Jan^ry 15th 1772
Disallowed by His
Majesty in Council

An Act for the Order and Government of Slaves.

Owners of Slaves not to give them leave to go from their abode without a Ticket

I Be it enacted by the Lieutenant Gov=ernor Council and Assembly of this His Majestys Province of West Florida and it is hereby enacted and Ordained by the Authority of the same, That no Person whatsoever shall give leave to any Slave under his, her, or their Care Charge or Ownership, to go above Two Miles out of the Town or Plantation where they reside without a Ticket or White Person along with them, in which Ticket there is to be expressed their Names and Number, and also from and to what Place, on penalty of their paying for their being taken up as Runaways, and whosoever shall not endeavour to take up or ap=prehend any Slave coming into their Plan=tations shall forfeit Five Pounds Sterling.

Slaves Punishment for Striking a white Person.

II And if any Slave shall offer any Violence by Striking or Assaulting any White Person, such Slave shall be punished at the Discretion of Two Justices and Three Free=holders who may Inflict Death or any other

Punishment according to their discretion, Provided such Striking or Conflict be not by Command of his or their Owners, Over=-seers, or Persons Intrusted over them or in the Lawful defence of their Owners Persons or Goods

Penalty on the Provost Marshall employing Runaway Slaves or suffering them to want Provisions.

III And be it further enacted by the Authority aforesaid That no Person whatsoever except the Provost Marshal at the Goals of Pensacola and Mobile, shall keep any Run=-away Slave or Slaves above Ten Days, nor shall the Provost Marshal or any other Person whatsoever employ any of them, or Suffer him, her or them in their Custody to want Sufficient Food and Water on Penalty of Forty Pounds for every such Offence to be recovered by the Owner: And if the Provost Marshal or any other Person shall suffer such Slave to die in his or their Custody for want of Sufficient Food and Water; The Provost Marshal or any other Person in whose Custody such Slave was shall forfiet One Hundred Pounds Sterling one Moiety whereof shall be to the Owner of the Slave and the other to His Majesty his Heirs and Successors for and towards

the Support of the Government of this Prov-
-ince to be recovered by Action of Debt
in any Court of Record within this
Province.

Penalty on Persons taking up Slaves & and not bringing them to their Owners.

IV And be it further enacted by the
Authority aforesaid, that whosoever shall
take up any Run away Slave or Slaves,
such Person or Persons shall bring the said
Runaways to his or their proper Owners
if they know them on Penalty of Five
Pounds, and receive for their pains for
each Slave Ten Shillings, and one Shilling
per Mile, for the first five Miles, and
Sixpence per Mile for every Mile more
provided it exceed not Forty Shillings in
Mileage in the whole for each Slave; but
if they do not know the Owners then to
the next Marshal or Goal, upon pain of
forfieture for every Day he or she shall
keep such Slave or Slaves beyond the said
Ten Days and thereof be convicted by
confession or Verdict of the Sum of Twenty
Shillings; And no Person shall receive pay-
-ment for the taking up any Slave or
Slaves, till he give Account of his own
Name and Place of abode, with the Time

Allowance for taking up Runaways.

and Place, when and where taken up, with an Account of the Mark and Sex of all and every such Slave and Slaves, coming into their Custody, which they shall cause to be fairly Written and Affixed in a Publick Place near the Goals of Pensacola and Mobile; and the discrip:-tion and Account aforesaid, every Month shall / Be fairly Written and Transmitted (2d page) from and to Pensacola and Mobile and once every three Months to the Quarter Sessions and Publickly Affixed as aforesaid on Penalty of Thirty Pounds, and the said Marshal shall enter the said Account in a Book and also take a Receipt from any Person to whom he delivered the Runaway with a discription of the Person to whom delivered and in case the Marshal or owner refuse to make payment for taking up such Runaway Slave or Slaves, and thereof Oath be made before any Justice of the Peace the said Justice is hereby Authorized and Required to direct his Warrant to any Constable to cause the Value thereof to be immediately Levied upon the Goods of the said Marshal or Owner and the same to be sold by Publick

Outcry, and Satisfaction to be made to the Party aggrieved returning the Overplus if any there be to the Owner.

