the appointment of this Committee, but to them afterwards referred, we find that the variation mentioned by the agent, hereinbefore stated, has been made in the copy of the report of the Lords of the Committee of Trade and Plantations, transmitted to his Grace ; but we cannot discover that any measures were adopted for disavowing the calumnies on the legislature of this country, that had been published in the newspapers, with the sanction of their Lordships' names, in the form of a solemn report to our common sovereign.

We have particular satisfaction in calling the attention of the House to that part of his Grace's message, which disavows having received instruction not to assent to any bills respecting the office of provost-marshal-general of this island, and announcing that the conduct he may feel himself obliged to pursue, with regard to a bill of such a nature must depend upon the contents of it. From the high honour of his Grace, and his many gracious assurances of an anxiety to promote the welfare of this country, the Committee entertain no diffidence of what that conduct must be, when he shall peruse the evidence on the journals of the gross abuses and grievous oppression, which the measures that shall be proposed to him by the House are meant to remove or restrain.

In stating the attempts heretofore made to introduce alterations in the constitution, the Committee have necessarily anticipated the direction to point out the means which were pursued to resist the innovations ; they were, as we have seen, various, as the nature of the attack, which sometimes was open and avowed, at others half concealed or insidious. The vigilance of the House of Assembly has never slept, and the temperate, firm, and constitutional plans suggested by its wisdom, have been uniformly crowned with success. Your Committee have also discharged their duty in delivering an opinion on the effect of the particular instruction which they are directed to consider, and of

instructions open or private of the same nature. It is quite unnecessary to recommend to the House to interpose the same constitutional resistance which has heretofore been offered by our predecessors, and, under Divine Providence, has secured the blessings of a free constitution to this island.

On the most proper mode to be pursued for vindicating our privileges, the Committee cannot venture to give an opinion. To the wisdom of the House we must beg leave to submit the present momentous question, which involves nothing less than its existence. On the decision will depend whether the House of Assembly shall be called together to register the edicts of the Board of Trade, and clothe their rescripts with formalities venerable in the eyes of the people, or whether we shall meet as the unfettered representatives of Englishmen, legally assembled to deliberate on the state of their country, and to propound and exact, by general consent, all such laws as are required for the common weal, to be afterwards offered for confirmation to a constitutional king, whose greatest glory it is to have his powers and prerogatives, like the rights and privileges of his subjects, defined and circumscribed by law.

“ *Jamaica, ss.*

“ *To the Magistrates of the City and Parish of Kingston, in the County of Surrey, in General Sessions assembled.*

“ *The humble Petition of George Johnston, and John Wiggins, Dissenting Ministers.*

“ *Sheweth,*

“ That your petitioners were duly ordained ministers of the Methodist Episcopal Church by the Reverend Thomas Coke, bishop of the said church, as by the certificate thereof, hereunto annexed, doth appear :

“ That your petitioners have been allowed to preach in divers places in England, and your petitioner, George Johnston, hath also been permitted to preach in Antigua, as by certificates thereof, hereunto annexed, doth appear :

“ That your petitioners arrived in this island about twenty months since, and were very sorry to find that they were prohibited performing the duties of their office by an act of the legislature of this island, which was passed in consequence of a general belief that their predecessors had misconducted themselves

by preaching at improper hours, and by inculcating improper notions into the minds of the slaves :

“ That in consequence of such act your petitioners have cautiously refrained from all attempts to exercise such religious duties, and have not, until the present time, applied for licence to recommence the same, which they humbly hope will now be granted to them, after the inclination which his Majesty has been most graciously pleased to shew in this behalf ; which inclination has arisen, as they humbly conceive, from the full knowledge which his Majesty possesses of the purity of religious principles, and the loyalty and attachment to his crown and government, by which that society in England is actuated, under whose directions your petitioners are sent to this island :

“ That your petitioners are of opinion that there is sufficient time between the hours of gun-fire in the morning and gun-fire in the evening for the performance of their duty, and that one of the great duties of their profession is to inculcate into the minds of the slaves the duties they owe to their respective masters, and without which they cannot possibly receive the rewards due to the just in the world to come :

“ That as your petitioners have been informed that the predecessors of your petitioners did, upon many occasions, conduct themselves improperly, and did inculcate improper notions into the minds of the slaves, it will therefore become more particularly the duty of your petitioners to remove such notions, and to instruct them in their duty towards their masters and superiors, by a constant inculcation of those clear and decisive commands, which are given on that subject in almost every part of the Holy Scriptures.