Marshal to detain Runaways till the Owner reimburses him his Expences &c

V And that it shall and may be Lawful for the Marshal to detain and keep in Custody the Bodys of such Run-aways so brought unto him, until the Owners of them or their Assigns shall pay unto him what he so paid to the Person or Persons who took them up with Two Shillings and Six Pence per Pound for laying out the Money, and so proportion-ably for a greater or lesser Sum; and also Two Shillings and Six Pence for Ad-vertising each Runaway and Eight Pence for every Twenty four Hours the said Slave hath been in Custody.

Penalty on Marshal suffering any Slave to Escape.

VI And if the said Marshal shall will-ingly or negligently suffer any Slave or Slaves to Escape, to be employed or by any way or means to be out of his Custody before he, she, or they, shall be duly delivered to the Owner, his, her, or their Assigns, then the Marshal shall forfeit to the Owner Fifty Pounds Sterling for each Slave so escaping employed, or being out

of their Custody as aforesaid.

Slave taking up Runaways how to be rewarded.

VII And whatsoever Slave or Slaves shall take up any Runaway, he she or they shall have the whole Benefit thereof; and if any Person shall deprive any such Slave, of any such Benefit he she or they shall Forfiet Treble the Value.

Slaves having been Twelve Months in Goal the Marshal may sell them for payment of Fees &c. paying Surplus to Receiver General for the Benefit of the Owner.

VIII And if any Runaway Slave or Slaves shall remain Twelve Months in Goal, it shall and may be Lawful for the Provost Marshal or his Deputys to sell or dispose of such Slave or Slaves by Publick Outcry at the Town of Pensacola at the Court-House in the Time of the Court of General Pleas, and at the Town of Mobile in the same manner at the Time of the County Court, and to Deduct from the Sale of such Slave the Money paid for apprehending as aforesaid, the Goal Fees due the Marshal and Five per Cent for the Sale of such Slave or Slaves, and the surplus that shall then remain, the said Provost Marshal or his Deputys are hereby required within Ten Days after such Sale to pay unto the Receiver General on Penalty of Twenty Pounds Sterling, and the Receiver General shall pay

the same unto the Owner when Demanded.

Slaves Houses to be Searched for Stolen Goods and if any found there may be punished with Death.

IX And be it further enacted by the Authority aforesaid, that every Master, Mistress, or Overseer of a Family within this Province, shall on request made, cause all their Slaves Houses to be diligently and effectually Searched for Stolen ~~Clothes~~ Goods or any other things or Commodities and any Slave or Slaves in whose Custody such Stolen Goods shall be found, shall suffer Death, Transportation or other punishment at the discretion of Two Justices and Three Freeholders or the Major Part of them; And also if there shall be found in the Custody of any Slave, any thing Suspected or known to be Stolen Goods, the same shall seize and take into their Custody, and a full and exact / Description of the Particulars (3d page) within Ten Days after the discovery shall Publish by Advertisement in Writing to be Affixed in the most publick places in the Towns of Pensacola or Mobile to the end the Owner giving Proof by Mark or otherwise that the goods so found belong to him may have the same restored and and the Persons by whom such Goods are taken into Custody are hereby required to make and shall make

Restitution of what is in being to the Owner, on Penalty of Twenty Pounds for each Neglect or Refusal by Master Mistress or Overseer as aforesaid.

Penalty on Master refusing to let his Slaves House be Searched.

X And if any Person whatsoever shall demand of any Master Mistress or Overseer immediate leave to search all or any Slaves House or Houses for Goods lost by the same Person or his Employer, the Master Mistress Overseer or other White Person refusing such Search or delaying the Person demanding the same shall forfeit the sum of Twenty Pounds.

Proviso.