“ Your petitioners, therefore, humbly hope that they may be allowed to subscribe the oath required by the several acts of the Parliament of Great Britain respecting dissenting ministers, and to be allowed to exercise their functions within such hours as may be deemed regular and proper.

“ And your petitioners will ever pray, &c.

“ GEORGE JOHNSTON,

“ JOHN WIGGINS.”

Proceedings of the Assembly in 1810.

6th Nov. 1810.—A message was sent to the House of Assembly from his Grace the Governor, by his secretary, as follows:—

“ *Mr. Speaker,*

“ *I have it in command from his Grace the Governor, to inform the House, that his Grace, conceiving it might be satisfactory to the House to be made acquainted with the sentiments of his Majesty, respecting some points of difference which arose in a former Assembly, has thought proper to lay before the House extracts from communications that his Grace has had with his Majesty’s Ministers relative thereto.*”

Extract.—“ His Majesty does not deny the right of the Assembly to send up any act whatever, without a suspending clause, if they shall be of opinion that a suspending clause is unnecessary, or unadvisable; and his Majesty is far from being desirous of putting any new restrictions upon any rights or privileges which they may have been accustomed to exercise in their deliberations, as one branch of the legislature of the island.”

Extract.—“ With respect to the mode in which the instruction of the 7th of June, 1809 was publicly promulgated, I have before stated that the proceeding was wholly unauthorised, and there can be no objection to your stating explicitly that such publication was neither sanctioned nor approved, in the slightest degree, by his Majesty’s Government.”

Ordered,

That the above message, and the extracts therein alluded to, be referred to the Committee of the whole House, to enquire into, and take into consideration the state of the island. *

* By a communication *very recently* made to the House of Assembly, through the agent, they will learn that the Extracts here laid before them from the letter of the Earl of Liverpool to the Governor, dated the 19th March, 1810, were immediately followed by other passages of the same letter, asserting the right, and vindicating the exercise of the royal prerogative to the full extent already declared, and repeating the instructions of the 7th June, 1809, which direct, “ that his Grace shall not give his assent to any act respecting religion, without a suspending clause, except in the case of an act being submitted to his Grace in conformity to the principles which have been already approved by his Majesty.”

This declaration of the unaltered sentiments and determination of his Majesty is not in 1810, nor subsequently (so far as the journals shew) made known to the House of Assembly. And they passed, as will be shewn, without any suspending clause, an act for a year, having direct relation to religious teaching and preaching; 51 Geo. III cap. 1. It was assented to by the Governor, and not disallowed by the King. The Assembly will probably maintain that they were thence justified in concluding that their constitutional claim asserted by their Report of 1809, was not disputed.

RESOLUTIONS OF THE HOUSE.

7th Nov.—The House, according to order, resolved itself into a Committee of the whole House, to inquire into and take into consideration the state of the island.

Mr. Speaker left the chair.

Mr. Murphy took the chair of the Committee.

Mr. Speaker resumed the chair.

Mr. Murphy, from the Committee, reported three resolutions, which he read in his place, and delivered in at the table; where the two first resolutions being again read, were agreed unto by the House, and are as follows:—

1—That it be recommended to the House, to send a message to his Grace the Governor, to thank him for his message of the 6th inst. ; and the extracts from communications with his Majesty's ministers, which his Grace has thought proper to lay before the House; to express the unqualified gratitude of the House to the best of sovereigns, for his Majesty's condescension in acknowledging the right of the Assembly to send up any act whatever without a suspending clause, and for the gracious declaration that he has been pleased to make, of not being desirous of putting any new restrictions upon any rights or privileges which the House has been accustomed to exercise in its deliberations, as one branch of the legislature; to declare the satisfaction of the House in having confirmed, by such high authority, that the mode in which the instruction of the 7th of June, 1809, was publicly promulgated, was wholly unauthorized, and neither sanctioned nor approved by his Majesty's Government; and to assure his Grace that the satisfaction of the House would have been complete, if his Majesty's ministers had been pleased to add, that the instruction itself, in conformity with the gracious and constitutional declaration of his Majesty, had been so modified as not to render nugatory the undoubted right of the House to pass laws on the subject of religion.

2—That it be recommended to the House to appoint a Committee to prepare and bring in a bill to prevent preaching and teaching by persons not duly qualified; and to restrain meetings of a dangerous nature, under pretence of attending such preachings and teaching.