XI Provided nevertheless that no Person shall demand leave to Search as aforesaid that hath not a Certificate under the Hand of some Justice of the Peace signifying that such Person hath made Oath before him that he or his Employer hath lost such Goods as he requires to Search for; on Penalty of Ten Pounds for every such Offence.

Stealing or defacing the Mark of a Slave Death

XII And be it further enacted by the Authority aforesaid That if any Person shall actually Steal a Slave or deface his her or their Mark such Person shall on Conviction thereof be deemed guilty of Felony without the benefit of Clergy.

Penalty for inveigling concealing or Employ=ing Slaves.

XIII And whosoever shall on any Pretence whatsoever Attempt to Steal entice, inveigle, hide, conceal or employ the Slave or Slaves of any other Person, on Conviction thereof such Person shall forfiet the Sum of one Hundred Pounds and Suffer one Years Im=prisonment without Bail or Mainprize.

Slaves how to be punished for con=cealing runaways

XIV And be it further enacted That Slaves Guilty of hiding or concealing runaway Slaves shall be punished at the discretion of Two Justices and Three Freeholders.

Penalty on free Negroes &c conceal=ing or employing runaway Slaves.

XV And be it further enacted by the Authority aforesaid That if any Free Negroe, free Mulatto or Free Indian shall be guilty of employing hiding or concealing or sending off from this Province any Runaway or other Slave every such Free Negroe Indian or Mulatto so guilty of any such Offence shall forfiet his Freedom and be transported from this Province and sold by the Order of any Two Justices and Three Freeholders, who are hereby empowered to make such Order and to direct the Execution thereof and the Money arising by the Transportation and Sale of such Free Negroes, Indians and Mulatto's to be to Our Sovereign Lord the

King his Heirs and Successors for and towards the Support of the Government of this Province; any Law Usage or Cus=tom to the contrary Notwithstanding.

XVI And be it further enacted by the Authority aforesaid That upon Complaint made to any Justice of the Peace of any Felony, Burglary, Robbery, Burning of Houses, Rebellious Conspiracies or any other Capital Offence whatsoever committed by Slaves he the said Justice shall Issue out his Warrant for Apprehending the Offender or Offenders and for all Persons to come be=fore him that can give Evidence (And the Evidence of one Slave against another in this and all other Cases shall be deemed good and Sufficient Proof) And if upon examination it probably Appears that the (4th page) Apprehended are Guilty he shall commit him her or them to Prison and Certify to the next Justice the Cause, and requires him by Virtue of this Act to Associate him=self to him which such Justice is hereby required to do and they so Associated shall Issue out their Warrant to Summon Three Freeholders setting forth to them the Matter

Form of the Trial of Slaves

and requiring them to attend at a certain Day and hour and at such a Place as the said Justices shall appoint at which Time and Place the said Justices and Free=holders shall cause the Offender or Offenders and Evidence to come before them and if they on hearing the Matter (the said Free=holders being by the Justices first sworn to Judge uprightly and according to Evidence, which Oaths the said Justices are hereby empowered and required to Administer) Shall Judge the Criminal or Criminals Guilty of the Offence Complained of, they or the Major Part of them of whom one to be a Justice as in all Trials within this Act shall give Sentence of Death Transportation dismembering or any other Punishment as they in their Judgment shall think meet to inflict and forthwith by their Warrant directed to the Provost Marshall cause immediate Execution to be done by the Common or any other Executioner (Women with Child only Excepted who are hereby repreived until after delivery) and if they Judge not the Criminals to die for the Crime but to receive Corporal pun=ishment then to order such Corporal pun=

=ishment as they in their discretion shall think meet.

Slaves Imagining the death of a White Person to be executed and all Petit Crimes to be determined by one Justice.

XVII And if any Slave or Slaves shall Compass or Imagine the death of any white Person and thereof be attainted by open Deed before Two Justices and Three Freeholders such Slave or Slaves shall suffer death; any thing herein to the contrary Notwithstanding: and that all Petit Crimes Trespasses and Injuries committed by any Slave or Slaves shall be heard and determined by any one of His Majestys Justices of the Peace within this Province.