8th Nov.—Bill brought in.

Mr. Shand, according to order, presented to the House a bill, to prevent preaching and teaching by persons not duly qualified;

and to restrain meetings of a dangerous nature, on pretence of attending such preaching and teaching; which was received, and read the first time.

Ordered,

That the said bill be read a second time to-morrow.

Nov. 10th.—The House, according to order, resolved itself into a Committee of the whole House, upon the bill to prevent preaching and teaching by persons not duly qualified; and to restrain meetings of a dangerous nature, on pretence of attending such preaching and teaching.

Mr. Speaker left the chair.

Mr. Stewart took the chair of the Committee.

Mr. Speaker resumed the chair.

Mr. Stewart from the Committee reported that they had gone through the bill, and had made several amendments thereto, which he read in his place, and delivered in at the table with the bill; where, being again severally read, were agreed unto by the House.

Ordered,

That the said bill, with the amendments, be engrossed, and that the title be,

“ An Act to prevent preaching and teaching by persons not duly qualified; and to restrain meetings of a dangerous nature, on pretence of attending such preaching and teaching.”

Nov. 14th.—A message from his Grace the Governor, in council, by the provost-marshal, commanding, in the King's name, the immediate attendance of the whole House in the council-chamber.

Whereupon Mr. Speaker, and the whole House, went up; and being returned, Mr. Speaker reported, that the House had attended his Grace the Governor in the council-chamber, when his Grace was pleased to give his assent to the following, amongst other bills:

“ An Act to prevent preaching and teaching by persons not duly qualified; and to restrain meetings of a dangerous nature, on pretence of attending such preaching and teaching.”

This Act was 51 Geo. III. cap. 1. of the Jamaica Statutes. It was passed without any suspending clause, but was limited to a year's duration. It does not appear to have been disallowed by his Majesty. It is here correctly transcribed from the Statute Book, published by authority.

Anno Regni Georgii Tertii quinquagesimo primo.

CAP. I.

“An Act to prevent preaching and teaching by persons not duly qualified, and to restrain meetings of a dangerous nature, on pretence of attending such preaching and teaching.”—Nov. 14th, 1810.

WHEREAS it is expedient that some precaution should be taken in permitting persons to teach the gospel to assemblies of people of colour, and negroes, for the purpose of excluding from the exercise of such sacred functions all ignorant and ill-designing persons, who, under the pretence of preaching the gospel, may disseminate principles subversive of the peace and good order of society: *We, your Majesty's most dutiful and loyal subjects, the Assembly of Jamaica, most humbly beseech your Majesty that it may be enacted; be it therefore enacted by his Grace the Governor, Council, and Assembly, of the said island, and it is hereby enacted and ordained by the authority of the same,* That from and after the passing of this act, no person shall preach, or teach, in, or to any meeting, or assembly of persons of colour, or negroes, unless he shall first qualify himself for that purpose in the supreme court, by taking the oaths of allegiance and supremacy, and by making and subscribing the declaration against popery, contained in an act passed by the Parliament of England, in the thirtieth year of the reign of his Majesty, King Charles the second, intituled “An Act for the more effectual

Preamble.

Qualifications necessary to enable persons to preach, or teach, at meetings of persons of colour or negroes.

preserving the King's person and Government, by disabling papists to sit in either House of Parliament;" and also the declaration contained in an Act, passed by the Parliament of Great Britain, in the nineteenth year of his present Majesty's reign, intitled, "An Act for the further relief of protestant dissenting ministers and schoolmasters;" which qualification shall be registered in the same court, and a certificate thereof shall be delivered by the clerk of the said court, to the party who shall have so qualified, upon paying the fee, or sum, of one pound six shillings and eight-pence.

Judges of supreme court to determine as to the fitness of persons applying to qualify.

II. And be it further enacted, That no person shall be admitted to take the said oaths, and make and subscribe the said declarations, for the above purpose, who shall not appear to the judges of the said court to be a fit and proper person to perform the office of preacher or teacher, at a meeting, or assembly of persons of colour or negroes.

Places of meeting to be notified to supreme court, and notification there registered.

III. And be it further enacted, That no meeting or assembly of persons of colour or negroes, for the purpose of preaching, or teaching, shall be holden in any house, or at any place whatsoever within the said island, but such only as shall be notified to the supreme court, as intended to be used and resorted to for that purpose; which notification shall be registered in the said supreme court, on the judges thereof approving of such house or place, and a certificate thereof shall be delivered to the person making such notification, upon paying the fee, or sum, of one pound six shillings and eight-pence.

Persons intending to apply to supreme court for permission to qualify as preachers, &c. or to give in a notification of a house meant to be used for preaching, must give four weeks' notice thereof in the county papers.

IV. And be it further enacted by the authority aforesaid, That every person intending to make application to the supreme court for permission to qualify himself to preach or teach as aforesaid, shall give notice of such intention in the Royal Gazette, the Gazette of St. Jago de la Vega, and Cornwall Chronicle, for four successive weeks at least, previous to the meeting of the court at which he means to make application; and also that every person, intending to give into the supreme court a notification of a house or place meant to be used for preaching and teaching as aforesaid, shall give notice of such intention in the

Royal Gazette, the St. Jago Gazette, and Cornwall Chronicle, for four successive weeks at least, previous to the meeting of the court at which such notification is intended to be given; and that the said supreme court shall appoint a convenient day, during the first week of each sitting, for hearing and deciding on every such application or notification.

V. And be it further enacted, That if any person shall be found preaching or teaching in any meeting or assembly composed wholly or chiefly of persons of colour, or negroes, without being qualified, and such qualification registered as aforesaid, or if any person so qualified, and whose qualification is registered as aforesaid, shall be found preaching or teaching in any house or at any place not so notified, and registered as aforesaid, such person, being of free condition, shall, upon being convicted before two or more magistrates, or justices of the peace, of the parish or precinct wherein such offence shall have been committed, forfeit for the first offence the sum of fifty pounds, to be levied by warrant under the hands and seals of the said magistrates, on the goods and chattels of the said offender; and if the party convicted should be a stranger or itinerant person, or shall not have sufficient goods or chattels within the said parish or precinct, it shall and may be lawful for the said magistrates to enforce payment of the sum so forfeited, by committing the offender to the common gaol of the county, there to remain for the space of three months, without bail or mainprize, unless he shall sooner pay the said sum of fifty pounds: And, if such person, so convicted, shall at any time again commit the like offence or offences within this island, contrary to this act, and be thereof convicted in manner aforesaid, such offender shall, for every such subsequent offence, incur the penalty of one hundred pounds to be levied as aforesaid; and on default of sufficient goods and chattels on which to levy the said fine it shall and may be lawful to enforce payment by committing the party, by warrant as aforesaid to the county gaol, there to remain without bail or mainprize, for the space of six months, unless he

Penalties on persons found preaching who have not qualified, or in a house, &c. not so notified.

shall sooner pay the said penalty of one hundred pounds.

Meeting not to be held before sunrise, nor after sunset, under penalty.

VI. And be it further enacted by the authority aforesaid, That no meeting or assembly of persons of colour or negroes, for the purpose of preaching or teaching, shall be holden before sunrise or after sunset, under the penalty of fifty pounds on every preacher or teacher who shall be present at such meeting, and of ten pounds on every other person whomsoever attending such meeting, to be levied, on conviction before two or more magistrates, by warrant under the hands and seals of such magistrates, on the goods and chattels of the offenders; and if there shall not be goods or chattels on which the penalties can be levied, it shall and may be lawful to commit the offenders to the common gaol, there to remain, without bail or mainprize, if a preacher or teacher, for the space of three months, and if a person attending, for the space of one month, unless the said penalty shall be sooner paid.

Doors of houses, &c. used for preaching, &c. to be always open during such service.

VII. And be it further enacted by the authority aforesaid, That the doors of every house or place, used for preaching or teaching as aforesaid, shall be at all times open during such preaching or teaching, and all magistrates, constables, and other persons whomsoever, shall have free ingress and egress, and may remain in or at such meetings as long as they shall think proper; and if any obstruction shall be given to magistrates or others so attending, or if the doors of such meeting shall be found shut, during the time of such preaching or teaching, or if such preaching or teaching shall take place before sunrise or after sunset, on the same being proved before two or more magistrates, the certificate of notification granted in respect of such place or house shall thenceforth be, and is hereby declared, null and void, and every meeting or assembly which shall be held in such place or house, after such proof had before two or more magistrates, and by them certified under their hands and seals, shall be altogether unlawful, and the preacher or teacher, or persons attending such meetings, shall incur the same penalties as if no certificate

of notification had been granted in respect of such place or house.