Officers Punishment for Neglect of duty

XVIII And any Justice Freeholder or Marshall that shall neglect his or their duty herein shall respectively forfiet the sum of Twenty Pounds Sterling.

Provisos

XIX Provided nevertheless that when and as often as any of the aforementioned Crimes are committed by more than one Slave, that shall deserve death (Murder only Excepted) that then and in all such Cases only one of the said Criminals shall suffer death, as exemplary to the rest, who are to be returned to their Owners after having received Such Corporal Punishment

as the said Justices and Freeholders shall think fit to Inflict.

£100 Penalty on Persons concealing Slaves.

XX And it is further enacted by the Authority aforesaid that if any Person shall hide conceal, or make away with any Slave or Slaves suspected to be guilty of any Capital Offence and not upon demand bring forth the Slave or Slaves such Person shall forfiet one Hundred Pounds Sterling.

Slaves continuing away for Six Months to be Esteemed Rebellious

XXI And be it further enacted by the Authority aforesaid That all and every Slave and Slaves that shall run away and continue out for the Space of Six Months shall be deemed Rebellious and a Reward of Five Pounds shall be paid for taking up every such Slave which Slave or Slaves so taken, as a punishment for their Crime shall be Transported by the Order of Two Justices and three Freeholders or the Major Part of them one of whom to be a Justice though no other Crime shall appear against them, which Order, the Owner or Trustee shall see duly executed under the Penalty of Twenty Pounds for each Offence to be recovered in any Court of Record within this Province.

XXII And it is further enacted by the Authority aforesaid that if any Slave or Slaves Transported from this Province by Order of Two Justices and three Freeholders for any fault or crime shall at any Time wilfully Re=turn, upon complaint made to any Justice of the Peace, he upon View of the Record, is hereby impowered and on Penalty of Ten Pounds immediately to Issue out his Warrant under his Hand and Seal to any Marshal or Constable forthwith to apprehend and Execute by Hanging or otherwise, the said Slave or Slaves so returning, and if any Slave or Slaves Condemned to be Trans=ported shall not be sent by the Owners according to the Judgment of the Justices and Freeholders who Condemned him or them, it shall and may be Lawful for any Justice on complaint made upon View of the Record of his Trial, to cause him or them to be forthwith Transported out of the Province.

Transported Slaves returning to be taken up and Executed.

XXIII And it is further Enacted by the Authority aforesaid, That all such Free Negroes Mulattoes Indians or Mustees, Residing or that may hereafter Reside in this Province,

Free Negroes, how to be tried.

as also all such as are now Slaves and shall hereafter be declared Free, shall, for all Offences Capital or Criminal be tried and adjudged after the Method and man=ner Specified in this Act, and the Evidence of a Slave against them shall be good and Valid to all Intents and Purposes, any Law Custom or Usage to the contrary not=withstanding.

Owner Prosecuting his Slave shall, if Capitally Convicted receive the full Value of him.

XXIV And be it enacted by the Author=ity aforesaid; that in all Cases; where any Slave shall be put upon his Trial by the Owner Proprietor or Person intrusted with such Slave, and shall suffer Death by the Sentence of such Persons as are impowered to pronounce the same, such Persons shall likewise enquire of his her or their Value and Certify the same under the Hands of the Majorty (sic) of them (one of which shall be a Justice of the Peace) to the Receiver General for the Time being, and the said Receiver General shall out of the Fund Provided or to be Provided for that Purpose, Pay to the Owner or Owners whose Slave or Slaves the same was before Conviction the full Value he, she, or they were Valued

at by the said Persons who Tried and Condemned him, her, or them the said Slave or Slaves; which said Sum the said Receiver General shall pay to the said Own-er or Owners in full recompence of the Losses he, she or they have sustained: And in all Cases of Murder the Owner or Owners of the said Slave or Slaves killed shall receive the full Value of such Slave or Slaves, as well as the Own-er or Owners of the Slave or Slaves Execu-ted for such Murder.

Punishment of a Slave for Gaming.

XXV And be it further enacted by the Authority aforesaid, That if any Slave or Slaves shall be seen Playing with Dice Cards or at any other Game what-soever whereby any Profit or Gain may arise that such Slave or Slaves so seen or taken Playing or Gaming, shall upon Complaint to any Justice of the Peace be whipt thro' the Streets of the Town where such Offence shall be committed.

Penalty on Retailers of Liquors, Suffering Slaves to Game or drink in their Houses.

XXVI And be it further enacted by the Authority aforesaid; That no Retailers of Rum or other Spirituous Liquors from and after the Passing of this Act, shall suffer

any Negroe or other Slave to Game or use any sort of Play within their Houses, or Suffer any Slave or Slaves to meet or Drink therein under the Penalty of Forty Shillings.

XXVII And be it enacted by the Authority aforesaid That no Slave within this Province shall Trade, Sell or Barter any Goods Wares or Merchandize whatsoever either on such Slaves own, his Owners or other Persons Account, on pain of Forfieture of all such Goods as shall be offered for Sale by any Slave and such Slaves being Whipt by Order of any Justice of the Peace. (6th page)

No Slave to Trade or Sell any Merchandize.

XXVIII Provided Nevertheless, That Fish, Wild Fowl, Greens and Fresh Provisions may be sent to Market for sale by any Slave, such Slaves having a Ticket from his Owner or Master expressing the Quantity and Quality of such Provisions.

Proviso.

XXIX And to prevent the receiving of Stolen Goods from Slaves, Be it enacted by the Authority aforesaid, That if any Person shall Buy or receive from any Slave or Slaves any Goods Wares or Merchandize of any kind or Nature whatsoever to the

Receiving Stolen Goods from Slaves to the value of Twenty Shillings Death.

Value of Twenty Shillings, such Goods being Stolen the Person so Offending shall on Conviction thereof be deemed Guilty of Felony without the Benefit of Clergy.

Fire Arms Carried by Slaves (without a Ticket) forfeited on Seizure.

XXX And be it further enacted by the Authority aforesaid, That if any Slave or Slaves shall presume to Carry any Fire Arms or other Offensive Weapons, (except by Permission of their Master or Owner expressed in Writing) it shall and may be Lawful for any White Person whatso=ever to Seize such Fire Arms, or other Offensive Weapons, which are hereby declared to be forfeited to the Person so Seizing them as aforesaid.

Penalty on killing a Slave

XXXI And be it further enacted by the Authority aforesaid; That if any Person shall willingly, wantonly, or Bloody mind=edly, kill a Negroe or Slave, he, she, or they so Offending, being thereof Convicted by Verdict or Confession, shall be adjudged Guilty of Felony for the first Offence, and have the Benefit of Clergy, and shall for=feit one Hundred Pounds Sterling to his Majesty his Heirs and Successors for and towards the Support of the Government

of this Province, and the Contingent Charges thereof; but the second Offence shall be deemed Murder and the Offender for the said Crime shall Suffer according to the Laws of England (forfiture of Lands and Tenements, Goods and Chattels only excepted.

Second Offence Death

XXXII Provided That if any Person shall kill a Rebellious Slave, or a Slave Stealing or running away, that shall by Night be found out of his Owners Ground or Lot, the Publick Street, Road, or Path and refuseth to Submit, such Person shall not be liable to any Damage or Action for the same, any Law Usage or Custom to the Contrary notwithstanding.

Proviso.

XXXIII And it is further enacted, That no Slave shall be made free by becoming a Christian; and for Payments of Debts all Slaves shall be deemed and taken as other Goods in the Hands of the Owners, their Heirs Executors and Administrators.

No Slave to be free by becoming a Christian, Slaves to be deemed & taken as other Goods.