VIII. And be it further enacted, That if, on complaint made to the supreme court, and after hearing the parties, and examination of witnesses on oath, on both sides, it shall appear to such court that any person so qualified as aforesaid, is a person not fit or proper to perform the functions of a preacher or teacher in such meetings, or assemblies of persons of colour, or negroes, or that such person has misconducted himself as a preacher, or teacher, or has attempted to disseminate or inculcate principles subversive of the peace and good order of society, then it shall be lawful for the judges of the said court to declare such qualification of such preacher or teacher to be, from that time, null and void, to all intents and purposes whatsoever; or, if it shall be made appear to such court, that any house or place, so registered as aforesaid, is improper for such meeting or assembly, or has been used for the purpose of disseminating or teaching principles subversive of the peace and good order of society, it shall be lawful for the judges of the said court to declare such registry of house, or place, for such meeting or assembly, to be from that time null and void, to all intents and purposes whatsoever.

IX. And be it further enacted, That in all cases where the supreme court shall refuse to admit any person to qualify himself, by taking the oaths, and making and subscribing the declarations as aforesaid, for the said purpose of preaching, or teaching, or shall refuse to register any house or place for such meeting or assembly as aforesaid, or shall declare null and void any such qualification of a preacher, or teacher, or any such registry of a house, or place, for a meeting or assembly, it shall be lawful for the party aggrieved to appeal to the governor and council, who, upon hearing the parties and examination of witnesses on both sides upon oath, in a summary way, shall make such order therein as to them shall seem proper, which order shall be final.

X. And be it further enacted, That, on hearing every such appeal, the governor and council shall

Supreme court, on proof of improper conduct, to declare any qualification void.

Where supreme court shall refuse to admit any person to qualify as a preacher, or to register any house, &c. as a place of meeting, the party aggrieved may appeal to the governor and council;

who are to make such order in respect

of costs as they deem proper.

Penalties on persons attending meetings in houses, &c. not registered, or being present where persons not qualified shall preach ;

Punishment on slaves for so doing.

make such order in respect of costs as to them shall seem meet: *Provided*, That in all cases where the decision of the supreme court shall be affirmed, the party who appealed shall pay to the respondent all costs, charges, and expenses incurred, whether for attendance of witnesses or otherwise, to be taxed by the proper officer.

XI. And be it further enacted, by the authority aforesaid, That every person who shall attend a meeting or assembly of persons of colour, or negroes, for preaching or teaching, or on pretence of hearing a preacher or teacher, in any house or place not registered as aforesaid, or shall be present at any meeting or assembly of people of colour, or negroes, whether in a house so registered or otherwise, where a person not qualified, or not having his qualification certified as aforesaid, shall preach or teach, every such person, if of free condition, shall, on being convicted of the said offence before two or more magistrates or justices of the peace, forfeit, for the first offence, the sum of five pounds, to be levied on his or her goods and chattels, by warrant under the hands and seals of the said magistrates; and if it shall appear to the said magistrates that the offender has not goods and chattels within the parish or precinct, whereon a levy can be made, it shall and may be lawful for the said magistrates, by warrant, as aforesaid, to commit the offender to the common gaol, there to remain, without bail or mainprize, for the space of two months, unless the said fine shall be sooner paid: And for every subsequent offence, on being thereof convicted as aforesaid, the offender shall forfeit the sum of ten pounds, to be levied as aforesaid, or shall be and stand committed, by warrant, as aforesaid, to the common gaol, there to remain in like manner, for the space of six months, unless the said fine shall be sooner paid: And if such offender shall be a slave, he or she shall, on conviction before any one or more justice or justices of the peace, be sentenced to receive a public flogging, not exceeding thirty-nine lashes; and for every subsequent offence shall, on conviction as aforesaid, be committed to hard labour in any workhouse for any space not exceeding three months,

and may also be punished with a public flogging, not exceeding thirty-nine lashes, if to the said justice or justices it shall, under the circumstances of the case, seem meet.

XII. And be it further enacted by the authority aforesaid, That one half of the forfeitures or penalties incurred, under this act, shall be to our Sovereign Lord the King, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other half to the informer, or him, her, or them, who shall sue for the same.

Application of penalties.

XIII. And be it further enacted by the authority aforesaid, That this act, and every clause, matter, and thing therein contained, shall continue and be in force, from the thirty-first day of December in the present year, until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and eleven.

This Act to be in force till 31st December, 1811.

THE END.

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JUL 17 1930