XXXIV And to prevent Negroes or other Slaves Assembling in great Numbers in the Towns of Pensacola and Mobile and Drumming or making of other Noise on

Punishment for Slaves Assembling and Drumming.

Sundays or Holy-days, Be it enacted by the Authority aforesaid, That if any Slaves shall assemble in the said Towns, and make noise by Drumming or otherwise, such Slave or Slaves so Offending, shall by Order of any Justice of the Peace be Whipt at the expence of the Owners.

Slaves feasting how to be punished.

/XXXV And to prevent the bad Prac= (4th page)
=tice of Negroes or Slaves Feasting or Meeting together in Numbers in the Night Time, Be it enacted by the Author=ity aforesaid, That if any Slaves are found to the Number of Six so assembled as aforesaid after the Hour of Nine O' clock in the Night; it shall and may be Lawful for any Constable to Apprehend and Imprison such Slaves, who shall be Punished according to the Order of any Justice of the Peace at the Charge of the Owners; And the Constable Seizing such Slave shall be intituled to a Reward of three Ryals for each from the Owner to be paid before the delivery of the Slave or Slaves.

XXXVI And be it further enacted by the Authority aforesaid, That if any

Punishment for Slaves found out, after 9 O'clock at Night.

Slave or Slaves shall be found out of his Owners Lot or Premisses after the Hour of Nine O'clock at Night, without a Ticket from his Master, such Slave or Slaves shall be apprehended Imprisoned and Punished as aforesaid.

Penalty for Employing Slaves without the Owners Consent.

XXXVII And be it further enacted by the Authority aforesaid, That no Person shall hire or employ a Slave, unless by Agreement with the Owner or Master of such Slave, or the said Slaves having a Ticket in Writing expressing his having his Owner or Masters Leave to hire himself to Work on Penalty of Twenty Shillings per Day.

Justices impowered to make regulations

XXXVIII And be it further enacted by the Authority aforesaid, That it shall and may be Lawful for the Justices of the Quarter Sessions to make and Publish such further and other Regulations for the better Order and Government of Slaves within their Respective Districts and not provided for by this Act, as they from Time to Time shall in their discretion Judge necessary.

XXXIX And be it further enacted, That

Justices to Publish this Act at their Qr. Sessions.

the Justices within their Several and respective Districts shall cause this Act to be Published at every Court of Quarter Sessions within their respective Districts on Penalty of Ten Pounds to be paid by the said Justices in case of Neglect or Refusal.

Penalties, how to be recovered and Disposed.

XL And it is further enacted by the Authority aforesaid, That all Penalties Mentioned in this Act, and not declared where they shall be recovered and how disposed of, not exceeding Forty Shillings, shall be recovered by Warrant from any Justice of the Peace; And all Penalties above Forty Shillings and not exceeding Five Pounds, in the Court of Requests; And all Penalties above Five Pounds shall be recovered by Action of Debt, Plaint or Information, in His Majestys General Court of Pleas, One Moiety or half Part of all which Forfietures, shall be to Our Sovereign Lord the King his Heirs and Successors, for and towards the Support of the Government of this Province, and the Contingent charges thereof and the the (sic) other Moiety or half Part to the Informer or him or them that shall sue for the Same.

Repeal of an Act.

XLI And be it further enacted by the Authority aforesaid, That one Act Intituled "an Act for the Regulation and Government of Negroes and Slaves" made in the first Session of this General Assembly and every Clause and Clauses, Thing and Things therein Contained, Is hereby repealed, Annihilated and made Void and Null to all Intents and Purposes, any thing to the Contrary notwithstanding

Passed the House of Assembly
this 2d Day of June 1767
Francis Poussett
Speaker

I Consent
Montfort Browne

Council Chamber
Pensacola June 1767
By Appointment
Elias Durnford
Senior Counsellor

West Florida.

An Act for the Order
and Government of Slaves

Passed June 1767.

No. 20.